



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: May 24, 2022

TIME: 10:31 AM

WSR 22-12-027

Agency: Department of Fish and Wildlife (Order 22-81)

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 provisions of this emergency rule:

Permanent rules regulating State Commercial Shrimp Harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. This emergency rule:

WAC 220-340-52000T

- (1) Clarifies the pot limit for shrimp pot fisheries is specific to each gear type and allows a separate maximum 100 pot limit for spot shrimp pots and non-spot shrimp pots respectively.
- (2) Opens spot shrimp quota areas, defines the first spot shrimp catch accounting period as being from May 1, 2022, to August 2, 2022, and allows 4500 pounds of spot shrimp to be harvested per license for the first catch accounting period.
- (3) Opens non-spot shrimp quota areas, defines the non-spot shrimp catch accounting week, sets a weekly per license catch limit of 700lbs, in subregions 1A, 1B, and 1C and Region 2E, clarifies there is no weekly harvest limit in Regions 3 or 2W, and sets a 175 ft depth limit in subregion 1A and subarea 23A East.
- (4) Modifies harvest restrictions for spot and non-spot shrimp fisheries.

WAC 220-340-54000B

Opens Region 3 shrimp trawl fisheries on May 1, 2022. Opens Region 1 trawl fisheries as required by permanent rule.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000S; WAC 220-34000A
- Amended: WAC 220-340-520, WAC 220-340-540
- 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 emergency regulation is necessary to prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to both respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and non-spot shares. These rules are in congruence with co-manager agreements. 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 | 2 | Amended | ___ | Repealed | 2 |
|-----|---|---------|-----|----------|---|

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: May 24, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000T Commercial shrimp pot fishery – Puget Sound.

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

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) Spot Shrimp Pot Harvests:

(a) Spot shrimp is harvest is permitted as indicated in the following table starting one hour before official sunset until further notice.

| Geographical Management Unit (WAC 220-320-140) | Status | Effective Date |
|--|---------------|-----------------------|
| Subregion 1A | Open | immediately |
| Subregion 1B | Closed | |
| Subregion 1C | Open | immediately |
| Region 2E | Closed | |
| Region 2W | Closed | |
| Subarea 23A-E | Open | immediately |
| Subarea 23A-W | Open | immediately |
| Subarea 23A-C and MSFS Catch Area 23B | Open | immediately |
| Subarea 23A-S and MSFS Catch Area 23D | Open | immediately |
| MFSF Catch Area 23C | Open | immediately |
| MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District | Open | immediately |
| Discovery Bay Shrimp District | Closed | |
| MFSF 29 (Straits - Neah Bay) | Open | immediately |
| Subarea 26B-1 and MFSF Catch Area 26C | Closed | |
| Subarea 26B-2 | Closed | |
| Region 5 | Closed | |
| MFSF Catch Area 26D | Closed | |
| MFSF Catch Areas 28A, 28B, 28C, and 28D | Closed | |

(b) The first spot shrimp catch accounting period starts one hour before official sunrise on May 1, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to exceed 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table starting one hour before official sunset until further notice.

| Geographical Management Unit (WAC 220-320-140) | Status | Effective Date |
|---|---------------|-----------------------|
| Subregion 1A | Open | immediately |
| Subregion 1B | Open | immediately |
| Subregion 1C | Open | immediately |
| Region 2E | Open | immediately |
| Region 2W | Open | immediately |
| Region 3, not including Discovery Bay Shrimp District | Open | immediately |
| Discovery Bay Shrimp District | Open | immediately |
| Region 4 | Closed | |
| Region 5 | Closed | |
| Region 6 | Closed | |

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and Region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, and Discovery Bay Shrimp District.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

(f) It is unlawful to harvest non-spot shrimp in more than one Geographical Management unit listed in 3(a) in a single day with the following exceptions:

- (i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.
- (ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

NEW SECTION

WAC 220-340-54000B Commercial shrimp trawl fishery – Puget Sound.

Notwithstanding the provisions of WAC 220-340-540, effective one hour before official sunset on the dates listed in Table 1(a, b), until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as provided for in this section:

(1) Non-spot shrimp trawl harvest:

(a) Non-spot shrimp beam trawl harvest is permitted as indicated in the following table starting one hour before official sunrise until further notice.

| Geographic Area Description (WAC 220-320-140 (3)) | Status | Effective Date |
|--|---------------|-----------------------|
| Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°) | Open | 8/1/2022 |
| Those waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) on Lummi Island. | Open | 7/1/2022 |
| Subarea 23A East and MFSF Catch Areas 23B, 25A | Open | immediately |
| Subarea 23A West | Open | immediately |
| MFSF Catch Area 23C | Open | immediately |
| MFSF Catch Area 29 | Open | immediately |

(b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester bringing an on-board observer on the first trip into the area. If by-catch sampling criteria are not met these areas will open on the later dates described in WAC 220-340-530 (5d,e).

| Geographic Area Description (WAC 220-320-140 (3)) | Status | Effective Date |
|--|---------------|-----------------------|
| Those waters of Lopez Sound within subregion 1B that are south of a line projected true east-west from the northern tip of Trump Island (48.5064°, -122.8369°). | Open | immediately |
| That portion of Catch Area 22A within subregion 1B that are east of a line projected along -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° longitude (west of Cypress Island) in Rosario Strait. | Open | immediately |
| The remaining portions of Catch Areas 20B and 22A within subregion 1B not described above. | Open | immediately |

REPEALERS

The following sections of Washington Administrative Code are repealed effective immediately:

WAC 220-340-52000S Commercial shrimp pot fishery – Puget Sound. (22-64)

WAC 220-340-54000A Commercial shrimp trawl fishery – Puget Sound. (22-64)