

**WSR 22-01-151
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-273—Filed December 15, 2021, 12:58 p.m., effective December 15, 2021, 12:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to correct the previous filing of WSR 22-01-080 that incorrectly specified opening commercial harvest in District 2-2, it should have specified Districts 1 and 2.

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000B; and 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 is necessary to correct the filing of WSR 22-01-080. The previous filing specified opening commercial harvest in District 2-2, this rule corrects the district to Districts 1 and 2.

This rule opens commercial harvest of sea cucumbers in Catch Reporting Areas 23B, 25A, 25B, 25C, 25D, and 25E of sea cucumber management Districts 1 and 2. The quota in this area has been increased by 10,800 pounds per comanager agreement. Opening commercial seasons in District 1 and 2 with a 700-pound weekly limit, with the expectation of 15 licenses [licensees] participating, is consistent with and designed to fall within comanager agreed management plans. Harvestable surpluses of sea cucumbers exist in the districts specified.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 15, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000C Commercial sea cucumber fishery. Effective immediately, until further notice, 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 the following catch reporting areas of Sea Cucumber Districts 1 and 2, Monday through Sunday of each week: 23B, 25A, 25B, 25C, 25D, 25E.

(2) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 700 pounds per valid designated sea cucumber harvest license.

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REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-340-73000B Commercial sea cucumber fishery.