



# 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 05, 2017

TIME: 5:01 PM

WSR 17-18-087

**Agency:** Washington Department of Fish and Wildlife (17-236)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) 5:00 a.m. September 6, 2017

**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 for Areas 7 and 7A

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

New: WAC 220-47-50100D  
Repealed: WAC 220-47-50100D  
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 opens portions of Areas 7 and 7A to facilitate removal of Atlantic salmon, a non-native species which escaped of Atlantic salmon adults operated by Cooke Aquaculture in Deepwater Bay on Cypress Island. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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New	1	Amended	___	Repealed	1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:** September 5, 2017

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

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-47-50100D Puget Sound All-Citizen Commercial Salmon Fishery--Open periods.** Notwithstanding the provisions of Chapters 220-47 WAC and Chapter 220-354 WAC, 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:** 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;

And :

those waters Salmon Catch and Reporting Area 7 within the outermost headlands of Eagle Cove, Mulno Cove, and North Bay (along San Juan Channel) on San Juan Island and Davis Bay on Lopez Island.

And:

those waters Salmon Catch and Reporting Area 7A within the outermost headlands of Birch Bay.

**Gill Nets** – Open to gill net gear with 5 inch minimum and 6 ½ inch maximum mesh size according to the times, dates, and conditions as prescribed and listed below:

Open Periods	
8:15 AM through 11:59 PM	September 6, 2017
8:15 AM through 11:59 PM	September 7, 2017
8:15 AM through 11:59 PM	September 8, 2017
8:15 AM through 11:59 PM	September 9, 2017
8:15 AM through 11:59 PM	September 10, 2017
8:15 AM through 11:59 PM	September 11, 2017
8:15 AM through 11:59 PM	September 12, 2017

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

(2) **Areas 7 and 7A:** 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;

And:

those waters Salmon Catch and Reporting Area 7 within the outermost headlands of Eagle Cove, Mulno Cove, and North Bay (along San Juan Channel) on San Juan Island and Davis Bay on Lopez Island.

And:

those waters Salmon Catch and Reporting Area 7A within the outermost headlands of Birch Bay.

**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:

<b>Open Periods</b>	
5:00 AM through 9:00 PM	September 6, 2017
5:00 AM through 9:00 PM	September 7, 2017
5:00 AM through 9:00 PM	September 8, 2017
5:00 AM through 9:00 PM	September 9, 2017
5:00 AM through 9:00 PM	September 10, 2017
5:00 AM through 9:00 PM	September 11, 2017
5:00 AM through 9:00 PM	September 12, 2017

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

(3) **“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.

## REPEALER

The following section of the Washington Administrative Code is repealed effective September 13, 2017:

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