



# 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 29, 2021

TIME: 4:39 PM

WSR 21-22-072

**Agency:** Washington Department of Fish and Wildlife (21-243)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 30, 2021

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Amends Puget Sound commercial salmon fisheries for Puget Sound Salmon Management and Catch Reporting Areas 6D, 10, 11, 12 and 12B.

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

- New:
- Repealed:
- Amended: WAC 220-354-120, WAC 220-354-160
- Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 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 rule is necessary to add and/or modify commercial purse seine and gillnet fishery openings targeting chum salmon in Puget Sound Salmon Management and Catch Reporting Areas 6D, 10, and 11 because recent in-season information indicates a larger coho (Area 6D) and chum returns (Areas 10 and 11) than originally forecast. Sufficient returns are available for the increased harvest opportunity. Available in-season data indicates that the return of chum to Areas 12 and 12B are below pre-season forecasts and no additional chum fishing is proposed for the week of November 1 through November 5, 2021. 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Federal statute:	New	_____	Amended	_____	Repealed	_____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 \_\_\_\_

**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 29, 2021

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

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

Effective 7:00 AM, November 1, until 6:00 PM, November 1, 2021 the following provisions of WAC 220-354-160 regarding commercial Purse Seine open periods in Puget Sound Salmon Management and Catch Reporting Areas 10, 11, 12, and 12B shall be as follows. All other provisions of WAC 220-351-210 not contained herein remain in effect unless otherwise altered by emergency rule:

<b>Areas</b>	<b>Open/Closed</b>	<b>Time</b>	<b>Date(s)</b>
10, 11	Open	7 AM – 6 PM	11/1/2021
12, 12B	Closed	-	11/1 – 11/5

NEW SECTION

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

Effective October 30 through November 5, 2021, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting Areas 6D, 10, 11, 12 and 12B and 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:

<b>Area</b>	<b>Open/Closed</b>	<b>Time</b>	<b>Date(s)</b>
6D	Open	7 AM – 7 PM Daily	11/1 – 11/5
10, 11	Open	4 PM – 7 AM Daily	10/31/2021
10,11	Open	4 PM – 8AM Daily	11/3/2021
12, 12B	Closed	-	11/1 – 11/5

