

WSR 21-20-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-216—Filed September 29, 2021, 5:48 p.m., effective September 29, 2021, 5:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule is needed to allow for a test fishery in Region 2E which will be used to evaluate Dungeness crab soft shell and to delay the opening of commercial crab seasons in Puget Sound.

Citation of Rules Affected by this Order: Amending WAC 220-340-455.

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: This emergency rule closes Puget Sound commercial crab harvest in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 until further notice, with the exception of the test fishery to be conducted in Region 2 East. Puget Sound commercial harvesters have requested a delay to the start of the commercial crab season to avoid fishery conflict and perceived poor market conditions. The test fishery in Region 2 East will evaluate Dungeness crab shell hardness to inform winter recreational and commercial seasons.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2021.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-45500Y Commercial crab fishery—Seasons and areas—Puget Sound. Effective immediately, until further notice, the following provisions regarding commercial crab harvest in Puget Sound Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 in WAC 220-340-450 shall be as follows. All other provisions of WAC

220-340-450 remain in effect unless otherwise amended by emergency rule:

(1) Open only in catch areas 24B, 24C, and 26AE and only for vessels F/V WN0742SJ and F/V Red Hawk per restrictions detailed in test fishery permits issued and carried on board participating vessels.

(2) Effective October 1, 2021 at 12:00 a.m. until further notice it is unlawful for any person to harvest crabs for commercial purposes in Crab Management Regions 1, 2 East except as allowed in subsection (1), 2 West, 3-1, 3-2, and 3-3 with the exception listed in section 1 of this emergency regulation.

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.