

**WSR 23-20-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-219—Filed September 28, 2023, 3:16 p.m., effective October 1, 2023]

Effective Date of Rule: October 1, 2023.

Purpose: The purpose of this emergency rule is to open Puget Sound recreational crab winter seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-330-04000M; and amending WAC 220-330-040.

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 opens recreational crab harvest in many areas of Puget Sound for winter seasons. This opens the 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 Areas 10, 11, and 13 will remain closed until further notice. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 28, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-04000M Crab—Areas and seasons—Personal use. Notwithstanding the provisions of WAC 220-330-040, effective immediately through December 31, 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. October 1, through 11:59 p.m. Decem-

ber 31, 2023, it is permissible to fish for crab for personal use seven days a week.

(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. October 1, 2023, through 11:59 p.m. December 31, 2023, it is permissible to fish for crab for personal use seven days a week.

(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: Effective 12:01 a.m. October 1, 2023, through 11:59 p.m. December 31, 2023, it is permissible to fish for crab for personal use seven days a week.

(4) **The portion of Marine Area 12 north of a line projected due east from Ayock Point:** Effective October 1, 2023, through 11:59 p.m. December 31, 2023, it is permissible to fish for crab for personal use seven days a week.

(5) **Marine Area 10:** Closed until further notice.

(6) **Marine Area 11:** Closed until further notice.

(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.

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REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2024:

WAC 220-330-04000M Crab—Areas and seasons—Personal use.
(23-219)