

WSR 22-24-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-277—Filed November 30, 2022, 3:52 p.m., effective December 1, 2022]

Effective Date of Rule: December 1, 2022.

Purpose: The purpose of this emergency rule is to implement steelhead conservation measures in coastal tributaries. This rule will prohibit fishing from a floating device in most coastal tributaries that are open to fishing, reduce steelhead daily limit to two hatchery fish in areas that typically have a three fish limit, require the release of wild rainbow trout, and will implement selective gear rules (except only one 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 planned.

Citation of Rules Affected by this Order: 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: These emergency rules are necessary to protect wild steelhead stocks. Numerous coastal wild steelhead runs are expected to return well below escapement targets as they have the past five seasons and have failed to meet management objectives. Outside of the Hoh and Quillayute systems which just met escapement goals in the 2021/2022 season, the rest of the 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 2022/2023 coastwide steelhead returns (28,406) 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 most 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 three-part virtual town hall series during summer and fall 2022. Hundreds of people joined the Washington department of fish and wildlife (WDFW) fishery managers during these virtual meetings, and many provided feedback on WDFW's coastal steelhead management web page.

Tribal comanagers along the coast have also taken similar steps alongside WDFW to advance recovery of wild steelhead.

WDFW continues to operate under its statewide steelhead management plan, which requires WDFW 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.

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 0.

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: November 30, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-02000Y Freshwater exceptions to statewide rules—

Coast. Effective December 1, 2022, 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, 2022 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 January 1 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.

3. Black River (Grays Harbor Co.), from the mouth to bridge on 128th Ave SW: Effective December 1 through December 31, 2022:

All species: Closed.

4. Bogachiel River (Clallam Co.): Effective December 1, 2022, 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 December 1, 2022, 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 December 1, 2022 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 December 1, 2022 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.):

- (a) From the mouth to WDFW Oakville boat launch:
 - (i) Effective December 1 through December 15, 2022:
 - (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.
 - (ii) Effective December 16, 2022, until further notice:
All species: Closed.
- (b) From the WDFW Oakville boat launch upstream, including all forks: Effective December 1, 2022, until further notice:
All species: Closed.

9. Cloquallum Creek (Grays Harbor/Mason Co.), from the mouth to the outlet at Stump Lake: Effective December 1, 2022 through February 28, 2023:

All species: Closed.

10. Copalis River (Grays Harbor Co.): Effective December 1, 2022 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 December 1, 2022, 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 January 1, 2023, until further notice:

All species: Closed.

13. Elk River (Grays Harbor Co.): Effective December 1, 2022 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 December 1, 2022, 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 December 1, 2022 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 December 1, 2022, 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 December 1, 2022, 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 December 1, 2022 through February 28, 2023:
All species: Closed.
- 19. Humptulips River (Grays Harbor Co.):**
- (a) From the mouth to Hwy. 101 Bridge:
 - (i) Effective December 1 through December 15, 2022:
 - (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.
 - (ii) Effective December 16, 2022, until further notice:
All species: Closed.
 - (b) From the Hwy 101 Bridge to confluence of East and West forks and West Fork from mouth to Donkey Creek: Effective December 1, 2022, until further notice:
All species: Closed.
- 20. Joe Creek (Grays Harbor Co.),** from the mouth to Ocean Beach Rd. Bridge: Effective December 1 through December 31, 2022:
All species: Closed.
- 21. Johns River (Grays Harbor Co.),** from the mouth (Hwy. 105 Bridge) to Ballon Creek: Effective December 1, 2022 through February 28, 2023:
All species: Closed.
- 22. Kalaloch Creek (Jefferson Co.),** outside Olympic National Park boundary: Effective December 1, 2022 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.
- 23. Moclips River (Grays Harbor Co.),** from the mouth to Quinault Indian Reservation boundary: Effective December 1, 2022 through February 28, 2023:

All species: Closed.

24. Mosquito Creek (Jefferson Co.), from Olympic National Park boundary upstream to Goodman 3000 Mainline Bridge: Effective December 1, 2022 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.

25. Naselle River (Pacific Co.), from the Hwy. 101 Bridge to the North Fork: Effective December 1, 2022, 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.

26. Naselle River, South (Pacific Co.), from the mouth to Bean Creek: Effective December 1, 2022 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.

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

(a) Effective December 1, 2022 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, North (Pacific Co.), from Hwy. 101 Bridge to Cruiser Creek:

(a) Effective December 1, 2022 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. Nemah River, South (Pacific Co.):

(a) Effective December 1, 2022 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

30. Newaukum River, including South Fork (Lewis Co.), from mouth to Hwy. 508 Bridge near Kearny Creek: Effective December 1, 2022, until further notice:

All species: Closed.

31. Newaukum River, Middle Fork (Lewis Co.), from mouth to Taucher Rd. Bridge: Effective December 1, 2022, until further notice:

All species: Closed.

32. Newaukum River, North (Lewis Co.), from mouth to 400' below Chehalis City water intake: Effective December 1, 2022, until further notice:

All species: Closed.

33. North River (Grays Harbor/Pacific Co.), from the Hwy. 105 bridge to Raimie Creek: Effective December 1, 2022 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.

34. Palix River (Pacific Co.):

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

(i) Effective December 1, 2022 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 December 16, 2022 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

35. Quillayute River (Clallam Co.), from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers: Effective December 1, 2022, 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.

36. Quinault River (Grays Harbor/Jefferson Co.), from the mouth at upper end of Quinault Lake upstream to Olympic National Park boundary: Effective December 1, 2022, until further notice:

All species: Closed.

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

(a) From the mouth to bridge at Schafer State Park:

(i) Effective December 1 through December 15, 2022:

(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.

(ii) Effective December 16, 2022, until further notice:

All species: Closed.

(b) From 400' below Bingham Creek Hatchery dam to the dam and all Forks: Effective December 16, 2022, until further notice:

(i) Effective December 1 through December 15, 2022:

(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.

(ii) Effective December 16, 2022, until further notice:

All species: Closed.

38. Satsop River, Middle Fork (Grays Harbor Co.), Effective December 1, 2022 through February 28, 2023.

All species: Closed

39. Satsop River, West Fork (Grays Harbor Co.), Effective December 1, 2022 through February 28, 2023.

All species: Closed

40. 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, 2022, until further notice:

All species: Closed.

41. Smith Creek (near North River) (Pacific Co.): Effective December 1, 2022 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.

42. Sol Duc River (Clallam Co.): Effective December 1, 2022, 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.

43. Sooes River (Clallam Co.), outside of Makah Indian Reservation: Effective December 1, 2022 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.

44. Stevens Creek (Grays Harbor Co.), from mouth to Hwy 101 Bridge: Effective December 1, 2022 through February 28, 2023:

All Species: Closed.

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

(a) Effective December 1, 2022 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

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

46. Van Winkle Creek (Grays Harbor Co.), from mouth to 400' below outlet of Lake Aberdeen Hatchery: Effective December 1, 2022 through January 31, 2023:

All species: Closed

47. Willapa River (Pacific Co.), from mouth (City of South Bend boat launch) to Hwy. 6 Bridge (near the town of Lebam): Effective December 1, 2022, 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.

48. Willapa River, South Fork (Pacific Co.): Effective December 1, 2022 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.

49. 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 December 1, 2022 through February 28, 2023:

All species: Closed.

50. Wynoochee River (Grays Harbor Co.): Effective December 1, 2022, until further notice:

All species: Closed.

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