



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: May 24, 2018

TIME: 4:00 PM

WSR 18-12-021

Agency: Washington Department of Fish and Wildlife (18-101)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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 Repealed: WAC 220-330-11000D, WAC 220-330-14000D
 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 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 opened or extended on some public beaches and requires some beaches to be closed, removed, or the seasons shortened. This proposal reflects those openings and closures. This emergency rule is needed until permanent rules take effect which were filed on May 17, 2018, WSR 18-11-077.

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____

Recently enacted state statutes: New ____ Amended ____ Repealed ____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New ____ Amended ____ Repealed ____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 2

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: May 24, 2018

Name: Joe Stohr

Title: Director

Signature:



NEW SECTION

WAC 220-330-11000E 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 until further notice.
- (2) Kopachuck State Park: Open 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.
- (5) West Penn Cove: Closed immediately until further notice.

NEW SECTION

WAC 220-330-14000E 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 until further notice.
- (2) Kopachuck State Park: Open 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.
- (5) West Penn Cove: Closed immediately until further notice.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective immediately:

WAC 220-330-11000D Clams other than razor clams – Areas and seasons. (18-13)

WAC 220-330-14000D Oysters – Areas and seasons. (18-13)

