



# 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 29, 2024

TIME: 3:11 PM

WSR 24-06-037

**Agency:** Department of Fish and Wildlife (Order 24-33)

**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 rule is to allow coastal commercial crab vessels to prepare for pot restrictions being lifted by loading pots in excess of current restrictions onboard.

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

New:  
 Repealed: WAC 220-340-42000T; WAC 220-340-42000V  
 Amended: WAC 220-340-420  
 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 to allow for vessels fishing outside the Quinault U&A to prepare and load gear on the vessel prior to pot limits being lifted at 8:00 a.m. March 2, 2024, under WSR 24-06-007. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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New 1 Amended \_\_\_\_ Repealed 2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:** February 29, 2024

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420, effective immediately through 7:59 a.m. March 2, 2024:

- (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) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel and;
  - (b) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings until March 2, 2024.
- (2) Effective immediately, through 7:59 a.m. March 2, 2024, it is unlawful for persons participating in the Washington coastal, Columbia River, Grays Harbor, or Willapa Bay commercial Dungeness crab fishery to:
  - (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.
  - (e) Load pots with buoy tags attached in excess of the pot limits described within this section more than 48-hours prior to pot limits being lifted.
- (3) Violation of subsection (5) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.500 Commercial fishing without a license—Penalty, depending on the circumstances of the violation.
- (4) All other provisions of the permanent rule remain in effect.

## REPEALERS

The following section of Washington Administrative Code is repealed, effective immediately:  
WAC 220-340-42000T Commercial crab fishery—Unlawful acts. (24-06)

The following section of Washington Administrative Code is repealed, effective 8:00 a.m. March 2, 2024:  
WAC 220-340-42000V Commercial crab fishery—Unlawful acts. (24-33)

