

WSR 23-18-071  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 23-186—Filed September 1, 2023, 4:07 p.m., effective September 1, 2023, 4:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule: (1) Closes Shrimp Management Region 2W, Shrimp Management Region 5, and Marine Fish and Shellfish (MFSF) Catch Area 26D effective one hour after official sunset on August 31, 2023, following commercial spot shrimp cleanup fisheries.

(2) Closes Subarea 23A-E effective one hour after official sunset on September 2, 2023, following commercial spot shrimp cleanup fisheries.

(3) Closes MFSF Catch Area 20B effective one hour after official sunset on August 31, 2023.

(4) Sets hard closure dates agreed to with comanagers for beam trawl shrimp fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000N, 220-340-54000H and 220-320-14000B; and amending WAC 220-340-520, 220-340-530, and 220-320-140.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 3.

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: September 1, 2023.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-52000P 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 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.

| <b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b> | <b>Open Period</b>              |
|--|---------------------------------|
| Subregion 1A   | Open through September 15, 2023 |
| Subregion 1B   | Closed                          |
| Subregion 1C   | Open through September 15, 2023 |
| Region 2E  | Open through September 15, 2023 |
| Region 2W  | Open through August 31, 2023    |
| Subarea 23A-E  | Open through September 2, 2023  |
| Subarea 23A-W  | Open through September 15, 2023 |
| Subarea 23A-C and MSFS Catch Area 23B                                  | Open 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 through September 15, 2023 |
| Discovery Bay Shrimp District  | Open 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 August 31, 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 have exceeded 5,400 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) It is lawful to possess 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 drawstring 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 (*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 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  | 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 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.

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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.

NEW SECTION

**WAC 220-320-14000C Commercial shrimp geographical management units—Puget Sound.** Notwithstanding the provisions of WAC 220-320-140, for the purposes of Puget Sound shrimp trawl fishing seasons the following areas are designated as 'Beam Trawl Areas'.

Non-spot shrimp beam trawl specific harvest area definitions:

| Name                    | Geographic Area Description (WAC 220-320-140(3))   |
|-------------------------|--|
| South Lopez Sound       | 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°).  |
| Rosario Box             | 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. |
| Lummi-Sinclair Triangle | 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.  |

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NEW SECTION

**WAC 220-340-53000A Commercial shrimp trawl fishery—Puget Sound.** Notwithstanding the provisions of WAC 220-340-530, 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 beam trawl gear in Puget Sound except as provided for in Tables a, b, and c of this section:

(a) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below.

| <b>Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)</b>  | <b>Open period</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°) | August 1, 2023, through October 15, 2023. |
| Those waters within the Lummi-Sinclair Triangle.   | Open through October 15, 2023.            |
| Those waters of South Lopez Sound.   | Open through October 15, 2023.            |
| All waters within subregion 1B, excluding those waters of South Lopez Sound, the Lummi-Sinclair Triangle, and Catch Area 20B.  | Open through October 15, 2023.            |
| Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.  | Open through September 30, 2023.          |
| Subarea 23A West   | Open through September 30, 2023.          |
| MFSF Catch Area 23C  | Open through September 30, 2023.          |
| MFSF Catch Area 29   | Open through September 30, 2023.          |

(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 a WDFW on-board observer on the first trip of 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); WAC 220-320-120)</b>                            | <b>Open period</b>             |
|--|--------------------------------|
| Those waters within the Rosario Box.   | Open through October 15, 2023. |
| Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound. | Open through October 15, 2023. |
| Those waters of Catch Area 20B within subregion 1B.  | Open through August 31, 2023   |

(c) Non-spot shrimp beam trawl harvest is not permitted in the areas of Shrimp Management Regions 1 and 3 detailed below.

| <b>Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)</b> |
|--|
| Discovery Bay Shrimp District  |
| Sequim Bay CSMA  |
| MFSF Catch Area 23D  |
| Subregion 1A   |

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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 sections of Washington Administrative Code are repealed, effective immediately:

- WAC 220-340-52000N Commercial shrimp pot fishery—Puget Sound. (23-172)
- WAC 220-340-54000H Commercial shrimp trawl fishery—Puget Sound. (23-139)
- WAC 220-320-14000B Commercial shrimp geographical management units—Puget Sound. (23-139)