Agency: Department of Fish and Wildlife (Order 21-214)

Effective date of rule:

- Emergency Rules
  - ☒ Later (specify) October 3, 2021

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

- ☐ Yes
- ☒ No

Purpose: The purpose of this emergency rule is to open recreational razor clam digging on Long Beach, Twin Harbors, Copalis, and Mocrocks beaches.

Citation of rules affected by this order:

- New:

- Amended:
  - WAC 220-330-010; 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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4 and 5 for recreational harvest. An exceptionally large population of harvestable razor clams in Razor Clam Areas 1, 3, 4 and 5 allow for a temporary increase in the daily bag limit. Washington Department of Health has certified clams from these Razor Clam Areas 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- Federal statute: New _____ Amended _____ Repealed _____
- Federal rules or standards: New _____ Amended _____ Repealed _____
- Recently enacted state statutes: New _____ Amended _____ Repealed _____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:

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The number of sections adopted on the agency’s own initiative:

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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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The number of sections adopted using:

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**Date Adopted:** September 28, 2021

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**
WAC 220-330-16000Z  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. October 3, through 11:59 a.m. October 5, 2021, razor clam digging is permissible in Razor Clam Area 1 and Razor Clam Area 3. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(2) Effective 12:01 a.m. October 6, through 11:59 a.m. October 11, 2021, razor clam digging is permissible in Razor Clam Area 1 and Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 a.m. October 3, through 11:59 a.m. October 3, 2021, and effective 12:01 a.m. October 5, through 11:59 a.m. October 5, 2021, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(4) Effective 12:01 p.m. October 7, through 11:59 p.m. October 7, 2021, and effective 12:01 p.m. October 9, through 11:59 p.m. October 9, 2021, and effective 12:01 p.m. October 11, through 11:59 p.m. October 11, 2021, 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.

(5) Effective 12:01 a.m. October 4, through 11:59 a.m. October 4, 2021, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(6) Effective 12:01 p.m. October 6, through 11:59 p.m. October 6, 2021, and effective 12:01 p.m. October 8, through 11:59 p.m. October 8, 2021, and effective 12:01 p.m. October 10, through 11:59 p.m. October 10, 2021, 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.

(7) 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.

NEW SECTION

Notwithstanding the provisions of WAC 220-330-010 regarding Razor clam daily limits, effective 12:01 a.m. September 17 through 11:59 p.m. December 31, 2021, the daily limit is 20 razor clams for personal use in any one day from Razor Clam Area 1, Razor Clam Area 3, Razor Clam Area 4 and Razor Clam Area 5. All other provisions of WAC 220-330-010 not addressed herein remain in effect unless otherwise amended by emergency rule.

REPEALERS
The following sections of the Washington Administrative Code are repealed effective immediately:
WAC 220-330-16000Y  Razor Clams – Areas and Seasons. (21-206)
WAC 220-330-010000M  Shellfish—Daily limits, size restrictions, and unlawful acts. (21-206)
The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. October 12, 2021:

WAC 220-330-1600000Z  Razor Clams – Areas and Seasons.