



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 11, 2017

TIME: 3:27 PM

WSR 17-19-036

**Agency:** Washington Department of Fish and Wildlife (17-240)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) September 13, 2017

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

- Yes  No If Yes, explain:

**Purpose:** Amends recreational harvest rules for hardshell clams and oysters

**Citation of rules affected by this order:**

New:  
Repealed: WAC 220-330-11000B, WAC 220-330-14000B  
Amended: WAC 220-330-110, WAC 220-330-140  
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.

**Reasons for this finding:** Recent clam 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. The Department of Fish and Wildlife is in the process of adopting permanent rules. These rules are interim until permanent rules take effect.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:**

New	2	Amended	___	Repealed	2
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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	___

**Date adopted:** September 11, 2017

**Name:** Joe Stohr for J W Unsworth

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-330-11000C Clams other than razor clams – Areas and seasons.**

Notwithstanding the provisions of WAC 220-330-110, 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) Duckabush: Closed September 13 through October 31, 2017
- (2) Fort Flagler State Park: Open until further notice
- (3) Indian Island County Park/Lagoon Beach: Open through September 30, 2017
- (4) Port Gamble Heritage Park Tidelands: Open until further notice.

## NEW SECTION

### **WAC 220-330-14000C Oysters – Areas and seasons.**

Notwithstanding the provisions of WAC 220-330-140, 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) Duckabush: Closed September 13 through October 31, 2017
- (2) Fort Flagler State Park: Open until further notice
- (3) Indian Island County Park/Lagoon Beach: Open through September 30, 2017
- (4) Port Gamble Heritage Park Tidelands: Open until further notice.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective September 13, 2017:

WAC 220-330-11000B Hardshell clams other than razor clams—Areas and seasons. (17-224)

WAC 220-330-14000B Oysters—Areas and seasons. (17-224)

