



# 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 14-306**

- Immediately upon filing.
- Later (specify) 7:00 a.m. October 17, 2014

**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Repealed: WAC 220-47-50100L  
 Amended:  
 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:** This regulation modifies fishing schedules for Salmon Management and Catch Reporting Areas 7 and 7A per agreement with tribal co-managers. Pre-season agreements stipulated that the non-treaty fishery would reopen on October 17 if the chum catch was between 15,000 and 25,000 fish after the first three scheduled days of the fishery. Actual catch is estimated to be approximately 18,000 fish. There is insufficient time to adopt permanent rules.

**Date adopted:** October 16, 2014

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 16, 2014**

**TIME: 2:24 PM**

**WSR 14-21-115**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

ORDER NO. 14-306

NEW SECTION

**WAC 220-47-50100L Puget Sound All-Citizen Commercial Salmon Fishery--Open periods.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

**Areas 7 and 7A:**

(1) **Purse Seines** – Open to purse seine gear with a 5 inch strip according to the times, dates, and conditions listed below:

<b>Hours</b>	<b>Dates</b>
7:00 AM – 6:00 PM	October 17

- (a) It is unlawful to retain Chinook and coho.
- (b) Purse seines are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).
- (c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.
- (d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(2) **Gill Nets** – Open to gill net gear with 6 ¼ inch minimum mesh size according to the times, dates, and conditions listed below:

<b>Hours</b>	<b>Dates</b>
7:00 AM -11:59 PM	October 17

- (a) It is unlawful to retain Chinook, coho, and rockfish.
- (b) Recovery boxes are required for gill nets fishing in Areas 7 and 7A through October 18. In addition, gill net soak times (first mesh in to last mesh out) are limited to 45 minutes through October 18.

- (c) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(3) **“Quick Reporting Fisheries”**: All fisheries opened under this section are designated as “Quick Reporting Required” as provided in WAC 220-47-001.

## R E P E A L E R

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 18, 2014:

WAC 220-47-50100L Puget Sound All-Citizen Commercial Salmon Fishery--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:** This regulation modifies fishing schedules for Salmon Management and Catch Reporting Areas 7 and 7A per agreement with tribal co-managers. Pre-season agreements stipulated that the non-treaty fishery would reopen on October 17 if the chum catch was between 15,000 and 25,000 fish after the first three scheduled days of the fishery. Actual catch is estimated to be approximately 18,000 fish. There is insufficient time to adopt permanent rules.

**(14-306, 10/16/2014)**