



**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: May 23, 2022

TIME: 3:22 PM

WSR 22-12-021

Agency: Department of Fish and Wildlife (Order 22-79)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 28, 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 open salmon seasons in Cascade, North Fork Nooksack, and Skagit rivers.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-04000A
 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 open salmon seasons in the Cascade River, Nooksack River, North Fork, and Skagit River as agreed to with comanagers during the 2022 North of Falcon proceedings. Harvestable numbers of hatchery spring Chinook are forecast to return to the respective hatcheries for these fisheries. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1

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: May 23, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective May 28 through July 15, 2022, the following provisions of WAC 220-312-040 regarding salmon seasons for the Cascade River, Nooksack River, North Fork, and Skagit 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:

- (1) **Cascade River** (Skagit Co.): From mouth to Rockport-Cascade Rd. Bridge: Salmon: Effective June 1 through July 15, 2022:
 - (a) Open Wednesdays through Saturdays only. Closed Sundays through Tuesdays.
 - (b) Daily limit 4 of which up to 2 adults may be retained. Release all salmon other than hatchery Chinook.
 - (c) Night closure and Anti-snagging rule in effect.

- (2) **Nooksack River, North Fork** (Whatcom Co.): From the Hwy. 9 Bridge to the yellow marker at the upstream side of the Kendall Hatchery: Salmon: Effective May 28 through June 12, 2022:
 - (a) Daily limit 2. Release all salmon other than hatchery Chinook.
 - (b) Night closure and Anti-snagging rule in effect.

- (3) **Skagit River** (Skagit Co.):
 - (a) From the Hwy. 536 (Memorial Hwy.) Bridge in Mt. Vernon to Gilligan Creek: Salmon: Effective immediately, through May 31, 2022:
 - (i) Daily limit 2. Release all salmon other than hatchery Chinook.
 - (ii) Night Closure in effect.

 - (b) From Hwy. 530 Bridge at Rockport to Cascade River Rd. (Marblemount Bridge): Salmon: Effective June 1 through July 15, 2022:
 - (i) Daily limit 4 of which up to 2 adults may be retained. Release all salmon other than hatchery Chinook.
 - (ii) Night closure and Anti-snagging rule in effect.

REPEALER

The following section of Washington Administrative Code is repealed, effective May 28, 2022:

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