



# 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 10-258**

- 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Repealed: WAC 220-52-05100P  
 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 beam trawl fishery in Shrimp Management Area 1B, as the quota has been reached. In addition, this emergency rule closes the non-spot shrimp pot fishery season in the remaining open areas of Puget Sound, and the beam trawl fishery in Catch Area 20A, on October 15 to protect egg-bearing females as per the Puget Sound Shrimp Management Plans. There is insufficient time to adopt permanent rules.

**Date adopted:** September 28, 2010

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 28, 2010**

**TIME: 4:00 PM**

**WSR 10-20-066**

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

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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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:**

<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 220-52-05100Q 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, until 6:00 p.m. October 15, 2010, all waters of Shrimp Management Areas (SMA) 2W, 3 and 6 are open to the harvest of all shrimp species except spot shrimp, except as provided for in this section:

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

(b) Effective immediately until 6:00 p.m. October 10, 2010, all waters of SMA 1B, 1C and 2E are open to the harvest of all species except spot shrimp. It is unlawful for the combined total harvest of shrimp by a fisher and/or the fisher's alternate operator to exceed 1,200 pounds in SMA 1B and 1C, or to exceed 600 pounds in SMA 2E during this open period.

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

(d) It is unlawful to pull shellfish pots for commercial purposes in more than one Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Catch Reporting Area to another Catch Reporting Area if a harvest activity 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.

(e) It is unlawful to set or pull shellfish pots in one Catch Reporting Area while in possession of shrimp harvested from another Catch Reporting Area, except that 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) SMA 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Reporting Area 23D) is open immediately until further notice. Sequim Bay includes those waters of Catch Reporting Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.

(b) All waters of Catch Area 20A are open, effective immediately, until 6:00 p.m. October 15, 2010.

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

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100P Puget Sound shrimp pot and beam trawl fishery—season. (10-235)

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### **EMERGENCY RULE ONLY**

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(x) 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 beam trawl fishery in Shrimp Management Area 1B, as the quota has been reached. In addition, this emergency rule closes the non-spot shrimp pot fishery season in the remaining open areas of Puget Sound, and the beam trawl fishery in Catch Area 20A, on October 15 to protect egg-bearing females as per the Puget Sound Shrimp Management Plans. There is insufficient time to adopt permanent rules.

**(10-258, 9/28/2010)**

