



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 09-226

- Immediately upon filing.
- Later (specify) September 26, 2009

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Repealed: WAC 220-47-30700F, WAC 220-47-31100B, WAC 220-47-42800D
 Amended: WAC 220-47-307, WAC 220-47-311, 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: Harvestable surpluses of coho are diminishing, and to ensure minimal impacts to Endangered Species Act-listed summer chum, a closure is necessary in Salmon Management and Catch Reporting Area 12A. Also, two vessels have been added to the limited participation salmon net fisheries in Salmon Management and Catch Reporting Area 8A. There is insufficient time to adopt permanent rules.

Date adopted: September 25, 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 25, 2009

TIME: 3:55 PM

WSR 09-20-013

**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	3	Amended	_____	Repealed	3
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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 220-47-30700F Closed Areas—Puget Sound salmon.

Notwithstanding the provisions of WAC 220-47-307, effective September 28, 2009, it is permissible for the vessels “Sea Pride” and “Haida Warrior” to fish in waters of Puget Sound Salmon Management and Catch reporting Area 8A southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

NEW SECTION

WAC 220-47-31100B Puget Sound Purse seine fishery.

Notwithstanding the provisions of WAC 220-47-311 and WAC 220-47-500, it is permissible for the vessels “Sea Pride” and “Haida Warrior” to participate in the Purse seine fishery in Puget Sound Salmon Management and Catch Reporting Area 8A on September 28 and October 5, 2009.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-47-428, effective September 26, through September 29, 2009, it is unlawful to take or fish for salmon for commercial purposes with beach seine gear in those waters of Puget Sound Management and Catch Reporting Area 12A.

REPEALERS

The following section of the Washington Administrative Code is repealed effective September 29, 2009:

WAC 220-47-30700F Closed Areas—Puget Sound salmon.

The following section of the Washington Administrative Code is repealed effective October 6, 2009:

WAC 220-47-31100B Puget Sound Purse seine fishery.

The following section of the Washington Administrative Code is repealed effective September 30, 2009:

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

