



# 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: February 20, 2024

TIME: 11:11 AM

WSR 24-05-064

**Agency:** Department of Fish and Wildlife (Order 24-21)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) March 1, 2024

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

- Yes  No If Yes, explain:

**Purpose:** Opens clam, mussel, and oyster harvest on one beach that is currently closed to harvest year-round in permanent rules. This action will re-open 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:**

- New:
- Repealed:
- 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 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.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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 \_\_\_\_

**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> February 20, 2024
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



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.