



# 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 12, 2023

TIME: 10:35 AM

WSR 23-11-051

**Agency:** Department of Fish and Wildlife (Order 23-67)

**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 close recreational fisheries in some waters of the Snohomish 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- Repealed: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:** Limited allowable take of wild Chinook in the Snohomish system necessitates strict controls to conserve impacts for pink and coho fisheries this fall. The Snohomish wild Chinook population saw a record low return of 1,023 in 2019—the year when dominant age class four-year old Chinook returning in 2023 would have been hatched—there is now significant concern for a poor return of wild Chinook to the Snohomish and its tributaries this year.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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

<b>Date Adopted:</b> May 12, 2023
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## ORDER NO. 23-67

**WAC 220-312-04000F Freshwater exceptions to statewide rules---Puget Sound.**

Effective May 27, 2023, until further notice, provisions of WAC 220-312-040 regarding recreational fishing seasons for the Snohomish River system shall be modified 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) Effective May 27, 2023, until further notice, the following waters are closed to all fishing:
  - (a) **Cherry Creek**
  - (b) **Raging River**
  - (c) **Skykomish River, North Fork**
  - (d) **Skykomish River, South Fork**, from mouth to 600' downstream of Sunset Falls fishway
  - (e) **Snohomish River**, from mouth to confluence of Skykomish and Snoqualmie rivers
  - (f) **Snoqualmie River**, from mouth to Snoqualmie Falls
  - (g) **Sultan River**
  - (h) **Tolt River**, from mouth to confluence of North and South forks
  - (i) **Wallace River**, from mouth to 200' upstream of water intake of salmon hatchery
  
- (2) Effective May 30, 2023, until further notice the following waters are closed to all fishing:

**Skykomish River**, from mouth to U.S. Hwy. 2 Bridge (near Gold Bar)

**Reasons for this finding:** Limited allowable take of wild Chinook in the Snohomish system necessitates strict controls to conserve impacts for pink and coho fisheries this fall. The Snohomish wild Chinook population saw a record low return of 1,023 in 2019—the year when dominant age class four-year old Chinook returning in 2023 would have been hatched—there is now significant concern for a poor return of wild Chinook to the Snohomish and its tributaries this year.

There is insufficient time to adopt permanent rules. **(23-67, 5/10/2023)**