



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 15-398

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amend commercial fishing rules

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-36-023
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020 and 77.12.047

Other authority :

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: (See Attachment)

Date adopted: October 23, 2015

NAME (TYPE OR PRINT)
J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 23, 2015
TIME: 3:23 PM

WSR 15-22-016

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

ORDER NO. 15-398

NEW SECTION

WAC 220-36-02300C Grays Harbor salmon—fall fishery.

Notwithstanding the provisions of WAC 220-36-023, effective immediately until further notice, it is unlawful to fish for salmon in waters of Grays Harbor for commercial purposes.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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.

() That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

() That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Department staff examined QIN gillnet catch per landing in area 2A&D through week 42 from 1996 to 2014. A significant relationship existed between coho catch per landing and Chehalis River Basin total run-size. Based on QIN catch per landing in 2015, the relationship predicted a run-size of 48,317 coho compared to a pre-season forecast of nearly 149,000.

This preliminary in-season coho update was also plugged into the pre-season planning model to examine the effect of actual 2015 treaty and non-treaty fisheries on the potential for reaching the coho escapement goal. Based on a run-size of 48,317 and the planned fishing schedules, the natural-origin coho escapement was predicted to be 23,472 compared to the goal of 28,506. That is, the pre-season forecast already predicts that the coho escapement goal will be missed by nearly 5,000 coho. Because the run-size for 2015 now appears to be far below the pre-season forecast, there is a reasoned basis for slowing harvest to ensure the overall harvest rate objective is met and to provide some buffer against a serious under-escapement of coho.

Based on all this information, an in-season closure of the commercial and recreational fisheries is warranted to help ensure that conservation goals are met. Such an in-season adjustment requires immediate action and cannot wait for the time required to adopt a permanent rule amendment.

(15-398, 10/23/2015)

