



**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: June 14, 2023

TIME: 2:32 PM

WSR 23-13-073

Agency: Department of Fish and Wildlife (Order 23-98)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 2, 2023

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 set weekly landing limits for coast commercial crab fisheries.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-340-420
- 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 weekly landing limit and period is necessary to mitigate handling mortality from sorting soft-shelled crab and provide for an orderly fishery. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed ____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New ____ Amended ____ Repealed ____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Negotiated rule making:	New	____	Amended	____	Repealed	____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: June 14, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-42000R Commercial crab fishery—Unlawful acts.

Effective July 2 through September 15, 2023, the provisions of WAC 220-340-420 regarding commercial crab weekly landing limits and accounting periods, shall be modified as described below. All other provisions of WAC 220-340-420 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) Effective 12:01 A.M. July 2, 2023, until further notice, it is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 2,500 pounds taken during each of the following coastal crab accounting periods:
 - July 2 – July 8, 2023
 - July 9 – July 15, 2023
 - July 16 – July 22, 2023
 - July 23 – July 29, 2023
 - July 30 – August 5, 2023
 - August 6 – August 12, 2023
 - August 13 – August 19, 2023
 - August 20– August 26, 2023
 - August 27 – September 2, 2023
 - September 3 – September 9, 2023
 - September 10 – September 15, 2023

- (2) Any crab taken prior to July 2, 2023, and not landed before 11:59 P.M July 1, 2023, become part of the July 2 through July 8, 2023, accounting period catch.

- (3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.