



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 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 09, 2018

TIME: 4:08 PM

WSR 18-21-061

Agency: Department of Fish and Wildlife (Order 18-283)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 5 a.m. October 10, 2018

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 salmon fishing rules for Puget Sound

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-354-120; WAC 220-354-160; WAC 220-354-180
 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 commercial chum fisheries in Catch Reporting Areas 7 and 7A. The US received notice from Canada that their chum run size is estimated to be below the threshold to allow US commercial salmon fisheries in in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A per the Pacific Salmon Treaty. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New 3 Amended ____ Repealed 3

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

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: October 9, 2018	Signature: 
Name: Nate Pamplin for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-354-12000F Puget Sound salmon—Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-354-120, effective effective 5 a.m. October 10 through November 10, 2018, 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 set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

WAC 220-354-16000G Puget Sound salmon—Gillnet—Open periods.

Notwithstanding the provisions of WAC 220-354-160, effective effective 5 a.m. October 10 through November 10, 2018, 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 set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
7 and 7A	Closed

NEW SECTION

WAC 220-354-18000G Puget Sound salmon—Reef net open periods.

Notwithstanding the provisions of WAC 220-354-180, effective 5 a.m. October 10 through November 10, 2018, 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 and in accordance with the species restrictions set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(a)

Areas	Open Periods
7	10/10, 10/11, 10/12, 10/13

(b) It is unlawful for reef nets to retain chum.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective November 11, 2018:

WAC 220-354-12000F Puget Sound salmon—Purse seine—Open periods.

WAC 220-354-16000G Puget Sound salmon—Gillnet—Open periods.

WAC 220-354-18000G Puget Sound salmon—Reef net open periods.