



# 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 05, 2021

TIME: 4:42 PM

WSR 21-02-080

**Agency:** Department of Fish and Wildlife (Order 21-03)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 7:00 p.m. January 6, 2021

**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 for commercial crab in Region 2E from 35 pots per license to 50, effective 7:00 p.m. January 6, 2021.

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

New:  
 Repealed: WAC 220-340-45500S  
 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 1, 2 East, 2 West, 3-2, and 3-3 until further notice
- 2) Maintains currently pot limits in Regions 1, 2 West, 3-2, and 3-3.
- 3) Increases pot limit in Region 2 East to 50 pots per license
- 4) Commercial crab harvest in Crab Management Region 3-1 remains closed until further notice;

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. WSR 21-01-079 requiring fishers to declare intent to participate in Region 1 and 2E fisheries, remains in effect.

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	___

<b>Date Adopted:</b> January 5, 2021	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-450, effective 7:00 p.m. on January 6, 2021 until further notice;

- (1) It is illegal to harvest Dungeness crab for commercial purposes in Crab Management Region 3-1.
- (2) It is permissible to harvest Dungeness crab for commercial purposes in Crab Management Regions 1, 2 East, 2 West, 3-2, and 3-3.
- (3) 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.
- (4) 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).
- (5) It is permissible to harvest Dungeness crab for commercial purposes in the following areas in Crab Management Region 2 East:
  - (a) 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.
- (6) 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.
  - (d) That portion of catch area 26AE east of a line from the spiral staircase at Howarth Park due north to the southernmost end of Gedney Island and that portion of 24B east of a line from the northernmost end of Gedney Island to the southern tip of Camano Head and south of a line drawn from the southern tip of Camano Head to Hermosa Point on the Tulalip reservation.
- (7) It is unlawful for any person to deploy more than 75 pots per license per buoy tag number in Crab Management Regions 2W, 3-2, and 3-3 with the intent of harvesting Dungeness crab for commercial purposes.
  - (8) It is unlawful for any person to deploy more than 50 pots per license per buoy tag number in Crab Management Region 1 with the intent of harvesting Dungeness crab for commercial purposes.
  - (9) It is unlawful for any person to deploy more than 50 pots per license per buoy tag number in Crab Management Region 2 East with the intent of harvesting Dungeness crab for commercial purposes.
  - (10) 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 effective 7:00 p.m. January 6, 2021:

WAC 220-340-45500S Commercial crab fishery--Seasons and areas--Puget Sound. (20-263)