



# 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 17, 2020  
TIME: 4:36 PM

WSR 20-03-144

**Agency:** Department of Fish and Wildlife (Order 20-10)

**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- Repealed: WAC 220-340-45500E
- Amended: WAC 220-340-455
- 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 emergency rule will close Crab Management Region 2-E on January 19 at 1:00 pm because the Region 2-E State quota will have been reached. With this rule, Regions 1 and Region 3-2 will remain closed. It will continue the Puget Sound commercial crab harvest in Regions 2-West, 3-1 and 3-3. Pot limits in Regions 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Federal statute:	New	___	Amended	___	Repealed	___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 1 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	____

<b>Date Adopted:</b> January 17, 2020	<b>Signature:</b> 
<b>Name:</b> Nate Pamplin for Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-340-45500F 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 and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. 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 immediately all areas except for the Everett Flats area of Crab Management Region 2-East are open until 1:00 pm on January 19, 2020. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.
- (4) Effective immediately, 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, and 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 DockEverett 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.
  - (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.

## REPEALER

The following section of the Washington Administrative code is repealed effective immediately:

WAC 220-340-45500E Commercial crab fishery—Seasons and areas—Puget Sound. (20-06)