



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 14, 2019

TIME: 4:23 PM

WSR 19-17-035

Agency: Department of Fish and Wildlife (Order No. 19-192)

Effective date of rule:

Emergency Rules

- 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: Amends Puget Sound commercial shrimp rules

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000F
- Amended: WAC 220-340-520
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: The 2019 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) continues the pot fishery season for spot shrimp; (2) continues a spot shrimp weekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) opens SMA 1B for spot shrimp harvest; (5) opens SMA 5 for a commercial spot shrimp harvest targeting 4,625 lbs. from August 18 through August 31; (6) implements 300 pound weekly limits in SMA 1A, SMA 1B, SMA 1C, SMA 3 (23A West), and SMA 3 (23A Central, 23B) for spot shrimp harvest; (7) implements a 200 pound weekly limit in SMA 3 (25A) for spot shrimp harvest; (8) maintains the closure of a portion of MF/SF Catch Reporting Area 20B within Shrimp Management Area 1B to harvest of shrimp with trawl gear; (9) maintains other regulations and restrictions for the non-spot trawl and pot fisheries. There is insufficient time to adopt permanent rules.

**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 on 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 ____

Date Adopted: August 14, 2019

Name: Ron Warren for Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000G Puget Sound shrimp pot and trawl fishery—season.

Notwithstanding the provisions of WAC 220-340-520, 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 (SMA) 1A, 1B, 1C, 2E, 2W, 3, and 5 are open to the harvest of all shrimp species, effective immediately, 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 Area 1A are open to harvest of spot shrimp and closed to the harvest of all other species of shrimp
 - (iii) All waters of Shrimp Management Area 1B are open to harvest of spot shrimp and closed to the harvest of all other species of shrimp
 - (iv) All waters of Shrimp Management Area 1C are open to harvest of spot shrimp and closed to the harvest of all other species of shrimp.
 - (v) All waters of Shrimp Management Area 2E are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (vi) All waters of Shrimp Management Area 2W are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (vii) All waters of 23A East in Shrimp Management Area 3 are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (viii) All waters of Shrimp Management Area 5 are open to the harvest of spot shrimp from 12:01 am on August 18, 2019 through 11:59 pm August 31, 2019. SMA 5 is closed to the harvest of non-spot shrimp.
- (b) Effective immediately, until further notice, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds *per weekly management period* from Shrimp Management Area 2W and 2E combined.
- (c) Effective immediately, until further notice, the shrimp weekly management period is Wednesday through Tuesday.
- (d) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds per weekly management period. No more than 300 pounds of the 600 pound weekly limit can come from SMA 1A (20B and 22A West), SMA 1B (20B, 22A East, 21A), SMA 1C (20A, 21A, 21B and 22B), SMA 3 (23A West), or SMA 3 (23A Central, 23B). No more than 200 pounds of the 600 pound weekly limit can come from SMA 3 (25A).
- (e) Effective immediately, until further notice, the remaining spot shrimp weekly management periods are (1) August 14 to August 20; (2) August 21 to August 27; (3) August 28 to September 3; and (4) September 4 to September 10.
- (f) 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. There is no size restriction for spot shrimp.
- (g) It is unlawful to pull shellfish pots in more than one catch area per day.

- (2) Shrimp trawl gear:
- (a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open, effective 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) That portion of Catch Area 21A within SMA 1B is open.
 - (c) That portion of Catch Area 22A within SMA 1B is open.
 - (d) That portion of Catch Area 20B within SMA 1B is closed.
 - (e) Catch Area 20A is 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 220-340-52000F Puget Sound Shrimp pot and beam trawl fishery-season. (19-187)