



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: November 10, 2021

TIME: 9:28 AM

WSR 21-23-047

Agency: Department of Fish and Wildlife (Order 21-254)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) November 22, 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 open recreational crabbing in Marine Area 10.

Citation of rules affected by this order:

New:
Repealed: WAC 220-330-04000C
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: This emergency rule is needed to maintain the recreational crab harvest in the Marine Areas which opened on October 1. Additionally, it will open recreational harvest in Marine Area 10 beginning on November 22, 2021. Final summer harvest estimates from catch record card submissions indicate there are 22,300 pounds remaining of the Marine Area 10, 2021 season quota of 55,000 pounds. Opening recreational crab harvest in Marine Area 10 on November 22 will contribute to achieving 50/50 harvest goal with the Treaty Tribes.

The fishery will remain closed in Marine Area 11, Marine Area 12 south of a line projected true east from Ayock Point, and Marine Area 13 for the remainder of 2021.

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	___
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The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: November 10, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-330-040, effective November 22 through December 31, 2021, Puget Sound recreational crab seasons are as listed below. All other provisions of WAC 220-330-040 not addressed herein remain in effect unless otherwise amended by emergency rule:

It is permissible to crab for personal use in the following Marine Areas: 4 East of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10 and 12 north of a line projected true east from Ayock Point.

REPEALERS

The following section of the Washington Administrative Code is repealed effective November 22, 2021:

WAC 220-330-04000C Crab—Areas and seasons—Personal use. (21-213)

The following section of the Washington Administrative Code is repealed effective January 1, 2022:

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