

**WSR 21-01-201
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 20-265—Filed December 22, 2020, 4:41 p.m., effective December 22, 2020, 4:41 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close recreational crabbing in Marine Area 2-1 and to open recreational crabbing in Marine Area 2 north of Point Chehalis.

Citation of Rules Affected by this Order: Repealing WAC 220-330-04000U; and amending WAC 220-330-040.

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 emergency rule is necessary because test results from the Washington department of health show that crab tested in Marine Area 1 and that portion of Marine Area 2 between Leadbetter Point and Point Chehalis, including Marine Areas 2-1 Willapa Bay and 2-2 Grays Harbor are not safe for human consumption. Levels of domoic acid, detected through routine testing have exceeded the federally established action level. This regulation also opens that portion of Marine Area 2 north of Point Chehalis as recent domoic acid results show crab to be below the action level and Washington department of health has approved an opening in the area. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 22, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-04000V 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 and that portion of Marine Area 2 between Leadbetter Point and Point Chehalis (46°53.18), including Marine Areas 2-1 Willapa Bay and 2-2 Grays Harbor.

(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;

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

REPEALER

The following section of Washington Administrative code is repealed:

WAC 220-340-04000U Crab—Areas and seasons. (20-254)

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.