



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: October 14, 2022

TIME: 12:55 PM

WSR 22-21-089

Agency: Department of Fish and Wildlife (Order 22-241)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) October 15, 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 increase hatchery adult coho daily limits in portions of Cowlitz and Lewis rivers and to close all fishing in a portion of the Green River (Cowlitz Co.).

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-03000R
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 increase hatchery adult coho daily limits in areas of the Cowlitz and Lewis rivers, and to close a portion of the Green River.

Coho salmon returns to Cowlitz and Lewis River hatcheries are projected to meet or exceed broodstock collection goals. Increase adult hatchery coho daily limits will provide addition fishing opportunities while still meeting program needs and upstream reintroduction goals.

The fishing closure in Green River (Cowlitz Co.) is necessary because broodstock collection at the North Toutle hatchery is lower than anticipated. Historically low water conditions in the Green River have reduced holding pools in the reach from the mouth to the hatchery creating conditions that limit fish movements and increase vulnerability to harvest. Closing fisheries in this reach until river conditions improve and salmon can reach the hatchery in adequate numbers will help meet broodstock collection goals.

Fishery managers will continue to monitor river conditions in Green River, as well as Chinook and coho returns to the Toutle Hatchery, to determine when fisheries may be reopened.

Washougal River rules are carried forward from WSR 22-29-062, filed September 29, 2022.

There is insufficient time to file 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>1</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	___

Date Adopted: October 14, 2022

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective October 15, 2022, until further notice, the provisions of WAC 220-312-030 regarding Cowlitz River, Green River, Lewis River, and Washougal River fishing 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 400 feet or posted markers below the Barrier Dam:

Effective October 15 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained. Release all salmon other than hatchery coho.

(2) Green River (Cowlitz Co.); from the mouth to the Toutle Hatchery rack:

Effective October 15, 2022, until further notice: All species: Closed waters.

(3) Lewis River (Clark/Cowlitz Co.):

(a) From the mouth to Colvin Creek:

Effective October 15 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.

(b) From Colvin Creek to overhead power lines below Merwin Dam:

- (i) Effective October 15 through October 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.
- (ii) Effective November 1 through December 15, 2022: All species: Closed
- (iii) Effective December 16 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.

(4) 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 immediately, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.

REPEALER

The following section of Washington Administrative Code is repealed, effective October 15, 2022:

WAC 220-312-03000R Freshwater exceptions to statewide rules—Southwest. (22-223)