



**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 08, 2021

TIME: 4:12 PM

WSR 21-21-023

Agency: Department of Fish and Wildlife (Order 21-224)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 10, 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 close retention of chum in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A commercial fisheries.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-354-120; WAC 220-354-160; 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 close scheduled openings for commercial purse seine and gillnet fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. The aggregate abundance of Inside Southern Chum in British Columbia is estimated to be below the critical threshold of 1 million chum.” Per Chapter 6 of the Pacific Salmon Treaty, the U.S. fleet cannot start fishing in Areas 7/7A on October 10th. Reef net fishers in Puget Sound Management and Catch Reporting Area 7 will also be required to release all chum to align with these conservation measures. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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: October 8, 2021	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective October 10 through November 6, 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	Open Periods
7 and 7A	Closed

NEW SECTION

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

Effective October 10 through November 6, 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 Periods
7 and 7A	Closed

NEW SECTION

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

Effective October 10, through November 6, 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(s)
7	Open	5AM – 9 PM Daily	10/10/2021 – 11/6/2021

- (a) It is unlawful to retain any salmon other than coho salmon taken with reef net gear from October 10 through November 6, 2021.
- (b) All other saltwater and freshwater areas – Closed.