



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 17, 2022

TIME: 9:46 AM

WSR 22-13-120

Agency: Department of Fish and Wildlife (Order 22-105)

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: This rule is necessary to increase the adult salmon daily limit in the Lewis River. It is also necessary to return lower Klickitat River salmon and steelhead seasons, and Cowlitz River salmon seasons to permanent rules; other rules contained in WSR 22-13-061 (Order 22-98, 6/7/2022) regarding upper Klickitat River are maintained by this rule.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000K; WAC 220-312-03000M
 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: These rule changes are needed for the following reasons:

Salmon retention on the Cowlitz River was closed for portions of the season and, when open, adult retention has been limited to one adult Chinook to help ensure the spring Chinook broodstock collection goal was achieved. Adult broodstock collection is currently on track and goals are expected to be met. Additionally, upstream transport of hatchery adults in excess of weekly broodstock collections targets is occurring for reintroduction purposes. Therefore, returning to permanent rules is warranted.

The adult salmon daily limit on the Klickitat River was reduced earlier in the year to help ensure the Spring Chinook broodstock collection goal was achieved. Fishery co-managers have recently indicated that spring Chinook counts at the Lyle Falls adult trap have been good and escapement to the Klickitat Hatchery is on track to meet the broodstock collection goal. The majority of spring Chinook pass Lyle Falls by the end of June, therefore a reduced daily limit for is no longer needed in the lower Klickitat, as broodstock collection continues at Klickitat Salmon Hatchery.

Spring Chinook salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Additionally, upstream transport of adults in excess of weekly broodstock collections targets is occurring for reintroduction purposes. Modifying fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals.

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	2
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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: June 16, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-03000N Freshwater exceptions to statewide rules—Southwest.

Effective June 17, 2022, until further notice, the provisions of WAC 220-312-030 regarding Klickitat and Lewis river's salmon seasons shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) Klickitat River (Klickitat Co.):

From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective immediately, until further notice:

Salmon: Daily limit 6; up to 1 adult may be retained. Release wild Chinook.

(2) Lewis River (Clark/Cowlitz Co.):

From the mouth to the overhead powerlines below Merwin Dam: Effective June 17, through July 31, 2022:

Salmon: Daily limit 6; up to 2 adults may be retained. Release all salmon other than hatchery Chinook.

REPEALERS

The following sections of the Washington Administrative Code are repealed, effective June 17, 2022:

WAC 220-312-03000K Freshwater exceptions to statewide rules—Southwest. (22-76)

WAC 220-312-03000M Freshwater exceptions to statewide rules—Southwest. (22-98)