



# 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 20, 2022

TIME: 10:42 AM

WSR 22-19-079

**Agency:** Department of Fish and Wildlife (Order 22-210)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 24, 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 return all sections of Cascade and Skagit rivers to permanent rules, except add bait restrictions to sections open to salmon fishing and to implement periodic closures in a portion of the Skagit River.

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

New:  
 Repealed: WAC 220-312-04000M; WAC 220-312-04000N  
 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:** Emergency rules previously placed on Skagit and Cascade River fisheries, including Selective gear rules (SGR) and the closure of a portion of both rivers, were successful in preventing the sport fishery from exceeding allowable Chinook impacts. The possibility of encountering Chinook is still present, although somewhat diminished at this time. Because of this, WDFW can remove SGR restrictions and reopen the previously closed sections while implementing a bait restriction in all sections open to salmon. The bait restriction allows angling opportunity for coho and gamefish while avoiding exceeding the Chinook conservation threshold.

The periodic closures from Hwy. 9 to Baker River are necessary to avoid gear conflicts with treaty fisheries scheduled those dates.

In-season monitoring of Skagit basin coho fisheries began in 2021 and is expected to continue into the future. This monitoring helps guide management actions to stay within conservation goals while providing maximum opportunity. WDFW will continue to assess summer Chinook spawning activity in the Cascade River and throughout the Skagit system to assess the effects of this rule change.

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>2</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	___

<b>Date Adopted:</b> September 20, 2022	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Effective September 24, 2022, until further notice, the following provisions of WAC 220-312-040 regarding fishing seasons for the Cascade River and Skagit River shall be modified in locations listed, as described herein. All other provisions of WAC 220-312-040, not addressed herein, or unless otherwise amended, remain in effect:

**(1) Cascade River (Skagit County); from mouth to Rockport-Cascade Rd. Bridge:**

Effective September 24 through October 31, 2022: All species: Bait is prohibited.

**(2) Skagit River (Skagit County):**

- (a) From the mouth (a line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough) to Cascade River Rd. (Marblemount Bridge):**

Effective September 24, 2022, until further notice: All species: Bait is prohibited.

**(b) From the Hwy. 9 bridge in Sedro Woolley to the mouth of the Baker River:**

- (i) Effective October 3 through October 5, 2022: All species: Closed Waters.
- (ii) October 10 through October 12, 2022: All species: Closed Waters.

## REPEALERS

The following sections of Washington Administrative Code are repealed, effective September 24, 2022:

WAC 220-312-04000M Freshwater exceptions to statewide rules—Puget Sound. (22-196)

WAC 220-312-04000N Freshwater exceptions to statewide rules—Puget Sound. (22-203)