

WSR 21-22-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-239—Filed October 28, 2021, 11:19 a.m., effective October 28, 2021, 11:19 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends rules for Puget Sound recreational sea cucumbers.

Citation of Rules Affected by this Order: Amending WAC
220-330-090.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020,
77.12.045, and 77.12.047.

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.

Reasons for this Finding: This emergency rule is needed to align the personal use sea cucumber regulation with provisions of the 2021-22 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, 10, and that portion of Marine Area 9 south of line projected from Foulweather Bluff continuing to Double Bluff on Whidbey Island year-round. This regulation is needed to manage the fishery within court-ordered sharing requirements and ensure conservation. Harvest of sea cucumbers remains open until further notice, 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. There is insufficient time to adopt permanent rules, but updating of related permanent rules has been initiated.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 28, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-09000C Sea cucumbers Notwithstanding the provisions of WAC 220-330-090, effective immediately 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. All other provisions of WAC 220-330-090 not addressed herein, or unless otherwise amended by emergency rule, remain in effect.

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