



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: September 01, 2017

TIME: 12:55 PM

WSR 17-18-064

Agency: Washington Department of Fish and Wildlife (17-228)

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: Amend commercial fishing rules for the Puget Sound smelt commercial fishery—Weekly periods.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 220-356-200
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and RCW 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:

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	<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	Amended	___	Repealed	___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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: September 1, 2017

Name: Nate Pamplin for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-356-20000A Puget Sound smelt commercial fishery—Weekly periods.

Notwithstanding the provisions of WAC 220-356-200, effective immediately until further notice, it is permissible to fish for smelt for commercial purposes in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 22A seven days per week.

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.

(17-228, 9/1/2017)