

WSR 24-10-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-62—Filed April 26, 2024, 2:08 p.m., effective May 1, 2024]

Effective Date of Rule: May 1, 2024.

Purpose: This emergency rule:

WAC 220-340-52000S:

(1) Opens Puget Sound to commercial spot shrimp harvest effective May 1, 2024.

(2) Designates the commercial spot shrimp catch accounting periods and catch limits.

(3) Opens Puget Sound to commercial nonspot shrimp harvest effective May 1, 2024.

(4) Designates the commercial nonspot shrimp catch accounting periods and biweekly catch limit for harvest from Region 1 and 2E.

WAC 220-340-53000B:

(1) Opens Puget Sound to commercial shrimp trawl harvest.

(2) Designates opening for Puget Sound beam trawl areas.

(3) Designates early opening dates for select areas contingent on observer coverage.

Citation of Rules Affected by this Order: Amending WAC 220-340-520 and 220-340-530.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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 26, 2024.

Kelly Susewind
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 220-340-520, effective May 1, 2024, 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) The Puget Sound Shrimp Pot License holder who owns the gear intended for barging must provide notice to the department via email at shrimp.report@dfw.wa.gov at least 24 hours in advance of the fishery opening date. Notice must include the following information:

- (a) Name and license number(s) of the owner of the gear being barged;
- (b) Name of the designated primary operator, if different from the licensed owner;
- (c) Name of the alternate operator, if used to deploy pots from a nondesignated vessel;
- (d) Number of pots to be deployed from a nondesignated vessel;
- (e) Name and identification numbers (WN and/or Coast Guard) of the nondesignated vessel;
- (f) Puget Sound Shrimp Management Region and MFSF Catch Area(s) gear will be deployed in.

(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.

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	May 1, 2024, until further notice.
Subregion 1B	Closed.
Subregion 1C	May 1, 2024, until further notice.
Region 2E	Closed.
Region 2W	Closed
Subarea 23A-E	May 1, 2024, until further notice.
Subarea 23A-W	May 1, 2024, until further notice.
Subarea 23A-C and MSFS Catch Area 23B	May 1, 2024, until further notice.
Subarea 23A-S and MSFS Catch Area 23D	May 1, 2024, until further notice.
MFSF Catch Area 23C	May 1, 2024, until further notice.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	May 1, 2024, until further notice.
Discovery Bay Shrimp District	Closed.
MFSF 29 (Straits - Neah Bay)	May 1, 2024, until further notice.
Subarea 26B-1 and MFSF Catch Area 26C	Closed.
Subarea 26B-2	Closed.
Region 5	Closed.
MFSF Catch Area 26D	Closed.
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 will start one hour before official sunrise on July 31, 2024, through one hour after official sunset on August 20, 2024.

(e) 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.

(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 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	May 1, 2024, until further notice.
Subregion 1B	May 1, 2024, until further notice.
Subregion 1C	May 1, 2024, until further notice.
Region 2E	May 1, 2024, until further notice.
Region 2W	May 1, 2024, until further notice.
Region 3, not including Discovery Bay Shrimp District	May 1, 2024, until further notice.
Discovery Bay Shrimp District	May 1, 2024, 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
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 subre-

gions 1A, 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 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:

(1) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

(2) 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.

NEW SECTION

WAC 220-340-53000B Commercial shrimp trawl fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-340-530, effective May 1, 2024, until further notice, 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.

Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)	Open period
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, 2024, until further notice.
Those waters within the Lummi-Sinclair Triangle.	July 1, 2024, until further notice.
Those waters of South Lopez Sound.	July 10, 2024, until further notice.
All waters within subregion 1B, excluding those waters of South Lopez Sound, the Lummi-Sinclair Triangle, and Catch Area 20B.	June 16, 2024, until further notice.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	May 1, 2024, until further notice.
Subarea 23A West	May 1, 2024, until further notice.
MFSF Catch Area 23C	May 1, 2024, until further notice.
MFSF Catch Area 29	May 1, 2024, until further notice.

(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 (5)(d) and (5)(e).

Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)	Open period
Those waters within the Rosario Box.	May 1, 2024, until further notice.
Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound.	May 1, 2024, until further notice.
Those waters of Catch Area 20B within subregion 1B.	May 1, 2024, until further notice.

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

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

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