

WSR 24-16-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-144—Filed July 31, 2024, 1:58 p.m., effective July 31, 2024, 1:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule:

- (1) Closes Subarea 23A-C and Marine Fish-Shellfish (MFSF) Catch Area 23B to commercial spot shrimp harvest effective August 2, 2024.
- (2) Opens Region 2E, Subregion 1B, the Discovery Bay Shrimp District, and Subareas 26B-1 and 26B-2 to commercial harvest effective July 31, 2024, through August 20, 2024.
- (3) Closes all areas open to commercial spot shrimp harvest on August 20 through 22, 2024, to allow staff to assess catch data to ensure consistency with comanager agreements and coordinate remaining fisheries with the industry.
- (4) Designates the commercial spot shrimp catch accounting periods and catch limits.
- (5) Implements a reduced pot limit in Region 5 congruent with RCW 77.50.100.
- (6) Closes Subregion 1B to commercial nonspot shrimp harvest effective one hour after official sunset on July 31, 2024.
- (7) Designates the commercial nonspot shrimp catch accounting periods and biweekly catch limit for harvest from Subregions 1B and 1C and Region 2E.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000X; 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: This rule closes Subarea 23A-C and MFSF Catch Area 23B to commercial harvest following the projected attainment of the available harvest share.

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. It is responsive 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 31, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000Y 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, 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 2, 2024. |
| 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. |

| Geographical Management Unit (WAC 220-320-140; WAC 220-320-120) | Open Period |
|--|--------------------|
| 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 starts 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 |

| Period Number | Start Date | End Date |
|---------------|------------|------------|
| 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 subregion 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.

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 the Washington Administrative Code is repealed, effective immediately:

WAC 220-340-52000X Commercial shrimp pot fishery—Puget Sound. (24-140)