

WSR 21-19-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-180—Filed September 8, 2021, 3:47 p.m., effective September 16, 2021]

Effective Date of Rule: September 16, 2021.

Purpose: The purpose of this emergency rule is to close coastal commercial crab seasons and modify coastal crab gear recovery permit rules by allowing an earlier start to gear recovery.

Citation of Rules Affected by this Order: Repealing WAC 220-340-49000E, 220-340-45000D and 220-340-42000N; and amending WAC 220-340-490.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: In order to protect crab during the typical fall molting period and to meet the stipulations found in state tribal agreements, it is necessary to close the commercial crab fishery. Washington department of fish and wildlife permitted gear recovery is allowed by permanent regulation 15 days following the close of the commercial season to allow fish and wildlife officers time to enforce rules relative to fishing during the closed season. An earlier start to the permitted gear recovery gives participants more time to recover lost gear before weather conditions becomes prohibitive to safe gear recovery efforts. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 8, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-49000E Coastal crab fishery—Coastal crab gear recovery permit. Effective 8:01 AM September 16 until 11:59 PM October 31, 2021, the provisions of WAC 220-340-490 regarding gear recovery

shall be as described below. All other provisions of WAC 220-340-490 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) A coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean in the coastal waters between the Washington/Oregon border (46°15.00) and the US/Canada border, including the Columbia River, Willapa Bay and Grays Harbor.

(2) No crab may be retained on any vessel engaged in permitted gear recovery activities or while recovered gear is on board the vessel.

[]

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 PM September 15, 2021:

WAC 220-340-45000D Commercial crab fishery—Seasons and areas—Coastal. (21-67)

WAC 220-340-42000N Commercial crab fishery—Unlawful acts. (21-67)

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2021:

WAC 220-340-49000E Coastal crab fishery—Coastal crab gear recovery permit. (21-180)