

**WSR 24-08-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-44—Filed March 22, 2024, 3:48 p.m., effective March 22, 2024, 3:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to allow pots in excess pot limits to be loaded aboard a vessel 48 hours prior to pot limits being lifted. This rule will also set the removal of pot limits within the Quinault primary special management area while setting seasons and pot limits within the Quinault secondary special management area.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000V 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 emergency rule is necessary to allow vessels fishing inside the Quinault U&A to prepare and load gear on the vessel prior to pot limits being lifted at 8:00 a.m., March 25, 2024. Additionally, provisions of the State/Makah Harvest Management Agreement allow for the opening of Makah special management area to state license holders and specify a temporary pot limit. The status of state-tribal harvest sharing allows for the removal of temporary reduced pot limit in the Quinault Indian Nation usual and accustomed fishing area and conforms 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000W Commercial crab fishery—Unlawful acts. Notwithstanding the provisions of WAC 220-340-420 and WAC 220-340-480, effective immediately, until further notice:

(1) Effective immediately through 7:59 a.m. March 25, 2024, 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 vessel is fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area as described in 50 CFR Part 660.4:

(a) Licenses with a permanent pot limit of 500 are assigned a reduced pot limit of 400 pots.

(b) Licenses with a permanent pot limit of 300 will be assigned a reduced pot limit of 250 pots.

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

(d) It is unlawful to store or possess crab pots on board any participating vessel in excess of the vessels pot limit.

(e) It is unlawful to load pots with buoy tags attached in excess of the pot limits described within this section more than 48-hours prior to pot limits being lifted.

(2) Effective 8:00 a.m. March 25 through 7:59 a.m. April 24, 2024: It is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50) and Raft River (47°28.00) shoreward of a line approximating the 27-fathom depth curve. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the 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) Effective immediately, through April 1, 2024, it is unlawful for a vessel to use more than 200 pots in the Makah SMA.

(a) The Makah special management area (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:

(i) Northeast Corner (Tatoosh Island)

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

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

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

(b) Fishers within the Makah SMA 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:

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

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

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

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear 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.

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 (except for areas and times listed in sections (2), (3), and (4) below): 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, effective immediately, through 7:59 a.m. March 25, 2024. 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 Quinault secondary special management area (SSMA) is closed to fishing for Dungeness crab, effective 8:00 AM March 25, 2024, until further notice. The SSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Split Rock (47°24.50) and Copalis River (47°08.00) according to the following coordinates:

(a) Northeast Corner (Split Rock): 47°24.50 N. Lat. 124°20.00 W. Lon.

(b) Northwest Corner: 47°24.50 N. Lat. 124°32.40 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, effective immediately, 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) All other provisions of the permanent rule remain in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed, effective immediately:

- WAC 220-340-42000V Commercial crab fishery—Unlawful acts—
Coastal. (24-33)
- WAC 220-340-45000P Commercial crab fishery—Season and
areas—Coastal. (24-27)

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.