

**WSR 22-22-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-255—Filed October 27, 2022, 4:53 p.m., effective October 28, 2022]

Effective Date of Rule: October 28, 2022.

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

WAC 220-340-45500P:

(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 October 28, 2022.

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

WAC 220-340-42000K:

(1) Opens all areas with commercial harvest opportunity in Puget Sound to barging of pots, effective October 28 through 30, 2022. Describes Puget Sound pot barging reporting requirements.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500N; and amending WAC 220-340-455 and 220-340-420.

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: There is sufficient allocation available in Regions 1, 2-West, 2-East, 3-1, 3-2, 3-3, and 3-4 to accommodate this opening. These provisions are in conformity with agreed-to management plans with applicable treaty Indian 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 Indian 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: October 27, 2022.

Kelly Susewind
Director

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

Commercial harvest of Dungeness crab in Puget Sound is allowed during the "Open period" indicated in the following table. On the opening date harvest will be permitted starting at 8:00 a.m. Harvest on all other days 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 220-340-42000K Commercial crab fishery—Unlawful acts.** Notwithstanding the provisions of WAC 220-340-420:

(1) Effective 8:00 a.m. October 28, 2022 until 7:59 a.m. October 30, 2022 it is permissible to deploy Dungeness crab pots for commercial purposes in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 from a vessel not designated on a person's Puget Sound crab license, provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and prior notice has been given as provided below. Crab pots may only be deployed during daylight hours.

(2) Puget Sound commercial crab license holders that intend to barge must send an email to crab.report@dfw.wa.gov, detailing the following information:

(a) Name and license number of licensed owner.

(b) Name of designated primary operator if different from licensed owner.

- (c) Name of alternate operator if used to deploy pots from a non-designated vessel.
- (d) Buoy brand number and number of pots to be deployed from a non-designated vessel.
- (e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.
- (f) Region or Set Location

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-45500N Commercial crab fishery—Seasons and areas—Puget Sound. (22-245)