



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 21, 2019

TIME: 3:46 PM

WSR 19-18-003

Agency: Department of Fish and Wildlife (Order No. 19-198)

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 Repealed: WAC 220-340-52000G
 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) closes the pot fishery season for spot shrimp in some areas; (2) opens spot shrimp for the final clean-up fishery in some areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) maintains the closure of a portion of Marine Fish Shellfish Management and Catch Reporting Area 20B within Shrimp Management Area 1B to harvest of shrimp with trawl gear; (5) 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	___
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The number of sections adopted on the agency's own initiative:

New	1	Amended	___	Repealed	1
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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	___

Date Adopted: August 21, 2019

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000H 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) 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 2E are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (iii) All waters of Shrimp Management Area 2W are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (iv) All waters Shrimp Management Area 3 are closed to the harvest of spot shrimp and open to the harvest of non-spot shrimps.
 - (v) All waters of Shrimp Management Area 1B (20B, 22A East, 21A) and 1C (20A, 21A, 21B and 22B) are closed to the harvest of all shrimp.
 - (vi) Effective August 22, 2019 at 12:01am until 11:59 pm on September 7, 2019, all waters of Shrimp Management Areas 1B (20B, 22A East, 21A) are open to harvest of spot shrimp. There are 323 pounds of quota remaining in SMA 1B.
 - (vii) Effective August 22, 2019 at 12:01am until 11:59 pm on September 7, 2019, all waters of Shrimp Management Area 1C (20A, 21A, 21B and 22B) are open to harvest of spot shrimp. There are 983 pounds of quota remaining in SMA 1C.
 - (viii) Effective August 22, 2019 at 12:01am until 11:59 pm on September 7, 2019, all waters of Catch Area 23A West in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 1055 pounds of quota remaining in Catch Area 23A West.
 - (ix) Effective August 22, 2019 at 12:01am until 11:59 pm on September 7, 2019, all waters of Catch Area 23A Central in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 118 pounds of quota remaining in area Catch Area 23A Central.
 - (x) Effective August 22, 2019 at 12:01am until 11:59 pm on September 15, 2019, all waters of Catch Area 23A South and 23D in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 5915 pounds of quota remaining in Area Catch Area 23A South/23D West.

- (xi) Effective August 22, 2019 at 12:01am until 11:59 pm on September 15, 2019, all waters of Catch Area 23C in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 1200 pounds of quota remaining in Catch Area 23C.
 - (xii) Effective August 22, 2019 at 12:01am until 11:59 pm on September 7, 2019, all waters of Catch Area 25A outside District 1 in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 719 pounds of quota remaining in Catch Area 25A outside District 1.
 - (xiii) Effective August 22, 2019 at 12:01am until September 15, 2019, all waters of Catch Area 29 in Shrimp Management Area 3 are open open to harvest of spot shrimp. There are 500 pounds of quota remaining in Catch Area 29.
 - (xiv) Effective August 22, 2019 at 12:01am until August 31, 2019, all waters of Shrimp Management Area 5 are open to harvest of spot shrimp. There are 3449 pounds of quota remaining in SMA 5.
- (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.
 - (c) Effective immediately, the shrimp weekly management period is Wednesday through Tuesday.
 - (d) 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.
 - (e) 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 220-340-52000G Puget Sound Shrimp pot and beam trawl fishery-season. (19-192)