



# 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 16-163**

- Immediately upon filing.
- Later (specify) July 1, 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 Puget Sound recreational crab fishing rules

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

Repealed:  
 Amended: WAC 220-12-020, WAC 220-56-335  
 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: An emergency rule is needed to allow retention of Tanner crabs in Puget Sound. The current classified species list only names *Chionoecetes tanneri*. Surveys indicate that the species encountered by both commercial and recreational crabbers in Puget Sound is in fact *Chionoecetes bairdi*. Sampling within Puget Sound and adjacent waters of British Columbia indicates that a minimum size of 4.5 inches is appropriate. There is insufficient time to adopt permanent rules.

**Date adopted:** June 28, 2016

**NAME (TYPE OR PRINT)**  
Ron Warren for J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 28, 2016**  
**TIME: 1:41 PM**

**WSR 16-14-043**

**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	_____
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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 220-12-02000C Shellfish - Classification.**

Notwithstanding the provisions of WAC 220-12-020, effective July 1, 2016, until further notice, the following species group is classified as shellfish under RCW 77.12.047 and is subject to the provisions of this title:

**Crab**

Tanner crab *Chionoecetes spp.*

NEW SECTION

**WAC 220-56-33500A Crab—Unlawful acts—Personal use.**

Notwithstanding the provisions of WAC 220-56-335, effective July 1, 2016, until further notice, it is unlawful to take or possess any Tanner crabs for personal use measuring less than 4.5 inches across the widest point of the carapace (shell).

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(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:** An emergency rule is needed to allow retention of Tanner crabs in Puget Sound. The current classified species list only names *Chionoecetes tanneri*. Surveys indicate that the species encountered by both commercial and recreational crabbers in Puget Sound is in fact *Chionoecetes bairdi*. Sampling within Puget Sound and adjacent waters of British Columbia indicates that a minimum size of 4.5 inches is appropriate. There is insufficient time to adopt permanent rules.

**(16-163, 6/28/2016)**