



**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: September 09, 2020

TIME: 11:18 AM

WSR 20-19-034

Agency: Department of Fish and Wildlife (Order 20-176)

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 close the coastal commercial crab season and to allow for permitted gear recovery from September 16 through the month of October.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45000T; WAC 220-340-49000D
- Amended: WAC 220-340-490
- 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: In order to protect crab during the typical fall molting period and to meet the stipulations found in state tribal agreements it is necessary to close the commercial crab fishery. Washington Department of Fish and Wildlife permitted gear recovery is allowed by permanent regulation 15 days following the close of the commercial season to allow Fish and Wildlife officers time to enforce rules relative to fishing during the closed season. This rule change allows an earlier start to the permitted gear recovery, beginning on September 16 which gives participants more time to recover lost gear before weather conditions becomes prohibitive to safe gear recovery efforts. The Enforcement Program is supportive of allowing this earlier gear recovery opportunity.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the 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	_____

NEW SECTION

WAC 220-340-49000D Coastal crab Fishery – Coastal Crab Gear Recovery Permit.

Effective 8:01 AM September 16, 2020 until 11:59 PM October 31, 2020, the provisions of WAC 220-340-490 regarding gear recovery shall be as described below. All other provisions of WAC 220-340-490 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) A coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean in the coastal waters between the Washington/Oregon border (46°15.00) and the US/Canada border, including the Columbia River, Willapa Bay and Grays Harbor.
- (2) No crab may be retained on any vessel engaged in permitted gear recovery activities or while recovered gear is on board the vessel.

REPEALERS

The following section of the Washington Administrative Code is repealed effective 11:59 PM September 15, 2020:

WAC 220-340-45000T Commercial crab fishery—Seasons and areas—Coastal. (20-60)

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

WAC 220-340-49000D Coastal crab fishery—coastal crab gear recovery permit. (20-176)