

**WSR 22-19-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-210—Filed September 20, 2022, 2:07 p.m., effective September 24, 2022]

Effective Date of Rule: September 24, 2022.

Purpose: The purpose of this emergency rule is to return all sections of Cascade and Skagit rivers to permanent rules, except add bait restrictions to sections open to salmon fishing and to implement periodic closures in a portion of the Skagit River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000M and 220-312-04000N; 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: Emergency rules previously placed on Skagit River and Cascade River fisheries, including selective gear rules (SGR) and the closure of a portion of both rivers, were successful in preventing the sport fishery from exceeding allowable Chinook impacts. The possibility of encountering Chinook is still present, although somewhat diminished at this time. Because of this, the Washington department of fish and wildlife (WDFW) can remove SGR restrictions and reopen the previously closed sections while implementing a bait restriction in all sections open to salmon. The bait restriction allows angling opportunity for coho and gamefish while avoiding exceeding the Chinook conservation threshold.

The periodic closures from Hwy. 9 to Baker River are necessary to avoid gear conflicts with treaty fisheries scheduled on those dates.

In-season monitoring of Skagit basin coho fisheries began in 2021 and is expected to continue into the future. This monitoring helps guide management actions to stay within conservation goals while providing maximum opportunity. WDFW will continue to assess summer Chinook spawning activity in the Cascade River and throughout the Skagit system to assess the effects of this rule change.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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: September 20, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000Q Freshwater exceptions to statewide rules—Puget Sound. Effective September 24, 2022, until further notice, the following provisions of WAC 220-312-040 regarding fishing seasons for the Cascade River and Skagit River shall be modified in locations listed, as described herein. All other provisions of WAC 220-312-040, not addressed herein, or unless otherwise amended, remain in effect:

(1) Cascade River (Skagit County); from mouth to Rockport-Cascade Rd. Bridge:

Effective September 24 through October 31, 2022: All species: Bait is prohibited.

(2) Skagit River (Skagit County):

(a) 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 Cascade River Rd. (Marblemount Bridge):

Effective September 24, 2022, until further notice: All species: Bait is prohibited.

(b) From the Hwy. 9 bridge in Sedro Woolley to the mouth of the Baker River:

(i) Effective September 26 through September 28, 2022: All species: Closed Waters.

(ii) Effective October 3 through October 5, 2022: All species: Closed Waters.

(iii) October 10 through October 12, 2022: All species: Closed Waters.

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REPEALER

The following sections of Washington Administrative Code are repealed, effective September 24, 2022:

WAC 220-312-04000M Freshwater exceptions to statewide rules—Puget Sound. (22-196)

WAC 220-312-04000N Freshwater exceptions to statewide rules—Puget Sound. (22-203)