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 10-205
☒ 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Repealed: WAC 220-52-05100J
Amended: WAC 220-52-051
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 Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule closes the spot shrimp season in SMA 1C, 2W and Catch Area 23A-W, reopens the non-spot shrimp season in SMA 1B, as the quotas will be reached, and lowers the spot shrimp weekly limits in some areas to prevent overharvest of the area quotas. There is insufficient time to adopt permanent rules.

Date adopted: August 12, 2010

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 11, 2010
TIME: 9:38 AM

WSR 10-17-053

(COMPLETE REVERSE SIDE)

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 in the agency's own initiative:

New 1 Amended _____ Repealed 1

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	_____

N E W S E C T I O N

WAC 220-52-05100K 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) Effective immediately, all waters of Shrimp Management Areas 1A, 1B,1C, 2W, 3, 4, and 6 are open to the harvest of all shrimp species until further notice, except as provided for in this section:

(i) All waters of Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area) 23A-E, 23A-W and the Discovery Bay Shrimp District are closed.

(ii) All waters of Shrimp Management Area (SMA) 1B, Catch Areas 23B and 25A are closed to the harvest of spot shrimp.

(iii) Effective 11:59 p.m. August 16, 2010, all waters of SMA 1C and 2W are closed to the harvest of spot shrimp.

(iv) Effective 11:59 p.m. August 16, 2010, all waters of SMA 1A are closed to the harvest of all shrimp species, except that those waters of SMA 1A south of line projected at 48°.31.5’ N latitude are open to the harvest of all species except spot shrimp.

(b) Effective immediately until further notice, only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1-¾ inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite knot of one mesh, when the mesh is stretched vertically.

(c) The shrimp accounting week is Tuesday through Monday.

(d) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, except in the following areas:

i) It is unlawful for the total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 350 lbs per week in Catch Area 23A-C.

ii) Effective immediately, until 11:59 p.m. August 16, 2010, it is unlawful for the total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds per week in SMA 1A, and 1C, or to exceed 350 lbs per week in SMA 2W.

(e) It is unlawful to pull shellfish pots for commercial purposes in more than one Catch Area per day. Fishers may move all of their shellfish pot gear from one Catch Area to another Catch 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 Catch Area the pots are being moved to.

(f) It is unlawful to set or pull shellfish pots in one Catch Area while in possession of shrimp harvested from another Catch Area, except that shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section (1)(e) above.

(2) Shrimp beam trawl gear:
   (a) SMA 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open 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) All waters of Catch Area 20A are open.

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

R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100J Puget Sound shrimp pot and beam trawl fishery—season. (10-202)

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( ) 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.

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(10-205, 8/12/2010)