



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 14-21

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend commercial fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-52-04000F, WAC 220-52-04600V
 Amended: WAC 220-52-040, WAC 220-52-046
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020 and 77.12.047

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 year 2009, 2010, 2011, 2012, or 2013, 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: The Special Management Areas are listed in accordance with state/tribal management agreements. The stepped opening periods/areas will also provide for fair start provisions. There is insufficient time to adopt permanent rules.

Date adopted: February 6, 2014

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 06, 2014

TIME: 2:20 PM

WSR 14-05-011

(COMPLETE REVERSE SIDE)

**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:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

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

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|----------|---------|-------|----------|----------|
| New | <u>2</u> | Amended | _____ | Repealed | <u>2</u> |
|-----|----------|---------|-------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

NEW SECTION

WAC 220-52-04000G Commercial crab fishery. Lawful and Unlawful gear, methods and other unlawful acts.

- (1) Notwithstanding the provisions of WAC 220-52-040, effective immediately until further notice, it is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean through February 19, 2014, from any vessel unless:
 - (a) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel; and
 - (b) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings through February 19, 2014.
 - (c) Vessel hold inspection certificates dated from December 15, 2013 to January 13, 2014 are only valid for the area south of 46°28.00.
- (2) All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-52-04600W 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 US Canada Border to the WA/OR border (46°15.00) and Willapa Bay is open.
- (2) For the purposes of this section, 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) Licenses and vessels designated to those licenses that participate (as defined by WAC 220-52-036) in the coastal commercial Dungeness crab fishery in the waters from Point Arena, California, to Klipsan Beach, Washington, (46°28.00), including Willapa Bay, before January 15, 2014, are prohibited from:
 - a. Fishing in the area between Oysterville (46°33.00) and the U.S./Canada border until 8:00 A.M., February 19, 2014.
- (4) The Quinault primary special management area (PSMA) is closed to fishing for Dungeness crab until further notice. 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:
 - (a) Northeast Corner (Raft River): 47°28.00 N. Lat. 124°20.70 W. Lon.
 - (b) Northwest Corner: 47°28.00 N. Lat. 124°34.00 W. Lon.
 - (c) Southwest Corner: 47°08.00 N. Lat. 124°25.50 W. Lon.
 - (d) Southeast Corner (Copalis River): 47°08.00 N. Lat. 124°11.20 W. Lon.

- (5) 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:
- (a) Northeast Corner (Cape Johnson): 47°58.00' N. Lat. 124°40.40' W. Lon.
 - (b) Northwest Corner: 47°58.00' N. Lat. 124°49.00' W. Lon.
 - (c) Southwest Corner: 47°40.50' N. Lat. 124°40.00' W. Lon.
 - (d) Southeast Corner (Destruction Island): 47°40.50' N. Lat. 124°24.43' W. Lon.
- (6) The Makah special management area (SMA) is closed to fishing until 8:00 A.M. February 15, 2014. 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:
- (a) Northeast Corner : Tatoosh Island
 - (b) Northwest Corner: 48°19.50 N. Lat. 124°50.45 W. Lon.
 - (c) Southwest Corner: 48°02.15 N. Lat. 124°50.45 W. Lon.
 - (d) Southeast Corner: 48°02.15 N. Lat. 124°41.00 W. Lon.
- (7) It is unlawful for a vessel to use more than 200 pots in the Makah SMA beginning 8:00 A.M. February 15, 2014, until 8:00 A.M. March 17, 2014. 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;
 - E-mail to Carol Henry at Carol.Henry@dfw.wa.gov; or
 - Telephone call to Carol Henry at 360-249-1296.
- (8) All other provisions of the permanent rule remain in effect.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-04000F Commercial crab fishery. Lawful and Unlawful gear, methods and other unlawful acts. (14-08)

WAC 220-52-04600V Coastal crab seasons (14-05)

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.

() 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, 2011, 2012 or 2013, 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: The Special Management Areas are listed in accordance with state/tribal management agreements. The stepped opening periods/areas will also provide for fair start provisions. There is insufficient time to adopt permanent rules.

(14-21, 2/6/2014)