

WSR 23-02-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-285—Filed December 28, 2022, 12:29 p.m., effective December 28, 2022, 12:29 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule amends Puget Sound commercial buoy tag requirements to accommodate changes in replacement tag availability.

Citation of Rules Affected by this Order: Amending WAC 220-340-430.

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: This rule amends the Puget Sound commercial buoy tag requirement and replacement tag process to accommodate changes in replacement tag availability and maintain the fishery-specific traceability functionality of the buoy tags. The current department inventory of buoy tags is insufficient to accommodate replacement buoy tag requests. This rule modifies the replacement tag process and allows for the use of undeployed buoy tags if the licensee is given permission by the department to do so. It streamlines the current replacement tag process and addresses current inventory constraints. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 28, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-43000A Commercial crab fishery—Gear requirements.

Effective immediately, until further notice, the following provisions of WAC 220-340-430 regarding Puget Sound commercial crab buoy tag and replacement buoy tag requirements and processes shall be amended as described below. All other provisions of WAC 220-340-430 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) Dash tags are defined as the undeployed portion of buoy tags for each license registered to an individual vessel that are in excess of the current effective per license pot limit.

(2) The "dash tag" requirements for commercial crab license holders in Puget Sound in WAC 220-340-430 (3) (e) are amended to be: All remaining undeployed buoy tags per license must be on board the designated vessel and available for inspection unless the license holder has declared that deployed tags have been lost and are unrecoverable, under penalty of perjury, and has been granted permission by the department to use undeployed buoy tags as a replacement.

(3) The replacement tag process for commercial crab license holders in Puget Sound in WAC 220-340-430 (3) (f) (i) are amended to be: Puget Sound commercial crab license holders are required to request permission to use undeployed buoy tags in the event deployed buoy tags are lost and are unrecoverable. Requests to use undeployed buoy tags must state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss. Requests must be made using a department provided electronic form.

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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.