

**WSR 23-04-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-09—Filed January 20, 2023, 3:54 p.m., effective January 21, 2023]

Effective Date of Rule: January 21, 2023.

Purpose: The purpose of this emergency rule is to open razor clam seasons for Copalis Beach (Razor Clam Area 4).

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000S; 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: This emergency rule is needed to open razor clam seasons in Razor Clam Area 4. Survey results show that adequate clams are available for harvest in Razor Clam Area 4 for recreational harvest. Washington department of health has certified clams from Razor Clam Area 4 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 20, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-330-16000S 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. January 21, through 11:59 p.m. January 25, 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 | January 21, 23, and 25 | From 12:01 p.m. to 11:59 p.m. |
| Area 5 | Closed | Closed |
| 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.

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REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 26, 2023:

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