



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 10, 2020

TIME: 12:07 PM

WSR 21-01-079

Agency: Department of Fish and Wildlife (Order 20-256)

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 emergency rule is to open Crab Management Region 2E to commercial harvest at 1:00 p.m. on December 11, 2020 and to increase pot limits in Region 1 to 40 pots per license. This rule also requires harvesters to declare participation in Region 1 and 2E fisheries.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45500N; WAC 220-352-34000H
- 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: The provisions of this emergency rule:

- 1) Opens Puget Sound Crab Management Region 2E to commercial harvest and commercial pot deployment effective December 11, 2020 at 1:00 p.m. to harvest remaining available quota;
- 2) Permits commercial crab harvest in Puget Sound within Crab Management Regions 1, 2 West, 3-2, and 3-3 until further notice;
- 3) Commercial crab harvest in Crab Management Regions 3-1 remains closed until further notice;
- 4) Sets a limit of 40 pots per license per buoy tag number in Crab Management Region 1, a pot limit of 25 pots per license pots per license per buoy tag number in Region 2 East and 50 pots per license per buoy tag number in Regions 2 West, 3-2, and 3-3;
- 5) Requires fishers to declare participation in Region 1 and 2E fisheries.

Crab Management Region 2E will open to commercial harvest at 1:00 p.m. on December 11, 2020 to harvest available quota. In Regions 1, 2 East, 2 West, 3-2, and 3-3 the available quota is sufficient to accommodate continued 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 Dungeness crab commercial fishing season is structured to meet harvest allocation objectives negotiated between State and tribal comanagers and outlined in related 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	2	Amended	___	Repealed	<u>2</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: December 10, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-45500P 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 Region 3-1.
- (2) 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.
- (3) Effective immediately until 12:59 p.m. on December 11, 2020, it is illegal to harvest Dungeness crab for commercial purposes in Crab Management Regions 2 East.
- (4) Effective 1:00 p.m. on December 11, 2020, it is permissible to harvest Dungeness crab for commercial purposes in Crab Management Region 2 East.
- (5) Effective immediately until further notice, it is permissible to harvest Dungeness crab for commercial purposes in the following areas in Crab Management 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, 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).
- (7) Effective immediately and until further notice, it is illegal to harvest Dungeness crab for commercial purposes in the following areas in Crab Management 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 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 2W, 3-2, and 3-3.
- (10) Effective immediately until 7:59 a.m. on December 11, 2020, it is unlawful for any person to harvest crabs for commercial purposes with more than 25 pots per license per buoy tag number in Crab Management Region 1.
- (11) Effective 8:00 a.m. on December 11, 2020, it is unlawful for any person to harvest crabs for commercial purposes with more than 40 pots per license per buoy tag number in Crab Management Region 1.
- (12) Effective 1:00 p.m. on December 11, 2020 until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 25 pots per license per buoy tag number in Crab Management Region 2 East.
- (13) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.

WAC 220-352-34000H 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 1 or 2E must declare intent to fish prior to deploying gear by registering on the WDFW Puget Sound commercial crabbing webpage or sending an email to crab.report@dfw.wa.gov, detailing the following information:
 - (a) Vessel Operator Name
 - (b) Vessel Name and Vessel Registration Number
 - (c) Permit Number(s) to be Fished
 - (d) Crab Management Area to be fished
 - (e) Initial Fishing Date

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-340-45500N Commercial crab fishery--Seasons and areas--Puget Sound. (20-253)

WAC 220-352-34000G Puget Sound crab—Additional reporting requirements. (20-253)