



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 25, 2024

TIME: 4:17 PM

WSR 24-16-020

Agency: Department of Fish and Wildlife (Order 24-140)

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 2E, Sub-region 1B, the Discovery Bay Shrimp District, subareas 26B-1 and 26B-2 to commercial harvest effective July 31, 2024, through August 20, 2024.
- (2) Closes all areas open to commercial spot shrimp harvest on August 20, 2024, through August 22, 2024, to allow staff to assess catch data to ensure consistency with comanager agreements.
- (3) Designates the commercial spot shrimp catch accounting periods and catch limits.
- (4) Implements a reduced pot limit in Region 5 congruent with RCW 77.50.100.
- (5) Closes Sub-region 1B to commercial non-spot shrimp harvest effective one-hour after official sunset on July 31, 2024.
- (6) Designates the commercial non-spot shrimp catch accounting periods and bi-weekly catch limit for harvest from sub-regions 1B and 1C and Region 2E.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-52000W
- 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 the adoption of harvest seasons contained in this emergency rule. This emergency rule is necessary to prosecute state commercial shrimp pot fisheries in Puget Sound. This rule closes a quota area to commercial harvest following the projected attainment of the available harvest. This rule allows harvesters to 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 25, 2024

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) Spot Shrimp Pot Harvest:

- (a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official sunrise 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	Closed.
Subregion 1B	July 31, 2024, through August 20, 2024; August 22, 2024, until further notice.
Subregion 1C	Closed.
Region 2E	July 31, 2024, through August 20, 2024; August 22, 2024, until further notice.
Region 2W	Immediately, through August 20, 2024; August 22, 2024, until further notice.
Subarea 23A-E	Closed.
Subarea 23A-W	Immediately, through August 20, 2024; August 22, 2024, until further notice.
Subarea 23A-C and MSFS Catch Area 23B	Immediately, through August 20, 2024; August 22, 2024, until further notice.
Subarea 23A-S and MSFS Catch Area 23D	Immediately, through August 20, 2024; August 22, 2024, until further notice.
MFSF Catch Area 23C	Immediately, through August 20, 2024; August 22, 2024, until further notice.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed; August 22, 2024, until further notice.
Discovery Bay Shrimp District	July 31, 2024, through August 20, 2024; August 22, 2024, until further notice.
MFSF 29 (Straits - Neah Bay)	Immediately, through August 20, 2024; August 22, 2024, until further notice.
Subarea 26B-1 and MFSF Catch Area 26C	July 31, 2024, through August 20, 2024; August 22, 2024, until further notice.

Subarea 26B-2	July 31, 2024, through August 20, 2024; August 22, 2024, until further notice.
Region 5	July 31, 2024, through August 20, 2024; August 22, 2024, 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 starts one hour before official sunrise on May 1, 2024, through one hour after official sunset on July 30, 2024.
- (c) It is unlawful for the combined total harvest during the first spot shrimp accounting period to have exceeded 4,800 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (d) The second spot shrimp catch accounting period will start one hour before official sunrise on July 31, 2024, through one hour after official sunset on August 20, 2024.
- (e) It is unlawful for the combined total harvest during the first and second spot shrimp accounting periods to have exceeded 5,300 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (f) Harvesters may deploy no more than 50 spot shrimp pots per license in Shrimp Management Region 5.
- (g) It is lawful to possess deactivated non-spot shrimp pots on-board 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 drawstring or door fastened open, and/or is unable to be readily fished.

(2) Non-spot shrimp pot harvests:

- (a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official sunrise 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	Immediately, until further notice.
Subregion 1B	Immediately, through July 31, 2024.
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 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	5/1/2024	5/14/2024
2	5/15/2024	5/28/2024
3	5/29/2024	6/11/2024
4	6/12/2024	6/25/2024
5	6/26/2024	7/9/2024
6	7/10/2024	7/23/2024
7	7/24/2024	8/6/2024
8	8/7/2024	8/20/2024
9	8/21/2024	9/3/2024
10	9/4/2024	9/17/2024
11	9/18/2024	10/1/2024
12	10/2/2024	10/15/2024

- (c) It is unlawful for total harvest of non-spot shrimp to exceed 1,400 pounds per non-spot shrimp catch accounting period from subregions 1B, 1C, and Region 2E combined during catch accounting periods 1 through 12.
- (d) There is no weekly harvest limit of non-spot shrimp from sub-region 1A, Region 2W, Region 3, or the Discovery Bay Shrimp District.
- (e) 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).
- (f) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.
- (g) 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.

(h) It is lawful to possess 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 drawstring 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 220-340-52000W Commercial shrimp pot fishery – Puget Sound. (24-132)