



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 15, 2021

TIME: 1:12 PM

WSR 21-09-047

Agency: Department of Fish and Wildlife (Order 21-53)

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 remove evisceration requirements for commercially caught crab coast-wide.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-42000L; WAC 220-340-45000B
 Amended: WAC 220-340-420; WAC 220-340-450
 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: The Washington Department of Health has determined that Dungeness crab in the areas open to harvest are now safe for human consumption. This allows for the removal of the evisceration requirement for crab in areas listed in previous versions of the regulation. Tribal Special Management Area descriptions conform with recent State/Tribal Agreements.

The Westport Boat Basin is closed to commercial crab fishing to prevent conflicts with vessel traffic in a limited area.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 2 Amended ____ Repealed 2

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 15, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-42000M 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 immediately, until 8:00 A.M. April 17, 2021. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
 - Fax transmission to Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-470-8596
- (2) It is unlawful for a vessel to use more than 300 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, from 8:00 a.m. April 3, 2021, until 8:00 a.m. May 1, 2021. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
 - Fax transmission to Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-470-8596.
- (3) It is unlawful for a vessel to use more than 100 pots in the area between the Copalis River (47°08.00') and Joe Creek (47°12.11') shoreward of a line approximating the 27-fathom depth curve, from 8:00 a.m. April 16, 2021, until further notice. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
 - Fax transmission to Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-470-8596.
- (4) It is unlawful for a vessel to use more than 100 pots in the area between Cape Johnson (47°58.00') and Destruction Island (47°40.50') shoreward of a line approximating the 30-fathom depth curve, from 8:00 am May 1, 2021 until 8:00 am June 1, 2021. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:
 - Fax transmission to Robert Morgan at 360-249-1229;
 - E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
 - Telephone call to Robert Morgan at 360-470-8596.
- (5) Unless otherwise amended all other provisions of the permanent rule remain in effect

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, the Pacific Ocean, Grays Harbor, Willapa Bay, or the Columbia River, except as provided in this section:

- (1) Open area: The area from the WA/OR border (46°15.00) to the US-Canadian border. 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 Secondary Special Management Area (SSMA) is closed to fishing for Dungeness crab starting at 8:00 A.M., April 16, 2021, from the area shoreward of a line approximating the 27-fathom depth curve between Joe Creek (47°12.11) and Split Rock (47°24.50). This area will be closed until further notice. This SSMA is described by 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°12.11' N. Lat. 124°27.33' W. Lon.
 - (d) Southeast Corner (Joe Creek): 47°12.11' N. Lat. 124°12.28' W. Lon.
- (3) The Quileute special management area (SMA) is closed to fishing for Dungeness crab until 8:00 am May1, 2021. 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.
- (4) Effective immediately the Makah special management area (SMA) is open to fishing. 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.
- (5) It is unlawful to fish for Dungeness crab in the Westport Boat Basin as defined in WAC 220-300-320.
- (6) Unless otherwise amended all other provisions of the permanent rule remain in effect.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-340-42000L Commercial crab fishery—unlawful acts. (21-52)

WAC 220-340-45000B Commercial crab fishery—Seasons and areas—Coastal. (21-52)