



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 15-422

- Immediately upon filing.
- Later (specify) 7:00 a.m. November 14, 2015

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 for Puget Sound salmon

Citation of existing rules affected by this order:

Repealed: WAC 220-47-31100T, WAC 220-47-31100V, WAC 220-47-41100N, WAC 220-47-41100Q
 Amended: WAC 220-47-311, WAC 220-47-411
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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 a small amount of the non-treaty chum share remaining in Hood Canal and South Puget Sound. A reduction in openings is needed to avoid exceeding the non-treaty share of chum. There is insufficient time to adopt permanent rules.

Date adopted: November 13, 2015

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 13, 2015

TIME: 5:06 PM

WSR 15-23-066

**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>2</u>	Amended	_____	Repealed	<u>4</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 220-47-31100V Purse seine – Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective November 17, 2015, it is unlawful to take, fish for, or possess salmon taken for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 12.

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

Notwithstanding the provisions of WAC 220-47-411, it is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from the following Puget Sound Salmon Management and Catch Reporting Areas and dates:

- (1) Areas 10 and 11 are closed on November 18, 2015
- (2) Area 12 is closed on November 16, 2015 and November 18, 2015
- (3) Areas 12B and 12C are closed on November 18, 2015

REPEALERS

The following section of the Washington Administrative Code is repealed effective 7:00 AM November 14, 2015:

WAC 220-47-31100T Purse Seine--Open periods.
WAC 220-47-41100N Gillnet--Open periods.

The following section of the Washington Administrative Code is repealed effective 8:01 AM November 19, 2015:

WAC 220-47-31100V Purse Seine--Open periods.
WAC 220-47-41100Q Gillnet--Open periods.

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, 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 a small amount of the non-treaty chum share remaining in Hood Canal and South Sound. A reduction in openings is needed to avoid exceeding the non-treaty share of chum. There is insufficient time to adopt permanent rules.

(15-422, 11/13/2015)

