



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 05, 2022

TIME: 4:05 PM

WSR 22-24-080

Agency: Department of Fish and Wildlife (Order 22-279)

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 re-open commercial crab fishing in crab management subregion 3-2.

WAC 220-340-45500R:

- 1) Opens Puget Sound commercial crab harvest in crab management subregion 3-2 on December 6, 2022, at 8:00 am.
- 2) Maintains the closure of Region 2E to commercial harvest.
- 3) Implements hard closure dates that may close with 120 days.

WAC 220-340-42000L: Permits barging of pots from December 6, 2022 at 8:00 am through 7:59 am on December 8, 2022 in subregion 3-2 only.

WAC 220-340-47000N: Sets pot limits for all areas with commercial harvest opportunity in Puget Sound. Reduces the pot limit for all areas that are closed to "0".

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-45500Q; 220-340-42000K; WAC 220-340-47000M
 Amended: WAC 220-340-455; WAC 220-340-420; WAC 220-340-470
 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 and subregions 3-1, 3-3, and 3-4 to accommodate continued commercial harvest. This rule opens subregion 3-2 following comanager agreement on a quota increase, providing additional harvest opportunity. 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.

**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	3	Amended	___	Repealed	<u>3</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 5, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-45500R 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.

Geographical Management Unit (WAC 220-320-110)	Open Period
Region 1, MFSF Catch Areas 21A, 21B, and 22B	Immediately, through March 31, 2023.
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	Immediately, until further notice.
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120 (3))	Closed
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	Closed
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	Immediately, through February 15, 2023.
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	Immediately, through February 15, 2023.
Subregion 3-1	Immediately, through March 31, 2023.
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)).	8:00 am December 6, 2022, through March 31, 2023.
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	8:00 am December 6, 2022, through March 31, 2023.
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	8:00 am December 6, 2022, through March 31, 2023.
22-340-455Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	Closed, due to on-going public health concerns.
Subregion 3-3	Immediately, until further notice.
Subregion 3-4	Immediately, until further notice.

NEW SECTION

WAC 220-340-42000L Commercial crab fishery--unlawful acts.

Notwithstanding the provisions of WAC 220-340-420:

- (1) Effective 8:00 a.m. December 6, 2022 until 7:59 a.m. December 8, 2022 it is permissible to deploy Dungeness crab pots for commercial purposes in Crab Management Subregion 3-2 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, 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

NEW SECTION

WAC 220-340-47000N 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))	0
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	0
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

- (2) Effective after the “Open Period” listed in amended section of WAC 220-340-455 above the “Pot Limit” within each “geographical management unit” will be reduced to “0”.

REPEALERS

The following sections of Washington Administrative Code are repealed, effective immediately:

WAC 220-340-45500Q Commercial crab fishery--Seasons and areas--Puget Sound. (22-255)

WAC 220-340-42000K Commercial crab fishery--unlawful acts. (22-273)

WAC 220-340-47000M Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas . (22-273)