



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 10, 2023

TIME: 1:18 PM

WSR 23-17-053

Agency: Department of Fish and Wildlife (Order 23-160)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) August 11, 2023

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 salmon seasons in Catch Record Card Area 10.

Citation of rules affected by this order:

New:
Repealed: WAC 220-313-06000E
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: The Marine Area 10 summer Chinook fishery was closed on August 4th after estimates of sublegal encounters reached 122% (9,471 of 7,748) of the limit agreed to in this year's List of Agreed Fisheries (LOAF). Additional test fishing during the first week of August leading up to the closure indicated there was a push of legal-sized marked (LM) fish that moved into the area, which dropped the estimate of sublegal encounters to 75%. This provides room for additional days of Chinook retention in Marine Area 10.

For East Elliot Bay, in season information indicates that the expected return is large enough to support an additional weekend of fishing.

For Sinclair Inlet, the fishery will reopen with the reopening of Marine Area 10 after assessing potential enforcement issues that could have arisen with the closure of Marine Area 10 to Chinook retention.

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 10, 2023
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Effective August 11 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), Year-round piers (Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier), and Sinclair Inlet:**
 - (a) Effective August 11 through August 13, 2023: Salmon daily limit 2 including no more than 1 hatchery Chinook and no more than 1 coho. Release wild Chinook and chum.
 - (b) Effective August 14 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.
 - (c) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

- (2) Sinclair Inlet (waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line drawn true west from Battle Point, and west of a line drawn true south from Point White):**
 - (a) Effective August 11 through September 30, 2023: Salmon daily limit 3 including no more than 1 coho. Release wild Chinook and chum.
 - (b) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

- (3) 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 11 through 11:59 a.m. August 14, 2023: Salmon daily limit 2 including no more than 1 hatchery Chinook and no more than 1 coho. Release wild Chinook and chum.
 - (b) Effective 12:00 p.m. August 14 through August 17, 2023: Salmon closed.
 - (c) Effective August 18 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.
 - (d) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

- (4) 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 August 11, 2023:

WAC 220-313-06000E Puget Sound salmon—saltwater seasons and daily limits.
(23-151)