



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 26, 2022

TIME: 1:34 PM

WSR 22-18-019

Agency: Department of Fish and Wildlife (Order 22-184)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 28, 2022

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 commercial salmon seasons in Puget Sound Salmon Management and Catch Reporting Area 7C and a portion of 7B.

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- Repealed: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, 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 commercial gill net and purse seine seasons in Puget Sound Salmon Management and Catch Reporting Area 7C and a portion of 7B.

For the waters of Area 7B: Currently, US fisheries (All Citizen and Tribal) targeting sockeye salmon are closed. At current predicted run-size levels, the US is over its allowable share of sockeye returning to the Fraser River. Closing these waters to fishing will ensure additional sockeye salmon harvest remains low.

The closure of gill net fisheries in Area 7C is necessary to avoid gear conflicts with a tribal crab opening. This action is undertaken through co-manager agreement.

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Federal statute:	New	_____	Amended	_____	Repealed	_____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: August 26, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-120, effective August 30, 2022, until further notice:

In waters of Puget Sound salmon Management and Catch Reporting Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (40°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W) it is unlawful to retain the following salmon species taken with purse seine gear:

- (a) Chinook salmon after October 20.
- (b) Coho salmon prior to September 1.
- (c) Sockeye salmon after August 30.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-160:

- (a) Effective August 28, 2022, until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in the following area of Puget Sound Salmon Management and Catch Reporting Area 7B:

Waters of Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (40°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W).

- (b) Effective the day of August 30, 2022 only, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7C.