



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: November 18, 2020

TIME: 2:44 PM

WSR 20-24-003

Agency: Department of Fish and Wildlife (Order 20-248)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) November 19, 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 rule is to increase the adult salmon daily limits for the Cowlitz, Lewis, Kalama, Klickitat, and Washougal rivers.

This rule also carries forward emergency rules already in place for the Green, Toutle, and North Fork Toutle rivers.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-03000S; WAC 220-312-03000U
- 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 daily salmon limits within the Cowlitz, Kalama, Lewis, Washougal, and Klickitat Rivers, for the following reasons:

Chinook and coho salmon returns to the Cowlitz Salmon Hatchery have been above levels needed to meet broodstock collection goals for the Cowlitz Hatchery Chinook and coho programs. Modifying coho fisheries on this river will provide additional fishing opportunities while still meeting program goals.

The current return of fall Chinook and coho salmon to the Kalama River has exceeded preseason expectations. Broodstock collection goals for several hatchery programs are on track to be met and additional fish are available for harvest.

Coho salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Modifying coho fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals.

The current return of fall Chinook and coho salmon to the Washougal River has exceeded preseason expectations. Broodstock collection goals for several hatchery programs are on track to be met and additional fish are available for harvest.

The current return of coho salmon to the Klickitat River has exceeded preseason expectations and additional fish are available for harvest.

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	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	<u>2</u>
-----	---	---------	-----	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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: November 18, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

The provisions of WAC 220-312-030 regarding salmon seasons for Cowlitz River, Kalama River, Green River, Lewis River, Toutle River, North Fork Toutle River, Klickitat 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) **Cowlitz River (Cowlitz/Lewis Co.):** From the mouth to posted markers below the Barrier Dam: Salmon: Effective November 19 through December 31, 2020:

Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- 2) **Green River (Cowlitz Co.):** From the mouth to Miner's Creek: Salmon: Effective immediately 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) **Kalama River (Cowlitz Co.):** From the mouth to 1,000 feet below fishway at Kalama Falls Hatchery: Salmon: Effective November 19 through December 31, 2020:

Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- 4) **Klickitat River (Klickitat Co.):**

- (a) From the mouth to Fisher Hill Bridge: Salmon: Effective November 19 through January 31, 2021:

Daily limit 6. Up to 3 adults may be retained.

- (b) From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Salmon: Effective November 19 through November 30, 2020:

Daily limit 6. Up to 3 adults may be retained.

- 5) **Lewis River (Clark/Cowlitz Co.):**

- (a) From the mouth to Colvin Creek: Salmon: Effective November 19 through December 31, 2020:

Daily limit 6. Up to 3 adults may be retained, of which no more than 2 may be Chinook. Release all salmon other than Chinook and hatchery coho.

(b) From Colvin Creek to the overhead powerlines below Merwin Dam: Salmon: Effective December 16 through December 31:

Daily limit 6. Up to 3 adults may be retained, of which no more than 2 may be Chinook. Release all salmon other than Chinook and hatchery coho.

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

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

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

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

8) **Washougal River (Clark Co.):** From the mouth to the bridge at Salmon Falls: Salmon: Effective November 19 through December 31, 2020:

Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 19, 2020:

WAC 220-312-03000S Southwest – Freshwater exceptions to statewide rules. (20-233)

The following section of the Washington Administrative Code is repealed effective February 1, 2021:

WAC 220-312-03000U Southwest – Freshwater exceptions to statewide rules. (20-248)

Reasons for this finding: This rule is needed to increase daily salmon limits within the Cowlitz, Kalama, Lewis, Washougal, and Klickitat Rivers, for the following reasons:

Chinook and coho salmon returns to the Cowlitz Salmon Hatchery have been above levels needed to meet broodstock collection goals for the Cowlitz Hatchery Chinook and coho programs. Modifying coho fisheries on this river will provide additional fishing opportunities while still meeting program goals.

The current return of fall Chinook and coho salmon to the Kalama River has exceeded preseason expectations. Broodstock collection goals for several hatchery programs are on track to be met and additional fish are available for harvest.

Coho salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Modifying coho fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals.

The current return of fall Chinook and coho salmon to the Washougal River has exceeded preseason expectations. Broodstock collection goals for several hatchery programs are on track to be met and additional fish are available for harvest.

The current return of coho salmon to the Klickitat River has exceeded preseason expectations and additional fish are available for harvest.

There is insufficient time to adopt permanent rules. **(20-248, 11/18/2020)**