



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (October 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 05, 2017

TIME: 1:14 PM

WSR 17-21-006

Agency: Washington Department of Fish and Wildlife (17-267)

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 commercial fishing rules to clarify salmon taken for personal use during a commercial fishery

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 220-354-030
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: This emergency rule is needed to clarify limits for personal use during a commercial salmon fishery. This rule will allow commercial fishermen to take home a daily limit of three salmon for personal use. The Department of Fish and Wildlife has filed a preproposal to begin the permanent rulemaking process. This rule is interim until permanent rules take effect.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	Amended	___	Repealed	___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

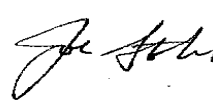
New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date: October 5, 2017
Name: Joe Stohr for J W Unsworth
Title: Director

Signature:



NEW SECTION

WAC 220-354-03000B Sale and purchase of commercial caught salmon.

Notwithstanding the provisions of WAC 220-354-030, effective immediately until further notice the following rules apply:

(1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter [77.65](#) RCW to:

(a) Retain for personal use more than three salmon per landing and delivery, regardless of species, provided that:

(i) The commercial season is open for the species taken and;

(ii) The fish retained are lawful to possess when taken by the gear type for which the person is licensed to fish.

(iii) The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Fail to report and document all salmon taken during a commercial fishery on state of Washington fish receiving tickets, including fish retained for personal use.

(c) Sell any salmon taken under such license to anyone other than a licensed wholesale fish dealer located within or outside the state of Washington: Except that a person who is licensed as a wholesale fish dealer under the provisions of RCW [77.65.280](#) may sell his catch to individuals or corporations other than licensed wholesale fish dealers.

(d) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer. This subsection does not apply to troll caught salmon or the eggs from such salmon.

(e) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

(3) Violation of subsection (1) (a) is punishable under RCW 77.15.550; Violation of commercial fishing area or time—Penalty.

(4) Violation of subsection (1) (b) is punishable under 77.15.280; Reporting of fish or wildlife harvest—Rules violation—Penalty.

(5) Violation of subsection (1) (c) is punishable under RCW 77.15.620; Engaging in fish dealing activity—Unlicensed—Penalty.

(6) Violation of subsection (1) (d) and (2) are punishable under RCW 77.15.260; Unlawful trafficking in fish, shellfish, or wildlife—Penalty.

(7) Violation of subsection (1) (e) is punishable under RCW 77.15.170; Waste of fish and wildlife—Penalty.

