

WSR 22-02-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-282—Filed December 29, 2021, 4:53 p.m., effective January 1, 2022]

Effective Date of Rule: January 1, 2022.

Purpose: Closes clam and oyster harvest on two beaches and clam harvest on one beach that are currently slated to open January 1 in permanent rule. This action will accommodate anticipated shifts away from January 1 start date for the 2022 seasons on these beaches, and to comply with court-mandated sharing arrangements. Permanent rules are currently underway; proposed 2022 seasons will be announced in early 2022.

Citation of Rules Affected by this Order: Amending WAC 220-330-110 and 220-330-140.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This rule is needed to ensure an orderly fishery and manage within court-ordered sharing requirements. It will close recreational clam and oyster harvesting opportunities at Belfair State Park and Port Gamble Heritage Park Tidelands and clam harvesting opportunities at Point Whitney Tidelands and Lagoon beginning January 1, 2022. Permanent rule currently has seasons at these beaches beginning on January 1, 2022. Proposed upcoming seasons for these beaches will be announced and set in early 2022. This rule will accommodate the anticipated shift of 2022 seasons away from a January 1, 2022, start date. Permanent rule making for 2022 clam and oyster seasons for these beaches is currently underway.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-11000M Clams other than razor clams, mussels—Areas and seasons. Notwithstanding the provisions of WAC 220-330-110, effective January 1, 2022, until further notice, the following provisions of WAC 220-330-110 shall be as described below. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Belfair State Park: Closed.
- (2) Point Whitney Tidelands and Point Whitney Lagoon: Closed.
- (3) Port Gamble Heritage Park Tidelands: Closed.

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NEW SECTION

WAC 220-330-14000K Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-330-140, effective January 1, 2022, until further notice, the following provisions of WAC 220-330-140 shall be as described below. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) Belfair State Park: Closed.
- (2) Port Gamble Heritage Park Tidelands: Closed.

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