



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 16-234**

- Immediately upon filing.
- Later (specify) 12:01 a.m. September 4, 2016

**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 fishing rules for Puget Sound salmon

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

Repealed: WAC 220-47-31100Z, WAC 220-47-40100L, WAC 220-47-41100T  
 Amended: WAC 220-47-311, WAC 220-47-401, WAC 220-47-411  
 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:** The Department has adopted permanent rules necessary to implement the commercial fishing plans developed through the North of Falcon season setting process. These rules are interim until permanent rules take effect. Additionally, effective at 11:59 p.m. September 3, 2016 the Fraser River Panel under the Pacific Salmon Commission will relinquish regulatory control in Areas 7 and 7A. Per agreement with co-managers, the reef net fishery begins following relinquishment of regulatory control by the Fraser River Panel. There is insufficient time to adopt permanent rules.

**Date adopted:** September 1, 2016

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 01, 2016**

**TIME: 4:56 PM**

**WSR 16-18-063**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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 in the agency's own initiative:**

New	<u>3</u>	Amended	_____	Repealed	<u>3</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

ORDER NO. 16-234

NEW SECTION

**WAC 220-47-31100Z Purse Seine--Open periods.** Notwithstanding the provisions of WAC 220-47-311, 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:

Open Areas	Open Periods
7B	6 AM – 8 PM daily 9/5, 9/7, 9/9  7 AM – 7 PM daily 9/12, 9/14, 9/16  7 AM 9/18 - 11:59 PM 10/1

NEW SECTION

**WAC 220-47-40100L Reef Net--Open periods.** Notwithstanding the provisions of WAC 220-47-401, 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 as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open Areas	Open Periods
7	5 AM – 9 PM daily 9/4 – 10/1

NEW SECTION

**WAC 220-47-41100T Gillnet--Open periods.** Notwithstanding the provisions of WAC 220-47-411, 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:

Open Areas	Open Periods	Mesh Size
6D	7 AM – 7 PM daily 9/21, 9/22, 9/23, 9/26, 9/27, 9/28, 9/29, 9/30	Minimum 5 inch

7B	<p style="text-align: center;">7 AM 9/4 - 7 AM 9/9</p> <p style="text-align: center;">7 AM 9/11 - 7 AM 9/16</p> <p style="text-align: center;">7 AM 9/11 - 11:59 PM 10/1</p>	Minimum 5 inch
9A	Immediately through 11:59 PM 10/1	Minimum 5 inch

**REPEALERS**

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. October 2, 2016:

- WAC 220-47-31100Z Purse Seine--Open periods.
- WAC 220-47-40100L Reef Net--Open periods.
- WAC 220-47-41100T Gillnet--Open periods.

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**EMERGENCY RULE ONLY**

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- ( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:** The Department has adopted permanent rules necessary to implement the commercial fishing plans developed through the North of Falcon season setting process. These rules are interim until permanent rules take effect. Additionally, effective at 11:59 PM September 3, 2016 the Fraser River Panel under the Pacific Salmon Commission will relinquish regulatory control in Areas 7 and 7A. Per agreement with co-managers, the reef net fishery begins following relinquishment of regulatory control by the Fraser River Panel. There is insufficient time to adopt permanent rules.

**(16-234, 9/1/2016)**