



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 28, 2022

TIME: 12:29 PM

WSR 23-02-030

Agency: Department of Fish and Wildlife (Order 22-285)

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: This rule amends Puget Sound commercial buoy tag requirements to accommodate changes in replacement tag availability.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-340-430
 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: This rule amends the Puget Sound commercial buoy tag requirement and replacement tag process to accommodate changes in replacement tag availability and maintain the fishery-specific traceability functionality of the buoy tags. The current department inventory of buoy tags is insufficient to accommodate replacement buoy tag requests. This rule modifies the replacement tag process and allows for the use of undeployed buoy tags if the licensee is given permission by the department to do so. It streamlines the current replacement tag process and addresses current inventory constraints. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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 1 Amended ____ Repealed ____

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: December 28, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-43000A Commercial crab fishery—Gear requirements.

Effective immediately, until further notice, the following provisions of WAC 220-340-430 regarding Puget Sound commercial crab buoy tag and replacement buoy tag requirements and processes shall be amended as described below. All other provisions of WAC 220-340-430 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) Dash tags are defined as the undeployed portion of buoy tags for each license registered to an individual vessel that are in excess of the current effective per license pot limit.
- (2) The “dash tag” requirements for commercial crab license holders in Puget Sound in WAC 220-340-430 (3)(e) are amended to be: All remaining undeployed buoy tags per license must be on board the designated vessel and available for inspection unless the license holder has declared that deployed tags have been lost and are unrecoverable, under penalty of perjury, and has been granted permission by the department to use undeployed buoy tags as a replacement.
- (3) The replacement tag process for commercial crab license holders in Puget Sound in WAC 220-340-430 (3)(f)(i) are amended to be: Puget Sound commercial crab license holders are required to request permission to use undeployed buoy tags in the event deployed buoy tags are lost and are unrecoverable. Requests to use undeployed buoy tags must state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss. Requests must be made using a department provided electronic form.