



**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 30, 2021

TIME: 4:20 PM

WSR 21-18-089

Agency: Department of Fish and Wildlife (Order 21-168)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 31, 2021

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 open commercial gill net and purse seine seasons in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A as well as commercial reef net seasons in area 7 on August 31 and September 1, 2021.

Citation of rules affected by this order:

New:
 Repealed:
 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 provide for Pacific Salmon Commission's Fraser River Panel authorized commercial fisheries in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A. The Fraser River Panel authorized these fisheries during their meetings on August 27 and August 30, 2021. There is harvest share available for pink salmon at current run-size levels. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 ____

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 30, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-354-16000N Puget Sound salmon—Gill Net—Open periods.

Effective 8 AM, August 31 through 11:59 PM, September 1, 2021, the following provisions of WAC 220-354-160 regarding commercial Gill Net open periods in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A shall be as follows. All other provisions of WAC 220-351-210 not contained herein remain in effect unless otherwise altered by emergency rule:

Areas	Time	Date	Open/Closed	Minimum mesh size
Area 7 and 7A, excluding apex (see subsection (b))	8 AM – 11:59 PM	8/31/2021	Open	5"
Area 7 and 7A, excluding apex (see subsection (b))	8 AM – 11:59 PM	9/1/2021	Open	5"

- (a) It is unlawful to retain sockeye salmon taken with gill net gear.
- (b) Closed northwest of a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

NEW SECTION

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

Effective 5 AM, August 31 through 9 PM, September 1, 2021, the following provisions of WAC 220-354-160 regarding commercial purse seine open periods for Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A 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:

Areas	Open/Closed	Time	Date
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7 and 7A, excluding apex (see subsection (b))	Open	5 AM – 9 PM	8/31/2021
7 and 7A, excluding apex (see subsection (b))	Open	5 AM – 9 PM	9/1/2021

- (a) It is unlawful to retain any salmon other than pink salmon taken with purse seine gear.
- (b) Closed northwest of a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

NEW SECTION

WAC 220-354-18000M Puget Sound salmon—Reef net open periods.

Effective 5 AM August 31, through 9 PM, September 1, 2021, the following provisions of WAC 220-354-180 regarding reef net open periods in Puget Sound Salmon Management and Catch Reporting Area 7 shall be as follows. All other provisions of WAC 220-354-180 not contained herein remain in effect unless others altered by emergency rule:

Reef nets - Open to reef nets according to the times, dates, and conditions as prescribed and listed below:

Area	Open/Closed	Time	Date
7	Open	5AM – 9 PM	8/31/2021
7	Open	5AM – 9 PM	9/1/2021

- (a) It is unlawful to retain any salmon other than pink salmon taken with reef net gear on August 31, 2021.
- (b) It is unlawful to retain any salmon other than pink and coho salmon taken with reef net gear on September 1, 2021.