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: December 19, 2019
TIME: 1:36 PM

WSR 20-02-027

Agency: Department of Fish and Wildlife (Order 19-308)

Effective date of rule:
Emergency Rules
☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose: Amends recreational razor clam rules.

Citation of rules affected by this order:
New:
Repealed: WAC 220-330-16000L
Amended: WAC 220-330-160
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 emergency rule is needed to open the recreational razor clam season. Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4, and 5 for recreational harvest. Washington Department of Health has certified clams from this beach to be safe for human consumption. 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Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	____	Amended	____	Repealed	____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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1

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New ____ Amended ____ Repealed ____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	____

Date Adopted: December 19, 2019	**Signature:**
Name: Kelly Susewind	
Title: Director	

N E W S E C T I O N

WAC 220-330-16000L Razor clams – Areas and Seasons.

Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. December 23, 2019 through 11:59 p.m. December 23, 2019, and 12:01 p.m. December 26, 2019 through 11:59 p.m. December 29, 2019, razor clam digging is permissible in Razor Clam Area 1. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(2) Effective 12:01 p.m. December 23, 2019 through 11:59 p.m. December 23, 2019, and 12:01 p.m. December 26, 2019 through 11:59 p.m. December 29, 2019, razor clam digging is permissible in Razor Clam Area 2. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 p.m. December 26, 2019 through 11:59 p.m. December 26, 2019, and 12:01 p.m. December 28, 2019 through 11:59 p.m. December 28, 2019, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(4) Effective 12:01 p.m. December 23, 2019 through 11:59 p.m. December 23, 2019, and 12:01 p.m. December 27, 2019 through 11:59 p.m. December 27, 2019, and 12:01 p.m. December 29, 2019 through 11:59 p.m. December 29, 2019, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(5) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., December 30, 2019:

WAC 220-330-16000L Razor Clams – Areas and Seasons.