



# 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 14-154**

- Immediately upon filing.
- Later (specify) 11:59 p.m. June 24, 2014

**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Repealed: WAC 220-52-05100Q  
 Amended: WAC 220-52-051  
 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 2014 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) Opens the pot fishery season for spot shrimp; (2) Implements a spot shrimp biweekly limit for all areas; and (3) Reopens the non-spot pot fishery in Shrimp Management Area 2E for four days with a 350 lb. limit. There is insufficient time to adopt permanent rules.

**Date adopted:** June 24, 2014

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 24, 2014**

**TIME: 3:11 PM**

**WSR 14-14-036**

(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:**

<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 220-52-05100R 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 5:59 a.m. July 1, 2014, all waters of Shrimp Management Areas 2E, 2W, 3, 4, and 6 are open to the harvest of all non-spot shrimp species, except as provided below:
    - (i) All waters of Catch Areas 23A-E, 23A-W, 23A-C and the Discovery Bay Shrimp District are closed.
    - (ii) Effective 6:00 p.m. June 28, 2014, all waters of Shrimp Management Area 2E are closed.
  - (b) All waters of Shrimp Management Areas 1A, 1C, 2W, 3, 4, 5 and 6 are open to the harvest of all shrimp species, effective 6:00 a.m. July 1, 2014, until further notice, 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, 4 and 6 are closed to the harvest of spot shrimp.
    - iii) All waters of Shrimp Management Areas 1A and 1C are closed to the harvest of all species other than spot shrimp.
  - (c) The spot shrimp catch accounting biweekly management periods are as follows:
    - i) July 1-15, July 16-29 and July 30-August 12.
  - (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 1,200 pounds per biweekly management period, with the following exceptions:
    - i) 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 biweekly management period in Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E.
  - (e) Effective immediately until 6:00 p.m. June 28, 2014, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 350 pounds from Shrimp Management Area 2E.
  - (f) It is unlawful to pull shellfish pots in more than one catch area per day.
- (2) Shrimp beam trawl gear:
  - (a) Effective immediately until further notice, Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open. 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 further notice, those portions of Catch Areas 20B and 22A within SMA 1B are open.
- (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 effective 11:59 p.m. June 24, 2014:

WAC 220-52-05100Q Puget Sound Shrimp pot and beam trawl fishery-season. (14-140)

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**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

(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, 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 2014 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) Opens the pot fishery season for spot shrimp; (2) Implements a spot shrimp biweekly limit for all areas; and (3) Reopens the non-spot pot fishery in Shrimp Management Area 2E for four days with a 350 lb. limit. There is insufficient time to adopt permanent rules.

**(14-154, 6/24/2014)**

