

WSR 23-04-097
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-14—Filed January 31, 2023, 3:10 p.m., effective February 1, 2023]

Effective Date of Rule: February 1, 2023.

Purpose: The purpose of this emergency rule is to clarify that the lower portion of Willapa River, from the mouth to the second bridge on Camp One Road, is closed, as written under permanent rules, beginning February 1, 2023.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000Y; and amending WAC 220-312-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This rule is necessary to clarify the lower portion of Willapa River, from the mouth to the second bridge on Camp One Road, is closed to all fishing beginning February 1, 2023, as written in permanent rules under WAC 220-312-020. WSR 22-24-047, filed November 30, 2022, could be interpreted in such a way that one may think that this lower portion of Willapa River is open to fishing for gamefish, which was not intended. Other rules from the previous filing of WSR 22-24-047 are carried forward and remain in effect.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 31, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-02000Z Freshwater exceptions to statewide rules—Coast. Effective February 1, 2023, through April 30, 2023, 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 immediately, through February 28, 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) 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 immediately, through February 28, 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) Release wild rainbow trout.

(b) Effective March 1, 2023, until further notice: All species: Closed.

4. Bogachiel River (Clallam Co.): Effective immediately, until further notice:

(a) From the mouth to Mill Creek:

(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

(b) From Mill Creek to Olympic National Park Boundary:

(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.): Effective immediately, until further notice:

(a) From the mouth to the Hwy. 101 Bridge:

(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.

(b) From the Hwy. 101 Bridge to the forks:

(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 immediately, through February 28, 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.

7. Cedar Creek (Jefferson Co.), outside Olympic National Park boundary: Effective immediately, through February 28, 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) Release wild rainbow trout.

8. Chehalis River (Grays Harbor Co.): From the mouth upstream, including all forks: Effective immediately, until further notice:

All species: Closed.

9. Cloquallum Creek (Grays Harbor/Mason Co.), from the mouth to the outlet at Stump Lake: Effective immediately, through February 28, 2023:

All species: Closed.

10. Copalis River (Grays Harbor Co.): Effective immediately, through February 28, 2023:

All species: Closed.

11. Dickey River (Clallam Co.), from the Olympic National Park boundary upstream including the East and West forks: Effective immediately, 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.

12. Elk Creek (Lewis/Pacific Co.): Effective immediately, until further notice:

All species: Closed.

13. Elk River (Grays Harbor Co.): Effective immediately, through February 28, 2023:

All species: Closed.

14. Fork Creek (Pacific Co.): from Fork Creek Hatchery rack upstream 500 feet at fishing boundary sign, Effective immediately, 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.

15. Goodman Creek (Jefferson Co.), outside of Olympic National Park boundary: Effective immediately, through February 28, 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) Release wild rainbow trout.

16. Hoh River (Jefferson Co.), from Olympic National Park boundary upstream to Olympic National Park boundary below mouth of South Fork Hoh: Effective immediately, 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.

17. Hoh River, South Fork (Jefferson Co.), outside of Olympic National Park boundary: Effective immediately, 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.

18. Hoquiam River including West and East forks (Grays Harbor Co.): Effective immediately, through February 28, 2023:

All species: Closed.

19. Humptulips River (Grays Harbor Co.):

From the mouth to confluence of East and West forks and West Fork from mouth to Donkey Creek: immediately, until further notice:

All species: Closed.

20. Johns River (Grays Harbor Co.), from the mouth (Hwy. 105 Bridge) to Ballon Creek: Effective immediately, through February 28, 2023:

All species: Closed.

21. Kalaloch Creek (Jefferson Co.), outside Olympic National Park boundary: Effective immediately, through February 28, 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) Release wild rainbow trout.

22. Moclips River (Grays Harbor Co.), from the mouth to Quinault Indian Reservation boundary: Effective immediately, through February 28, 2023:

All species: Closed.

23. Mosquito Creek (Jefferson Co.), from Olympic National Park boundary upstream to Goodman 3000 Mainline Bridge: Effective immediately, through February 28, 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) Release wild rainbow trout.

24. Naselle River (Pacific Co.), from the Hwy. 101 Bridge to the North Fork: Effective immediately, 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.

25. Naselle River, South (Pacific Co.), from the mouth to Bean Creek: Effective immediately, through February 28, 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) Release wild rainbow trout.

