

WSR 23-17-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-157—Filed August 9, 2023, 4:43 p.m., effective August 10, 2023]

Effective Date of Rule: August 10, 2023.

Purpose: The purpose of this emergency rule is to implement a hook restriction to require anglers to use one single-point hook with a hook gap of 3/4 inch or less in the lower Samish River.

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: This rule is necessary to hook gap size restrictions in lower Samish River.

The hook gap restriction was proposed during the North of Falcon (NOF) season setting process, along with the stationary gear restriction. Both were adopted to the list of agreed fisheries, but the hook gap restriction was unintentionally omitted from the pamphlet. This action brings the 2023 Samish salmon fishery rules in alignment with what was adopted at NOF. Both actions were taken to address community and angler complaints about snagging Chinook using flossing techniques.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 9, 2023.

Kelly Susewind
Director

[NEW SECTION]

WAC 220-312-04000R Freshwater exceptions to statewide rules—Puget Sound. Effective August 10 through September 13, 2023, provisions of WAC 220-312-040 regarding recreational gear rules for the Samish River 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:

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

(a) 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.

(b) All other permanent rules regarding fishing seasons and gear restrictions remain in place.