



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: October 18, 2021

TIME: 4:49 PM

WSR 21-21-085

Agency: Department of Fish and Wildlife (Order 21-234)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

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 recreational fishing in the Skagit River from the Highway 9 Bridge to the Baker River on October 19, 2021.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-04000T
Amended: WAC 220-312-040
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: The Skagit River from Highway 9 to Baker River was scheduled to be closed October 19 to avoid gear conflicts with tribal fisheries. The October 19 closure is no longer necessary so the section will open immediately and remain open through the next scheduled closures outlined above.

The Skagit River coho return remains sufficient to allow for the recreational salmon season to extend through October 24. Additional recreational opportunity is being evaluated and will be announced as soon as possible. WDFW asks anglers to respect tribal fishers and not to interfere with tribal fisheries. Conflicts that arise during on-going fisheries may necessitate additional time and area closures in the future to reduce conflicts.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. 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	___

Date Adopted: October 18, 2021

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-04000U Freshwater exceptions to statewide rules—Puget Sound.

Effective immediately, through December 31, 2021 recreational fishing seasons for the Skagit River and Cascade River, shall be modified as follows, during dates listed below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

(1) Skagit River (Skagit County):

- (a) From Highway 9 Bridge at Sedro Woolley to the Baker River: All recreational fishing is closed October 20 and 21, 2021.
- (b) From mouth to Cascade River Rd. (Marblemount Bridge): Recreational salmon fishing is open immediately through October 24, except in areas and times listed in subsection (1) (a) of this rule:
 - (i) Daily limit 4, of which up to 2 may be coho. Release Chinook and chum.
 - (ii) Night Closure in effect.

(2) Cascade River (Skagit County): From the mouth to Rockport-Cascade Road Bridge:

Recreational salmon fishing is open immediately, through October 24, 2021, seven days per week:

- (a) Daily limit 4. Release all salmon other than coho.
- (b) Night Closure in effect.
- (c) Anti-snagging Rule in effect.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-312-04000T Freshwater exceptions to statewide rules—Puget Sound. (21-230)