



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: June 15, 2020

TIME: 5:27 PM

WSR 20-13-068

Agency: Department of Fish and Wildlife (Order 20-100)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 20, 2020

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

- Yes
 - No
- If Yes, explain:

Purpose: This rule is needed to reopen recreational fisheries in Marine Area 4, effective June 20, 2020, which was 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. Additionally, Clallam county entered Phase 2 of the Governor’s reopening plan on June 1.

This rule returns Marine Area 4 fish and shellfish fisheries to permanent rules, unless otherwise amended by emergency rule. The recreational fisheries reopening under this emergency rule include coastal bottomfish, sturgeon, gamefish, forage fish, coastal crab, coastal shrimp, other coastal food fish and shellfish.

Citation of rules affected by this order:

New:

Repealed: WAC 220-310-16000B; WAC 220-310-08000C; WAC 220-313-07000W; WAC 220-314-02000G; WAC 220-316-01000B; WAC 220-330-01000J

Amended:

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 in Marine Area 4, effective June 20, 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.

Marine Areas 1-4 remain closed to recreational halibut fishing in permanent rules.

Additionally, it is WDFW's understanding that the Makah tribal reservation, which includes the port of Neah Bay, remains closed to non-tribal members. Therefore, while Marine Area 4, both east and west of the Bonilla-Tatoosh Line, is reopening under this emergency rule, anglers will need to access Area 4 from Marine Areas 3 or 5.

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	___
-----	-----	---------	-----	----------	-----

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

New		Amended	___	Repealed	6
-----	--	---------	-----	----------	---

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	___

Date Adopted: June 15, 2020

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



REPEALERS

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m., June 20, 2020:

WAC 220-310-16000B Daily limits of forage fish and other food fish not otherwise provided for. (20-88)

WAC 220-310-08000C Game fish seasons—General rules. (20-88)

WAC 220-313-07000W Coastal salmon—Saltwater seasons and daily limits. (20-88)

WAC 220-314-02000G Possession limit—Bottomfish. (20-88)

WAC 220-316-01000B Sturgeon—Areas, seasons, limits and unlawful acts. (20-88)

WAC 220-330-01000J Shellfish—Daily limits. (20-94)