



# 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: July 29, 2022

TIME: 4:13 PM

WSR 22-16-076

**Agency:** Department of Fish and Wildlife (Order No. 22-156)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) August 1, 2022

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

- Yes  No If Yes, explain:

**Purpose:** Amends rules for Puget Sound commercial sea cucumber

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

New:  
 Repealed:  
 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 opens harvest of sea cucumber in Sea Cucumber Management Districts 1, 2-1, 2-2, and 5 (catch reporting areas 28A, 28B, 28C, 28D). Harvestable surpluses of sea cucumber exist in these specified districts, based on scientific surveys and stock assessment review among biologists outside of areas closed to harvest. This opener is pursuant to fulfill obligations of state and tribal co-manager agreements. Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to public interest. 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Federal statute:	New	___	Amended	___	Repealed	___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:** July 29, 2022

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-340-73000B Sea Cucumbers**

Effective August 1, 2022 and until further notice, or until this rule expires on November 24, 2022 pursuant to RCW 34.05.350, the following provisions of WAC 220-340-730 regarding Puget Sound commercial sea cucumber harvest and sales shall be described below. All other provisions of WAC 220-340-730 not addressed herein, and unless otherwise amended, remain in effect:

- (1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2-1, and 2-2 Monday through Sunday of each week.
- (2) Sea cucumber harvest using shellfish diver gear is allowed in the following catch reporting areas of Sea Cucumber District 5, Monday through Sunday of each week: 28A, 28B, 28C, and 28D.
- (3) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.