



# 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: August 28, 2018

TIME: 4:58 PM

WSR 18-18-036

**Agency:** Washington Department of Fish and Wildlife (18-213)

**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Repealed:  
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:** Due to site access limitations, this beach will be open for the month of September only, with harvest restricted to daylight hours only. Harvest is prohibited from one hour after official sunset until one hour before official sunrise. Starting October 1, low tides throughout the duration of 2018 occur during hours of darkness. The oyster seasons on this beach coincides with the clam season. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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**The number of sections adopted on 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	___

**Date Adopted:** August 28, 2018

**Name:** Nate Pamplin for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-330-11000F 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:

North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through September 30 only, harvest prohibited during hours of darkness. Harvest periods are restricted to one hour before official sunrise until one hour after official sunset.

## NEW SECTION

### **WAC 220-330-14000F 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:

North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through September 30 only, harvest prohibited during hours of darkness. Harvest periods are restricted to one hour before official sunrise until one hour after official sunset.

