

**WSR 23-18-087
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-189—Filed September 5, 2023, 4:22 p.m., effective September 6, 2023]

Effective Date of Rule: September 6, 2023.

Purpose: The purpose of this emergency rule is to open commercial gillnet and purse seine seasons in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A and commercial reef net seasons in Area 7.

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 schedule openings for commercial purse seine and gillnet fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A and commercial reefnet fisheries in Area 7. Prosecuting these fisheries has been authorized by the Fraser River Panel as part of the Pacific Salmon Treaty. In-season information indicates that there are harvestable pink salmon available for United States fisheries. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 5, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000Z Puget Sound salmon—Purse seine—Open periods. Effective September 6 through September 8, 2023, the following provisions of WAC 220-354-120 regarding commercial purse seine open periods in Puget Sound Salmon Management and Catch Reporting areas 7 and 7A shall be as follows. All other provisions of WAC 220-354-120 not con-

tained herein remain in effect unless otherwise altered by emergency rule:

Area(s)	Date(s)	Open/Closed	Daily open period
7 and 7A	9/6, 9/7, 9/8	Open	5 a.m. - 9 p.m.

Release all salmon other than pink salmon.

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NEW SECTION

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

Effective September 6 through September 8, 2023, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting areas 7 and 7A shall be as described below. All other provisions of WAC 220-354-160 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Area(s)	Date(s)	Open/Closed	Daily open period	Minimum mesh size
7 and 7A	9/6, 9/7, 9/8	Open	8 a.m. - midnight	6 1/4"

Sockeye must be released.

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NEW SECTION

WAC 220-354-18000B Reef net open periods. Notwithstanding the provisions of WAC 220-354-180, effective September 6 through September 8, 2023, it is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open to reef net gear according to the times, dates and conditions contained herein:

Area(s)	Date(s)	Open/Closed	Daily open period
7	9/6, 9/7, 9/8	Open	5 a.m. - 9 p.m.

(a) It is unlawful to retain unmarked Chinook, sockeye, and chum.

(b) It is unlawful to retain marked Chinook or unmarked coho unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the logbook in accordance with requirements of WAC 220-354-180.

(c) Marked Chinook and coho are those with a missing adipose fin with a healed scar, unmarked Chinook and coho have an intact adipose fin.

(d) It is unlawful to fish for salmon with reef net gear in Area 7 unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(e) "Quick Reporting Fisheries": All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

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