



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: March 15, 2019

TIME: 2:13 PM

WSR 19-07-052

Agency: Department of Fish and Wildlife (Order No. 19-44)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 6:00 p.m. March 17, 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 rules

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45500T, WAC 220-352-2300A
- 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 will close 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 3-1, 3-2, 3-3 East and 3-3 West. 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. The additional reporting requirement has been maintained in Region 1 to increase the accuracy and 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	___
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The number of sections adopted on the agency's own initiative:

New	2	Amended	___	Repealed	2
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: March 15, 2019

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455:

- (1) Effective 6:00 p.m. March 17, 2019, until further notice, Crab Management Region 1 is closed. 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 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.

NEW SECTION

WAC 220-352-23000B Commercial fish and shellfish transportation ticket

Notwithstanding the provisions of WAC 220-352-230, effective immediately, 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 (or equivalent) to the department. This information 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. Once the fisher delivers the crab to an original receiver, any copies of transportation tickets must be attached to the shellfish receiving ticket or the transportation ticket number(s) must be written on the shellfish receiving ticket.

REPEALER

The following sections of the Washington Administrative code are repealed effective 6:00 p.m. March 17, 2019:

WAC 220-340-45500T Commercial crab fishery—Seasons and areas—Puget Sound. (19-34)

WAC 220-352-2300A Commercial fish and shellfish transportation ticket. (19-34)