

**WSR 22-08-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-49—Filed March 29, 2022, 4:24 p.m., effective April 1, 2022]

Effective Date of Rule: April 1, 2022.

Purpose: The purpose of this emergency rule is to open commercial razor clam seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-340-12000H; and amending WAC 220-340-120.

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: Based on historical catches and on-site inspection, there are adequate clams to support a 12-week commercial razor clam season. Washington department of health has confirmed biotoxin levels currently fall below the regulatory threshold. This emergency rule is needed to open the commercial razor clam season in Razor Clam Area 2. The department of natural resources will not require a right-of-entry agreement, so boat-in access language is necessary to prevent harvesters from accessing the spits by land. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-12000H Commercial razor clams. Notwithstanding the provisions of WAC 220-340-120, effective April 1 through June 10, 2022, a person may dig for and possess razor clams for commercial purposes only in those waters and detached beaches of Razor Clam Area 2 lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and north of the tip of Leadbetter Point. Access to Razor Clam Area 2 is by boat only.

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REPEALER

The following section of the Washington Administrative Code is repealed effective June 11, 2022:

WAC 220-340-12000H Commercial razor clams.