



# 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: September 01, 2023

TIME: 4:25 PM

WSR 23-18-073

**Agency:** Department of Fish and Wildlife (Order 23-188)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 2, 2023

**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 gillnet and purse seine seasons in Puget Sound Salmon Management and Catch Reporting areas 7 and 7A and commercial reef net seasons in Area 7.

**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- Repealed: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 schedule openings for commercial purse seine and gillnet fisheries in Puget Sound Management and Catch Reporting areas 7 and 7A and commercial reefnet fisheries in Area 7. Prosecuting these fisheries has been authorized by The Fraser River Panel as part of the Pacific Salmon Treaty. In-season information indicates that there are harvestable pink salmon available for US fisheries. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 1 Amended \_\_\_\_ Repealed 1

**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	____

<b>Date Adopted:</b> September 1, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

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

Effective September 2 through September 5, 2023, the following provisions of WAC 220-354-120 regarding commercial purse seine 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:

Area(s)	Date(s)	Open/Closed	Daily open period
7 and 7A	9/2, 9/3, 9/4, 9/5	Open	5 a.m. – 9 p.m.

Release all salmon other than pink salmon.

NEW SECTION

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

Effective September 2 through September 5, 2023, the following provisions of WAC 220-354-160 regarding commercial gillnet 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:

Area(s)	Date(s)	Open/Closed	Daily open period	Minimum mesh size
7 and 7A	9/2, 9/3, 9/4, 9/5	Open	8 a.m. – midnight	6 ¼"

Sockeye must be released.

NEW SECTION

**WAC 220-354-18000A Reef Net open periods.**

Notwithstanding the provisions of WAC 220-354-180, effective September 2 through September 5, 2023, it is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open to reef net gear according to the times, dates and conditions contained herein:

<b>Area(s)</b>	<b>Date(s)</b>	<b>Open/Closed</b>	<b>Daily open period</b>
7	9/2, 9/3, 9/4, 9/5	Open	5 a.m. – 9 p.m.

- (a) It is unlawful to retain unmarked Chinook, sockeye, and chum.
- (b) It is unlawful to retain marked Chinook or unmarked coho unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the logbook in accordance with requirements of WAC 220-354-180.
- (c) Marked Chinook and coho are those with a missing adipose fin with a healed scar, unmarked Chinook and coho have an intact adipose fin.
- (d) It is unlawful to fish for salmon with reef net gear in Area 7 unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.
- (e) "Quick Reporting Fisheries": All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.