

**WSR 21-22-046  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 21-240—Filed October 27, 2021, 5:45 p.m., effective October 27, 2021, 5:45 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational harvest rules for razor clams.

Citation of Rules Affected by this Order: Repealing WAC 220-330-01000Q and 220-330-16000B; and amending WAC 220-330-010 and 220-330-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

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.

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 comanaged 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 27, 2021.

Kelly Susewind  
Director

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.

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#### 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.

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#### REPEALER

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.