



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 12, 2019

TIME: 4:47 PM

WSR 19-19-048

Agency: Department of Fish and Wildlife (Order 19-219)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 5:00 a.m. September 13, 2019

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Amend commercial purse seine, gill net, and reef net rules for Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-354-12000N, WAC 220-354-16000T, WAC 220-354-18000J
 Amended: WAC 220-354-120, WAC 220-354-160, WAC 220-354-180
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule is needed to provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A. There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New 3 Amended ____ Repealed 3

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: September 12, 2019
Name: Kelly Cunningham for Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-354-12000N Puget Sound salmon—Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-354-120, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Areas	Open Periods
7 and 7A	Open 5 a.m. – 9 p.m. September 13, 2019
7A	Open 5 a.m. – 1 p.m. September 14, 2019

(a) It is lawful to retain pink salmon. Release all other fish.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7) (a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-16000T Puget Sound salmon—Gillnet—Open periods.

Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Areas	Open Periods
--------------	---------------------

7 and 7A	Open 8 a.m. – 11:59 p.m. September 13, 2019
7A	Open 8 a.m. – 4 p.m. September 14, 2019

(a) It is unlawful to retain sockeye salmon and rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-18000J Puget Sound salmon—Reef net open periods.

Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Reef nets** - Open to reef nets according to the times, dates, and conditions as prescribed and listed below:

Area	Open Periods
7	Open 5 a.m. – 9 p.m. September 13, 2019 Open 5 a.m. – 1 p.m. September 14, 2019

(a) Release all sockeye, unmarked Chinook, unmarked coho and chum.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

REPEALERS

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. September 14, 2019:

WAC 220-354-12000N Puget Sound salmon—Purse seines—Open periods.

The following section of the Washington Administrative Code is repealed effective 4:01 p.m. September 14, 2019:

WAC 220-354-16000T Puget Sound salmon—Gillnet—Open periods.

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. September 14, 2019:

WAC 220-354-18000J Puget Sound salmon—Reef nets—Open periods.