



**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 26, 2023

TIME: 4:14 PM

WSR 23-22-078

Agency: Department of Fish and Wildlife (Order 23-239)

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 modify commercial purse seine openings in Puget Sound Salmon Management and Catch Reporting areas 10 and 11, and commercial gillnet openings in areas 6D and 9A.

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- Repealed: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 close purse seine openings in Puget Sound Salmon Management and Catch Reporting areas 10 and 11 and gillnet openings in Area 6D which were scheduled as a result of the 2023 North of Falcon seasons setting process. This rule will also require release of chum salmon in the Area 9A gillnet fishery.

The latest in-season runsizes estimate for South Sound chum salmon based on test fishing is insufficient to support the commercial openings modified with this rule. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 26, 2023
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Effective immediately, through November 9, 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 modified 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
10 and 11	10/26, 11/2, 11/3, 11/9	Closed	NA

NEW SECTION

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

Effective immediately, through November 10, 2023, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting areas 6D and 9A shall be modified as described below. All other provisions of WAC 220-354-160 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(a)

Area(s)	Date(s)	Open/Closed	Daily open period	Minimum mesh size
6D	10/31, 11/1, 11/2, 11/3, 11/6, 11/7, 11/8, 11/9, 11/10	Closed	NA	NA

(b) Effective immediately, through November 4, 2023, it is unlawful to retain chum salmon taken in Area 9A.