



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 09-217

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amend commercial fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-47-50100T and WAC 220-47-50100U
 Amended:
 Suspended:

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

Other authority :

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The 2009 – 2010 List Of Agreed-To Fisheries concerning State and Tribal Salmon Harvest Management Plans for Puget Sound allows for reef-net fishing from September 18, 2009, through October 14, 2009. However, a prior emergency rule, WAC 220-47-50100T, filed as WSR 09-19-048 on September 10, 2009, closed Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A to all commercial salmon fishing until further notice. This emergency regulation is needed to open the reef net fishery. There is insufficient time to adopt permanent rules.

Date adopted: September 17, 2009

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 17, 2009

TIME: 4:59 PM

WSR 09-19-085

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-47-50100U Puget Sound All-Citizen Commercial Salmon Fishery – Open periods.

(1) Notwithstanding the provisions of chapter 220-47 WAC, Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A remain closed to taking, fishing for, or possessing salmon taken for commercial purposes, with the following exception:

(a) Reef Net gear: A person may take, fish for, and possess salmon taken with reef net gear for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A daily from September 18, 2009, through October 14, 2009, from 5:00 a.m. to 9:00 p.m. each day.

(i) It is unlawful to retain unmarked Chinook, sockeye, and pink salmon at all times. It is unlawful to retain unmarked coho and chum salmon prior to October 1, 2009.

(ii) It is unlawful to retain marked Chinook after October 1, 2009. Prior to October 1, 2009, marked Chinook may only be retained if the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook.

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

REPEALER

The following section of the Washington Administrative Code is repealed, effective September 18, 2009:

WAC 220-47-50100T Puget Sound All-Citizen Commercial Salmon Fishery – Open periods.

The following section of the Washington Administrative Code is repealed, effective October 15, 2009:

WAC 220-47-50100U Puget Sound All-Citizen Commercial Salmon Fishery – Open periods.

