



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 27, 2019

TIME: 12:04 PM

WSR 19-06-024

Agency: Department of Fish and Wildlife (Order No. 19-37)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 8:00 a.m. March 4, 2019

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 Repealed: WAC 220-340-42000N, WAC 220-340-45000K
 Amended: WAC 220-340-420, 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 rule is needed to revise the area that is open to state Dungeness crab fishers in the co-managed area north of Point Chehalis per state-tribal harvest management agreements and inseason action necessary to achieve state-tribal harvest sharing goals. Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The agreed to criteria to include the area north of Destruction Island has been achieved. The stepped opening periods/areas will also provide for fair start provisions. Pot limits will reduce the crowding effect in this restricted area and language improves enforcement of pot limits. A longer gear set period will allow for safer fishing conditions. A delay due to elevated marine toxins aligns with the Tri-State Crab Agreement and similar rules in Oregon and California. 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 or inseason action. 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	___
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The number of sections adopted on the agency's own initiative:

New	2	Amended	___	Repealed	2
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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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: February 27, 2019

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-42000P Commercial crab fishery—Unlawful acts.

Notwithstanding the provisions of WAC 220-340-420:

- (1) It is unlawful for a vessel to use more than 200 pots in the Makah SMA until 8:00 A.M. March 13, 2019. 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 Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-249-1206.

- (2) It is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50') and Raft River (47°28.00) seaward of a line approximating the 27-fathom depth curve. It is unlawful for a vessel to use more than 100 pots in the in the area between the Copalis River (47°08.00) and Joe Creek (47°12.11) seaward of a line approximating the 27-fathom depth curve. These pot limits are effective beginning 8:00 A.M. March 4, 2019, until 8:00 A.M. April 3, 2019. 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 Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-249-1206.

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

NEW SECTION

WAC 220-340-45000L Commercial crab fishery—Seasons and areas—Coastal.

Notwithstanding the provisions of WAC 220-340-450, 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 in this section.

- (1) Open area: The area from the WA/OR border (46°15.00') to the U.S. Canada border including Grays Harbor and Willapa Bay.
- (2) 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.

- (3) The Quinault primary special management area (SSMA) is closed to fishing for Dungeness crab until further notice. The SSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Split Rock (47°24.50') and Joe Creek (47°12.11') according to the following coordinates:
 - (a) Northeast Corner (Split Rock): 47°24.50' N. Lat. 124°20.00' W. Lon.
 - (b) Northwest Corner: 47°28.00' N. Lat. 124°34.00' W. Lon.
 - (c) Southwest Corner: 47°12.11' N. Lat. 124°27.33' W. Lon.
 - (d) Southeast Corner (Joe Creek): 47°12.11' N. Lat. 124°12.28' 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 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.
- (6) All other provisions of the permanent rule remain in effect.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. March 4, 2019:

WAC 220-340-42000N Commercial crab fishery—Unlawful acts. (19-24)

WAC 220-340-45000K Commercial crab fishery—Seasons and areas—Coastal. (19-24)