



**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: September 07, 2018  
TIME: 4:32 PM

WSR 18-19-016

**Agency:** Department of Fish and Wildlife (Order 18-234)

**Effective date of rule:**

**Emergency Rules**

- 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 coastal commercial crab rules.

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

New:  
 Repealed: WAC 220-340-45000H; WAC 220-340-49000B  
 Amended: WAC 220-340-450; WAC 220-340-490  
 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 necessary to protect crab during the typical fall molting period and to meet the stipulations found in state tribal agreements it is necessary to close the commercial crab fishery. Washington Department of Fish and Wildlife permitted gear recovery is allowed by permanent regulation 15 days following the close of the commercial season to allow Fish and Wildlife officers time to enforce rules relative to fishing during the closed season. An earlier start to the permitted gear recovery gives participants more time to recover lost gear before weather conditions becomes prohibitive to safe gear recovery efforts. 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Federal statute:	New	_____	Amended	_____	Repealed	_____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 2 Amended \_\_\_\_ Repealed 2

**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	____

**Date Adopted:** September 7, 2018

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-450000H Commercial crab fishery—Seasons and areas—Coastal.**

Notwithstanding the provisions of WAC 220-340-450, effective immediately until 11:59 pm September 15, 2018, 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 area of Quinault Secondary Special Management Area (SSMA) is closed until further notice, 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 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°12.25' N. Lat.	124°27.50' W. Lon.
Southeast Corner (Joe Creek):	47°12.25' N. Lat.	124°12.28' W. Lon.

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

## NEW SECTION

### **WAC 220-340-490000B Coastal crab Fishery – Coastal Crab Gear Recovery Permit.**

Notwithstanding the provisions of WAC 220-340-490:

- (1) Effective 8:01 am September 21, 2018 until 11:59 PM October 31, 2018, a coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean in the coastal waters between the Washington/Oregon border (46°15.00) and the US/Canada border, including the Columbia River, Willapa Bay and Grays Harbor.
- (2) No crab may be retained on any vessel engaged in permitted gear recovery activities or while recovered gear is on board the vessel.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 15, 2018:

WAC 220-340-45000H Commercial crab fishery—Seasons and areas—Coastal. (18-234)

The following section of the Washington Administrative Code is repealed effective November 1, 2018:

WAC 220-340-49000B Coastal crab fishery—coastal crab gear recovery permit. (18-234)\_