



# 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: February 03, 2023

TIME: 12:04 PM

WSR 23-05-015

**Agency:** Department of Fish and Wildlife (Order 23-18)

**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:** The purpose of this emergency rule is to open razor clam seasons for Copalis and Mocrocks beaches.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-330-16000T; WAC 220-330-16000U  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:** Survey results show that adequate clams are available for recreational harvest in Razor Clam Areas 4 and 5. Washington Department of Health has certified clams from Razor Clam Areas 4 and 5 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| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards:      | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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 1 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 | ____ |

|                                       |   |
|---------------------------------------|---|
| <b>Date Adopted:</b> February 3, 2023 | <b>Signature:</b><br> |
| <b>Name:</b> Kelly Susewind           |   |
| <b>Title:</b> 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. February 03, 2023, through 11:59 p.m. February 08, 2023, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during afternoon and evening tides on dates and times listed below:

| Razor Clam Area | Date                 | Time                          |
|-----------------|----------------------|-------------------------------|
| Area 1          | Closed               | Closed                        |
| Area 2          | Closed               | Closed                        |
| Area 3          | Closed               | Closed                        |
| Area 4          | February 3, 5, and 7 | From 12:01 p.m. to 11:59 p.m. |
| Area 5          | February 4, 6, and 8 | From 12:01 p.m. to 11:59 p.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.

## REPEALERS

The following section of the Washington Administrative Code is repealed, effective immediately:  
WAC 220-330-16000T Razor Clams – Areas and Seasons.

The following section of the Washington Administrative Code are repealed effective 12:01 a.m. February 9, 2023:

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