



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 30, 2023

TIME: 4:03 PM

WSR 23-24-047

Agency: Department of Fish and Wildlife (Order 23-262)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) December 1, 2023

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 implement steelhead conservation measures in coastal, Grays Harbor, and Willapa Bay tributaries. This rule will prohibit fishing from a floating device in many tributaries that are open to fishing, reduce steelhead daily limit to 2 hatchery fish in areas that typically have a 3 fish limit, require the release of wild rainbow trout, and will implement Selective Gear Rules (except only 1 single point barbless hook allowed) in all waters listed within the WAC text of this filing. In addition, many areas will close to all recreational fishing earlier than scheduled.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-02000F; WAC 220-312-02000G
- Amended: WAC 220-312-020
- 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: These emergency rules are necessary to protect wild steelhead stocks. Numerous coastal wild steelhead runs are expected to return below escapement targets as they have the past five seasons and have failed to meet management objectives. Outside of the Hoh and Quillayute systems, the rest of coastal systems (Willapa, Chehalis, Humptulips, Upper Quinault, and Queets/Clearwater have consistently failed to meet their total escapement goal (20,206) for wild steelhead. Forecasted 2023/2024 coastwide steelhead returns (32,596) are again expected to fall short of escapement goals for wild steelhead in many rivers. The rules contained in this filing are expected to result in a reduction of wild steelhead encounters relative to permanent rules in place.

Rules for this year's season follows similar actions as last season to help achieve conservation objectives, including restricting the use of bait and fishing from a boat (in some areas), and enacting early closures to help increase the number of wild steelhead that returned to the spawning grounds.

Enacting these rules follows an extensive public engagement process, which included a two-part virtual town hall series during summer and fall 2023. Hundreds of people joined WDFW fishery managers during these virtual meetings, and many provided feedback on the Department's coastal steelhead management web page through an online portal.

Tribal co-managers along the coast have also taken similar steps alongside the Department to advance recovery of wild steelhead.

WDFW continues to operate under its Statewide Steelhead Management Plan, which requires the Department to prioritize the sustainability of wild coastal steelhead runs by focusing on healthy levels of abundance, productivity, diversity, and distribution.

Additionally, this rule carries forward previously announced changes to salmon daily limits from WSR 23-33-101 and WSR 23-23-040, in areas that remain open to fishing under this rule.

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 30, 2023

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



ORDER 23-262

NEW SECTION

WAC 220-312-02000H Freshwater exceptions to statewide rules – Coast.

Effective December 1, 2023, until further notice, the following provisions of WAC 220-312-020, regarding gamefish seasons, fishing from a floating device, and gear and hook restrictions for coastal tributaries, including tributaries of Grays Harbor and Willapa Bay shall be modified as described below. All other provisions of WAC 220-312-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Bear River (Pacific Co.):

- (a) Effective December 1, 2023, through February 29, 2024:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Release wild rainbow trout.
- (b) Effective March 1, 2023, until further notice: All species: Closed.

(2) Big River (Clallam Co.), outside Olympic National Park:

- (a) Effective January 1 through February 29, 2024:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (iii) Release wild rainbow trout.
- (b) Effective March 1, 2024, until further notice: All species: Closed.

(3) Black River (Grays Harbor Co.), from the mouth to bridge on 128th Ave SW: Effective December 1 through December 31, 2023: All species: Closed.

(4) Bogachiel River (Clallam Co.):

- (a) From the mouth to Mill Creek:
 - (i) Effective December 1 through December 15, 2023:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Steelhead: Daily limit is 2 hatchery steelhead
 - (C) Salmon: Daily limit 1. Release sockeye.
 - (ii) Effective December 16, 2023, until further notice:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Steelhead: Daily limit is 2 hatchery steelhead
- (b) From Mill Creek to Hwy. 101 Bridge:
 - (i) Effective December 1 through December 15, 2023:
 - (A) All species: Fishing from a floating device is prohibited.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

