



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: June 22, 2021

TIME: 4:08 PM

WSR 21-13-160

Agency: Department of Fish and Wildlife (Order No. 21-102)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rule is to open recreational sea cucumber harvest in Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 9 north of a line from Foulweather Bluff to Double Bluff on Whidbey Island, 11, and 13; while keeping Marine Areas 8-1, 8-2, and that portion of 9 south of a line from Foulweather Bluff to Double Bluff on Whidbey Island closed.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-330-090
 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 needed to align the personal use sea cucumber regulation with provisions of the 2020-21 Puget Sound Sea Cucumber Management Plan. This regulation will extend the closure of the personal use sea cucumber fishery in Marine Areas 8-1, 8-2, 9 (southern half), and 10, until further notice, and to reopen harvest in all other Marine Areas. This regulation is needed to manage the fishery within court-ordered sharing requirements and ensure conservation. July 1, 2021 through February 28, 2022 harvest of sea cucumbers is allowed in Marine Areas 1, 2, 3, 4, 5, 6, 7, 9 north of line projected from Foulweather Bluff continuing to Double Bluff on Whidbey Island, 11, and 13. Permanent rule making regarding recreational sea cucumber seasons is anticipated to occur during 2021.

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


New	1	Amended	___	Repealed	___
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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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: June 21, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-09000B Sea Cucumbers

Effective immediately, until further notice the provisions of WAC 220-330-090 are modified as described below. All other provisions of WAC 220-330-090 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (a) Immediately through June 30, 2021, it is unlawful to take or possess sea cucumbers taken for personal use in all waters of Puget Sound; Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, and 13.
- (b) July 1, 2021 until further notice, it is unlawful to take or possess sea cucumbers taken for personal use in Marine Areas 8-1, 8-2, 10, and that portion of Marine Area 9 south of line projected from Foulweather Bluff continuing to Double Bluff on Whidbey Island.