



# 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: July 21, 2022

TIME: 3:07 PM

WSR 22-16-014

**Agency:** Department of Fish and Wildlife (Order 22-147)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) July 22, 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 sockeye retention in a portion of the Skagit River and to increase the sockeye daily limit in Baker Lake.

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

New:  
Repealed:  
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:** This rule is necessary to reopen recreational salmon fishing a portion of the Skagit River and to increase the salmon daily limit in Baker Lake.

The sockeye runsize for Skagit River/Baker Lake has been increased to 30,176 sockeye, so additional harvest opportunity is available in the Skagit River the threshold for a 3 fish daily limit has been met for Baker Lake.

Sockeye harvest in the river fishery will be limited to 20% of state share. The remaining 80% will be reserved for Baker Lake opportunity. The split was agreed to between anglers during public sockeye workshops held in 2014 and 2015. Current river sport share is 1,991 sockeye, but 1,555 were estimated to have been caught during the initial opening. Based on catch and effort rates in the final weeks of the river fishery, the remaining river share may be harvested in 7 days. Due to the limited amount of additional catch available in the river, the river limit will remain at 2 sockeye to allow for a full week of salmon fishing opportunity.

During the 2014 and 2015 public sockeye workshops anglers established runsize tiers to guide the daily limit allowed in the lake. Based on the tiers, if the forecast, or an in-season runsize update exceeds 29,999 sockeye, the daily limit would be 3 sockeye.

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 | ___ |

|                                    |
|------------------------------------|
| <b>Date Adopted:</b> July 21, 2022 |
| <b>Name:</b> Kelly Susewind        |
| <b>Title:</b> Director             |

**Signature:**



## NEW SECTION

### **WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound.**

Effective July 22 through August 31, 2022, the following provisions of WAC 220-312-040 regarding salmon seasons for Baker Lake and Skagit River shall be modified during the dates and in locations listed and described herein. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

- (1) **Baker Lake (Whatcom Co.):** Salmon: Effective July 22 through August 31, 2022:
  - (a) Daily limit 3.
  - (b) Sockeye min. size 18 inches.
  - (c) Release all salmon other than Sockeye.
  - (d) Each angler aboard a vessel may deploy salmon angling gear until the daily limit for all anglers aboard has been achieved.
  
- (2) **Skagit River (Skagit Co.):** From Hwy. 536 Bridge (Memorial Hwy. Bridge) in Mt. Vernon to the Dalles Bridge at Concrete: Salmon: Effective July 22 through July 29, 2022:
  - (a) Daily limit 2 sockeye.
  - (b) Release all salmon other than sockeye.
  - (c) Night closure in effect.
  - (d) Selective gear rules are not in effect for salmon.