



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: 4:14 PM

WSR 17-18-070

Agency: Department of Fish and Wildlife (Order 17-231)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) September 03, 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 Puget Sound commercial salmon gillnet and purse seine seasons.

Citation of rules affected by this order:

New:

Repealed: WAC 220-47-31100A, WAC 220-47-31100B, WAC 220-47-41100B, 220-47-41100C

Amended: WAC 220-47-411, 220-47-311

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:

The Department has adopted permanent rules necessary to implement the commercial fishing plans developed through the North of Falcon season setting process. These rules are interim until permanent rules take effect. Additionally, this emergency rule is needed to facilitate removal of Atlantic salmon a non-native species by allowing a smaller mesh size for the commercial gillnet fisheries in Puget Sound Salmon Management and Catch Reporting Area 7C. 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>2</u>	Amended	___	Repealed	4
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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 01, 2017

Name: Nate Pamplin for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-47-31100B 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 - 9/6; 7 AM – 7 PM - 9/11, 9/13, and 9/15
10 – limited participation 5 boats only	7 AM – 7 PM daily 9/5 and 9/7

Purse seines fishing in Puget Sound Salmon Management and Catch Reporting Areas 7B and 7C must release all sockeye.

NEW SECTION

WAC 220-47-41100C 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 AM 9/3 – 7 AM 9/8; 7 AM 9/10 – 7 AM 9/15;	Minimum 5 inch
7B	7 AM 9/17 – 12:01 AM 9/18;	Minimum 5 inch
9A	continuously through 12:01 AM 9/18	Minimum 5 inch
10 – limited participation 5 boats only	7 PM – 7 AM nightly 9/5 and 9/7	Minimum 4.5 inch and maximum 5.5 inch

Gillnets fishing in Puget Sound Salmon Management and Catch Reporting Areas 7B and 7C must release all sockeye.

R E P E A L E R

The following sections of the Washington Administrative Code are repealed effective 11:59 PM September 02, 2017:

WAC 220-47-31100A Purse seine – Open periods (17-195)

WAC 220-47-41100B Gillnet—Open periods (17-217)

R E P E A L E R

The following sections of the Washington Administrative Code are repealed effective September 18, 2017:

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

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

