

WSR 21-13-160
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-102—Filed June 22, 2021, 4:08 p.m., effective June 22, 2021, 4:08 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to open recreational sea cucumber harvest in Marine Areas 4 east of the Bonilla-Ta-toosh line, 5, 6, 7, 9 north of a line from Foulweather Bluff to Double Bluff on Whidbey Island, 11, and 13; while keeping Marine Areas 8-1, 8-2, and that portion of 9 south of a line from Foulweather Bluff to Double Bluff on Whidbey Island closed.

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 2020-21 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, 9 (southern half), and 10, until further notice, and to reopen harvest in all other marine areas. This regulation is needed to manage the fishery within court-ordered sharing requirements and ensure conservation. July 1, 2021, through February 28, 2022, harvest of sea cucumbers is allowed 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. Permanent rule making regarding recreational sea cucumber seasons is anticipated to occur during 2021.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: June 21, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-09000B Sea cucumbers Effective immediately, until further notice the provisions of WAC 220-330-090 are modified as described below. All other provisions of WAC 220-330-090 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(a) Immediately through June 30, 2021, it is unlawful to take or possess sea cucumbers taken for personal use in all waters of Puget Sound; Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, and 13.

(b) July 1, 2021 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.

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