- (C) Steelhead: Daily limit is 2 hatchery steelhead
 - (D) Salmon: Daily limit 1. Release sockeye.
 - (ii) Effective December 16, 2023, until further notice:
 - (A) All species: Fishing from a floating device is prohibited.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (C) Steelhead: Daily limit is 2 hatchery steelhead
 - (c) From Hwy. 101 Bridge to Olympic National Park Boundary: Effective December 1, 2023, until further notice:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (iii) Steelhead: Daily limit is 2 hatchery steelhead.
- (5) Calawah River: (Clallam Co.):**
- (a) From the mouth to the Hwy. 101 Bridge:
 - (i) Effective December 1 through December 15, 2023:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Steelhead: Daily limit is 2 hatchery steelhead.
 - (C) Salmon: Daily limit 1. Release sockeye.
 - (ii) Effective December 16, 2023, until further notice:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Steelhead: Daily limit is 2 hatchery steelhead.
 - (b) From the Hwy. 101 Bridge to the forks: Effective December 1, 2023, until further notice:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (iii) Steelhead: Daily limit is 2 hatchery steelhead.
- (6) Calawah, South Fork (Clallam Co.), from the mouth to Olympic National Park boundary: Effective December 1, 2023, through February 29, 2024:**
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
- (7) Cedar Creek (Jefferson Co.), outside Olympic National Park boundary: Effective December 1, 2023, through February 29, 2024:**
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.

- (8) **Chehalis River (Grays Harbor Co.):** From the mouth upstream, including all forks: Effective December 1, 2023, until further notice: All species: Closed.
- (9) **Clearwater River (Jefferson Co.),** from the mouth to Snahapish River: Effective December 1, 2023, until further notice: All species: Closed.
- (10) **Cloquallum Creek (Grays Harbor/Mason Co.),** from the mouth to the outlet at Stump Lake: Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (11) **Copalis River (Grays Harbor Co.):** Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (12) **Dickey River (Clallam Co.),** from the Olympic National Park boundary upstream:
- (a) Effective December 1 through December 15, 2023:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (iii) Salmon: Salmon: Daily limit 1. Release sockeye.
 - (b) Effective December 16, 2023, until further notice:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
- (13) **Dickey River, East Fork and West Fork:** Effective December 1, 2023, until further notice:
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
- (14) **Elk Creek (Lewis/Pacific Co.):** Effective January 1, 2023, until further notice: All species: Closed.
- (15) **Elk River (Grays Harbor Co.):** Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (16) **Goodman Creek (Jefferson Co.),** outside of Olympic National Park boundary: Effective December 1, 2023, through February 29, 2024:
- (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.
- (17) **Hoh River (Jefferson Co.):**

- (a) From Olympic National Park boundary upstream to DNR Oxbow Campground boat launch:
 - (i) Effective December 1 through December 15, 2023:
 - (A) All species: Fishing from a floating device is prohibited Sundays through Tuesdays, each week.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (C) Steelhead: Daily limit is 2 hatchery steelhead.
 - (D) Salmon: Daily limit 1. Release all salmon other than coho.
 - (ii) Effective December 16, 2023, until further notice:
 - (A) All species: Fishing from a floating device is prohibited Sundays through Tuesdays, each week.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (C) Steelhead: Daily limit is 2 hatchery steelhead.

- (b) From DNR Oxbow Campground boat launch to Morgans Crossing boat launch:
Effective
 - (i) December 1 through December 15, 2023:
 - (A) All species: Fishing from a floating device is prohibited Wednesdays through Saturdays, each week.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (C) Steelhead: Daily limit is 2 hatchery steelhead.
 - (D) Salmon: Daily limit 1. Release all salmon other than coho.
 - (ii) Effective December 16, 2023, until further notice:
 - (A) All species: Fishing from a floating device is prohibited Wednesdays through Saturdays, each week.
 - (B) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (C) Steelhead: Daily limit is 2 hatchery steelhead.

- (c) From Morgans Crossing boat launch to Olympic National Park boundary below mouth of South Fork Hoh River: Effective December 1, 2023, until further notice:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Steelhead: Daily limit is 2 hatchery steelhead.

- (18) Hoh River, South Fork (Jefferson Co.),** outside of Olympic National Park boundary:
Effective December 1, 2023, until further notice:
 - (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

- (19) Hoquiam River including West and East forks (Grays Harbor Co.):** Effective December 1, 2023, through February 29, 2024: All species: Closed.

