



# 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 14-69**

- Immediately upon filing.
- Later (specify) 7:00 p.m. March 31, 2014

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend commercial fishing rules

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

Repealed: WAC 220-52-04000H, WAC 220-52-04600X  
 Amended: WAC 220-52-040, 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 regulation closes Region 3, subareas 1 and 2. The fishery has reached the ending date agreed to in the Region 3 Management Plans. This regulation outlines a three day gear recovery period for Region 3-2 following the closure. This emergency regulation also maintains the closure of Region 2 West and Region 2 East where the Puget Sound State commercial fishery has reached its allocation and ending dates. Additionally, this regulation initiates the closure of the eastern half of Region 1 (MFSF Catch Areas 21A, 21B and 22B). With the implementation of this regulation the only remaining Puget Sound State commercial areas open for fishing will be Region 3-3 (MFSF Catch Areas 23C and 29) and the western half of Region 1 (MFSF Catch Areas 20A, 20B and 22A). The current pot limit in Region 3-3 is 100 pots per license. The current pot limit in the western half of Region 1 will be 50 pots per license per buoy tag number. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes. There is insufficient time to adopt permanent regulations.

**Date adopted:** March 28, 2014

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 28, 2014**

**TIME: 4:23 PM**

**WSR 14-08-058**

(COMPLETE REVERSE SIDE)

**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	<u>2</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:**

<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 220-52-04000I Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.**

Notwithstanding the provisions of WAC 220-52-040:

(1) Effective immediately, until further notice it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 1. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.

(2) The remaining buoy tags per license per region must be onboard the designated vessel and available for inspection.

NEW SECTION

**WAC 220-52-04600Y Puget Sound crab fishery--Seasons and Areas.**

Notwithstanding the provisions of WAC 220-52-046:

(1) It is permissible to fish for Dungeness crab for commercial purposes in the following areas:

(a) Effective immediately, until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina, and a line from the same boat ramp to Birch Point.

(b) Effective from Tuesday, April 1, 2014, at 6:30 AM until Monday, April 7, 2014 at 7:00 PM. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(c) Effective 7:00 AM, Tuesday, April 1, 2014, until 7:00 PM, Tuesday, April 15, 2014, Crab Management Region 3, subarea 3. This includes Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.

(2) The following areas are closed to commercial crab fishing:

(a) Crab Management Region 2 East and Region 2 West. These regions include Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A East, 26A West, 25B and 25D. Effective immediately, until further notice, Crab Management Region 2 West. This includes Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A West.

(b) Effective 7:00 PM, Monday, March 31, 2014, until further notice, the eastern half of Region 1. This includes Marine Fish-Shellfish Management and Catch Reporting Areas 21A, 21B and 22B.

(c) Effective 7:00 PM, Monday, April 7, 2014, until further notice, the southern half of the San Juan Island section of Region 1. This includes Marine Fish-Shellfish Management and Catch Reporting Area 22A.

- (d) Effective 7:00 PM, Monday, March 31, 2014, until further notice, Crab Management Region 3, subarea 1. This includes Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.
- (e) Effective 7:00 PM, Monday, March 31, 2014, until further notice, Crab Management Region 3, subarea 2. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.
  - (i) Crab fishers in Region 3, subarea 2 will be allowed a gear removal period after March 31, 2014.
  - (ii) Fishers may continue to store crab gear in catch areas 23D, 25A, and 25E, until 7:00 PM, Thursday, April 3, 2014. Gear that is stored in the water after March 31 cannot contain any bait and must have the pot door secured open.
  - (iii) No crab may be retained, possessed, tanked or landed from these catch areas after March 31, 2014.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective 7:00 PM, March 31, 2014:

WAC 220-52-04000H Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (14-44)

WAC 220-52-04600X Puget Sound crab fishery--Seasons and Areas. (14-44)

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### EMERGENCY RULE ONLY

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(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.

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**(14-69, 3/28/2014)**