



# 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 27, 2022

TIME: 4:53 PM

WSR 22-22-057

**Agency:** Department of Fish and Wildlife (Order 22-255)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 28, 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 open commercial crab fishing in all areas of Puget Sound;

WAC 220-340-45500P:

- 1) Opens 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 am on October 28, 2022.
- 2) Closes Port Angeles Harbor to commercial crab harvest due to public health decrees.

WAC 220-340-42000K:

- 1) Opens all areas with commercial harvest opportunity in Puget Sound to barging of pots effective October 28, 2022 through October 30,2022. Describes Puget Sound pot barging reporting requirements.

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

- New:
- Repealed: WAC 220-340-45500N
- Amended: WAC 220-340-455; WAC 220-340-420
- 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:** There is sufficient allocation available in Regions 1, 2-West, 2-East, 3-1, 3-2, 3-3, and 3-4 to accommodate this opening. These provisions are in conformity with agreed management plans with applicable treaty Indian 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 Indian 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	___
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**The number of sections adopted on the agency's own initiative:**

New	2	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> October 27, 2022	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455:

Commercial harvest of Dungeness crab in Puget Sound is allowed during the “Open period” indicated in the following table. On the opening date harvest will be permitted starting at 8:00 a.m. Harvest on all other days is allowed starting one hour before official sunrise until further notice. Any closures will take effect one hour after official sunset unless otherwise indicated.

<b>Geographical Management Unit (WAC 220-320-110)</b>	<b>Open Period</b>
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 220-340-42000K Commercial crab fishery--unlawful acts.**

Notwithstanding the provisions of WAC 220-340-420:

- (1) Effective 8:00 a.m. October 28, 2022 until 7:59 a.m. October 30, 2022 it is permissible to deploy Dungeness crab pots for commercial purposes in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 from a vessel not designated on a person's Puget Sound crab license, provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and prior notice has been given as provided below. Crab pots may only be deployed during daylight hours.
- (2) Puget Sound commercial crab license holders that intend to barge must send an email to [crab.report@dfw.wa.gov](mailto:crab.report@dfw.wa.gov), detailing the following information:
  - (a) Name and license number of licensed owner.
  - (b) Name of designated primary operator if different from licensed owner.
  - (c) Name of alternate operator if used to deploy pots from a non-designated vessel.
  - (d) Buoy brand number and number of pots to be deployed from a non-designated vessel.
  - (e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.
  - (f) Region or Set Location

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-45500N Commercial crab fishery—Seasons and areas—Puget Sound. (22-245)