



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 05, 2020

TIME: 8:58 AM

WSR 20-10-085

Agency: Department of Fish and Wildlife (Order 20-68)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

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

- Yes No If Yes, explain:

Purpose: To partially reopen recreational fisheries, effective May 5, 2020, which were previously closed due to the COVID-19 situation and to comply with Governor Inslee's statewide proclamation to "stay home, stay healthy." Reopening some recreational fisheries is consistent with the Governor's proclamation amendment 20-25.2 for the partial reopening of outdoor recreational activities.

Additionally, there are specific recreational fisheries that will remain closed until the expiration of this emergency rule or until further notice. These include recreational fisheries for fish and shellfish in marine areas 1-4, Columbia River fisheries for crab and spring chinook, and Puget Sound fisheries for clams, mussels, and oysters.

Citation of rules affected by this order:

New:

Repealed: WAC 220-310-00100A; WAC 220-311-00100A; WAC 220-312-00100A; WAC 220-313-00100A;
WAC 220-314-00100A; WAC 220-315-00100A; WAC 220-316-00100A; WAC 220-320-00100A; WAC 220-330-00100A;
WAC 220-312-0600001

Amended: WAC 220-310-160; WAC 220-310-080; WAC 220-313-070; WAC 220-314-020; WAC 220-316-010;
WAC 220-330-010

Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This rule is needed to reopen recreational fishing opportunities, effective May 5, 2020, pursuant to the Governor's Proclamation amendment 20-25.2, issued April 27, 2020, indicating that recreational activities including fishing may resume, when and where permitted.

The Governor's proclamation amendment also includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety. The fishery openings considered that requirement as a basis for the decision to re-open fisheries, but do not incorporate those social distance elements within the regulations themselves. While not imposed in WDFW's fishery rules, they are and remain, a requirement of the Governor's Proclamation. Failure to abide by those social distance requirements could result in increased health risks requiring future fishery closures.

Coastal recreational fishing and shellfish harvesting activities as well as Puget Sound clam, oyster, and mussel seasons will remain closed until further notice, or until the rules expire on July 23, 2020, due to concerns of local and state health authorities and the lack of ability for appropriate monitoring because of COVID-19 restraints.

Additionally, the Columbia River spring chinook seasons are set through the Columbia River Compact process. WDFW intends to work with the State of Oregon through the Columbia River Compact process to consider the opening of spring chinook fishing seasons.

There is insufficient time to adopt permanent rules.

**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	___
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The number of sections adopted on the agency's own initiative:

New	6	Amended	___	Repealed	<u>10</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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	___

Date Adopted: May 5, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-310-16000A Daily limits of forage fish and other food fish not otherwise provided for.

Notwithstanding the provisions of WAC 220-310-160, effective May 5, 2020 until further notice, or until they expire on July 23, 2020: It is unlawful to fish for or possess forage fish or food fish not otherwise provided for in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.

NEW SECTION

WAC 220-310-08000B Game fish seasons—General rules.

Notwithstanding the provisions of WAC 220-310-080, effective May 5, 2020 until further notice, or until they expire on July 23, 2020: It is unlawful to fish for or possess game fish in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.

NEW SECTION

WAC 220-313-07000V Coastal salmon—Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 220-313-070, effective May 5, 2020 until further notice, or until they expire on July 23, 2020: It is unlawful to fish for or possess salmon in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.

NEW SECTION

WAC 220-314-02000F Possession limit—Bottomfish.

Notwithstanding the provisions of WAC 220-314-020 and WAC 220-314-040, effective May 5, 2020 until further notice, or until they expire on July 23, 2020: It is unlawful to fish for or possess bottomfish or other food fish in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.

NEW SECTION

WAC 220-316-01000A Sturgeon—Areas, seasons, limits and unlawful acts.

Notwithstanding the provisions of WAC 220-316-010, effective May 5, 2020 until further notice, or until they expire on July 23, 2020: It is unlawful to fish for or possess sturgeon in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.

NEW SECTION

WAC 220-330-01000G Shellfish—Daily limits.

Notwithstanding the provisions of WAC 220-330-010, WAC 220-330-040, WAC 220-330-070, 220-330-090, 220-330-110, 220-330-140, WAC 220-330-180, effective May 5, 2020 until further notice, or until they expire on July 23, 2020:

- (a) It is unlawful to harvest or attempt to harvest shellfish in Marine Areas 1, 2, 2-1, 2-2, 3, and 4.
- (b) It is unlawful to harvest or attempt to harvest Dungeness crab in the Columbia River.
- (c) It is unlawful to harvest or attempt to harvest clams, mussels, and oysters in Marine Areas 5, 6, 7, 8, 8-1, 8-2, 9, 10, 11, 12, and 13.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m., May 5, 2020:

WAC 220-310-00100A Personal-use fisheries – General rules – Closure (20-53)

WAC 220-311-00100A Personal-use fisheries – Marine specific rules – Closure (20-53)

WAC 220-312-00100A Personal-use fisheries – Freshwater specific rules – Closure (20-53)

WAC 220-313-00100A Personal-use fisheries – Salmon – Closure (20-53)

WAC 220-314-00100A Personal-use fisheries – Halibut and bottomfish – Closure (20-53)

WAC 220-315-00100A Personal-use fisheries – Forage fish – Closure (20-53)

WAC 220-316-00100A Personal-use fisheries – Sturgeon – Closure (20-53)

WAC 220-320-00100A Shellfish – Definitions, classifications and general rules – Closure (20-53)

WAC 220-330-00100A Personal-use shellfish – Closure (20-53)

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia (20-45)