



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 09, 2020

TIME: 11:20 AM

WSR 20-19-035

Agency: Department of Fish and Wildlife (20-183)

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: Amend commercial shrimp rules in Puget Sound.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000X
- 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) closes the pot fishery season for spot shrimp; (2) opens spot shrimp for the final clean-up fishery in SMAs 2W, 3, and 6 and; (3) defines the Shrimp Management Areas and Regions open to spot and non-spot commercial harvest; (4) sets harvest restrictions for the non-spot commercial pot fishery; (5) sets harvest restrictions and available quota remaining for the spot commercial pot fishery; (6) sets the harvest and gear limitations for the Puget Sound shrimp trawl fishery; (7) requires purchase of shrimp harvested by the designated fisheries to be done by appropriately licensed dealers. 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	<u>1</u>	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 9, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000Y Puget Sound shrimp pot and trawl fishery—season.

Effective immediately until further notice, 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 2W, 3 and 6 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-areas 23A-W, 23A-C, 25A, and 28A-D. Catch Areas 23A-W, 23A-C and 25A are within Shrimp Management Area 3. Catch Area 28A-D is within Shrimp Management Area 6.
 - (iii) Discovery Bay Shrimp District is closed to the harvest of all shrimp species.
- (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 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.

(3) Shrimp Spot Pot Harvest Restrictions:

- (a) All waters of Shrimp Management Area 2W are open to the harvest of all shrimp species. There are 750 pounds of spot shrimp quota remaining in Shrimp Management Area 2W.

- (b) Effective immediately until 11:59 pm on September 15, 2020, all waters of Catch Area 23A East in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 1005 pounds of quota remaining in Catch Area 23A East.
- (c) Effective immediately until 11:59 pm on September 15, 2020, all waters of Catch Area 23A South and 23D in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 935 pounds of quota remaining in Catch Area 23A South/23D.
- (d) Effective immediately until 11:59 pm on September 15, 2020, all waters of Catch Area 23C in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 1200 pounds of quota remaining in Catch Area 23C.
- (e) Effective immediately until 11:59 pm on September 15, 2020, all waters of Catch Area 29 in Shrimp Management Area 3 are open to harvest of spot shrimp. There are 500 pounds of quota remaining in Catch Area 29.
- (f) Effective immediately until 11:59 pm on September 15, 2020, all waters of Catch Area 26D are open to harvest of spot shrimp. There are 500 pounds of quota remaining in Catch Area 26D. Catch Areas 26D is within Shrimp Management Area 6.
- (g) For the catch accounting periods 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.

(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 immediately, until further notice.

(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 the Washington Administrative Code is repealed:

WAC 220-340-52000X Puget Sound shrimp pot and trawl fishery—season. (20-179)

