



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 15, 2023

TIME: 3:20 PM

WSR 23-17-090

Agency: Department of Fish and Wildlife (Order 23-166)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 20, 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 modify commercial salmon seasons in Willapa Bay areas 2M and 2R on August 20 and August 25, 2023.

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 Repealed: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 open the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2M and 2R on August 20, 2023, and close Commercial salmon areas 2M and 2R on August 25, 2023. There was an error in the original filing, and the emergency rule is needed to align the preseason Willapa Bay TAMM model with the commercial schedule. Managers will continue to assess the fishery each opener and make any changes if warranted. 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 rule.

**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 ___

The number of sections adopted on the agency’s own initiative:

 New 1 Amended ___ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

 New ___ Amended ___ Repealed ___

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 15, 2023

Name: Kelly Susewind

Title: Director

Signature:

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-250, the following seasons for Willapa Bay commercial salmon areas 2M and 2R on August 20 and August 25, 2023, shall be modified as stated herein. All other provisions of WAC 220-354-250, not contained herein remain in effect unless otherwise altered by emergency rule:

Gillnet gear may used to fish for coho salmon, chum salmon, and Chinook salmon for dates and times listed in the table below:

Area	Time	Date	Maximum Mesh Size
2M, 2R	6:00 a.m. through 6:00 p.m.	August 20, 2023	4.25"
2M, 2R	CLOSED	August 25, 2023	