



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 08, 2022

TIME: 3:02 PM

WSR 22-19-003

Agency: Department of Fish and Wildlife (Order 22-193)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 16, 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 close all fishing in a portion of the Wallace River.

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- Repealed: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 close recreational fishing in a portion of the Wallace River to protect broodstock for the Wallace Hatchery.

Wallace River is experiencing very low flows and salmon are not able to move upstream into the hatchery. Chinook holding downstream of the hatchery are vulnerable to low water conditions and increased fishing pressure, impacting essential broodstock collection.

WDFW will evaluate reopening once conditions improve and broodstock goals for Chinook and coho are assured.

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| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |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 ____

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| Date Adopted: September 8, 2022 | Signature:  |
| Name: Kelly Susewind | |
| Title: Director | |

NEW SECTION

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

Effective September 16 through November 30, 2022, the following provisions of WAC 220-312-040 regarding fishing seasons for Wallace 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:

Wallace River (Snohomish County): From the mouth (farthest downstream RR bridge) to Wallace Falls:

All Species: Closed.