



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 27, 2021

TIME: 5:45 PM

WSR 21-22-046

Agency: Washington Department of Fish and Wildlife (21-240)

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 harvest rules for razor clams

Citation of rules affected by this order:

New:
Repealed: WAC 220-330-01000Q, WAC 220-330-16000B
Amended: WAC 220-330-010, WAC 220-330-160
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.

Reasons for this finding: Based on assessments it has been determined that there are sufficient numbers of razor clams available for recreational harvest in Razor Clam Areas 1, 3, 4 and 5, and to meet needs for treaty Indian fisheries on co-managed beaches. An exceptionally large population of harvestable razor clams in Razor Clam Areas 1, 3, 4 and 5 which allows us to offer the 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>1</u>	Amended	___	Repealed	<u>1</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	___

Date Adopted: October 27, 2021

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-330-16000B 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) In Razor Clam Areas 1 and 3, digging is only permissible from 12:01 p.m. to 11:59 p.m. each day only November 3, through November 10, 2021.
- (2) In Razor Clam Area 4, digging is only permissible from 12:01 p.m. to 11:59 p.m. each day only November 4, November 6, November 8 and November 10, 2021.
- (3) In Razor Clam Area 5, digging is only permissible from 12:01 p.m. to 11:59 p.m. each day only November 3, November 5, November 7 and November 9, 2021.
- (4) 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

WAC 220-330-01000Q Shellfish—Daily limits, size restrictions, and unlawful acts.

Notwithstanding the provisions of WAC 220-330-010 regarding Razor clam daily limits, effective 12:01 a.m. November 3, through 11:59 p.m. November 10, 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 12:01 a.m. November 11, 2021:

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

WAC 220-330-01000Q Shellfish—Daily limits, size restrictions, and unlawful acts.

