



# 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: 11:52 AM

WSR 23-19-047

**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 set a maximum size restriction for salmon in Yale Reservoir.

**Citation of rules affected by this order:**

- New:
- Repealed:
- 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 rule is needed to set a maximum size limit on salmon in Yale Reservoir. As part of upper Lewis River anadromous reintroduction effort, adult coho will be released into Yale reservoir for habitat preparation and nutrient enhancement. Upstream transport for reintroduction into areas above Swift Dam is on-going with hatchery coho in excess of weekly Lewis basin hatchery broodstock collection targets. Transport of additional coho adults to Yale Reservoir will occur for habitat preparation and nutrient enhancement purposes.

This fishing rule change will enable continued landlocked salmon fishing while restricting retention of adult coho transported for habitat preparation needs.

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 \_\_\_\_

**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:** September 14, 2023  
**Name:** Kelly Susewind  
**Title:** Director

**Signature:**  


## NEW SECTION

### **WAC 220-312-03000F Freshwater exceptions to statewide rules—Southwest.**

Effective September 15 through December 31, 2023, the provisions of WAC 220-312-030 regarding salmon in Yale Reservoir shall be modified as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

**Yale Reservoir (Cowlitz Co.):** Landlocked salmon rules apply, except salmon maximum length is 15 inches.