



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 10, 2024

TIME: 5:03 PM

WSR 24-09-032

Agency: Department of Fish and Wildlife (Order 24-55)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 8:00 a.m. April 15, 2024

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This emergency rule is necessary to adjust the Quinault secondary special management area boundary and set the season opening for the Quileute special management area with a pot limit.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000W; WAC 220-340-45000Q
 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: Tribal Special Management Area descriptions conform with State/Tribal Agreements and State/Tribal discussions regarding in-season modifications. 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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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New ____ Amended ____ Repealed ____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 10, 2024

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-420 and WAC 220-340-480, effective 8:00 a.m. April 15, 2024, until further notice:

- (1) Effective immediately, 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.
- (2) It is unlawful for a vessel to use more than 100 pots in the area between the Copalis River (47°08.00) and Joe Creek (47°12.25) shoreward of a line approximating the 27-fathom depth curve, until further notice. 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 8:00 a.m. May 1 through 7:59 a.m. June 1, 2024, it is unlawful for a vessel to use more than 100 pots in the Quileute SMA area between Cape Johnson (47°58.00) and Destruction Island (47°40.50) shoreward of a line approximating the 30-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.
- (4) All other provisions of the permanent rule remain in effect.

NEW SECTION

WAC 220-340-45000R Commercial crab fishery—Seasons and areas—Coastal.

Notwithstanding the provisions of WAC 220-340-450, effective 8:00 a.m. April 15, 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 (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 secondary special management area (SSMA) is closed to fishing for Dungeness crab. The SSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Split Rock (47°24.50) and Joe Creek (47°12.25) 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°12.25 N. Lat. 124°27.50 W. Lon.
- (d) Southeast Corner (Joe Creek): 47°12.25 N. Lat. 124°12.28 W. Lon.

(3) Effective immediately, through 7:59 a.m. May 1, 2024, the Quileute special management area (SMA) is closed to fishing for Dungeness crab. 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) 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. April 15, 2024:

WAC 220-340-42000W Commercial crab fishery—Unlawful acts—Coastal. (24-44)

WAC 220-340-45000Q Commercial crab fishery—season and areas – coastal. (24-44)