



# 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 12, 2023

TIME: 3:15 PM

WSR 23-11-060

**Agency:** Department of Fish and Wildlife (Order 23-71)

**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 emergency rule:

- (1) Opens Region 3 shrimp trawl fisheries effective immediately.
- (2) Clarifies observing requirement for areas that open based on bycatch sampling criteria.
- (3) Opens Region 1 trawl fisheries as required by permanent rule.

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

New:  
 Repealed: WAC 220-340-54000F  
 Amended: 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Federal statute:	New	___	Amended	___	Repealed	___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 \_\_\_\_

**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	____

<b>Date Adopted:</b> May 12, 2023
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



NEW SECTION

**WAC 220-340-54000G 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.	Open immediately, until further notice.
Subarea 23A West	Open immediately, until further notice.
MFSF Catch Area 23C	Open immediately, until further notice.
MFSF Catch Area 29	Open immediately, until further notice.

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

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-54000F Commercial shrimp trawl fishery – Puget Sound (23-62).