

WSR 23-17-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-155—Filed August 8, 2023, 5:20 p.m., effective August 9, 2023]

Effective Date of Rule: August 9, 2023.

Purpose: The purpose of this emergency rule is to open salmon seasons in Catch Record Card Area [11] and to open the area surrounding the Dash Point Pier to food fish and shellfish harvest.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000Y; and amending WAC 220-313-060 and 220-311-020.

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 to open salmon seasons in Catch Record Card Area 11 and to open food fish and shellfish harvest in the area surrounding Dash Point Pier.

The Catch Record Card Area 11 summer fishery was closed on July 15 due to high sublegal encounters of Chinook salmon. The Washington department of fish and wildlife (WDFW) fishery managers have been working to assess the remaining impacts agreed to in this year's list of agreed fisheries (LOAF) to reopen for coho and pink opportunities with minimal Chinook impacts. Opening for shore-based fishing in August allows for opportunity to harvest coho and pink salmon, with negligible effect on Chinook, thus meeting conservation goals for this fishery. Nonretention Chinook impacts in September were built into the Area 11 fishery during preseason planning, allowing the area to reopen fishing salmon from a vessel in September.

The City of Tacoma has closed the Dash Point Pier due to structural concerns. Due to the pier being closed it is no longer necessary to close the surrounding waters as a measure to prevent gear conflicts between pier and boat or shore fishers. Opening the surrounding area will provide publicly accessible opportunity that would otherwise be lost.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 2, 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 8, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000F Puget Sound salmon—Saltwater seasons and daily limits. Effective August 9 through September 30, 2023, the following provisions of WAC 220-313-060 regarding salmon seasons for Catch Record Card Area 11, except year-round piers, shall be modified as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Catch Record Card Area 11, except year-round piers (Des Moines Pier, Les Davis Pier, Point Defiance Boathouse Dock):

- (a) Effective August 9 through August 31:
 - (i) Salmon daily limit 2. Release Chinook and chum.
 - (ii) Angling for salmon from a floating device, other than a dock or pier that is attached to shore, is prohibited.
- (b) Effective September 1 through September 30: Salmon daily limit 2. Release Chinook and chum.

NEW SECTION

WAC 220-311-02000C Puget Sound public fishing piers—Restricted fishing areas. Effective August 9, 2023, until further notice, the following provisions of WAC 220-311-020 regarding fishing for food fish and shellfish within 100 yards of the Dash Point public fishing pier shall be as described below. All other provisions of WAC 220-211-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

It is permissible fish for and possess food fish and shellfish taken within 100 yards of the Dash Point public fishing pier. Food fish anglers and shellfish harvesters are subject to rules applicable to Catch Record Card Area 11.

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.

REPEALER

The following section of Washington Administrative Code is repealed, effective August 9, 2023:

WAC 220-313-06000Y Puget Sound salmon—Saltwater seasons and daily limits. (23-126)