



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 17-97

- 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 to clarify salmon taken for personal use during a commercial fishery

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-354-030
 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: This emergency rule is needed to clarify limits for salmon taken for personal use during a commercial salmon fishery. This rule will allow commercial fishermen to take home a daily limit of three salmon for personal use. The Department of Fish and Wildlife will file a preproposal to begin the permanent rule process.

Date adopted: June 7, 2017

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 07, 2017

TIME: 12:03 PM

WSR 17-13-002

(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	_____
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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 220-354-03000A Sale and purchase of commercial caught salmon.

Notwithstanding the provisions of WAC 220-354-030, effective immediately until further notice the following rules apply:

(1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter [77.65](#) RCW to:

(a) Retain for personal use more than three salmon per landing and delivery, regardless of species, provided that:

(i) The commercial season is open for the species taken and;

(ii) The fish retained are lawful to possess when taken by the gear type for which the person is licensed to fish

(iii) The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Fail to report and document all salmon taken during a commercial fishery on state of Washington fish receiving tickets, including fish retained for personal use.

(c) Sell any salmon taken under such license to anyone other than a licensed wholesale fish dealer located within or outside the state of Washington: Except that a person who is licensed as a wholesale fish dealer under the provisions of RCW [77.65.280](#) may sell his catch to individuals or corporations other than licensed wholesale fish dealers.

(d) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer. This subsection does not apply to troll caught salmon or the eggs from such salmon.

(e) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

(3) Violation of subsection (1) (a) is punishable under RCW 77.15.550; Violation of commercial fishing area or time—Penalty.

(4) Violation of subsection (1) (b) is punishable under 77.15.280; Reporting of fish or wildlife harvest—Rules violation—Penalty.

(5) Violation of subsection (1) (c) is punishable under RCW 77.15.620; Engaging in fish dealing activity—Unlicensed—Penalty.

(6) Violation of subsection (1) (d) and (2) are punishable under RCW RCW 77.15.260; Unlawful trafficking in fish, shellfish, or wildlife—Penalty.

(7) Violation of subsection (1) (e) is punishable under RCW 77.15.170; Waste of fish and wildlife—Penalty