

**WSR 22-04-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-09—Filed January 24, 2022, 12:13 p.m., effective January 24, 2022, 12:13 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Closes commercial harvest of red sea urchin in District 1 (20A, 20B, 22A) and parts of District 2 (21A, 21B, 22A, 22B).

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000G; and amending WAC 220-340-750.

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 closes harvest of red sea urchins in Sea Urchin District 1 (20A, 20B, 22A) and parts of District 2 (21A, 21B, 22A, 22B) because the quota for these areas have been reached. This closure is pursuant to fulfill obligations of state and tribal comanager agreements. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 24, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-75000H Commercial sea urchin fishery. Effective immediately, until further notice, the provisions of WAC 220-340-750 regarding commercial harvest of sea urchins shall be modified as described below. All other provisions of WAC 220-340-750 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2.25 inches; or red sea urchins measuring less than 3.25 inches or greater than 5 inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

(2) The following areas are open for red sea urchin harvest only, seven days-per-week: Sea Urchin District 2 Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A, 25B, District 3 east of a line projected true north from the shoreline at 123°48.3'W longitude to the international border, and District 4 west of a line projected true north from the shoreline at 123°52.7'W longitude to the international border.

(3) The following areas are open for green sea urchin harvest only, seven days-per-week: Sea Urchin District 1, District 2 Marine Fish-Shellfish Management and Catch Reporting Areas 21A, 21B, 22A, 22B, 23A, District 3 east of a line projected true north from the shoreline at 123°48.3'W longitude to the international border, District 4 west of a line projected true north from the shoreline at 123°52.7'W longitude to the international border, District 6, and District 7 except all waters of Hale Passage and Wollochet Bay within the following lines: west and north of a line starting at Point Fosdick following longitude 122°35'W southward to latitude 47°14'N thence true west to Fox Island, and east and north of a line starting at Green Point following longitude 122°41'W southward to latitude 47°16.5'N thence true east to Fox Island.

(4) The maximum cumulative landings for red sea urchin and green sea urchin for each weekly fishery opening period is 1,500 pounds per species per valid designated sea urchin harvest license. Each fishery week begins Monday and ends Sunday.

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REPEALER

The following section of Washington Administrative Code is repealed effective December 6, 2021:

WAC 220-340-75000G Commercial sea urchin fishery. (21-268)