



RULE-MAKING ORDER

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

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 09-219

- 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Repealed:
 Amended: WAC 220-47-411, WAC 220-47-428
 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: Due to interception of Endangered Species Act listed summer chum in Area 12A agreement over closing commercial gillnet fisheries was reached with tribal co-managers. Harvestable surplus of coho available in these areas for the beach seine fishery. Agreement over scheduling of commercial fisheries reached with tribal co-managers. In Area 8D, agreement about daily gillnet opening times was reached with tribal co-managers. There is insufficient time to adopt permanent rules.

Date adopted: September 18, 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 18, 2009
TIME: 1:55 PM

WSR 09-19-092

**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>2</u>	Amended	_____	Repealed	<u>1</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 220-47-41100J Puget Sound gill net fishery.

Notwithstanding the provisions of WAC 220-47-411, effective immediately it is unlawful to take, or fish for salmon taken for commercial purposes with gill net gear in those waters of Puget Sound Management Catch Reporting Areas except as provided:

- (1) Area 12A – closed until further notice.
- (2) Area 8D – Daily hours are amended to begin at 6 AM.
- (3) Unless otherwise amended, all permanent rules remain in effect.

NEW SECTION

WAC 220-47-42800C Puget Sound Beach seine fishery.

Notwithstanding the provisions of WAC 220-47-428, effective immediately it is unlawful to take, or fish for salmon taken for commercial purposes with beach seine gear in those waters of Puget Sound Management Catch Reporting Areas, except as provided:

- (1) Area 12A – Daily, from 7 AM to 7 PM, Sunday, September 20, 2009 through Friday, September 25, 2009.
- (2) Unless otherwise amended, all permanent rules remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. September 25, 2009:

WAC 220-47-42800C Puget Sound beach seine fishery.