

**WSR 20-03-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-03—Filed January 3, 2020, 1:28 p.m., effective January 8, 2020, 12:01 p.m.]

Effective Date of Rule: January 8, 2020, 12:01 p.m.

Purpose: Amend recreational razor clam rules.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000M; and amending WAC 220-330-160.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4 and 5 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 3, 2020.

Kelly Susewind  
 Director

NEW SECTION

**WAC 220-330-16000M Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. January 8, 2020 through 11:59 p.m. January 14, 2020, and 12:01 p.m., razor clam digging is permissible in Razor Clam Area 1. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(2) Effective 12:01 p.m. January 8, 2020 through 11:59 p.m. January 14, 2020, and 2:01 p.m., razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 p.m. January 9, 2020 through 11:59 p.m. January 9, 2020, and 12:01 p.m. January 11, 2020 through 11:59 p.m. January 11, 2020, and 12:01 p.m. January 13, 2020 through 11:59 p.m. January 13, 2020, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(4) Effective 12:01 p.m. January 8, 2020 through 11:59 p.m. January 8, 2020, and 12:01 p.m. January 10, 2020 through 11:59 p.m. January 10, 2020, and 12:01 p.m. January 12, 2020 through 11:59 p.m. January 12, 2020, and 12:01 p.m. January 14, 2020 through 11:59 p.m. January 14, 2020, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(5) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., January 15, 2020:

WAC 220-330-16000M Razor clams—Areas and seasons.  
 (20-03)

**WSR 20-03-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-02—Filed January 3, 2020, 1:33 p.m., effective January 7, 2020, 6:00 p.m.]

Effective Date of Rule: January 7, 2020, 6:00 p.m.

Purpose: Amends Puget Sound commercial crab rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500A; and amending WAC 220-340-455.

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 emergency rule will close Region 3-1 on January 7 at 6:00 p.m. because the Region 3-1 state quota will have been reached. With this rule, Region 1, Region 2E, and Region 3-2 will remain closed. It will continue the Puget Sound commercial crab harvest in Regions 2-West and 3-3. Pot limits in Regions 2-West and 3-3 will remain at fifty pots per license. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. 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 Non-governmental 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: January 2, 2020.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-340-45500B Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

(1) Effective immediately until further notice, all of Crab Management Regions 1, 2E and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 2E includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.

(2) Effective 6:00 p.m. on January 7, 2020, Crab Management Region 3-1 will be closed. This region includes Marine Fish-Shellfish Catch Reporting Areas 23A and 23B.

(3) Effective immediately until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

(4) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

(5) Effective immediately until further notice, the following areas are closed to commercial crab fishing.

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

#### REPEALER

The following section of the Washington Administrative code is repealed effective 6:00 p.m. on January 7, 2020:

WAC 220-340-45500A Commercial crab fishery—Seasons and areas—Puget Sound. (20-01)

#### **WSR 20-03-019**

#### **RECISSION OF EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **CHILDREN, YOUTH, AND FAMILIES**

[Filed January 6, 2020, 1:32 p.m.]

The department of children, youth, and families rescinds WSR 19-24-020, emergency WAC 110-730-0070.

Please contact Brenda Villarreal at 360-902-7956 if you have any questions or need anything further.

Brenda Villarreal  
Rules Coordinator

#### **WSR 20-03-025**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 20-04—Filed January 6, 2020, 4:35 p.m., effective January 7, 2020, 6:00 p.m.]

Effective Date of Rule: January 7, 2020, 6:00 p.m.

Purpose: Amends Puget Sound commercial crab rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500B; and amending WAC 220-340-455.

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 emergency rule will close Region 3-1 on January 12 at 6:00 p.m. because the Region 3-1 State quota will have been reached. With this rule, Region 1, Region 2E, and Region 3-2 will remain closed. It will continue the Puget Sound commercial crab harvest in Regions 2-West and 3-3. Pot limits in Regions 2-West and 3-3 will remain at fifty pots per license. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. 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 Non-governmental 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: January 6, 2020.

Amy H. Windrope  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-340-45500C Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

(1) Effective immediately until further notice, all of Crab Management Regions 1, 2E and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 2E includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.

