



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 10, 2020

TIME: 12:25 PM

WSR 20-07-048

Agency: Department of Fish and Wildlife (Order 20-44)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) March 16, 2020

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Amend fishing rules for Klickitat River, Wind River, Drano Lake, and Salmon Creek.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-030001
Amended: WAC 220-312-030
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This rule is needed to reduce the adult salmon daily limit for the Wind River, Klickitat River, and Drano Lake. This rule is also needed to open retention of hatchery steelhead returning to Salmon Creek.

An estimated 2,000 adult spring Chinook are forecast to return to the Wind River in 2020. Managers need to reduce the adult salmon daily limit to ensure that broodstock collection goals are achieved. Reducing the adult salmon daily limit will provide continued opportunity for anglers to harvest Spring Chinook and help ensure future hatchery returns.

An estimated 4,600 adult spring Chinook are forecast to return to Drano Lake in 2020. Managers need to reduce the adult salmon daily limit to ensure that broodstock collection goals are achieved. Reducing the adult salmon daily limit will provide continued opportunity for anglers to harvest Spring Chinook and help ensure future hatchery returns.

An estimated 1,800 adult spring Chinook are forecast to return to the Klickitat River in 2019. Managers need to reduce the adult salmon daily limit to ensure that hatchery Chinook broodstock goals are achieved. Reducing the adult salmon daily limit will provide continued opportunity for anglers to harvest Spring Chinook and help ensure future hatchery returns.

Recent changes to hatchery steelhead programs, resulting from the Mitchell Act Biological Opinion, have resulted in the replacement of "early" returning winter steelhead stocks with local stocks that exhibit a somewhat later run timing. This rule opens hatchery steelhead fishing during the timeframe outlined above and provides anglers with additional time to harvest these fish from Salmon Creek.

There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: March 10, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-03000 Freshwater exceptions to statewide rules—Southwest.

Notwithstanding the provisions of WAC 220-312-030, effective March 16, 2020 until further notice:

- (1) **Cispus River (Lewis Co.):** Chinook Salmon: Closed.
- (2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Chinook Salmon: Closed.
- (3) **Cowlitz River (Cowlitz Co.):** Chinook Salmon: Closed.
- (4) **Drano Lake (Skamania Co.):** in the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish hatchery and upstream of Highway 14 Bridge; Salmon and steelhead: Daily limit 2, no more than 1 may be an adult salmon. Only hatchery Chinook and hatchery steelhead may be retained.
- (5) **Kalama River (Cowlitz Co.):** From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery; Salmon: Daily limit 6; up to 1 may be an adult. Release all salmon other than hatchery Chinook and hatchery coho.
- (6) **Klickitat River (Klickitat Co.):**
 - (a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge, effective immediately until further notice:
 - (i) Salmon and steelhead: Effective April 1 through May 22, 2020:
 - (A) Open Mondays, Wednesdays, and Saturdays only.
 - (B) Daily limit 2, no more than 1 may be an adult salmon; release wild Chinook and wild steelhead.
 - (ii) Salmon: Effective May 23, 2020 until further notice: Daily limit 6, up to 1 adult may be retained. Release wild Chinook.
 - (b) From 400 feet upstream of the #5 fishway to the boundary markers below Klickitat Salmon Hatchery, effective May 23, 2020 until further notice: Salmon: Daily limit 6. Up to 1 adult may be retained. Release wild Chinook.
- (7) **Lewis River (Clark/Cowlitz Co.):** Salmon: Closed.
- (8) **Salmon Creek (Clark Co.),** from the mouth to the 182 Avenue bridge, effective immediately through May 22, 2020; Steelhead:
 - (i) Selective gear rules, except barbed hooks are allowed.
 - (ii) Minimum size 20 inches. Daily limit 3. Release wild steelhead.
- (9) **Wind River (Skamania Co.):**
 - (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder, effective March 16, 2020 until further notice; Salmon and steelhead: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild steelhead.
 - (b) From 100 feet upstream of Shipherd Falls to 800 yards downstream of Carson National Fish Hatchery, effective May 1, 2020 until further notice: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective March 16, 2020:

WAC 220-312-03000I Freshwater exceptions to statewide rules—Southwest. (20-35)