



# 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: March 12, 2021

TIME: 10:49 AM

WSR 21-07-054

**Agency:** Department of Fish and Wildlife (Order 21-33)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 11:59 p.m. March 12, 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 emergency rule is to open Puget Sound Crab Management Region 3-1 to commercial crab harvest and to rescind reporting requirements set forth in WSR 21-01-079. .

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

New:  
 Repealed: WAC 220-352-34000H; WAC 220-340-45500U  
 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) Opens Region 3-1 to commercial crab harvest following an extended closure.
- 2) Continues to permit commercial crab harvest in Puget Sound within Crab Management Regions 1, 3-2, and 3-3.
- 3) Maintains the closure of Regions 2 East and 2 West.
- 4) Sets a pot limit of 25 pots per license in Region 3-1.
- 5) Maintains currently pot limits in Regions 1, 3-2, and 3-3.
- 6) Sets closure dates for State commercial harvest in Region 1 as agreed to by tribal co-managers.

Region 3-1 will open to allow a coordinated clean-up of the remaining quota. Catch Areas Region 21A, 21B and 22B will close on March 31, 2021 and Catch Areas 22A, 20A and 20B will close on April 15, 2021 based on the hard closure date outlined in historical co-management harvest agreements. In Regions 1, 3-1, 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 | ___ |
|-----|-----|---------|-----|----------|-----|

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


|     |   |         |     |          |   |
|-----|---|---------|-----|----------|---|
| New | 1 | Amended | ___ | Repealed | 2 |
|-----|---|---------|-----|----------|---|

**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> 3/12/2021 | <b>Signature:</b><br> |
| <b>Name:</b> Kelly Susewind    |   |
| <b>Title:</b> Director         |   |

## NEW SECTION

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

Effective 11:59 p.m. on March 12, 2021, until further notice, the following provisions of WAC 220-340-455 regarding Puget Sound commercial crab fishing seasons are modified as written below, all other provisions of WAC 220-340-455 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) It is illegal to harvest Dungeness crab for commercial purposes in Crab Management Regions 2 East, 2 West.
- (2) It is permissible to harvest Dungeness crab for commercial purposes in Crab Management Regions 1, 3-1, 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.
- (2) It is unlawful for any person to deploy more than 75 pots per license per buoy tag number in Crab Management Regions 3-2, and 3-3 with the intent of harvesting Dungeness crab for commercial purposes.
- (3) 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.
- (4) It is unlawful for any person to deploy more than 25 pots per license per buoy tag number in Crab Management Region 3-1 with the intent of harvesting Dungeness crab for commercial purposes.
- (5) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.
- (6) Effective 11:59 p.m. on March 31, 2021 until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Catch Areas 21A, 21B and 22B within Crab Management Region 1.

- (7) Effective 11:59 p.m. on April 15, 2021 until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Catch Areas 22A, 20A and 20B within Crab Management Region 1.

## REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. March 12, 2021:

WAC 220-352-34000H Puget Sound crab -- Additional Reporting Requirements. (20-256)

WAC 220-340-45500U Commercial crab fishery--Seasons and areas--Puget Sound. (21-10)