



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 11, 2020

TIME: 4:45 PM

WSR 21-01-105

Agency: Department of Fish and Wildlife (Order 20-257)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The purpose of this rule is to correct WSR 20-01-089 which listed incorrect coordinates for Cape Falcon.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-42000D
- Amended: WAC 220-340-420
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This rule corrects WSR 20-01-089 which listed incorrect coordinates for Cape Falcon. The area north of Cape Falcon, Oregon is closed due to elevated levels of the marine toxin domoic acid tested in crab viscera off Long Beach, WA. Notification of transit through the closed area is required to enforce this closure and prevent toxic crab from being harvested or landed. The delay is needed to provide a fair start for vessels impacted by the closure due to marine toxins. The states of Oregon and California will impose the same delay. There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New 1 Amended ____ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New ____ Amended ____ Repealed ____

Date Adopted: December 11, 2020
Name: Kelly Susewind
Title: Director

Signature:


NEW SECTION

WAC 220-340-42000E Commercial crab fishery—Unlawful acts.

Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice:

- (1) It is unlawful to fish for, possess or deliver Dungeness crab unless the following conditions are met:
 - (a) Vessels that participated in the coastal Dungeness crab fishery South of Cape Falcon, Oregon (45°46.00 North Latitude) to Point Arena, CA, may possess crab for delivery into Washington ports south of 45°46.00 North Lat., provided the crab were taken south of Cape Falcon, Oregon (45°46.00 North Lat.)
 - (b) The vessel does not enter the area north of 44°46.00 North 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 45°46.00 North Lat., the vessel operator must call or text 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.
- (2) Unless otherwise amended all other provisions of the permanent rule remain in effect.

REPEALER

The following section of Washington Administrative Coded is repealed:
WAC 220-340-42000D Commercial crab fishery—Unlawful acts.