



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 31, 2020

TIME: 3:23 PM

WSR 20-22-071

Agency: Department of Fish and Wildlife (Order 20-240)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) November 1, 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 commercial gillnet and purse seine fisheries in Puget Sound Salmon Management and Catch Reporting Areas 10, 11 12, 12B, and 12C.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-354-16000I; WAC 220-354-12000Z
 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, and 12C.

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). An agreement on non-treaty commercial harvest targeting chum salmon could not be reached in-season between co-managers.

In-season information for non-tribal commercial chum fisheries in Marine Areas 12 and 12B have indicated a run size of 354,358 which leaves a non-tribal share of 130,398 chum. To date the non-treaty total harvest of chum is 54,191. These catches are well below the pre-season expected catch to date and the state believes the run size may be lower than what the in-season information indicates. The state agreed to close its fisheries to contribute to natural escapement goals and hatchery broodstock goals of chum salmon.

**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 31, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective November 1 through November 18, 2020, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Salmon Management and Catch Reporting Areas 10, 11, 12, 12B, and 12C 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 11/1	
10, 11:	Closed	5PM – 7AM	Nightly 11/4	
12, 12B	Closed	7AM – 7PM	11/2, 11/4	
12, 12B	Closed	6AM – 6PM	11/10, 11/12, 11/16, 11/18	
12C	Closed	6AM – 6PM	11/10, 11/12, 11/16	

NEW SECTION

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

Effective November 3 through November 17, 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, 12B, and 12C 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 – 5PM	11/3, 11/5
12, 12B	Closed	7AM – 5PM	11/3, 11/5, 11/9, 11/17
12C	Closed	7AM – 5PM	11/3, 11/5, 11/9, 11/17

REPEALERS

The following section of the Washington Administrative Code is repealed effective November 19, 2020:

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

The following section of the Washington Administrative Code is repealed effective November 18, 2020:

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