



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 14-327

- Immediately upon filing.
- Later (specify) 6:00 p.m. November 16, 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Repealed: WAC 220-52-04000Q, WAC 220-52-04600D
 Amended: 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 rule closes Regions 3-1, 3-2 and 3-3. The State will be approaching its initial allocation in Region 3-2 by the date of the closure. Region 3-1 and Region 3-3 are closing on recommendation of the industry. Region 1, Regions 2-east and 2-west were closed by a previous emergency rule and will remain closed as part of this emergency rule. This emergency rule conforms to agreed management plans with applicable tribes, entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules.

Date adopted: November 13, 2014

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: November 13, 2014
TIME: 2:31 PM

WSR 14-23-045

**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 in the agency's own initiative:

New	<u>1</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

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

Notwithstanding the provisions of WAC 220-52-046, effective 6:00 p.m. November 16, 2014, until further notice it is unlawful to fish for crab for commercial purposes in the areas listed below:

- (1) Crab Management Region 3-1, 3-2 and 3-3.
 - (a) Region 3-1 includes Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.
 - (b) Region 3-2 includes Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A and 25E.
 - (c) Region 3-3 includes Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
- (2) Crab Management Region 1. Region 1 includes Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.
- (3) Crab Management Regions 2-east and 2-west.
 - (a) Region 2-east includes Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E.
 - (b) Region 2-west includes Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A-West.

REPEALERS

The following sections of the Washington Administrative code are repealed effective 6:00 p.m. November 16, 2014:

WAC 220-52-04000Q Commercial crab fishery--Lawful and unlawful gear, methods, and other unlawful acts (14-321)

WAC 220-52-04600D Puget Sound crab fishery--Seasons and Areas (14-321)

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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, 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.

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