



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 20, 2022

TIME: 4:39 PM

WSR 22-22-010

Agency: Department of Fish and Wildlife (Order 22-245)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 8:00 p.m. October 21, 2022

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 close commercial crab fishing in all areas of Puget Sound;

WAC 220-340-45500N:

- 1) Closes Puget Sound commercial crab harvest in Crab Management Regions 1, 2-East, 2-West, 3-1, 3-2, 3-3 and 3-4 at 8:00 p.m. on October 21, 2022 until October 28, 2022 at 8:00 a.m.
- 2) Closes Port Angeles Harbor to commercial crab harvest due to public health decrees.

WAC 220-340-47000L:

Sets reduced pot limits by area for Puget Sound commercial crab harvest effective the dates listed in the amended section of WAC 220-340-455.

WAC 220-352-34000X:

Requires compliance with Quick Reporting requirements in the event that a fish receiving ticket is not submitted or received by the department using an electronic fish ticket application.

Citation of rules affected by this order:

New:

Repealed: WAC 220-340-45500M, WAC 220-340-47000K, WAC 220-352-35400W

Amended: WAC 220-340-455; WAC 220-340-470; 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: To ensure accurate catch reporting as agreed-to in comanager management plans, the Puget Sound commercial crab fishery will close in Regions 1, 2-East, 2-West, 3-1, 3-2, 3-3, and 3-4, from October 21, 2022 at 5:00 p.m. until October 27, 2022 at 8:00 a.m. 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. There is insufficient time to adopt permanent rules.

**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	3	Amended	___	Repealed	<u>3</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: October 20, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455,

- (1) Effective October 21, 2022, at 8:00 p.m., the following Geographical Management Units are closed to commercial crab fishing: Crab Management Region 1, 2E, 2W, 3-1, 3-2, 3-3, and 3-4.
- (2) Harvest of Dungeness crab in Puget Sound is permitted during the “Open period” indicated in the following table. Harvest for these areas is allowed starting one hour before official sunrise until further notice. Any closures will take effect one hour after official sunset unless otherwise indicated.

Geographical Management Unit (WAC 220-320-110)	Open Period
Region 1, MFSF Catch Areas 21A, 21B, and 22B	October 28, 2022, until further notice
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	October 28, 2022, until further notice
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120 (3))	October 28, 2022, through February 1, 2023
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	October 28, 2022, through December 31, 2022
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	October 28, 2022, through February 15, 2023
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	October 28, 2022 through February 15, 2023
Subregion 3-1	October 28, 2022, until further notice
Subregion 3-2, not including Discovery Bay CSMA (WAC 220-230-120 (1)(a)), Sequim Bay CSMA (WAC 220-320-120 (6)), or the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	October 28, 2022, until further notice
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	October 28, 2022, until further notice
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	October 28, 2022, until further notice
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	Closed, due to on-going public health concerns.
Subregion 3-3	October 28, 2022, until further notice
Subregion 3-4	October 28, 2022, until further notice

NEW SECTION

WAC 220-340-47000L Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas

Notwithstanding the provisions of 220-340-470,

- (1) Effective during the “Open period” listed in amended section of WAC 220-340-455 above it will be unlawful for any person to harvest crabs with more than the “Pot limit” per license per buoy tag number indicated within each “geographical management unit”.

Geographical Management Unit (WAC 220-320-110)	Pot limit
Region 1, MFSF Catch Areas 21A, 21B, and 22B	30
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	30
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120 (3))	30
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	30
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	30
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	20
Subregion 3-1	30
Subregion 3-2, not including Discovery Bay CSMA (WAC 220-230-120 (1)(a)), Sequim Bay CSMA (WAC 220-320-120 (6)), or the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	30
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	20
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	20
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	0
Subregion 3-3	30
Subregion 3-4	30

NEW SECTION

WAC 220-352-34000X Puget Sound crab--Additional reporting requirements.

Notwithstanding the provisions of WAC 220-352-340,

- (1) Unless original receivers have submitted, and the department has received a fish ticket through an electronic fish ticket reporting application the original receiver is required to provide a Quick Report within 24 hours of landing.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 8:00 p.m. October 21, 2022:

WAC 220-340-45500M Commercial crab fishery--Seasons and areas--Puget Sound. (22-233)

WAC 220-340-47000K Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (22-233)

WAC 220-352-35400W Puget Sound crab--Additional reporting requirements.