



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 06, 2019

TIME: 9:54 AM

WSR 19-13-004

**Agency:** Department of Fish and Wildlife (Order 19-116)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 1, 2019

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

- Yes  No If Yes, explain:

**Purpose:** Amend coastal commercial crab fishing rules.

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

New:  
 Repealed: WAC 220-340-42000S  
 Amended: WAC 220-340-420  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 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.

**Reasons for this finding:** The reduction in pot limits is necessary to reduce the number of lines in the water to limit the risk of marine mammal interactions. The weekly landing limit and period is necessary to mitigate handling mortality from sorting soft-shelled crab and provide for an orderly fishery. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**


New 1 Amended \_\_\_\_ Repealed 1

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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	____

<b>Date Adopted:</b> June 6, 2019	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-340-42000T Commercial crab fishery—Unlawful acts.**

Notwithstanding the provisions of WAC 220-340-420:

- (1) Effective 12:01 a.m. July 1, 2019 until further notice, it is unlawful for persons participating in the Columbia River, Coastal, or Willapa Bay commercial Dungeness crab fishery to:
  - (a) Deploy or operate more than a total of 330 shellfish pots if the permanent number of shellfish pots assigned to the Coastal commercial crab fishery license held by that person is 500.
  - (b) Deploy or operate more than a total of 200 shellfish pots if the permanent number of shellfish pots assigned to the Coastal Dungeness crab fishery license held by that person is 300.
  - (c) Fail to maintain onboard any participating vessel the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.
- (2) Effective 12:01 a.m. July 7, 2019 until further notice, 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 7 – July 13, 2019
  - July 14 – July 20, 2019
  - July 21 – July 27, 2019
  - July 28 – August 3, 2019
  - August 4 – August 10, 2019
  - August 11 – August 17, 2019
  - August 18 – August 24, 2019
  - August 25– August 31, 2019
  - September 1 – September 7, 2019
  - September 8 – September 15, 2019
- (3) Any crab taken prior to July 7, 2019, and not landed before 11:59 p.m. July 6, 2019, become part of the July 7 through July 13, 2019 accounting period catch.
- (4) 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.
- (5) All other provisions of the permanent rule remain in effect.

## REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2019:

WAC 220-340-42000S Commercial crab fishery—Unlawful acts. (19-91)

