



**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: September 09, 2021

TIME: 8:57 AM

WSR 21-19-027

Agency: Department of Fish and Wildlife (Order 21-179)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 1, 2021

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 open retention of wild jack coho salmon in the Chehalis Basin salmon fisheries, from October 1 through December 31, 2021.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 2201-312-020
 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: This emergency rule is necessary to allow retention of wild jack coho as part of the salmon daily limit in the areas listed. Preseason planning during the 2021/2022 North of Falcon season setting process included wild jack coho retention in areas listed, but was inadvertently omitted from the permanent rule package, originally filed July 2, 2021 as WSR 21-14-067. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 ____

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: September 9, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-312-02000N Freshwater exceptions to statewide rules—Coast.

Effective October 1 through December 31, 2021, provisions of WAC 220-312-020 regarding wild jack coho salmon retention for the sections of streams in the Chehalis Basin open for salmon fishing, (includes Black, Chehalis, Elk, Johns, Hoquiam, Hoquiam West Fork, Hoquiam East Fork, Newaukum, Satsop, Skookumchuck, Wishkah, and Wynoochee rivers, as well as Van Winkle Creek,) 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:

Wild jack coho may be retained as part of the salmon daily limit in the following areas:

- (1) Black River: from mouth to bridge on 128th Ave. SW
- (2) Chehalis River: from mouth to high bridge on Weyerhaeuser 1000 line
- (3) Elk River: from mouth to confluence of Middle Branch
- (4) Johns River: from mouth to confluence of Ballon Creek
- (5) Hoquiam River including West Fork: from mouth to Dekay Rd. Bridge
- (6) Hoquiam River, East Fork: from mouth to the confluence of Berryman Creek
- (7) Newaukum River: from mouth to Leonard Rd.
- (8) Satsop River: from mouth to the bridge at Schafer State Park
- (9) Satsop River: from 400 feet downstream of Bingham Creek Hatchery Dam to Bingham Creek Hatchery Dam
- (10) Skookumchuck River: from mouth to 100 feet downstream of outlet of TransAlta WDFW steelhead rearing ponds
- (11) Van Winkle Creek: from mouth to 400 feet below outlet of Lake Aberdeen Hatchery
- (12) Wishkah River: from mouth to 200 feet downstream of the weir at the Wishkah Rearing Ponds
- (13) Wynoochee River: from mouth to WDFW White Bridge access site