

**WSR 21-18-089**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 21-168—Filed August 30, 2021, 4:20 p.m., effective August 31, 2021]

Effective Date of Rule: August 31, 2021.

Purpose: The purpose of this emergency rule is to open commercial gill net and purse seine seasons in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A as well as commercial reef net seasons in Area 7 on August 31 and September 1, 2021.

Citation of Rules Affected by this Order: Amending WAC 220-354-160, 220-354-120, 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 provide for Pacific Salmon Commission's Fraser River Panel authorized commercial fisheries in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A. The Fraser River Panel authorized these fisheries during their meetings on August 27 and 30, 2021. There is harvest share available for pink salmon at current run-size levels. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 30, 2021.

Kelly Susewind  
Director

NEW SECTION

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

Effective 8 AM, August 31 through 11:59 PM, September 1, 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	Time	Date	Open/Closed	Minimum mesh size
Area 7 and 7A, excluding apex (see subsection (b))	8 AM - 11:59 PM	8/31/2021	Open	5"
Area 7 and 7A, excluding apex (see subsection (b))	8 AM - 11:59 PM	9/1/2021	Open	5"

(a) It is unlawful to retain sockeye salmon taken with gill net gear.

(b) Closed northwest of a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

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#### NEW SECTION

##### **WAC 220-354-12000C Puget Sound salmon—Purse seine—Open periods.**

Effective 5 AM, August 31 through 9 PM, September 1, 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/Closed	Time	Date
7 and 7A, excluding apex (see subsection (b))	Open	5 AM - 9 PM	8/31/2021
7 and 7A, excluding apex (see subsection (b))	Open	5 AM - 9 PM	9/1/2021

(a) It is unlawful to retain any salmon other than pink salmon taken with purse seine gear.

(b) Closed northwest of a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

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#### NEW SECTION

##### **WAC 220-354-18000M Puget Sound salmon—Reef net open periods.**

Effective 5 AM August 31, through 9 PM, September 1, 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
7	Open	5 AM - 9 PM	8/31/2021

Area	Open/Closed	Time	Date
7	Open	5 AM - 9 PM	9/1/2021

(a) It is unlawful to retain any salmon other than pink salmon taken with reef net gear on August 31, 2021.

(b) It is unlawful to retain any salmon other than pink and coho salmon taken with reef net gear on September 1, 2021.

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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.