

WSR 23-15-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-129—Filed July 17, 2023, 9:17 a.m., effective July 17, 2023, 9:17 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Puget Sound recreational shrimp season.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000T and 220-330-02000D; 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 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 Areas 8-1, 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 two pots per boat instead of the usual four 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 nonspot shrimp fisheries in Marine Areas 7 East, 9, 11, and 13 with associated nonspot shrimp fishing depth restrictions. It opens Marine Areas 8-1 and 8-2 for nonspot 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 2.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: July 17, 2023.

Kelly Susewind
Director

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.

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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.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-330-07000T Shrimp—Areas and seasons. (23-90)

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.