



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 03, 2021

TIME: 4:20 PM

WSR 21-07-002

Agency: Department of Fish and Wildlife (Order 21-28)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) March 5, 2021

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

- Yes No If Yes, explain:

Purpose: This rule is needed to modify salmon and steelhead seasons and daily limits within the Cowlitz, Kalama, Klickitat and Wind Rivers, Salmon Creek and Drano Lake.

Citation of rules affected by this order:

New:
Repealed:
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 modify salmon and steelhead seasons and daily limits within the Cowlitz, Kalama, Klickitat and Wind Rivers, Salmon Creek and Drano Lake for the following reasons:

Cowlitz River, Cispus River and Cowlitz Falls Reservoir: An estimated 1800 adult spring Chinook are forecast to return to the Cowlitz River in 2021. A return of this size is insufficient to meet both hatchery broodstock needs and projected harvest for a full season sport fishery.

Modifying spring Chinook fisheries on this river will help meet hatchery program goals.

Drano Lake: The 2021 preseason forecast for Drano Lake (3,900 adults) is the third lowest return between 2000 and 2020 (roughly 45% of the recent 10-year average). At the same time, expanded hatchery programs intended to increase tribal and sport harvest for spring Chinook and support recovery of Southern Resident Killer Whales are being initiated at Little White Salmon and Carson National Fish Hatcheries, which increases broodstock collection goals. Fishery managers are reducing the adult salmon daily limit and shortening the season to ensure hatchery broodstock goals are achieved at these facilities.

Kalama River: Managers are reducing the adult salmon daily limit to ensure hatchery broodstock goals are achieved. Reducing the adult daily limit will provide continued opportunity for anglers to harvest spring Chinook and help ensure future hatchery returns.

Klickitat River: An estimated 1,500 adult spring Chinook are forecast to return to the Klickitat River in 2021. Managers are reducing 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.

Salmon Creek: 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 and provides anglers with additional time to harvest these fish from Salmon Creek.

Wind River: The preseason forecast of adult spring Chinook returning to the Wind River is below what is needed to meet hatchery broodstock goals at Carson National Fish Hatchery. Closing the Wind River will maximize the number of fish available for this hatchery program.

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	___
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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 3, 2021

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

The provisions of WAC 220-312-030 regarding salmon seasons for Cispus River, Cowlitz River, Cowlitz Falls Reservoir, Kalama River and Klickitat River; steelhead seasons for Salmon Creek; and salmon and steelhead seasons for Drano Lake and Wind 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. **Cispus River (Lewis Co.):** Salmon: Effective March 5, 2021, until further notice: Closed.
2. **Cowlitz River (Cowlitz/Lewis Co.):** Salmon: Effective March 5, 2021, until further notice: Closed.
3. **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: Effective March 5, 2021, until further notice: Closed.
4. **Drano Lake (Skamania Co.):** Downstream of markers on a point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 bridge: Salmon and hatchery steelhead:
 - (a) Effective March 16 through May 5, 2021: Daily limit 2, of which up to 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.
 - (b) Effective May 6, 2021, until further notice: Closed.
5. **Kalama River (Cowlitz Co.):** From the mouth to 1,000 feet below fishway at Kalama Falls Hatchery: Salmon: Effective March 5, 2021, until further notice:

Daily limit 6. Up to 1 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.
6. **Klickitat River (Klickitat Co.):**
 - (a) From the mouth to Fisher Hill Bridge:
 - (i) Effective April 1 through May 28, 2021:
 - (A) Salmon and steelhead: Daily limit 2, of which up to 1 may be an adult salmon. Release wild Chinook.
 - (B) Open Mondays, Wednesdays, and Saturdays, only.
 - (ii) Effective May 29, 2021, until further notice: Salmon: Daily limit 6. Up to 1 adult salmon may be retained. Release wild Chinook.
 - (b) From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Salmon: Effective May 29, 2021, until further notice: Daily limit 6. Up to 1 adult salmon may be retained. Release wild Chinook.

7. **Salmon Creek (Clark Co.):** From the mouth to the 182nd Avenue Bridge: Steelhead: Effective March 16 through May 28, 2021: Daily limit 3. Selective Gear Rules in effect, except use of barbed hooks is allowed.

8. **Wind River (Skamania Co.):** from the mouth to 800 yards downstream of Carson National Fish Hatchery: Salmon and steelhead: Effective March 16, 2021, until further notice: Closed.