



# 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 15, 2021

TIME: 5:59 PM

WSR 21-13-080

**Agency:** Department of Fish and Wildlife (Order 21-90)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) June 19, 2021

**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 summer coastal recreational salmon seasons.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-313-075
- 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 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.

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 seasons described in these rules were developed and considered through an extensive open public process, which began in late December 2020. 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 April PFMC meeting, which is when these seasons were adopted, PFMC formally transmits these regulations to the National Marine Fisheries Service (NMFS) for consistency determination. This transmittal typically occurred on April 22, 2021, for fishing seasons that were scheduled to open on May 16th. State regulations can be more, but not less, restrictive than federal regulations. Therefore, the ocean recreational salmon fishery remains closed and the state's annual rulemaking process is delayed until such time the federal regulations are in effect. Given that the NMFS final rule that opened this fishery was published on May 14, 2021, there was insufficient time for WDFW to adopt consistent regulations through the permanent rulemaking process.

**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	___
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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 15, 2021

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**Name:** Kelly Susewind

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**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-313-07500A Pacific Ocean Salmon-Seasons-Closed Areas.**

Effective June 19 through September 15, 2021 the provisions of WAC 220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described below. All other provisions of WAC 220-313-075 not addressed herein remain in effect unless otherwise amended:

#### **(1) Catch Record Card Area 1:**

- (a) Open June 19, 2021 through June 26, 2021:
  - (i) Daily limit of 1 salmon.
  - (ii) Release all coho.
  - (iii) Chinook minimum length 22 inches.
- (b) Open June 27, 2021 through September 15, 2021:
  - (i) Daily limit of 2 salmon; no more than one may be a Chinook.
  - (ii) Release wild coho.
  - (iii) Chinook minimum length 22 inches.
  - (iv) Coho minimum length 16 inches.

#### **(2) Catch Record Card Area 2:**

- (a) Open June 19, 2021 through June 26, 2021:
  - (i) Daily limit of 1 salmon.
  - (ii) Release all coho.
  - (iii) Chinook minimum length 22 inches.
- (b) Open June 27, 2021 through September 15, 2021:
  - (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) Coho minimum length 16 inches.
  - (vi) June 19, 2021 through August 8, 2021 the Grays Harbor Control Zone is open. See WAC 220-306-040

#### **(5) Catch Record Card Area 3:**

- (a) Open June 19, 2021 through July 3, 2021:
  - (i) Daily limit of 2 salmon.
  - (ii) Release all coho.
  - (iii) Chinook minimum length 24 inches.
- (b) Open July 4, 2021 until through September 15, 2021:
  - (i) Daily limit of 2 salmon.
  - (ii) Release wild coho.
  - (iii) Chinook minimum length 24 inches.
  - (iv) Coho minimum length 16 inches.

#### **(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 19, 2021 through July 3, 2021:
  - (i) Daily limit of 1 salmon.
  - (ii) Release all coho.
  - (iii) Chinook minimum length 24 inches.

- (c) Open July 4, 2021 through September 15, 2021:
- (i) Daily limit of 2 salmon.
  - (ii) Release wild coho.
  - (iii) Chinook minimum length 24 inches.
  - (iv) Coho minimum length 16 inches.
  - (v) No chinook retention in waters east of the Bonilla-Tatoosh line beginning August 1.
  - (vi) Release chum salmon beginning August 1.