



# 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: April 28, 2023

TIME: 3:03 PM

WSR 23-10-053

**Agency:** Department of Fish and Wildlife (Order 23-62)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) May 1, 2023

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** This emergency rule:

WAC 220-340-52000F:

- (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) Permits shrimp pot barging for 48 hours following the May 1 season opening.
- (3) Opens spot shrimp quota areas, defines the first spot shrimp catch accounting period as being from May 1, 2023, to August 1, 2023, and allows 5000 pounds of spot shrimp to be harvested per license for the first catch accounting period.
- (4) Defines the non-spot species complex.
- (5) Opens non-spot shrimp quota areas, defines the non-spot shrimp catch accounting periods, sets per license catch limit of 1,500lbs for catch period number 1 and 1,200 pounds for each subsequent catch period, 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.
- (6) Modifies harvest restrictions for spot and non-spot shrimp fisheries.

WAC 220-320-14000A:

Defines beam trawl areas for the purpose of designating fishing seasons.

WAC 220-340-54000F:

- (1) Opens Region 3 shrimp trawl fisheries on May 1, 2023.
- (2) Opens Region 1 trawl fisheries as required by permanent rule.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-320-140; 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:** 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 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	3	Amended	___	Repealed	___
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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:** April 28, 2023

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-340-52000F 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) It is unlawful for a vessel not designated on a Puget Sound Shrimp Pot License to deploy shrimp gear except under the following conditions:
  - i. The vessel deploys pot gear only during the 48-hour period immediately following the May 1, 2023, opening;
  - ii. The primary or alternate operator designated on the license associated with the barged gear is on board the nondesignated vessel ("barge" vessel) while the gear is being deployed; and
  - iii. The Puget Sound Shrimp Pot License holder who owns the gear intended for barging has provided notice to the department via email at [shrimp.report@dfw.wa.gov](mailto:shrimp.report@dfw.wa.gov) at least 24 hours in advance of the fishery opening date. Notice must include the following information:
    - (i) Name and license number(s) of the owner of the gear being barged;
    - (ii) Name of the designated primary operator, if different from the licensed owner;
    - (iii) Name of the alternate operator, if used to deploy pots from a nondesignated vessel;
    - (iv) Number of pots to be deployed from a nondesignated vessel;
    - (v) Name and identification numbers (WN and/or Coast Guard) of the nondesignated vessel;
    - (vi) Puget Sound Shrimp Management Region and MFSF Catch Area(s) gear will be deployed in.
- (3) Spot Shrimp Pot Harvest:
  - (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.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Date</b>
Subregion 1A	May 8, 2023
Subregion 1B	Closed
Subregion 1C	May 8, 2023
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	May 8, 2023
Subarea 23A-W	May 8, 2023
Subarea 23A-C and MSFS Catch Area 23B	May 8, 2023

Subarea 23A-S and MSFS Catch Area 23D	May 8, 2023
MFSF Catch Area 23C	May 8, 2023
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	May 8, 2023
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	May 8, 2023
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 started one hour before official sunrise on May 8, 2023, through one hour after official sunset on August 1, 2023.
- (c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 5,000 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 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.
- (e) It is lawful to have deactivated non-spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

(4) Non-spot shrimp pot harvests:

- (a) The non-spot shrimp species complex is defined as the following species of pandalid shrimp classified in WAC 220-320-010: Dock shrimp (*Pandalus danae*), Coonstripe shrimp (*Pandalus hypsinotus*), Humpy shrimp (*Pandalus goniurus*), Ocean pink shrimp (*Pandalis jordani*), pink shrimp (*Pandalus eous*), Side stripe shrimp (*Pandalus dispar*).
- (b) 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.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Date</b>
Subregion 1A	May 1, 2023
Subregion 1B	May 1, 2023
Subregion 1C	May 1, 2023

Region 2E	May 1, 2023
Region 2W	May 1, 2023
Region 3, not including Discovery Bay Shrimp District	May 1, 2023
Discovery Bay Shrimp District	May 1, 2023
Region 4	Closed
Region 5	Closed
Region 6	Closed

- (c) The non-spot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed in the following table:

<b>Period Number</b>	<b>Start Date</b>	<b>End Date</b>
<b>1</b>	5/1/2023	5/16/2023
<b>2</b>	5/17/2023	5/30/2023
<b>3</b>	5/31/2023	6/13/2023
<b>4</b>	6/14/2023	6/27/2023
<b>5</b>	6/28/2023	7/11/2023
<b>6</b>	7/12/2023	7/25/2023
<b>7</b>	7/26/2023	8/8/2023
<b>8</b>	8/9/2023	8/22/2023
<b>9</b>	8/23/2023	9/5/2023
<b>10</b>	9/6/2023	9/19/2023
<b>11</b>	9/20/2023	10/3/2023
<b>12</b>	10/4/2023	10/15/2023

- (d) It is unlawful for the total harvest of non-spot shrimp per license to exceed 1,500 pounds during non-spot shrimp catch accounting period number 1 from subregions 1A, 1B, 1C, and Region 2E combined.
- (e) It is unlawful for total harvest of non-spot shrimp to exceed 1,200 pounds per non-spot shrimp catch accounting period from subregions 1A, 1B, 1C, and Region 2E combined during catch accounting periods 2 through 12.
- (f) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, or the Discovery Bay Shrimp District.
- (g) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Catch Area 23A and all of its subareas (23AE, 23AW, 23AC, 23AS).
- (h) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.
- (i) 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.
- (j) It is lawful to have deactivated spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for non-spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

**NEW SECTION**

**WAC 220-320-14000A Commercial shrimp geographical management units – Puget Sound.**

Notwithstanding the provisions of WAC 220-320-140, for the purposes of Puget Sound shrimp trawl fishing seasons the following areas are designated as ‘Beam Trawl Areas’. Non-spot shrimp trawl harvest areas:

Non-spot shrimp beam trawl specific harvest area definitions:

<b>Name</b>	<b>Geographic Area Description (WAC 220-320-140 (3))</b>
South Lopez Sound	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°).
Rosario Box	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.
Lummi-Sinclair Triangle	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.

**NEW SECTION**

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

Notwithstanding the provisions of WAC 220-340-540, 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 beam trawl gear in Puget Sound except as provided for in Tables a, b, and c of this section:

- (a) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below.

<b>Geographic Area Description (WAC 220-320-140 (3); WAC 220-320-120)</b>	<b>Open period</b>
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°)	August 1, 2023
Those waters within the Lummi-Sinclair Triangle.	July 1, 2023
Those waters of South Lopez Sound.	July 10, 2023
All waters within subregion 1B, excluding those waters of South Lopez Sound and the Lummi-Sinclair Triangle.	June 16, 2023
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	May 1, 2023
Subarea 23A West	May 1, 2023
MFSF Catch Area 23C	May 1, 2023
MFSF Catch Area 29	May 1, 2023

- (b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester coordinating an on-board observing trip of 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).

<b>Geographic Area Description (WAC 220-320-140 (3); WAC 220-320-120)</b>	<b>Open period</b>
Those waters within the Rosario Box.	May 1, 2023
Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound.	May 16, 2023
Those waters of Catch Area 20B within subregion 1B.	May 16, 2023

- (c) Non-spot shrimp beam trawl harvest is not permitted in the areas of Shrimp Management Regions 1 and 3 detailed below.

<b>Geographic Area Description</b> <b>(WAC 220-320-140 (3); WAC 220-320-120)</b>
Discovery Bay Shrimp District
Sequim Bay CSMA
MFSF Catch Area 23D
Subregion 1A