



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 02, 2022

TIME: 12:04 PM

WSR 22-13-012

Agency: Department of Fish and Wildlife (Order 22-87)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 3, 2022

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 hatchery Chinook retention in the lower Willapa River.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-312-020
 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: In an effort to increase prey abundance for Southern Resident Killer Whales (SRKW), WDFW released 567,560 spring Chinook in May of 2019 from the Fork's Creek Hatchery on the Willapa River (Pacific County). As a result of that release, WDFW anticipates a limited number of four-year returning Chinook available for in-river harvest opportunity.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed ____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: June 2, 2022
Name: Kelly Susewind
Title: Director

Signature:


NEW SECTION

WAC 220-312-02000T Freshwater exceptions to statewide rules – Coast.

Effective June 3, through July 31, 2022, the following provisions of WAC 220-312-020, regarding recreational Chinook retention for the Willapa River (Pacific Co.) 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) From the mouth (City of South Bend boat launch to WDFW access at mouth of Ward Creek/Wilson Creek:

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Anglers may fish with two poles with Two-pole Endorsement.

(2) From the WDFW access at mouth of Ward Creek/Wilson Creek to second bridge on Camp One Rd.:

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear restriction in effect.

(3) From second bridge on Camp One Rd. upstream to mouth of Mill Creek, approx. 0.5 miles:

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear rule in effect.
- (d) Fishing from a floating device prohibited.

(4) From Mill Creek to Hwy. 6 Bridge (near the town of Lebam):

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear rule in effect.