



**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: July 05, 2023

TIME: 4:53 PM

WSR 23-15-004

Agency: Department of Fish and Wildlife (Order 23-114))

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 6, 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 return a portion of the Klickitat River to permanent rules.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-03000D
- 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 return lower Klickitat River salmon rules to permanent rules.

The Klickitat River salmon season was closed earlier this year due to low returns of spring Chinook to the Klickitat Salmon Hatchery. Fishery co-managers have indicated most of the spring chinook return has passed above Lyle Falls into the upper river, making continued closure of the hatchery chinook fishery in the lower river unnecessary.

This rule also carries forward emergency rules previously filed in WSR 23-14-083 (Order 23 112), on June 29, 2023, for Klickitat and Lewis rivers.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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: July 6, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through July 31, 2023, the provisions of WAC 220-312-030 regarding Klickitat River and Lewis River salmon seasons shall be modified during times and as described below. 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.):** From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective immediately, until further notice:

Salmon: Closed.

- (2) **Lewis River (Clark/Cowlitz Co.):** From the mouth to Colvin Creek:

Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed, effective July 6, 2023:

WAC 220-312-03000D Freshwater exceptions to statewide rules—Southwest. (23-112)