



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 11-33

- 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Repealed: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 220-48-015, WAC 220-48-029, WAC 220-48-032, WAC 220-48-071
WAC 220-49-056, WAC 220-52-069

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 change is needed to comply with provisions of the Endangered Species Act (ESA). On July 27, 2010, a federal decision to list two species of rockfish as threatened and one species of rockfish as endangered in Puget Sound became effective. The intent of this regulation is to comply with the ESA and to protect the listed species from capture in the specified fisheries. These rules are interim until permanent rules take effect.

Date adopted: March 18, 2011

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 18, 2011

TIME: 2:53 PM

WSR 11-07-057

**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	<u>6</u>	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>6</u>	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 220-48-01500D Beam trawl and bottom trawl--Seasons.

Notwithstanding the provisions of WAC 220-48-015, effective immediately until further notice, all waters of Puget Sound are closed to fishing using bottom trawl gear.

NEW SECTION

WAC 220-48-02900J Set net--Dogfish—Seasons.

Notwithstanding the provisions of WAC 220-48-029, effective immediately until further notice, all waters of Puget Sound are closed to fishing using dogfish set net gear.

NEW SECTION

WAC 220-48-03200L Set line--Seasons.

Notwithstanding the provisions of WAC 220-48-032, effective immediately until further notice, all waters of Puget Sound are closed to fishing using set line gear.

NEW SECTION

WAC 220-48-07100C Bottomfish pots--Gear and seasons.

Notwithstanding the provisions of WAC 220-48-071, effective immediately until further notice, all waters of Puget Sound are closed to fishing using bottomfish pot gear.

NEW SECTION

WAC 220-49-05600G Smelt fishing--Seasons.

Notwithstanding the provisions of WAC 220-49-056, effective immediately until further notice, all waters of Puget Sound are closed to smelt fishing using purse seine gear.

NEW SECTION

WAC 220-52-06900E Scallop fishery--Puget Sound.

Notwithstanding the provisions of WAC 220-52-069, effective immediately until further notice, it is unlawful to fish for or possess any pink or spiny scallops taken with trawl gear in all waters of Puget Sound.

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 this finding: This change is needed to comply with provisions of the Endangered Species Act (ESA). On July 27, 2010, a federal decision to list two species of rockfish as threatened, and one species of rockfish as Endangered in Puget Sound will become effective. The intent of this regulation is to comply with the ESA and to protect the listed species from capture in the specified fisheries. These rules are interim until permanent rules take effect.
(11-33, 3/18/2011)

