



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 20, 2021

TIME: 4:18 PM

WSR 21-19-121

Agency: Department of Fish and Wildlife (Order-204)

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 2U on September 21, 2021 and to modify the commercial fishing gear for all areas during this week from September 21 – 25, 2021..

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-354-25000A
- 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 modify the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2U on September 21, 2021 and Areas 2N, 2M, 2T, and 2U on September 21, 22, 24, and 25, 2021.

For statistical week 38 (September 12 – 18, 2021), the total impacts predicted preseason for natural origin Chinook was 50 fish. The estimated impacts for natural origin Chinook in-season for statistical week 38 was 64 fish. This is 128% of the pre-season prediction for week 38.

The cumulative total impacts predicted preseason for natural origin Chinook was 136 fish for statistical weeks 34 - 38. The estimated impacts for natural origin Chinook in-season to-date are 188 fish. This is 138 % of the preseason prediction for the season total.

The impacts of natural origin fall Chinook have been higher than preseason predictions. The purpose of this modification is to reduce the number of natural origin Chinook impacts in the commercial fishery to preserve coho opportunity with the limited remaining Chinook impacts available. 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.

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	1
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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 20, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through September 25, 2021, the provisions of WAC 220-354-250 describing commercial gill net open periods and allowable mesh sizes in Willapa Bay shall be as follows. 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>
2U	9/21/2021	Closed

<u>Areas</u>	<u>Time</u>	<u>Date(s)</u>	<u>Maximum Mesh Size</u>
2N, 2M, 2T	7:00 a.m. through 7 p.m.	9/21	4.25"
2N, 2R, 2T, 2U	7:00 a.m. through 7 p.m.	9/22	4.25"
2N, 2M, 2T, 2U	7:00 a.m. through 7 p.m.	9/24	4.25"
2N, 2T	7:00 a.m. through 7 p.m.	9/25	4.25"

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-354-25000A Willapa Bay salmon fall fishery. (21-185)