



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: August 05, 2020

TIME: 1:13 PM

WSR 20-17-002

Agency: Department of Fish and Wildlife (Order 20-151)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 8, 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 close ocean recreational salmon seasons in Marine Area 4, in state waters and 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) and following 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- Repealed: WAC 220-313-07000Y; WAC 220-313-07000Z
- 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 purpose of this rule is to close recreational salmon seasons in Catch Record Card Area 4. As of August 2, 2020, Catch Area 4 was at 86% of recreational coho quota. Catch Area 4 is expected to reach its coho quota by the end of the day August 7, 2020; sufficient quota remains for both chinook and coho in catch areas 2 and 3 to remain open, Catch Record Card Area 1 is already closed. These rules are adopted at the recommendation of the Pacific Fisheries Management Council.

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.

The immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

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

New	1	Amended	___	Repealed	<u>2</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: August 5, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective August 8 through September 30, 2020 the provisions of WAC 220-313-070 regarding recreational salmon seasons for Marine Areas 1 and 4 shall be as described below. All other provisions of WAC 220-313-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) **Catch Record Card Area 1:** Closed.
- (2) **Catch Record Card Area 4:** Closed.

REPEALERS

The following section of the Washington Administrative Code is repealed effective August 8, 2020:

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

The following section of the Washington Administrative Code is repealed effective October 1, 2020:

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