



**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: September 01, 2020

TIME: 4:40 PM

WSR 20-18-084

Agency: Department of Fish and Wildlife (Order 20-173)

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 open all-depth/all shrimp species seasons in Marine Areas 7E and 7W, from September 10 through September 14, 2020.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-330-07000C; WAC 220-330-07000D
 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. This rule opens Marine Areas 7E and 7W on specified days in September to harvest remaining spot shrimp quota in these areas. Additionally, this rule maintains areas currently open to the harvest of non-spot shrimps using 1/2 inch mesh pots with depth restrictions specific to each marine area. This emergency regulation allows spot and 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.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing 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 ____

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

New 1 Amended ____ Repealed 2

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: September 1, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-330-07000D 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 species of shrimp.
- (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. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.
- (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 September 10, 11, 12, 13, and 14 for all shrimp species with no fishing depth restriction. Open until further notice, except for September 10, 11, 12, 13, and 14, to the harvest of all shrimp species except spot shrimp with a 200-foot maximum fishing depth restriction. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught before September 10 or after September 14 must be immediately returned to the water unharmed.
- (5) Marine Area 7 South: Closed to the harvest of all species of shrimp.
- (6) Marine Area 7 West: Open September 10, 11, 12, 13, and 14 for 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. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.
- (8) Marine Area 9: Open until further notice to the harvest of all shrimp species except spot shrimp with a 150-foot maximum fishing depth restriction. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.
- (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. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.
- (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. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be returned to the water unharmed.

REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 220-330-07000C Shrimp—Areas and Seasons. (20-152)

The following section of the Washington Administrative Code is repealed effective October 16, 2020:

WAC 220-330-07000D Shrimp—Areas and Seasons.