



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 13-57

- 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: Amend commercial fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-52-04600J
 Amended: WAC 220-52-046
 Suspended:

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

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: This emergency regulation closes Region 3, subareas 1, 2 and 3. The fishery has reached the ending date agreed to in the Region 3 Management Plans. This regulation outlines a three-day gear recovery period for Region 3-2 following the closure. This emergency regulation also maintains the closure of Region 2 West and Region 2 East where the Puget Sound state commercial fishery has reached its allocation and ending dates. With the implementation of this regulation, the only remaining Puget Sound state commercial area open for fishing will be Region 1, where current pot limits are set at 100 pots per license per buoy tag number. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes. There is insufficient time to adopt permanent regulations.

Date adopted: March 28, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 28, 2013

TIME: 2:44 PM

WSR 13-08-045

**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	1
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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 220-52-04600L Puget Sound crab fishery--Seasons and Areas.

Notwithstanding the provisions of WAC 220-52-046:

- (1) Effective immediately, until further notice, it is permissible to fish for Dungeness crab for commercial purposes in the following areas:
 - (a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina, and a line from the same boat ramp to Birch Point.
 - (b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern-most oil dock.
 - (c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

- (2) The following areas are closed to commercial crab fishing:
 - (a) Effective immediately, until further notice, Crab Management Region 2 West. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A West.
 - (b) Effective immediately, until further notice, Crab Management Region 2 East. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A East.
 - (c) Effective 7:00 PM, Sunday, March 31st, 2013, until further notice, Crab Management Region 3, subarea 1. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.
 - (d) Effective 7:00 PM, Sunday, March 31st, 2013, until further notice, Crab Management Region 3, subarea 3. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
 - (e) Effective immediately, until further notice, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123° 7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.
 - (f) Effective immediately, until further notice, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.
 - (g) Effective 7:00 PM, Sunday, March 31st, 2013, until further notice, Crab Management Region 3, subarea 2. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.
 - (i) Crab fishers in Region 3, subarea 2 will be allowed a gear removal period after March 31, 2013. Fishers may continue to store crab gear in catch areas 23D, 25A, and 25E, but all gear must be off the water by 7:00 PM, Wednesday, April 3, 2013. No crab may be retained, possessed, or landed from these catch areas after March 31, 2013.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective Immediately.

WAC 220-52-04600J Puget Sound crab fishery--Seasons and Areas. (13-32)