

WSR 21-05-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-10—Filed February 5, 2021, 5:29 p.m., effective February 9, 2021, 11:59 p.m.]

Effective Date of Rule: February 9, 2021, 11:59 p.m.

Purpose: Amends rules for Puget Sound commercial crab fishery.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500T; and 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: The provisions of this emergency rule:

- (1) Permits commercial crab harvest in Puget Sound within Crab Management Regions 1, 2 West, 3-2, and 3-3.
- (2) Closes Region 2 East.
- (3) Closes Region 2 West effective 11:59 p.m., February 15.
- (4) Maintains current pot limits in Regions 1, 2 West, 3-2, and 3-3.
- (5) Commercial crab harvest in Crab Management Region 3-1 remains closed until further notice.

Region 2 East will close because the remaining quota has been attained. Region 2 West will close on February 15 based on the hard closure date outlined in the comanagement harvest agreement. In Regions 1, 2 West, 3-2, and 3-3 the available quota is sufficient to accommodate continued commercial harvest. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound Dungeness crab commercial fishing season is structured to meet harvest allocation objectives negotiated between state and tribal comanagers and outlined in related management plans. WSR 21-01-079 requiring fishers to declare intent to participate in Region 1 and 2E fisheries, remains in effect.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.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 1, Amended 0, Repealed 1.

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: February 5, 2021.

Kelly Susewind
Director

NEW SECTION**WAC 220-340-45500U Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

Effective 11:59 p.m. on February 9, 2021 until further notice:

(1) It is illegal to harvest Dungeness crab for commercial purposes in Crab Management Regions 2 East and 3-1.

(2) It is permissible to harvest Dungeness crab for commercial purposes in Crab Management Regions 1, 2 West, 3-2, and 3-3.

(3) It is permissible to harvest Dungeness crab for commercial purposes in the following areas in Crab Management Region 1:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(2) It is permissible to harvest Dungeness crab for commercial purposes in the following area in Crab Management Region 2 West:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W).

(3) The following areas are closed to commercial crab fishing:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected true north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(d) That portion of catch area 26AE east of a line from the spiral staircase at Howarth Park due north to the southernmost end of Gedney Island and that portion of 24B east of a line from the northernmost end of Gedney Island to the southern tip of Camano Head and south of a line drawn from the southern tip of Camano Head to Hermosa Point on the Tulalip reservation.

(4) It is unlawful for any person to deploy more than 75 pots per license per buoy tag number in Crab Management Regions 2W, 3-2, and 3-3 with the intent of harvesting Dungeness crab for commercial purposes.

(5) It is unlawful for any person to deploy more than 50 pots per license per buoy tag number in Crab Management Region 1 with the intent of harvesting Dungeness crab for commercial purposes.

(6) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.

Effective 11:59 p.m. on February 15, 2021 until further notice:

(1) It is illegal to harvest Dungeness crab for commercial purposes in Crab Management Region 2 West.

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REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. February 9, 2021:

WAC 220-340-45500T Commercial crab fishery—Seasons and areas—Puget Sound. (21-03)