



# 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: June 11, 2020

TIME: 3:21 PM

WSR 20-13-049

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order 20-104)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) June 20, 2020

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

- Yes  No If Yes, explain:

**Purpose:** Effective March 1, 2020, WDFW adopted WAC 220-312-03000I (WSR 20-06-017 filed on February 21, 2020) to implement salmon fishery closures in rivers in southwest Washington, including the Cowlitz River. The purpose of this rule is to be responsive to new scientific information regarding the low returns of Cowlitz Salmon Hatchery spring Chinook broodstock and extend the Chinook retention closure originally adopted in WSR 20-06-017 through July 31, 2020.

**Citation of rules affected by this order:**

New:  
Repealed: WAC 220-312-03000L  
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 emergency rule is necessary because current numbers show that the Cowlitz Salmon Hatchery spring Chinook return is extremely depressed. The hatchery escapement goal is 1,310 Chinook. In response to the preseason run-size forecast, which was the only information available at the time the prior emergency rule was adopted, the estimated return to the hatchery was 1,242 Chinook. The closure effective March 1, 2020 was necessary as the return estimate was lower than the escapement goal.

As of June 7, 2020, the hatchery has had a total of 83 spring Chinook return, which less than 12 percent of the number of returns that had been expected based on the preseason run forecast (737 Chinook). Based on historical averages, the Cowlitz River spring Chinook run is 49-56 percent complete, which means that total broodstock collection is projected to at 10-13 percent of what is needed under the assumption that the Chinook non-retention rule remains in place. Therefore, this emergency rule is needed to extend the closure to maximize broodstock returns—without it, the actual number of returns could be less than 10 percent.

In addition to addressing this shortfall through fishing rule changes the Department is currently discussing contingency plans including using Kalama River stock spring Chinook as backfill for the Cowlitz Salmon Hatchery.

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	___

<b>Date Adopted:</b> June 11, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-312-03000L Freshwater exceptions to statewide rules—Southwest.**

Effective June 20, 2020 through July 31, 2020 the provisions of WAC 220-312-030 regarding salmon seasons for Cispus River, Cowlitz Falls Reservoir, and Cowlitz River shall be modified as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended:

- 1) **Cispus River (Lewis Co.):** It is unlawful to retain Chinook.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** It is unlawful to retain Chinook.
- 3) **Cowlitz River (Cowlitz Co.):** It is unlawful to retain Chinook.

## REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2020:

WAC 220-312-03000L Southwest – Freshwater exceptions to statewide rules.