



# 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 17, 2022

TIME: 3:06 PM

WSR 22-21-101

**Agency:** Washington Department of Fish and Wildlife (22-242)

**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:** Amends Puget Sound commercial purse seine, gill net and reef net fisheries

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

New:  
Repealed:  
Amended: WAC 220-354-120, WAC 220-354-160, WAC 220-354-180  
Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04.045 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 salmon fishing to gillnet, purse seine and reef net gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A. Catch levels for chum salmon in Marine Areas 7 and 7A are determined through provisions within Chapter 6 of Pacific Salmon Treaty. The United States was informed on October 14th that the runsize of chum returning to the Fraser River is less than 1.05 million, triggering a reduction in the catch ceiling in U.S. fisheries to critical level. Fisheries need to be closed to ensure the US stays within harvest limits established by the treaty. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	___
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**The number of sections adopted on the agency's own initiative:**

New	3	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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 17, 2022

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

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

Effective immediately, the following provisions of WAC 220-354-120 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 220-354-120 not contained herein remain in effect unless otherwise altered by emergency rule:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

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

Effective immediately, 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 220-354-160 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

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

Effective 12:01 a.m. October 18, 2022, 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:

Areas	Open Periods
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7 and 7A

Closed