

**WSR 21-01-105
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 20-257—Filed December 11, 2020, 4:45 p.m., effective December 11, 2020, 4:45 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule is to correct WSR 20-01-089 which listed incorrect coordinates for Cape Falcon.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000D; and amending WAC 220-340-420.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This rule corrects WSR 20-01-089 which listed incorrect coordinates for Cape Falcon. The area north of Cape Falcon, Oregon is closed due to elevated levels of the marine toxin domoic acid tested in crab viscera off Long Beach, Washington. Notification of transit through the closed area is required to enforce this closure and prevent toxic crab from being harvested or landed. The delay is needed to provide a fair start for vessels impacted by the closure due to marine toxins. The states of Oregon and California will impose the same delay. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 11, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000E Commercial crab fishery—Unlawful acts. Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice:

(1) It is unlawful to fish for, possess or deliver Dungeness crab unless the following conditions are met:

(a) Vessels that participated in the coastal Dungeness crab fishery South of Cape Falcon, Oregon (45°46.00 North Latitude) to Point Arena, CA, may possess crab for delivery into Washington ports south of 45°46.00 North Lat., provided the crab were taken south of Cape Falcon, Oregon (45°46.00 North Lat.)

(b) The vessel does not enter the area north of 44°46.00 North Lat. unless the operator of the vessel has contacted the Washington Department of Fish and Wildlife prior to entering this area. Prior to entering the area north of 45°46.00 North Lat., the vessel operator must call or text 360-581-3337, and report the vessel name, operator name, estimated amount of crab to be delivered in pounds, and the estimated date, time, and location of delivery 24 hours prior to entering the area.

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

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REPEALER

The following section of Washington Administrative Coded is repealed:

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.