



# 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 15-449**

- 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Repealed:  
 Amended: WAC 220-52-040, WAC 220-52-045  
 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:** Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The Department of Health has determined that domoic acid levels in Dungeness crab are below the action levels and the crab are safe for human consumption. Provisions in state/tribal management agreements will be achieved by the opening dates contained herein. The Special Management Areas are listed in accordance with state/tribal management agreements. There is insufficient time to adopt permanent rules.

**Date adopted:** December 22, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 22, 2015**

**TIME: 3:04 PM**

**WSR 16-01-183**

**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>2</u>	Amended	_____	Repealed	_____
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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 220-52-04000I 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 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 10, 2016.
  - (c) Inspections for Washington crab vessel-hold inspection certificates will be conducted starting at 12:00 noon on January 3, 2016.
  - (d) It is permissible for a vessel not designated on a Dungeness crab coastal fishery license to transport or deploy up to 250 pots at any one time for deployment in the coastal crab fishery between Destruction Island (47°40.50) and the Washington/Oregon border. The primary or alternate operator of the crab pot gear named on the license associated with the gear must be on board the vessel when the gear is being deployed. Such a vessel may deploy crab pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.
  
- (2) It is unlawful to possess or deliver Dungeness crab unless the following conditions are met:
  - (a) Vessels that participated in the coastal Dungeness crab fishery from the Oregon / California Border to Destruction Island, WA (47°40.50 N. Lat), including Willapa Bay and Grays Harbor, may possess crab for delivery into Washington ports north of Destruction Island, WA (47°40.50 N. Lat.), provided the crab were taken south of Destruction Island, WA (47°40.50 N. Lat.)
  - (b) The vessel does not enter the area north of 47°40.50 N. Lat. unless the operator of the vessel has contacted the Washington Department of Fish and Wildlife and allows a vessel-hold inspection if requested by Fish and Wildlife officers prior to entering this area. Prior to entering the area north of 47°40.50 N. Lat., the vessel operator must call 360-485-8149, and report the vessel name, operator name, estimated amount of crab to be delivered in pounds, and the estimated date, time, and location of delivery 24 hours prior to entering the area.

## NEW SECTION

### **WAC 220-52-04500L Coastal crab seasons.**

Notwithstanding the provisions of WAC 220-52-045, 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) It is permissible to set crab gear in the area between Destruction Island (47°40.50) and the Washington/Oregon border, including Willapa Bay and Grays Harbor, beginning at 8:00 a.m. January 1, 2016.
- (2) It is permissible to pull crab gear in the area between Destruction Island (47°40.50) and the Washington/Oregon border, including Willapa Bay and Grays Harbor, beginning at 9:00 a.m. January 4, 2016.
- (3) 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.
- (4) 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.
- (5) The Makah special management area (SMA) is closed to fishing until further notice. 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.
- (6) All other provisions of the permanent rule remain in effect.

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**EMERGENCY RULE ONLY**

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- ( ) 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:** Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The Department of Health has determined that domoic acid levels in Dungeness crab are below the action levels and the crab are safe for human consumption. Provisions in state/tribal management agreements will be achieved by the opening dates contained herein. The Special Management Areas are listed in accordance with state/tribal management agreements. There is insufficient time to adopt permanent rules.  
**(15-449, 12/22/2015)**