



# 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: August 03, 2018

TIME: 2:44 PM

WSR 18-17-023

**Agency:** Washington Department of Fish and Wildlife (18-189)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) August 4, 2018

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amends Puget Sound commercial salmon fisheries for Areas 7 and 7A

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

New:  
 Repealed: WAC 220-354-12000A, WAC 220-354-16000A, WAC 220-354-18000A, WAC 220-354-12000B,  
 WAC 220-354-16000B, WAC 220-354-18000B  
 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 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 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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New 3 Amended \_\_\_\_ Repealed 4

**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:** August 3, 2018

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-354-12000B 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:

<b>Hours</b>	<b>Dates</b>
5:00 AM - 9:00 PM	August 6

(a) It is unlawful to retain Chinook, coho and chum.

(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 220-354-16000B 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:

<b>Hours</b>	<b>Dates</b>
8:00 AM - 11:59 PM	August 6

(a) It is unlawful to retain 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 220-354-18000B 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 net gear according to the times, dates, and conditions as prescribed and listed here:

<b>Hours</b>	<b>Dates</b>
5:00 AM - 9:00 PM	August 6 and August 8

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

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

(4) **"Quick Reporting Fisheries":**

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective August 4, 2018:

WAC 220-354-12000A Puget Sound Purse Seines – Open periods.

WAC 220-354-16000A Puget Sound Gill nets – Open periods

WAC 220-354-18000A Puget Sound Reef nets – Open periods.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective August 9, 2018:

WAC 220-354-12000B Puget Sound Purse Seines – Open periods.

WAC 220-354-16000B Puget Sound Gill nets – Open periods

WAC 220-354-18000B Puget Sound Reef nets – Open periods.

