

**WSR 21-19-121
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order [21]-204—Filed September 20, 2021, 4:18 p.m., effective September 20, 2021, 4:18 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule is to close the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2U on September 21, 2021, and to modify the commercial fishing gear for all areas during this week from September 21 - 25, 2021.

Citation of Rules Affected by this Order: Repealing WAC 220-354-25000A; and amending WAC 220-354-250.

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 needed to modify the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Area 2U on September 21, 2021, and Areas 2N, 2M, 2T, and 2U on September 21, 22, 24, and 25, 2021.

For statistical week 38 (September 12 - 18, 2021), the total impacts predicted preseason for natural origin Chinook was 50 fish. The estimated impacts for natural origin Chinook in-season for statistical week 38 was 64 fish. This is 128 percent of the preseason prediction for week 38.

The cumulative total impacts predicted preseason for natural origin Chinook was 136 fish for statistical weeks 34 - 38. The estimated impacts for natural origin Chinook in-season to-date are 188 fish. This is 138 percent of the preseason prediction for the season total.

The impacts of natural origin fall Chinook have been higher than preseason predictions. The purpose of this modification is to reduce the number of natural origin Chinook impacts in the commercial fishery to preserve coho opportunity with the limited remaining Chinook impacts available. Based on preseason predictions and uncertainty around run sizes of Chinook in-season, a modification of the commercial fishery is necessary to help ensure that conservation objectives for Chinook are met. All other rules remain in effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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: September 20, 2021.

Kelly Susewind

NEW SECTION

WAC 220-354-25000B Willapa Bay salmon fall fishery. Effective immediately, through September 25, 2021, the provisions of WAC 220-354-250 describing commercial gill net open periods and allowable mesh sizes in Willapa Bay shall be as follows. All other provisions of WAC 220-354-250, not contained herein remain in effect unless otherwise altered by emergency rule:

Areas	Date	Closed periods	
2U	9/21/2021	Closed	
Areas	Time	Date(s)	Maximum Mesh Size
2N, 2M, 2T	7:00 a.m. through 7 p.m.	9/21	4.25"
2N, 2R, 2T, 2U	7:00 a.m. through 7 p.m.	9/22	4.25"
2N, 2M, 2T, 2U	7:00 a.m. through 7 p.m.	9/24	4.25"
2N, 2T	7:00 a.m. through 7 p.m.	9/25	4.25"

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REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-354-25000A Willapa Bay salmon fall fishery.
(21-185)