

WSR 24-13-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-91—Filed June 7, 2024, 1:32 p.m., effective June 7, 2024, 1:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule:

(1) Closes Subregion 1C and Subarea 23A-East to commercial spot shrimp harvest one hour after official sunset on Monday, June 10, 2024.

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

(3) 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 220-340-52000S; 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 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. This rule closes a quota area to commercial harvest following the projected attainment of the available harvest. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: June 7, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000T 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 | Immediately, until further notice. |
| Subregion 1B | Closed. |
| Subregion 1C | Immediately, through June 10, 2024. |
| Region 2E | Closed. |
| Region 2W | Closed |
| Subarea 23A-E | Immediately, through June 10, 2024. |
| Subarea 23A-W | Immediately, until further notice. |
| Subarea 23A-C and MSFS Catch Area 23B | Immediately, until further notice. |
| Subarea 23A-S and MSFS Catch Area 23D | Immediately, until further notice. |
| MFSF Catch Area 23C | Immediately, until further notice. |
| MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District | Immediately, until further notice. |
| Discovery Bay Shrimp District | Closed. |
| MFSF 29 (Straits - Neah Bay) | Immediately, 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.

(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, until further notice. |
| Subregion 1C | Immediately, until further notice. |
| 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 |
| 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 220-340-52000S Commercial shrimp pot fishery—Puget Sound. (24-62)