

WSR 22-13-120
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-105—Filed June 17, 2022, 9:46 a.m., effective June 17, 2022, 9:46 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule is necessary to increase the adult salmon daily limit in the Lewis River. It is also necessary to return lower Klickitat River salmon and steelhead seasons, and Cowlitz River salmon seasons to permanent rules; other rules contained in WSR 22-13-061 (Order 22-98, June 7, 2022) regarding upper Klickitat River are maintained by this rule.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000K and 220-312-03000M; 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: Salmon retention on the Cowlitz River was closed for portions of the season and, when open, adult retention has been limited to one adult Chinook to help ensure the spring Chinook broodstock collection goal was achieved. Adult broodstock collection is currently on track and goals are expected to be met. Additionally, upstream transport of hatchery adults in excess of weekly broodstock collections targets is occurring for reintroduction purposes. Therefore, returning to permanent rules is warranted.

The adult salmon daily limit on the Klickitat River was reduced earlier in the year to help ensure the spring Chinook broodstock collection goal was achieved. Fishery comanagers have recently indicated that spring Chinook counts at the Lyle Falls adult trap have been good and escapement to the Klickitat Hatchery is on track to meet the broodstock collection goal. The majority of spring Chinook pass Lyle Falls by the end of June; therefore, a reduced daily limit is no longer needed in the lower Klickitat, as broodstock collection continues at Klickitat Salmon Hatchery.

Spring Chinook salmon returns to the Lewis Hatchery are projected to meet broodstock collection goals for the Lewis Hatchery programs. Additionally, upstream transport of adults in excess of weekly broodstock collections targets is occurring for reintroduction purposes. Modifying fisheries will provide additional fishing opportunities while still meeting program and reintroduction goals.

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 2.

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: June 16, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000N Freshwater exceptions to statewide rules—Southwest. Effective June 17, 2022, until further notice, the provisions of WAC 220-312-030 regarding Klickitat and Lewis river's salmon 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) Klickitat River (Klickitat Co.):

From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective immediately, until further notice:

Salmon: Daily limit 6; up to 1 adult may be retained. Release wild Chinook.

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

From the mouth to the overhead powerlines below Merwin Dam: Effective June 17, through July 31, 2022:

Salmon: Daily limit 6; up to 2 adults may be retained. Release all salmon other than hatchery Chinook.

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REPEALER

The following sections of the Washington Administrative Code are repealed, effective June 17, 2022:

WAC 220-312-03000K Freshwater exceptions to statewide rules—Southwest. (22-76)

WAC 220-312-03000M Freshwater exceptions to statewide rules—Southwest. (22-98)