



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 10-30**

- Immediately upon filing.
- Later (specify) 8:00 a.m. February 15, 2010

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Commercial fishing rules

**Citation of existing rules affected by this order:**

Repealed: WAC 220-52-04000P, WAC 220-52-04600P  
 Amended: WAC 220-52-046  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.047, RCW 77.04.020 and RCW 77.70.430

**Other authority :**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Special Management Area openings are in line with management measures provided for in State-Tribal harvest management plans for 2009-2010 Season. There is insufficient time to adopt permanent rules.

**Date adopted:** February 12, 2010

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** February 12, 2010  
**TIME:** 11:19 AM

**WSR 10-05-066**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>2</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

**WAC 220-52-04600R Coastal crab seasons.**

Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful to fish for Dungeness crab in Washington coastal waters, the Pacific Ocean, Grays Harbor, Willapa Bay, or the Columbia River, except as provided for in this section.

- (1) The area from Klipsan Beach (46°28.00) to the WA/OR border (46°15.00) and Willapa Bay: Open.
- (2) For the purposes of this order, the waters of Willapa Bay are defined to include the marine waters east of a line connecting 46°44.76 N, 124°05.76 W and 46°38.93 N, 124°04.33 W.
- (3) It is permissible to pull crab gear in the area between Klipsan Beach and Destruction Island and Grays Harbor.
- (4) It is permissible to pull crab gear in the area between Destruction Island and the U.S. / Canada Border.
- (5) The Quinault primary special management area (PSMA) is closed to fishing for Dungeness crab until 8:00 A.M. March 1, 2010. The PSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Raft River (47°28.00) and Copalis River (47°08.00) according to the following coordinates:
 

Northeast Corner (Raft River):	47°28.00 N. Lat.	124°20.70 W. Lon.
Northwest Corner:	47°28.00 N. Lat.	124°34.00 W. Lon.
Southwest Corner:	47°08.00 N. Lat.	124°25.50 W. Lon.
Southeast Corner (Copalis River):	47°08.00 N. Lat.	124°11.20 W. Lon.
- (6) The Quinault Secondary Special Management Area (SSMA) is closed to fishing for Dungeness crab starting at 8:00 A.M., March 1, 2010 from the area shoreward of a line approximating the 27-fathom depth curve between the mouth of the Copalis River (47°08.00) and Split Rock (47°24.50). This area will be closed until further noticed. This SSMA is described by the following coordinates:
  - Northeast Corner (Split Rock): 47°24.50 N. Lat. 124°20.00 W. Lon.
  - Northwest Corner: 47°24.50 N. Lat. 124°32.40 W. Lon.
  - Southwest Corner: 47°08.00 N. Lat. 124°25.50 W. Lon.
  - Southeast Corner (Copalis River): 47°08.00 N. Lat. 124°11.20 W. Lon.
- (7) It is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50) to Raft River (47°28.00) shoreward of a line approximating the 27-fathom curve from 8:00 A.M. March 1, 2010 through 8:00 A.M. March 31, 2010. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
  - Fax transmission to Carol Henry at 360-249-1229;
  - Email to Carol Henry at: [Carol.Henry@dfw.wa.gov](mailto:Carol.Henry@dfw.wa.gov) or
  - Telephone call to: Carol Henry at 360-249-1296

(8) The Quileute special management area (SMA) is closed to fishing for Dungeness crab until further notice. The SMA includes the area shoreward of a line approximating the 30-fathom depth curve between Destruction Island and Cape Johnson according to the following points:

- Northeast Corner (Cape Johnson) 47°58.00' N. Lat. 124°40.40' W. Lon.
- Northwest Corner: 47°58.00' N. Lat. 124°49.00' W. Lon.
- Southwest Corner: 47°40.50' N. Lat. 124°40.00' W. Lon.
- Southeast Corner (Destruction Island): 47°40.50' N. Lat. 124°24.43' W. Lon.

(9) The Makah special management area (SMA) is closed to fishing until 8:00 A.M. February 15, 2010. The SMA includes the waters between 48°02.15 N. Lat. and 48°19.50 N. Lat. east of a line connecting those points and approximating the 25-fathom line according to the following coordinates:

- Northeast Corner (Tatoosh Island):
- Northwest Corner: 48°19.50 N. Lat. 124°50.45 W. Lon.
- Southwest Corner: 48°02.15 N. Lat. 124°50.45 W. Lon.
- Southeast Corner: 48°02.15 N. Lat. 124°41.00 W. Lon.

(10) It is unlawful for a vessel to use more than 200 pots in the Makah SMA beginning 8:00 A.M. February 15, 2010 until 8:00 A.M. March 17, 2010. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:

- Fax transmission to Carol Henry at 360-249-1229;
- Email to Carol Henry at: [Carol.Henry@dfw.wa.gov](mailto:Carol.Henry@dfw.wa.gov) or
- Telephone call to: Carol Henry at 360-249-1296

(11) All other provisions of the permanent rule remain in effect.

## REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. February 15, 2010:

WAC 220-52-04000P Commercial crab fishery. Lawful and Unlawful gear, methods and other unlawful acts. (10-07)

WAC 220-52-04600P Coastal crab seasons (10-07)

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### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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.

(x) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Special Management Area openings are in line with management measures provided for in State-Tribal harvest management plans for 2009-2010 Season. There is insufficient time to adopt permanent rules.

(10-30, 2/12/2010)

