



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 13, 2023

TIME: 3:32 PM

WSR 23-15-053

Agency: Department of Fish and Wildlife (Order 23-127)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

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 a portion of the Skagit River to all fishing and to increase the sockeye daily limit in Baker Lake.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-04000K; WAC 220-312-04000L
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: This rule is necessary to close a portion of the Skagit River to avoid gear conflicts with treaty fisheries.

This rule is also necessary to raise the sockeye daily limit for Baker Lake. Due to Baker Lake trap counts, WDFW and tribal comanagers have updated the expected runsize to 52,000 sockeye. It is expected that by this weekend (July 15), over 20,000 sockeye will have been trucked to Baker Lake. This number of sockeye in the lake, at this point in the season, has only been topped once in the last decade. Broodstock collection is currently at 82% of the broodstock goal, which is expected to be met ahead of schedule. This runsize is sufficient to allow for increased opportunity in the lake.

Other previously scheduled salmon seasons for Cascade and Skagit rivers are also maintained by this rule.

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	___
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The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	2
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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 13, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through August 31, 2023, the following provisions of WAC 220-312-040 and regarding fishing seasons for portions of the Skagit River, Cascade River, and Baker Lake, shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

- (1) **Cascade River (Skagit Co.):** From mouth to Rockport-Cascade Rd. Bridge: Effective immediately, through July 15, 2023: Salmon:
 - (a) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (b) Night Closure in effect.
 - (c) Anti-snagging rule in effect.

- (2) **Skagit River (Skagit Co.):**
 - (a) From Hwy. 536 Bridge (Memorial Hwy. Bridge) in Mt. Vernon to the Hwy. 9 Bridge in Sedro Woolley: Effective immediately, through July 15, 2023: Salmon:
 - (i) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (ii) Night closure in effect.
 - (iii) Selective gear rules are not in effect for salmon.

 - (b) From the Hwy 9 Bridge in Sedro Woolley to the Dalles Bridge at Concrete:
 - (i) All species: July 12 through July 14, 2023: Closed Waters.

 - (ii) Salmon: Open the day of July 15, 2023, only:
 - (A) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (B) Night closure in effect.
 - (C) Selective gear rules are not in effect for salmon.

 - (c) From the Dalles Bridge at Concrete to the Baker River:

All species: July 12 through July 14, 2023: Closed Waters.

 - (d) From the Hwy. 530 Bridge at Rockport to Cascade River Rd. (Marblemount Bridge): Effective immediately, through July 15, 2023: Salmon:
 - (i) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (ii) Night Closure in effect.
 - (iii) Anti-snagging rule in effect.

- (3) **Baker Lake (Whatcom Co.):** Effective immediately, through August 31: Salmon:
- (a) Daily limit 5 sockeye only. Minimum size 18 inches.
 - (b) Each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all anglers aboard has been achieved.

REPEALERS

The following sections of Washington Administrative Code are repealed, effective immediately:

WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound. (23-118)

WAC 220-312-04000L Freshwater exceptions to statewide rules—Puget Sound. (23-120)