(2) Effective 6:00 p.m. on January 12, 2020 until further notice, Crab Management Region 3-1 will be closed. This region includes Marine Fish-Shellfish Catch Reporting Areas 23A and 23B.

(3) Effective immediately until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

(4) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

(5) Effective immediately until further notice, the following areas are closed to commercial crab fishing.

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

#### REPEALER

The following section of the Washington Administrative code is repealed effective 6:00 p.m. on January 7, 2020:

WAC 220-340-45500B Commercial crab fishery—Seasons and areas—Puget Sound. (20-02)

**WSR 20-03-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-05—Filed January 9, 2020, 1:54 p.m., effective January 9, 2020, 1:54 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial crab rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500C; and amending WAC 220-340-455.

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 emergency rule will allow Region 3-1 to remain open until the remaining quota has been reached. With this rule, Region 1, Region 2E and Region 3-2 will remain closed. It will continue the Puget Sound commercial crab harvest in Regions 2-West and 3-3. Pot limits in Regions 2-West and 3-3 will remain at fifty pots per license. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. 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 Non-governmental 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: January 8, 2020.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-340-45500D Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

(1) Effective immediately until further notice, all of Crab Management Regions 1, 2E and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A,

20B, 21A, 21B, 22A and 22B. Region 2E includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.

(2) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

(3) Effective immediately until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

(4) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

(5) Effective immediately until further notice, the following areas are closed to commercial crab fishing.

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

#### REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-340-45500C Commercial crab fishery—Seasons and areas—Puget Sound. (20-04)

Kelly Susewind  
Director

**WSR 20-03-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-06—Filed January 10, 2020, 3:58 p.m., effective January 10, 2020, 3:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial crabbing rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500D and 220-352-34000D; and amending WAC 220-340-455 and 220-352-340.

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 will open Region 2-East and allow commercial crab harvest in Region 2-East

outside of the Everett Flats area with a maximum of no more than twenty-five pots per license per buoy tag number. This rule also requires fishers to declare their participation in the Region 2-East opening and requires that fishers report pounds of Dungeness crab harvested from Region 2-East each day. It will continue the Puget Sound commercial crab harvest in Regions 2-West, 3-1, and 3-3. Pot limits in 2-West, 3-1, and 3-3 will remain at fifty pots per license. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. 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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

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: January 10, 2020.

#### NEW SECTION

**WAC 220-340-45500E Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

1) Effective immediately until further notice, all of Crab Management Regions 1, 2-East and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.

2) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in Crab Management Regions 2 West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

3) Effective 8:00 am January 14, 2020 until further notice all areas except for the Everett Flats area of Crab Management Region 2-East are open. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.

4) Effective 8:00 am January 14, 2020, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than

25 pots per license per buoy tag number in Crab Management Region 2-East.

5) Effective immediately, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 2-West, Region 3-1, or Region 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 26A West, 25B, 25D, 23C and 29.

6) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

7) Effective immediately until further notice, the following areas are closed to commercial crab fishing:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

(c) Everett Flats which are those portions of catch area 26AE east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation.

#### NEW SECTION

**WAC 220-352-34000E Puget Sound crab—Additional reporting requirements.** Notwithstanding the provisions of WAC 220-352-340:

1) Non-treaty commercial fishers that intend to harvest in Crab Management Region 2-East must declare intent to fish prior to the opening date by leaving text message to (360) 302-6372, or sending an email to [Crab.Report@dfw.wa.gov](mailto:Crab.Report@dfw.wa.gov), detailing the following information:

- (a) Vessel Name
- (b) Name and permit number(s) of licensed owner
- (c) Name of designated primary operator if different from licensed owner

2) Non-treaty commercial fishers operating in Crab Management Region 2-East must report the estimated pounds of Dungeness crab caught and retained or the pounds of crab caught and landed by 8:00 pm every day. The vessel owner or operator must leave a text message to (360) 302-6372, or send an email to [Crab.Report@dfw.wa.gov](mailto:Crab.Report@dfw.wa.gov), detailing the following information:

