



# 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 17, 2020

TIME: 12:18 PM

WSR 20-14-001

**Agency:** Department of Fish and Wildlife (Order 20-112)

**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 open recreational shrimp fisheries in Marine Area 4 East of the Bonilla-Tatoosh Line, effective June 20, 2020. Typically, these fisheries open in May each year. Due to the COVID-19 situation, all recreational fisheries have been closed in Marine Area 4 since March 25, 2020. This rule is consistent with the Governor's proclamation amendment 20-25.2 for partial reopening of outdoor recreational activities and Clallam County entering Phase 2 of the Governor's reopening plan on June 1. Marine Area 4 fisheries are scheduled to reopen per permanent rules beginning June 20, 2020 per WSR 20-13-068. This rule is also consistent with 2020 State/Tribal Shrimp harvest Management Plan.

**Citation of rules affected by this order:**

New:  
Repealed: WAC 220-330-07000W  
Amended: WAC 220-330-070  
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 shrimp opportunities in Marine Area 4 East of the Bonilla-Tatoosh Line, 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.

This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of open days in the Marine Areas listed in this section. In addition, this emergency regulation opens the Marine Area 4 East of the Bonilla-Tatoosh Line, 5, 6 and 7 seasons one hour before sunrise to one hour after sunset, which is the default daily start time and times for those areas. Marine Area 13 will remain closed for spot shrimp for conservation reasons.

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

New	1	Amended	___	Repealed	1
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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:** June 17, 2020

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-330-07000X Shrimp—Areas and Seasons.**

Effective June 20, 2020 until further notice or until this rule expires on October 15, 2020, the provisions of WAC 220-330-070 regarding Puget Sound recreational shrimp seasons, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

- (1) Marine Area 4: Open June 20 until further notice for all shrimp species.
- (2) Marine Area 5: Open immediately until further notice for all shrimp species.
- (3) Marine Area 7 South: Open June 26, 28, and 30 for all shrimp species.
- (4) Marine Area 7 East:
  - (a) Open June 26, 28, and 30 for all shrimp species.
  - (b) Open July 1 until further notice to harvest of all shrimp species except spot shrimp, with a 200-foot maximum fishing depth restriction. All spot shrimp caught from July 1 onward must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.
- (5) Marine Areas 6 (excluding the Discovery Bay Shrimp District) and 7 West: Effective immediately until further notice, open Thursdays through Sunday each week for all shrimp species until quota is attained.
- (6) Marine Areas 8-1 and 8-2: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp caught from June 16 onward must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.
- (7) Marine Area 9: Open immediately until further notice to harvest of all shrimp species except spot shrimp with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.
- (8) Marine Area 11: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.
- (9) Marine Area 12: Open June 26, 28 and July 15, 28 from 9:00 a.m. through 1:00 p.m. for all shrimp.
- (10) Discovery Bay Shrimp District: Open June 28 from 7:00 a.m. through 3:00 p.m. for all shrimp.
- (11) Marine Area 13: Open immediately until further notice to harvest of all species except spot shrimp with a 200-foot maximum fishing depth restriction. All spot shrimp caught must be

returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

#### REPEALER

The following section of Washington Administrative Code is repealed, effective June 20, 2020:

WAC 220-330-07000W Shrimp—Areas and Seasons. (20-86)