



**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 04, 2023

TIME: 4:09 PM

WSR 23-17-015

Agency: Department of Fish and Wildlife (Order 23-153)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 7, 2023

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

- Yes No If Yes, explain:

Purpose: Opens harvest of sea cucumber in all parts of District 5 except a designated closed area within a one nautical mile radius of Gig Harbor.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-340-730001
- 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 all parts of District 5 except a designated closed area within a one nautical mile radius of Gig Harbor. The closed area is part of an agreement with co-managers in a signed harvest plan. Harvestable surpluses of sea cucumbers exist in the districts specified. There is insufficient time to adopt permanent rules. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 4, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-340-73000J Sea Cucumbers

Effective August 7, 2023, until further notice, or until this rule expires on December 2, 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) 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 Sea Cucumber District 5 except for all waters in Gig Harbor and adjacent waters within a one nautical mile radius of the Gig Harbor entrance, Monday through Sunday of each week.
- (3) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,500 pounds per license.
- (4) The maximum cumulative landing of sea cucumbers for the period of August 1, 2023, to November 5, 2023 is 9,000 pounds per license from all Puget Sound commercial sea cucumber districts combined.

REPEALER

The following section of Washington Administrative Code is repealed, effective August 7, 2023:

WAC 220-340-73000I Sea Cucumbers (23-144)