

**WSR 23-12-099
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-91—Filed June 7, 2023, 8:21 a.m., effective June 17, 2023]

Effective Date of Rule: June 17, 2023.

Purpose: The purpose of this emergency rule is to set 2023 coastal recreational salmon seasons.

Citation of Rules Affected by this Order: Amending WAC 220-313-075.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: The purpose of this rule is to open ocean recreational salmon seasons in Marine Areas 1 through 4 in state waters in a manner consistent with federal salmon fishing regulations adopted by the National Marine Fisheries Service (NMFS) in response to actions taken by the Pacific Fishery Management Council (PFMC) to set annual salmon fishery harvest specifications and management measures; this action is intended to achieve regulatory consistency in federal and state waters for the ocean recreational salmon fishery, which operates in both areas.

The ocean recreational salmon fishing seasons are developed and considered through the annual PFMC process, which coincides with the North of Falcon salmon season setting process and is managed under the Pacific Coast Salmon Fishery Management Plan (FMP). By managing this fishery under the FMP, it is required to be consistent with national standard guidelines, which ensure conservation objectives are achieved as well as long-term fishery sustainability, and that the social and economic needs of fishing communities are taken into account.

Because the ocean recreational salmon fishery occurs in Pacific Ocean waters across multiple jurisdictions (states of Washington and Oregon, tribal, and federal), developing and considering ocean recreational salmon season options through PFMC ensures that fishing regulations are developed in a comprehensive, coordinated manner. Having consistent regulations in state and federal waters also promotes compliance with and enforcement of fishing regulations, particularly as anglers often fish in both state and federal waters on the same fishing trip.

While these regulations are being adopted through an emergency rule, the seasons described in these rules were developed and considered through an extensive open public process, which began early in 2023. The process includes multiple opportunities for public engagement; throughout the course of a three-month process the public may: Submit written comments, provide testimony at the March and/or April PFMC meetings, attend public hearings held in each west coast state, or provide comment through representation on the PFMC's salmon advisory subpanel.

Following the April PFMC meeting, when these seasons were adopted, PFMC formally transmitted these regulations to NMFS for consistency determination. This transmittal occurred on April 18, 2023, and

the NMFS final rule that opened this fishery was published on May 11, 2023. There was insufficient time for the Washington department of fish and wildlife to adopt consistent regulations through the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 6, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07500G Pacific Ocean Salmon—Seasons—Closed areas.

Effective June 17, through October 7, 2023, the provisions of WAC 220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described below. All other provisions of WAC 220-313-075 not addressed herein remain in effect unless otherwise amended:

(1) **Catch Record Card Area 1:** Open June 24, through September 30, 2023:

- (a) Daily limit of 2 salmon; no more than one may be a Chinook.
- (b) Release wild coho.
- (c) Chinook minimum length 22 inches.
- (d) Coho minimum length 16 inches.

(2) **Catch Record Card Area 2:** Open June 24 through September 30, 2023:

- (a) Daily limit of 2 salmon; no more than one may be a Chinook.
- (b) Release wild coho.
- (c) Chinook minimum length 22 inches.
- (d) Coho minimum length 16 inches.

(e) June 24, through September 30, 2023, the Grays Harbor Control Zone is open. See WAC 220-306-040.

(3) **Catch Record Card Area 3:**

(a) Open June 17, through September 30, 2023:

- (i) Daily limit of 2 salmon; no more than one may be a Chinook.
- (ii) Release wild coho.
- (iii) Chinook minimum length 24 inches.
- (iv) Coho minimum length 16 inches.
- (v) Release chum beginning August 1.

(b) Open October 3 through October 7, 2023, only in the area north of 47°50'00 N. lat. and south of 48°00'00"N. lat.:

- (i) Daily limit 1 Chinook salmon only.

(ii) Release all salmon except Chinook.

(iii) Chinook minimum length 24 inches.

(4) **Catch Record Card Area 4:**

(a) Open June 17, through September 30, 2023:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(iii) Chinook minimum length 24 inches.

(iv) Coho minimum length 16 inches.

(v) No chinook retention in waters east of the Bonilla-Tatoosh line beginning August 1.

(vi) Release chum salmon beginning August 1.

(b) Waters east of a true north-south line through Sail Rock are closed through July 31.

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.