



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 16-328

- Immediately upon filing.
- Later (specify) January 1, 2017

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend Puget Sound recreational clam and oyster rules.

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Repealed: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, 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.
- 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: This emergency rule is needed because surveys at Sequim Bay State Park, Fort Flagler State Park, Point Whitney Tidelands and Freeland County Park, indicate that the clam populations on these beaches can support longer sport clam seasons. Similarly, oyster surveys at Sequim Bay State Park, Fort Flagler State Park, and Freeland County Park, indicate that these beaches can support a longer oyster season, and the seasons should coincide with the clam seasons on these beaches. There is insufficient time to adopt permanent rules.

Date adopted: December 19, 2016

NAME (TYPE OR PRINT)
Joe Stohr for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 19, 2016

TIME: 3:17 PM

WSR 17-01-109

**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	_____
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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 220-56-35000I Clams other than razor clams, mussels – 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:

- (a) Fort Flagler State Park: Open January 1 through April 15, 2017, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.
- (b) Freeland County Park: Open January 1, 2017 until further notice.
- (c) Point Whitney Tidelands: Open January 1 through March 31, 2017.
- (d) Sequim Bay State Park: Open January 1, 2017, until further notice.
- (e) West Penn Cove: Closed January 1, 2017, until further notice, from the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road.

WAC 220-56-38000N 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:

- (a) Fort Flagler State Park: Open January 1 through April 15, 2017, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.
- (b) Freeland County Park: Open January 1, 2017, until further notice.
- (c) Sequim Bay State Park: Open January 1, 2017, until further notice.
- (d) West Penn Cove: Closed January 1, 2017, until further notice, from the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road.