

**WSR 21-04-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-07—Filed January 28, 2021, 3:13 p.m., effective February 1, 2021]

Effective Date of Rule: February 1, 2021.

Purpose: The purpose of this emergency rule is to open a steelhead targeted fishery in the Skagit and Sauk rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000X; 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 allow for a limited catch and release steelhead fishery in the Skagit and Sauk rivers. The Skagit River steelhead preseason forecast is 4,297 steelhead. According to the Fishery Resource Management Plan for Skagit steelhead, federally approved in April 2018, when the preseason forecast is greater than four thousand and less than or equal to six thousand Skagit steelhead, there are enough impacts available to safely provide some catch and release opportunity. The fishery will be four days a week allowing the fishery to be one hundred percent monitored without catch expansions. Fully monitoring all days of the fishery allows for the most accurate estimate of catch and helps ensure the catch and release fishery does not negatively affect the run. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 28, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000X Freshwater exceptions to statewide rules—Puget Sound. Effective February 1 through April 13, 2021 the following provisions of WAC 220-312-040 regarding salmon 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 Darrington 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 Tuesdays only. Closed to all fishing Wednesdays through Fridays:

- (a) 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 Darrington Bridge: Steelhead open Saturdays through Tuesdays only. Closed to all fishing Wednesdays through Fridays:

- (a) 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.

[]

REPEALER

The following section of the Washington Administrative Code is repealed effective April 14, 2021:

WAC 220-312-04000X Freshwater exceptions to statewide rules—Puget Sound.