Agency: Department of Fish and Wildlife (Order 21-67)

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 shift the southern boundary of the Quinault SMA to the Moclips River.

Citation of rules affected by this order:
   New: WAC 220-340-42000M; WAC 220-340-45000C
   Repealed: WAC 220-340-420; WAC 220-340-450
   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: Tribal Special Management Area descriptions conform with recent State/Tribal Agreements and recent State/Tribal discussions regarding in-season modifications.

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   Federal statute: New _____ Amended _____ Repealed _____
   Federal rules or standards: New _____ Amended _____ Repealed _____
   Recently enacted state statutes: New _____ Amended _____ Repealed _____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

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

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

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The number of sections adopted using:

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<th>Negotiated rule making:</th>
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<td>Pilot rule making:</td>
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<td>Other alternative rule making:</td>
<td>New</td>
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**Date Adopted:** May 18, 2021

**Name:** Kelly Susewind

**Title:** Director

**Signature:**

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NEW SECTION

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

(1) It is unlawful for a vessel to use more than 150 pots in the area between the Copalis River (47°08.00’) and Moclips River (47°14.80’) shoreward of a line approximating the 27-fathom depth curve, from 8:00 a.m. May 21, 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.

(2) 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 a.m. May 1, 2021 until 8:00 a.m. 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.

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

NEW SECTION

WAC 220-340-45000D 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., May 21, 2021, from the area shoreward of a line approximating the 27-fathom depth curve between the Moclips River (47°14.80) 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°14.80’ N. Lat. 124°28.43’ W. Lon.
   - (d) Southeast Corner (Moclips River): 47°14.80’ N. Lat. 124°13.20’ W. Lon.

(3) It is unlawful to fish for Dungeness crab in the Westport Boat Basin as defined in WAC 220-300-320.

(4) 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 220-340-42000M Commercial crab fishery—unlawful acts. (21-53)
WAC 220-340-45000C Commercial crab fishery—Seasons and areas—Coastal. (21-53)