

WSR 22-16-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-145—Filed July 21, 2022, 9:15 a.m., effective July 24, 2022]

Effective Date of Rule: July 24, 2022.

Purpose: The purpose of this emergency rule is to return salmon seasons in Catch Record Card Area 5 to open seven days per week and restrict the number of days per week that salmon fishing is open in a portion of Catch Record Card Area 6.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000A; 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 5 Chinook fishery was changed to open on even numbered days only on July 5. Since that time, the fishery has reached 40 percent of the total legal encounters limit (7,342) agreed to in this year's list of agreed fisheries. Catch has slowed in Marine Area 5 after high catch during the opening weekend, allowing for more days to be open. The Marine Area 5 Chinook fishery is scheduled to switch to nonretention beginning August 15.

Catch rates have been high to date in Marine Area 6, and anglers have reached 65 percent of the legal encounters quota (9,400) for the season. A reduction in days was recommended by Puget Sound Recreational Fishery Advisors and representatives of the Marine Area 6 community to extend the season.

This rule also maintains salmon rules previously established for Catch Record Card Areas 7, 9, 10, 11, and 12.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: July 21, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000B Puget Sound salmon—Saltwater seasons and daily limits. Effective July 24 through July 31, 2022 for Catch Record Card Areas 5, 7, 9, 10, 11, and 12; and effective July 24 through August 15, 2022 for Catch Record Card Area 6, the following provisions of WAC 220-313-060 regarding salmon seasons for the Puget Sound Catch Record Card Areas 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 5:**

- (a) Daily limit 2; up to 1 may be a Chinook.
- (b) Release chum, wild Chinook and wild coho.

(2) **Catch Record Card Area 6:** July 24 through August 15, 2022:

- (a) Open Wednesdays through Saturdays only;
- (b) Daily limit 2; up to 1 may be a Chinook.
- (c) Release chum, wild Chinook and wild coho.
- (d) Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook: Release all Chinook.
- (e) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock: Closed.
- (f) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp: Closed.

(3) **Catch Record Card Area 7:**

- (a) July 21 through July 23:
 - (i) Daily limit 2; up to 1 may be a Chinook.
 - (ii) Release chum, wild Chinook and wild coho.
- (b) July 24 through July 31: Closed.
- (c) Waters of Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7): Closed.
- (d) Waters of Bellingham Bay described in WAC 220-313-020(1): Closed.

(4) **Catch Record Card Area 9:**

- (a) Immediately, through July 27: Open Thursdays through Saturdays of each week only:
 - (i) Daily limit 2; up to 1 may be a Chinook.
 - (ii) Release chum, wild Chinook and wild coho.
- (b) July 28 through July 31:
 - (i) Daily limit 2; up to 1 may be a Chinook.
 - (ii) Release chum, wild Chinook and wild coho.
- (c) Waters south of a line from Foulweather Bluff to Olele Point: Closed.

(5) **Catch Record Card Area 10:**

- (a) Immediately, through July 31:
 - (i) Daily limit 2; up to 1 may be a Chinook.
 - (ii) Release chum and wild Chinook.
- (b) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed.
- (c) West Elliott Bay: Waters of Elliott Bay between a line from West Point to Alki Point and a line from Duwamish Head to Pier 91. Closed.
- (d) East Elliot Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways): Salmon: Closed.

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

(i) Daily limit 3.

(ii) Release chum and wild Chinook.

(f) Free-flowing freshwaters downstream of the mouth at Gorst Creek, Blackjack Creek, Chico Creek, Curley Creek, and Grovers Creek: Closed.

(g) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) Daily limit 2; up to 1 may be a Chinook.

(ii) Release chum.

(h) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W):

(i) Night closure and Anti-snagging rule in effect

(ii) Only fish hooked inside the mouth may be retained.

(i) Free-flowing freshwaters downstream of the mouth at Gorst Creek, Blackjack Creek, Chico Creek, Curley Creek, Grovers Creek: Closed.

(6) Catch Record Card Area 11:

(a) Closed, except as listed in subsection (6) (b).

(b) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock:

(i) Daily limit 2; up to 1 may be a Chinook.

(ii) Release chum.

(7) Catch Record Card Area 12:

(a) Waters south of Ayock Point including waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodsport Salmon Hatchery:

(i) Daily limit 4.

(ii) Release chum and wild Chinook.

(iii) Within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodsport Salmon Hatchery: It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(iv) Those waters of Hood Canal inshore of the 2 yellow buoy markers to the mouth of Finch Creek, waters within the channel created by Finch Creek on exposed tideland and fishing from any Hoodsport Hatchery structure are closed except to persons with disabilities who permanently use a wheelchair and who have a designated harvester card may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as persons follow all applicable department rules.

(b) Waters north of Ayock Point: Closed

(c) Free-flowing freshwater is closed to all fishing downstream of the mouth of the Dewatto, Dosewallips, Duckabush, Hamma Hamma, and Skokomish rivers.

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REPEALER

The following section of Washington Administrative Code is repealed, effective July 24, 2022:

WAC 220-313-06000A Puget Sound salmon—Saltwater seasons and daily limits. (22-142)