



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 11-66

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 proposal is to change the state's recreational clam and oyster seasons on selected public beaches, based on abundance and usage surveys and agreements with co-managers and other state agencies.

Reasons supporting proposal: This rule change proposal was discussed during the Fish and Wildlife Commission meeting and public hearing on February 4-5, 2011. The proposed changes were adopted by the Commission at the March 4-5, 2011, Commission meeting. The changes will allow recreational clam and oyster seasons to be opened or extended on some public beaches and closed on other beaches to achieve maximum recreational opportunity while conserving shellfish resources.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-56-350 and 220-56-380
Suspended:

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

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-01-129 on December 20, 2010 (date).
Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: March 4, 2011

NAME (TYPE OR PRINT)

Miranda Wecker

SIGNATURE

Miranda Wecker

TITLE

Chair, Washington Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 19, 2011

TIME: 2:09 PM

WSR 11-09-073

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-56-350 Clams other than razor clams, mussels--Areas and seasons. A person can take, dig for, and possess clams and mussels ~~((taken))~~ for personal use on Puget Sound the entire year ~~((:))~~ except ~~((that))~~ from public tidelands at the ~~((following))~~ beaches listed below, which are closed unless otherwise provided ~~((:))~~.

- (1) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Belfair State Park: ~~((Closed the entire year.))~~ Open January 1 through December 31.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut Bay: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR-144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) Dosewallips State Park: Open March 1 through ~~((October))~~ July 31 only in area defined by boundary markers and signs posted on the beach.
- (20) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.
- (21) Eagle Creek: Open July 1 through July 31.
- (22) East San de Fuca: Closed the entire year.
- (23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~((May))~~ April 15 through July 31.
- (24) Fort Ward State Park: Closed the entire year.
- (25) Freeland County Park: Closed the entire year.
- (26) Frye Cove County Park: Open January 1 through May 15.
- (27) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (28) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

- (29) Golden Gardens: Closed the entire year.
- (30) Graveyard Spit: Closed the entire year.
- (31) Harrington Beach: Closed the entire year.
- (32) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed the entire year.
- (33) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (34) Howarth Park: Closed the entire year.
- (35) Illahee State Park: Open April 1 through July 31.
- (36) Kayak Point County Park: Closed the entire year.
- (37) Kitsap Memorial State Park: Open May 15 through (~~July 15~~) June 30.
- (38) Kopachuck State Park: Open June 1 through July 31.
- (39) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (40) Lincoln Park: Closed the entire year.
- (41) Lions Park (Bremerton): Closed the entire year.
- (42) Little Clam Bay: Closed the entire year.
- (43) Lower Roto Vista Park: Closed the entire year.
- (44) Manchester State Park: Closed the entire year.
- (45) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (46) Meadowdale County Park: Closed the entire year.
- (47) Mee-Kwa-Mooks Park: Closed the entire year.
- (48) Monroe Landing: Closed the entire year.
- (49) Mukilteo State Park - Closed the entire year.
- (50) Mystery Bay State Park: Open October 1 through April 30.
- (51) Nisqually National Wildlife Refuge: Closed the entire year.
- (52) North Beach County Park: Closed the entire year.
- (53) North Fort Lewis: Closed the entire year.
- (54) North Point Hudson: Closed the entire year.
- (55) Northeast Cultus Bay: Closed the entire year.
- (56) Oak Bay County Park: Open (~~June~~) May 1 through July 31.
- (57) Oak Harbor City Park: Closed the entire year.
- (58) Old Man House State Park: Closed the entire year.
- (59) Olympia Shoal: Closed the entire year.
- (60) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
- (a) North Bay: State-owned oyster reserves open the entire year.
- (b) Oakland Bay: State-owned oyster reserves open the entire year except in areas defined by boundary markers and signs posted on the beach.
- (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (61) Penrose Point State Park: (~~Closed the entire year.~~) Open March 1 through May 31.
- (62) Picnic Point County Park: Closed the entire year.
- (63) Pitship Point: Closed the entire year.

- (64) Pitt Island - All tidelands on Pitt Island are closed the entire year.
- (65) Pleasant Harbor State Park: Closed the entire year.
- (66) Point Whitney (excluding Point Whitney Lagoon): Open March ((~~±~~)) 15 through April 30.
- (67) Point Whitney Lagoon: Open ((~~May~~)) March 1 through ((~~May~~)) March 31.
- (68) Port Angeles Coast Guard: Closed the entire year.
- (69) Port Angeles Harbor: Closed the entire year.
- (70) Port Gardner: Closed the entire year.
- (71) Port Townsend Ship Canal/Portage Canal: Open January 1 through ((~~June 30~~)) July 31.
- (72) Post Point: Closed the entire year.
- (73) Potlatch DNR tidelands: Open April 1 through ((~~June 30~~)) August 15.
- (74) Potlatch State Park: Open April 1 through ((~~June 30~~)) August 15.
- (75) Priest Point County Park: Closed the entire year.
- (76) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (77) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.
- (78) Reid Harbor - South Beach: Closed the entire year.
- (79) Retsil: Closed the entire year.
- (80) Richmond Beach Saltwater Park: Closed the entire year.
- (81) Saltwater State Park: Closed the entire year.
- (82) Samish Beach: Closed the entire year.
- (83) Scenic Beach State Park: ((~~Open April 15 through May 15~~)) Closed the entire year.
- (84) Seahurst County Park: Closed the entire year.
- (85) Semiahmoo: Closed the entire year.
- (86) Semiahmoo County Park: Closed the entire year.
- (87) Sequim Bay State Park - Open May 1 through June 30.
- (88) Shine Tidelands State Park: Open January 1 through May 15.
- (89) Silverdale Waterfront Park: Closed the entire year.
- (90) Sinclair Inlet: Closed the entire year.
- (91) Skagit Wildlife Area: Closed the entire year.
- (92) South Carkeek Park: Closed the entire year.
- (93) South Gordon Point: Closed the entire year.
- (94) South Indian Island County Park: Open April 1 through ((~~May~~)) July 31.
- (95) South Mukilteo Park: Closed the entire year.
- (96) South Oro Bay: Closed the entire year.
- (97) South Point Wilson (Port Townsend): Closed the entire year.
- (98) Southworth Ferry Dock: Closed the entire year.
- (99) Spencer Spit State Park: Open March 1 through July 31.
- (100) Suquamish (Old Man House): Closed the entire year.

