



# 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 29, 2017

TIME: 4:41 PM

WSR 17-18-036

**Agency:** Washington Department of Fish and Wildlife (17-220)

**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 Puget Sound herring, anchovy and smelt Drag seine fishery to allow for retention of Atlantic salmon

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

- New:
- Repealed:
- Amended: WAC 220-356-050, WAC 220-356-060
- 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 emergency rule is needed 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	2	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	___

**Date adopted:** August 29, 2017

**Name:** Nate Pamplin for J W Unsworth

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-356-06000A Puget Sound herring, anchovy and smelt commercial fisheries – Drag seine.**

Notwithstanding the provisions of WAC 220-356-060, effective immediately until further notice, it is permissible to retain Atlantic salmon while fishing in the commercial Puget Sound herring, anchovy and smelt Drag seine fishery.

NEW SECTION

**WAC 220-356-05000A Puget Sound forage fish commercial fisheries – General provisions.**

Notwithstanding the provisions of WAC 220-356-050 and WAC 220-356-060, effective immediately until further notice, Quick Reporting is in effect for Atlantic salmon retained in the commercial Puget Sound herring, anchovy and smelt Drag seine fishery.

