



# 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: July 21, 2020

TIME: 12:38 PM

WSR 20-15-136



**Agency:** Department of Fish and Wildlife (Order 20-140)

**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:** The purpose of this rule is to close recreational shrimp seasons in Marine Area 12 as harvest targets have been achieved.

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

New:  
 Repealed: WAC 220-330-07000A; WAC 220-330-07000B  
 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 regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. In Puget Sound, only Marine Area 4 (east of the Bonilla-Tatoosh line) and Marine Area 5 remain open for spot shrimp harvest. This rule closes Marine Area 12 to all shrimp harvest due to having reached 2020 harvest quota and maintains closure of all areas which are estimated to have reached their 2020 spot shrimp harvest targets. This rule also maintains areas currently open to the harvest of non-spot shrimps using ½ inch mesh pots with depth restrictions specific to each marine area. In addition, this emergency rule allows non-spot shrimp opportunities to take place one hour before sunrise to one hour after sunset, which is the default daily times for those areas by permanent rule. Marine Area 13 will remain closed for spot shrimp for conservation reasons.

The immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

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	<u>2</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	___

<b>Date Adopted:</b> July 21, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-330-070, effective immediately until further notice, or until this rule expires on October 16, 2020, 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 portion of Marine Area 6, except as provided for in this section. All other provisions of WAC 220-330-070 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Marine Area 4 (east of the Bonilla-Tatoosh line) and 5: Open daily until further notice for all shrimp species.
- (2) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open until further notice to the harvest of all shrimp species except spot shrimp with a 200 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.
- (3) Marine Area 6 (within the Discovery Bay Shrimp District): Closed to the harvest of all species of shrimp.
- (4) Marine Area 7 East: Open until further notice to harvest of all shrimp species except spot shrimp with a 200 foot maximum fishing depth restriction. All spot shrimp caught 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 Area 7 South: Closed to the harvest of all species of shrimp.
- (6) Marine Area 7 West: Closed to the harvest of all species of shrimp.
- (7) Marine Areas 8-1 and 8-2: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught 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 9: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught 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 10: Closed to the harvest of all species of shrimp.

- (10) Marine Area 11: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.
- (11) Marine Area 12: Closed to the harvest of all species of shrimp.
- (12) Marine Area 13: Open 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.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:  
WAC 220-330-07000A Shrimp—Areas and Seasons. (20-130)

The following section of the Washington Administrative Code is repealed effective October 16, 2020:  
WAC 220-330-07000B Shrimp—Areas and Seasons. (20-140)