



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 09-173

- Immediately upon filing.
- Later (specify) _____

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 rule, WAC 220-52-04000G, is to raise the price of crab pot buoy tags from \$.90 to \$1.25 per tag. RCW 77.70.430 allows the department to charge a fee to holders of a Dungeness crab – Puget Sound or coastal fishery license, in order to reimburse the department for the production of the tags and the administration of the buoy-tag program.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-52-040
 Suspended:

Statutory authority for adoption: RCW 77.12.047, RCW 77.04.020, and RCW 77.70.430

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 years 2009, 2010, or 2011, 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: Despite raising the price of buoy tags last year from \$.70 per tag to \$.90 per tag, revenue was not enough to recover more than \$50,000 in buoy-tag program expenses. Buoy tags are made of petroleum byproducts, and the cost of oil has increased significantly. Staff, shipping, and handling costs are approximately \$50,242 each year. The department needs to increase the price of buoy tags from \$.90 per tag to \$1.25 per tag this year to meet budget expectations for the 2009-11 biennium. Department representatives met with members of the commercial crabbing industry on August 14, 2009, and received their approval for the price increase. There is insufficient time to adopt permanent rules.

Date adopted: August 20, 2009

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: August 20, 2009
TIME: 9:09 AM**

WSR 09-18-004

**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 in the agency's own initiative:

New	<u>1</u>	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	_____

NEW SECTION

WAC 220-52-04000G Commercial crab fishery--Lawful and unlawful gear, methods, and other unlawful acts.

Notwithstanding the provisions of WAC 220-52-040, effective immediately, until further notice:

(1) Crab buoy tags: The department will issue crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee of one dollar and twenty-five cents (\$1.25) per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license. Only department-issued crab buoy tags may be used, and each crab pot is required to have a buoy tag.