



**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: January 19, 2023
TIME: 8:07 AM

WSR 23-04-005

Agency: Department of Fish and Wildlife (Order 23-08)

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 set a closure date for District 1 and to open a District 2-1 with a reduced weekly trip limit.

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- Repealed: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 sets closure of harvest of sea cucumber in management District 1 and opens harvest of sea cucumber in District 2-1 with a reduced weekly trip limit. The quota in District 1 is expected to be taken by January 23, 2023, its closure is needed to fulfill obligations of state and tribal co-manager agreements. There is enough harvestable surplus in District 2-1 to support a limited opening with a reduced weekly trip limit of 600 pounds per license. Sea cucumber harvest in District 2-1 will be monitored closely and closure will be announced when harvest quota fulfillment is immanent. 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 ____

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

New 1 Amended ____ Repealed ____

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: January 18, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-73000H Commercial sea cucumber fishery

Effective immediately, and until further notice, or until this rule expires May 19, 2023 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) Effective immediately, through January 22, 2023: Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1, Monday through Sunday of each week.
- (2) Effective immediately, through January 22, 2023: The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.
- (3) Effective January 23, 2023, until further notice: Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 2-1, Monday through Sunday of each week.
- (4) Effective January 23, 2023, until further notice: The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 600 pounds per valid designated sea cucumber harvest license.