



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 10-92**

- 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:** Amend commercial fishing rules

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

Repealed: WAC 220-52-05100B  
 Amended: WAC 220-52-051, WAC 220-52-075, WAC 220-69-240  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.047 and RCW 77.04.020

**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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The 2010 State/Tribal Shrimp Harvest Management Plans for the Strait of Juan de Fuca and North Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule: (1) opens the pot fishery season for non-spot shrimp; (2) changes the phone number for shrimp daily catch reporting and purchase reporting by original receivers in Shrimp Management Areas 3, 4 and 6, so all Puget Sound shrimp pot catch phone reports go to one number; and (3) changes the shrimp accounting week, and allows text messaging of daily catch report hails. There is insufficient time to adopt permanent rules.

**Date adopted:** April 26, 2010

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 26, 2010

**TIME:** 3:18 PM

**WSR 10-10-028**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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

New	<u>3</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

**WAC 220-52-05100C Puget Sound Shrimp pot and beam trawl fishery—season.**

Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

- (1) Shrimp pot gear:
  - (a) All waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 are open to the harvest of all shrimp species from 7:00 a.m. May 1, 2010, until further notice.
  - (b) All waters of Shrimp Management Areas 1B, 1C, 2E, 2W, 3, 4, and 6 outside the Discovery Bay Shrimp District are open to the harvest of all non-spot shrimp species from 7:00 a.m. May 1, 2010, until further notice, except as provided for in this section:
    - i) In Marine Fish/Shellfish Management and Catch Reporting Area 22A, closed through June 15, 2010, in waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island, following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Blakely Island.
    - ii) All waters of Catch Areas 23A-E, 23A-W, and 23A-C are closed.
  - (c) The shrimp accounting week is Tuesday through Monday.
  - (d) It is unlawful to pull shellfish pots for commercial purposes in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information:
    - (i) The number of pots being moved to a new area; and
    - (ii) The Marine Fish-Shellfish Management and Catch Reporting Area the pots are being moved to.
  - (e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area, except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(d) above.
- (2) Shrimp beam trawl gear:
  - (a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open, effective immediately until further notice. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.
  - (b) That portion of Catch Area 22A within SMA 1B east of a line projected 122°.47' W longitude and west of a line projected 122°.43' W longitude in Rosario Strait will open at 7:00 a.m. May 1, 2010, until further notice.
  - (c) That portion of Catch Area 22A within SMA 1B is open effective 7:00 a.m. May 16, 2010, until further notice.

- (3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

## NEW SECTION

### **WAC 220-52-07500I Shellfish harvest logs.**

Notwithstanding the provisions of WAC 220-52-075, effective immediately until further notice, it is unlawful for vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear to fail to report their daily catch by telephone before leaving the last catch site fished each day, in the following manner:

- (1) For harvest in Shrimp Management Areas 3, 4 or 6, reports must be made to the voice recorder at the La Conner district office: 360-446-4345, ext. 245.
- (2) A text message of the daily catch may be sent in lieu of voice mail hailing. Text message hails can be sent to [shrimpreport@dfw.wa.gov](mailto:shrimpreport@dfw.wa.gov). Reports must include fisher name, catch area fished, pounds of shrimp in possession by species, and the port where the catch will be landed or sold.

## NEW SECTION

### **WAC 220-69-24000T Duties of commercial purchasers and receivers.**

Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice, it is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report in the following manner:

- (1) For Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Tuesday. For harvest in Shrimp Management Areas 1A, 1B, 1C, 2E, 2W, 3, 4 or 6, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, plus the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.
- (2) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Shrimp Management Areas 1B, 1C or 3, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area, and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100B Puget Sound Shrimp beam trawl fishery - season. (10-78)

---

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

: (a) 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.

9 (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The 2010 State/Tribal Shrimp Harvest Management Plans for the Strait of Juan de Fuca and North Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule: (1) opens the pot fishery season for non-spot shrimp; (2) changes the phone number for shrimp daily catch reporting and purchase reporting by original receivers in Shrimp Management Areas 3, 4 and 6, so all Puget Sound shrimp pot catch phone reports go to one number; and (3) changes the shrimp accounting week, and allows text messaging of daily catch report hails. There is insufficient time to adopt permanent rules.

**(10-92, 4/26/2010)**