



**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: October 22, 2021

TIME: 2:18 PM

WSR 21-22-020

Agency: Department of Fish and Wildlife (Order 21-238)

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: Closes Marine Fish/Shellfish Catch Reporting Area 25A to commercial harvest of non-spot shrimp effective October 24, 2021 at 11:59 p.m..

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000Q
- 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: Closes commercial non-spot shrimp harvest in Marine Fish Shellfish Catch Reporting Area 25A effective October 24, 2021 at 11:59 p.m. and ends the commercial non-spot fishery for the 2021 season per pre-season co-manager agreement. Sections of this regulation define open areas to allow adequate flexibility for the state commercial shrimp fisheries to respond to dynamic changes in market conditions and to allow for full utilization of both the commercial spot and non-spot shares while also achieving the 50/50 harvest defined by the Federal Court Order. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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 1 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: October 22, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp Pot Harvests:

- (a) Marine Fish Shellfish Catch Reporting Area 25A is open to the commercial harvest of non-spot shrimp by pots through October 24, 2021 at 11:59 p.m.
- (b) There is no minimum size limit for spot shrimp or non-spot shrimp.
- (c) Shrimp pot gear used for commercial harvest must meet the following requirements:
 - (i) A shrimp pot may not exceed a maximum 153 inch bottom perimeter and a maximum of 24 inch height.
 - (ii) The entire top, bottom, and sides of the shrimp pot must be constructed of mesh material. Use of liners is prohibited.
 - (iii) Entrance tunnels to shrimp pots may be constructed of any size mesh material. All entrance tunnels must open into the pot from the side. The sum of the maximum widths of all entrance tunnel openings must not exceed half of the perimeter of the bottom of the pot.
 - (iv) Spot shrimp may only be harvested using pots with a minimum mesh size of 1 inch. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1-3/4 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.
 - (v) Non-spot shrimp may only be harvested using pots with a minimum mesh size 1/2 inch. Mesh of 1/2 inch is defined as a mesh that a 3/8 inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be at a minimum 1 1/8 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.
- (d) Buoys must have the number of pots deployed per groundline recorded on each end-buoy of a groundline.
- (e) It is lawful to concurrently deploy spot shrimp pots and non-spot pots with the following restrictions:

- (i) Spot pots and non-spot pots may not be deployed concurrently within the same Marine Fish/Shellfish Catch Reporting Area, with the following exceptions:
 - (A) Spot and non-spot pots may be concurrently deployed in Marine Fish/Shellfish Catch Reporting Area 23A but not within the same sub-area (23A-E, 23A-W, 23A-C, or 23A-S).
 - (B) Non-spot pots may be deployed within Sequim Bay, defined as that portion of Marine Fish/Shellfish Catch Reporting Area 25A south of a line true west from Travis Spit to the Miller Peninsula, concurrently with spot shrimp pots in the remaining portion of 25A outside of Sequim Bay.
- (ii) All shrimp harvested must be landed and recorded on a shellfish receiving ticket before subsequent harvest may occur.
- (f) Each fisher or alternate operator is required to report their intended catch area of harvest, target species (spot or non-spot), and the amount of pounds that are being targeted prior to the deployment of any shrimp gear to either shrimp.report@dfw.wa.gov, by text message to 360-302-6372, or by other electronic means designated by the Department.
- (g) It is unlawful to harvest non-spot and spot shrimp in the same day.

It is unlawful to harvest shrimp in more than one Shrimp Management Area (1A, 1B, 1C, 2E, 2W, 3, 4, 5, or 6) per day.

- (2) 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 220-340-52000Q Puget Sound shrimp pot and trawl fishery—season. (21-232)