



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: September 14, 2023

TIME: 11:46 AM

WSR 23-19-046

Agency: Department of Fish and Wildlife (Order 23-201)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) September 15, 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 Chinook harvest opportunities in Samish River and Whatcom Creek.

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Repealed: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 action is necessary to open recreational hatchery Chinook retention seasons in Samish River and Whatcom Creek.

Chinook released at the Whatcom Fish Hatchery to aid southern resident killer whales and support harvest programs have returned to Whatcom Creek in harvestable numbers. Closure dates ensure that gear conflicts between co-manager fisheries and recreational fisheries are avoided.

For Samish River, hatchery broodstock needs are expected to be met and a harvestable surplus of Chinook exists, allowing for this harvest opportunity. Gear restrictions for Samish River reflect salmon gear restrictions agreed to during the 2023 North of Falcon season setting process.

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Federal statute:	New	___	Amended	___	Repealed	___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	___

Date Adopted: September 14, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective September 15 through September 24, 2023, provisions of WAC 220-312-040 regarding salmon seasons for Samish River and Whatcom Creek shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect:

(1) Whatcom Creek (Whatcom Co): From the mouth (a line from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond) to the markers downstream of the footbridge that is downstream of Dupont Street:

Salmon: Effective September 15 through September 24:

- (a) Open Fridays, Saturdays, and Sundays only.
- (b) Daily limit 1. Release all salmon other than hatchery Chinook.
- (c) Night Closure in effect.
- (d) Anti-snagging rule in effect.

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

Salmon: Effective September 15 through September 17:

- (a) Daily limit 2. Release all salmon other than Chinook.
- (b) Stationary gear rule in effect.
- (c) Night closure in effect.
- (d) 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.
- (e) Only fish hooked inside the mouth may be retained.