



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 29, 2020

TIME: 8:05 AM

WSR 20-20-025

Agency: Department of Fish and Wildlife (Order 20-208)

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 closes the non-spot pot fishery in SMAs 2W and 3 on October 15 due to agreed-to management plan provisions. This rule also closes the non-spot trawl fishery in SMA 3 on September 30 and closes SMA 1C to trawl harvest of non-spot shrimp on October 15 or when the quota is attained due to agreed-to management plan provisions.

In addition, this regulation includes previous emergency regulation amendments:

1. Defines the Shrimp Management Areas and Regions open to non-spot shrimp commercial harvest;
2. Sets the harvest and gear limitations for the Puget Sound shrimp trawl fishery;
3. 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 Repealed: WAC 220-340-52000B
 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 does the following:

- 1) closes the non-spot pot fishery in SMAs 2W and 3 on October 15 due to agreed-to management plan provisions;
- 2) closes the non-spot trawl fishery in SMA 3 on September 30 due to agreed-to management plan provisions; and
- 3) closes SMA 1C to trawl harvest of non-spot shrimp on October 15 or when the quota is attained due to agreed-to management plan provisions.

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 29, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective immediately 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 not addressed herein, and unless otherwise amended, remain in effect:

(1) Shrimp Pot Harvests:

- (a) All waters of Shrimp Management Areas (SMAs) 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 2W. 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.
- (d) Effective immediately SMA 1C is closed to pot harvest of non-spot shrimp.
- (e) Effective October 15 at 11:59 p.m. SMAs 2W and 3 are closed to the pot harvest of non-spot shrimp.

(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) Effective September 30, 2020 at 11:59 p.m. SMA 3 is closed to trawl harvest of non-spot shrimp.
- (c) Effective October 15, 2020 at 11:59 p.m. SMA 1C or when the remaining quota is attained, whichever comes first, is closed to trawl harvest of non-spot shrimp.

(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 220-340-52000B Puget Sound shrimp pot and trawl fishery—season. (20-205)