



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: August 05, 2020

TIME: 8:24 AM

WSR 20-16-146

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Subject of possible rule making:**

The department is considering reorganizing the ocean commercial and recreational salmon fishing regulations. Changes may include moving the ocean salmon control zones and the ocean salmon recreational fishing seasons into rules with new WAC numbers. The department is also considering amending current rules for the ocean salmon troll commercial fishery and the coastal saltwater salmon recreational fishery.

**Statutes authorizing the agency to adopt rules on this subject:**

RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

**Reasons why rules on this subject may be needed and what they might accomplish:**

Reorganizing and updating the department's rules for salmon commercial and recreational fisheries in Pacific Ocean waters would provide consistency with federal fishing regulations adopted by the National Marine Fisheries Service (NMFS) to implement actions taken through the Pacific Fishery Management Council (PFMC) and North of Falcon annual salmon season setting processes.

Given the timing of the: 1) PFMC and North of Falcon processes, 2) subsequent publication of the NMFS rules for ocean salmon fisheries, and 3) scheduled season openers for the ocean salmon commercial and recreational fisheries, WDFW typically opens these fisheries via emergency rule. While the department does not anticipate the timing of these external processes will change, through this proposed rule-making, WDFW would invite public comment on our intent to continue to use the emergency rule process as the means for opening these fisheries.

In addition to setting the annual fishing seasons, there are long-standing provisions and conservation measures for ocean salmon fisheries that are unlikely to change from year-to-year that would benefit from inclusion in WDFW permanent rules. Doing so would promote clarity for fishery participants, stakeholders, and enforcement, and achieve consistency in fishing regulations for state waters (from 0-3 miles offshore) and federal waters (from 3-200 miles offshore).

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

PFMC manages salmon fisheries in Pacific Ocean waters through its Pacific Coast Salmon Fishery Management Plan and annual seasons are set through the PFMC and North of Falcon process, which includes significant opportunity for public involvement. NMFS promulgates regulations to implement PFMC's actions for salmon fisheries in federal waters. Coordination of WDFW rule-making for salmon fisheries in state waters occurs through the PFMC process, which includes NMFS, as well as directly with NMFS West Coast Region staff.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

Name:  
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Additional comments:

**Date:** August 5, 2020

**Name:** Michele K. Culver

**Title:** Agency Rules Coordinator

**Signature:**

