



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 14-318

- 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 for Puget Sound salmon

Citation of existing rules affected by this order:

Repealed: WAC 220-47-31100J, WAC 220-47-40100J, WAC 220-47-41100B
 Amended: WAC 220-47-311, WAC 220-47-401, 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: The non-treaty share of chum in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A is expected to be harvested by the date of this closure. There is insufficient time to adopt permanent rules.

Date adopted: October 28, 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 28, 2014

TIME: 4:44 PM

WSR 14-22-037

(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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>3</u>	Amended	_____	Repealed	<u>3</u>
-----	----------	---------	-------	----------	----------

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 220-47-31100J Purse seine--Open periods.

Notwithstanding the provisions WAC 220-47-311, effective 1:00 p.m. October 29 through November 8, 2014, it is unlawful to fish for, or possess salmon taken for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

NEW SECTION

WAC 220-47-40100J Reef nets—Open periods.

Notwithstanding the provisions of WAC 220-47-401, effective midnight October 29 through November 8, 2014, it is unlawful to fish for, or possess salmon taken for commercial purposes with reef net gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-47-411, effective midnight October 29 through November 8, 2014, it is unlawful to fish for, or possess salmon taken for commercial purposes with gillnet gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. November 9, 2014:

- WAC 220-47-31100J Purse seine--Open periods.
- WAC 220-47-40100J Reef net—Open periods.
- WAC 220-47-41100B 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: The non-treaty share of chum in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A is expected to be harvested by the date of this closure. There is insufficient time to adopt permanent rules.

(14-318, 10/28/2014)