



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 17, 2020

TIME: 9:49 AM

WSR 20-19-090

Agency: Department of Fish and Wildlife (Order 20-193)

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: This rule opens the harvest of non-spot shrimp in sub-areas of 23A, within SMA 3, and SMA 1A to allow for the harvest of state share.

In addition, this regulation includes previous emergency regulation amendments:

1. Closes the portion of 20B within SMA 1B to non-spot shrimp trawl harvest due to the attainment of quota;
2. Defines the Shrimp Management Areas and Regions open to non-spot shrimp commercial harvest;
3. Sets the harvest and gear limitations for the Puget Sound shrimp trawl fishery;
4. Requires purchase of shrimp harvested by designated fisheries to be done by appropriately licensed dealers.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000Z
- 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 rule opens the Puget Sound commercial non-spot shrimp fishery in areas 23A, within SMA 3 and SMA 1A following the attainment of the spot shrimp quota.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the 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	___

Date Adopted: September 15, 2020	Signature: 
Name: Nate Pamplin for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-52000A 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 (SMA's) 1A, 1B, 1C, 2W, and 3 are open to the harvest of all non-spot shrimp species, effective immediately until further notice, except as provided for in this section:

Discovery Bay Shrimp District is closed to the harvest of all shrimp species.

- (b) It is unlawful to harvest shrimp in more than one SMA 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 SMA's 1A, 1B, 1C, 2W combined. SMA 3 does not have a weekly landing limit.
- (c) Harvest of non-spot shrimp is not permitted deeper than 175 feet in SMA 2W. SMA 2W is comprised of Catch Areas 25B, 25C, 25D, and 26AW.

(3) Shrimp trawl gear:

- (a) 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.
- (d) Effective immediately, the portion of Catch Area 20B within SMA 1B is closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000Z Puget Sound shrimp pot and trawl fishery—season. (20-190)