



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 29, 2018

TIME: 12:33 PM

WSR 18-04-022

**Agency:** Washington Department of Fish and Wildlife (18-12)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 5:30 p.m. January 31, 2018

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amends Puget Sound commercial crab fishery

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-340-42000C, WAC 220-340-45500G  
 Amended: WAC 220-340-420, WAC 220-340-455  
 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 opening of all commercial crab harvest areas in Puget Sound with the exception of Region 2 East and 2 West. Region 2 East closed at 5:30 pm on January 16, 2018 when landings reached the full State allocation. Region 2 West will close at 5:30 pm on January 31, 2018 when the State is currently projected to reach the current allocation. There is sufficient allocation available in all of the other commercial regions to accommodate a continued fishery. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are 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    \_\_\_

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

New    2    Amended    \_\_\_    Repealed    2

**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    \_\_\_

**Date Adopted:** January 29, 2018

**Name:** J W Unsworth

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-42000E Commercial crab fishery—unlawful acts.**

Notwithstanding the provisions of WAC 220-340-420:

- (1) Effective 5:30 pm, January 31, 2018, until further notice, ALL of Crab Management Region 2 West is CLOSED. This region includes Marine Fish-Shellfish Catch Reporting Areas 25B, 25D and 26A West.
- (2) Effective immediately, until further notice, ALL of Crab Management Region 2 East is CLOSED. This region includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
- (3) Effective immediately, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 35 pots per license per buoy tag number in Crab Management Region 1. This region includes Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.
- (4) Effective immediately, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 3-1, Region 3-2, Region 3-3 East or 3-3 West. These regions include Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 23D, 25A, 25E and 29.
- (5) All remaining buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.
- (6) Additional area gear limits. The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel, and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits: No commercial gear is allowed in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123° 7.0' longitude line projected from the new Dungeness light true south to the shore of Dungeness Bay.

## NEW SECTION

### **WAC 220-340-45500H Commercial crab fishery--Seasons and areas--Puget Sound.**

Notwithstanding the provisions of WAC 220-340-455:

- (1) Effective immediately, until further notice, it is permissible to fish for Dungeness crab for commercial purposes in the following areas:
  - (a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point.
  - (b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.
  - (c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

- (2) Effective immediately, until further notice, the following areas are closed to commercial crab fishing:
- (a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123° 7.0' longitude line projected from the new Dungeness light true south to the shore of Dungeness Bay.
  - (b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

## REPEALERS

The following sections of the Washington Administrative code are repealed at 5:30 pm, January 31, 2018:

WAC 220-340-42000C Commercial crab fishery—unlawful acts. (18-06)

WAC 220-340-45500G Commercial crab fishery--Seasons and areas--Puget Sound. (18-06)