

**WSR 23-23-138
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-259—Filed November 17, 2023, 5:04 p.m., effective November 20, 2023]

Effective Date of Rule: November 20, 2023.

Purpose: The purpose of this emergency rule is to open purse seine test fisheries in Puget Sound Salmon Management and Catch Reporting Areas 9, 10, and 11.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000D; 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 vessels 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 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 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 17, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000I Puget Sound salmon—Purse seine—Open periods. Effective November 20 through November 27, 2023, the purse seine vessels 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 11.

(1) Allowed fishing period is November 20, 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 Tradition Command Point; Area 11; West Pass	F/V Lisa Marie Point Beals; Area 11; East Pass
47	Mon 11/20/2023	Mon 11/20/2023	Mon 11/20/2023

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.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-354-12000D Puget Sound salmon—Purse seine—Open periods. (23-227)