



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 18, 2023

TIME: 10:38 AM

WSR 23-21-107

Agency: Department of Fish and Wildlife (Order 23-233)

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: The purpose of this emergency rule is to open commercial purse seine and gillnet seasons in Puget Sound Salmon Management and Catch Reporting areas 10 and 11.

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- Repealed: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 rule is necessary to limit participation to the listed vessels that were selected by random drawing because the estimated runsize is not large enough to support full fleet openings. The latest in-season runsize estimate for South Sound chum salmon based on test fishing is large enough to allow limited commercial opportunity, but insufficient to support full fleet openings. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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: October 18, 2023
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Effective 7:00 a.m. until 6:00 p.m., October 20, 2023, the following provisions of WAC 220-354-120 regarding commercial Purse Seine open periods in Puget Sound Salmon Management and Catch Reporting Areas 10 and 11 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/Closed	Time	Date(s)
10, 11	Open	7 AM – 6 PM	10/20/2023

- (a) For week 43 the following participants that have been selected and notified by the Department, or their designated alternate operator, are permitted to participate in the Area 10 and 11 purse seine fishery:
 - (i) FV Adirondack
 - (ii) FV Harbor Gem
 - (iii) FV New Oregon
 - (iv) FV Sofia Lynn
 - (v) FV Wisconsin
 - (vi) FV Lisa Marie
- (b) It is unlawful to land more than 1,600 chum per license during open periods listed herein.
- (c) It is unlawful to possess salmon caught in other Marine Areas while participating in this fishery.
- (d) Agreement to participate in this fishery will require that a department observer be allowed on board the vessel while fishing if requested by department staff.

NEW SECTION

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

Effective from 5 p.m. October 18 until 9 a.m. October 19, 2023, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting Areas 10 and 11 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	Open/Closed	Time	Date(s)
10, 11	Open	5 PM – 9 AM	Opening 10/18/2023 – 10/19/2023

- (a) For week 43 the following participants that have been selected and notified by the Department, or their designated alternate operator, are permitted to participate in the Area 10 and 11 gill net fishery:
- (i) WN3848LA
 - (ii) FV Bristol Sound
 - (iii) FV Nettie B
 - (iv) FV C-Rae
 - (v) FV Toni M
 - (vi) FV JanM
 - (vii) WN66415R
 - (viii) FV Top Flite
 - (ix) FV Katya Dawn
 - (x) FV Mount Royal
- (b) It is unlawful to land more than 400 chum per license during open periods listed herein.
- (c) It is unlawful to possess salmon caught in other Marine Areas while participating in this fishery.
- (d) Agreement to participate in this fishery will require that a department observer be allowed on board the vessel while fishing if requested by department staff.