



**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: October 09, 2019

TIME: 4:07 PM

WSR 19-21-047

**Agency:** Department of Fish and Wildlife (Order 19-255)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

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

- Yes  No If Yes, explain:

**Purpose:** Amend Puget Sound Commercial salmon fishing rules.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-354-12000P; WAC 220-354-16000U; WAC 220-354-18000M  
 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 close scheduled openings for commercial purse seine and gillnet fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. The chum salmon return to the Fraser River in Canada is estimated to be below the critical threshold of 1 million Chum. Per Chapter 6 of the Pacific Salmon Treaty, the U.S. fleet cannot start fishing in Areas 7/7A on October 10th. Reef net fishers in Puget Sound Management and Catch Reporting Area 7 will also be required to release all chum to align with these conservation measures. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	____

<b>Date Adopted:</b> October 9, 2019	<b>Signature:</b> 
<b>Name:</b> Amy Windrope for Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-120, effective immediately through November 9, 2019:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-160, effective immediately until through November 9, 2019:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-180, effective immediately through November 11, 2019:

**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. daily, immediately through October 16

- (a) Release all Chinook 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 sections of the Washington Administrative Code are repealed effective November 9, 2019:

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

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

The following section of the Washington Administrative Code is repealed effective November 12, 2019:

WAC 220-354-18000M Puget Sound salmon—Reef net—Open periods.