



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: October 14, 2022

TIME: 1:03 PM

WSR 22-21-090

Agency: Department of Fish and Wildlife (Order 22-240)

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:

Defines the Dungeness Bay Crustacean Special Management area to all waters of Dungeness Bay west of the -123.1103° (123° 6.6' W) longitude line.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-320-120
- 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 aligns the definition of the Dungeness Bay CSMA with the boundaries agreed to annual management plans with applicable tribes and corrects a transposition of numbers recorded in the permanent rule. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes and outlined in those management plans. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 ____

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: October 14, 2022	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-320-12000A Commercial crab fishery--Puget Sound Crustacean (crab and shrimp) Special Management Areas.

Notwithstanding the provisions of WAC 220-320-120, effective immediately, until further notice, the waters of the Dungeness Bay Crustacean Special Management Area shall be as described herein. All other provisions of WAC 220-320-120 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Dungeness Bay CSMA is defined as: All waters of Dungeness Bay west of the -123.1103° ($123^{\circ} 6.6' W$) longitude line (a true north/south line through the New Dungeness Lighthouse).