

WSR 24-07-085  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 24-41—Filed March 19, 2024, 8:26 a.m., effective April 1, 2024]

Effective Date of Rule: April 1, 2024.

Purpose: Closes clam, mussel, and oyster harvest at Kopachuck State Park, a beach that is currently described as open April 1 through May 31 in permanent rules. This action will close the beach to accommodate construction at the park in 2024. Proposed seasons for 2024 have been adopted in permanent rule making but there was insufficient notice of construction to adopt the permanent rule for this change.

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 close recreational clam, mussel, and oyster harvesting opportunities at Kopachuck State Park for the duration of the 2024 season due to major construction in the park that will prevent access to the tidelands and present safety considerations. Permanent rules currently describe seasons as open from April 1 through May 31 at this beach. Proposed seasons for 2024 have been adopted in permanent rule making but there was insufficient notice of construction to adopt the permanent rule for this change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: March 18, 2024.

Margen Carlson  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-330-1000Q Clams other than razor clams, mussels—Areas and seasons.** Notwithstanding the provisions of WAC 220-330-110, effective April 1 through May 31, 2024, the following provisions of WAC 220-330-110 regarding Kopachuck State Park 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:  
Kopachuck State Park: Closed.

NEW SECTION

**WAC 220-330-14000N Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-330-140, effective April 1 through May 31, 2024, the following provisions of WAC 220-330-140 regarding Kopachuck State Park oyster seasons shall be as described below. All other provisions not addressed herein, or unless otherwise amended by emergency rule, remain in effect:  
Kopachuck State Park: Closed.