- (a) Vessel Name and Vessel Registration Number
- (b) Pounds of Dungeness crab
- (c) Whether crab was retained (hung or tanked) or landed
- (d) Crab Management Area fished

3) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by non-treaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following day. Reports must be made by fax to (435) 338-1066 or by e-mail at [crabreport@dfw.wa.gov](mailto:crabreport@dfw.wa.gov), and must specify the dealer name, dealer phone number, date of delivery of crab to the original receiver, and the total number of pounds

of crab caught by non-treaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

#### REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-340-45500D Commercial crab fishery—Seasons and areas—Puget Sound. (20-05)

WAC 220-352-34000D Puget Sound crab—Additional reporting requirements. (20-01)

#### **WSR 20-03-101**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 20-07—Filed January 14, 2020, 2:15 p.m., effective January 14, 2020, 2:15 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends coastal commercial crab rules.

Citation of Rules Affected by this Order: Amending WAC 220-340-420 and 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: Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The agreed to criteria to include the area north of Destruction Island has been achieved. The stepped opening periods/areas will also provide for fair start provisions. Pot limits will reduce the crowding effect in this restricted area and language improves enforcement of pot limits. A longer gear set period will allow for safer fishing conditions. 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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, 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: January 14, 2020.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-42000W Commercial crab fishery—Unlawful acts.** Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice:

(1) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel, unless:

(a) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings until February 26, 2020 and;

(b) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel. Vessel-hold inspection certificates dated from December 30, 2019 through January 23, 2020, are only valid for the area south of 46°28.00 N. Lat.

(2) Until 8:00 a.m., January 22, 2020, it is unlawful for persons participating in the Columbia River, Coastal, or Willapa Bay commercial Dungeness crab fishery south of Klipsan Beach (46°28.00) to:

(a) Deploy or operate more than 400 shellfish pots if the permanent number of shellfish pots assigned to the Coastal commercial crab fishery license held by that person is 500.

(b) Deploy or operate more than 250 shellfish pots if the permanent number of shellfish pots assigned to the Coastal Dungeness crab fishery license held by that person is 300.

(c) Fail to maintain onboard any participating vessel the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.

(3) It is unlawful to possess or deliver Dungeness crab unless the following conditions are met:

(a) Vessels that participated in the coastal Dungeness crab fishery from Klipsan Beach (46°28.00 North Latitude) to Point Arena, CA, including Willapa Bay and the Columbia River, may possess crab for delivery into Washington ports south of 47°00.00 N. Lat., provided the crab were taken south of Klipsan (46°28.00 N. Lat.).

(b) The vessel does not enter the area north of 47°00.00 N. Lat. unless the operator of the vessel has contacted the Washington Department of Fish and Wildlife prior to entering this area. Prior to entering the area north of 47°00.00 N. Lat., the vessel operator must call 360-581-3337, and report the vessel name, operator name, estimated amount of crab to be delivered in pounds, and the estimated date, time, and location of delivery 24 hours prior to entering the area.

(4) It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license to deploy crab pot gear except under the following conditions:

(a) The vessel deploys pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;

(b) The undesignated vessel carries no more than 250 crab pots at any one time; and;

(c) The primary or alternate operator of the crab pot gear named on the license associated with the gear is on board the undesignated vessel while the gear is being deployed.

(5) Unless otherwise amended all other provisions of the permanent rule remain in effect.

NEW SECTION

**WAC 220-340-45000P 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 Klipsan Beach (46°28.00) to the WA/OR border (46°15.00) and Willapa Bay.

(a) 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.

(b) Licenses and vessels designated to those licenses that participate in the coastal commercial Dungeness crab fishery in the waters from Point Arena, California, to Klipsan Beach, Washington (46°28.00), including Willapa Bay, before the area north of Klipsan Beach (46°28.00) opens, are prohibited from fishing in the following areas for the durations specified:

i. The waters between Klipsan Beach (46°28.00) and Oysterville (46°33.00) until 8:00 a.m. February 1, 2020; and

ii. The waters between Oysterville (46°33.00) and the U.S./Canada border until 8:00 a.m. February 26, 2020.

