



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 10-67

- 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: Ammend commercial fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-52-04600T
 Amended: WAC 220-52-046
 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: State crab harvest has reached agreed-upon regional quotas in Management Regions 2E, 2W, 3-1, 3-2 and 3-3, and these closures comply with the state/treaty management plan for these regions. Sub-area closures in Management Region 1 are to reduce handling mortality of soft-shelled crab. There is insufficient time to adopt permanent rules.

Date adopted: March 24, 2010

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 24, 2010

TIME: 10:41 AM

WSR 10-07-162

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>1</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-52-04600U Puget Sound Crab fishery--Seasons and areas.

Notwithstanding the provisions of WAC 220-52-046:

- 1) Effective immediately until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in those waters of Crab Management Regions 2 East (Marine Fish Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A East), 2 West (Catch Reporting Areas 25B, 25D and 26A West), 3-2 (Catch Reporting Areas 23D, 25A, and 25E), and Management Region 3-3 (Catch Reporting Areas 23C and 29).
- 2) Effective 8:00 p.m. March 26, 2010, until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in those waters of Management Region 1 (Crab Management and Catch Reporting Areas 21A, 21B, 22B) and those waters of Catch Area 22A that includes Lopez Sound and Blakely Sound, south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island; west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fautleroy Point on the northwest corner of Decatur Island; and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island. The closed area includes Shoal, Swifts, Hunter, Mud, Reads, Brigantine, and Sylvan Bays and Blakely Island Shoal.
- 3) Effective 8:00 p.m. March 31, 2010, until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in those waters of Management Region 3-1 (Crab Management and Catch Reporting Areas 23A and 23B).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600T Puget Sound Crab fishery—Seasons and areas. (10-43)