



# 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: November 15, 2024

TIME: 12:28 PM

WSR 24-23-055

**Agency:** Department of Fish and Wildlife (Order 24-266)

**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:** This emergency rule is necessary to update the taxonomy of mitten crabs, a prohibited level 1 species.

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

New:  
 Repealed:  
 Amended: WAC 220-640-030  
 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 rule is necessary to correct the taxonomic reference to mitten crabs described in WAC 220-640-030(2)(a). Mitten crabs are considered prohibited level 1 species by WDFW and listed as injurious wildlife by the Lacey Act under 50 CFR 16.13. The Integrated Taxonomic Information System (ITIS) lists mitten crabs under the family Varunidae, necessitating this emergency rule to correct the mitten crab listing in WAC 220-640-030. ITIS is considered the authoritative taxonomic information on plants, animals, fungi, and microbes of North America and the world by USGS. Additionally, this rule will correct a spelling error in permanent rules for the genus Eriocheir. 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Federal statute:	New	___	Amended	___	Repealed	___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 \_\_\_\_

**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> November 15, 2024	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

**WAC 220-640-03000B Prohibited level 1 species.**

Notwithstanding the provisions of WAC 220-640-030, effective immediately, until further notice, the family taxonomy for mitten crabs and spelling of the genus shall be modified as contained herein, all other provisions of WAC 220-340-030 not contained herein remain in effect:

The following species are classified as prohibited level 1 species:  
Family Varunidae: Mitten crabs: All members of the genus Eriocheir.