



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: May 19, 2023

TIME: 10:28 AM

WSR 23-11-100

Agency: Washington Stated Department of Fish and Wildlife (WDFW) (P2023-12)

Subject of possible rule making: Revising the WACs for the Emerging Commercial Fishery in the lower Columbia River.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.65.400; RCW.77.70.160

Reasons why rules on this subject may be needed and what they might accomplish: The agency designated an Emerging Commercial Fishery in the lower Columbia River in November of 2022 to test the commercial viability of seines and pound nets, which are currently prohibited gear types in the Washington portion of the Columbia River via RCW.77.50.030. Since completing the WACs governing this fishery, a few revisions are needed on the timing of the application process and securing gear. The Emerging Commercial Fishery allows these gears to be used commercially to harvest salmon, while gathering information to present to the Washington legislature when it is time for the legislature to decide whether to legalize the additional gears, and ensuring the fishery application logistics are sound is key to a successful emerging commercial fishery.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: This rule would support the US v Oregon Managment Agreement which defines the portion of allowable impacts on species listed under the Federal Endangered Species Act attributable to non-treaty fisheries. Based on this Agreement, Washington and Oregon decide how those impacts are allocated within the commercial and recreational fishing sectors. Thus, we plan to share our progress on this rulemaking with the parties to the US v Oregon case, including the state of Oregon.

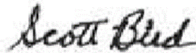
Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments: Assistance for Additional Accessibility and Persons with Disabilities Contact:
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Date: 5/18/2023	Signature: 
Name: Scott Bird	
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