

**WSR 23-17-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-151—Filed August 4, 2023, 4:16 p.m., effective August 4, 2023, 4:16 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule is to correct/clarify West Elliott Bay salmon seasons and allow chum retention in Catch Record Card Area 10 during the month of October as agreed [to] during the 2023 North of Falcon season setting process and listed in the list of agreed-to fisheries (LOAF).

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000D; and amending WAC 220-313-060.

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: This emergency rule is necessary correct WSR 23-17-006, filed August 3, 2023. WSR 23-17-006 inadvertently opened salmon fishing in West Elliott Bay, which should remain closed as agreed to in LOAF. This correction makes clear that West Elliott Bay is closed until August 18, 2023, when it will open salmon seasons with a reduced daily coho limit. This rule also carries forward salmon rules set in WSR 23-17-006 for Catch Record Card Area 10. Those rules close Chinook retention and lower the hatchery coho portion of the daily limit.

The current estimate of Chinook sublegal encounters for the summer fishery is 9,471 of 7,748 total sublegal encounters (122 percent) agreed to in this year's LOAF. Therefore, the Washington fish and wildlife department will close the fishery to Chinook retention.

Additionally, the current estimate of coho catch for the month of July is 11,665. The preseason expected catch of coho in the month of July was 4,810, almost 250 percent above the expected catch. The retention limit for coho is being reduced to minimize impacts on coho stocks of concern.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 1.

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: August 4, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000E Puget Sound salmon—Saltwater seasons and daily limits. Effective immediately, 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), Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier:

(a) Effective immediately, 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.

(2) 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 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.

(3) 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 immediately:

WAC 220-313-06000D Puget Sound salmon—Saltwater seasons and daily limits. (23-149)