



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 17-83

- 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: Amend recreational harvest rules for razor clams

Citation of existing rules affected by this order:

Repealed: WAC 220-330-16000E, WAC 220-330-01000A
 Amended: WAC 220-330-160, WAC 220-330-010
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: This emergency rule is needed to open Razor clam beaches for recreational harvest because survey results show that adequate clams are available for harvest in Razor Clam Area 1, 3, 4, 5 which will provide for recreational harvest opportunity. Washington Department of Health has certified clams from this beach to be safe for human consumption. The daily limit is increased in Razor Clam Area 1 only because of an extraordinary surplus of harvestable clams. There is insufficient time to adopt permanent rules.

Date adopted: April 25, 2017

NAME (TYPE OR PRINT)
Joe Stohr for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 25, 2017

TIME: 2:05 PM

WSR 17-10-026

**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	_____
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The number of sections adopted in the agency's own initiative:

New	<u>2</u>	Amended	_____	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

NEW SECTION

WAC 220-330-16000E 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 a.m. April 26, 2017 through 11:59 a.m. May 1, 2017 razor clam digging is permissible in Razor Clam Area 1. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (2) Effective 12:01 a.m. April 26, 2017 through 11:59 a.m. April 30, 2017 razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (3) Effective 12:01 a.m. April 28, 2017 through 11:59 a.m. April 28, 2017 razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (4) Effective 12:01 a.m. April 30, 2017 through 11:59 a.m. April 30, 2017 razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (5) Effective 12:01 a.m. April 27, 2017 through 11:59 a.m. April 27, 2017 razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (6) Effective 12:01 a.m. April 29, 2017 through 11:59 a.m. April 29, 2017 razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. only.
- (7) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors and Copalis Clam sanctuaries defined in WAC 220-320-130.

NEW SECTION

WAC 220-330-01000A Razor clams – Shellfish—Daily limits.

Notwithstanding the provisions of WAC 220-330-010, effective 12:01 a.m. April 26 through 11:59 a.m. May 1, 2017, it is unlawful for any one person to take more than 25 razor clams for personal use in any one day from Razor Clam Area 1.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 12:01 p.m. May 1, 2017.

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

WAC 220-330-01000A Razor clams – Shellfish—Daily limits.

