



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 16-31

- Immediately upon filing.
- Later (specify) 8:00 a.m. February 29, 2016

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 commercial crab fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-52-04500N
 Amended: 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: Provisions in state/tribal management agreements will be achieved by the opening dates contained herein. The Special Management Areas are listed in accordance with state/tribal management agreements. Because the specific timing of the reduction in the size in the Quinault Special Management Area was dependent on the outcome of in-season state and tribal discussions there is insufficient time to adopt permanent rules.

Date adopted: February 25, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 25, 2016
TIME: 1:08 PM

WSR 16-06-063

(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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 220-52-04500P 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 for in this section.

- (1) The area from and the U.S./Canada border to the WA/OR border (46°15.00) and Willapa Bay is open.
- (2) For the purposes of this section, the waters of Willapa Bay are defined to 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) Licenses and vessels designated to those licenses that participate (as defined by WAC 220-52-036) in the coastal commercial Dungeness crab fishery in the waters of the Pacific Ocean between Point Arena, California and the U.S. Canada border, are prohibited from fishing in any area where the season opening is delayed for the first 30 days following the opening of the delayed area if the vessel was employed in the coastal crab fishery during the previous 45 days.
- (4) The Quinault Secondary Special Management Area (SSMA) is closed to fishing for Dungeness crab starting at 8:00 A.M., February 29, 2016, from the area shoreward of a line approximating the 27-fathom depth curve between the mouth of the Copalis River (47°08.00) and Split Rock (47°24.50). This area will be closed until further notice. This SSMA is described by the following coordinates:
 - Northeast Corner (Split Rock): 47°24.50 N. Lat. 124°20.00 W. Lon.
 - Northwest Corner: 47°24.50 N. Lat. 124°32.40 W. Lon.
 - Southwest Corner: 47°08.00 N. Lat. 124°25.50 W. Lon.
 - Southeast Corner (Copalis River): 47°08.00 N. Lat. 124°11.20 W. Lon.
- (5) It is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50) and Raft River (47°28.00) shoreward of a line approximating the 27-fathom depth curve from 8:00 a.m. February 29, 2016, until 8:00 a.m. March 31, 2016. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
 - Fax transmission to Carol Henry at 360-249-1229;
 - E-mail to: Carol Henry at Carol.Henry@dfw.wa.gov; or
 - Telephone call to Carol Henry at 360-249-1296.

- (6) The Quileute special management area (SMA) is closed to fishing for Dungeness crab until further notice. The SMA includes the area shoreward of a line approximating the 30-fathom depth curve between Destruction Island and Cape Johnson according to the following points:
- Northeast Corner (Cape Johnson): 47°58.00' N. Lat. 124°40.40' W. Lon.
 - Northwest Corner: 47°58.00' N. Lat. 124°49.00' W. Lon.
 - Southwest Corner: 47°40.50' N. Lat. 124°40.00' W. Lon.
 - Southeast Corner (Destruction Island): 47°40.50' N. Lat. 124°24.43' W. Lon.
- (7) The Makah special management area (SMA) is open to fishing. The SMA includes the waters between 48°02.15 N. Lat. and 48°19.50 N. Lat. east of a line connecting those points and approximating the 25-fathom line according to the following coordinates:
- Northeast Corner : Tatoosh Island
 - Northwest Corner: 48°19.50 N. Lat. 124°50.45 W. Lon.
 - Southwest Corner: 48°02.15 N. Lat. 124°50.45 W. Lon.
 - Southeast Corner: 48°02.15 N. Lat. 124°41.00 W. Lon.
- (8) It is unlawful for a vessel to use more than 200 pots in the Makah SMA until 8:00 A.M. March 17, 2016. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
- Fax transmission to Carol Henry at 360-249-1229;
 - E-mail to Carol Henry at Carol.Henry@dfw.wa.gov; or
 - Telephone call to Carol Henry at 360-249-1296.
- (9) All other provisions of the permanent rule remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed 8:00 a.m. February 29, 2016:

WAC 220-52-04500N Coastal crab seasons (16-27)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(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.

Reasons for finding: Provisions in state/tribal management agreements will be achieved by the opening dates contained herein. The Special Management Areas are listed in accordance with state/tribal management agreements. Because the specific timing of the reduction in the size in the Quinault Special Management Area was dependent on the outcome of in-season state and tribal discussions there is insufficient time to adopt permanent rules. **(16-31, 2/25/2016)**

