



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 12, 2021

TIME: 5:14 PM

WSR 21-17-083

Agency: Department of Fish and Wildlife (Order 21-148)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 13, 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 open additional salmon harvest opportunities in the East Elliott Bay salmon fishery and to return the Tulalip Terminal Area in Marine Area 8-2 to permanent rules.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-313-06000G
 Amended: WAC 220-313-060
 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 necessary to open additional recreational salmon harvest opportunities in Marine Area 10 and to return the Tulalip Terminal Area in Marine Area 8-2 salmon fishery to permanent rules.

The East Elliott Bay fishery is being opened because in-season updates (ISU) indicate that higher than expected returns will allow for an additional weekend of fishing opportunity in Elliot Bay.

The Tulalip Terminal Area salmon fishery is being reopened because a sufficient number of Chinook have reached the Snohomish River hatcheries, satisfying broodstock goals enough to allow fishing to resume in the Tulalip Terminal Area.

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 1

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: August 12, 2021

Name: Kelly Susewind

Title: Director

Signature:



ORDER 21-149

NEW SECTION

WAC 220-313-06000K Puget Sound salmon—saltwater seasons and daily limits.

Effective August 13 through 11:59 AM, August 16, 2021, the following provisions of WAC 220-313-060 regarding salmon seasons for the section of Marine Area 10 known as the East Elliott Bay fishery, as defined herein shall be as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Catch Record Card Area 10; East Elliott Bay:

- (a) East Elliott Bay is defined as: Water of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways).
- (b) Salmon:
 - (i) Daily limit 2 salmon.
 - (ii) Release chum.

REPEALER

The following section of Washington Administrative Code is repealed, effective August 13, 2021:

WAC 220-313-06000G Puget Sound salmon—saltwater seasons and daily limits. (21-122)

Reasons for finding: This emergency rule is necessary to open additional recreational salmon harvest opportunities in Marine Areas 10 and to return the Tulalip Terminal Area in Marine Area 8-2 salmon fishery to permanent rules.

The East Elliott Bay fishery is being opened because in-season updates (ISU) indicate that higher than expected returns will allow for an additional weekend of fishing opportunity in Elliot Bay.

The Tulalip Terminal Area salmon fishery is being reopened because a sufficient number of Chinook have reached the Snohomish River hatcheries, satisfying broodstock goals enough to allow fishing to resume in the Tulalip Terminal Area.

There is insufficient time to adopt permanent rules. **(21-148, 8/12/2021)**

