



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 07, 2017

TIME: 3:11 PM

WSR 17-19-013

Agency: Department of Fish and Wildlife (17-243)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 6:00 a.m. September 8, 2017

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 shrimp rules in Puget Sound.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000K
- 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 2017 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 and/or non-spot shrimp pot “clean up” fishery in Shrimp Management Areas 1A, 1B, 1C and portions of 3; (2) lowers the shrimp limit in these 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.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	<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:

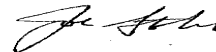
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: September 7, 2017

Name: Joe Stohr for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000L 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 1A, 1B, 1C, 2W and 3 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 2W and Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E, 23A-W, 23A-C and 23B are closed to the harvest of spot shrimp.
 - (iii) All waters of Shrimp Management Areas 1A and 1B are open to the harvest of spot shrimp only until 6:00 p.m. September 10, 2017.
 - (iv) All waters of Catch Area 25A are open to the harvest of all shrimp species. The harvest of spot shrimp closes at 6:00 p.m. September 10, 2017.
 - (v) All waters of Catch Areas 23A-S, 23C, 23D and 29 are open to the harvest of all shrimp species. The harvest of spot shrimp closes at 6:00 p.m. September 15, 2017.
 - (vi) Effective 6:00 a.m. September 11, 2017, all waters of Shrimp Management Areas 1A, 1B and 1C are open to the harvest of non-spot shrimp until closing at 6:00 p.m. September 17, 2017.
- (b) Effective immediately, until 6:00 p.m. September 10, 2017, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 150 pounds in Shrimp Management Area 1A, or to exceed 130 pounds in Shrimp Management Area 1B, or to exceed 240 pounds in Catch Area 25A.
- (c) Effective immediately, until 6:00 p.m. September 15, 2017, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 1,390 pounds in Catch Areas 23A-S and 23D
- (d) Effective 6:00 a.m. September 11, 2017, through 6:00 p.m. September 17, 2017, 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 in Shrimp Management Areas 1A, 1B and 1C.
- (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. There is no size restriction for spot shrimp.
- (f) 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 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 22A within SMA 1B is open.
 - (c) That portion of Catch Area 20B within SMA 1B is open.
 - (d) That portion of Catch Area 21A within SMA 1B is open.
 - (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 effective 6:00 a.m. September 8, 2017:

WAC 220-340-52000K Puget Sound Shrimp pot and beam trawl fishery-season.
(17-218)