- (20) **Humptulips River (Grays Harbor Co.):** From the mouth to confluence of East and West forks and West Fork from mouth to Donkey Creek: Effective December 1, 2023, until further notice: All species: Closed.
- (21) **Joe Creek (Grays Harbor Co.),** from the mouth to Ocean Beach Rd. Bridge: Effective December 1 through December 31, 2023: All species: Closed.
- (22) **Johns River (Grays Harbor Co.),** from the mouth (Hwy. 105 Bridge) to Ballon Creek: Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (23) **Kalaloch Creek (Jefferson Co.),** outside Olympic National Park boundary: Effective December 1, 2023, through February 29, 2024:
(a) All species: Fishing from a floating device is prohibited.
(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
(c) Release wild rainbow trout.
- (24) **Moclips River (Grays Harbor Co.),** from the mouth to Quinault Indian Reservation boundary: Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (25) **Mosquito Creek (Jefferson Co.),** from Olympic National Park boundary upstream to Goodman 3000 Mainline Bridge: Effective December 1, 2023, through February 29, 2024:
(a) All species: Fishing from a floating device is prohibited.
(b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
(c) Release wild rainbow trout.
- (26) **Naselle River (Pacific Co.),** from the Hwy. 101 Bridge to the North Fork: Effective December 1, 2023, until further notice:
(a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
(b) Release wild rainbow trout.
- (27) **Naselle River, South (Pacific Co.),** from the mouth to Bean Creek: Effective December 1, 2023, through February 29, 2024:
(a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
(b) Release wild rainbow trout.
- (28) **Nemah River, Middle (Pacific Co.):**
(a) Effective December 1, 2023, through February 29, 2024:
(i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
(ii) Release wild rainbow trout.
(b) Effective March 1, 2024, until further notice: All species: Closed

- (29) Nemah River, North (Pacific Co.),** from Hwy. 101 Bridge to Cruiser Creek:
- (a) Effective December 1, 2023, through February 29, 2024:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Release wild rainbow trout.
 - (b) Effective March 1, 2024, until further notice: All species: Closed
- (30) Nemah River, South (Pacific Co.):**
- (a) Effective December 1, 2023, through February 29, 2024:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Release wild rainbow trout.
 - (b) Effective March 1, 2024, until further notice: All species: Closed
- (31) Newaukum River, including South Fork (Lewis Co.),** from mouth to Hwy. 508 Bridge near Kearny Creek: Effective December 1, 2023, until further notice: All species: Closed.
- (32) Newaukum River, Middle Fork (Lewis Co.),** from mouth to Taucher Rd. Bridge: Effective December 1, 2023, until further notice: All species: Closed.
- (33) Newaukum River, North (Lewis Co.),** from mouth to 400' below Chehalis City water intake: Effective December 1, 2023, until further notice: All species: Closed.
- (34) North River (Grays Harbor/Pacific Co.),** from the Hwy. 105 bridge to Raimie Creek: Effective December 1, 2023, through February 29, 2024:
- (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.
- (35) Palix River (Pacific Co.):**
- (a) From Hwy. 101 Bridge to the mouth of the Middle Fork:
 - (i) Effective December 1, 2023, through February 29, 2024:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Release wild rainbow trout.
 - (ii) Effective March 1, 2024, until further notice: All species: Closed
 - (b) From the confluence with the Middle Fork upstream and all forks (including South fork Palix River and Canon River):
 - (a) Effective December 16, 2023, through February 29, 2024:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Release wild rainbow trout.
 - (b) Effective March 1, 2024, until further notice: All species: Closed

- (36) Quillayute River (Clallam Co.),** from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers:
- (a) Effective December 1 through December 15, 2023:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Steelhead: Daily limit 2 hatchery steelhead.
 - (iii) Salmon: Daily limit 1. Release sockeye.
 - (b) Effective December 16, 2023, until further notice:
 - (i) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (ii) Steelhead: Daily limit 2 hatchery steelhead.
- (37) Quinault River (Grays Harbor/Jefferson Co.),** from the mouth at upper end of Quinault Lake upstream to Olympic National Park boundary: Effective December 1, 2023, until further notice: All species: Closed.
- (38) Salmon Creek (Pacific/Wahkiakum Co.):** Effective December 16, 2023, through February 29, 2024:
- (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.
- (39) Salmon River (Jefferson Co.):** Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (40) Satsop River and East Fork (Grays Harbor Co.):** Effective December 1, 2023, until further notice: All species: Closed.
- (41) Satsop River, Middle Fork (Grays Harbor Co.),** Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (42) Satsop River, West Fork (Grays Harbor Co.),** Effective December 1, 2023, through February 29, 2024: All species: Closed.
- (43) Skookumchuck River (Lewis/Thurston Co.):** From mouth to 100' below outlet of TransAlta WDFW steelhead rearing pond located at the base of Skookumchuck Dam: Effective December 1, 2023, until further notice: Effective December 1, 2023, until further notice: All species: Closed.
- (44) Smith Creek (near North River) (Pacific Co.):** Effective December 1, 2023, through February 29, 2024:
- (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.
- (45) Sol Duc River (Clallam Co.):**

