

WSR 22-07-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-38—Filed March 7, 2022, 4:40 p.m., effective March 16, 2022]

Effective Date of Rule: March 16, 2022.

Purpose: The purpose of this emergency rule is to open recreational razor clam seasons from March 16 through 22, 2022.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000K; and amending WAC 220-330-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4, and 5 for recreational harvest. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: March 7, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-16000K 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 16 through 11:59 p.m. March 19, 2022, 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:

Table with 3 columns: Razor Clam Area, Date, Time. Row 1: Area 1, March 16 through March 19, From 12:01 p.m. to 11:59 p.m.

Razor Clam Area	Date	Time
Area 2	Closed	Closed
Area 3	March 16 through March 19	From 12:01 p.m. to 11:59 p.m.
Area 4	March 17 and March 19	From 12:01 p.m. to 11:59 p.m.
Area 5	March 16, and March 18	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 20 through 11:59 a.m. March 22, 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	March 20 through March 22	From 12:01 a.m. to 11:59 a.m.
Area 2	Closed	Closed
Area 3	March 20 through March 22	From 12:01 a.m. to 11:59 a.m.
Area 4	March 21	From 12:01 a.m. to 11:59 a.m.
Area 5	March 20 and March 22	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 sections of the Washington Administrative Code are repealed effective 12:01 a.m. March 23, 2022:

WAC 220-330-16000K Razor clams—Areas and seasons.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.