



**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: January 07, 2022

TIME: 4:18 PM

WSR 22-03-017

Agency: Department of Fish and Wildlife (Order 22-04))

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: The purpose of this emergency rule is to open coastal commercial crab harvest seasons north of Destruction Island.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-45000G
- 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: Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The stepped opening periods/areas will also provide for fair start provisions. Provisions of state/tribal agreements have been met allowing opening north of Destruction Island.

Pot limits are in place to reduce crowding under WSR 22-02-024, filed December 28, 2021.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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	____

Date Adopted: January 7, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-45000H 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 the area north of Klipsan Beach (46°28.00) opens, are prohibited from fishing in the following areas for the durations specified:
 - i. The waters between Klipsan Beach (46°28.00) and Oysterville (46°33.00) until 8:00 a.m. January 21, 2022; and
 - ii. The waters between Oysterville (46°33.00) and US/Canada Border until 8:00 a.m. February 15, 2022.
- (2) Open area: The area from Klipsan Beach (46°28.00) to Destruction Island (47°40.50) and Grays Harbor.
 - (a) It is permissible to set crab gear beginning at 8:00 a.m., January 8, 2022.
 - (b) It is permissible to pull crab gear beginning at 9:00 a.m., January 11, 2022.
- (3) Open area: The area from Destruction Island (47°40.50) to US/Canada Border.
 - (a) It is permissible to set crab gear beginning at 8:00 a.m., January 12, 2022.
 - (b) It is permissible to pull crab gear beginning at 9:00 a.m., January 15, 2022.
- (4) The Quinalt 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) The Makah special management area (SMA) is closed to fishing 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.

(7) Unless otherwise amended all other provisions of the permanent rule remain in effect.

REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 220-340-45000G Commercial crab fishery—season and areas – coastal. (21-281)