



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: June 01, 2022

TIME: 3:46 PM

WSR 22-13-003

Agency: Department of Fish and Wildlife (Order 22-89)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 2, 2022

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The purpose of this emergency rule is to:

1) Postpone the implementation of the mandatory use of electronic fish receiving forms for deliveries of Dungeness crab, ocean pink shrimp, pink shrimp, coonstripe shrimp, sidestripe shrimp, or spot shrimp, and any other lawfully landed species, from coastal and Puget Sound licensed commercial fisheries.

2) This maintains the requirement for receivers to obtain a voluntary agreement from the department to use electronic fish tickets to report deliveries of Dungeness crab, ocean pink shrimp, pink shrimp, coonstripe shrimp, sidestripe shrimp, or spot shrimp, or any other lawfully landed species from coastal and Puget Sound licensed commercial shellfish fishers.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-352-035
- 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: Delayed deployment of a department-developed mobile electronic catch reporting application, required to implement mandatory electronic fish ticket receiving tickets, is necessary to complete dedicated commission rulemaking (WSR 22-11-084). The department is proposing to amend commercial rules to require additional information when submitting an electronic fish receiving ticket while using mobile electronic catch reporting software or applications. The rulemaking file can be found here: <https://wdfw.wa.gov/about/regulations/development/electronic-fish-receiving-tickets>.

The delay in implementing permanent rules is necessary to provide time to complete commission rulemaking, finish deployment of the application, and train constituents in the use of new technologies. 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	1	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 Adopted: June 1, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-352-03500B – Requirement to prepare fish receiving ticket forms completely and accurately – Determining the appropriate form.

Effective June 2, 2022, until further notice, the provisions of WAC 220-352-035(2)(d) are suspended. All other provisions of WAC 220-352-035 not contained herein remain in effect unless otherwise altered by emergency rule.