



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: April 02, 2021

TIME: 4:43 PM

WSR 21-08-054

Agency: Department of Fish and Wildlife (Order 21-45)

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 emergency rule is to open recreational crabbing seasons in Marine Area 2-2 (Grays Harbor).

Citation of rules affected by this order:

New:
 Repealed: WAC 220-330-04000Y
 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 Marine Area 2-2 (Grays Harbor) and recommends that sport crab fishing can remain open or re-open. In addition, the Washington Department of Health recommends that sport crab fishing remain closed in Marine Area 1 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 ____

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: April 2, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-04000Z 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, 2-1 and 2-2 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, that portion of Marine 2 from Point Chehalis to Leadbetter Point and 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 for any reason.

REPEALER

The following section of Washington Administrative code is repealed:
WAC 220-330-04000Y Crab – Areas and Seasons. (20-25)