



# 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: November 09, 2017

TIME: 5:00 PM

WSR 17-23-055

**Agency:** Department of Fish and Wildlife (Order 17-312)

**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 salmon fishing rules in Puget Sound.

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

New:  
 Repealed: WAC 220-354-12000G; 220-354-16000G  
 Amended: WAC 220-354-120; 220-354-160  
 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 close the commercial salmon fisheries in Salmon Management and Catch Reporting Areas 10 and 11 as the non-treaty share at the current in-season run size is expected to have been harvested. Additionally, an emergency rule is needed to close Puget Sound Salmon Management and Catch Reporting Area 8D for commercial fishing due to concerns over the Tulalip Hatchery not reaching egg-take goals for chum. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	<u>2</u>
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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:** November 09, 2017

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

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-354-12000G Purse Seine--Open periods.** Notwithstanding the provisions of Chapter 220-354-120 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 during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
8D	Closed
10, 11	Closed

NEW SECTION

**WAC 220-354-16000G Gillnet--Open periods.** Notwithstanding the provisions of Chapter 220-354-160 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 during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
8D	Closed
10, 11	Closed

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 PM December 1, 2017:

- WAC 220-354-12000G Purse Seine--Open periods.
- WAC 220-354-16000G Gillnet--Open periods.