(2) Open area: The area from Klipsan Beach (46°28.00) to the US/Canada Border and Grays Harbor.

(a) It is permissible to set crab gear beginning at 8:00 a.m., January 22, 2020.

(b) It is permissible to pull crab gear beginning at 9:00 a.m., January 25, 2020.

(3) The Quinalt primary special management area (PSMA) is closed to fishing for Dungeness crab until further notice. 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.

(4) The Quileute special management area (SMA) is closed to fishing for Dungeness crab 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) The Makah special management area (SMA) is closed to fishing until further notice. The 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:

(a) Northeast Corner (Tatoosh Island)

(b) Northwest Corner: 48°19.50' N. Lat. 124°50.45' W. Lon.

(c) Southwest Corner: 48°02.15' N. Lat. 124°50.45' W. Lon.

(d) Southeast Corner: 48°02.15' N. Lat. 124°41.00' W. Lon.

(6) Unless otherwise amended all other provisions of the permanent rule remain in effect.

**WSR 20-03-120**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-09—Filed January 16, 2020, 4:13 p.m., effective January 21, 2020]

Effective Date of Rule: January 21, 2020.

Purpose: Amends recreational razor clam rules.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000N; and amending WAC 220-330-160.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4 and 5 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. 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 Non-governmental 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: January 16, 2020.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-330-16000N Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. January 21 through 11:59 p.m. January 26, 2020, razor clam digging is permissible in Razor Clam Area 1. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(2) Effective 12:01 p.m. January 21 through 11:59 p.m. January 26, 2020, razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 p.m. January 22 through 11:59 p.m. January 22, 2020, and 12:01 p.m. January 24 through 11:59 p.m. January 24, 2020, and 12:01 p.m. January 26 through 11:59 p.m. January 26, 2020, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(4) Effective 12:01 p.m. January 21 through 11:59 p.m. January 21, 2020, and 12:01 p.m. January 23 through 11:59 p.m. January 23, 2020, and 12:01 p.m. January 25 through 11:59 p.m. January 25, 2020, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(5) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., January 27, 2020:

WAC 220-330-160000N      Razor clams—Areas and seasons.

**Reviser's note:** The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-330-160000N is probably intended to be WAC 220-330-16000N.

**WSR 20-03-121**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-08—Filed January 16, 2020, 4:29 p.m., effective January 16, 2020, 4:29 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends coastal commercial crab rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000W and 220-340-45000P; and amending WAC 220-340-420 and 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: This rule corrects WSR 20-03-101 for dates listed under WAC 220-340-45000Q (1)(b)i and ii. Mandatory pick rate allowance for coastal crab will be achieved by the opening dates contained herein. The agreed to criteria to include the area north of Destruction Island has been achieved. The stepped opening periods/areas will also provide for fair start provisions. Pot limits will reduce the crowding effect in this restricted area and language improves enforcement of pot limits. A longer gear set period will allow for safer fishing conditions. 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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

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: January 16, 2020.

Amy H. Windrope  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-340-42000X Commercial crab fishery—Unlawful acts.** Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice:

(1) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel, unless:

(a) The vessel inspection certificate numbers are recorded on all shellfish tickets completed for coastal Dungeness crab landings until February 29, 2020 and;

(b) A valid Washington crab vessel inspection certificate has been issued to the delivering vessel. Vessel-hold inspection certificates dated from December 30, 2019 through Jan-

uary 23, 2020, are only valid for the area south of 46°28.00 N. Lat.

(2) Until 8:00 a.m., January 22, 2020, it is unlawful for persons participating in the Columbia River, Coastal, or Willapa Bay commercial Dungeness crab fishery south of Klipsan Beach (46°28.00) to:

(a) Deploy or operate more than 400 shellfish pots if the permanent number of shellfish pots assigned to the Coastal commercial crab fishery license held by that person is 500.

(b) Deploy or operate more than 250 shellfish pots if the permanent number of shellfish pots assigned to the Coastal Dungeness crab fishery license held by that person is 300.

(c) Fail to maintain onboard any participating vessel the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.

