

WSR 22-19-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-196—Filed September 9, 2022, 3:39 p.m., effective September 10, 2022]

Effective Date of Rule: September 10, 2022.

Purpose: The purpose of this emergency rule is to implement selective gear rules in the Skagit River downstream of Gilligan Creek and to close all fishing from Gilligan Creek to Cascade River Rd.

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 implement selective gear rules in the Skagit River downstream of Gilligan Creek and to close all fishing from Gilligan Creek to Cascade River Rd.

To date, preliminary monitoring data indicate the Skagit River coho sport fishery has used approximately 73 percent of allowable Chinook encounters for the entire season (through October 31). Test fisheries show that more than 20 percent of the salmon moving through lower river areas are Chinook. The number of Chinook encounters this coho season have already exceeded the total number from the entire 2021 season.

These emergency measures are necessary to preserve opportunity later in the season. Keeping the sport fishery within the Chinook conservation goal will allow for the possibility to shift remaining coho shares to later in the year. Going over the allowable Chinook conservation goal would cause complete closure with no possibility to reopen coho later in the season.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: September 9, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound. Effective September 10, 2022, until further notice, the following provisions of WAC 220-312-040 regarding fishing seasons for the Skagit River shall be modified in locations listed and described herein. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

(1) From the mouth (a line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough) to Gilligan Creek:

All species: Selective gear rules in effect.

(2) From Gilligan Creek to Cascade River Rd. (Marblemount Bridge):

All species: Closed.

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