



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 11, 2017

TIME: 4:22 PM

WSR 17-17-062

**Agency:** Washington Department of Fish and Wildlife (17-195)

**Effective date of rule:**

**Emergency Rules**

- 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:** Amends Puget Sound commercial gillnet and purse seine fisheries

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

New:  
Repealed: WAC 220-47-31100A, WAC 220-47-41100A  
Amended: WAC 220-47-311, WAC 220-47-411  
Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 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.

**Reasons for this finding:** Harvest non-treaty share of Nooksack and Samish Chinook as agreed to with the tribal co-managers in Puget Sound Salmon Management and Catch Reporting Areas 7B and 7C, harvest non-treaty share of Port Gamble Bay coho as agreed to with the tribal co-managers in Puget Sound Salmon Management and Catch Reporting Area 9A, and harvest non-treaty share of South Sound pinks in Puget Sound Salmon Management and Catch Reporting Area 10 as agreed to with the tribal co-managers. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 on the agency's own initiative:**

New	<u>2</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	___

**Date adopted:** August 11, 2017

**Name:** James B Scott for J W Unsworth

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-47-31100A Purse Seine--Open periods.** Notwithstanding the provisions of WAC 220-47-311, 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 during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open Areas	Open Periods
7B, 7C	6 AM – 8 PM daily 8/16, 8/23, and 8/30
10 – limited participation 5 boats only	7 AM – 7 PM daily 8/23, 8/29, and 8/31

NEW SECTION

**WAC 220-47-41100A Gillnet--Open periods.** Notwithstanding the provisions of WAC 220-47-411, 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 during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open Areas	Open Periods	Mesh Size
7B, 7C	7 PM – 8 AM nightly 8/13, 8/14, 8/15, 8/20, 8/21, 8/22, 8/23, 8/27, 8/28, 8/29, and 8/30;	Minimum 7 inch
9A	7 AM 8/13 through 11:59 PM 9/2	Minimum 5 inch
10 – limited participation 5 boats only	7 PM – 7 AM nightly 8/22, 8/28, 8/30	Minimum 4.5 inch and maximum 5.5 inch

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 11:59 PM September 2, 2017:

WAC 220-47-31100A Purse Seine--Open periods.

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

