

**WSR 26-05-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 26-17—Filed February 10, 2026, 9:45 a.m., effective February 10, 2026, 9:45 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule sets the opening of commercial crab harvest season in the Makah special management area (SMA).

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000J and 220-340-45000B; 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: 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. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 10, 2026.

Kelly Susewind
Director

NEW SECTION

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

(1) It is unlawful for a vessel to use more than 200 pots in the Makah SMA beginning 8:00 A.M. February 14, 2026, until 8:00 A.M. March 16, 2026. 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) Call or text Jamie Fuller at 360-580-0875.

(2) Unless otherwise amended 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 220-340-45000C 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, including Willapa Bay, or the Columbia River, except as provided in this section.

(1) Open area: 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 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.

(3) The Makah special management area (SMA) is closed to fishing until 8:00 AM February 14, 2026. 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.

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

REPEALER

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

WAC 220-340-42000J Commercial crab fishery—Unlawful acts.
(26-03)

WAC 220-340-45000B Commercial crab fishery—Seasons and areas—Coastal. (26-12)