



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 10-177

- 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Repealed:
 Amended: WAC 220-52-040, 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: This rule is necessary to avoid harvest of soft-shelled Dungeness crab. The weekly landing limit and period is necessary to mitigate handling mortality from sorting soft shelled crab and is in conformity with the Coastal Dungeness crab Summer Fishery Management Plan. There is insufficient time to adopt permanent rules.

Date adopted: July 14, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 14, 2010

TIME: 10:02 AM

WSR 10-15-049

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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>2</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 220-52-04000R Coastal crab Fishery – Weekly trip limits.

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

(1) It is unlawful for any person licensed to fish under a Dungeness crab--coastal fishery license to possess or land crab in excess of 2,500 pounds taken during each of the following coastal crab accounting periods:

- July 18 through July 24, 2010;
- July 25 through July 31, 2010;
- August 1 through August 7, 2010;
- August 8 through August 14, 2010;
- August 15 through August 21, 2010;
- August 22 through August 28, 2010;
- August 29 through September 4, 2010;
- September 5 through September 11, 2010;
- September 12 through September 15, 2010.

(2) Any crab taken prior to July 18, 2010, and not landed before 11:59 p.m. July 17, 2010, become part of the July 18 through July 24, 2010, accounting period catch.

(3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

NEW SECTION

WAC 220-52-04600W Coastal Crab fishery—seasons and areas.

Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful for non-Indian commercial fisheries to fish for or possess crab for commercial purposes, or place gear, in the following areas during the periods indicated:

(1) It is unlawful to place gear, fish for, or possess Dungeness crab for commercial purposes in the following areas from 8:00 a.m. August 1, 2010, through September 15, 2010: Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

Land description	Coordinate
(a) Washington – Oregon border	46°15.00'N 124°10.00'W
(b) Seaview	46°20.00'N 124°10.00'W
(c) Willapa Bay entrance	46°40.00'N 124°10.00'W
(d) N. Willapa Bay Spits	46°43.50'N 124°11.50'W
(e) Grayland	46°50.00'N 124°12.30'W
(f) Grays Harbor	46°54.70'N 124°16.00'W
(g) Ocean Shores	47°00.00'N 124°16.00'W
(h) Moclips	47°15.00'N 124°19.00'W
(i) Cape Elizabeth	47°20.00'N 124°25.00'W
(j) Raft River	47°27.00'N 124°28.60'W
	(follow TD 41880 to waypoint # 11 N. Destruction Island)
(k) N. Destruction Island	47°42.40'N 124°31.50'W
(l) Lapush	47°55.00'N 124°46.00'W
(m) Carol Island	48°00.00'N 124°49.50'W
(n) N. Lake Ozette	48°07.60'N 124°51.40'W
(o) Makah Bay	48°20.00'N 124°50.00'W
(p) Cape Flattery	Point on land

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

: (a) 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.

9 (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This rule is necessary to avoid harvest of soft-shelled Dungeness crab. There is insufficient time to promulgate permanent rules. The weekly landing limit and period is necessary to mitigate handling mortality from sorting soft shelled crab and is in conformity with the Coastal Dungeness crab Summer Fishery Management Plan. There is insufficient time to adopt permanent rules.

(10-177, 7/14/2010)

