



# 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 22, 2024

TIME: 1:55 PM

WSR 24-06-007

**Agency:** Department of Fish and Wildlife (Order 24-27)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 8:00 a.m., March 2, 2024

**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 adjust coastal commercial pot limit restrictions and set the opening of the Makah Special Management Area with a temporary pot limit.

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

New:  
 Repealed: WAC 220-340-42000T; WAC 220-340-45000N  
 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 necessary because provisions of the State/Makah Harvest Management Agreement allow for the opening of Makah SMA to state license holders and specify a temporary pot limit. Reduced pot limit descriptions for vessels fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area conform with current State/Tribal Agreements regarding in-season modifications.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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

<b>Date Adopted:</b> February 22, 2024
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420 and WAC 220-340-480, effective 8:00 a.m., March 2, 2024, until further notice:

- (1) Effective 8:00 a.m. March 2, 2024, until further notice, it is unlawful for persons participating in the Coastal or Grays Harbor commercial Dungeness crab fishery to deploy or fish more than the following specified reduced pot limit assigned to each license if a vessel is fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area as described in 50 CFR Part 660.4:
  - (a) Deploy or operate more than 400 shellfish pots if the permanent number of shellfish pots assigned to the Coastal commercial crab fishery license held by that person is 500.
  - (b) Deploy or operate more than 250 shellfish pots if the permanent number of shellfish pots assigned to the Coastal Dungeness crab fishery license held by that person is 300.
  - (c) Fail to maintain onboard any participating vessel the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.
  - (d) Store or possess crab pots on board any participating vessel in excess of the vessels pot limit.
- (2) Effective 8:00 a.m., March 2 through April 1, 2024, it is unlawful for a vessel to use more than 200 pots in the Makah SMA. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the two following methods:
  - (a) E-mail to Jamie Fuller at [Jamie.Fuller@dfw.wa.gov](mailto:Jamie.Fuller@dfw.wa.gov); or
  - (b) Telephone call to Jamie Fuller at 360-580-0875.
- (3) All other provisions of the permanent rule remain in effect.

## NEW SECTION

### **WAC 220-340-45000P Commercial crab fishery—Seasons and areas—Coastal.**

Notwithstanding the provisions of WAC 220-340-450, effective 8:00 a.m., March 2, 2024, 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 Willapa Bay and Grays Harbor.

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 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. |

(3) 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.

(4) The Makah special management area (SMA) is closed to fishing until 8:00 AM March 2, 2024. 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) 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 2, 2024:

WAC 220-340-42000T Commercial crab fishery—Unlawful acts—Coastal. (24-06)

WAC 220-340-45000N Commercial crab fishery—season and areas – coastal. (24-06)