

**WSR 22-17-117
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-177—Filed August 22, 2022, 11:35 a.m., effective August 22, 2022, 11:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: (1) Closes all areas in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 23, 2022.

(2) Opens Subregion 1C to commercial nonspot shrimp pot harvest, effective immediately following a release of converted trawl quota to the pot fishery.

(3) Closes all areas in Puget Sound to commercial harvest of non-spot shrimp with pots on the agreed-to hard closure date of October 15, 2022.

(4) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

(5) Allows nonspot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000B; 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: August 22, 2022.

Kelly Susewind
Director

NEW SECTION**WAC 220-340-52000C Commercial shrimp pot fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, 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 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)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Immediately, through August 23, 2022
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Closed
Subarea 23A-W	Closed
Subarea 23A-C and MSFS Catch Area 23B	Closed
Subarea 23A-S and MSFS Catch Area 23D	Immediately, through August 23, 2022
MFSF Catch Area 23C	Immediately, through August 23, 2022
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, through August 23, 2022
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, through August 23, 2022
Region 5	Immediately, through August 23, 2022
MFSF Catch Area 26D	Immediately, through August 23, 2022
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 1, 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 have exceeded 4,500 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 August 3, 2022, through one hour after official sunset on August 23, 2022.

(e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) 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.

(3) Non-spot shrimp pot harvests:

(a) 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)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Immediately, through October 15, 2022
Region 2E	Immediately, through October 15, 2022
Region 2W	Immediately, through October 15, 2022
Region 3, not including Discovery Bay Shrimp District	Immediately, through October 15, 2022
Discovery Bay Shrimp District	Immediately, through October 15, 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, Region 3, and Discovery Bay Shrimp District.

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

(f) 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.

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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 the Washington Administrative Code is repealed:

WAC 220-340-52000B Commercial shrimp pot fishery—Puget Sound. (22-165)