



**RULE-MAKING ORDER  
EMERGENCY RULE ONLY**

**CR-103E (December 2017)  
(Implements RCW 34.05.350  
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 20, 2018

TIME: 3:16 PM

WSR 18-05-087

**Agency:** Department of Fish and Wildlife (Order 18-24)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 8:00 a.m. February 25, 2018

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

- Yes  No If Yes, explain:

**Purpose:** Amends coastal commercial crab rules

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

New:  
 Repealed: WAC 220-340-45000C  
 Amended: WAC 220-340-450  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 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.

**Reasons for this finding:** This emergency rule is needed because 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.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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 on the agency's own initiative:**

New 1 Amended \_\_\_\_ Repealed 1

**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	____

<b>Date Adopted:</b> February 20, 2018	<b>Signature:</b> 
<b>Name:</b> Joe Stohr	
<b>Title:</b> Acting Director	

## NEW SECTION

### **WAC 220-340-45000D Commercial crab fishery—Seasons and areas—Coastal.**

Notwithstanding the provisions of WAC 220-340-045, 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) 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) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area where the season opening is delayed due to marine biotoxins for the first 30 days following the opening of the area if the vessel was employed in the coastal crab fishery during the previous 45 days.
- (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) Effective 8:00 AM February 25, 2018, the Makah special management area (SMA) is open to fishing. 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 25, 2018, until 8:00 A.M. March 28, 2018. 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.
- (8) All other provisions of the permanent rule remain in effect.

## REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. February 25, 2018:

WAC 220-340-45000C Coastal crab seasons (18-04)

