



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: May 19, 2021

TIME: 10:02 AM

WSR 21-11-104

Agency: Department of Fish and Wildlife (Order 21-71)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 20, 2021

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 emergency rule is to return salmon and steelhead fisheries within Drano Lake and Wind River to permanent rules.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-03000X
- 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 return salmon and steelhead seasons and daily limits within Drano Lake and the Wind River to permanent rules. This rule also carries forward rules regarding salmon and steelhead seasons and daily limits for Cowlitz, Kalama, Klickitat and Wind Rivers, Salmon Creek previously put in place by emergency rule on March 3, 2021 in the filing of WSR 21-07-002 and WSR 21-11-027 continued these rules on May 11, 2021. The previous rule for these waters is repealed by this filing in order to update Drano Lake and Wind River:

The Washington Department of Fish and Wildlife has managed the Drano Lake and Wind River fisheries to ensure that increased broodstock goals at Carson and Little White Salmon National Fish Hatcheries (NFH) would be achieved for 2021. The brood stock collection goal for LWSNFH was met earlier in May and the Drano Lake fishery was reopened at a reduced daily limit to mitigate for production uncertainties at other Columbia Basin hatcheries. Broodstock collection at Carson NFH has increased rapidly during the last several days and is projected to be achieved. With broodstock collection at these (and other) facilities met or projected to be so, these fisheries can be reopened under permanent rules.

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: May 19, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective May 20, 2021, the provisions of WAC 220-312-030 regarding salmon seasons for Cispus River, Cowlitz River, Cowlitz Falls Reservoir, Kalama River and Klickitat River and steelhead seasons for Salmon Creek 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 immediately, until further notice: Closed.
2. **Cowlitz River (Cowlitz/Lewis Co.):** Salmon: Effective immediately, until further notice: Closed.
3. **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: Effective immediately, until further notice: Closed.
4. **Kalama River (Cowlitz Co.):** From the mouth to 1,000 feet below fishway at Kalama Falls Hatchery: Salmon: Effective immediately, until further notice:

Daily limit 6. Up to 1 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

5. **Klickitat River (Klickitat Co.):**

- (a) From the mouth to Fisher Hill Bridge:

- (i) Effective immediately 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.

6. **Salmon Creek (Clark Co.):** From the mouth to the 182nd Avenue Bridge: Steelhead: Effective immediately through May 28, 2021:

Daily limit 3. Selective Gear Rules in effect, except use of barbed hooks is allowed.

REPEALER

The following section of Washington Administrative Code is repealed, effective May 20, 2021:

