



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 13, 2018

TIME: 1:42 PM

WSR 18-23-025

Agency: Washington Department of Fish and Wildlife (18-323)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) November 16, 2018

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 Puget Sound Salmon Management and Catch Reporting Area 7B.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 220-354-120, WAC 220-354-160
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 emergency rule is needed to close commercial salmon fishing in Puget Sound Salmon Management and Catch reporting Area 7B. The closure is due to low returns of both hatchery and natural chum returning to the Nooksack River and chum tributaries around Bellingham. The closure is implemented in all of Area 7B including the Whatcom Creek Hatchery Zone. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New ____ Amended ____ Repealed ____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New 2 Amended ____ Repealed ____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 13, 2018

Name: Ron Warren for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-120, effective November 16, 2018, until further notice, it is unlawful to fish for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7B with Purse seine gear.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-160, effective November 16, 2018, until further notice, it is unlawful to fish for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7B with Gillnet gear.