

WSR 21-08-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-39—Filed March 26, 2021, 4:13 p.m., effective March 31, 2021, 11:59 p.m.]

Effective Date of Rule: March 31, 2021, 11:59 p.m.

Purpose: The purpose of this emergency rule is to implement hard closure dates for commercial crab harvest in Crab Management Region 1, 3-1, 3-2, and 3-3 for the remainder of the 2020/2021 Puget Sound commercial crab season.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500V; and amending WAC 220-340-455.

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: (1) Closes Catch Areas 21A, 21B and 22B within Crab Management Region 1 and all of Regions 3-1 and 3-2 to commercial crab harvest on March 31, 2021, due to hard closure dates agreed to with tribal comanagers.

(2) Continues to permit commercial crab harvest in Puget Sound within Catch Areas 22A, 20A and 20B within Crab Management Region 1 and all catch areas within Region 3-3 until April 15, 2021, per management plan agreement with tribal comanagers.

(3) Maintains the closure of Regions 2 East and 2 West.

(4) Maintains current pot limits in Catch Areas 22A, 20A and 20B within Crab Management Region 1 and Region 3-3.

(5) Closes commercial harvest in Region 1 and Region 3-3 on April 15, 2021, as agreed to by tribal comanagers.

Catch Areas 21A, 21B and 22B within Crab Management Region 1 and all catch areas within Regions 3-1, 3-2 based on the hard closure date outlined in historical comanagement harvest agreements. Catch Areas 22A, 20A and 20B within Crab Management Region 1 and all catch areas within Region 3-3 will close on April 15, 2021, based on the hard closure date outlined in historical comanagement harvest agreements. In Regions 1 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.

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: March 26, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-45500W Commercial crab fishery—Seasons and areas—Puget Sound. Effective 11:59 p.m. on March 31, 2021, until further notice, the following provisions of WAC 220-340-455 regarding Puget Sound commercial crab fishing seasons are modified as written below, all other provisions of WAC 220-340-455 not addressed herein remain in effect unless otherwise amended by emergency rule:

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

(2) It is illegal to harvest Dungeness crab for commercial purposes in Catch Areas 21A, 21B and 22B within Crab Management Region 1.

(3) It is permissible to harvest Dungeness crab for commercial purposes in Catch Areas 22A, 20A and 20B within Crab Management Region 1, and Region 3-3.

(4) 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 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

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

(6) It is unlawful for any person to deploy more than 50 pots per license per buoy tag number in Catch Areas 22A, 20A and 20B within Crab Management Region 1 with the intent of harvesting Dungeness crab for commercial purposes.

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

(8) Effective 11:59 p.m. on April 15, 2021 until further notice, it is illegal to harvest Dungeness crab for commercial purposes in Crab Management Regions 1 and 3-3.

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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.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. March 31, 2021:

WAC 220-340-45500V Commercial crab fishery—Seasons and areas—Puget Sound. (21-10)

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.