



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 16-56

- Immediately upon filing.
- Later (specify) 7:30 p.m. March 27, 2016

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend fishing rules for the Puget Sound commercial crab fishery

Citation of existing rules affected by this order:

Repealed: WAC 220-52-04000R, WAC 220-52-04000S, WAC 220-12-02000B, WAC 220-52-04600R,
WAC 220-69-24000Q
Amended: WAC 220-52-046
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: This emergency rule closes the commercial crab fishery in Region 1 and continues the closure of the commercial crab fishery in Region 2 West, Region 2 East, Region 3-1, Region 3-2 and Region 3-3. The State has reached the full allocation in all Commercial Regions. Also ends the provisions for commercial by-catch of Tanner crabs. These provisions are in conformity with agreed management plans with applicable tribes, 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 23, 2016

NAME (TYPE OR PRINT)
Joe Stohr for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 23, 2016

TIME: 5:13 PM

WSR 16-08-003

**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>5</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 220-52-04600S Puget Sound crab fishery--Seasons and Areas.

Notwithstanding the provisions of WAC 220-52-046:

- (1) Effective 7:30 p.m. March 27, 2016, Crab Management Region 1 is closed. Region 1 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.
- (2) Effective immediately, until further notice, the following areas are closed to commercial crab fishing:
 - (a) All of Crab Management Region 2 East. Region 2 East includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
 - (b) All of Crab Management Region 2 West. Region 2 West includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D and 26A West.
 - (c) All of Crab Management Region 3-1. Region 3-1 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.
 - (d) All of Crab Management Region 3-2. Region 3-2 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A and 25E.
 - (e) All of Crab Management Region 3-3. Region 3-3 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.

REPEALERS

The following sections of the Washington Administrative code are repealed effective 7:30 p.m. March 27, 2016:

WAC 220-52-04000R Commercial crab fishery--Lawful and unlawful gear, methods, and other unlawful acts (16-51)

WAC 220-52-04000S Commercial crab fishery—Unlawful acts. (16-51)

WAC 220-12-02000B Shellfish—Classification. (16-21)

WAC 220-52-04600R Puget Sound crab fishery--Seasons and Areas (15-451)

The following section of the Washington Administrative code is repealed effective 11:59 p.m. March 31, 2016:

WAC 220-69-24000Q Duties of commercial purchasers and receivers. (16-21)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (x) 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, 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: This emergency rule closes the commercial crab fishery in Region 1. This emergency rule continues the closure of the commercial crab fishery in Region 2 West, Region 2 East, Region 3-1, Region 3-2 and Region 3-3. The State has reached the full allocation in all Commercial Regions. This regulation ends the provisions for commercial by-catch of Tanner crabs. These provisions are in conformity with agreed management plans with applicable tribes, 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.

(16-56, 3/24/2016)