# 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 13-291**
☒ 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Repealed: WAC 220-47-31100G, WAC 220-47-41100Y
Amended: WAC 220-47-311, WAC 220-47-411
Suspended:

**Statutory authority for adoption:** RCW 77.04.020, 77.04.055 and 77.12.047

**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:** There is not enough non-treaty chum share remaining in Hood canal or south Puget Sound for a purse seine opening and opening 12C to gillnets is not needed to achieve the non-treaty share. 8D is closed due to concerns about not reaching egg-take goals at the Tulalip hatchery. There is insufficient time to adopt permanent rules.

**Date adopted:** November 15, 2013

**NAME (TYPE OR PRINT)**
Philip Anderson

**SIGNATURE**
Lisa M. Veneroso

**TITLE**
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 15, 2013
TIME: 4:23 PM

WSR 13-23-057

**(COMPLETE REVERSE SIDE)**

**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 2 Amended _____ Repealed 2

**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 | _____ |

N E W  S E C T I O N

**WAC 220-47-31100G  Purse seine – Open periods.**
Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the areas and open periods indicated below. Unless otherwise amended, all permanent rules remain in effect.

**Areas 10, 11, 12, 12B and 12C are closed to purse seines on 11/19/2013**
**Area 8D is closed to purse seines on 11/18/2013**

N E W  S E C T I O N

**WAC 220-47-41100Y  Gillnet – Open periods.**
Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the areas and open periods indicated below. Unless otherwise amended, all permanent rules remain in effect.

**Area 12C is closed to gillnets on 11/18 and 11/20/2013**
**Area 8D is closed to gillnets on 11/20, 11/21 and 11/22/2013**

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. November 22, 2013:

WAC 220-47-31100G  Purse seine– Open periods.
WAC 220-47-41100Y  Gillnet – Open periods.

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**(13-291, 11/15/2013)**