



**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 11, 2020

TIME: 3:35 PM

WSR 20-17-054

**Agency:** Department of Fish and Wildlife (Order 20-150)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) August 14, 2020

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rule is to close recreational clam harvest on the beaches of Belfair State Park, Potlatch State Park, Potlatch DNR, and Twanoh State Park in order due to having met 2020 harvest quotas.

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

New:  
 Repealed: WAC 220-330-11000J; WAC 220-330-14000H  
 Amended: WAC 220-330-110; WAC 220-330-140  
 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.

**Reasons for this finding:** This regulation is needed to ensure an orderly fishery and manage the fishery within court-ordered sharing requirements. This rule is needed to close recreational clam harvesting opportunities at Belfair State Park, Potlatch State Park, Potlatch DNR, and Twanoh State Park beaches due to having met 2020 clam harvest quotas. Observations and analysis demonstrating significantly higher than anticipated effort at several Puget Sound beaches, as well as current harvest projections, necessitate this management measure to comply with agreed-to co-management plans.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. 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 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	____

<b>Date Adopted:</b> August 11, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-330-110, effective August 14, 2020, the following provisions of WAC 220-330-110 shall be as described below until further notice or until this emergency regulation expires on October 6, 2020. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Ala Spit: All public tidelands of Ala Spit are open through August 31, 2020 only.
- (2) Belfair State Park: Closed.
- (3) Dosewallips State Park: The area defined by boundary markers and signs posted on the beach is open through September 30, 2020 only.
- (4) Eagle Creek: Open through September 15, 2020 only.
- (5) Frye Cove County Park: Open through August 31, 2020 only.
- (6) Hope Island State Park (South Puget Sound): Open through August 31, 2020 only.
- (7) Port Gamble Heritage Park Tidelands: Open through October 6, 2020 only.
- (8) Potlatch DNR tidelands: Closed.
- (9) Potlatch State Park: Closed.
- (10) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open September 1 through September 30, 2020 only.
- (11) Triton Cove Tidelands: Open through September 15, 2020 only.
- (12) Twanoh State Park: Closed.

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-330-140, effective August 3, 2020, the following provisions of WAC 220-330-140 shall be as described below until further notice or until this emergency regulation expires on October 6, 2020. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Ala Spit: All public tidelands of Ala Spit are open August 1 through August 31, 2020 only.
- (2) Belfair State Park: Open until further notice.
- (3) Frye Cove County Park: Open August 1 through August 31, 2020 only.
- (4) Hope Island State Park (South Puget Sound): Open August 1 through August 31, 2020 only.
- (5) Point Whitney Lagoon: Open through August 31, 2020 only.
- (6) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open through August 31, 2020 only.
- (7) Port Gamble Heritage Park Tidelands: Open through October 6, 2020 only.
- (8) Potlatch DNR tidelands: Open through September 30, 2020 only.
- (9) Potlatch State Park: Open through September 30, 2020 only.
- (10) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open September 1 through September 30, 2020 only.
- (11) Twanoh State Park: Open until further notice.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective August 14, 2020:

WAC 220-330-11000J Clams other than razor clams, mussels – Areas and seasons.

WAC 220-330-14000H Oysters – Areas and seasons.