



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 16-17

- 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Repealed: WAC 220-52-06900H, WAC 220-52-06900I
 Amended: WAC 220-52-069
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and RCW 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 Puget Sound commercial scallop season is extended one month, through April, due to a delayed fishery opening and anticipated low harvest effort. As previously filed in WSR 16-04-039 the season would have closed March 31, 2016. There is insufficient time to adopt permanent rules.

Date adopted: January 29, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 29, 2016

TIME: 11:37 AM

WSR 16-04-074

(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Federal statute:	New	_____	Amended	_____	Repealed	_____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	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>2</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 220-52-06900I Commercial scallop fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-52-069, effective immediately through April 30, 2016, it is unlawful to take or possess pink or spiny scallops taken for commercial purposes except as provided for in this section:

- (1) It is unlawful to fish for, take, or possess pink or spiny scallops with shellfish dive gear without a commercial scallop dive fishery license holder on board the designated harvest vessel.
- (2) Pink or spiny scallop harvest using shellfish diver gear is allowed in Scallop Area 1 only, which is defined as the waters of marine fish - shellfish catch reporting areas 20A and 20B within the following boundaries: Point Doughty east along the shoreline of Orcas Island to Lawrence Point, then true north to 48° 42' 28" N latitude, 122° 44' 29" W longitude, then northwest to 48° 47' 18" N latitude, 122° 48' 8" W longitude, then northwest to 48° 50' 4" N latitude, 122° 50' 24" W longitude, then southwest to 48° 49' 46" N latitude, 122° 51' 59" W longitude, then southwest to 48° 46' 4" N latitude, 122° 57' 3" W longitude, then true south back to Point Doughty, except within 100 feet of any shoreline, or shallower than 30 feet below mean lower low water, whichever is further from shore, and within 2500 feet from the shoreline of Orcas Island between Point Doughty and Point Thompson, and those waters of Echo Bay, Sucia Island west of a line projected from Johnson Point to the southeast tip of Ewing Island.
- (3) It is unlawful for more than two divers from a harvest vessel to be in the water at any one time during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel.
- (4) It is unlawful to possess any other species of commercial shellfish during pink or spiny scallop harvest operations, or possess any other species of commercial shellfish on a vessel that has pink or spiny scallops on board.

REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 220-52-06900H Commercial scallop fishery—Puget Sound. (16-08)

The following section of the Washington Administrative Code is repealed effective May 1, 2016:

WAC 220-52-06900I Commercial scallop fishery—Puget Sound.

EMERGENCY RULE ONLY

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(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.

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