



# 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: August 09, 2023

TIME: 4:43 PM

WSR 23-17-046

**Agency:** Department of Fish and Wildlife (Order 23-157)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) August 10, 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 implement a hook restriction to require anglers to use one single-point hook with a hook gap of 3/4 inch or less in the lower Samish River.

**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- Repealed: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:** This rule is necessary to hook gap size restrictions in lower Samish River.

The hook gap restriction was proposed during the North of Falcon season setting process (NOF), along with the Stationary Gear Restriction. Both were adopted to the List of Agreed Fisheries (LOAF), but the Hook Gap Restriction was unintentionally omitted from the pamphlet. This action brings the 2023 Samish salmon fishery rules in alignment with what was adopted at NOF. Both actions were taken to address community and angler complaints about snagging Chinook using flossing techniques.

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Federal statute:	New	___	Amended	___	Repealed	___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	___
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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	___

<b>Date Adopted:</b> August 9, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

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

Effective August 10 through September 13, 2023, provisions of WAC 220-312-040 regarding recreational gear rules for the Samish River 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:

**Samish River (Skagit Co.), from the mouth (Bayview-Edison Rd.) to Thomas Rd. Bridge:**

- (a) It is unlawful for anglers to use anything other than 1 single-point hook, with a hook gap of 3/4 inch or less measured from point to shank.
- (b) All other permanent rules regarding fishing seasons and gear restrictions remain in place.