



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: March 22, 2024

TIME: 3:48 PM

WSR 24-08-019

Agency: Department of Fish and Wildlife (Order 24-44)

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 necessary to allow pots in excess pot limits to be loaded aboard a vessel 48 hours prior to pot limits being lifted. This rule will also set the removal of pot limits within the Quinault primary special management area while setting seasons and pot limits within the Quinault secondary special management area.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000V; WAC 220-340-45000P
 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 to allow vessels fishing inside the Quinault U&A to prepare and load gear on the vessel prior to pot limits being lifted at 8:00 a.m. March 25, 2024. Additionally, 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. The status of State-Tribal harvest sharing allows for the removal of temporary reduced pot limit in the Quinault Indian Nation Usual and Accustomed Fishing Area and 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	____

Date Adopted: March 22, 2024

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420 and WAC 220-340-480, effective immediately, until further notice:

- (1) Effective immediately through 7:59 a.m. March 25, 2024, 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) Licenses with a permanent pot limit of 500 are assigned a reduced pot limit of 400 pots.
 - (b) Licenses with a permanent pot limit of 300 will be assigned a reduced pot limit of 250 pots.
 - (c) It is unlawful to fail to maintain onboard any participating vessel the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.
 - (d) It is unlawful to store or possess crab pots on board any participating vessel in excess of the vessels pot limit.
 - (e) It is unlawful to 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.

- (2) Effective 8:00 a.m. March 25 through 7:59 a.m. April 24, 2024: It is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50) and Raft River (47°28.00) shoreward of a line approximating the 27-fathom depth curve. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the following methods:
 - (a) E-mail to Jamie Fuller at Jamie.Fuller@dfw.wa.gov; or
 - (b) Telephone call to Jamie Fuller at 360-580-0875.

- (3) Effective immediately, through April 1, 2024, it is unlawful for a vessel to use more than 200 pots in the Makah SMA.
 - (a) The Makah special management area (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:

(i) Northeast Corner	(Tatoosh Island)
(ii) Northwest Corner:	48°19.50 N. Lat. 124°50.45 W. Lon.
(iii) Southwest Corner:	48°02.15 N. Lat. 124°50.45 W. Lon.
(iv) Southeast Corner:	48°02.15 N. Lat. 124°41.00 W. Lon.
 - (b) Fishers within the Makah SMA 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:
 - (i) E-mail to Jamie Fuller at Jamie.Fuller@dfw.wa.gov; or
 - (ii) Telephone call to Jamie Fuller at 360-580-0875.

- (4) All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-340-45000Q 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 (except for areas and times listed in sections (2), (3), and (4) below): 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, effective immediately, through 7:59 a.m. March 25, 2024. 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 Quinault secondary special management area (SSMA) is closed to fishing for Dungeness crab, effective 8:00 AM March 25, 2024, until further notice. The SSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Split Rock (47°24.50) and Copalis River (47°08.00) according to 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. |

- (4) The Quileute special management area (SMA) is closed to fishing for Dungeness crab, effective immediately, 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) All other provisions of the permanent rule remain in effect.

REPEALERS

The following sections of the Washington Administrative Code are repealed, effective immediately:

WAC 220-340-42000V Commercial crab fishery—Unlawful acts—Coastal. (24-33)

WAC 220-340-45000P Commercial crab fishery—season and areas – coastal. (24-27)