



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: October 01, 2020

TIME: 3:12 PM

WSR 20-20-063

Agency: Department of Fish and Wildlife (Order 20-214)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 3, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this of this rule is to increase the adult Chinook daily limit for the Green, Toutle, North Fork Toutle, and Washougal Rivers. This rule will also allow retention of hatchery steelhead in Drano Lake.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-03000R
- 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 increase the adult Chinook daily limit for the Green River, Toutle River, North Fork Toutle River, and Washougal River and to allow retention of hatchery steelhead in Drano Lake, for the following reasons:

The current return of fall Chinook to the Washougal River has exceeded preseason expectations. Collection of adult fall Chinook is on track to meet the hatchery broodstock goal and surplus fish are available for harvest.

Chinook and Coho salmon returns to the Toutle Hatchery have been above levels needed to meet broodstock collection goals for the Toutle Hatchery Chinook and Coho programs. Modifying Chinook and Coho fisheries on these rivers will provide additional fishing opportunities while still meeting program goals.

Summer 2020 steelhead fisheries in Drano Lake were closed through the North of Falcon rule making process based on low preseason forecasts and the need to limit ESA-listed steelhead impacts in non-treaty fisheries. The estimated return of B-index summer steelhead, the primary stock currently passing Bonneville Dam, was recently increased from preseason forecasts. Mainstem Columbia River temperatures have also decreased, likely reducing the number of ESA-listed summer steelhead occupying Drano Lake. Reopening hatchery steelhead retention at this time will provide added sport fishing opportunity for anglers, while also meeting conservation objectives for ESA-listed steelhead stocks.

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: October 1, 2020
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

The provisions of WAC 220-312-030 regarding salmon seasons for Drano Lake, Green River, Toutle River, North Fork Toutle River, and the Washougal River shall be modified during the dates and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

- 1) **Drano Lake (Skamania County):** Salmon and steelhead: Effective October 3 through October 31, 2020:

Daily limit 6. Up to 1 adult salmon **or** up to 1 hatchery steelhead may be retained.

- 2) **Green River (Cowlitz Co.):** From the mouth to Miner's Creek: Salmon: Effective October 3 through November 30, 2020:

Daily limit 6. Up to 2 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- 3) **Toutle River (Cowlitz Co.):** From the mouth to the forks: Salmon: Effective October 3 through November 30, 2020:

Daily limit 6. Up to 2 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- 4) **North Fork Toutle River (Cowlitz Co.):** From the mouth to the posted markers below the Fish Collection Facility: Salmon: Effective October 3 through November 30, 2020:

Daily limit 6. Up to 2 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- 5) **Washougal River (Clark Co.):** From the mouth to the bridge at Salmon Falls: Salmon: Effective October 3 through December 31, 2020:

Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a coho. Release all salmon other than hatchery Chinook and hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2020:

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