

WSR 21-08-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-48—Filed April 6, 2021, 1:08 p.m., effective April 9, 2021, 11:59 p.m.]

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

Purpose: Amends rules for coastal commercial crab fishery.

Citation of Rules Affected by this Order: [New WAC 220-340-455; and] repealing WAC 220-340-45500W.

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) Closes Catch Areas Crab Management Region 1 April 9, 2021, due to the projected attainment of quota.

(2) Continues to permit commercial crab harvest in Puget Sound within Region 3-3 until April 15, 2021, per management plan agreement with tribal comanagers.

(3) Maintains the closure of Regions 2 East, 2 West, 3-1, and 3-2.

(4) Maintains current pot limits in Region 3-3.

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

All catch areas within Crab Management Region 1 are closed to commercial harvest on April 9 due to the projected attainment of state share. 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 Region 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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: April 6, 2021.

Kelly Susewind

NEW SECTION

WAC 220-340-45500X Commercial crab fishery—Seasons and areas—Puget Sound. Effective 11:59 p.m. on April 9, 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 1, 2 East, 2 West, 3-1, and 3-2.

(2) It is permissible to harvest Dungeness crab for commercial purposes in Region 3-3.

(3) 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.

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

(5) 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 Region 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. April 9, 2021:

WAC 220-340-45500W Commercial crab fishery—Seasons and areas—Puget Sound. (21-39)

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