



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 30, 2022

TIME: 3:59 PM

WSR 22-20-079

Agency: Department of Fish and Wildlife (Order 22-224)

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 recreational fishing in the Stillaguamish River system.

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 Repealed: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: Preliminary monitoring data indicate the Stillaguamish River sport fisheries are close to their allowable Chinook encounters and are in danger of exceeding the allowable total should these fisheries continue.

By Nov. 15, WDFW expects the majority of Chinook to no longer be present in the system and sport fisheries will resume under the rules listed in the 2022/2023 Washington Sport Fishing Rules pamphlet.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New ____ Amended ____ Repealed ____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 ____

Date Adopted: September 30, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective October 1 through November 15, 2022, fishing seasons within the Stillaguamish River system shall be closed in locations listed and described herein. All other provisions of WAC 220-312-040, not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) **Boulder River (Snohomish County);** from mouth to Boulder Falls.
- (2) **Canyon Creek River (tributary to South Fork Stillaguamish River) (Snohomish County);** from mouth to forks (North Fork and South Fork).
- (3) **Pilchuck Creek (Snohomish County);** from mouth to Pilchuck Falls.
- (4) **Squire Creek (tributary to North Fork Stillaguamish River) (Snohomish County);** from mouth upstream.
- (5) **Stillaguamish River (Snohomish County);** from Marine Drive to forks.
- (6) **Stillaguamish River, North Fork (Snohomish County);** from mouth to North Fork Falls.
- (7) **Stillaguamish River, South Fork (Snohomish County);** from mouth to Granite Falls Fishway.