

WSR 21-09-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-53—Filed April 15, 2021, 1:12 p.m., effective April 15, 2021, 1:12 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to remove evisceration requirements for commercially caught crab coast-wide.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000L and 220-340-45000B; and amending WAC 220-340-420 and 220-340-450.

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: The Washington department of health has determined that Dungeness crab in the areas open to harvest are now safe for human consumption. This allows for the removal of the evisceration requirement for crab in areas listed in previous versions of the regulation. Tribal special management area descriptions conform with recent state/tribal agreements.

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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 15, 2021.

Kelly Susewind
Director

NEW SECTION

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

(1) It is unlawful for a vessel to use more than 200 pots in the Makah SMA beginning immediately, until 8:00 A.M. April 17, 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

(2) It is unlawful for a vessel to use more than 300 pots in the area between Split Rock (47°24.50) and Raft River (47°28.00) shoreward of a line approximating the 27-fathom depth curve, from 8:00 a.m. April 3, 2021, until 8:00 a.m. May 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) It is unlawful for a vessel to use more than 100 pots in the area between the Copalis River (47°08.00') and Joe Creek (47°12.11') shoreward of a line approximating the 27-fathom depth curve, from 8:00 a.m. April 16, 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.

(4) It 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 am 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.

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

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Reviser's note: The unnecessary underscoring 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.

NEW SECTION

WAC 220-340-45000C 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., April 16, 2021, from the area shoreward of a line approximating the 27-fathom depth curve between Joe Creek (47°12.11) 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°12.11' N. Lat. 124°27.33' W. Lon.
- (d) Southeast Corner (Joe Creek): 47°12.11' N. Lat. 124°12.28' W. Lon.

(3) The Quileute special management area (SMA) is closed to fishing for Dungeness crab until 8:00 am May 1, 2021. The SMA includes the area shoreward of a line approximating the 30-fathom depth curve between Destruction Island and Cape Johnson according to the following points:

- (a) Northeast Corner (Cape Johnson): 47°58.00' N. Lat. 124°40.40' W. Lon.
- (b) Northwest Corner: 47°58.00' N. Lat. 124°49.00' W. Lon.
- (c) Southwest Corner: 47°40.50' N. Lat. 124°40.00' W. Lon.
- (d) Southeast Corner (Destruction Island): 47°40.50' N. Lat. 124°24.43' W. Lon.

(4) Effective immediately the Makah special management area (SMA) is open to fishing. The SMA includes the waters between 48°02.15 N. Lat. and 48°19.50 N. Lat. east of a line connecting those points and approximating the 25-fathom line according to the following coordinates:

- (a) Northeast Corner (Tatoosh Island)
 - (b) Northwest Corner: 48°19.50' N. Lat. 124°50.45' W. Lon.
 - (c) Southwest Corner: 48°02.15' N. Lat. 124°50.45' W. Lon.
 - (d) Southeast Corner: 48°02.15' N. Lat. 124°41.00' W. Lon.
- (5) It is unlawful to fish for Dungeness crab in the Westport Boat Basin as defined in WAC 220-300-320.

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

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REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-340-42000L Commercial crab fishery—Unlawful acts. (21-52)
- WAC 220-340-45000B Commercial crab fishery—Seasons and areas—Coastal. (21-52)