



# 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 17-168**

- Immediately upon filing.
- Later (specify) July 23, 2017

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** This emergency rule is for the purpose of interpreting and defining terminology of licenses in RCW 77.15.568 that were modified in Senate Bill 5306. The purpose of the proposal is to provide a cross-walk of the licenses identified in Senate Bill 5306 and existing license titles defined in RCW 77.08.010, RCW 77.15.568, and RCW 77.65.510.

Proposing to create a new WAC (WAC 220-352-032) regarding terminology for wholesale fish buyer and limited fish seller. For purposes of RCW 77.15.568, the term "wholesale fish buyer" means "wholesale fish dealer" as that term is defined in RCW 77.08.010 Section 70, and the term "limited fish seller" means a holder of a "direct retail endorsement" issued under the authority of RCW 77.65.510. The updated terminology would impact license holders and enforcement by clarifying the license terms used. If the terminology is not updated, there may be confusion among license holders and enforcement. Updating the terminology would clarify the license terms used.

**Citation of existing rules affected by this order:**

- Repealed:
- Amended:
- Suspended:

**Statutory authority for adoption:** RCW 77.04.090 and RCW 77.04.130

**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 create a new WAC for the purpose of interpreting and defining terminology of licenses in RCW 77.15.568 that were modified in Senate Bill 5306. Senate Bill 5306 goes into effect on July 23, 2017 and introduces different terminologies of licenses that are not defined elsewhere. This WAC provides a cross-walk of the license in the modified bill in RCW 77.15.568 to the existing license titles defined in RCW 77.08.010 Section 70, RCW 77.65.510, RCW 77.65.515 and RCW 77.65.520. The agency has filed a Preproposal State of Inquiry and this rule is interim until permanent rules take effect.

**Date adopted:** July 19, 2017

**NAME (TYPE OR PRINT)**  
James B Scott for J W Unsworth

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** July 19, 2017  
**TIME:** 12:02 PM

**WSR 17-16-001**

**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	_____
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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:**

<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	_____

NEW SECTION

**WAC 220-352-03200A Definitions for wholesale fish buyer and limited fish seller.**

Notwithstanding the provisions of chapter 220-352 WAC, effective July 23, 2017, until further notice, for purposes of RCW 77.15.568, the term “wholesale fish buyer” means “wholesale fish dealer” as that term is defined in RCW 77.08.010 Section 70, and the term “limited fish seller” means a holder of a “direct retail endorsement” issued under the authority of RCW 77.65.510.