

WSR 23-10-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-54—Filed April 24, 2023, 2:03 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: The purpose of this emergency rule is to open the commercial crab fishery season in the Quileute special management area (SMA) with a pot limit beginning May 1.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000P; and amending WAC 220-340-420.

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 is necessary because provisions of state/tribal agreements have been met to allow opening of Quileute SMA with the temporary pot limit.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 18, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000Q Commercial crab fishery—Unlawful acts. Effective May 1 through June 1, 2023, the provisions of WAC 220-340-420 regarding commercial crab pot limits for the Quileute SMA area, shall be modified as described below. All other provisions of WAC 220-340-420 not addressed herein remain in effect unless otherwise amended by emergency rule:

It 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, from 8:00 am May 1, 2023, until 8:00 am June 1, 2023. Fishers must pre-register with the Department of Fish and Wildlife 24 hours

prior to deploying gear in this area by one of the two following methods:

- E-mail to Jamie Fuller at Jamie.Fuller@dfw.wa.gov; or
- Telephone call to Jamie Fuller at 360-580-0875.

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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.

Reviser's note: The unnecessary underscoring 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 section of the Washington Administrative Code is repealed, effective May 1, 2023:

WAC 220-340-42000P Commercial crab fishery—Unlawful acts.
(23-32)