



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: July 07, 2023

TIME: 2:23 PM

WSR 23-15-021

Agency: Department of Fish and Wildlife (Order 23-119)

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:

WAC 220-340-52000G

- (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) Defines the first spot shrimp catch accounting period as being from May 8, 2023, to August 1, 2023, and allows 5000 pounds of spot shrimp to be harvested per license for the first catch accounting period.
- (3) Opens Region 5 and Region 2W to commercial spot shrimp harvest on July 10, 2023.
- (4) Defines the non-spot species complex.
- (5) Closes subregions 1B and 1C to non-spot shrimp harvest on July 11, 2023, due to quota attainment.
- (6) 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 MFSF catch area 23A.
- (7) Modifies harvest restrictions for spot and non-spot shrimp fisheries.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000G
- 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: 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	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: July 7, 2023

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-340-52000H 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 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.

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Closed
Region 2W	Open July 10, 2023, until further notice.
Subarea 23A-E	Open until further notice
Subarea 23A-W	Open until further notice
Subarea 23A-C and MSFS Catch Area 23B	Open until further notice
Subarea 23A-S and MSFS Catch Area 23D	Open until further notice
MFSF Catch Area 23C	Open until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open until further notice
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Open until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Closed
Region 5	Open July 10, 2023, until further notice.
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.

(3) 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.

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Open until July 11, 2023
Subregion 1C	Open until July 11, 2023
Region 2E	Open until further notice
Region 2W	Open until further notice
Region 3, not including Discovery Bay Shrimp District	Open until further notice
Discovery Bay Shrimp District	Open until further notice
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:

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

REPEALER

The following section Washington Administrative Code is repealed, effective immediately:
WAC 220-340-52000G Commercial shrimp pot fishery – Puget Sound. (Order 23-82)