



# 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 14-237**

- 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Repealed: WAC 220-52-05100X  
 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 spot shrimp pot “clean up” fishery in SMA 1A, 1C, 2E and Catch Areas 23A-C/23B and 23A-E for three days; (2) lowers the spot shrimp limit in several areas to harvest the relatively small amounts of quota remaining; and (3) closes all areas remaining open for spot shrimp on September 15 to protect female spot shrimp at the onset of the egg-bearing period. There is insufficient time to adopt permanent rules.

**Date adopted:** September 4, 2014

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 04, 2014**

**TIME: 4:41 PM**

**WSR 14-19-013**

**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>1</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 220-52-05100Y 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 in this section:

- (1) Shrimp pot gear:
  - (a) All waters of Shrimp Management Areas 1A, 1C, 2E, 2W, 3, 4, 5 and 6 are open to the harvest of all shrimp species, except:
    - (i) All waters of the Discovery Bay Shrimp District are closed;
    - (ii) All waters of Shrimp Management Areas 2W, 4, and Catch Area 25A are closed to the harvest of spot shrimp;
    - (iii) All waters of Shrimp Management Areas 1A, 1C and 2E are closed to the harvest of non-spot shrimp.
    - (iv) All waters of Shrimp Management Areas 1A, 1C, 2E and Catch Areas 23A-E and 23A-C/23B are closed effective immediately until 6:00 a.m. September 8, 2014, when they will open for spot shrimp until closing at 6:00 p.m. September 11, 2014; and
    - (v) Effective 6:00 p.m. September 15, 2014, all waters of Shrimp Management Areas 2W, 3, 4, 5 and 6 are closed to the harvest of spot shrimp.
  - (b) Effective immediately until 6:00 p.m. September 15, 2014, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 920 pounds in Shrimp Management Area 5, or to exceed 300 pounds in Catch Area 23C, or to exceed 660 pounds in Catch Area 23A-S/23D, or to exceed 2,200 pounds in Catch Area 23A-W.
  - (c) Effective 6:00 a.m. September 8, 2014, until 6:00 p.m. September 11, 2014, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 460 pounds in Shrimp Management Area 1A, or to exceed 425 pounds in Shrimp Management Area 1C, or to exceed 500 pounds in Shrimp Management Area 2E or to exceed 85 pounds in Catch Area 23A-C/23B, or to exceed 230 pounds in Catch Area 23A-E.
  - (d) It is unlawful to pull shellfish pots in more than one catch area per day.
  - (e) 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 1¾-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.
- (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. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.
  - (b) Those portions of Catch Areas 20B, 21A and 22A within SMA 1B are open.
  - (c) All waters of Catch Area 20A 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:

WAC 220-52-05100X Puget Sound Shrimp pot and beam trawl fishery-season. (14-235)

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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, 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 spot shrimp pot “clean up” fishery in SMA 1A, 1C, 2E and Catch Areas 23A-C/23B and 23A-E for three days; (2) lowers the spot shrimp limit in several areas to harvest the relatively small amounts of quota remaining; and (3) closes all areas remaining open for spot shrimp on September 15 to protect female spot shrimp at the onset of the egg-bearing period. There is insufficient time to adopt permanent rules.

**(14-237, 9/4/2014)**

