



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 05, 2024

TIME: 12:25 PM

WSR 24-22-120

Agency: Department of Fish and Wildlife (Order 24-255)

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 emergency rule closes commercial crab harvest in Crab Management Region 2E.

WAC 220-340-45500M:

- (1) Closes Crab Management Region 2E one hour after official sunset on Wednesday, November 6 due to quota attainment. Crab Management Regions 1, 3-1, 3-2, 3-3 and 3-4 will remain open until further notice.
- (2) Maintains closure of Port Angeles Harbor to commercial crab harvest due to public health decrees.

WAC 220-340-47000J:

Maintains current pot limit levels in all open Crab Management Areas.

Citation of rules affected by this order:

New:

Repealed: WAC 220-340-45500L; WAC 220-340-47000I

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: Crab Management Region 2-East will close one hour after official sunset on Wednesday, November 6, 2024, due to quota attainment. This rule maintains current pot limit levels in all Crab Management Areas. There is sufficient allocation remaining to allow continued harvest in 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 5, 2024

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



ORDER NO. 24-255

NEW SECTION

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

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

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, through November 6, 2024.
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	Immediately through November 6, 2024.
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120 (5))	Closed, until further notice.
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120 (5))	Immediately, until further notice.
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.

NEW SECTION

WAC 220-340-47000J 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:

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	40
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	40
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120 (3))	35
Region 2E, Everett Flats CSMA (WAC 220-320-120 (3))	35
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))	20
Subregion 3-1	50
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)).	60
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 220-340-45500L Commercial crab fishery--Seasons and areas--Puget Sound. (24-252)

WAC 220-340-47000I Commercial crab fishery – Gear limits – Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (24-252)

Reasons for this finding: The provisions of this emergency rule:

WAC 220-340-45500M:

- (1) Closes Crab Management Region 2E one hour after official sunset on Wednesday, November 6 due to quota attainment. Crab Management Regions 1, 3-1, 3-2, 3-3 and 3-4 will remain open until further notice.
- (2) Maintains closure of Port Angeles Harbor to commercial crab harvest due to public health decrees.

WAC 220-340-47000J:

Maintains current pot limit levels in all open Crab Management Areas.

Crab Management Region 2-East will close one hour after official sunset on Wednesday, November 6, 2024, due to quota attainment. This rule maintains current pot limit levels in all open Crab Management Areas. There is sufficient allocation remaining to allow continued harvest in 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. (24-255, 11/5/2024)