

WSR 23-07-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-41—Filed March 14, 2023, 3:32 p.m., effective March 17, 2023]

Effective Date of Rule: March 17, 2023.

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: Repealing WAC 220-330-16000X; 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 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 14, 2023.

Kelly Susewind
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:

Table with 3 columns: Razor Clam Area, Date, Time. Row 1: Area 1, Closed, Closed.

| Razor Clam Area | Date                      | Time                          |
|-----------------|---------------------------|-------------------------------|
| 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.