



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: April 12, 2024

TIME: 2:16 PM

WSR 24-09-043

Agency: Department of Fish and Wildlife (Order 24-56)

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 220-340-455H: Extends the commercial closures in Region 1 (MFSF Catch Areas 20A, 20B, 22A), Sub-region 3-3, and Sub-region 3-4 to April 17, 2024.

WAC 220-340-47000E: Updates the pot limits of recently closed Crab Management Regions and Sub-regions effective immediately.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45500G; WAC 220-340-47000D
- 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 season in Region 1 (MFSF Catch Areas 20A, 20B, 22A), Sub-region 3-3, and Sub-region 3-4 is extended through April 17, 2024, to accommodate weather safety concerns. The pot limits in Crab Management Region 1, and Sub-regions 3-1, and 3-2 have been updated to reflect their closure status. There is sufficient allocation remaining to accommodate harvest in the Puget Sound commercial crab fishery in regions 1, 3-3, and 3-4 until further notice. These provisions are in conformity with the last 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.

**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 2 Amended ____ Repealed 2

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: April 12, 2024

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-455, effective immediately, through April 17, 2024:

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)	Effective Period
Region 1, MFSF Catch Areas 21A, 21B, and 22B	Closed.
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	Immediately through April 17, 2024.
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))	Closed.
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	Closed.
Subregion 3-1	Closed.
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)).	Closed
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	Closed.
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	Closed.
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 through April 17, 2024.
Subregion 3-4	Immediately through April 17, 2024.

NEW SECTION

WAC 220-340-47000E 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, through April 17, 2024:

Effective during the “Open period” listed by emergency rule pursuant to WAC 220-340-455(1), it is 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	0
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	75
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))	0
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	0
Subregion 3-1	0
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)).	0
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	0
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120 (6))	0
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	0
Subregion 3-3	75
Subregion 3-4	75

REPEALER

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

WAC 220-340-45500G Commercial crab fishery--Seasons and areas--Puget Sound. (24-17)

WAC 220-340-47000D Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (24-36)