

WSR 23-22-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-239—Filed October 26, 2023, 4:14 p.m., effective October 26, 2023, 4:14 p.m.]

Effective Date of Rule: Immediately upon filing.

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: Amending WAC 220-354-120 and 220-354-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

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 runsize 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 26, 2023.

Kelly Susewind
Director

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.