



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: August 05, 2022

TIME: 3:45 PM

WSR 22-17-026

Agency: Department of Fish and Wildlife (Order 22-162)

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 220-340-52000A

- 1) Closes subarea 23A-C and MFSF catch reporting area 23B in Puget Sound to commercial harvest of spot shrimp 1 hour after sunset on August 9, 2022.
- 2) Closes subarea 23A-E in Puget Sound to commercial harvest of spot shrimp 1 hour after sunset on August 8, 2022.
- 3) Closes subregion 1A in Puget Sound to commercial harvest of spot shrimp 1 hour after sunset on August 5, 2022.
- 4) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.
- 5) Allows non-spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

WAC 220-340-54000C

- 1) Closes Region 1 shrimp trawl fisheries on the hard closure date of October 15, 2022.
- 2) Closes Region 3 shrimp trawl fisheries on the hard closure date of September 30, 2022.

Citation of rules affected by this order:

New:

Repealed: WAC 220-340-52000Z, WAC 220-340-54000B

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: This emergency rule 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	___
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The number of sections adopted on the agency's own initiative:

New	1	Amended	___	Repealed	1
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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: August 5, 2022

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000A 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 harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Immediately, through August 5, 2022
Subregion 1B	Closed
Subregion 1C	Immediately, until further notice
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Immediately, through August 8, 2022
Subarea 23A-W	Immediately, until further notice
Subarea 23A-C and MSFS Catch Area 23B	Immediately, through August 9, 2022
Subarea 23A-S and MSFS Catch Area 23D	Immediately, until further notice
MFSF Catch Area 23C	Immediately, until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, until further notice
Region 5	Immediately, until further notice
MFSF Catch Area 26D	Immediately, until further notice
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) The second spot shrimp catch accounting period starts one hour before official sunrise on August 3, 2022, through one hour after official sunset on August 23, 2022.
- (e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (f) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:
 - (i) Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.
 - (ii) Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(3) Non-spot shrimp pot harvests:

- (a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Immediately, until further notice
Region 2W	Immediately, until further notice
Region 3, not including Discovery Bay Shrimp District	Immediately, until further notice
Discovery Bay Shrimp District	Immediately, until further notice
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 subsection 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 220-340-54000C 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))	Open period
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 immediately, through 10/15/2022
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 immediately, through 10/15/2022
Subarea 23A East and MFSF Catch Areas 23B, 25A	Open immediately, through 9/30/2022
Subarea 23A West	Open immediately, through 9/30/2022
MFSF Catch Area 23C	Open immediately, through 9/30/2022
MFSF Catch Area 29	Open immediately, through 9/30/2022

- (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))	Open period
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, through 10/15/2022
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, through 10/15/2022
The remaining portions of Catch Areas 20B and 22A within subregion 1B not described above.	Immediately, through 10/15/2022

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-340-52000Z Commercial shrimp pot fishery – Puget Sound. (22-160)

WAC 220-340-54000B Commercial shrimp trawl fishery – Puget Sound. (22-81)