



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 22, 2020

TIME: 5:17 PM

WSR 20-12-014

Agency: Department of Fish and Wildlife (Order 20-85)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 29, 2020

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

- Yes No If Yes, explain:

Purpose: This rule opens salmon seasons in the Tulalip Terminal Area, Fridays through mid-day on Monday, from May 29 through September 7, 2020. Coho retention is not allowed. .

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-313-06000R
- Amended: WAC 220-313-060
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This rule is needed to open salmon seasons for the Tulalip Terminal Area in Marine Area 8-2. This rule is pursuant to the Governor's Proclamation amendment 20-25.2, issued April 27, 2020, indicating that recreational activities including fishing may resume, when and where permitted.

These rules have been agreed to with comanagers during the 2020 North of Falcon proceedings and are entered in the permanent rule making process. Retention of coho is not allowed due to low expected returns to the Snohomish River.

The Governor's proclamation amendment also includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety. These fishery openings considered that requirement as a basis for the decision to re-open fisheries, but do not incorporate those social distance elements within the regulations themselves. While not imposed in WDFW's fishery rules, they are and remain, a requirement of the Governor's Proclamation. Failure to abide by those social distance requirements could result in increased health risks requiring future fishery closures.

There is insufficient time to adopt permanent rules.

**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 | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:


| | | | | | |
|-----|---|---------|-----|----------|----------|
| New | 1 | Amended | ___ | Repealed | <u>1</u> |
|-----|---|---------|-----|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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 | ___ |

| | |
|-----------------------------------|---|
| Date Adopted: May 22, 2020 | Signature:  |
| Name: Kelly Susewind | |
| Title: Director | |

NEW SECTION

WAC 220-313-06000R Puget Sound salmon—saltwater seasons and daily limits.

Effective May 29 through September 7, 2020, the following provisions of WAC 220-313-060 regarding salmon seasons for the Tulalip Terminal Area shall be as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended, remain in effect:

Catch Record Card Area 8-2:

1. Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point and not including waters east of a line drawn from Mission Point to Hermosa Point:
 - a. Open 12:01 a.m. Friday through 11:59 a.m. Monday each week:
 - i. Daily limit 2.
 - ii. Release coho.
 - iii. Chinook minimum size 22 inches.
 - b. Closed the following time periods: 12:00 p.m. Monday through 12:00 a.m. Friday each week.
2. Waters east of a line from Mission Point to Hermosa Point: Closed.

REPEALERS

The following section of the Washington Administrative Code is repealed:
WAC 220-313-06000R Puget Sound salmon—saltwater seasons and daily limits.