



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 14, 2017

TIME: 3:34 PM

WSR 17-17-070

Agency: Department of Fish and Wildlife (17-193)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) August 16, 2017

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

- Yes No If Yes, explain:

Purpose: Amend recreational fishing rules for possession and delivery of Canadian-origin food fish and shellfish.

Citation of rules affected by this order:

New:
Repealed: WAC 220-310-21000B
Amended: WAC 220-310-210
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.

Reasons for this finding: Canadian Customs and Border Security regulations related to requirement for obtaining a Customs Clearance number have recently changed. This regulation is needed to provide an alternate means for persons seeking to possess and/or land Canadian caught fish in Washington waters or ports of call. The regulation helps ensure the viability of fishing related resort owners in Washington who want to act as a port of call for Washington fishers seeking to fish in adjacent Canadian waters. The modification to existing permanent regulations also maintains the enforceability of Washington fishing regulations established to meet conservation objectives by ensuring that fish possessed in Washington waters or ports of call are caught consistent with the rules and regulations for the waters from where they are harvested and that there is minimal opportunity for fishers in areas of international water boundaries to confuse their regulatory responsibilities. 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>1</u>	Amended	___	Repealed	<u>1</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 14, 2017

Name: J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-310-21000C Possession and delivery of Canadian-origin food fish and shellfish

Notwithstanding the provisions of WAC 220-310-210, effective August 16, 2017, until further notice, it is unlawful to possess in marine waters or deliver into Washington any fresh salmon taken for personal use from Canadian waters unless such salmon meet current salmon regulations for the waters of the applicable department of fish and wildlife catch record card area. However, if the vessel operator has a valid Canadian Customs and Border Protection clearance number obtained while the vessel was moored at a Canadian government dock in Ucluelet, Victoria, Sydney, White Rock, or Bedwell Harbour, British Columbia, OR has submitted the information listed below to the department; at http://wdfw.wa.gov/licensing/canadian_catch.php; trip date (departure and return dates if more than one day); number of individuals onboard; Vessel Registration Number; and Primary Operators information to include: WILD ID and email address OR Name, Date of Birth, phone number, physical address, and email address, fishers aboard the vessel may deliver Canadian-origin salmon into Washington that are lawfully taken in Canada, regardless of whether the salmon meet the current salmon regulations for the area where delivered.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-21000B Possession and delivery of Canadian-origin food fish and shellfish.
(17-108)