



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 10-283

- Immediately upon filing.
- Later (specify) 12:01 a.m. October 23, 2010

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Repealed: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 220-47-311, WAC 220-47-401, 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: U.S. fisheries are being closed to comply with limits specified in the Pacific Salmon Treaty. There is insufficient time to adopt permanent rules.

Date adopted: October 22, 2010

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 22, 2010
TIME: 4:04 PM
WSR 10-22-023

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	_____
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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 220-47-31100G Purse seines—Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective 12:01 a.m. October 23, 2010, until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with purse seine gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

NEW SECTION

WAC 220-47-40100F Reef nets—Open periods.

Notwithstanding the provisions of WAC 220-47-401, effective 12:01 a.m. October 23, 2010, until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with reef net gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-47-411, effective 12:01 a.m. October 23, 2010, until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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 finding: Pursuant to the Pacific Salmon Treaty (January 2009), Chapter 6, paragraph 6 (a) and paragraph 10 (a), Fraser River chum levels of less than 1 million are defined as critical. Paragraph 6 (c) states that when run sizes are expected to be below the critical threshold, Canada is required to notify the United States. Paragraph 6 (c) also states that Canada will conduct only assessment fisheries and non-commercial fisheries when this occurs, and that commercial fisheries targeting Fraser River chum salmon will be suspended. Canada has determined that the current run size of inside chum in Johnstone Strait is 1 million or less, which indicates a critical level. There is insufficient time to adopt permanent rules.

(10-283, 10/22/2010)

