



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, 2020

TIME: 2:39 PM

WSR 20-21-023

Agency: Department of Fish and Wildlife (Order 20-225)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 13, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this emergency rule is close commercial gillnet and purse seine fisheries in Salmon Management and Catch Reporting Areas 10, 11, 12, and 12B for opening scheduled between October 13 and October 15, 2020. This rule also corrects a preseason scheduling mistake by closing fisheries in 7 and 7A on October 10, 2020.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-354-16000F; WAC 220-354-12000W
- Amended: WAC 220-354-160; WAC 220-354-120
- 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 adjust commercial gillnet and purse seine salmon fisheries in Puget Sound Salmon Management and Catch Reporting Areas 10, 11 12, 12B.

This rule also closes commercial gillnet and purse seine fisheries scheduled for October 10, 2020 in Areas 7 and 7A to correct a scheduling mistake in the pre-season plan.

2020 pre-season forecasts for chum salmon returning to Puget Sound are lower than in the recent past. The 2019 return of fall chum salmon was much lower than forecast and many places did not reach spawning escapement goals. Fishery openings planned in Area 10 and 11 are contingent on a test fishery based run-size update that predicts sufficient harvestable surplus, and in-season agreement from Tribal Co-managers as agreed to in the 2020-21 List of Agreed to Fisheries (LOAF). The Areas 12 and 12B Chum fishery was scheduled to open on October 13 for Gillnet fishing and October 15 for Purse seine fishing. After meeting with fisherman and commercial fishing representatives, WDFW made the decision to not open planned fisheries on the scheduled dates to focus fishing opportunities on the historical peak of the fall chum return in later weeks. 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	___
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The number of sections adopted on the agency's own initiative:

New	2	Amended	___	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: October 9, 2020

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective October 13 through October 14, 2020 the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Salmon Management and Catch Reporting Areas 10, 11, 12, and 12B shall be as described below. All other provisions of WAC 220-354-160 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Area	Open/Closed	Time	Date	Mesh Size
7,7A:	Closed	7AM - Midnight	10/10	
10, 11:	Closed	5PM - 9AM	Nightly 10/13	
12, 12B:	Closed	7AM - 8PM	10/13	

NEW SECTION

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

Effective the day of October 15, 2020 the following provisions of WAC 220-354-120 regarding commercial purse seine open periods for Salmon Management and Catch Reporting Areas 10, 11, 12, and 12B shall be as described below. All other provisions of WAC 220-354-120 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Area	Open/Closed	Time	Date
7, 7A:	Closed	7AM-6PM	10/10
10, 11 12 12B:	Closed	7AM – 6PM	10/15

REPEALERS

The following section of the Washington Administrative Code is repealed effective October 15, 2020:

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

The following section of the Washington Administrative Code is repealed effective October 16, 2020:

WAC 220-354-12000W Puget Sound salmon—Purse Seine—Open periods.