



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: December 02, 2020
TIME: 3:58 PM

WSR 21-01-009

Agency: Department of Fish and Wildlife (Order 20-251)

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: The purpose of this rule is to increase pot limits in Puget Sound Crab Management Regions 2 West and 3-2.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45500L
- 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: The provisions of this emergency rule:

- 1) Permits commercial crab harvest in Puget Sound within Crab Management Regions 2 West, 3-2, and 3-3 until further notice;
- 2) Maintains closure of commercial crab harvest in Crab Management Regions 1 and 2 East until further notice;
- 3) Sets a limit of 50 pots per license per buoy tag number in commercial crab Regions 2 West, 3-2, and 3-3;

This rule is needed to increase pot limits in Regions 2 West and 3-2 to 50 pots per license to allow efficient harvesting of remaining quota. It also maintains closures in Regions 1, 2E and 3-1. 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 | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|---|---------|-----|----------|----------|
| New | 1 | Amended | ___ | Repealed | <u>1</u> |
|-----|---|---------|-----|----------|----------|

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: December 2, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-450:

- (1) Effective immediately until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Crab Management Regions 2 East and 3-1.
- (2) Effective immediately and until further notice, it is permissible to harvest Dungeness crab for commercial purposes in Crab Management Regions 2 West, 3-2, and 3-3.
- (3) Effective immediately and until further notice, it is permissible to harvest Dungeness crab for commercial purposes in the following area in Crab Management 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).
- (4) 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.
- (5) Effective immediately until 6:59 p.m. on December 3, 2020, 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 Regions 2 West, 3-2, and 3-3.
- (6) Effective 7:00 p.m. December 3, 2020 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 Region 2 West, 3-2, and 3-3.
- (7) 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 220-340-45500L Commercial crab fishery--Seasons and areas--Puget Sound. (20-244)