



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: April 28, 2020

TIME: 10:38 AM

WSR 20-10-033

Agency: Department of Fish and Wildlife (Order No. 20-60)

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: Amends coastal commercial crab rules

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000Z, WAC 220-340-45000S
 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 emergency rule is needed to open the commercial crab fishery in the Quileute Special Management Area. Pot limits will reduce the crowding effect in these restricted areas. The changes proposed are in accordance with the current State-Quileute Harvest Management Agreement. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New ____ Amended ____ Repealed ____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New 2 Amended ____ Repealed 2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: April 28, 2020

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420, effective immediately and 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:
 - (2) Effective May 1, 2020 at 8:00 a.m. and until further notice, is unlawful for a vessel to use more than 100 pots in the Quileute SMA. The SMA includes the area shoreward of a line approximating the 30-fathom depth curve between Cape Johnson (47°58.00') and Destruction Island (47°40.50'). 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) Unless otherwise amended all other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-340-45000T 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; effective 8:00 A.M., March 18, 2020 until further notice:

- (1) Open area: The area from the US/Canada Border to the WA/OR border (46°15.00) and Grays Harbors and Willapa Bay: 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.
- (2) The Quinault Secondary Special Management Area (SSMA) is closed to fishing for Dungeness crab from the area shoreward of a line approximating the 27-fathom depth curve between the mouth of the Copalis River (47°08.00) and Split Rock (47°24.50). This SSMA is described by the following coordinates:
 - (a) Northeast Corner (Split Rock): 47°24.50 N. Lat. 124°20.00 W. Lon.
 - (b) Northwest Corner: 47°24.50 N. Lat. 124°32.40 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.
- (3) The Quileute special management area (SMA) is open to fishing for Dungeness crab at 8:00 a.m. on May 1, 2020, 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.

(4) The Makah special management area (SMA) is open to fishing fishing for Dungeness crab until further notice. 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.

(5) 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 immediately:

WAC 220-340-42000Z Commercial crab fishery—Unlawful acts. (20-47)

WAC 220-340-45000S Commercial crab fishery—Seasons and areas—Coastal. (20-47)