



**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 05, 2023

TIME: 4:53 PM

WSR 23-21-013

Agency: Department of Fish and Wildlife (Order 23-223)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 9, 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 allow purse seine test fishery operations to be conducted by the purse seine vessels listed in the WAC text of this filing, in Puget Sound waters.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-354-120
- 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 allow the purse seine vessels, F/V Chasina, the F/V Harbor Gem, the F/V Lisa Marie and the F/V Tradition to conduct test fisheries in the waters of Puget Sound Salmon Management and Catch Reporting Areas 9, 10 and 11. These test fisheries are necessary to collect GSI data and to inform the in-season update models; and have been agreed to by comanagers. This information is necessary to sustainably manage Puget Sound chum 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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |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 ____

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 5, 2023

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective October 9 through November 27, 2023, the purse seine vessels F/V Chasina, the F/V Harbor Gem, the F/V Lisa Marie and the F/V Tradition may carry out purse seine test fishery operations within Puget Sound Salmon Management and Catch Reporting Areas 9, 10 and 11.

- (1) Allowed fishing period is from October 9 through November 27, 2023.
- (2) Area 11: Only chum salmon may be retained. All other salmon species must be released. WDFW staff must be onboard vessel while fishing.
- (3) Area 9, non-retention fishery: all fish must be released. WDFW staff must be onboard vessel when fishing.
- (4) Area 9/10 Apple Cove Test Fishery: Administered by Northwest Indian Fisheries Commission staff. All salmon species may be retained.
- (5) Weekly schedule by Area and vessel:

| Week | F/V Harbor Gem Apple Cove/Kingston Area 9/10 | F/V Chasina Port Ludlow; Area 9 | F/V Tradition Command Point; Area 11; West Pass | F/V Lisa Marie Point Beals; Area 11; East Pass |
|------|---|---------------------------------------|---|--|
| 41 | Mon 10/09/2023 | | | |
| 42 | Mon 10/16/2023 | Wed 10/18/2023 | Mon 10/16/2023 | Mon 10/16/2023 |
| 43 | Mon 10/23/2023 | Mon 10/23/2023 | Mon 10/23/2023 | Mon 10/23/2023 |
| 44 | Mon 10/30/2023 | Mon 10/30/2023 | Mon 10/30/2023 | Mon 10/30/2023 |
| 45 | Mon 11/06/2023 | Mon 11/06/2023 | Mon 11/06/2023 | Mon 11/06/2023 |
| 46 | Mon 11/13/2023 | Mon 11/13/2023 | Mon 11/13/2023 | Mon 11/13/2023 |
| 47 | Mon 11/20/2023 | | | |