

**WSR 21-06-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-25—Filed February 26, 2021, 4:02 p.m., effective February 26, 2021, 4:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends rules for coastal recreational crab fishery.

Citation of Rules Affected by this Order: Repealing WAC 220-330-04000X; 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: Based on recent marine toxin test results the Washington department of health (DOH) has determined that Dungeness crab are safe for human consumption in that portion of Marine Area 2 north of Point Chehalis and inside the Westport Boat Basin and recommends that sport crab fishing can remain open. In addition, DOH recommends that sport crab fishing remain closed in Marine Area 1, the portion of Marine Area 2-2 that is outside the Westport Boat Basin and the portion of Marine Area 2 between Point Chehalis and Leadbetter Point and Marine Area 2-1 (Willapa Bay). 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 26, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-04000Y 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, and 2-1 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 2-2 that is outside the Westport Boat Basin as defined in WAC 220-300-320 and that portion of Marine 2 from Point Chehalis to Leadbetter Point, including Marine Area 2-1 (Willapa Bay.)

(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 or any other method of catching crab 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 220-330-04000X Crab—Areas and seasons. (21-20)