



# 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 16-293**

- Immediately upon filing.
- Later (specify) 6:30 p.m. October 28, 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Repealed: WAC 220-52-04000W, WAC 220-52-04600U  
 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 all State commercial crab fisheries (Region 1, Region 2 East, Region 2 West, Region 3-1, Region 3-2 and Region 3-3). The State has reached the initial targets in Region 2 East, Region 2 West and Region 3-2. The State is closing the remaining Regions to preserve allocation for additional openings later in the season. These provisions are in conformity with 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:** October 25, 2016

**NAME (TYPE OR PRINT)**  
Joe Stohr for J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 25, 2016**  
**TIME: 2:39 PM**

**WSR 16-22-032**

**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>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:**

<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 220-52-04600V Puget Sound crab fishery--Seasons and Areas.**

Notwithstanding the provisions of WAC 220-52-046:

- (1) Effective 6:30 p.m., October 28, 2016, and until further notice, Crab Management Region 1, Region 3-1 and Region 3-3 are closed. Region 1 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 3-1 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B. Region 3-3 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
- (2) Effective immediately, until further notice, the following areas are closed to commercial crab fishing:
  - (a) All of Crab Management Region 2 West. Region 2 West includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D and 26A West.
  - (b) All of Crab Management Region 2 East. Region 2 East includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
  - (c) All of Crab Management Region 3-2. Region 3-2 includes all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A and 25E.

## REPEALERS

The following sections of the Washington Administrative code are repealed effective 6:30 p.m. October 28, 2016:

WAC 220-52-04000W Commercial crab fishery--Lawful and unlawful gear, methods, and other unlawful acts (16-274)

WAC 220-52-04600U Puget Sound crab fishery--Seasons and Areas (16-274)