RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

Agency: Department of Fish and Wildlife (Order 22-101)

Effective date of rule:

☐ Immediately upon filing.
☒ Later (specify) June 11, 2022

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No  If Yes, explain:

Purpose: The purpose of this emergency rule is to extend commercial razor clam seasons in Razor Clam Area 2 through July 5, 2022.

Citation of rules affected by this order:

New:

Repealed: WAC 220-340-120001
Amended: WAC 220-340-120

Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE
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.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Based on historical catches and on-site inspection, there are adequate clams to support a four-week extension of the commercial razor clam season. Washington Department of Health has confirmed biotoxin levels currently fall below the regulatory threshold. This emergency rule is needed to extend the commercial razor clam season in Razor Clam Area 2. DNR will not require a ROE 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.

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute: New ____ Amended ____ Repealed ____
Federal rules or standards: New ____ Amended ____ Repealed ____
Recently enacted state statutes: New ____ Amended ____ Repealed ____
The number of sections adopted at the request of a nongovernmental entity:

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<th>New</th>
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The number of sections adopted on the agency’s own initiative:

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<th>New</th>
<th>Amended</th>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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<th>New</th>
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The number of sections adopted using:

- Negotiated rule making: New ____ Amended ____ Repealed ____
- Pilot rule making: New ____ Amended ____ Repealed ____
- Other alternative rule making: New ____ Amended ____ Repealed ____

**Date Adopted:** June 8, 2022  
**Name:** Kelly Susewind  
**Title:** Director

**Signature:**

![Signature](signature_image)
Notwithstanding the provisions of WAC 220-340-120, effective June 11 through July 5, 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. Digging is prohibited on the west side of Leadbetter Point south of 46°39.765’ N. Access to Razor Clam Area 2 is by boat only.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 6, 2022:

WAC 220-340-120001 Commercial Razor Clams.