

WSR 22-06-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-24—Filed February 18, 2022, 5:17 p.m., effective February 18, 2022, 5:17 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to implement tribal special management areas per state/tribal agreement.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45000I; and amending WAC 220-340-450.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: Tribal special management area descriptions conform with recent state/tribal agreements and recent state/tribal discussions regarding in-season modifications.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 18, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-45000J 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: The area from the WA/OR border (46°15.00) to the US/Canada border, except for Quinalt Secondary Special Management Area (SSMA) and Quileute Special Management (SMA) during times and as described below. 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 starting at 8:00 a.m., March 4, 2022, until further notice. The SSMA is defined by the following points:

- (a) Northeast Corner: 47°28.00' N. Lat. 124°20.70' W. Lon.
- (b) Northwest Corner: 47°28.00' N. Lat. 124°36.00' W. Lon.
- (c) Southwest Corner: 47°06.00' N. Lat. 124°27.10' W. Lon.
- (d) Southeast Corner: 47°06.00' N. Lat. 124°11.00' W. Lon.

(3) The Quileute Special Management Area (SMA) is closed to fishing for Dungeness crab until 8:00 a.m. May 1, 2022. The SMA includes the area shoreward the 30-fathom depth curve line at the coordinates below, 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) Unless otherwise amended all other provisions of the permanent rule remain in effect.

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REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-340-45000I Commercial crab fishery—Seasons and areas—Coastal. (22-16)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.