

WSR 22-21-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-241—Filed October 14, 2022, 12:55 p.m., effective October 15, 2022]

Effective Date of Rule: October 15, 2022.

Purpose: The purpose of this emergency rule is to increase hatchery adult coho daily limits in portions of Cowlitz and Lewis rivers and to close all fishing in a portion of the Green River (Cowlitz County).

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000R; and amending WAC 220-312-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This emergency rule is necessary to increase hatchery adult coho daily limits in areas of the Cowlitz and Lewis rivers, and to close a portion of the Green River.

Coho salmon returns to Cowlitz and Lewis river hatcheries are projected to meet or exceed broodstock collection goals. Increased adult hatchery coho daily limits will provide additional fishing opportunities while still meeting program needs and upstream reintroduction goals.

The fishing closure in Green River (Cowlitz County) is necessary because broodstock collection at the North Toutle hatchery is lower than anticipated. Historically low water conditions in the Green River have reduced holding pools in the reach from the mouth to the hatchery creating conditions that limit fish movements and increase vulnerability to harvest. Closing fisheries in this reach until river conditions improve and salmon can reach the hatchery in adequate numbers will help meet broodstock collection goals.

Fishery managers will continue to monitor river conditions in Green River, as well as Chinook and coho returns to the Toutle Hatchery, to determine when fisheries may be reopened.

Washougal River rules are carried forward from WSR 22-29-062, filed September 29, 2022.

There is insufficient time to file permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 14, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000T Freshwater exceptions to statewide rule—Southwest. Effective October 15, 2022, until further notice, the provisions of WAC 220-312-030 regarding Cowlitz River, Green River, Lewis River, and Washougal River fishing seasons shall be modified during times and as described below. All other provisions of WAC 220-312-030, not addressed herein, remain in effect unless otherwise amended by emergency rule:

(1) Cowlitz River (Cowlitz/Lewis Co.); from the mouth to 400 feet or posted markers below the Barrier Dam:

Effective October 15 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained. Release all salmon other than hatchery coho.

(2) Green River (Cowlitz Co.); from the mouth to the Toutle Hatchery rack:

Effective October 15, 2022, until further notice: All species: Closed waters.

(3) Lewis River (Clark/Cowlitz Co.):

(a) From the mouth to Colvin Creek:

Effective October 15 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.

(b) From Colvin Creek to overhead power lines below Merwin Dam:

(i) Effective October 15 through October 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.

(ii) Effective November 1 through December 15, 2022: All species: Closed

(iii) Effective December 16 through December 31, 2022: Salmon: Daily limit 6. Up to 4 adults may be retained, including no more than 2 Chinook. Release all salmon other than Chinook and hatchery coho.

(4) Washougal River (Clark Co.); from mouth (a line projected from the James River pumphouse across the Washougal River to the east end of the Hwy. 14 Bridge) to the bridge at Salmon Falls:

Effective immediately, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.

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REPEALER

The following section of Washington Administrative Code is repealed, effective October 15, 2022:

WAC 220-312-03000R Freshwater exceptions to statewide
rules—Southwest. (22-223)