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 09-253
☒ 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Repealed: WAC 220-47-31100D, WAC 220-47-41100L
Amended: WAC 220-47-311, WAC 220-47-411
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: This regulation modifies commercial fishing schedules for Salmon Management and Catch Reporting Areas 12, 12B and12C per agreement with tribal co-managers. There is insufficient time to adopt permanent rules.

Date adopted: November 6, 2009

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE
Lori Preuss

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 06, 2009
TIME: 3:40 PM

WSR 09-23-021

(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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	_____

The number of sections adopted in the agency's own initiative:

New	2	Amended	_____	Repealed	2

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____

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	_____

N E W S E C T I O N

WAC 220-47-31100D Purse Seine—Open periods.

Notwithstanding the provisions of WAC 220-47-311:

(1) Effective 12:01 a.m. November 11, through 11:59 p.m. November 11, 2009, it is unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine gear in waters of Puget Sound Management and Catch Reporting Areas 12 and 12B.

(2) Effective immediately through November 23, 2009, it is unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine gear in waters of Puget Sound Management and Catch Reporting Area 12C.

N E W S E C T I O N

WAC 220-47-41100L Gill nets—Open periods.

Notwithstanding the provisions of WAC 220-47-411:

(1) Effective 12:01 a.m. November 12, through 11:59 p.m. November 12, 2009, it is unlawful to take, fish for or possess salmon taken for commercial purposes with gill net gear in waters of Puget Sound Management and Catch Reporting Areas 12 and 12B.

(2) Effective immediately through November 26, 2009, it is unlawful to take, fish for or possess salmon taken for commercial purposes with gill net seine gear in waters of Puget Sound Management and Catch Reporting Area 12C.

R E P E A L E R S

The following section of the Washington Administrative Code is repealed effective November 24, 2009:

WAC 220-47-31100D Purse Seine—Open periods.

The following section of the Washington Administrative Code is repealed effective November 27, 2009:

WAC 220-47-41100L Gill nets—Open periods.