



# 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: October 13, 2020

TIME: 4:10 PM

WSR 20-21-051

**Agency:** Department of Fish and Wildlife (Order 20-230)

**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:** This rule closes commercial crab harvest in region 3-1 on October 16, 2020 at 8:00pm due to the planned attainment of quota.

In addition, this regulation includes previous emergency regulation amendments:

1. Closes region 2E to commercial crab harvest;
2. Defines the Puget Sound Crab Management Areas and Regions open to commercial harvest;
3. Sets the harvest and gear limitations for the Puget Sound crab fishery

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-340-45500J  
 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:** There is insufficient allocation remaining in Region 3-1 to accommodate sustained commercial harvest past October 16, 2020. There is insufficient allocation to accommodate State commercial harvest in Region 2E. There is sufficient allocation available in Regions 1, 2 West, 3-2, and 3-3 to accommodate continued State commercial harvest. 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. Further adjustment of season structure may be made pending updated harvest data.

**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	1	Amended	___	Repealed	<u>1</u>
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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:** October 13, 2020

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-45500K Commercial crab fishery--Seasons and areas--Puget Sound.**

Notwithstanding the provisions of WAC 220-340-450:

- (1) Effective immediately and until October 16, 2020 at 7:59 p.m., it is permissible to harvest Dungeness crab for commercial purposes in Crab Management Region 3-1.
- (2) Effective October 16, 2020 at 8:00 p.m. and until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Crab Management Region 3-1.
- (3) Effective immediately and until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Crab Management Region 2 East.
- (4) Effective immediately and until further notice, it is permissible to harvest Dungeness crab for commercial purposes in Crab Management Regions 1, 2 West, 3-2, and 3-3.
- (5) Effective immediately and until further notice, it is permissible to harvest Dungeness crab for commercial purposes in the following areas in Region 1:
  - (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.
- (6) Effective immediately and until further notice, until further notice, it is permissible to harvest Dungeness crab for commercial purposes in the following areas in Region 2 West:
  - (a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W).

- (7) Effective immediately and until further notice, it is illegal to harvest Dungeness crab for commercial purposes in the following areas in Region 2 East:
  - (a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 24C shoreward of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.
  - (b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green #1 buoy at Possession Point to Possession Point, and west of a line from the green #1 buoy at Possession Point extending northward along the 200-foot depth contour to the Glendale dock.
  - (c) That portion of Marine Fish-Shellfish Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo, projected to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.
  
- (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 a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.
  - (c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected true north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.
  
- (9) Effective immediately and until October 16, 2020 at 7:59 p.m., it is unlawful for any person to harvest crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 3-1.
  
- (10) Effective October 16, 2020 at 8:00 p.m. and until further notice, it is illegal to deploy Dungeness crab pots for commercial purposes in Crab Management Area 3-1.
  
- (11) Effective immediately and until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 35 pots per license per buoy tag number in Crab Management Region 1.
  
- (12) Effective immediately and until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Regions 2 West, 3-2, or 3-3.

- (13) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-45500J Commercial crab fishery--Seasons and areas--Puget Sound. (20-213)