



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: May 14, 2020

TIME: 9:58 AM

WSR 20-11-029

Agency: Department of Fish and Wildlife (Order No. 20-77))

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- Repealed: WAC 220-340-52000L
- 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 2020 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) defines the shrimp management areas and Regions open to spot and non-spot commercial harvest; (2) sets harvest restrictions for and opens the non-spot commercial pot fishery; (3) sets harvest restrictions for and opens the spot commercial pot fishery; (4) sets the harvest and gear limitations for and opens the Puget Sound shrimp trawl fishery; and (5) requires purchase of shrimp harvested by the designated fisheries to be done by appropriately licensed dealers. The emergency regulation is required to allow adequate flexibility for the state commercial shrimp fisheries to respond to dynamic changes in market conditions and ongoing changes of public health practices arising from the global COVID-19 pandemic. Sections of this regulation add additional reporting requirements to allow managers to track commercial fishing effort and to limit interaction between the State commercial harvesters and recreational users. This regulation removes recreational shrimp dates that have been postponed, provides flexibility in avoiding overlap between the recreational and commercial sectors in light of changing management circumstances arising from COVID-19, clarifies language to accurately reflect how shrimp harvest has been historically enforced, and to clarifies con-current harvest of spot shrimp and non-spot shrimp in Region 3, as agreed to in the Region 3 Management Plan to limit handling mortality of spot shrimp. 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: May 14, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000M Puget Sound shrimp pot and trawl fishery—season. Effective immediately and until further notice, the following provisions of WAC 220-340-520 regarding Puget Sound commercial shrimp pot harvest, non-spot shrimp harvest, spot shrimp harvest, trawl shrimp harvest and sales shall be described below. All other provisions of WAC 220-340-520 remain in effect.

(1) Shrimp Pot Harvests:

- (a) Effective immediately until further notice, or until this expires on August 28, 2020. All waters of Shrimp Management Areas 1A, 1B, 1C, 2E, 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 Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E, 23A-W, 23A-C, and 23A-S is closed to the harvest of non-spot shrimp until the spot quota is attained in all sub-areas of 23A.
 - (ii) Discovery Bay Shrimp District is closed to the harvest of all shrimp species.
 - (iii) In Catch Area 22A, all waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island, following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Blakely Island, are closed until 6:00 a.m. June 16, 2020.
 - (iv) Shrimp Management Areas 1B, 2E, and 2W are closed to the harvest of spot shrimp.

(2) Shrimp Non-spot Pot Harvest Restrictions

- (a) Effective immediately until further notice, or until this expires on August 28, 2020, the non-spot shrimp catch accounting period is weekly from Wednesday through Tuesday, totaling 7 days in length.
- (b) Effective immediately until further notice, or until this expires on August 28, 2020, 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 shrimp catch accounting week from Shrimp Management Areas 1A, 1B, 1C, 2E, and 2W combined.
- (c) Effective immediately until further notice, or until this expires on September 10, 2020, it is unlawful to harvest non-spot shrimp from Catch Reporting Area (Catch Area) in all of Catch Area 23A until the spot quota is attained in all sub-areas of 23A. Catch Area 23A is comprised of 23-E, 23A-W, 23A-C, and 23-S.
- (d) Effective immediately until further notice, or until this expires on August 28, 2020, it is unlawful to harvest non-spot and spot shrimp in the same day.
- (e) Effective immediately until further notice, or until this expires on August 28, 2020, it is unlawful to harvest shrimp in more than one Shrimp Management Area per day.

(3) Shrimp Spot Pot Harvest Restrictions:

- (a) Effective immediately until 11:59 July 14, 2020, the initial spot shrimp catch accounting period is from May 5 through 11:59 p.m. on Tuesday, July 14, 2020.
 - (b) For the catch accounting period defined in 3(a) of this rule each fisher or alternate operator is required to report their intended catch area of harvest prior to the deployment of any spot shrimp gear to either shrimp.report@dfw.wa.gov or by text message to 360-302-6372.
 - (c) Effective immediately until 11:59 p.m. July 14, 2020, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 2000 pounds for the initial catch accounting period from Shrimp Management Areas 1A, 1C, and 3 combined.
 - (d) It is lawful to commercially harvest spot shrimp until 11:59 p.m. July 14, 2020, except from 12:00 a.m. on the opening Saturday of the recreational shrimp season to 11:59 p.m. on Sunday of the opening weekend of the recreational shrimp season. Opening weekend recreational shrimp dates will be communicated with the harvesters at least 48 hours in advance.
 - (e) Effective immediately until further notice, or until this expires on August 28, 2020, all commercial spot shrimp gear must be retrieved by 7:59 p.m. on the Friday prior to the opening weekend of the 2020 recreational shrimp season and cannot be deployed until 6:00 a.m. the Monday following the opening weekend of the 2020 recreational shrimp season.
 - (f) Effective 12:00 a.m. on July 15, 2020 until further notice or until this expires on August 28, 2020, the second spot shrimp catch accounting period is biweekly from Wednesday through Tuesday, totaling 14 days in length, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 1200 pounds per catch accounting period from Shrimp Management Areas 1A, 1C , and 3 combined.
 - (g) Effective immediately until further notice, or until this expires on August 28, 2020, it is unlawful to harvest non-spot and spot shrimp in the same day.
 - (h) Effective immediately until further notice, or until this expires on August 28, 2020, it is unlawful to harvest shrimp in more than one Shrimp Management Area per day.
- (4) Shrimp trawl gear:
- (a) Effective immediately until further notice, or until this expires on August 28, 2020, 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) Effective immediately until further notice, or until this expires on August 28, 2020, that portion of Catch Area 22A within SMA 1B east of a line projected 122.47°W longitude and west of a line projected 122.43°W longitude in Rosario Strait is open.

(c) The remaining portion of Catch Area 22A within SMA 1B will open effective 6:00 a.m. May 16, 2020, until further notice, or until this expire August 28, 2020.

(5) Effective immediately until further notice, or until this expires on August 28, 2020. All shrimp taken under this section must be sold to licensed Washington State wholesale fish dealers.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 220-340-52000L Puget Sound shrimp pot and trawl fishery—season. (20-70)