



# 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 11, 2018

TIME: 3:39 PM

WSR 18-19-023

**Agency:** Department of Fish and Wildlife (Order No. 18-239)

**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- Repealed: WAC 220-340-52000W
- 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 in three sub areas of SMA 3 from 8 AM, Tuesday, 9/12 to 7 PM, Saturday 9/15; (2) implements a non-spot and spot shrimp weekly limit for remaining open areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) retains the opening of the 1B-21A trawl fishery season; (5) maintains the closure of 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 600 pounds for spot shrimp in the three remaining sub areas of SMA 3 (23A South, 23D), SMA 3 (23C) and SMA 3 (29); (8) sets a weekly trip limit of 600 pounds for non-spot shrimp in SMA 1, SMA 2 East, SMA 2 West and SMA 3; and (9) maintains other previous provisions 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:**

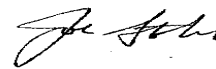
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** September 11, 2018

**Name:** Joe Stohr for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-52000X 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) Non-spot shrimp are closed in all Shrimp Management Areas (SMA) with the following exceptions:
    - (i) Waters of Shrimp Management Area 1 (20A, 20B, 21A, 21B, 22A and 22B) are open. The total harvest for this area cannot exceed 1,690 pounds of non-spot shrimp.
    - (ii) Waters of Shrimp Management Area 2 East (24A, 24B, 24C, 24D and 26A East) are open. The total harvest for this area cannot exceed 1,358 pounds of non-spot shrimp.
    - (iii) Waters of Shrimp Management Area 2 West (25B, 25C, 25D and 26A West) are open. The total harvest for this area cannot exceed 4,473 pounds of non-spot shrimp.
    - (iv) Waters of Shrimp Management Area 3 (23A, 23B, 23C, 23D, 25A and 29) are open. The total harvest for this area cannot exceed 3,667 pounds of non-spot shrimp.
  - (b) Spot shrimp are closed in all Shrimp Management Areas (SMA) with the following exception:
    - (i) Waters of Shrimp Management Area 3 (23A South, 23D) are open from 8:00 AM, Wednesday, September 12, 2018 until 7:00 PM, Saturday, September 15, 2018. The total harvest for this area cannot exceed 1,367 pounds of spot shrimp.
    - (ii) Waters of Shrimp Management Area 3 (23C) are open from 8:00 AM, Wednesday, September 12, 2018 until 7:00 PM, Saturday, September 15, 2018. The total harvest for this area cannot exceed 1,200 pounds of spot shrimp.
    - (iii) Waters of Shrimp Management Area 3 (29) are open from 8:00 AM, Wednesday, September 12, 2018 until 7:00 PM, Saturday, September 15, 2018. The total harvest for this area cannot exceed 500 pounds of spot shrimp.
  - (c) Effective immediately, until further notice, it is unlawful for a fisher or the fisher's alternate operator to exceed 600 pounds of non-spot shrimp per weekly management period.
  - (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 for the period 8:00 AM, Wednesday, September 12, 2018 until 7:00 PM, Saturday, September 15, 2018.
  - (e) The current weekly management period for shrimp is September 12 to September 18.

- (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 220-340-52000W Puget Sound Shrimp pot and beam trawl fishery-season. (18-228)