



# 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: August 15, 2023

TIME: 8:13 AM

WSR 23-17-079

**Agency:** Department of Fish and Wildlife (Order 23-163)

**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:** This emergency rule is needed to delay the recreational crab season opening in Marine Area 7 North previously scheduled to begin August 17, until further notice.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-330-04000I; WAC 220-330-04000J  
 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 pause the opening of the recreational crab harvest in Marine Area 7 North until the softshell criteria in the management plan are met, to reduce handling of softshell crab. This maintains the openings in the other Marine Areas listed to achieve the 50/50 harvest defined by the Federal Court Order. Marine Area 12 south of a line projected due east from Ayock Point and Marine Area 13 will be closed. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 2

**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	____

<b>Date Adopted:</b> August 14, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-330-04000J Crab--Areas and Seasons—Personal use.**

Notwithstanding the provisions of WAC 220-330-040, effective immediately through September 30, 2023, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

- (1) **Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 8-1, 8-2, and 9:** Effective 12:01 a.m. July 1, through 11:59 p.m. September 4, 2023, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.
- (2) **Those waters of Marine Area 7 south** and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. July 15, through 11:59 p.m. September 30, 2023, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.
- (3) **Those waters of Marine Area 7 north** and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Closed until further notice.
- (4) **Marine Area 10:** Effective immediately, through 11:59 p.m. September 4, 2023, it is permissible to fish for crab for personal use on Sundays, and Mondays.
- (5) **Marine Area 11:** Effective immediately, through 11:59 p.m. August 28, 2023, it is permissible to fish for crab for personal use on Sundays, and Mondays.
- (6) **The portion of Marine Area 12 north of a line projected due east from Ayock Point:** Effective immediately, through 11:59 p.m. September 4, 2023, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.
- (7) **The portion of Marine Area 12 south of a line projected due east from Ayock Point:** Closed until further notice.
- (8) **Marine Area 13:** Closed until further notice.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-330-04000I Crab—Areas and seasons—Personal use. (23-99)

The following section of the Washington Administrative Code is repealed effective September 30, 2023:

WAC 220-330-04000J Crab—Areas and seasons—Personal use. (23-163)