



# 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: December 24, 2019

TIME: 1:26 PM

WSR 20-02-063

**Agency:** Department of Fish and Wildlife (Order 19-319)

**Effective date of rule:**

**Emergency Rules**

- ☐ Immediately upon filing.  
☒ Later (specify) January 1, 2020

**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 rules

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

New:  
Repealed: WAC 220-330-04000K, WAC 220-330-04000L  
Amended: WAC 220-330-040  
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 emergency rule closes recreational crab harvest on the Everett Flats area of Marine Area 8-2 (defined as that portion east of a line from Howarth Park due north to the south end of Gedney Island and east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation). By co-manager agreement, the Everett Flats area of Marine Area 8-2 will closed to crab harvest after December 31, 2019 as provisioned in the 2019 Region 2E Management Plan to protect softshell crab. Final summer harvest estimates indicate that the recreational fisheries can remain open in the Marine Areas described in this regulation and contribute to achieving 50/50 harvest goal with the Treaty Tribes. 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	_____
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**The number of sections adopted on the agency's own initiative:**

New	1	Amended	_____	Repealed	2
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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	_____

**Date Adopted:** December 24, 2019

**Name:** Ron Warren for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-330-04000L Crab--Areas and Seasons—Personal use.**

Notwithstanding the provisions of WAC 220-330-040, effective January 1 through January 31, 2020, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

Marine Area 8-1, Marine Area 8-2, except for Everett Flats (defined as that portion east of a line from Howarth Park due north to the south end of Gedney Island and that portion east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation), Marine Area 9 between the Hood Canal Bridge and a line projected from Olele Point to Foulweather Bluff, and Marine Area 12 north of a line projected due east from Ayock Point are open to fish for crab for personal use from January 1, 2020 through January 31, 2020.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective January 1, 2020:

WAC 220-330-04000K Crab—Areas and seasons—Personal use. (19-315)

The following section of the Washington Administrative Code is repealed effective February 1, 2020:

WAC 220-330-04000L Crab—Areas and seasons—Personal use. (19-319)