



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: June 17, 2020

TIME: 8:52 AM

WSR 20-13-095

Agency: Department of Fish and Wildlife (Order 20-106)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 20, 2020

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

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this rule is to open ocean recreational salmon seasons in Marine Areas 1-4 in state waters in a manner consistent with federal salmon fishing regulations adopted by the National Marine Fisheries Service in response to actions taken by the Pacific Fishery Management Council (PFMC) to set annual salmon fishery harvest specifications and management measures; this action is intended to achieve regulatory consistency in federal and state waters for the ocean recreational salmon fishery, which operates in both areas.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-313-07000X
- Amended: WAC 220-313-070
- 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: The ocean recreational salmon fishing seasons are developed and considered through the annual Pacific Fishery Management Council (PFMC) process, which coincides with the North of Falcon salmon season setting process and is managed under the Pacific Coast Salmon Fishery Management Plan (FMP). By managing this fishery under the FMP, it is required to be consistent with National Standard Guidelines, which ensure conservation objectives are achieved as well as long-term fishery sustainability, and that the social and economic needs of fishing communities are taken into account.

Because the ocean recreational salmon fishery occurs in Pacific Ocean waters across multiple jurisdictions (states of Washington and Oregon, tribal, and federal), developing and considering ocean recreational salmon season options through PFMC ensures that fishing regulations are developed in a comprehensive, coordinated manner. Having consistent regulations in state and federal waters also promotes compliance with and enforcement of fishing regulations, particularly as anglers often fish in both state and federal waters on the same fishing trip.

While these regulations are being adopted through an emergency rule, the Department is in the process of adopting permanent rules that are consistent with this emergency rule and with the seasons developed by the PFMC. These rules were developed and considered through an extensive open public process, which began in late December 2019, when the PFMC announced the start of the 2020-21 season setting process. The process includes multiple opportunities for public engagement—throughout the course of a three-month process, the public may: submit written comments, provide testimony at the March and/or April PFMC meetings, attend public hearings held in each West Coast state, or provide comment through representation on the PFMC's Salmon Advisory Subpanel.

Following the adoption of these seasons at is April meeting, PFMC formally transmitted these regulations to the National Marine Fisheries Service (NMFS) for consistency determination. This transmittal occurred on April 15, 2020, and the NMFS final rule that opened this fishery was published on May 8, 2020. Given that the NMFS final rule opens recreational salmon fishing off the coast on June 20, and that there is insufficient time for WDFW to adopt consistent permanent regulations by that date, emergency rule is needed to open state waters concurrently with Federal waters.

**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 on the agency's own initiative:

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

Date Adopted: June 17, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-313-07000X Coastal salmon—Saltwater seasons and daily limits.

Effective June 20 through September 30, 2020 the provisions of WAC 220-313-070 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described below. All other provisions of WAC 220-313-070 not addressed herein remain in effect unless otherwise amended:

(1) Catch Record Card Area 1:

- (a) Open June 20, 2020 through June 28, 2020:
 - (i) Daily limit of 1 salmon.
 - (ii) Release all coho.
 - (iii) Chinook minimum length 22 inches.
- (b) Open June 29, 2020 until further notice:
 - (i) Daily limit of 2 salmon; no more than one may be a Chinook.
 - (ii) Release wild coho.
 - (iii) Chinook minimum length 22 inches.
- (c) Closed in the Columbia River Mouth Control Zone 1 during all open periods.
See WAC 220-313-020.

(2) Catch Record Card Area 2:

- (a) Open June 20, 2020 through June 28, 2020:
 - (i) Daily limit of 1 salmon.
 - (ii) Release all coho.
 - (iii) Chinook minimum length 22 inches.
- (b) Open June 29, 2020 until further notice:
 - (i) Open Sundays through Thursdays only (closed Fridays and Saturdays).
 - (ii) Daily limit of 2 salmon; no more than one may be a Chinook.
 - (iii) Release wild coho.
 - (iv) Chinook minimum length 22 inches.
 - (v) Beginning August 10, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone – The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(3) Willapa Bay (Catch Record Card Area 2-1): June 20 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(4) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

- (a) June 20 through August 9: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.
- (b) August 10 until further notice: Closed.

(5) Catch Record Card Area 3:

- (a) Open June 20, 2020 through June 28, 2020:
 - (i) Daily limit of 1 salmon.
 - (ii) Release all coho.
- (b) Open June 29, 2020 until further notice:
 - (i) Daily limit of 2 salmon.

(ii) Release wild coho.

(6) Catch Record Card Area 4:

(a) Waters east of a true north-south line through Sail Rock are closed through July 31.

(b) Open June 20, 2020 through June 28, 2020:

(i) Daily limit of 1 salmon.

(ii) Release all coho.

(c) Open June 29, 2020 until further notice:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) No chinook retention in waters east of the Bonilla-Tatoosh line beginning August 1.

(iv) Release chum salmon beginning August 1.

REPEALER

The following of the Washington Administrative Code is repealed effective October 1, 2020:

WAC 220-313-07000X Coastal salmon—Saltwater seasons and daily limits.

