



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 16-297

- Immediately upon filing.
- Later (specify) October 22, 2016

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend recreational fishing rules for the Snohomish, Skykomish, and Wallace rivers

Citation of existing rules affected by this order:

Repealed: WAC 220-310-19000R, WAC 220-310-19000V
 Amended: WAC 220-310-190
 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The rivers were originally closed to all fishing under a state and tribal co-manager agreement to protect coho salmon. In September the co-managers agreed that the coho return was sufficient enough to support limited sport angling for gamefish in the Reiter Pond reach of the Skykomish River. Continued monitoring and assessment by the co-managers later determined that the coho return was robust enough to allow limited harvest opportunity for recreational fisheries in the Wallace River, Skykomish River downstream of the Wallace, and in the Snohomish. At this time hatchery and wild coho escapement goal appear to have been achieved allowing co-managers for further relax fishing regulations in the Snohomish, Skykomish, and Wallace river. There is insufficient time to adopt permanent rules.

Date adopted: October 21, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 21, 2016

TIME: 4:34 PM

WSR 16-22-020

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>2</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	_____

NEW SECTION

WAC 220-310-19000Y Freshwater exceptions to statewide rules—Puget Sound.

Notwithstanding the provisions of WAC 220-310-190, effective October 22 through November 30, 2016, it is permissible to fish for coho salmon and gamefish in the following waters. Unless otherwise amended all permanent rules remain in effect.

(1) **Snohomish River** (Snohomish County) from the mouth (Burlington-Northern Railroad bridges), including all channels, sloughs, and interconnected waterways, but excluding all tributaries, upstream to confluence of the Skykomish and Snoqualmie rivers.

- (a) Night closure in effect. Anti-snagging rules apply.
- (b) Salmon, minimum size 12 inches, daily limit 2 coho only.
- (c) Dolly Varden/Bull Trout; Min. size 20". May be retained as part of the TROUT daily limit.
- (d) Other TROUT, Min. size 14". Daily limit 2. Other Game, Statewide min. size/daily limit.
- (e) Sturgeon, catch and release is allowed; when fishing for sturgeon, all other sturgeon rules apply.

(2) **Skykomish River** from mouth upstream to the confluence with the Wallace River.

- (a) Night closure in effect. Anti-snagging rules apply.
- (b) Salmon, minimum size 12 inches, daily limit 2 coho only.
- (c) Dolly Varden/Bull Trout; Min. size 20". May be retained as part of the TROUT daily limit.
- (d) Other TROUT, Min. size 14". Daily limit 2. Other Game, Statewide min. size/daily limit.
- (e) Effective November 1 through November 30, 2016, fishing from any floating device prohibited from boat ramp below Lewis St. Bridge at Monroe to 2,500' downstream and from 1000 feet downstream of Reiter.

(3) **Wallace River** from mouth (farthest downstream railroad bridge) to 200 feet upstream of the hatchery water intake.

- (a) Night closure in effect. Anti-snagging rules apply.
- (b) Salmon, minimum size 12 inches, daily limit 2 coho only.
- (c) Dolly Varden/Bull Trout; Min. size 20". May be retained as part of the TROUT daily limit.
- (d) Other TROUT, Min. size 14". Daily limit 2. Other Game, Statewide min. size/daily limit.
- (e) Effective November 1 through November 30, 2016, fishing from any floating device prohibited.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective October 22, 2016:

WAC 220-310-19000R Freshwater exceptions to statewide rules—Puget Sound. (16-260)

WAC 220-310-19000V Freshwater exceptions to statewide rules—Puget Sound. (16-277)

