



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 13-248

- 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Repealed: WAC 220-52-05100K, 220-52-05100L, 220-52-07500M, 220-52-07500N, 220-69-24000E, 220-69-24000F
 Amended: WAC 220-52-051, 220-52-075, 220-69-240
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020 and 77.12.047

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 year 2009, 2010, 2011, 2012, or 2013, 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 2013 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 (1) closes beam trawl Catch Area 1B-21A/22A, as the quota has been reached; (2) reopens beam trawl area 1B-20B to harvest the relatively small amount of quota remaining; and (3) closes the non-spot shrimp pot fishery season in the remaining open areas of Puget Sound, and the beam trawl fishery in Shrimp Management Areas 1 and 3 to protect egg-bearing females as per the Shrimp Management Plans. (4) up-dates fax number for reporting. There is insufficient time to adopt permanent rules.

Date adopted: September 25, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: September 25, 2013

TIME: 1:43 PM

WSR 13-20-044

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

New	<u>3</u>	Amended	_____	Repealed	<u>6</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-52-05100L 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 Shrimp Management Areas 2W and 3 are open to the harvest of all shrimp species, effective immediately, until 6:00 p.m. October 15, 2013, except as provided for in this section:
 - i) All waters of the Discovery Bay Shrimp District are closed;
 - ii) All waters of Shrimp Management Areas 2W and 3 are closed to the harvest of spot shrimp;
 - (d) It is unlawful to pull shellfish pots in more than one catch area per day.
- (2) The following areas are open to Shrimp beam trawl gear, effective immediately, until further notice.
 - (a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D). Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.
 - (b) Effective immediately, until 6:00 p.m. September 28, 2013, that portion of Catch Areas 20B within SMA 1B.
 - (c) Effective immediately, until 6:00 p.m. October 15, 2013, all waters of Catch Area 20A.
- (3) It is unlawful to sell shrimp taken under this section to any person who is not a licensed Washington wholesale fish dealer.

NEW SECTION

WAC 220-52-07500N 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 text message, e-mail or FAX to WDFW by 10:00 a.m. the day after the shrimp are harvested. Text message and e-mail daily catch reports must be submitted to shrimpreport@dfw.wa.gov, and FAX reports must be transmitted to FAX number 360-302-3031. Daily catch reports must include the following information as it is recorded on the fish receiving ticket: Fisher name, buyer name, pounds landed per shrimp species, catch area, date of harvest, date of sale, and complete fish ticket serial number, including the first alphanumeric letter. If the fish receiving ticket is faxed as the daily harvest report, the date of harvest must be recorded on the bottom half of the ticket.

WAC 220-69-24000F 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: All buyers of shrimp taken by pot gear (including fishers who buy their own catch) are no longer required to report the previous week's purchases by phone or FAX.
- (2) Puget Sound shrimp - Trawl gear: All buyers of shrimp taken by trawl gear (including fishers who buy their own catch) must report the previous day's purchases by 10:00 a.m. the following morning. Reports must be made by text message, e-mail or FAX. Text message and e-mail reports must be submitted to shrimpreport@dfw.wa.gov, and FAX reports must be transmitted to FAX number 360-302-3031. Reports must include dealer name, fisher name, pounds sold per shrimp species, catch area, date sold, and the complete fish ticket serial number, including the first alphanumeric letter. Violation of this subsection is a gross misdemeanor, punishable under RCW [77.15.560](#).

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-05100K Puget Sound Shrimp beam trawl fishery-season. (13-229)

WAC 220-52-07500M Shellfish harvest logs. (13-209)

WAC 220-69-24000E Duties of commercial purchasers and receivers. (13-209)

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 31, 2013:

WAC 220-52-05100L Puget Sound shrimp beam trawl fishery - season.

WAC 220-52-07500N Shellfish harvest logs.

WAC 220-69-24000F Duties of commercial purchasers and receivers.

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, 2012, or 2013 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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(13-248, 9/25/2013)

