



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 12-01

- Immediately upon filing.
- Later (specify) January 16, 2012

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Repealed: WAC 220-49-02000S
 Amended: WAC 220-49-020
 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 year 2009, 2010, 2011, 2012, or 2013, 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: For conservation of the herring resource through minimizing the fishery targeting spawning adults, all documented herring spawning grounds in Puget Sound are closed by permanent rule to fishing by all gear types other than dip bag net during the herring spawning season. This emergency rule closes the more recently documented spawning grounds to herring fishing that are not covered in the permanent rules. There is insufficient time to adopt permanent rules.

Date adopted: January 5, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 05, 2012
TIME: 1:27 PM

WSR 12-03-016

**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	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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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 220-49-02000S Herring and Anchovy—seasons--lawful gear--purposes.

Notwithstanding the provisions of WAC 220-49-020, effective immediately until further notice, it is unlawful to take, fish for or possess for commercial purposes herring or anchovy from the following areas of Puget Sound, except as provided for in this section:

- (1) The following areas are closed from January 16 through April 15, 2012, except to dip bag net gear:
 - (a) All waters of Catch Area 24C south of a line from North Bluff on Whidbey Island to East Point on Whidbey Island.
 - (b) All waters of Catch Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet, and all waters east of the Fox Island Bridge and west of a line from Point Fosdick to Fox Point.
 - (c) All waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove, and all waters east of a line projected true north from Allen Point in Henderson Bay.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 16, 2012:

WAC 220-49-02000S Herring and Anchovy—seasons—lawful gear—purposes.

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- (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, 2011, 2012 or 2013, 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.

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(12-01, 1/5/2012)

