

**WSR 23-22-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-237—Filed October 20, 2023, 3:16 p.m., effective October 22, 2023]

Effective Date of Rule: October 22, 2023.

Purpose: The purpose of this emergency rule is to close scheduled commercial gillnet openings in Areas 10 and 11.

Citation of Rules Affected by this Order: Amending WAC 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 gillnet openings in Puget Sound Salmon Management and Catch Reporting Areas 10 and 11 which were scheduled as a result of the 2023 North of Falcon seasons setting process. The latest in-season runsize estimate for South Sound chum salmon based on test fishing is insufficient to support additional openings until additional test fishing data are collected and runsize is reassessed. Future openings will be based on weekly test fisheries and are likely to be limited in participation. These openings will be enacted by emergency rule and will be announced weekly. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 20, 2023.

Kelly Susewind  
Director

NEW SECTION

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

Effective from October 22 through November 17, 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 modified as described below. Future opening for areas 10 and 11 will be made by emergency rule, based on weekly test fishing

results. 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	Closed	NA	10/22, 10/24, 10/29, 10/31, 11/5, 11/17