



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: October 30, 2017

TIME: 4:38 PM

WSR 17-22-102

Agency: Department of Fish and Wildlife (Order 17-300)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) 6:00 p.m. October 31, 2017

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 crab rules in Puget Sound.

Citation of rules affected by this order:

New:
Repealed: WAC 220-340-42000F; 220-340-45500D
Amended: WAC 220-340-420
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: The provisions of this rule will maintain the closure of Puget Sound Region. The rule will close Region 2 East, Region 2 West and Region 3-2 as outlined in WAC. These areas are closing early to allow for the use of the remaining allocation during a future opener. Region 2 East is being closed to allow Treaty fishers to match the current landings by the State fisheries. Region 3-1, 3-3 East and 3-3 West will remain open to allow additional opportunity in these technically challenging Regions. These provisions are in conformity with agreed management plans with applicable tribes. These management plans were 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.

**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>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	___

Date adopted: October 30, 2017

Name: J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-340-42000G Commercial crab fishery—unlawful acts.

Notwithstanding the provisions of WAC 220-340-420:

(1) Effective immediately, until further notice, it is unlawful for any person to fish for crabs for commercial purposes in Crab Management Regions 1. This region includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.

(2) Effective 6:00 p.m., October 31, 2017, until further notice, it is unlawful for any person to fish for crabs for commercial purposes in Crab management Region 2 East, 2 West or 3-2. These regions include Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, 25A, 25B, 25D, 25E, 26A East, 26A West.

(3) Effective immediately, until further notice, it is unlawful for any person to fish for crabs with more than 50 pots per license per buoy tag number in Region 3-1, 3-3 East or 3-3 West. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23C and 29.

(4) All remaining buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.

REPEALERS

The following section of the Washington Administrative code are repealed effective 6:00 p.m. October 31, 2017:

WAC 220-340-42000F Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (17-298)

WAC 220-340-45500D Commercial crab fishery--Seasons and areas--Puget Sound. (17-298)