



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: November 06, 2020

TIME: 5:08 PM

WSR 20-23-020

Agency: Department of Fish and Wildlife (Order 20-247)

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: The purpose of this emergency rule is to modify commercial purse seine and gillnet seasons in Salmon Management and Catch Reporting Areas 7, 7A, and 7B, and reef net seasons in Area 7.

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- Repealed: WAC 220-354-16000I; WAC 220-354-12000Z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; 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 adjust commercial gillnet and purse seine salmon fisheries in Puget Sound Salmon Management and Catch Reporting Areas 7, 7A, 7B, and reef net fisheries in Area 7. This rule also carries forward previous modifications to commercial gillnet and purse seine seasons in Areas 12, 12B, and 12C.

Modifications to the commercial seasons in 7, 7A are needed because co-managers still have a harvestable share of chum salmon and the ability to target that share through November 10 as part of the Chum annex in the Pacific Salmon Treaty.

Modifications to the commercial seasons in 7B are needed due to a much lower than expected catch to date combined with a pre-season forecast of Chum salmon bound for the Nooksack River below the escapement goal.

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 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: November 6, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective immediately through December 2, 2020, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Salmon Management and Catch Reporting Areas 7, 7A, 7B, 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
7, 7A	Open	7AM-Midnight	11/8, 11/9, 11/10	6 ¼”
7B	Open	6AM-4PM	Nightly 11/10	6 ¼”
7B	Closed	6AM-4PM	Nightly 11/16, 11/17,	
7B	Closed	7AM-4PM	Nightly 11/24, 12/1	
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 220-354-12000A Puget Sound salmon—Purse seine—Open periods.

Effective immediately through December 2, 2020, the following provisions of WAC 220-354-120 regarding commercial purse seine open periods for Salmon Management and Catch Reporting Areas 7, 7A, 7B, 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
7, 7A	Open	7AM-5PM	11/8, 11/9, 11/10
7B	Open	7AM-5PM	11/11

7B	Closed	7AM-PM	11/18, 11/25, 12/2
12, 12B	Closed	7AM – 5PM	11/9, 11/17
12C	Closed	7AM – 5PM	11/9, 11/17

NEW SECTION

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

Effective immediately through November 10, 2020, the following provisions of WAC 220-354-180 regarding commercial reef net open periods for Salmon Management and Catch Reporting Area 7 shall be as described below. All other provisions of WAC 220-354-180 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Area	Open/Closed	Time	Date
7	Open	5AM-9PM	11/8, 11/9, 11/10

REPEALERS

The following section of the Washington Administrative Code is repealed:
WAC 220-354-16000I Puget Sound salmon—Gillnet—Open periods.

The following section of the Washington Administrative Code is repealed:
WAC 220-354-12000Z Puget Sound salmon—Purse Seine—Open periods.