



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: January 10, 2020

TIME: 3:58 PM

WSR 20-03-077

Agency: Department of Fish and Wildlife (Order 20-06)

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: Amends Puget Sound commercial crabbing rules.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-45500D; WAC 220-352-34000D
 Amended: WAC 220-340-455; WAC 220-352-340
 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 open Region 2-East and allow commercial crab harvest in Region 2-East outside of the Everett Flats area with a maximum of no more than 25 pots per license per buoy tag number. This rule also requires fishers to declare their participation in the Region 2-East opening and requires that fishers report pounds of Dungeness crab harvested from Region 2-East each day. It will continue the Puget Sound commercial crab harvest in Regions 2-West, 3-1, and 3-3. Pot limits in 2-West, 3-1, and 3-3 will remain at 50 pots per license. 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 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	____

Date Adopted: January 10, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455:

- 1) Effective immediately until further notice, all of Crab Management Regions 1, 2-East and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.
- 2) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.
- 3) Effective 8:00 am January 14, 2020 until further notice all areas except for the Everett Flats area of Crab Management Region 2-East are open. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
- 4) Effective 8:00 am January 14, 2020, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 25 pots per license per buoy tag number in Crab Management Region 2-East.
- 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 50 pots per license per buoy tag number in Crab Management Region 2-West, Region 3-1, or Region 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 26A West, 25B, 25D, 23C and 29.
- 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.
 - (c) Everett Flats which are those portions of catch area 26AE east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation.

NEW SECTION

WAC 220-352-34000E Puget Sound crab—Additional reporting requirements.

Notwithstanding the provisions of WAC 220-352-340:

- 1) Non-treaty commercial fishers that intend to harvest in Crab Management Region 2-East must declare intent to fish prior to the opening date by leaving text message to (360) 302-6372, or sending an email to Crab.Report@dfw.wa.gov, detailing the following information:
 - (a) Vessel Name
 - (b) Name and permit number(s) of licensed owner
 - (c) Name of designated primary operator if different from licensed owner
- 2) Non-treaty commercial fishers operating in Crab Management Region 2-East must report the estimated pounds of Dungeness crab caught and retained or the pounds of crab caught and landed by 8:00 pm every day. The vessel owner or operator must leave a text message to (360) 302-6372, or send an email to Crab.Report@dfw.wa.gov, detailing the following information:
 - (a) Vessel Name and Vessel Registration Number
 - (b) Pounds of Dungeness crab
 - (c) Whether crab was retained (hung or tanked) or landed
 - (d) Crab Management Area fished
- 3) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by non-treaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following day. Reports must be made by fax to (435) 338-1066 or by e-mail at crabreport@dfw.wa.gov, and must specify the dealer name, dealer phone number, date of delivery of crab to the original receiver, and the total number of pounds of crab caught by non-treaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

R E P E A L E R

The following section of the Washington Administrative code is repealed:

WAC 220-340-45500D Commercial crab fishery—Seasons and areas—Puget Sound. (20-05)

WAC 220-352-34000D Puget Sound crab—Additional reporting requirements. (20-01)