



# 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 16-48**

- Immediately upon filing.
- Later (specify) 7:30 p.m. March 15, 2017

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend Puget Sound commercial crab fishing rules

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

Repealed: WAC 220-52-04000M, WAC 220-52-04000N  
 Amended: WAC 220-52-040  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 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 provisions of this regulation increase pot limits in Region 1 to 100 pots per license on March 16 at 7:00 AM. The provisions of this rule will close Region 3-1 and 3-3 on March 15. This rule will also close the by-catch allowance for Tanner crabs in Region 3-1 on March 15. The provisions of this rule will maintain the closure for commercial harvest in Region 2 East, Region 2 West and Region 3-2. There is sufficient allocation in Region 1, Region 3-1 and Region 3-3 for them to remain open. These provisions are in conformity with agreed management plans and addendums with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules.

**Date adopted:** March 15, 2017

**NAME (TYPE OR PRINT)**  
J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 15, 2016**

**TIME: 12:08 PM**

**WSR 16-07-062**

**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>2</u>	Amended	_____	Repealed	<u>2</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	_____

NEW SECTION

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

Notwithstanding the provisions of WAC 220-52-040:

- (1) Effective immediately, until 7:30 PM, March 15, 2016, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license per buoy tag number in Crab Management Region 1. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.
- (2) Effective immediately, until 7:30 PM, March 15, 2016, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 3-1. Region 3-1 includes Marine Fish-Shellfish Catch Reporting Areas 23A and 23B.
- (3) The remaining buoy tags per license per region must be onboard the designated vessel and available for inspection.
- (4) Effective 7:30 PM, March 15, 2016, until further notice, Crab Management Region 3-1 and Region 3-3 are closed. Region 3-1 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B. Region 3-3 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
- (5) Effective immediately, until further notice, Crab Management Region 2 East and Region 2 West are closed. Region 2 East includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 2 West includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25D, 25B and 26A West.
- (6) Effective immediately, until further notice, Crab Management Region 3-2 is closed. Region 3-2 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25E, 25A and 23D.

NEW SECTION

**WAC 220-52-04000Q Commercial crab fishery—Unlawful acts.**

Notwithstanding the provisions of WAC 220-52-040, WAC 220-52-043 and WAC 220-52-046, effective 8:00 a.m. February 5, 2015, until further notice, incidental catch may not be retained. It is unlawful to retain salmon, food fish, or any shellfish other than octopus and Tanner crabs (*Chionoecetes* spp.) that is taken incidental to any commercial crab fishing. Additionally, Tanner crabs may only be retained in Crab Region 1 (defined as all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B). Tanner crabs retained must be males with a minimum width of 4.5 inches across the widest point in the carapace.

## REPEALERS

The following sections of the Washington Administrative code are repealed effective 7:30 p.m. March 15, 2016:

- WAC 220-52-04000M Commercial crab fishery—Unlawful acts (16-21)
- WAC 220-52-04000N Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (16-37)

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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, 2011, or 2012, 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 finding:** The provisions of this regulation increase pot limits in Region 1 to 100 pots per license on March 16 at 7:00 AM. The provisions of this rule will close Region 3-1 and 3-3 on March 15. This rule will also close the by-catch allowance for Tanner crabs in Region 3-1 on March 15. The provisions of this rule will maintain the closure for commercial harvest in Region 2 East, Region 2 West and Region 3-2. There is sufficient allocation in Region 1, Region 3-1 and Region 3-3 for them to remain open. These provisions are in conformity with agreed management plans and addendums with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules. **(16-48, 3/15/2016)**