



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: October 09, 2020

TIME: 11:55 AM

WSR 20-21-018

Agency: Department of Fish and Wildlife (Order 20-226)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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 emergency rule is to open coho retention in the Palix River, from the mouth to the confluence of the Middle Fork.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-02000D; WAC 220-312-02000E
 Amended: WAC 220-312-020
 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 open the retention of coho in the Palix River. Other freshwater recreational fisheries within Willapa Bay opened for coho retention October 3, 2020. The Department inadvertently left the Palix River out of that filing (WSR 20-20-084) but intended to open it for coho retention.

The marine fisheries are currently still within the preseason predicted number of unmarked Chinook salmon impacts to attain the conservation objective of a 14% impact rate cap to natural origin Willapa River and Naselle River Chinook salmon. The harvest of coho, both hatchery and natural origin, in the commercial fishery has far exceeded preseason predictions. The Department utilizes a modeling tool to evaluate the runsize of coho in-season that is based on the catch per unit effort (CPUE) of the commercial fisheries. This in-season update model (ISU) has been applied in the last few years and it becomes statistically significant in statistical week 38 (mid-September). The significance improves as more data are added through time. Currently, we are in statistical week 40 (Sept 27-Oct 3, 2020) and the ISU model is predicting a natural origin coho runsize between 47,731 to 56,265 fish. This prediction is much higher than the preseason forecasted runsize of 16,074 natural origin coho. The Department also utilizes a model to plan fisheries preseason, the Willapa Bay Terminal Area Management Model (TAMM). This model will estimate catch, impacts, escapements, and harvest rates for each fishery by species. Adding the predicted coho natural origin runsize from the ISU to the TAMM finalized from our 2020 North of Falcon process, the TAMM model predicts a natural origin coho escapement of 39,487 fish. This is 25,887 fish above the escapement goal of 13,600 for natural origin coho.

Early indications from the ISU and TAMM models suggests the preseason management objectives would still be attained for all three species; Chinook salmon (14% impact rate cap), coho (13,600 natural origin spawners), and chum (10% impact rate cap).

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>2</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: October 9, 2020

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-02000E Freshwater exceptions to statewide rules – Coast.

Effective immediately through January 31, 2020 the following provisions of WAC 220-312-020, regarding salmon seasons for Willapa Bay tributaries shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, remain in effect:

- (1) Bear River – from mouth (Hwy 101 Bridge) to Lime Quarry Road (approx. 2 river miles) – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 1. Release wild Chinook.
- (2) Fork Creek – from Forks Creek Hatchery rack upstream 500' at fishing boundary sign – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.
- (3) Naselle River – from the Hwy 101 Bridge to the Hwy 4 Bridge – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.
- (4) Naselle River – from the Hwy 4 Bridge to the Crown Mainline (Salme) Bridge – Open to salmon immediately through January 31, 2021. Min. size 12". Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.
- (5) Nemah River, Middle – from mouth upstream to the Department of Natural Resources decommissioned bridge on Middle Nemah A-Line Rd. – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 1. Release Chinook.
- (6) Nemah River, North – from Hwy 101 Bridge upstream to bridge on Nemah Valley Road – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 1. Release Chinook.
- (7) Nemah River, North – from Nemah Hatchery barrier dam to N700 Rd (46° 28.58N, 123°48.54W) – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 1. Release Chinook.
- (8) Nemah River, South – from mouth (Lynn Point 117° true to opposite shore) upstream – Open for salmon immediately through January 31, 2021. Min. size 12". Daily limit 1. Release Chinook. 9. North River – from the Hwy 105 Bridge to Fall River – Open for salmon October 3, 2020 through January 31, 2021. Min. size 12". Daily limit 1. Release wild Chinook.

- (9) Palix River – from Hwy. 101 Bridge to the mouth of the Middle Fork – Open for salmon immediately through January 31, 2021. Min. size 12”. Daily limit 1. Release wild Chinook. Single point barbless hooks required. Night closure.
- (10) Smith Creek – from mouth to Hwy 101 Bridge – Open for salmon immediately through December 31, 2020. Min. size 12”. Daily limit 1. Release wild Chinook.
- (11) Willapa River – from mouth (City of South Bend boat launch) to Hwy 6 Bridge (near the town of Lebam) – Open for salmon immediately through January 31, 2021. Min. size 12”. Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.
- (12) Willapa River, South Fork – from mouth to 400’ downstream of falls/fish ladder in Sec. 6 T13N R8W – Open for salmon immediately through January 31, 2021. Min. size 12”. Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.
- (13) Willapa River, South Fork – from falls/fish ladder in Sec. 6 T13N R8W to Pehl Rd. Bridge – Open for salmon immediately through January 31, 2021. Min. size 12”. Daily limit 3. Only 1 may be a wild coho. Release wild Chinook.

REPEALERS

The following section of the Washington Administrative Code is repealed, effective immediately:

WAC 220-312-02000D Freshwater exceptions to statewide rules – Coast.

The following section of the Washington Administrative Code is repealed, effective February 1, 2021:

WAC 220-312-02000E Freshwater exceptions to statewide rules – Coast. (20-217)