



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 09-255

- 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Repealed: WAC 220-47-30700G, WAC 220-47-31100D, WAC 220-47-41100L
 Amended: WAC 220-47-307
 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: A harvestable share of chum salmon are available and the tribes have agreed to the commercial fishing scheduled as adopted in permanent rules for Salmon Management and Catch Reporting Areas 12, 12B and 12C. Per the agreement with the tribes the Department of Fish and Wildlife has agreed to put in a closure zone around Hoodspport Hatchery during the commercial openings. There is insufficient time to adopt permanent rules.

Date adopted: November 13, 2009

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 13, 2009

TIME: 3:12 PM

WSR 09-23-071

**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	1	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 220-47-30700G Closed Areas -- Puget Sound Salmon.

Notwithstanding the provisions of WAC 220-47-307, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes with gill net or purse seine gear in those waters of Puget Sound Salmon Management and Catch Reporting Area 12C within 1000' from shore between the Hoodsport Marina Dock and the Dock at Glen Ayr Trailer Park.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-31100D Purse Seine -- Open periods. (09-253)

WAC 220-47-41100L Gill nets -- Open periods. (09-253)

The following section of the Washington Administrative Code is repealed effective November 27, 2009:

WAC 220-47-30700G Closes Areas – Puget Sound Salmon.