



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 12-272

- 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Repealed: WAC 220-47-31100X, 220-47-31100Z, and 220-47-41100Q
 Amended: WAC 220-47-311 and 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 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: We are repealing 220-47-31100X to revert to the department's permanent rules, because there is a harvestable number of chum remaining in Hood Canal. We are closing Puget Sound Salmon Management and Catch Reporting Area 8D in WAC 220-47-311 and 220-47-411, because the Tulalip Hatchery has not reached its egg-take goal.

Date adopted: November 19, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 19, 2012

TIME: 4:49 PM

WSR 12-23-067

**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	<u>2</u>	Amended	_____	Repealed	3
-----	----------	---------	-------	----------	---

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	_____

NEW SECTION

WAC 220-47-31100Z Purse seine – Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to fish for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 8D.

NEW SECTION

WAC 220-47-41100Q Gillnet - Open periods.

Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to fish for commercial purposes with gillnet gear in Puget Sound Salmon Management and Catch Reporting Area 8D.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-31100X Purse seine – Open periods.

The following section of the Washington Administrative Code is repealed effective November 24, 2012:

WAC 220-47-31100Z Purse seine – Open periods.

The following section of the Washington Administrative Code is repealed effective November 24, 2012:

WAC 220-47-41100Q Gillnet – Open periods.

=====

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: We are repealing 220-47-31100X to revert to the department’s permanent rules, because there is a harvestable number of chum remaining in Hood Canal. We are closing Puget Sound Salmon Management and Catch Reporting Area 8D in WAC 220-47-311 and 220-47-411, because the Tulalip Hatchery has not reached its egg-take goal.

(12-272, 11/19/2012)