



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 10-20**

- Immediately upon filing.
- Later (specify) February 1, 2010

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend commercial fishing rules

**Citation of existing rules affected by this order:**

Repealed: WAC 220-52-07100A  
 Amended: WAC 220-52-071  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.047 and RCW 77.04.020

**Other authority :**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Harvestable amounts of sea cucumbers are available in the sea cucumber districts listed. Limiting vessel landings amounts for proposed harvest opening dates in Sea Cucumber District 2 is necessary to ensure that the area harvest quota share amount is not exceeded. There is insufficient time to adopt permanent rules.

**Date adopted:** January 29, 2010

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** January 29, 2010  
**TIME:** 3:36 PM

**WSR 10-04-064**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

### **WAC 220-52-07100B Sea Cucumbers.**

Notwithstanding the provisions of WAC 220-52-071, effective February 1, 2010, until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

- (1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 5 seven days a week.
- (2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 3 only on Monday, Tuesday, and Wednesday of each week.
- (3) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 2 on February 1 and 2, 2010, only. The maximum total combined vessel landings amount for February 1 and 2, 2010, for Sea Cucumber District 2 shall not exceed 1,500 pounds of split-drained sea cucumber for each valid designated sea cucumber vessel.

## REPEALER

The following section of the Washington Administrative Code is repealed effective February 1, 2010:

WAC 220-52-07100A Sea Cucumbers. (09-225)