



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: November 05, 2018

TIME: 1:02 PM

WSR 18-22-098

Agency: Department of Fish and Wildlife (Order 18-316)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) November 6, 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 gill net rules for Puget Sound Catch Reporting Areas 10 and 11.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 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 rule is needed to conform to agreements with co-managers by allowing an extra hour of gill net fishing in Catch Reporting Areas 10 and 11. The scheduled purse seine opening for November 7 has been cancelled. Because there is no gear conflict with purse seines, per pre-season agreement, fishers with gill-net gear gain 1 extra hour of fishing. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed ____

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: November 5, 2018	Signature: 
Name: Kelly Cunningham for Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-160, effective November 6 through November 7, 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
10,11	4PM 11/6 – 8AM 11/7