



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 14-329

- Immediately upon filing.
- Later (specify) _____

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Repealed:
 Amended: WAC 220-52-040, WAC 220-52-042, WAC 220-52-045
 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: Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The stepped opening periods/areas will also provide for fair start provisions. Pot limits will reduce the crowding effect in this restricted area. A longer gear set period will allow for safer fishing conditions. There is insufficient time to adopt permanent rules.

Date adopted: November 25, 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 25, 2014

TIME: 1:44 PM

WSR 14-24-056

(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:

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>3</u>	Amended	_____	Repealed	_____
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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 220-52-04000R Commercial crab fishery—Unlawful acts.

Notwithstanding the provisions of WAC 220-52-040, effective immediately until further notice:

- (1) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel, unless:
 - (a) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings until further notice and;
 - (b) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel. Vessel-hold inspection certificates dated from November 30, 2014, to December 28, 2014, are only valid for the area south of 46°28.00 N. Lat.
- (2) Inspections for Washington crab vessel-hold inspection certificates will be conducted starting at 12:00 noon on November 30, 2014.
- (3) 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 400 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 250 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.
- (4) It is unlawful to possess or deliver Dungeness crab unless the following conditions are met:
 - (a) Vessels that participated in the coastal Dungeness crab fishery from Klipsan Beach (46°28.00 North Latitude) to Point Arena, CA, including Willapa Bay and the Columbia River, may possess crab for delivery into Washington ports south of 47°00.00 N. Lat., provided the crab were taken south of Klipsan (46°28.00 N. Lat.).
 - (b) The vessel does not enter the area north of 47°00.00 N. Lat. unless the operator of the vessel has contacted the Washington Department of Fish and Wildlife and allows a vessel-hold inspection if requested by Fish and Wildlife officers prior to entering this area. Prior to entering the area north of 47°00.00 N. Lat., the vessel operator must call 360-581-3337, and report the vessel name, operator name, estimated amount of crab to be delivered in pounds, and the estimated date, time, and location of delivery 24 hours prior to entering the area.

- (5) It is permissible for a vessel not designated on a Dungeness crab coastal fishery license to transport or deploy up to 250 pots at any one time for deployment in the coastal crab fishery between Klipsan Beach (46°28.00) and the U.S./Canada Border. The primary or alternate operator of the crab pot gear named on the license associated with the gear must be on board the vessel when the gear is being deployed.

Such a vessel may deploy crab pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date. All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-52-04500A Commercial crab fishery—Seasons and areas—Coastal.

Notwithstanding the provisions of WAC 220-52-045 effective immediately until further notice: it is unlawful to fish for Dungeness crab in Washington coastal waters, the Pacific Ocean, Grays Harbor, Willapa Bay, or the Columbia River, except as provided in this section.

- (1) Open area: The area from Klipsan Beach (46°28.00) to the WA/OR border (46°15.00) and Willapa Bay.
- (2) For the purposes of this section, the waters of Willapa Bay include the marine waters east of a line connecting 46°44.76 N, 124°05.76 W and 46°38.93 N, 124°04.33 W.
- (3) It is permissible to set crab gear beginning at 8:00 a.m., November 28, 2014.
- (4) It is permissible to pull crab gear beginning at 9:00 a.m., December 1, 2014.
- (5) Licenses and vessels designated to those licenses that participate in the coastal commercial Dungeness crab fishery in the waters from Point Arena, California, to Klipsan Beach, Washington (46°28.00), including Willapa Bay, before the area north of Klipsan Beach (46°28.00) opens, are prohibited from fishing in the following areas for the durations specified:
 - (a) The waters between Klipsan Beach (46°28.00) and Oysterville (46°33.00) until 10 days have elapsed from the time that the area north of Klipsan Beach opens; and
 - (b) The waters between Oysterville (46°33.00) and the U.S. Canadian border until 35 days have elapsed from the time that the area north of Oysterville opens
- (6) All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-52-04200A Commercial crab fishery—Buoy tag, pot tag, and buoy requirements.

Notwithstanding the provisions of WAC 220-52-045 effective immediately until further notice:

- (1) The department will only issue replacement buoy tags for the coastal crab fishery 15 days after the season is opened and after a signed affidavit is received by an authorized department employee. The affidavit must be signed by the primary or alternate operator fishing the commercial crab gear and describe the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss.
- (2) Coastal crab license holders with a 300-pot limit may replace lost tags according to the following schedule:
 - (a) Period 1: Up to 15 tags.
 - (b) Period 2: 10 additional tags with no more than 25 tags total issued through the end of Period 2.
 - (c) Period 3: 5 additional tags with no more than 30 tags total issued through the end of the season.
- (3) Coastal crab license holders with a 500-pot limit may replace lost tags according to the following schedule:
 - (a) Period 1: Up to 25 tags.
 - (b) Period 2: 15 additional tags with no more than 40 tags total issued through the end of Period 2.
 - (c) Period 3: 10 additional tags with no more than 50 tags total issued through the end of the season.
- (4) Replacement tag periods are defined as follows:
 - (a) Period 1 is the period between the first business day after 15 days following the season opening through the next 30 days.
 - (b) Period 2 is the period between the first business day after the end of Period 1 through the next 30 days.
 - (c) Period 3 is the period between the first business day after the end of Period 2 through the end of the season.

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