



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: September 17, 2020

TIME: 9:50 AM

WSR 20-19-091

Agency: Department of Fish and Wildlife (Order 20-194)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 17, 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 the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2M and 2U on September 17 and delay openings in areas 2N, 2M, 2U and 2T from September 21 and 24 to September 22 and 25 respectively while also changing allowable gear during these two days to tangle net gear with 4.25" maximum mesh size.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-354-25000E; WAC 220-354-25000F
- Amended: WAC 220-354-250
- 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 emergency rule is needed to close the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2M and 2U on September 17 and delay openings in areas 2N, 2M, 2U and 2T from September 21 and 24 to September 22 and 25 respectively while also changing allowable gear during these two days to tangle net gear with 4.25" maximum mesh size.

Due to the weather system this past week, that came in weaker than initially expected producing less rain and the lack of Chinook recruitment to hatchery facilities necessary to meet escapement objectives that are higher than in past years, coupled with the high encounter rate of unmarked Chinook in the commercial fisheries prosecuted so far, The Department has decided to make these additional changes to the upcoming commercial schedule for this week and next.

The impacts of natural origin fall Chinook and coho have been higher than preseason predictions. Based on preseason predictions and uncertainty around run sizes of Chinook and coho in-season, a modification of the commercial fishery is necessary to help ensure that conservation objectives for Chinook and coho are met. For statistical week 37 (September 6 through September 12, 2020), the total impacts predicted preseason for natural origin Chinook was 25 fish and the natural origin coho catch predicted preseason was 114. The estimated impacts for natural origin Chinook and natural origin coho in-season for statistical week 37 is 100 and 180, respectively. This is a 400% increase for Chinook and a 158% increase for coho compared to preseason predictions.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. 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: September 16, 2020	Signature: 
Name: Nate Pamplin for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-354-25000F Willapa Bay salmon fall fishery.

Effective September 17 through September 25, 2020, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except during the times and dates in the Willapa Bay Catch Reporting Areas listed below, using only gear with mesh size listed below. All other provisions of WAC 220-354-250 not addressed herein remain in effect unless otherwise amended by emergency rule:

Fishing periods:

Area	Time	Date(s)	Gear type	Maximum mesh size
2N, 2T	6:00 a.m. through 6:00 p.m.	9/17	Tangle net	4.25"
2N, 2M, 2T, 2U	6:00 a.m. through 6:00 p.m.	9/22, 9/25	Tangle net	4.25"

REPEALERS

The following section of the Washington Administrative Code is repealed effective September 17, 2020:

WAC 220-354-25000E Willapa Bay salmon fall fishery. (20-189)

The following section of the Washington Administrative Code is repealed effective September 26, 2020:

WAC 220-354-25000F Willapa Bay salmon fall fishery. (20-194)