

WSR 22-10-048  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 22-64—Filed April 28, 2022, 1:53 p.m., effective April 29, 2022]

Effective Date of Rule: April 29, 2022.

Purpose: The purpose of this emergency rule is to open commercial spot and nonspot shrimp fisheries in Puget Sound.

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:

WAC 220-340-52000S:

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 nonspot shrimp pots respectively.

2. Opens spot shrimp quota areas, defines the first spot shrimp catch accounting period as being from May 1 to August 2, 2022, and allows 4,500 pounds of spot shrimp to be harvested per license for the first catch accounting period.

3. Opens nonspot shrimp quota areas, defines the nonspot shrimp catch accounting week, sets a weekly per license catch limit of 700 pounds, in Subregions 1A, 1B, 1C, and Region 2E, clarifies there is no weekly harvest limit in Regions 3 or 2W, and sets a 175 foot depth limit in Subregion 1A and Subarea 23A East.

WAC 220-340-54000A:

1. Opens Region 3 shrimp trawl fisheries on May 1, 2022. Opens Region 1 trawl fisheries as required by permanent rule.

Citation of Rules Affected by this Order: Amending WAC 220-340-520 and 220-340-540.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: The emergency regulation 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 nonspot shares. These rules are in congruence with co-manager agreements. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 28, 2022.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-52000S Commercial shrimp pot fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, effective one hour before official sunrise on April 29, 2021, 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 Harvests:

(a) Spot shrimp harvest is permitted as indicated in the following table starting one hour before official sunrise until further notice.

<b>Geographical Management Unit (WAC 220-320-140)</b>	<b>Status</b>	<b>Opening Date</b>
Subregion 1A	Open	5/1/2022
Subregion 1B	Closed	
Subregion 1C	Open	5/1/2022
Region 2E	Closed	
Region 2W	Closed	
Subarea 23A-E	Open	5/1/2022
Subarea 23A-W	Open	5/1/2022
Subarea 23A-C and MSFS Catch Area 23B	Open	5/1/2022
Subarea 23A-S and MSFS Catch Area 23D	Open	5/1/2022
MFSF Catch Area 23C	Open	5/1/2022
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open	5/1/2022
Discovery Bay Shrimp District	Closed	
MFSF 29 (Straits - Neah Bay)	Open	5/1/2022
Subarea 26B-1 and MFSF Catch Area 26C	Closed	
Subarea 26B-2	Closed	
Region 5	Closed	
MFSF Catch Area 26D	Closed	

Geographical Management Unit (WAC 220-320-140)	Status	Opening Date
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed	

(b) The first spot shrimp catch accounting period starts one hour before official sunrise on April 29, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to exceed 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table starting one hour before official sunset until further notice.

Geographical Management Unit (WAC 220-320-140)	Status	Opening Date
Subregion 1A	Open	4/29/2022
Subregion 1B	Open	4/29/2022
Subregion 1C	Open	4/29/2022
Region 2E	Open	5/1/2022
Region 2W	Open	5/1/2022
Region 3	Open	5/1/2022
Discovery Bay Shrimp District	Open	5/1/2022
Region 4	Closed	
Region 5	Closed	
Region 6	Closed	

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from region 2W and region 3.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

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NEW SECTION

**WAC 220-340-54000A Commercial shrimp trawl fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-540, effective one hour before official sunrise on the dates listed in Tables 1(a) and 1(b), 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 this section:

Non-spot shrimp trawl harvest:

(a) Non-spot shrimp beam trawl harvest is permitted as indicated in the following table starting one hour before official sunrise until further notice.

<b>Geographic Area Description (WAC 220-320-140(3))</b>	<b>Status</b>	<b>Opening Date</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°)	Open	8/1/2022
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.	Open	7/1/2022
Subarea 23A East and MFSF Catch Areas 23B, 25A	Open	5/1/2022
Subarea 23A West	Open	5/1/2022
MFSF Catch Area 23C	Open	5/1/2022
MFSF Catch Area 29	Open	5/1/2022

(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 into 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))</b>	<b>Status</b>	<b>Opening Date</b>
Subregion 1B, MFSF Catch Area 20B.	Open	5/16/2022
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°).	Open	5/1/2022
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.	Open	5/1/2022

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