



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: September 04, 2019

TIME: 9:04 AM

WSR 19-18-087

Agency: Department of Fish and Wildlife (Order 19-208)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 8, 2019

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

- Yes No If Yes, explain:

Purpose: Amends coastal commercial crab fishery rules.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000T
 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: This rule is needed to adjust the weekly landing limit for coastal commercial crab fisheries. The weekly landing limit is necessary to protect the coastal Dungeness crab resource by mitigating handling mortality from sorting soft shelled crab and is in conformity with the Coastal Dungeness crab Summer Fishery Management Plan. There is insufficient time to promulgate 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1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	____

Date Adopted: September 3, 2019	Signature: 
Name: Kelly Susewind	
Title: Director	

WAC 220-340-42000U Commercial Crab Fishery – Unlawful Acts.

Notwithstanding the provisions of WAC 220-340-420, effective September 8, 2019:

- (1) Effective immediately 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) It is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 1,200 pounds taken during each of the following coastal crab accounting periods:
 - September 8 – September 15, 2019

- (3) Any crab taken prior to September 8, 2019, and not landed before 11:59 p.m. September 7, 2019, become part of the September 8 – September 15, 2019 accounting period catch.

- (4) It is unlawful for any person taking crab under subsection (2) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective September 8, 2019:

WAC 220-340-42000T Commercial crab fishery—Unlawful acts. (19-116)