



**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 02, 2023

TIME: 4:03 PM

WSR 23-10-079

**Agency:** Department of Fish and Wildlife (Order 23-65)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) May 27, 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 hatchery Chinook seasons in portions of Willapa River.

**Citation of rules affected by this order:**

New:  
 Repealed:  
 Amended: WAC 220-312-020  
 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 needed to open hatchery Chinook retention in the lower Willapa River.

A one-time release of over half a million Chinook from Fork’s Creek Hatchery occurred in 2019 to increase prey abundance for Southern Resident Killer Whales. WDFW anticipates a small number of returning 5-year-old Chinook from this release will be available for a targeted fishery. Fishery managers encourage anglers to harvest hatchery-origin Chinook that are encountered during this limited-time opportunity.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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:** May 2, 2023

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-312-02000B Freshwater exceptions to statewide rules – Coast.**

Effective May 27, through July 31, 2023, the following provisions of WAC 220-312-020, regarding recreational Chinook retention for the Willapa River (Pacific Co.) shall be modified as described below. All other provisions of WAC 220-312-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

**(1) From the mouth (City of South Bend boat launch to WDFW access at mouth of Ward Creek/Wilson Creek:**

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Anglers may fish with two poles with Two-pole Endorsement.

**(2) From the WDFW access at mouth of Ward Creek/Wilson Creek to second bridge on Camp One Rd.:**

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear restriction in effect.

**(3) From second bridge on Camp One Rd. upstream to mouth of Mill Creek, approx. 0.5 miles:**

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear rule in effect.
- (d) Fishing from a floating device prohibited.

**(4) From Mill Creek to Hwy. 6 Bridge (near the town of Lebam):**

Salmon:

- (a) Daily limit 1. Release all salmon other than hatchery Chinook.
- (b) Night closure.
- (c) Stationary gear rule in effect.