



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 16-66

- Immediately upon filing.
- Later (specify) May 1, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amend rules in the recreational spot shrimp fishery

Citation of existing rules affected by this order:

Repealed: WAC 220-56-32500X
 Amended: WAC 220-56-325
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Harvestable amounts of spot shrimp are available, but only enough recreational shares exist for a limited number of open days in the Marine Areas listed in this section. In addition, this emergency regulation opens the Marine Area 4, 5, 6 and 7 seasons one hour before sunrise (at 4:45 a.m.), which is the default daily start time for those areas the remainder of the season. There is insufficient time to adopt permanent rules.

Date adopted: April 5, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 05, 2016

TIME: 3:12 PM

WSR 16-08-114

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 220-56-32500X Shrimp--Areas and Seasons.

Notwithstanding the provisions of WAC 220-56-325, effective 12:01 a.m. May 1 through May 31, 2016, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and the Discovery Bay Shrimp District, except as provided for in this section:

- (1) Marine Areas 4 (east of the Bonilla-Tatoosh line), 5 and 6 (excluding the Discovery Bay Shrimp District): Open 4:45 a.m. May 14 through May 31.
- (2) The portion of Marine Area 7 south of a line from the Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, then west of a line projected true north and south from the western tip of Crane Island, then west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary: Open 4:45 a.m. May 14 through May 31.
- (3) The portion of Marine Area 7 north of a line from the Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, then east of a line projected true north and south from the western tip of Crane Island, then east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary:
 - (a) Open 4:45 a.m. May 14 through May 15; and
 - (b) Open May 18 through May 21;
 - (c) Open May 25 through May 28.
- (4) Marine Areas 8-1, 8-2 and 9:
 - (a) Open May 14 and May 18 from 7:00 a.m. through 3:00 p.m.
 - (b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on those open days in Marine Area 8-2.
- (5) Marine Area 10 and 11: Open May 14 from 7:00 a.m. through 3:00 p.m. .
- (6) Marine Area 12: Open May 14, 18, 28 and 30 from 9:00 a.m. through 1:00 p.m.
- (7) Marine Area 13: Open May 14, 18, 21 and 31 from 7:00 a.m. through 3:00 p.m.
- (8) Discovery Bay Shrimp District: Open May 14, 18, 28 and 30 from 7:00 a.m. through 3:00 p.m.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2016:

WAC 220-56-32500X Shrimp—Areas and Seasons.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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.

() That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Harvestable amounts of spot shrimp are available, but only enough recreational shares exist for a limited number of open days in the Marine Areas listed in this section. In addition, this emergency regulation opens the Marine Area 4, 5, 6 and 7 seasons one hour before sunrise (at 4:45 a.m.), which is the default daily start time for those areas the remainder of the season. There is insufficient time to adopt permanent rules.

(16-66, 4/5/2016)

