



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 17, 2023

TIME: 9:52 AM

WSR 23-15-073

Agency: Department of Fish and Wildlife (Order 23-130)

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 recreational fishing in Skykomish River, South Fork, upstream of Sunset Falls.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-04000F
 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 fishing upstream of Sunset Falls on the South Fork Skykomish River. Chinook are being hauled upstream from the Sunset Falls trap and haul facility and are susceptible to fishing pressure. This rule also maintains previously announced closures in other areas of the Snohomish River system.

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 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 17, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

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

Effective immediately, 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:

Effective immediately, until further notice, the following waters are closed to all fishing:

- (a) **Cherry Creek**, from mouth upstream
- (b) **Raging River**, from mouth upstream
- (c) **Skykomish River**, from mouth to U.S. Hwy. 2 Bridge (near Gold Bar)
- (d) **Skykomish River, North Fork**, from mouth upstream
- (e) **Skykomish River, South Fork**, from mouth upstream
- (f) **Snohomish River**, from mouth to confluence of Skykomish and Snoqualmie rivers
- (g) **Snoqualmie River**, from mouth to Snoqualmie Falls
- (h) **Sultan River**, from mouth upstream
- (i) **Tolt River**, from mouth to confluence of North and South forks
- (j) **Wallace River**, from mouth to 200' upstream of water intake of salmon hatchery

R E P E A L E R

The following section of Washington Administrative Code is repealed, effective immediately:
WAC 220-312-04000F Freshwater exceptions to statewide rules---Puget Sound. (23-67)