

**WSR 23-04-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-08—Filed January 19, 2023, 8:07 a.m., effective January 19, 2023, 8:07 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to set a closure date for District 1 and to open District 2-1 with a reduced weekly trip limit.

Citation of Rules Affected by this Order: Amending WAC 220-340-730.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 18, 2023.

Amy H. Windrope
for Kelly Susewind
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.

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