



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: November 09, 2023

TIME: 3:30 PM

WSR 23-23-073

Agency: Department of Fish and Wildlife (Order 23-253)

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 open commercial crab fishing in Puget Sound;

WAC 220-340-45500A

Closes Puget Sound commercial crab harvest in Crab Management Region 2-West one hour after official sunset on November 13, 2023, until further notice.

WAC 220-340-47000W:

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.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45500Y; WAC 220-340-47000V
- Amended: WAC 220-340-455; 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: The harvestable share in Puget Sound commercial Crab Management Region 2-West is projected to be attained by November 13,2023. There is sufficient allocation remaining to accommodate harvest in the Puget Sound commercial crab fishery in regions 1, 2-East, 3-1, 3-2, 3-3, and 3-4 until further notice. These provisions are in conformity with agreed management plans with applicable tribes. Co-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	___
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The number of sections adopted on the agency's own initiative:

New	2	Amended	___	Repealed	<u>2</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: November 9, 2023

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455, effective immediately, until further notice:

- (1) Harvest of Dungeness crab in Puget Sound is permitted during the “Open period” indicated in the following table. On the opening date harvest will be permitted starting at 8:00 a.m. Harvest for these areas after the opening date is permitted 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, until further notice.
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))	Immediately, until further notice.
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	Immediately, until further notice.
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	Immediately, through November 13, 2023
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	Immediately, through November 13, 2023
Subregion 3-1	Immediately 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)).	Immediately until further notice.
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	Immediately until further notice.
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	Immediately 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	Immediately until further notice.
Subregion 3-4	Immediately until further notice.

- (2) The area closed to commercial harvest in WAC 220-340-455 (2)(c) is amended to be: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder off the southeast portion of Point Francis (48.6973°, -122.6073°) to the old pilings at Stevie's Point (48.7765°, -122.5523°).

NEW SECTION

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

Notwithstanding the provisions of 220-340-470, effective immediately, until further notice:

During the “Open period” listed in WAC 220-340-45500Y (1), 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	40
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	40
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120 (3))	25
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	25
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	25
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	20
Subregion 3-1	40
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	50
Subregion 3-4	50

REPEALERS

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

WAC 220-340-45500Y Commercial crab fishery--Seasons and areas--Puget Sound. (23-248)

WAC 220-340-47000V Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas (23-248)