

**WSR 21-21-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-224—Filed October 8, 2021, 4:12 p.m., effective October 10, 2021]

Effective Date of Rule: October 10, 2021.

Purpose: The purpose of this emergency rule is to close retention of chum in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A commercial fisheries.

Citation of Rules Affected by this Order: Amending WAC 220-354-120, 220-354-160, and 220-354-180.

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 emergency rule is needed to close scheduled openings for commercial purse seine and gillnet fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. The aggregate abundance of Inside Southern Chum in British Columbia is estimated to be below the critical threshold of 1 million chum. Per chapter 6 of the Pacific Salmon Treaty, the United States fleet cannot start fishing in Areas 7/7A on October 10. Reef net fishers in Puget Sound Management and Catch Reporting Area 7 will also be required to release all chum to align with these conservation measures. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 8, 2021.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

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

Effective October 10 through November 6, 2021, the following provisions of WAC 220-354-160 regarding commercial Gill Net open periods in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A shall

be as follows. All other provisions of WAC 220-351-210 not contained herein remain in effect unless otherwise altered by emergency rule:

Areas	Open Periods
7 and 7A	Closed

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

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

Effective October 10 through November 6, 2021, the following provisions of WAC 220-354-160 regarding commercial purse seine open periods for Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A shall be as described below. All other provisions of WAC 220-354-120 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Areas	Open Periods
7 and 7A	Closed

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NEW SECTION

WAC 220-354-18000R Puget Sound salmon—Reef net—Open periods.

Effective October 10, through November 6, 2021, the following provisions of WAC 220-354-180 regarding reef net open periods in Puget Sound Salmon Management and Catch Reporting Area 7 shall be as follows. All other provisions of WAC 220-354-180 not contained herein remain in effect unless others altered by emergency rule:

Reef nets - Open to reef nets according to the times, dates, and conditions as prescribed and listed below:

Area	Open/Closed	Time	Date(s)
7	Open	5 AM - 9 PM Daily	10/10/2021 - 11/6/2021

(a) It is unlawful to retain any salmon other than coho salmon taken with reef net gear from October 10 through November 6, 2021.

(b) All other saltwater and freshwater areas - Closed.

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.