



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: May 18, 2021

TIME: 3:00 PM

WSR 21-11-089

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:
 Repealed: WAC 220-340-42000M; WAC 220-340-45000C
 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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:

New ____ Amended ____ Repealed ____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New 2 Amended ____ Repealed 2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: May 18, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

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 am 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)