



**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 08, 2021

TIME: 3:47 PM

WSR 21-19-025

Agency: Department of Fish and Wildlife (Order 21-180)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 16, 2021

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 emergency rule is to close coastal commercial crab seasons and modify coastal crab gear recovery permit rules by allowing an earlier start to gear recovery.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-49000E; WAC 220-340-45000D; WAC 220-340-42000N
- 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. An earlier start to the permitted gear recovery gives participants more time to recover lost gear before weather conditions becomes prohibitive to safe gear recovery efforts. 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 3

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: September 8, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Effective 8:01 AM September 16 until 11:59 PM October 31, 2021, 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 sections of the Washington Administrative Code are repealed effective 11:59 PM September 15, 2021:

WAC 220-340-45000D Commercial crab fishery—Seasons and areas—Coastal. (21-67)
WAC 220-340-42000N Commercial crab fishery—Unlawful acts. (21-67)

The following section of the Washington Administrative Code is repealed effective November 1, 2021:

WAC 220-340-49000E Coastal crab fishery—coastal crab gear recovery permit. (21-180)