



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 27, 2019

TIME: 11:37 AM

WSR 19-08-024

Agency: Department of Fish and Wildlife (Order No. 19-56)

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 coastal commercial crab rules

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-42000P
- 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: This emergency rule is needed to extend the period of reduced pot limits to limit the number of lines in the water to reduce the risk of marine mammal interactions, reduce the crowding effect in this restricted area and language improves enforcement of pot limits. A delay due to elevated marine toxins aligns with the Tri-State Crab Agreement and similar rules in Oregon and California. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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:

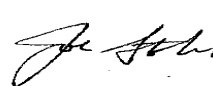
New	1	Amended	___	Repealed	1
-----	---	---------	-----	----------	---

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 27, 2019	Signature: 
Name: Joe Stohr for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-42000Q Commercial crab fishery—Unlawful acts.

Notwithstanding the provisions of WAC 220-340-420:

(1) Effective immediately until further notice, it is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50') and Raft River (47°28.00) seaward of a line approximating the 27-fathom depth curve. It is unlawful for a vessel to use more than 100 pots in the in the area between the Copalis River (47°08.00) and Joe Creek (47°12.11) seaward of a line approximating the 27-fathom depth curve. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:

- Fax transmission to Robert Morgan at 360-249-1229;
- E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
- Telephone call to Robert Morgan at 360-249-1206.

(2) All other provisions of the permanent rule remain in effect.

REPEALER

The following section of the Washington Administrative Code repealed:

WAC 220-340-42000P Commercial crab fishery—Unlawful acts. (19-37)

