



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 15-64

- Immediately upon filing.
- Later (specify _____)

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Repealed: WAC 220-56-35000A, WAC 220-56-38000F
 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: Surveys at Fort Flagler State Park and Frye Cove County Park indicate that the clam populations have decreased, requiring shorter seasons. Oyster seasons should coincide with the clam seasons on these beaches. These rules are interim until permanent rules take effect.

Date adopted: April 9, 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: April 09, 2015

TIME: 4:19 PM

WSR 15-09-042

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	_____
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The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	_____	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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 220-56-35000D 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) Fort Flagler State Park: Closed through May 14, 2015.
- (2) Frye Cove County Park: Closed through April 30, 2015;
Open May 1 through May 31, 2015.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-56-380, 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) Fort Flagler State Park: Closed through May 14, 2015.
- (2) Frye Cove County Park: Closed through April 30, 2015;
Open May 1 through May 31, 2015.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-35000A Clams other than razor clams—Areas and seasons. (14-348)
WAC 220-56-38000F Oysters—Areas and seasons. (14-348)

EMERGENCY RULE ONLY

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(x) 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 years 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 finding: Surveys at Fort Flagler State Park and Frye Cove County Park indicate that the clam populations have decreased, requiring shorter seasons. Oyster seasons should coincide with the clam seasons on these beaches. These rules are interim until permanent rules take effect.