(3) It is unlawful to possess or deliver Dungeness crab unless the following conditions are met:

(a) Vessels that participated in the coastal Dungeness crab fishery from Klipsan Beach (46°28.00 North Latitude) to Point Arena, CA, including Willapa Bay and the Columbia River, may possess crab for delivery into Washington ports south of 47°00.00 N. Lat., provided the crab were taken south of Klipsan (46°28.00 N. Lat.).

(b) The vessel does not enter the area north of 47°00.00 N. Lat. unless the operator of the vessel has contacted the Washington Department of Fish and Wildlife prior to entering this area. Prior to entering the area north of 47°00.00 N. Lat., the vessel operator must call 360-581-3337, and report the vessel name, operator name, estimated amount of crab to be delivered in pounds, and the estimated date, time, and location of delivery 24 hours prior to entering the area.

(4) It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license to deploy crab pot gear except under the following conditions:

(a) The vessel deploys pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;

(b) The undesignated vessel carries no more than 250 crab pots at any one time; and;

(c) The primary or alternate operator of the crab pot gear named on the license associated with the gear is on board the undesignated vessel while the gear is being deployed.

(5) Unless otherwise amended 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: The area from Klipsan Beach (46°28.00) to the WA/OR border (46°15.00) and Willapa Bay.

(a) 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.



(b) Licenses and vessels designated to those licenses that participate in the coastal commercial Dungeness crab fishery in the waters from Point Arena, California, to Klipsan Beach, Washington (46°28.00), including Willapa Bay, before the area north of Klipsan Beach (46°28.00) opens, are prohibited from fishing in the following areas for the durations specified:

i. The waters between Klipsan Beach (46°28.00) and Oysterville (46°33.00) until 8:00 a.m. February 4, 2020; and  
 ii. The waters between Oysterville (46°33.00) and the U.S./Canada border until 8:00 a.m. February 29, 2020.

(2) Open area: The area from Klipsan Beach (46°28.00) to the US/Canada Border and Grays Harbor.

(a) It is permissible to set crab gear beginning at 8:00 a.m., January 22, 2020.

(b) It is permissible to pull crab gear beginning at 9:00 a.m., January 25, 2020.

(3) The Quinault primary special management area (PSMA) is closed to fishing for Dungeness crab until further notice. 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.

(4) The Quileute special management area (SMA) is closed to fishing for Dungeness crab 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) The Makah special management area (SMA) is closed to fishing until further notice. The 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:

(a) Northeast Corner (Tatoosh Island)

(b) Northwest Corner: 48°19.50' N. Lat. 124°50.45' W. Lon.

(c) Southwest Corner: 48°02.15' N. Lat. 124°50.45' W. Lon.

(d) Southeast Corner: 48°02.15' N. Lat. 124°41.00' W. Lon.

(6) Unless otherwise amended all other provisions of the permanent rule remain in effect.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-340-42000W Commercial crab fishery—Unlawful acts. (20-07)

WAC 220-340-45000P Commercial crab fishery—Season and areas—Coastal. (20-07)

**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.

### **WSR 20-03-142**

#### **RECISSION OF EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **CHILDREN, YOUTH, AND FAMILIES**

[Filed January 17, 2020, 3:06 p.m., effective January 19, 2020]

The department of children, youth, and families rescinds WSR 19-23-087, emergency chapter 110-03 WAC, effective January 19, 2020.

Please contact Brenda Villarreal at 360-902-7956 if you have questions or need anything further.

Brenda Villarreal  
Rules Coordinator

### **WSR 20-03-144**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 20-10—Filed January 17, 2020, 4:36 p.m., effective January 17, 2020, 4:36 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial crabbing rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-45500E; and amending WAC 220-340-455.

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 emergency rule will close Crab Management Region 2-E on January 19 at 1:00 p.m. because the Region 2-E state quota will have been reached. With this rule, Regions 1 and 3-2 will remain closed. It will continue the Puget Sound commercial crab harvest in Regions 2-West, 3-1 and 3-3. Pot limits in Regions 2-West, 3-1, and 3-3 will remain at fifty pots per license. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as

required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. 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 Non-governmental 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: January 17, 2020.

