



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 17, 2023

TIME: 9:17 AM

WSR 23-15-071

Agency: Department of Fish and Wildlife (Order 23-129)

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: Puget Sound recreational shrimp season

Citation of rules affected by this order:

New:
Repealed: WAC 220-330-07000T, WAC 220-330-02000D
Amended: WAC 220-330-070, WAC 220-330-020
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 opens an additional day for recreational all shrimp fishing (including spot shrimp) in the Discovery Bay Shrimp District from 9:00 a.m. through 3:00 p.m. on July 25. This also opens recreational all shrimp fishing (including spot shrimp) in Marine Area 8-1, Marine Area 8-2, and the Elliott Bay portion of Marine Area 10 from 9:00 a.m. through 1:00 p.m. on July 25. The opening of the Elliott Bay portion of Marine Area 10 will be subject to a maximum of 2 pots per boat instead of the usual 4 pots per boat to stay within the remaining state share. This rule also opens Marine Area 7 West and a portion of Marine Area 7 South to harvest of all shrimp (including spot shrimp) from August 7 through August 14. It maintains the open non-spot shrimp fisheries in Marine Areas 7 East, 9, 11, and 13 with associated non-spot shrimp fishing depth restrictions. It opens Marine Areas 8-1 and 8-2 for non-spot shrimp fisheries with the appropriate depth restriction on July 26 after the all shrimp fishing (including spot shrimp) has concluded. This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. 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	2	Amended	___	Repealed	2
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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: July 17, 2023

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-330-070, effective immediately, until further notice, 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 Areas 4 (east of the Bonilla-Tatoosh line) and 5: Open daily, from 1 hour before official sunrise to 1 hour after official sunset, until further notice for all shrimp species.
- (2) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open from 1 hour before official sunrise to 1 hour after official sunset on July 21 through July 25 for all shrimp species.
- (3) Marine Area 6 (Discovery Bay Shrimp District): Open on July 25 from 9:00 a.m. to 3:00 p.m. only for all shrimp species.
- (4) Marine Area 7 South: Only that portion of Marine Area 7 South that is west of a line projected due south from Point Colville on Lopez Island and east of a line projected due south from Cattle Point on San Juan Island, will open from 1 hour before official sunrise to 1 hour after official sunset on August 7 through August 14 for all shrimp species.
- (5) Marine Area 7 West: Open from 1 hour before official sunrise to 1 hour after official sunset on August 7 through August 14 for all shrimp species.
- (6) Marine Area 7 East: Open daily through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time 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.
- (7) Marine Areas 8-1 and 8-2:
 - (a) Open July 25 from 9:00 a.m. to 1:00 p.m. for all shrimp species.
 - (b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on July 25 in Marine Area 8-2.
 - (c) Open daily from July 26 through October 15 for shrimp species other than spot shrimp with a 175-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.
- (8) Marine Area 9: Open daily through October 15 for shrimp species other than spot shrimp with a 150-foot maximum fishing depth restriction. During this time 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) The Elliott Bay portion of Marine Area 10, east of a line projected from West Point southerly to Alki Point: Open on July 25 from 9:00 a.m. to 1:00 p.m. only for all shrimp species.
- (10) Marine Area 11: Open daily through October 15 for shrimp species other than spot shrimp with a 150-foot maximum fishing depth restriction. During this time 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 13: Open daily through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time 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.

NEW SECTION

WAC 220-330-02000D Crab, shrimp, crawfish—Gear and gear-related unlawful acts.

Notwithstanding the provisions of WAC 220-330-020, effective only on July 25, 2023 it is unlawful to have on board or to fish for shrimp with more than 2 shrimp pots in Marine Area 8-1, Marine Area 8-2, and the Elliott Bay portion of Marine Area 10, east of a line projected from West Point southerly to Alki Point.

REPEALERS

The following section of the Washington Administrative Code is repealed:

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

The following section of the Washington Administrative Code is repealed, effective July 26, 2023:

WAC 220-330-02000D Crab, shrimp, crawfish—Gear and gear-related unlawful acts.