26. Nemah River, Middle (Pacific Co.):

- (a) Effective immediately, through February 28, 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) Release wild rainbow trout.
- (b) Effective March 1, 2023, until further notice: All species: Closed

27. Nemah River, North (Pacific Co.), from Hwy. 101 Bridge to Cruiser Creek:

- (a) Effective immediately, through February 28, 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) Release wild rainbow trout.
- (b) Effective March 1, 2023, until further notice: All species: Closed

28. Nemah River, South (Pacific Co.):

- (a) Effective immediately, through February 28, 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) Release wild rainbow trout.
- (b) Effective March 1, 2023, until further notice: All species: Closed

29. Newaukum River, including South Fork (Lewis Co.), from mouth to Hwy. 508 Bridge near Kearny Creek: Effective immediately, until further notice:

All species: Closed.

30. Newaukum River, Middle Fork (Lewis Co.), from mouth to Taucher Rd. Bridge: Effective immediately, until further notice: All species: Closed.

31. Newaukum River, North (Lewis Co.), from mouth to 400' below Chehalis City water intake: Effective immediately, until further notice:

All species: Closed.

32. North River (Grays Harbor/Pacific Co.), from the Hwy. 105 bridge to Raimie Creek: Effective immediately, through February 28, 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) Release wild rainbow trout.

33. Palix River (Pacific Co.):

(a) From Hwy. 101 Bridge to the mouth of the Middle Fork:

(i) Effective immediately, through February 28, 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) Release wild rainbow trout.

(ii) Effective March 1, 2023, until further notice: All species: Closed

(b) From the confluence with the Middle Fork upstream (all forks including South fork Palix River and Canon River):

(i) Effective immediately, through February 28, 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) Release wild rainbow trout.

(ii) Effective March 1, 2023, until further notice: All species: Closed

34. Quillayute River (Clallam Co.), from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers: Effective immediately, until further notice:

(a) All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(b) Steelhead: Daily limit 2 hatchery steelhead.

35. Quinault River (Grays Harbor/Jefferson Co.), from the mouth at upper end of Quinault Lake upstream to Olympic National Park boundary: Effective immediately, until further notice:

All species: Closed.

36. Satsop River and East Fork (Grays Harbor Co.):

(a) From the mouth to bridge at Schafer State Park: Effective immediately, until further notice:

All species: Closed.

(b) From 400' below Bingham Creek Hatchery dam to the dam and all Forks: Effective immediately, until further notice:

All species: Closed.

37. Satsop River, Middle Fork (Grays Harbor Co.), Effective immediately, through February 28, 2023.

All species: Closed

38. Satsop River, West Fork (Grays Harbor Co.), Effective immediately, through February 28, 2023.

All species: Closed

39. 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 immediately, until further notice: All species: Closed.

40. Smith Creek (near North River) (Pacific Co.): Effective immediately, through February 28, 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) Release wild rainbow trout.

41. Sol Duc River (Clallam Co.): Effective immediately, until further notice:

(a) From mouth to the WDFW boat launch at Maxfield Rd: All species: Selective Gear Rules in effect, except only 1 single-point barbless hook is allowed.

(b) From the WDFW boat launch at Maxfield Rd. to Hwy. 101 Bridge upstream of Klahowya campground:

(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.

42. Sooes River (Clallam Co.), outside of Makah Indian Reservation: Effective immediately, through February 28, 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) Release wild rainbow trout.

43. Stevens Creek (Grays Harbor Co.), from mouth to Hwy 101 Bridge: Effective immediately, through February 28, 2023:

All Species: Closed.

44. Thunder Creek (Clallam Co.), from mouth to D2400 Rd.:

(a) Effective immediately, through February 28, 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) Release wild rainbow trout

(b) Effective March 1, 2022, until further notice: All species: Closed

45. Willapa River (Pacific Co.), the second bridge on Camp One Rd. to Hwy. 6 Bridge (near the town of Lebam): Effective immediately, 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.

46. Willapa River, South Fork (Pacific Co.): Effective immediately, through February 28, 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) Release wild rainbow trout.

47. Wishkah River (Grays Harbor Co.), from the mouth to 200' below the weir at the Wishkah Rearing Ponds and from 150' upstream to 150' downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Effective immediately, through February 28, 2023:

All species: Closed.

48. Wynoochee River (Grays Harbor Co.): Effective immediately,
until further notice:
All species: Closed.

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed, effective February 1, 2023:

WAC 220-312-02000Y Freshwater exceptions to statewide
rules—Coast. (22-277)