

**WSR 21-20-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-214—Filed September 29, 2021, 8:01 a.m., effective October 3, 2021]

Effective Date of Rule: October 3, 2021.

Purpose: The purpose of this emergency rule is to open recreational razor clam digging on Long Beach, Twin Harbors, Copalis, and Mocrocks beaches.

Citation of Rules Affected by this Order: Repealing WAC 220-330-01000M, 220-330-16000Y, 220-330-01000N and 220-330-16000Z; and amending WAC 220-330-010 and 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. An exceptionally large population of harvestable razor clams in Razor Clam Areas 1, 3, 4, and 5 allow for a 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 28, 2021.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-330-16000Z 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 a.m. October 3, through 11:59 a.m. October 5, 2021, razor clam digging is permissible in Razor Clam Area 1 and Razor

Clam Area 3. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(2) Effective 12:01 a.m. October 6, through 11:59 a.m. October 11, 2021, razor clam digging is permissible in Razor Clam Area 1 and Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 a.m. October 3, through 11:59 a.m. October 3, 2021, and effective 12:01 a.m. October 5, through 11:59 a.m. October 5, 2021, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(4) Effective 12:01 p.m. October 7, through 11:59 p.m. October 7, 2021, and effective 12:01 p.m. October 9, through 11:59 p.m. October 9, 2021, and effective 12:01 p.m. October 11, through 11:59 p.m. October 11, 2021, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(5) Effective 12:01 a.m. October 4, through 11:59 a.m. October 4, 2021, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(6) Effective 12:01 p.m. October 6, through 11:59 p.m. October 6, 2021, and effective 12:01 p.m. October 8, through 11:59 p.m. October 8, 2021, and effective 12:01 p.m. October 10, through 11:59 p.m. October 10, 2021, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(7) 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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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.

NEW SECTION

WAC 220-330-01000N 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. September 17 through 11:59 p.m. December 31, 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 immediately:

WAC 220-330-16000Y Razor clams—Areas and seasons. (21-206)

WAC 220-330-0100000M Daily limits, size restrictions, and unlawful acts. (21-206)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-330-0100000M is probably intended to be WAC 220-330-01000M.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. October 12, 2021:

- WAC 220-330-1600000Z Razor clams—Areas and seasons.
- WAC 220-330-0100000N Daily limits, size restrictions, and unlawful acts.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-330-1600000Z is probably intended to be WAC 220-330-16000Z.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-330-0100000N is probably intended to be WAC 220-330-01000N.