

WSR 23-08-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-36—Filed March 22, 2023, 3:07 p.m., effective March 25, 2023]

Effective Date of Rule: March 25, 2023.

Purpose: The purpose of this emergency rule is to open catch and release steelhead fisheries in portions of the Skagit and Sauk rivers.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

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: The Skagit River Steelhead preseason forecast is 5,211 steelhead. In accordance with the Skagit steelhead resource management plan, when the preseason forecast is 4,001 to 6,000 Skagit steelhead, there are enough steelhead impacts available to safely provide some catch and release opportunity. The fishery will be [open] five days per week, Saturdays through Wednesdays. The two day per week closure is a conservation measure to provide steelhead some daylight hours without fishing effort for movement and migration to, though [through], and around spawning areas.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: March 22, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000D Freshwater exceptions to statewide rules—Puget Sound. Effective March 25, through April 30, 2023, the following provisions of WAC 220-312-040 regarding steelhead seasons for the Skagit River from the Dalles Bridge in the town of Concrete to the Cascade River Road Bridge and the Sauk River from the mouth to the Dar-

rington Bridge, 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) Skagit River (Skagit Co.): From the Dalles Bridge in the town of Concrete to the Cascade River Road Bridge in Marblemount: Steelhead open Saturdays through Wednesdays only. Closed to all fishing Thursdays and Fridays:

- (a) Catch and release, except daily limit 2 hatchery steelhead.
- (b) Selective Gear Rules in effect.
- (c) Night closure in effect.
- (d) Fishing from a vessel under power is prohibited.

(2) Sauk River (Skagit/Snohomish Co.): From the mouth the Darlington Bridge: Steelhead open Saturdays through Wednesdays only. Closed to all fishing Thursdays and Fridays:

- (a) Catch and release, except daily limit 2 hatchery steelhead.
- (b) Selective Gear Rules in effect.
- (c) Night closure in effect.
- (d) Fishing from a vessel equipped with a motor is prohibited.

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