



# 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 10, 2020

TIME: 4:38 PM

WSR 20-17-047

**Agency:** Department of Fish and Wildlife (Order 20-155)

**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:** The purpose of this rule is close commercial harvest of non-spot shrimp species in Shrimp Management Region 1, which includes Shrimp Management Areas 1A, 1B, and 1C, due to attainment of quota, effective August 12, 2020.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-340-52000S  
 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 the non-spot commercial pot fishery; (3) sets harvest restrictions for the spot commercial pot fishery; (4) sets the harvest and gear limitations for the Puget Sound shrimp trawl fishery; (5) requires purchase of shrimp harvested by the designated fisheries to be done by appropriately licensed dealers; (6) closes Shrimp Management Area 1A to State commercial harvest of spot shrimp due to the attainment of quota (7137 pounds); (7) amends the second spot shrimp accounting period to allow 2500 lbs of spot shrimp harvest between July 15 and August 25, 2020; and (8) closes Region 1 non-spot shrimp due to attainment of quota. This change keeps State commercial harvest within limits agreed to in management plans.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. 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	<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	___

<b>Date Adopted:</b> August 10, 2020
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-340-52000T Puget Sound shrimp pot and trawl fishery—season.**

Effective immediately and until further notice, or until this rule expires on August 28, 2020 pursuant to RCW 34.05.350, 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 not addressed herein, and unless otherwise amended, remain in effect:

#### (1) Shrimp Pot Harvests:

- (a) 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 Areas (Catch Areas) 23A-E, 23A-W, 23A-C, and 23A-S are closed to the harvest of non-spot shrimp until the spot quota is attained in all sub-areas of 23A. Catch Areas 23A-E, 23A-W, 23A-C, and 23A-S AE are within Shrimp Management Area 3 and comprise Catch Area 23A.
  - (ii) Effective immediately it is unlawful to harvest spot shrimp from sub-area 23A-E.
  - (iii) Effective immediately it is unlawful to harvest spot shrimp from Shrimp Management Area 1A.
  - (iv) Effective immediately it is unlawful to harvest non-spot shrimp from Region 2E. Region 2E is composed of Catch Areas 24A, 24B, 24C, 24D, and 26AE.
  - (v) Effective 12:00 a.m. August 12, 2020 is unlawful to harvest non-spot shrimp in Region 1. Region one is composed of Shrimp Management Areas 1A, 1B, and 1C.
  - (vi) Discovery Bay Shrimp District is closed to the harvest of all shrimp species.
  - (vii) Shrimp Management Areas 1B, 2E, and 2W are closed to the harvest of spot shrimp.
- (b) It is unlawful to harvest non-spot and spot shrimp in the same day.
- (c) It is unlawful to harvest shrimp in more than one Shrimp Management Area per day.

#### (2) Shrimp Non-spot Pot Harvest Restrictions

- (a) The non-spot shrimp catch accounting period is weekly from Wednesday through Tuesday, totaling 7 days in length.
- (b) 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 1B, 1C, 2E, and 2W combined.
- (c) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Region 2W. Region 2W is comprised of Catch Areas 25B, 25C, 25D, and 26AW.
- (d) Harvest of non-spot shrimp is not permitted deeper than 150 feet in Region 2E. Region 2E is comprised of Catch Areas 24A, 24B, 24C, 24D, and 26AE (26A northerly of a line

drawn from the southern tip of Possession Point on Whidbey Island 110° true to the shipwreck on the opposite shore).

(3) Shrimp Spot Pot Harvest Restrictions:

- (a) The second spot shrimp catch accounting period is from July 15, 2020 through 11:59 p.m. on August 25, 2020.
- (b) It is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 2500 pounds for the second catch accounting period from Shrimp Management Areas 1A, 1C, and 3 combined.
- (c) 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](mailto:shrimp.report@dfw.wa.gov) or by text message to 360-302-6372.

(4) 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 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 is open effective immediately, until further notice, or until this expire on August 28, 2020.

- (5) All shrimp taken under this section must be sold to licensed Washington State wholesale fish dealers.

**R E P E A L E R**

The following section of Washington Administrative Code is repealed:

WAC 220-340-52000S Puget Sound shrimp pot and trawl fishery—season. (20-142)