

WSR 22-18-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-184—Filed August 26, 2022, 1:34 p.m., effective August 28, 2022]

Effective Date of Rule: August 28, 2022.

Purpose: The purpose of this emergency rule is to close commercial salmon seasons in Puget Sound Salmon Management and Catch Reporting Area 7C and a portion of Area 7B.

Citation of Rules Affected by this Order: Amending WAC 220-354-120 and 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 emergency rule is needed to close commercial gill net and purse seine seasons in Puget Sound Salmon Management and Catch Reporting Area 7C and a portion of Area 7B.

For the waters of Area 7B: Currently, United States fisheries (all citizen and tribal) targeting sockeye salmon are closed. At current predicted run-size levels, the United States is over its allowable share of sockeye returning to the Fraser River. Closing these waters to fishing will ensure additional sockeye salmon harvest remains low.

The closure of gill net fisheries in Area 7C is necessary to avoid gear conflicts with a tribal crab opening. This action is undertaken through comanager agreement.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 26, 2022.

Kelly Susewind
Director

NEW SECTION**WAC 220-354-12000H Puget Sound salmon—Purse seine—Open periods.**

Notwithstanding the provisions of WAC 220-354-120, effective August 30, 2022, until further notice:

In waters of Puget Sound salmon Management and Catch Reporting Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (40°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W) it is unlawful to retain the following salmon species taken with purse seine gear:

- (a) Chinook salmon after October 20.
- (b) Coho salmon prior to September 1.
- (c) Sockeye salmon after August 30.

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NEW SECTION**WAC 220-354-16000U Puget Sound salmon—Gillnet—Open periods.**

Notwithstanding the provisions of WAC 220-354-160:

(a) Effective August 28, 2022, until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in the following area of Puget Sound Salmon Management and Catch Reporting Area 7B:

Waters of Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (40°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W).

(b) Effective the day of August 30, 2022 only, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7C.

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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.