



# 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 09, 2021

TIME: 5:02 PM

WSR 21-19-035

**Agency:** Department of Fish and Wildlife (Order-185 )

**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 rule is to close the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2N on September 12, Areas 2N and 2M on September 14, and Areas 2N, 2T, and 2U on September 18, 2021.

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

- New:
- Repealed:
- 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 2N on September 12, 2021, Areas 2N and 2M on September 14, 2021, and Areas 2N, 2T, and 2U on September 18, 2021. The impacts of natural origin fall Chinook have been higher than preseason predictions. Based on preseason predictions and uncertainty around run sizes of Chinook in-season, a modification of the commercial fishery is necessary to help ensure that conservation objectives for Chinook are met. All other rules remain in effect.

For statistical week 36, the total impacts predicted preseason for natural origin Chinook was 24 fish. The estimated impacts for natural origin Chinook in-season for statistical week 36 was 39 fish. This is 163% of the pre-season prediction.

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	___
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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 9, 2021

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-354-25000A Willapa Bay salmon fall fishery.**

Notwithstanding the provisions of WAC 220-354-250, the following rules apply. All other provisions of WAC 220-354-250, not contained herein remain in effect unless otherwise altered by emergency rule:

<u>Areas</u>	<u>Date</u>	<u>Closed periods</u>
2N	September 12, 2021	Closed
2N, 2M	September 14, 2021	Closed
2N, 2T, 2U	September 18, 2021	Closed