



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 08, 2017

TIME: 3:59 PM

WSR 17-19-024

Agency: Washington Department of Fish and Wildlife (17-244)

Effective date of rule:

Emergency Rules

- 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: Amends rules for the coastal commercial crab fishery

Citation of rules affected by this order:

New:
Repealed: WAC 220-340-45000B, WAC 220-340-49000A
Amended: WAC 220-340-450, WAC 220-340-490
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: In order to protect crab during the typical fall molting period and to meet the stipulations found in state tribal agreements it is necessary to close the commercial crab fishery. Washington Department of Fish and Wildlife permitted gear recovery is allowed by permanent regulation 15 days following the close of the commercial season to allow Fish and Wildlife officers time to enforce rules relative to fishing during the closed season. An earlier start to the permitted gear recovery gives participants more time to recover lost gear before weather conditions becomes prohibitive to safe gear recovery efforts. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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 on 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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: September 8, 2017

Name: David Giglio for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-340-45000B Commercial crab fishery—Seasons and areas—Coastal. Notwithstanding the provisions of WAC 220-340-450, effective immediately through 11:59 p.m. September 15, 2017, 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) The area of Quinault Secondary Special Management Area (SSMA) is closed until further notice, from the area shoreward of a line approximating the 27-fathom depth curve between the mouth of the Raft River (47°28.00) and 47°02.70. This SSMA is described by the following coordinates:

Northeast Corner (Raft River):	47°28.00' N. Lat.	124°20.70' W. Lon.
Northwest Corner:	47°28.00' N. Lat.	124°34.00' W. Lon.
Southwest Corner:	47°02.70' N. Lat.	124°24.00' W. Lon.
Southeast Corner:	47°02.70' N. Lat.	124°10.00' W. Lon.
- (4) All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-340-49000A Coastal crab Fishery – Coastal Crab Gear Recovery Permit. Notwithstanding the provisions of WAC 220-340-490:

- (1) Effective 8:01 am September 21, 2017 until 11:59 p.m. October 31, 2017, a coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean in the coastal waters between the Washington/Oregon border (46°15.00) and the US/Canada border, including the Columbia River, Willapa Bay and Grays Harbor.
- (2) No crab may be retained on any vessel engaged in permitted gear recovery activities or while recovered gear is on board the vessel.

REPEALERS

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 15, 2017:

WAC 220-340-45000B Commercial crab fishery—Seasons and areas—Coastal.

The following section of the Washington Administrative Code is repealed effective November 1, 2017:

WAC 220-340-49000A Coastal crab fishery—coastal crab gear recovery permit.