- (a) From mouth to the concrete pump station at Sol Duc Hatchery:
 - (i) Effective December 1 through December 15, 2023:
 - (A) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (B) Salmon: Daily limit 1. Release sockeye.
 - (ii) Effective December 16, 2023, until further notice: All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

- (b) From the concrete pump station at Sol Duc Hatchery to Hwy. 101 Bridge upstream of Klahowya campground: Effective December 1, 2023, until further notice:
 - (i) All species: Fishing from a floating device is prohibited.
 - (ii) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

- (46) Sooes River (Clallam Co.),** outside of Makah Indian Reservation: Effective December 1, 2023, through February 29, 2024:
 - (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.

- (47) Stevens Creek (Grays Harbor Co.),** from mouth to Hwy 101 Bridge: Effective December 1, 2023, through February 29, 2024: All Species: Closed.

- (48) Thunder Creek (Clallam Co.),** from mouth to D2400 Rd.: Effective December 1, 2023, until further notice:
 - (a) All species: Fishing from a floating device is prohibited.
 - (b) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (c) Release wild rainbow trout.

- (49) Van Winkle Creek (Grays Harbor Co.),** from mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Effective December 1, 2023, until further notice: All species: Closed

- (50) Willapa River (Pacific Co.),** from mouth (City of South Bend boat launch) to Hwy. 6 Bridge (near the town of Lebam): Effective December 1, 2023, until further notice:
 - (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.

- (51) Willapa River, South Fork (Pacific Co.):** Effective December 1, 2023, through February 29, 2024:
 - (a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.
 - (b) Release wild rainbow trout.

(52) Wishkah River (Grays Harbor Co.), from the mouth to 200 feet below the weir at the Wishkah Rearing Ponds and from 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Effective December 1, 2023, through February 29, 2024: All species: Closed.

(53) Wynoochee River (Grays Harbor Co.): From the mouth upstream: Effective December 1, 2023, until further notice: All species: Closed.

REPEALERS

The following sections of Washington Administrative Code are repealed, effective December 1, 2023:

WAC 220-312-02000F Freshwater exceptions to statewide rules – Coast. (23-240)

WAC 220-312-02000G Freshwater exceptions to statewide rules – Coast. (23-249)

Reasons for finding: These emergency rules are necessary to protect wild steelhead stocks. Numerous coastal wild steelhead runs are expected to return below escapement targets as they have the past five seasons and have failed to meet management objectives. Outside of the Hoh and Quillayute systems, the rest of coastal systems (Willapa, Chehalis, Humptulips, Upper Quinault, and Queets/Clearwater have consistently failed to meet their total escapement goal (20,206) for wild steelhead. Forecasted 2023/2024 coastwide steelhead returns (32,596) are again expected to fall short of escapement goals for wild steelhead in many rivers. The rules contained in this filing are expected to result in a reduction of wild steelhead encounters relative to permanent rules in place.

Rules for this year's season follows similar actions as last season to help achieve conservation objectives, including restricting the use of bait and fishing from a boat (in some areas), and enacting early closures to help increase the number of wild steelhead that returned to the spawning grounds.

Enacting these rules follows an extensive public engagement process, which included a two-part virtual town hall series during summer and fall 2023. Hundreds of people joined WDFW fishery managers during these virtual meetings, and many provided feedback on the Department's coastal steelhead management web page through an online portal.

Tribal co-managers along the coast have also taken similar steps alongside the Department to advance recovery of wild steelhead.

WDFW continues to operate under its Statewide Steelhead Management Plan, which requires the Department to prioritize the sustainability of wild coastal steelhead runs by focusing on healthy levels of abundance, productivity, diversity, and distribution.

There is insufficient time to adopt permanent rules. **(11/30/2024, 23-262)**