

WSR 24-23-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-266—Filed November 15, 2024, 12:28 p.m., effective November 15, 2024, 12:28 p.m.]

Effective Date of Rule: Immediately upon filing.

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: Amending WAC 220-640-030.

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: 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 the department of fish and wildlife and listed as injurious wildlife by the Lacey Act under 50 C.F.R. 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 United States Geological Survey. Additionally, this rule will correct a spelling error in permanent rules for the genus *Eriochelone*. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 15, 2024.

Kelly Susewind
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 Eriocherir.