



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 18, 2023

TIME: 3:44 PM

WSR 23-17-120

Agency: Department of Fish and Wildlife (Order 23-172)

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) Defines the second spot shrimp catch accounting period as being from August 2 to August 18, 2023, and allows 5,400 pounds of spot shrimp to be harvested per license for the first and second catch accounting periods combined.
- (2) Opens areas for commercial spot shrimp clean-up fisheries.
- (3) Sets hard closure dates agreed to with co-managers for spot shrimp fisheries.
- (4) Sets hard closure dates agreed to with co-managers for non-spot shrimp fisheries.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-52000M
 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 ____

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	____

Date Adopted: August 18, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-520, effective immediately, through October 15, 2023, 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 on the first day of the open period. Any closures take effect one hour after official sunset on the closing day of the open period.

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Open through September 15, 2023
Subregion 1B	Closed
Subregion 1C	Open August 19 through September 15, 2023
Region 2E	Open August 19 through September 15, 2023
Region 2W	Open through September 15, 2023
Subarea 23A-E	Open August 19 through September 15, 2023
Subarea 23A-W	Open August 19 through September 15, 2023
Subarea 23A-C and MSFS Catch Area 23B	Open August 19 through September 15, 2023
Subarea 23A-S and MSFS Catch Area 23D	Open through September 15, 2023
MFSF Catch Area 23C	Open through September 15, 2023
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open August 19, 2023, through September 15, 2023
Discovery Bay Shrimp District	Open August 19 through September 15, 2023
MFSF 29 (Straits - Neah Bay)	Open through September 15, 2023
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Open through September 15, 2023

Region 5	Open through August 31, 2023
MFSF Catch Area 26D	Open through September 15, 2023
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, through one hour after official sunset on August 1, 2023.
- (c) It is unlawful for the combined 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) The second spot shrimp catch accounting period started one hour before official sunrise on August 2, through one hour after official sunset on August 18, 2023.
- (e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,400 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (f) 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 (*Pandalus 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 on the first day of the open period. Any closures take effect one hour after official sunset on the closing day of the open period.

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Open through October 15, 2023
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Closed
Region 2W	Open through October 15, 2023
Region 3, not including Discovery Bay Shrimp District	Open through October 15, 2023

Discovery Bay Shrimp District	Open through October 15, 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:

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	7/26/202	8/8/2023
8	8/9/2023	8/22/2023
9	8/23/202	9/5/2023
10	9/6/2023	9/19/2023
11	9/20/202	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 of the Washington Administrative Code is repealed, effective immediately:

WAC 220-340-52000M Commercial shrimp pot fishery – Puget Sound. (23-161)

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:

- (1) Defines the second spot shrimp catch accounting period as being from August 2 to August 18, 2023, and allows 5,400 pounds of spot shrimp to be harvested per license for the first and second catch accounting periods combined.
- (2) Opens areas for commercial spot shrimp clean-up fisheries.
- (3) Sets hard closure dates agreed to with co-managers for spot shrimp fisheries.
- (4) Sets hard closure dates agreed to with co-managers for non-spot shrimp fisheries.

(23-172, 8/18/2023)