



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 28, 2017

TIME: 5:06 PM

WSR 17-18-033

Agency: Washington Department of Fish and Wildlife (17-219)

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 salmon fisheries

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-47-50100B
- Amended:
- 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: This regulation provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the US share of Fraser River pink salmon. A portion of Area 7 is open to facilitate removal of Atlantic salmon a non-native species. Cooke Aquaculture Pacific, the owner of net pen facility near Cypress Island, WA (near the San Juan Islands) has indicated that structural damage to one of their Atlantic salmon net pens resulted in the escape of Atlantic salmon adults. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	1	Amended	___	Repealed	1
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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 28, 2017

Name: Nate Pamplin for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-47-50100B Puget Sound All-Citizen Commercial Salmon Fishery--Open periods.

Notwithstanding the provisions of WAC Chapters 220-47 and 220-354, 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 in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Areas 7 and 7A:

Purse Seines – Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM – 9:00 PM	August 29, 2017

- (a) It is unlawful to retain sockeye, Chinook, coho, chum, and rockfish.
- (b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).
- (c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.
- (d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(2) Areas 7 and 7A:

Gill Nets – Open to gill net gear with 5 inch minimum and 5 ½ inch maximum mesh size according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
8:00 AM -11:59 PM	August 29, 2017

- (a) It is unlawful to retain sockeye and rockfish.
- (b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(3) Areas 7 and 7A:

Reef Nets – Open to reef net gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM – 9:00 PM	August 29 and August 30, 2017

- (a) It is unlawful to retain sockeye, unmarked Chinook, unmarked coho, and chum.
- (b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.
- (c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **Area 7.** Open in that portion of Area 7; From the south tip of Lummi Island at Carter Point westerly to the northern point of Sinclair Island, to the most north western point of Sinclair Island, then to Towhead Island, from there following 1000’ of the western shore of Cypress Island to Strawberry Island then to Fidalgo Head and bounded to the East by the 7/7B line:

Gill Nets – Open to gill net gear with 5 inch minimum and 5 ½ inch maximum mesh size according to the times, dates, and conditions as prescribed and listed below:

Open Periods
6:00 PM August 28, 2017 through 6:00 PM September 4, 2017

- (a) It is unlawful to retain sockeye and rockfish.
- (b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(5) **Area 7.** Open in that portion of Area 7; From the south tip of Lummi Island at Carter Point westerly to the northern point of Sinclair Island, to the most north western point of Sinclair Island, then to Towhead Island, from there following 1000’ of the western shore of Cypress Island to Strawberry Island then to Fidalgo Head and bounded to the East by the 7/7B line:

Beach Seines – Open to beach seine gear in accordance with WAC 220-354-200 and according to the times, dates, and conditions as prescribed and listed below:

Open Periods
6:00 PM August 28, 2017 through 6:00 PM September 4, 2017

- (a) It is unlawful to retain sockeye, Chinook, coho, chum, and rockfish.

(b) It is unlawful to fish for salmon with beach seine gear in Areas 7 and 7A unless the vessel operator has attended a “Fish Friendly” best fishing practices workshop and is in possession of a department issued certification card.

(6) **“Quick Reporting Fisheries”** All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as “Quick Reporting Required” pursuant to WAC 220-354-090.

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 4, 2017:

WAC 220-47-50100B Puget Sound All-Citizen Commercial Salmon Fishery--Open periods