

WSR 22-22-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-245—Filed October 20, 2022, 4:39 p.m., effective October 21, 2022, 8:00 p.m.]

Effective Date of Rule: October 21, 2022, 8:00 p.m.

Purpose: The purpose of this emergency rule is to close commercial crab fishing in all areas of Puget Sound.

WAC 220-340-45500N: (1) Closes 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 p.m. on October 21, 2022, until October 28, 2022, at 8:00 a.m.; and (2) closes Port Angeles Harbor to commercial crab harvest due to public health decrees.

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

WAC 220-352-34000X: Requires compliance with quick reporting requirements in the event that a fish receiving ticket is not submitted or received by the department using an electronic fish ticket application.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500M, 220-340-47000K, and 220-352-35400W [220-352-34000W]; and amending WAC 220-340-455, 220-340-470, and 220-352-340.

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: To ensure accurate catch reporting as agreed to in comanager management plans, the Puget Sound commercial crab fishery will close in Regions 1, 2-East, 2-West, 3-1, 3-2, 3-3, and 3-4, from October 21, 2022, at 5:00 p.m. until October 27, 2022, at 8:00 a.m. 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. Further adjustment of season structure may be made pending updated harvest data. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 3, Amended 0, Repealed 3.

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: October 20, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-45500N Commercial crab fishery—Seasons and areas—Puget Sound. Notwithstanding the provisions of WAC 220-340-455,

(1) Effective October 21, 2022, at 8:00 p.m., the following Geographical Management Units are closed to commercial crab fishing: Crab Management Region 1, 2E, 2W, 3-1, 3-2, 3-3, and 3-4.

(2) Harvest of Dungeness crab in Puget Sound is permitted during the "Open period" indicated in the following table. Harvest for these areas is allowed 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	October 28, 2022, until further notice
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	October 28, 2022, until further notice
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	October 28, 2022, through February 1, 2023
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	October 28, 2022, through December 31, 2022
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	October 28, 2022, through February 15, 2023
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	October 28, 2022 through February 15, 2023
Subregion 3-1	October 28, 2022, 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)).	October 28, 2022, until further notice
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	October 28, 2022, until further notice
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120(6))	October 28, 2022, 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	October 28, 2022, until further notice
Subregion 3-4	October 28, 2022, until further notice

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NEW SECTION

WAC 220-340-47000L Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas

Notwithstanding the provisions of 220-340-470,

(1) Effective during the "Open period" listed in amended section of WAC 220-340-455 above 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	30
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	30
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	30
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	30
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	30
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	20
Subregion 3-1	30
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	30
Subregion 3-4	30

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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.

NEW SECTION

WAC 220-352-34000X Puget Sound crab—Additional reporting requirements. Notwithstanding the provisions of WAC 220-352-340,

(1) Unless original receivers have submitted, and the department has received a fish ticket through an electronic fish ticket reporting application the original receiver is required to provide a Quick Report within 24 hours of landing.

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REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 p.m. October 21, 2022:

- WAC 220-340-45500M Commercial crab fishery—Seasons and areas—Puget Sound. (22-233)
- WAC 220-340-47000K Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (22-233)
- WAC 220-352-35400W Puget Sound crab—Additional reporting requirements.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-352-35400W is probably intended to be WAC 220-352-34000W.