



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: March 29, 2018

TIME: 12:09 PM

WSR 18-08-048

Agency: Department of Fish and Wildlife (Order 18-51)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 7:00 p.m. March 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 rules

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000F, WAC 220-340-45500I
 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 opening of commercial crab harvest in Region 3-3 East and 3-3 West. With this rule Region 1, Region 2 East and Region 2 West remain closed because the State has reached the full State allocation in those areas. Region 3-1 and 3-2 will close at 7:00 pm on March 31, 2018 because this is the hard closure date defined in the Management Plans. 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Federal statute:	New	___	Amended	___	Repealed	___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 1 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: March 29, 2018	Signature: 
Name: Amy Windrope for Joe Stohr	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420:

- (1) Effective 7:00 p.m. Saturday, March 31, 2018, until further notice, ALL of Crab Management Region 3-1 and 3-2 are CLOSED. These regions includes Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A and 25E.
- (2) Effective immediately, until further notice, ALL of Crab Management Region 1 is CLOSED. This region includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.
- (3) Effective immediately, 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.
- (4) 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.
- (5) 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 Region 3-3 East or 3-3 West. These regions include Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
- (6) All remaining buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.

REPEALERS

The following sections of the Washington Administrative Code are repealed at 7:00 p.m. March 31, 2018:

WAC 220-340-42000F Commercial crab fishery—unlawful acts. (18-31)

WAC 220-340-45500I Commercial crab fishery--Seasons and areas--Puget Sound. (18-31)