

**WSR 23-17-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-160—Filed August 10, 2023, 1:18 p.m., effective August 11, 2023]

Effective Date of Rule: August 11, 2023.

Purpose: The purpose of this emergency rule is to open salmon seasons in Catch Record Card Area 10.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000E; 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: The Marine Area 10 summer Chinook fishery was closed on August 4 after estimates of sublegal encounters reached 122 percent (9,471 of 7,748) of the limit agreed to in this year's list of agreed fisheries. Additional test fishing during the first week of August leading up to the closure indicated there was a push of legal-sized marked fish that moved into the area, which dropped the estimate of sublegal encounters to 75 percent. This provides room for additional days of Chinook retention in Marine Area 10.

For East Elliot Bay, in-season information indicates that the expected return is large enough to support an additional weekend of fishing.

For Sinclair Inlet, the fishery will reopen with the reopening of Marine Area 10 after assessing potential enforcement issues that could have arisen with the closure of Marine Area 10 to Chinook retention.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 10, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000G Puget Sound salmon—Saltwater seasons and daily limits. Effective August 11 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), Year-round piers (Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier), and Sinclair Inlet:

(a) Effective August 11 through August 13, 2023: Salmon daily limit 2 including no more than 1 hatchery Chinook and no more than 1 coho. Release wild Chinook and chum.

(b) Effective August 14 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.

(c) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

(2) Sinclair Inlet (waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line drawn true west from Battle Point, and west of a line drawn true south from Point White):

(a) Effective August 11 through September 30, 2023: Salmon daily limit 3 including no more than 1 coho. Release wild Chinook and chum.

(b) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

(3) 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 11 through 11:59 a.m. August 14, 2023: Salmon daily limit 2 including no more than 1 hatchery Chinook and no more than 1 coho. Release wild Chinook and chum.

(b) Effective 12:00 p.m. August 14 through August 17, 2023: Salmon closed.

(c) Effective August 18 through September 30, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook, chum.

(d) Effective October 1 through October 31, 2023: Salmon daily limit 2 including no more than 1 coho. Release Chinook.

(4) 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 August 11, 2023:

WAC 220-313-06000E Puget Sound salmon—Saltwater seasons
and daily limits. (23-151)