Nate Pamplin  
for Kelly Suswind  
Director

#### NEW SECTION

**WAC 220-340-45500F Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

(1) Effective immediately until further notice, all of Crab Management Regions 1 and 3-2 are closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B. Region 3-2 includes Marine Fish-Shellfish Catch Reporting Areas 23D, 25A, and 25E.

(2) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in Crab Management Regions 2-West, 3-1, and 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A, 25E, 25B, 25D, 26A West, 23C and 29.

(3) Effective immediately all areas except for the Everett Flats area of Crab Management Region 2-East are open until 1:00 pm on January 19, 2020. Region 2-East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.

(4) Effective immediately, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 25 pots per license per buoy tag number in Crab Management Region 2-East.

(5) Effective immediately, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 2-West, Region 3-1, and Region 3-3. These regions include Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 26A West, 25B, 25D, 23C and 29.

(6) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

(7) Effective immediately until further notice, the following areas are closed to commercial crab fishing.

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock Everett Flats which are those portions of catch area 26AE east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation.

(c) Everett Flats which are those portions of catch area 26AE east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation.

#### REPEALER

The following section of the Washington Administrative code is repealed effective immediately:

WAC 220-340-45500E Commercial crab fishery—Seasons and areas—Puget Sound. (20-06)

### **WSR 20-03-175 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 20-11—Filed January 22, 2020, 9:59 a.m., effective January 22, 2020, 9:59 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational fishing rules for the Columbia and Snake rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-05000V and 220-312-06000D; and amending WAC 220-312-050 and 220-312-060.

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 close retention of white sturgeon in the McNary Pool on the Columbia River and from the mouth to Ice Harbor Dam on the Snake River. These rules are currently in process of becoming permanent and were approved at the December 2019 commission meeting. This rule also carries forward emergency rules regarding steelhead already in place for the Columbia and Snake rivers. 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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

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: January 22, 2020.

Amy H. Windrope  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-06000E Freshwater exceptions to statewide rules—Columbia** Notwithstanding the provisions of WAC 220-312-060:

**(1) From McNary Dam upstream to the Hwy. 395 Bridge (Pasco/Kennewick):**

(a) Effective immediately through March 31, 2020: Closed to angling for and retention of steelhead.

(b) Effective February 1, 2020 until further notice: Closed to retention of white sturgeon.

**(2) From the Hwy. 395 Bridge (Pasco/Kennewick) to Old Hanford townsite powerline crossing:**

(a) Effective immediately through April 15, 2020: Closed to angling for and retention of steelhead.

(b) Effective February 1, 2020 until further notice: Closed to retention of white sturgeon.

**(3) From the Old Hanford townsite powerline crossing to boundary markers 650 feet downstream of the fish ladders Priest Rapids Dam:** Effective February 1, 2020 until further notice: Closed to retention of white sturgeon.

#### NEW SECTION

**WAC 220-312-05000W Freshwater exceptions to statewide rules—Eastside.** Notwithstanding the provisions of WAC 220-312-050:

**(1) Grande Ronde River (Asotin County): from the mouth to the Washington/Oregon boundary:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

**(2) Snake River (Franklin/Walla Wall Counties):**

**(a) From the mouth (Burbank-to-Pasco railroad bridge at river mile 1.25) to Ice Harbor Dam:**

(i) Effective immediately through March 31, 2020: Closed to fishing for and retaining steelhead.

(ii) Effective February 1, 2020 until further notice: Closed to retention of white sturgeon.

**(b) From Ice Harbor Dam to Couse Creek Boat Ramp:** Effective immediately through March 31, 2020: Closed to fishing for and retaining steelhead.

**(c) From Couse Creek Boat Ramp to ID/OR border:** Effective immediately through March 31, 2019: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

**(3) Touchet River (Walla Walla County): from mouth to the confluence of North and South Forks:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

**(4) Tucannon River (Columbia/Garfield Counties): from mouth to the Tucannon Hatchery Road Bridge:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

**(5) Walla Walla River (Walla Walla County): from mouth to the Washington/Oregon border:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

**Reviser's note:** The spelling 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.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-312-06000D Freshwater exceptions to statewide rules—Columbia (19-312)

WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside (19-313)