



# 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: February 26, 2021  
TIME: 4:02 PM

WSR 21-06-066

**Agency:** Department of Fish and Wildlife (Order No. 21-25)

**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:** Amends rules for coastal recreational crab fishery

**Citation of rules affected by this order:**

- New:
- Repealed: WAC 220-330-04000X
- Amended: WAC 220-330-040
- 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:** Based on recent marine toxin test results the Washington Department of Health has determined that Dungeness crab are safe for human consumption in that portion of Marine Area 2 north of Point Chehalis and inside the Westport Boat Basin and recommends that sport crab fishing can remain open. In addition, the Washington Department of Health recommends that sport crab fishing remain closed in Marine Area 1, the portion of Marine Area 2-2 that is outside the Westport Boat Basin and the portion of Marine Area 2 between Point Chehalis and Leadbetter Point and Marine Area 2-1 (Willapa Bay). 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	___
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**The number of sections adopted on the agency's own initiative:**

New	1	Amended	___	Repealed	1
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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:** February 26, 2021

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-330-04000Y Crab – Areas and Seasons**

Notwithstanding the provisions of WAC 220-330-040 effective Immediately, until further notice, recreational crab seasons in waters of Marine Area 1, 2, and 2-1 shall be modified as follows. All other provisions of WAC 220-330-040 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) Effective immediately until further notice, it is unlawful to fish for Dungeness crab in Marine Area 1 and that portion of Marine Area 2-2 that is outside the Westport Boat Basin as defined in WAC 220-300-320 and that portion of Marine 2 from Point Chehalis to Leadbetter Point, including Marine Area 2-1 (Willapa Bay.)
- (2) Effective immediately it is unlawful to set, maintain, operate, or possess in those waters listed in subsections (1) of this section, any baited or unbaited shellfish pots or ring nets or any other method of catching crab for any reason.

## REPEALER

The following section of Washington Administrative code is repealed:

WAC 220-330-04000X Crab – Areas and Seasons. (21-20)