



# 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 24, 2020

TIME: 6:43 PM

WSR 20-22-025

**Agency:** Department of Fish and Wildlife (Order 20-237)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 26, 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 rule is to close scheduled commercial gillnet and purse seine fisheries in Salmon Management and Catch Reporting Areas 10 and 11 from October 26 through October 30, 2020.

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

New:  
 Repealed: WAC 220-354-12000Y; WAC 220-354-16000H  
 Amended: WAC 220-354-120; WAC 220-354-160  
 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.

2020 pre-season forecasts for chum salmon returning to Puget Sound are lower than in the recent past. In-season fishery information so far, shows a lower than expected run-size than predicted pre-season. 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). 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 2 Amended \_\_\_\_ Repealed 2

**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:** October 24, 2020

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

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

Effective October 27 through October 30, 2020 the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Salmon Management and Catch Reporting Areas 10, 11 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
10, 11:	Closed	5PM - 9AM	Nightly 10/27, 10/29	

NEW SECTION

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

Effective the day of October 26, 2020 the following provisions of WAC 220-354-120 regarding commercial purse seine open periods for Salmon Management and Catch Reporting Areas 10, 11 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
10, 11	Closed	7AM – 6PM	10/26

REPEALERS

The following section of the Washington Administrative Code is repealed effective October 31, 2020:

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

The following section of the Washington Administrative Code is repealed effective October 27, 2020:

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