



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 11, 2019

TIME: 3:45 PM

WSR 19-09-053

Agency: Department of Fish and Wildlife (Order 19-73)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) April 15, 2019

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 clam and mussel rules in Puget Sound.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-330-11000H
 Amended: WAC 220-330-110
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This emergency rule is necessary to close the clam and mussel season at Point Whitney Tidelands and Point Whitney Lagoon, and to maintain the open clam and mussel seasons at North Bay (Case Inlet) and Oak Bay County Park. A decrease in the clam populations at Point Whitney Lagoon and Point Whitney Tidelands requires a reduced season to meet conservation objectives agreed upon with tribal co-managers. At North Bay (Case Inlet), an earlier opening date provides daylight recreational harvest opportunity and aligns with capacity of beach facilities. At Oak Bay County Park, a decrease in the littleneck and butter clam populations requires adjusting the season to meet conservation objectives agreed upon with tribal co-managers, while providing recreational opportunity in this region. Maintains the clam and mussel closure at Dosewallips State Park. There is insufficient time to adopt permanent rules..

**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 on the agency's own initiative:

New 1 Amended ____ Repealed 1

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	____

Date Adopted: April 12, 2019	Signature: 
Name: Joe Stohr for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-11000I Clams other than razor clams, mussels – Areas and seasons.

Notwithstanding the provisions of WAC 220-330-110, effective April 15, 2019 until further notice:

- (1) Point Whitney Lagoon: Closed until further notice.
- (2) Point Whitney Tidelands: Closed until further notice.
- (3) North Bay (Case Inlet): All state-owned tidelands north of the power transmission lines and those extending 1900 feet south of the power transmission lines along the eastern shore are open immediately through April 30, from one hour before official sunrise until one hour after official sunset only.
- (4) Oak Bay County Park: Open immediately through April 30 only.
- (5) Dosewallips State Park, as defined by boundary markers and signs posted on the beach, is closed until further notice.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 15, 2019:

WAC 220-330-11000H Clams other than razor clams, mussels – Areas and seasons.
(19-29)