

**WSR 21-17-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-141—Filed August 6, 2021, 11:53 a.m., effective August 6, 2021, 11:53 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Opens recreational spot and nonspot shrimp harvest in Marine Areas 6, 7 South, 8-1, and 8-2.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000I and 220-330-02000A; and amending WAC 220-330-070 and 220-330-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of days in the Marine Areas 6, 7 South, 8-1, and 8-2. Marine Areas 8-1 and 8-2 will open with a reduced pot limit to stay within the remaining share. In addition, this emergency regulation opens the Marine Area 5, 6, and 7 South seasons one hour before sunrise to one hour after sunset, which is the default daily start time and end time for those areas. This regulation opens the recreational nonspot shrimp fisheries on the dates listed for Marine Areas 7 East, 8-1, 8-2, 9, 11, and 13 only. The nonspot shrimp fisheries have maximum depth restrictions specific to each area to limit capture and handling of spot shrimp. Spot shrimp must be immediately released unharmed during nonspot shrimp seasons. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000J Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-330-070, effective immediately through October 15, 2021, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Ta-toosh 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 5:

Open through Sept 15 for all shrimp species.

(2) Marine Areas 6 (excluding the Discovery Bay Shrimp District):

(a) Open August 11 through August 14 for all shrimp species

(b) Open August 26 through August 28 for all shrimp species

(3) Marine Area 7 South:

Open August 11 through August 14 for all shrimp species

(4) Marine Area 7 East:

Open through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During these times 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.

(5) Marine Areas 8-1 and 8-2:

(a) Open from 11:00 am through 3:00 pm on Aug 11 for all shrimp species.

(b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on August 11 in Marine Area 8-2.

(c) Open through August 10 and again August 12 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.

(6) Marine Area 9:

Open June 3 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.

(7) Marine Area 11:

Open June 3 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.

(8) Marine Area 13:

Open June 1 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 220-330-02000B Shrimp—Gear and gear-related unlawful acts.**

Notwithstanding the provisions of WAC 220-330-020, it is unlawful for the operator of any boat from which shrimp pots are set, fished, or pulled to have on board or to fish more than 2 shrimp pots in Marine Areas 8-1 and 8-2 on August 11.

[]

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-330-07000I Shrimp—Areas and seasons. (21-110)

WAC 220-330-02000A Shrimp—Gear and gear-related unlawful acts. (21-110)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.