

**WSR 24-06-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-27—Filed February 22, 2024, 1:55 p.m., effective March 2, 2024, 8:00 a.m.]

Effective Date of Rule: March 2, 2024, 8:00 a.m.

Purpose: The purpose of this emergency rule is to adjust coastal commercial pot limit restrictions and set the opening of the Makah Special Management Area (SMA) with a temporary pot limit.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000T and 220-340-45000N; 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 emergency rule is necessary because provisions of the State/Makah Harvest Management Agreement allow for the opening of Makah SMA to state license holders and specify a temporary pot limit. Reduced pot limit descriptions for vessels fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area [to] conform with current state/tribal agreements regarding in-season modifications.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 22, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000U Commercial crab fishery—Unlawful acts. Notwithstanding the provisions of WAC 220-340-420 and WAC 220-340-480, effective 8:00 a.m., March 2, 2024, until further notice:

(1) Effective 8:00 a.m. March 2, 2024, until further notice, it is unlawful for persons participating in the Coastal or Grays Harbor commercial Dungeness crab fishery to deploy or fish more than the following specified reduced pot limit assigned to each license if a ves-

sel is fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area as described in 50 CFR Part 660.4:

(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.

(d) Store or possess crab pots on board any participating vessel in excess of the vessels pot limit.

(2) Effective 8:00 a.m., March 2 through April 1, 2024, it is unlawful for a vessel to use more than 200 pots in the Makah SMA. 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:

(a) E-mail to Jamie Fuller at Jamie.Fuller@dfw.wa.gov; or

(b) Telephone call to Jamie Fuller at 360-580-0875.

(3) All other provisions of the permanent rule remain in effect.

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.

NEW SECTION

WAC 220-340-45000P Commercial crab fishery—Seasons and areas—Coastal. Notwithstanding the provisions of WAC 220-340-450, effective 8:00 a.m., March 2, 2024, 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 U.S./Canada border, including Willapa Bay and Grays Harbor.

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 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.

(3) 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.

(4) The Makah special management area (SMA) is closed to fishing until 8:00 AM March 2, 2024. 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.

(5) All other provisions of the permanent rule remain in effect.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed, effective 8:00 a.m., March 2, 2024:

WAC 220-340-42000T Commercial crab fishery—Unlawful acts—
Coastal. (24-06)

WAC 220-340-45000N Commercial crab fishery—Season and
areas—Coastal. (24-06)