



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 19, 2024

TIME: 2:25 PM

WSR 24-20-010

Agency: Department of Fish and Wildlife (Order 24-198)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 20, 2024

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 commercial salmon fishing in Willapa Bay Salmon Management and Catch Reporting Area 2M and to switch commercial fishing gear to small mesh gillnet (maximum 6.5") in Willapa Bay Salmon Management and Catch Reporting Area 2U, both on September 20, 2024.

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- Repealed: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 Area 2M and change mesh size in Area 2U on September 20, 2024. The catch for the Willapa Bay commercial fishery for both Chinook and coho has been lower than preseason predictions. The estimated preseason impacts for natural origin (NOR) Chinook for statistical weeks 38 are 118 fish. To-date in statistical week 38, the fishery has accrued 38 NOR Chinook impacts. In total, the fishery has accrued 114 NOR Chinook impacts, or 27.8%, of the preseason prediction for weeks 33 – 38 combined.

The total catch for Willapa Bay commercial coho is 4,507 to-date, or 17.3%, of the preseason prediction through statistical week 38. Of those, only 5.4% are natural origin coho. Opening 2M for one 12-hour fishery would allow for approximately 440 additional hatchery coho to be caught in the commercial fishery, while minimizing impacts to NOR Chinook and NOR coho. 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 19, 2024	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-250, the following seasons for Willapa Bay commercial salmon area 2U and 2M on September 20, 2024, 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 adipose clipped 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
2U	7:00 a.m. through 7:00 p.m.	September 20, 2024	6.5"
2M	7:00 a.m. through 7:00 p.m.	September 20, 2024	6.5"