



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 15-56

- Immediately upon filing.
- Later (specify April 1, 2015)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amend recreational fishing rules for hardshell clams and oysters

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-56-350, WAC 220-56-380
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, and 77.12.047

Other authority :

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The season for Purdy Spit County Park is opening earlier in the year to avoid the time of year the area is usually impacted by Paralytic Shellfish Poisoning (PSP) closures which frequently begins in June or July. Washington Department of Health (DOH) has approved Freeland County Park and Drayton West for recreational harvest and surveys indicate that the clam populations can support seasons. The oyster seasons on these beaches coincide with the clam seasons. These rules are interim until permanent rules take effect.

Date adopted: March 31, 2015

NAME (TYPE OR PRINT)
J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 31, 2015

TIME: 2:55 PM

WSR 15-08-093

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-56-35000B Clams other than razor clams – Areas and seasons.

Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Drayton West: Open April 1, 2015, until further notice, in the area defined by boundary markers and signs posted on the beach
- (2) Freeland County Park: Open April 1 through May 15, 2015.
- (3) Purdy Spit County Park, the southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge: Open April 1 through April 30, 2015.

NEW SECTION

WAC 220-56-38000G Oysters – Areas and seasons.

Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to take and possess oysters taken for personal use from the following public tidelands, except during the open periods specified herein:

- (1) Drayton West: Open April 1, 2015, until further notice, only, in the area defined by boundary markers and signs posted on the beach
- (2) Freeland County Park: Open April 1 through May 15, 2015.
- (3) Purdy Spit County Park, the southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge: Open April 1 through April 30, 2015.

Drayton West is a portion of the former Semiahmoo that Washington Department of Health has approved for recreational harvest, and surveys indicate that the clam population can support a season. Washington Department of Health (DOH) has approved Freeland County Park for recreational harvest and surveys indicate it can support a 6 week long season; the timing of this season has been coordinated with DOH and Island County Health Department. The season for Purdy Spit County Park is being shifted to earlier in the year to avoid the PSP period that frequently begins in June or July. Oyster season should coincide with the clam season on this beach. There is insufficient time to adopt permanent rules.