



# 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 13, 2020

TIME: 4:29 PM

WSR 20-05-052

**Agency:** Department of Fish and Wildlife (Order No. 20-28)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) 8:00 a.m. February 21, 2020

**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Repealed: WAC 220-340-42000Q, WAC 220-340-45000X  
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 open the commercial crab fishery in the Makah Special Management Area. 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. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	___
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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 13, 2020

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-42000Y Commercial crab fishery—Unlawful acts.**

Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice:

- (1) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel, unless:
  - (a) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings until February 29, 2020 and;
  - (b) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel. Vessel-hold inspection certificates dated from December 30, 2019 through January 23, 2020, are only valid for the area south of 46°28.00 N. Lat.
- (2) It is unlawful for a vessel to use more than 200 pots in the Makah SMA beginning 8:00 A.M. February 21, 2020, until 8:00 A.M. March 21, 2020. 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](mailto:Robert.Morgan@dfw.wa.gov); or
  - Telephone call to Robert Morgan at 360-249-1206.
- (3) Unless otherwise amended all other provisions of the permanent rule remain in effect.

## NEW SECTION

### **WAC 220-340-45000R 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 in this section.

- (1) Open area: The area from Klipsan Beach (46°28.00) to the WA/OR border (46°15.00) and Willapa Bay.
  - (a) For the purposes of this section, the waters of Willapa Bay 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.
  - (b) Licenses and vessels designated to those licenses that participate in the coastal commercial Dungeness crab fishery in the waters from Point Arena, California, to Klipsan Beach, Washington (46°28.00), including Willapa Bay, before 8:00 a.m. January 22, 2020, are prohibited from fishing in the waters between Oysterville (46°33.00) and the U.S./Canada border until 8:00 a.m. February 29, 2020.
- (2) Open area: The area from Klipsan Beach (46°28.00) to the US/Canada Border and Grays Harbor.
- (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) Effective 8:00 a.m. February 21, 2020 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) Unless otherwise amended 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. February 21, 2020:

WAC 220-340-42000X Commercial crab fishery—Unlawful acts. (20-08)

WAC 220-340-45000Q Commercial crab fishery—Seasons and areas—Coastal. (20-08)