

WSR 23-05-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-24—Filed February 14, 2023, 8:14 a.m., effective March 1, 2023]

Effective Date of Rule: March 1, 2023.

Purpose: The purpose of this emergency rule is to close clam, mussel, and oyster seasons on Penrose Point State Park beaches.

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: The 2023 recreational clam, mussel, and oyster seasons are set in permanent rule making that is currently ongoing. Some beaches must be closed via emergency regulation because permanent rules won't become effective in time to update seasons currently described in permanent WAC. Therefore, the Washington department of fish and wildlife is closing Penrose State Park to the harvest of clams, mussels, and oysters immediately. This change will be reflected in permanent rule making for 2023. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 13, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-11000N Clams other than razor clams, mussels—Areas and seasons. Effective March 1, through April 30, 2023, the provisions of WAC 220-330-110 regarding personal-use clam and mussel and seasons for Penrose Point State Park beaches shall be modified as described below. All other provisions of WAC 220-330-110 not addressed herein remain in effect unless otherwise amended by emergency rule:

Penrose Point State Park: Closed.

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NEW SECTION

WAC 220-330-14000L Oysters—Areas and seasons. Effective March 1, through April 30, 2023, the provisions of WAC 220-330-140 regarding personal-use oyster seasons for Penrose Point State Park beaches shall be modified as described below. All other provisions of WAC 220-330-140 not addressed herein remain in effect unless otherwise amended by emergency rule:

Penrose Point State Park: Closed.

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