



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: September 04, 2018

TIME: 4:16 PM

WSR 18-18-087

Agency: Department of Fish and Wildlife (Order 18-228)

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- Repealed: WAC 220-340-52000V
- 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 2018 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 spot shrimp for the final clean-up fishery; (2) implements a non-spot and spot shrimp weekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) retains the opening of the 1B-21A trawl fishery season; (5) closes SMA 3 (25A) to all shrimp trawl fishing; (6) maintains the closures of SMA 1A and SMA 3 (25A) to spot prawn harvest; (7) sets a weekly trip limit of 300 pounds for spot shrimp for SMA 3 (23A South, 23D), SMA 3 (23C) and SMA 3 (29); (8) Opens SMA 1B, SMA 1C, SMA 3 (23A Central, 23B) and SMA 4 (26B 2) for specific clean-up amounts; and (9) maintains the other previous 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: September 4, 2018

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000W 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) 1, 2E, 2W, 3 and 4 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) Waters of Shrimp Management Area 3 (23A East) are closed to the harvest of spot shrimp.
 - (iii) Waters of Shrimp Management Area 3 (25A) are closed to the harvest of spot shrimp.
 - (iv) Waters of Shrimp Management Area 3 (23A West) are closed to the harvest of spot shrimp.
 - (v) Waters of Shrimp Management Area 3 (23A Central, 23B) is open for a maximum harvest of 273 pounds of spot shrimp.
 - (vi) Waters of Shrimp Management Area 1A (20B and 22A West) are closed to the harvest of spot shrimp.
 - (vii) Waters of Shrimp Management Areas 1B (20B, 22A East, 21A) is open for a maximum of 427 pounds of spot shrimp.
 - (viii) Waters of Shrimp Management Area 1C (20A, 21A, 21B and 22B) is open for a maximum of 437 pounds of spot shrimp.
 - (ix) Waters of Shrimp Management Area 4 (26B 2) is open for a maximum harvest of 550 pounds of spot shrimp. SMA 4 (26B 1, 26C) is closed for the harvest of all shrimp.
 - (x) All waters of Shrimp Management Area 2E are closed to the harvest of spot shrimp.
 - (xi) All waters of Shrimp Management Area 2W are closed to the harvest of 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 300 pounds for the weekly management period in Shrimp Management Area 3 (23A South, 23D), SMA 3 (23C) and SMA 3 (29). The Shrimp Management Areas above outline other regional spot shrimp limits.
- (e) The current weekly management period for shrimp is September 5 to September 11.

- (f) Only pots with a minimum mesh size of 1 inch may be pulled 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 (not including the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open, effective immediately, until further notice. Sequim Bay includes that portion of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.
- (b) Marine Fish Shellfish Catch Area 25A is closed to trawl activity for the season.
- (c) That portion of Catch Area 22A within SMA 1B is open.
- (d) That portion of Catch Area 20B within SMA 1B is open.
- (e) That portion of Catch Area 21A within SMA 1B is open until further notice.

- (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 220-340-52000V Puget Sound Shrimp pot and beam trawl fishery-season. (18-218)