

WSR 22-21-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-240—Filed October 14, 2022, 1:03 p.m., effective October 14, 2022, 1:03 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Rules Affected by this Order: Amending WAC 220-320-120.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 14, 2022.

Amy H. Windrope
for Kelly Susewind
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).

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