



# 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 17-85**

- Immediately upon filing.
- Later (specify) May 1, 2017

**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 for coastal crab

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

Repealed: WAC 220-52-04500W  
 Amended: WAC 220-340-450  
 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:** According to the terms described in the State-Quinault Harvest Management Agreement, in-season changes may be implemented to achieve state-tribal harvest sharing goals. This emergency rule expands the Quinault Special Secondary Management Area with modified northern and southern boundary lines to address a harvest sharing imbalance. This rule also opens the Quileute SMA to state fishers and implements a 100 pot limit for the first 30-days in the newly opened area as provided in the State-Quileute Harvest Management Agreement. There is insufficient time to adopt permanent rules.

**Date adopted:** April 25, 2017

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 25, 2017

**TIME:** 2:27 PM

**WSR 17-10-027**

**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>1</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 220-340-45000A Commercial crab fishery—Seasons and areas—Coastal.**

Notwithstanding the provisions of WAC 220-340-450, 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 and the U.S./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) The Quileute Special Management Area (SMA) will open to fishing for Dungeness crab at 8:00 a.m. on May 1, 2017. 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.

- (4) It is unlawful for a vessel to use more than 100 pots in the Quileute SMA from 8:00 a.m. May 1, 2017, until 8:00 a.m. June 1, 2017. 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](mailto:Carol.Henry@dfw.wa.gov); or
- Telephone call to Carol Henry at 360-249-1296.

- (5) The area of Quinault Secondary Special Management Area (SSMA) is expanded and closed to fishing for Dungeness crab starting at 8:00 A.M., May 5, 2017, from the area shoreward of a line approximating the 27-fathom depth curve between the mouth of the Raft River (47°28.00) and 47°02.70. This area will be closed until further notice. This SSMA is described by 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°02.70' N. Lat.	124°24.00' W. Lon.
Southeast Corner:	47°02.70' N. Lat.	124°10.00' W. Lon.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective May 1, 2017:

WAC 220-52-04500W Commercial crab fishery—Seasons and areas—Coastal. (17-40)

