



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 06, 2023

TIME: 2:17 PM

WSR 23-19-001

Agency: Department of Fish and Wildlife (Order No. 23-191)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 7, 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 rule is to open the commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2N, 2M and 2R on September 7, 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- Repealed: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 2N, 2R, and 2M on September 7, 2023. The catch for the 2023 Willapa Bay commercial fishery is lower than preseason predictions. The catch to-date is 734 hatchery Chinook (37.8%) and 18 coho (48.6%) of the preseason projection of 1,943 hatchery Chinook and 37 coho in statistical weeks 34 and 35. The estimated preseason impacts for natural-origin Chinook for statistical weeks 34 and 35 were 69 fish. To-date, the fishery has accrued 28 (40.5%) natural-origin Chinook impacts of the preseason prediction for these same weeks. Given the availability of hatchery Chinook and hatchery coho and remaining natural-origin Chinook impacts available during this week, additional fishing time is being offered. The commercial fishing opportunity for statistical week 36 will be increased from no days to one-8-hour fishing day using tangle net gear. 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 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	___
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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 6, 2023

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-250, the following seasons for Willapa Bay commercial salmon areas 2N, 2M, and 2R on September 7, 2023, shall be modified as described herein. All other provisions of WAC 220-354-250, not contained herein remain in effect unless otherwise altered by emergency rule:

Gillnet gear may be used to fish for coho salmon, chum salmon, and hatchery Chinook salmon marked with a clipped adipose fin with a healed scar, during dates and times, and in areas listed in the table below:

Area	Time	Date	Maximum Mesh Size
2N, 2M, 2R	8:00 a.m. through 4:00 p.m.	September 7, 2023	4.25"