

WSR 22-20-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-223—Filed September 29, 2022, 3:41 p.m., effective October 1, 2022]

Effective Date of Rule: October 1, 2022.

Purpose: The purpose of this emergency rule is to close Chinook retention in the lower Cowlitz River and Washougal River.

Citation of Rules Affected by this Order: 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: This emergency rule is necessary to close Chinook retention in the lower Cowlitz and Washougal rivers. Fall Chinook returns to the Cowlitz River and Washougal River hatchery programs have been below levels needed to meet broodstock collection goals. Historically, run timing of lower river tule fall Chinook indicates the majority have transitioned from the mainstem Columbia into tributary waters. Therefore, the vast majority of fall Chinook available for Cowlitz River and Washougal River hatchery programs are in the Cowlitz River and Washougal River systems. Closing the lower Cowlitz River and Washougal River to hatchery Chinook retention will help meet hatchery program goals and support harvest fisheries in future years.

Fishery managers will monitor Chinook returns to determine if and when hatchery Chinook retention may reopen in these waters.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000R Freshwater exceptions to statewide rules—Southwest. Effective October 1, 2022, until further notice, the pro-

visions of WAC 220-312-030 regarding Cowlitz River Washougal River 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) Cowlitz River (Cowlitz/Lewis Co.); from the mouth to posted markers below the Barrier Dam:

Effective October 1, 2022, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.

(2) Washougal River (Clark co.); from mouth (a line projected from the James River pumphouse across the Washougal River to the east end of the Hwy. 14 Bridge) to the bridge at Salmon Falls:

Effective October 1, 2022, until further notice: Salmon: Daily limit 6. Up to 3 adults may be retained. Release all salmon other than hatchery coho.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.