

WSR 23-15-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-125—Filed July 13, 2023, 7:59 a.m., effective July 13, 2023]

Effective Date of Rule: July 13, 2023.

Purpose: This emergency rule WAC 220-340-52000I:

(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) Defines the first spot shrimp catch accounting period as being from May 8 to August 1, 2023, and allows 5,000 pounds of spot shrimp to be harvested per license for the first catch accounting period.

(3) Closes MFSF Catch Area 25A to commercial spot shrimp harvest on July 13, 2023, due to quota attainment.

(4) Defines the nonspot species complex.

(5) Opens nonspot shrimp quota areas, defines the nonspot shrimp catch accounting periods, sets per license catch limit of 1,500 lbs 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-foot depth limit in Subregion 1A and MFSF Catch Area 23A.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000H; and amending WAC 220-340-520.

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: 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 nonspot shares. These rules are in congruence with comanager 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 1, Amended 0, Repealed 1.

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: July 12, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000I Commercial shrimp fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective July 13, 2023, 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 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 through July 13, 2023 |
| 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 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*), Humpty 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 | Closed |
| Subregion 1C | Closed |
| 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 subre-

gions 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.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed, effective July 13, 2023:

WAC 220-340-52000H Commercial shrimp pot fishery—Puget Sound. (23-119)