



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 29, 2022

TIME: 3:41 PM

WSR 22-20-062

Agency: Department of Fish and Wildlife (Order 22-223)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) October 1, 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 Chinook retention in the lower Cowlitz River and Washougal River.

Citation of rules affected by this order:

New:
Repealed:
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: This emergency rule is necessary to close Chinook retention in the lower Cowlitz and Washougal rivers. Fall Chinook returns to the Cowlitz River and Washougal River hatchery programs have been below levels needed to meet broodstock collection goals. Historically run timing of lower river tulle fall Chinook indicates the majority have transitioned from the mainstem Columbia, into tributary waters. Therefore, the vast majority of fall Chinook available for Cowlitz River and Washougal River hatchery programs are in the Cowlitz River and Washougal River systems. Closing the lower Cowlitz River and Washougal River to hatchery Chinook retention will help meet hatchery program goals and support harvest fisheries in future years.

Fishery managers will monitor Chinook returns to determine if and when hatchery Chinook retention may reopen in these waters.

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	___
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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: September 29, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective October 1, 2022, until further notice, the provisions of WAC 220-312-030 regarding Cowlitz River Washougal River 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) Cowlitz River (Cowlitz/Lewis Co.); from the mouth to posted markers below the Barrier Dam:

Effective October 1, 2022, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.

(2) Washougal River (Clark co.); from mouth (a line projected from the James River pumphouse across the Washougal River to the east end of the Hwy. 14 Bridge) to the bridge at Salmon Falls:

Effective October 1, 2022, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.