



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 04, 2023

TIME: 4:16 PM

WSR 23-17-016

Agency: Department of Fish and Wildlife (Order 23-151)

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 correct/clarify West Elliott Bay salmon seasons and allows chum retention in Catch Record Card Area 10 during the month of October as agreed during the 2023 North of Falcon season setting process and listed in the List of Agreed to Fisheries.

Citation of rules affected by this order:

New:
Repealed: WAC 220-313-06000D
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 correct WSR 23-17-006, filed August 3, 2023. WSR 23-17-006 inadvertently opened salmon fishing in West Elliott Bay, which should remain closed as agreed to in the List of Agreed to Fisheries. This correction makes clear that West Elliott Bay is closed until August 18, 2023, when it will open salmon seasons with a reduced daily coho limit. This rule also carries forward salmon rules set in WSR 23-17-006 for Catch Record Card Area 10. Those rules close Chinook retention and lower the hatchery coho portion of the daily limit.

The current estimate of Chinook sublegal encounters for the summer fishery is 9,471 of 7,748 total sublegal encounters (122%) agreed to in this year's List of Agreed Fisheries (LOAF). Therefore, WDFW will close the fishery to Chinook retention.

Additionally, the current estimate of Coho catch for the month of July is 11,665 coho. The preseason expected catch of coho in the month of July was 4,810 coho, almost 250% above the expected catch. The retention limit for Coho is being reduced to minimize impacts on coho stocks of concern.

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: August 4, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through October 31, 2023, salmon rules for Catch Record Card Area 10 shall be modified as described herein. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Catch Record Card Area 10, except; West Elliott Bay (waters of Elliott Bay east of a line from West Point to Alki Point and east of a line from Duwamish Head to Pier 91), East Elliott Bay (waters of Elliott Bay east of a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island), Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier:

- (a) Effective immediately, through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.
- (b) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

(2) East Elliott Bay (waters of Elliott Bay east of a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island) except Seacrest Pier:

- (a) Effective August 18 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.
- (b) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

(3) West Elliott Bay (waters of Elliott Bay east of a line from West Point to Alki Point and west of a line from Duwamish Head to Pier 91):

- (a) Effective August 18 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.
- (b) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

REPEALER

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

WAC 220-313-06000D Puget Sound salmon—saltwater seasons and daily limits. (23-149)