

**WSR 23-01-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-280—Filed December 9, 2022, 4:37 p.m., effective December 12, 2022]

Effective Date of Rule: December 12, 2022.

Purpose: Increases the weekly landing limit for green sea urchins.

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000M; 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 increases the weekly landing limit for green sea urchins to allow more harvester opportunity for the quota before the harvest season ends, due to the urchin spawning phase. There is approximately 80 percent of the green urchin quota remaining in District 1, which is far behind the typical pace of landings in early December. The green urchin spawning phase usually begins by mid-January and reduces their market quality to the point of ending the harvest season. Increasing the weekly landing limits from 1,500 to 2,500 pounds per week will allow more opportunity for harvesters while remaining within agreed-upon harvest quota. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 9, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-75000N Commercial sea urchin fishery. Effective December 12, 2022, 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 green sea urchin harvest only, seven days-per-week: Sea Urchin District 1, District 3, District 4, District 6, and District 7.

(3) The maximum cumulative landings for green sea urchins for each weekly fishery opening period is 2,500 pounds per valid designated sea urchin harvest license.

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REPEALER

The following section of Washington Administrative Code is repealed, effective December 12, 2022:

WAC 220-340-75000M Commercial sea urchin fishery. (22-280)