



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: April 22, 2022

TIME: 3:12 PM

WSR 22-10-011

Agency: Department of Fish and Wildlife (Order 22-61)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) April 29, 2022

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 to open recreational razor clam seasons and to increase daily limits to 20 clams during open periods. This rule will also extend the open period by 1 hour on beaches open on May 7 to accommodate a tide change near the usual closing time of 11:59 p.m..

Citation of rules affected by this order:

New:
 Repealed: WAC 220-330-16000N; WAC 220-330-01000W
 Amended: WAC 220-330-160; 220-330-010
 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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:

New ____ Amended ____ Repealed ____

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


New 2 Amended ____ Repealed 2

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: April 22, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-16000N 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 April 29 through May 7, 2022:

From 12:01 a.m. April 29 through 11:59 a.m. May 6, 2022, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during morning tides on dates and times listed below, and it is permissible to dig from 12:01 a.m. through 12:59 p.m. in Razor Clam Areas 1, 3, and 4 on May 7, 2022 only:

Razor Clam Area	Date	Time
Area 1	April 29 through May 6	From 12:01 a.m. to 11:59 a.m.
	May 7	From 12:01 a.m. to 12:59 p.m.
Area 2	Closed	Closed
Area 3	April 29 through May 6	From 12:01 a.m. to 11:59 a.m.
	May 7	From 12:01 a.m. to 12:59 p.m.
Area 4	April 29, May 1, May 3, and May 5	From 12:01 a.m. to 11:59 a.m.
	May 7	From 12:01 a.m. to 12:59 p.m.
Area 5	April 30, May 2, May 4 and May 6	From 12:01 a.m. to 11:59 a.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

(2) 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 220-330-01000W 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. April 29, through 12:59 p.m. May 7, 2022, 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. May 8, 2022:

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

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