

WSR 23-11-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-12—Filed May 19, 2023, 10:28 a.m.]

Subject of Possible Rule Making: Revising the WAC for the emerging commercial fishery in the lower Columbia River.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.65.400, 77.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency designated an emerging commercial fishery in the lower Columbia River in November of 2022 to test the commercial viability of seines and pound nets, which are currently prohibited gear types in the Washington portion of the Columbia River via RCW 77.50.030. Since completing the WAC governing this fishery, a few revisions are needed on the timing of the application process and securing gear. The emerging commercial fishery allows these gears to be used commercially to harvest salmon, while gathering information to present to the Washington legislature when it is time for the legislature to decide whether to legalize the additional gears, and ensuring the fishery application logistics are sound is key to a successful emerging commercial fishery.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule would support the *U.S. v. Oregon* Management Agreement which defines the portion of allowable impacts on species listed under the federal Endangered Species Act attributable to nontreaty fisheries. Based on this agreement, Washington and Oregon decide how those impacts are allocated within the commercial and recreational fishing sectors. Thus, we plan to share our progress on this rule making with the parties to the *U.S. v. Oregon* case, including the state of Oregon.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charlene Hurst, phone 855-925-2801, project code 5016, TTY 1-800-833-6388 or 711, email emerging-commercial-fisheries@PublicInput.com, website <https://publicinput.com/emerging-commercial-fisheries>.

Additional comments: Assistance for additional accessibility and persons with disabilities, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

May 18, 2023
Scott Bird
Rules Coordinator