



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: August 07, 2020

TIME: 4:45 PM

WSR 20-17-031

Agency: Department of Fish and Wildlife (Order 20-154)

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: The purpose of this rule is to delay the recreational crab opening in Marine Area 7 North by 1 week. In order to make up the lost opportunity will be re-gained by opening Marine Area 7 North and 7 South seven days per week from September 24 through September 30.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-330-04000M; WAC 220-330-04000N
- Amended: WAC 220-330-040
- 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 previous emergency rule, WSR 20-14-060, was issued June 26, 2020, to open the recreational crab harvest in the Marine Areas listed to achieve the 50/50 harvest defined by the Federal Court Order. Since that time, sampling revealed that legal size Dungeness crab in Marine Area 7 North will not have met the criteria of 80% hardshell prior to the previously announced opening date of August 13. This emergency rule delays the opening date for Marine Area 7 North until August 20, when it is projected to meet the criteria of 80% hardshell as required in the Region 1 Crab Management Plan. In consideration of the delay in opening Marine Area 7 North, the lost opportunity will be re-gained by opening Marine Area 7 North and 7 South seven days per week from September 24 through September 30.

Recreational crab fisheries will still open at 12:01 a.m. on the first day instead of 7:00 a.m. in each of the Marine Areas as stipulated by the permanent rule. Marine Area 12 south of a line projected due east from Ayock Point and Marine Area 13 will still be closed.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. 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	<u>2</u>
-----	---	---------	-----	----------	----------

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: August 7, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-04000N Crab--Areas and Seasons—Personal use.

Notwithstanding the provisions of WAC 220-330-040, effective immediately through September 30, 2020, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

(1) Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 8-1, 8-2, and 9: Effective immediately through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(2) Marine Area 10: Effective immediately through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Sundays and Mondays.

(3) Marine Area 11: Effective immediately through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Sundays and Mondays.

(4) The portion of Marine Area 12 north of a line projected due east from Ayock Point: Effective immediately through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(5) The portion of Marine Area 12 south of a line projected due east from Ayock Point: Closed until further notice.

(6) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective immediately through 11:59 p.m. September 21, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays. Effective 12:01 a.m. September 24, 2020 through 11:59 p.m. September 30, 2020 it is permissible to fish for crab for personal use seven days a week.

(7) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. August 20, 2020, through 11:59 p.m. September 21, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays. Effective 12:01 a.m. September 24, 2020 through 11:59 p.m. September 30, 2020 it is permissible to fish for crab for personal use seven days a week.

(8) Marine Area 13: Closed until further notice.

REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-330-04000M Crab—Areas and seasons—Personal use.

The following section of the Washington Administrative Code is repealed effective October 1, 2020:

WAC 220-330-04000N Crab—Areas and seasons—Personal use.