

WSR 24-05-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-21—Filed February 20, 2024, 11:11 a.m., effective March 1, 2024]

Effective Date of Rule: March 1, 2024.

Purpose: Opens clam, mussel, and oyster harvest on one beach that is currently closed to harvest year-round in permanent rules. This action will reopen a beach that was closed to accommodate construction at the park in 2023. Permanent rules are currently underway but will not become effective in time to return this season to its normal March 1 though April 30 timing. Proposed 2024 seasons have been announced.

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 open recreational clam, mussel, and oyster harvesting opportunity at Penrose Point State Park beginning March 1, 2024. Permanent rule making for this beach 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 20, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-11000P Clams other than razor clams, mussels—Areas and seasons. Notwithstanding the provisions of WAC 220-330-110, effective March 1 through April 30, 2024, the following provisions of WAC 220-330-110 regarding Penrose Point clam and mussel seasons shall be as described below. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Penrose Point State Park: Open March 1 through April 30, 2024, only.

NEW SECTION

WAC 220-330-14000M Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-330-140, effective March 1 through April 30, 2024, the following provisions of WAC 220-330-140 regarding Penrose Point oyster seasons shall be as described below. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Penrose Point State Park: Open March 1 through April 30, 2024, only.