



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: February 22, 2019

TIME: 10:58 AM

WSR 19-06-009

Agency: Department of Fish and Wildlife (Order 19-34)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 8:00 a.m. February 25, 2019

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amends Puget Sound commercial crab fishing and reporting rules.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-45500S
 Amended: WAC 220-340-455; WAC 220-352-230
 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 rule re-opens the Puget Sound commercial crab fishery in Region 1. It will maintain the current closures of Region 2 East and Region 2 West. It will continue the Puget Sound commercial crab harvest in Region 1, 3-1, 3-2, 3-3 East and 3-3 West. This rule implements the pot limits in Region 1 at 35 pots per license. Pot limits in Region 3-2, 3-3 East and 3-3 West will remain at 60 pots per license. In Region 3-1, fishers are still allowed to use their maximum of 100 pots per license. An additional reporting requirement has been added in Region 1 to increase the timeliness of crab landings not immediately recorded on a Fish Receiving Ticket. There is sufficient allocation available in the commercial regions to accommodate the continued opening. These provisions are in conformity with agreed management plans with applicable tribes. 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 the 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 2 Amended ____ Repealed 1

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: February 21, 2019

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-45500T Commercial crab fishery--Seasons and areas--Puget Sound.

Notwithstanding the provisions of WAC 220-340-455:

- (1) Effective at 8:00 a.m. February 25, 2019, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 35 pots per license in Crab Management Region 1. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.
- (2) Effective immediately, until further notice, Crab Management Region 2 West is closed. Region 2 West includes Marine Fish-Shellfish Catch Reporting Areas 25B, 25D and 26AW.
- (3) Effective immediately until further notice, Crab Management Region 2 East is closed. Region 2 East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
- (4) Effective immediately, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 60 pots per license in Crab Management Region 3-2, Region 3-3 East or Region 3-3 West. These regions include Marine Fish-Shellfish Catch Reporting Areas 25A, 25E, 23D, 23C and 29.
- (5) Effective immediately, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 100 pots per license in Crab Management Region 3-1. This region includes Marine Fish-Shellfish Catch Reporting Area 23A and 23B.
- (6) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.
- (7) Effective at 8:00 a.m. February 25, 2019, until further notice, it is permissible to fish for Dungeness crab for commercial purposes in the following areas:
 - (a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point.
 - (b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.
 - (c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(8) Effective immediately, until further notice, the following areas are closed to commercial crab fishing:

- (a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123° 7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.
- (b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

WAC 220-352-2300A Commercial fish and shellfish transportation ticket

Notwithstanding the provisions of WAC 220-352-230:

Effective at 8:00 a.m. February 25, 2019, until further notice, license holders or alternate operators fishing for crab in Region 1 (MFSF Catch Areas 20A, 20B, 21A, 21B, 22A and 22B) who do not deliver their crab to an original receiver within 24 hours of harvest, must immediately complete and submit a copy of a transportation ticket to the department. Copies of transportation tickets must be submitted via fax (425-338-1066) or email (crabreport@dfw.wa.gov). A reliable contact phone number for the harvester must also be provided on the submitted copy of the transportation ticket. Once the fisher delivers the crab to an original receiver, a copy of the transportation ticket must be attached to the shellfish receiving ticket or the transportation ticket number must be written on the shellfish receiving ticket.

R E P E A L E R

The following section of the Washington Administrative code is repealed effective 8:00 a.m. February 25, 2019:

WAC 220-340-45500S Commercial crab fishery—Seasons and areas—Puget Sound. (19-05)