



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 22, 2020

TIME: 5:13 PM

WSR 20-12-013

Agency: Department of Fish and Wildlife (Order 20-88)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 26, 2020

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

- Yes No If Yes, explain:

Purpose: To reopen recreational fisheries in Marine Areas 1 through 3, effective May 26, 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 these recreational fisheries is consistent with the Governor's proclamation amendment 20-25.2 for the partial reopening of outdoor recreational activities.

This rule returns coastal fisheries (Marine Areas 1 through 3) to permanent rules, unless otherwise amended. The recreational fisheries reopening under this emergency rule include coastal bottomfish, sturgeon, gamefish, forage fish, coastal and Columbia River crab, coastal shrimp, other coastal food fish and shellfish. All recreational fish and shellfish fisheries in Marine Area 4, and recreational clam, mussel, and oyster fisheries in Marine Areas 5 through 13 will remain closed until the expiration of this emergency rule or until further notice.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-310-16000A; WAC 220-310-08000B; WAC 220-313-07000V; WAC 220-314-02000F; WAC 220-316-01000A; WAC 220-330-01000G; WAC 220-330-01000H
- Amended: 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 coastal recreational fishing opportunities in Marine Areas 1 through 3, as well as crab harvest in the Columbia River, effective May 26, 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. In addition, these openings have been coordinated with local and state health officials.

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.

Puget Sound (Marine Areas 5 through 13) clam, oyster, and mussel seasons will remain closed until further notice, or until the rule expires 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.

All recreational fish and shellfish fisheries in Marine Area 4 remain closed until further notice, or until the rule expires on July 23, 2020, due to concerns of local and state health authorities.

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	1	Amended	___	Repealed	7
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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 22, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective May 26 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-310-160, regarding forage fish and food fish seasons in Marine Area 4, shall be as described below. All other provisions of WAC 220-310-160 not addressed herein, or unless otherwise amended, remain in effect:

It is unlawful to fish for or possess forage fish or food fish not otherwise provided for in Marine Area 4.

NEW SECTION

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

Effective May 26 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-310-080, regarding game fish seasons in Marine Area 4, shall be as described below. All other provisions of WAC 220-310-080 not addressed herein, or unless otherwise amended, remain in effect:

It is unlawful to fish for or possess game fish in Marine Area 4.

NEW SECTION

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

Effective May 26 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-313-070, regarding salmon seasons in Marine Area 4, shall be as described below. All other provisions of WAC 220-313-070 not addressed herein, or unless otherwise amended, remain in effect:

It is unlawful to fish for or possess salmon in Marine Areas 4.

NEW SECTION

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

Effective May 26 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-314-020 and WAC 220-314-040, regarding bottomfish seasons in Marine Area 4, shall be as described below. All other provisions of WAC 220-314-020 and WAC 220-314-040 not addressed herein, or unless otherwise amended, remain in effect:

It is unlawful to fish for or possess bottomfish or other food fish in Marine Area 4.

NEW SECTION

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

Effective May 26 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-316-010, regarding bottomfish seasons in Marine Area 4, shall be as described below. All other provisions of WAC 220-316-010 not addressed herein, or unless otherwise amended, remain in effect:

It is unlawful to fish for or possess sturgeon in Marine Area 4.

NEW SECTION

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

Effective May 26, 2020 and until further notice, or until this expires on July 23, 2020 the following provisions of WAC 220-330-010, WAC 220-330-040, WAC 220-330-070, 220-330-090, 220-330-110, 220-330-140, and WAC 220-330-180, regarding all shellfish seasons in Marine Area 4 and clam, mussel and oyster seasons in Marine Areas 5 through 13, shall be as described below. All other provisions of WAC 220-330-010, WAC 220-330-040, WAC 220-330-070, 220-330-090, 220-330-110, 220-330-140, and WAC 220-330-180 not addressed herein, or unless otherwise amended, remain in effect:

- (a) It is unlawful to harvest or attempt to harvest shellfish in Marine Area 4.
- (b) 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 section of the Washington Administrative Code is repealed effective immediately:

WAC 220-330-01000H Shellfish—Daily limits. (20-87)

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m., May 26, 2020:

WAC 220-310-16000A Daily limits of forage fish and other food fish not otherwise provided for. (20-68)

WAC 220-310-08000B Game fish seasons—General rules. (20-68)

WAC 220-313-07000V Coastal salmon—Saltwater seasons and daily limits. (20-68)

WAC 220-314-02000F Possession limit—Bottomfish. (20-68)

WAC 220-316-01000A Sturgeon—Areas, seasons, limits and unlawful acts. (20-68)

WAC 220-330-01000G Shellfish—Daily limits. (20-68)