

**WSR 23-19-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-191—Filed September 6, 2023, 2:17 p.m., effective September 7, 2023]

Effective Date of Rule: September 7, 2023.

Purpose: The purpose of this rule is to open the commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2N, 2M, and 2R on September 7, 2023.

Citation of Rules Affected by this Order: 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 open the commercial fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2N, 2R, and 2M on September 7, 2023. The catch for the 2023 Willapa Bay commercial fishery is lower than preseason predictions. The catch to date is 734 hatchery Chinook (37.8 percent) and 18 coho (48.6 percent) of the preseason projection of 1,943 hatchery Chinook and 37 coho in statistical weeks 34 and 35. The estimated preseason impacts for natural-origin Chinook for statistical weeks 34 and 35 were 69 fish. To date, the fishery has accrued 28 (40.5 percent) natural-origin Chinook impacts of the preseason prediction for these same weeks. Given the availability of hatchery Chinook and hatchery coho and remaining natural-origin Chinook impacts available during this week, additional fishing time is being offered. The commercial fishing opportunity for statistical week 36 will be increased from no days to one eight-hour fishing day using tangle net gear. Managers will continue to assess the fishery each opener and make any changes if warranted. All other rules remain in effect.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.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: September 6, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-25000H Willapa Bay salmon fall fishery. Notwithstanding the provisions of WAC 220-354-250, the following seasons for Willapa Bay commercial salmon areas 2N, 2M, and 2R on September 7, 2023, shall be modified as described herein. All other provisions of WAC 220-354-250, not contained herein remain in effect unless otherwise altered by emergency rule:

Gillnet gear may be used to fish for coho salmon, chum salmon, and hatchery Chinook salmon marked with a clipped adipose fin with a healed scar, during dates and times, and in areas listed in the table below:

Area	Time	Date	Maximum Mesh Size
2N, 2M, 2R	8:00 a.m. through 4:00 p.m.	September 7, 2023	4.25"

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