

WSR 23-23-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-248—Filed November 3, 2023, 3:51 p.m., effective November 7, 2023]

Effective Date of Rule: November 7, 2023.

Purpose: The purpose of this emergency rule is to open commercial crab fishing in Puget Sound;

WAC 220-340-45500Y:

(1) Opens Puget Sound commercial crab harvest in Crab Management Regions 1, 2-East, 2-West, 3-1, 3-2, 3-3, and 3-4 at 8:00 a.m. on November 7, 2023, until further notice.

(2) Closes Port Angeles Harbor to commercial crab harvest due to public health decrees.

(3) Amends the Bellingham Bay tribal exclusive area to match what will be implemented in permanent rule.

(4) Permits barging for 48 hours following the opening.

WAC 220-340-47000V: Sets pot limits by area for Puget Sound commercial crab harvest effective the dates listed in the amended subsection of WAC 220-340-455.

Citation of Rules Affected by this Order: Amending WAC 220-340-455 and 220-340-470.

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: The state has remaining share to catch after accounting for recreational seasons in Regions 1, 2-East, 2-West, 3-1, 3-2, 3-3, and 3-4. These provisions are in conformity with agreed-to management plans with applicable tribes. These 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.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: November 3, 2023.

Amy H. Windrope
for Kelly Susewind

NEW SECTION

WAC 220-340-45500Y Commercial crab fishery—Seasons and areas—Puget Sound. Notwithstanding the provisions of WAC 220-340-455, effective November 7, 2023, 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	November 7, 2023, until further notice
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	November 7, 2023, until further notice
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	November 7, 2023, until further notice
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	November 7, 2023, until further notice
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	November 7, 2023, until further notice
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	November 7, 2023, until further notice
Subregion 3-1	November 7, 2023, 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)).	November 7, 2023, until further notice
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	November 7, 2023, until further notice
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120(6))	November 7, 2023, 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	November 7, 2023, until further notice
Subregion 3-4	November 7, 2023, 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°).

(3) Barging in Puget Sound will be permitted during the 48-hour period following the opening on November 7, 2023.

NEW SECTION

WAC 220-340-47000V Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. Notwithstanding the provisions of 220-340-470, effective November 7, 2023, 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

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.