



**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: March 14, 2023

TIME: 3:32 PM

WSR 23-07-081

Agency: Department of Fish and Wildlife (Order 23-41)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) March 17, 2023

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 Twin Harbors, Copalis, and Mocrocks beaches.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-330-16000X
- 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 3, 4, and 5. Washington Department of Health has certified clams from Razor Clam Areas 3, 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1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: March 14, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-330-16000X 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. March 17 through 11:59 p.m. March 22, 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	March 17 through March 22	From 12:01 p.m. to 11:59 p.m.
Area 4	March 17, 19, and 21	From 12:01 p.m. to 11:59 p.m.
Area 5	March 18, 20, and 22	From 12:01 p.m. to 11:59 p.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

- (2) Effective 12:01 a.m. March 23 through 11:59 a.m. March 26, 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:

Razor Clam Area	Date	Time
Area 1	Closed	Closed
Area 2	Closed	Closed
Area 3	March 23 through March 26	From 12:01 a.m. to 11:59 a.m.
Area 4	March 23 and 25	From 12:01 a.m. to 11:59 a.m.
Area 5	March 24 and 26	From 12:01 a.m. to 11:59 a.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

- (3) 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 27, 2022:

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