



# 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: January 30, 2018

TIME: 3:32 PM

WSR 18-04-036

**Agency:** Washington Department of Fish and Wildlife (18-13)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) February 1, 2018

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

- Yes
  - No
- If Yes, explain:

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

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

- New:
- Repealed:
- 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:** A comprehensive review of pollution conditions and marine water quality data has prompted a Department of Health change in classification for Duckabush. Duckabush is classified by Department of Health as Conditionally Open with an annual harvest closure from May 1 through October 31 each year. Based on analysis of historical and projected sport effort, the season at Kopachuck State Park is being changed to April 1 through May 31 for clams and oysters. At the request of Washington State Parks, Joemma Beach State Park will be closed until further notice for clam and oyster harvest in response to conservation concerns. Based on recent analysis of native clam populations and projected effort and harvest, Port Townsend Ship Canal/Portage Beach will close for clam and oyster harvest on May 31, 2018. 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 2 Amended \_\_\_\_ Repealed \_\_\_\_

**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 \_\_\_\_

<b>Date Adopted:</b> January 30, 2018	<b>Signature:</b> 
<b>Name:</b> J W Unsworth	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-330-11000D 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: Open through April 30, 2018.
- (2) Kopachuck State Park: Open April 1 through May 31, 2018.
- (3) Joemma Beach State Park: Closed immediately until further notice.
- (4) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open through April 30, 2018.
- (5) Port Townsend Ship Canal/Portage Beach: Open through May 31, 2018.

## NEW SECTION

### **WAC 220-330-14000D 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: Open through April 30, 2018.
- (2) Kopachuck State Park: Open April 1, 2018 through May 31, 2018.
- (3) Joemma Beach State Park: Closed immediately until further notice.
- (4) Port Townsend Ship Canal/Portage Beach: Open through May 31, 2018.