

WSR 23-21-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-227—Filed October 9, 2023, 3:21 p.m., effective October 9, 2023, 3:21 p.m.]

Effective Date of Rule: Immediately upon filing.

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: Repealing WAC 220-354-12000C; and amending WAC 220-354-120.

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 allow the purse seine fishing vessels (F/V), 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 [GIS] 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 was a date change for the schedule of F/V Harbor Gem to allow test fishing on October 11 because the vessel was unable to operate October 9 due to inclement weather. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 9, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000D Puget Sound salmon—Purse Seine—Open periods. Effective October 11 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 10/11/2023			
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			

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REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-354-12000C Puget Sound salmon—Purse seine—Open periods. (23-223)