



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Preproposal Statement of Inquiry was filed as WSR 16-20-106 on 10/5/2016**  
 or  
 **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
 **Proposal is exempt under RCW 34.05.310(4).**

**Original Notice**  
 **Supplemental Notice to WSR \_\_\_\_\_**  
 **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject)  
 WAC 220-330-110, Clams other than razor clams, mussels – Areas and seasons;  
 WAC 220-330-120, Clams, oysters, mussels—Unlawful acts;  
 WAC 220-330-140, Oysters – Areas and seasons

**Hearing location(s):**  
 Natural Resources Building, Room 172  
 1111 Washington St SE  
 Olympia WA 98504

**Submit written comments to:**  
 Name: Scott Bird  
 WDFW Rules Coordinator  
 Address: 600 Capitol Way N.  
 Olympia WA 98501-1091

e-mail [Rules.Coordinator@dfw.wa.gov](mailto:Rules.Coordinator@dfw.wa.gov)  
 fax (360)902-2403 by (date) August 5, 2017

Date: August 4-5, 2017 Time: 8:00 a.m.

**Assistance for persons with disabilities:** Contact  
 Tami Lininger \_\_\_\_\_ by August 3, 2017  
 TTY (360) 902-2207 \_\_\_\_\_ or (360) 902-2267 \_\_\_\_\_

**Date of intended adoption:** August 18, 2017  
 (Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
 Recent clam and oyster survey data, sport harvest projections, and negotiations affecting intertidal treaty and non-treaty fisheries, along with public health considerations and administrative tasks, call for recreational clam and oyster seasons to be extended or shortened on some public beaches. Due to changes in beach ecology at Quilcene Bay Tidelands, state and tribal co-managers agreed that the exception to the statewide minimum size for hardshell clams is no longer appropriate for this site and this exception should be repealed. This proposal reflects these changes.

**Reasons supporting proposal:**  
 These amendments will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health.

**Statutory authority for adoption:** RCWs 77.04.012 and 77.12.047

**Statute being implemented:** RCWs 77.04.012 and 77.12.047

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**DATE**  
 May 25, 2017

**NAME** (type or print)  
 Scott Bird

**SIGNATURE**

**TITLE**  
 Rules Coordinator

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** May 25, 2017

**TIME:** 1:30 PM

**WSR 17-12-008**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Bob Sizemore	375 Hudson Street, Port Townsend, WA 98368	(360) 302-3030
Implementation.... Ron Warren	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2799
Enforcement..... Chief Chris Anderson	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

This rule only affects recreational shellfishers and there is no small business economic impact.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: This proposal does not involve hydraulics.