



**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: March 22, 2023

TIME: 3:07 PM

WSR 23-08-005

Agency: Department of Fish and Wildlife (Order 23-36))

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) March 25, 2023

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 catch and release steelhead fisheries in portions of the Skagit and Sauk rivers.

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- Repealed: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: The Skagit River Steelhead preseason forecast is 5,211 steelhead. In accordance with the Skagit steelhead Resource Management Plan, when the preseason forecast is 4,001 to 6,000 Skagit steelhead, there are enough steelhead impacts available to safely provide some catch and release opportunity. The fishery will be five days per week, Saturdays through Wednesdays. The two day per week closure is a conservation measure to provide steelhead some daylight hours without fishing effort for movement and migration to, though, and around spawning areas.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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: March 22, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective March 25, through April 30, 2023, the following provisions of WAC 220-312-040 regarding steelhead seasons for the Skagit River from the Dalles Bridge in the town of Concrete to the Cascade River Road Bridge and the Sauk River from the mouth to the Darrington Bridge, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Skagit River (Skagit Co.): From the Dalles Bridge in the town of Concrete to the Cascade River Road Bridge in Marblemount: Steelhead open Saturdays through Wednesdays only. Closed to all fishing Thursdays and Fridays:
 - (a) Catch and release, except daily limit 2 hatchery steelhead.
 - (b) Selective Gear Rules in effect.
 - (c) Night closure in effect.
 - (d) Fishing from a vessel under power is prohibited.

- (2) Sauk River (Skagit/Snohomish Co.): From the mouth the Darrington Bridge: Steelhead open Saturdays through Wednesdays only. Closed to all fishing Thursdays and Fridays:
 - (a) Catch and release, except daily limit 2 hatchery steelhead.
 - (b) Selective Gear Rules in effect.
 - (c) Night closure in effect.
 - (d) Fishing from a vessel equipped with a motor is prohibited.