



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 24, 2023

TIME: 3:23 PM

WSR 23-12-005

Agency: Department of Fish and Wildlife (Order 23-83)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 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 salmon and steelhead fisheries in the Lewis River and close salmon fisheries in Klickitat River.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-03000X
- 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 open salmon and steelhead fisheries in the Lewis River and close salmon fisheries in Klickitat River.

Spring Chinook salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Modifying fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals

As of May 22, 2023, the Klickitat Salmon Hatchery has not had any adult spring Chinook return to contribute to the 500 fish broodstock goal. The estimated return for 2023 was anticipated to be among the lowest since 2009 and likely impacted by hatchery releases for brood year 2019 that were significantly below the release goal. Closing the river to spring chinook retention will increase the number of hatchery fish available for broodstock and help ensure future hatchery returns. WDFW will continue working with comanagers to monitor the progress of broodstock collection and reopen the fishery if returns indicate that hatchery goals will be met.

This rule also carries forward emergency rules previously filed in WSR 23-07-016 (Order 23-35), on March 3, 2023, for Salmon Creek and Wind River.

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	<u>1</u>
-----	---	---------	-----	----------	----------

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 24, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective May 25, 2023, until further notice, the provisions of WAC 220-312-030 regarding Klickitat River, Lewis River, Salmon Creek, and Wind River salmon and steelhead seasons shall be modified during times and as described below, as well as all species rules for Lewis River. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) Klickitat River (Klickitat Co.):

- (a) From the mouth to Fisher Hill Bridge:
 - (i) Effective May 25, through May 26, 2023: Salmon and steelhead:
 - (A) Open Mondays, Wednesdays, and Saturdays only.
 - (B) Salmon and hatchery steelhead: Daily limit 2 hatchery steelhead may be retained. Release all salmon.
 - (ii) Effective May 27, 2023, until further notice: Salmon: Closed
- (b) From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective May 27, 2023, until further notice: Salmon: Closed.

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

- (a) Salmon: From the mouth to Colvin Creek: Effective May 25 through July 31, 2023: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.
- (b) All Species: From Johnson Creek to Colvin Creek: Effective May 25 through May 31, 2023:
 - (i) Bank angling only. Fishing from a vessel is prohibited.
 - (ii) Night Closure.
 - (iii) Anti-snagging rule.
- (c) Hatchery steelhead: From Johnson Creek to Colvin Creek: Effective May 25 through May 31, 2023: Daily limit 3.

(3) Salmon Creek (Clark Co.): From the mouth to the 182nd Avenue Bridge: Effective immediately, through May 26, 2023: Hatchery Steelhead: Daily limit 3. Selective Gear Rules in effect, except use of barbed hooks is allowed.

(4) Wind River (Skamania Co.): From the mouth to 800 yards downstream of Carson National Fish Hatchery: Effective immediately, until further notice: Salmon and hatchery steelhead: Daily limit 6; up to 1 adult salmon and 1 hatchery steelhead, or up to 2 hatchery steelhead may be retained. Release all salmon other than hatchery Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed, effective May 25, 2023:

WAC 220-312-03000X Freshwater exceptions to statewide rules—Southwest. (23-35)