



# 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 15, 2023

TIME: 12:12 PM

WSR 23-19-057

**Agency:** Department of Fish and Wildlife (Order 23-205)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 17, 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 purse seine and gillnet fisheries in Puget Sound Salmon Management and Catch Reporting Area 7C.

**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- Repealed: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 Area 7C. Recent data and observations indicate Chinook are returning above forecasted expectation to Samish Hatchery. WDFW salmon managers and co-managers agree that current Chinook returns present a harvestable surplus, sufficient for this opportunity. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	____

<b>Date Adopted:</b> September 15, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

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

Effective September 18 through September 22, 2023, the following provisions of WAC 220-354-120 regarding commercial purse seine open periods in Puget Sound Salmon Management and Catch Reporting Area 7C shall be as follows. All other provisions of WAC 220-354-120 not contained herein remain in effect unless otherwise altered by emergency rule:

<b>Area(s)</b>	<b>Date(s)</b>	<b>Open/Closed</b>	<b>Daily open period</b>
7C	9/18, 9/20, 9/22	Open	7 a.m.-7 p.m.

NEW SECTION

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

Effective September 17 through September 22, 2023, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting Area 7C 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:

<b>Area(s)</b>	<b>Date(s)</b>	<b>Open/Closed</b>	<b>Daily open period</b>	<b>Minimum mesh size</b>
7C	7 a.m. 9/17 through 7 a.m. 9/22	Open	24 hrs/day	7"