

**WSR 23-15-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-130—Filed July 17, 2023, 9:52 a.m., effective July 17, 2023, 9:52 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close recreational fishing in Skykomish River, South Fork, upstream of Sunset Falls.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000F; and 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: This rule is necessary to close fishing upstream of Sunset Falls on the South Fork Skykomish River. Chinook are being hauled upstream from the Sunset Falls trap and haul facility and are susceptible to fishing pressure. This rule also maintains previously announced closures in other areas of the Snohomish River system.

Limited allowable take of wild Chinook in the Snohomish system necessitates strict controls to conserve impacts for pink and coho fisheries this fall. The Snohomish wild Chinook population saw a record low return of 1,023 in 2019, the year when dominant age class four-year old Chinook returning in 2023 would have been hatched. There is now significant concern for a poor return of wild Chinook to the Snohomish [River] and its tributaries this year.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 17, 2023.

Kelly Susewind
Director

[NEW SECTION]

WAC 220-312-04000N Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, until further notice, provisions of WAC 220-312-040 regarding recreational fishing seasons for the Snohomish River system 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:

Effective immediately, until further notice, the following waters are closed to all fishing:

- (a) **Cherry Creek**, from mouth upstream
- (b) **Raging River**, from mouth upstream
- (c) **Skykomish River**, from mouth to U.S. Hwy. 2 Bridge (near Gold Bar)
- (d) **Skykomish River, North Fork**, from mouth upstream
- (e) **Skykomish River, South Fork**, from mouth upstream
- (f) **Snohomish River**, from mouth to confluence of Skykomish and Snoqualmie rivers
- (g) **Snoqualmie River**, from mouth to Snoqualmie Falls
- (h) **Sultan River**, from mouth upstream
- (i) **Tolt River**, from mouth to confluence of North and South forks
- (j) **Wallace River**, from mouth to 200' upstream of water intake of salmon hatchery

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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. (23-67)