



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: October 13, 2020

TIME: 4:16 PM

WSR 20-21-052

Agency: Department of Fish and Wildlife (Order 20-228)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 16, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this emergency rule is open razor clam seasons at Long Beach, Twin Harbor, Copalis, and Mocrocks beaches.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-330-16000U
 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 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 these beaches to be safe for human consumption. WDFW has coordinated with coastal city and county leaders, the Grays Harbor and Pacific County Health Departments and the Washington Department of Health regarding the possibility that a high number of harvesters traveling to coastal communities could exacerbate the COVID-19 pandemic in area. These agency leaders have reached agreement to allow a re-opening of coastal beaches to the recreational harvest of razor clams. WDFW surveys show that due to significant shoreline changes, the Twin Harbor Razor Clam Sanctuary is no longer adequate for experimental purposes and is removed from the list of sanctuaries closed to digging. 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: October 13, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-16000U 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. October 16, 2020 through 11:59 p.m. October 21, 2020, 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. October 16, 2020 through 11:59 p.m. October 21, 2020, razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.
- (3) Effective 12:01 p.m. October 16, 2020 through 11:59 p.m. October 16, 2020, and effective 12:01 p.m. October 18, 2020 through 11:59 p.m. October 18, 2020, and effective 12:01 p.m. October 20, 2020 through 11:59 p.m. October 20, 2020, 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. October 17, 2020 through 11:59 p.m. October 17, 2020, and effective 12:01 p.m. October 19, 2020 through 11:59 p.m. October 19, 2020, and effective 12:01 p.m. October 21, 2020 through 11:59 p.m. October 21, 2020, 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 and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.
- (6) Twin Harbors Beach razor clam sanctuary, as defined in WAC 220-320-130, is open to razor clam digging when it is permissible to dig razor clams in Razor Clam Area 3.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 22, 2020.

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