



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 12, 2019

TIME: 2:09 PM

WSR 19-17-017

Agency: Department of Fish and Wildlife (Order 19-189)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 13, 2019

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

- Yes No If Yes, explain:

Purpose: Amend Puget Sound commercial sea cucumber rules.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-340-73000L
 Amended: WAC 220-340-730
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

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.

Reasons for this finding: This emergency rule is necessary to close the Puget Sound commercial sea cucumber fishery in sea cucumber Management District 2-2 (23B, 25A, 25C, 25D, 25E.) The harvest quota is expected to be reached by the end of the day August 12, 2019. This closure is necessary to prevent over harvest. Harvestable surpluses of sea cucumbers remain in districts specified to remain open. There is insufficient time to adopt permanent rules.

**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:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New 1 Amended ____ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: August 12, 2019
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-340-73000M Commercial sea cucumber fishery.

Notwithstanding the provisions of WAC 220-340-730, effective August 13, 2019, 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 the following Marine Fish-Shellfish Catch Reporting Areas of Sea Cucumber District 1, Monday through Sunday of each week: 20A, 20B, 21A, 21B, 22A, and 22B.
- (2) Sea cucumber harvest using shellfish diver gear is allowed in the following Marine Fish-Shellfish Catch Reporting Areas of Sea Cucumber District 2, Monday through Sunday of each week: 29, 23A, 23D, and 23C east of a line projected true north from the shoreline at 123 degrees 48.3 minutes west longitude, and west of a line projected true north from the shoreline at 123 degrees 52.7 minutes west longitude.
- (3) Sea cucumber harvest using shellfish diver gear is allowed in the Marine Fish- Shellfish Catch Reporting Areas of Sea Cucumber District 5, Monday through Sunday of each week: 28B, 28C, 28D, and 28A except for all waters of Hale Passage and Wollochet Bay within the following lines: west of a line projected true south from the shoreline near Point Fosdick at 122 degrees 35 minutes west longitude to 47 degrees 14 minutes north latitude, and thence projected true west to the shoreline of Fox Island, and east of a line projected true south from the shoreline near Green Point at 122 degrees 41 minutes west longitude to 47 degrees 16.5 minutes north latitude, and thence projected true east to the shoreline of Fox Island.
- (4) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 13, 2019:

WAC 220-340-73000L Commercial sea cucumber fishery. (19-178)