- (101) Taylor Bay: Closed the entire year.
- (102) Triton Cove Tidelands: Open June 1 through August 31.
- (103) Twanoh State Park: Open (~~(August 1)~~) July 15 through September 30.
- (104) Walker County Park: Closed the entire year.
- (105) West Dewatto: DNR Beach 44A open August 1 through September 30.
- (106) West Pass Access: Closed the entire year.
- (107) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
- (108) Wolfe Property State Park: Open January 1 through May 15.
- (109) Woodard Bay: Closed the entire year.
- ~~((It is lawful to))~~ A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, ~~((taken))~~ for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- ~~((It is lawful to))~~ A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams ~~((taken))~~, for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-56-380 Oysters--Areas and seasons. A person can take and possess oysters ~~((taken))~~ for personal use from public tidelands the entire year~~((r))~~ except ~~((that))~~ from public tidelands at the ~~((following))~~ beaches listed below, which are closed unless otherwise provided~~((r))~~.

- (1) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bangor: Closed the entire year.
- (5) Bay View State Park: Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR 144 (Sleeper): Closed the entire year.

- (18) Dockton County Park: Closed the entire year.
- (19) Dungeness Spit/National Wildlife Refuge: Open May 15 - September 30.
- (20) East San de Fuca: Closed the entire year.
- (21) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open (~~May~~) April 15 through July 31.
- (22) Fort Ward State Park: Closed the entire year.
- (23) Freeland County Park: Closed the entire year.
- (24) Frye Cove County Park: Open January 1 through May 15.
- (25) Golden Gardens: Closed the entire year.
- (26) Graveyard Spit: Closed the entire year.
- (27) Harrington Beach: Closed the entire year.
- (28) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (29) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (30) Howarth Park: Closed the entire year.
- (31) Illahee State Park: Open April 1 through July 31.
- (32) Kayak Point County Park: Closed the entire year.
- (33) Kitsap Memorial State Park: Open May 15 through (~~August 15~~) June 30.
- (34) Kopachuck State Park: Open March 1 through July 31.
- (35) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- (36) Lincoln Park: Closed the entire year.
- (37) Lions Park (Bremerton): Closed the entire year.
- (38) Little Clam Bay: Closed the entire year.
- (39) Lower Roto Vista Park: Closed the entire year.
- (40) Manchester State Park: Closed the entire year.
- (41) Meadowdale County Park: Closed the entire year.
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- (43) Monroe Landing: Closed the entire year.
- (44) Mukilteo State Park: Closed the entire year.
- (45) Mystery Bay State Park: Open October 1 through April 30.
- (46) Nisqually National Wildlife Refuge: Closed the entire year.
- (47) North Beach County Park: Closed the entire year.
- (48) North Fort Lewis: Closed the entire year.
- (49) North Point Hudson: Closed the entire year.
- (50) Northeast Cultus Bay: Closed the entire year.
- (51) Oak Bay County Park: Open (~~June~~) May 1 through July 31.
- (52) Oak Harbor Beach Park: Closed the entire year.
- (53) Oak Harbor City Park: Closed the entire year.
- (54) Old Man House State Park: Closed the entire year.
- (55) Olympia Shoal: Closed the entire year.
- (56) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:
 - (a) Oakland Bay - State-owned oyster reserves open the entire years except in areas defined by boundary markers and signs posted

on the beach.

(b) North Bay - State-owned reserves open the entire year.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(57) Penrose Point State Park: (~~Closed the entire year.~~)
Open March 1 through May 31.

(58) Picnic Point: Closed the entire year.

(59) Pitt Island: Closed the entire year.

(60) Pleasant Harbor State Park: Closed the entire year.

(61) Port Angeles Coast Guard: Closed the entire year.

(62) Port Angeles Harbor: Closed the entire year.

(63) Port Gardner: Closed the entire year.

(64) Port Townsend Ship Canal/Portage Canal: Open January 1 through (~~June 30~~) July 31.

(65) Post Point: Closed the entire year.

(66) Potlatch DNR Tidelands: Open April 1 through (~~June 30~~)
August 15.

(67) Potlatch State Park: Open April 1 through (~~June 30~~)
August 15.

(68) Priest Point County Park: Closed the entire year.

(69) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(70) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

(71) Reid Harbor - South Beach: Closed the entire year.

(72) Retsil: Closed the entire year.

(73) Richmond Beach Saltwater Park: Closed the entire year.

(74) Saltwater State Park: Closed the entire year.

(75) Samish Beach: Closed the entire year.

(76) Seahurst County Park: Closed the entire year.

(77) Scenic Beach State Park: (~~Open April 15 through May 15.~~) Closed the entire year.

(78) Semiahmoo: Closed the entire year.

(79) Semiahmoo County Park: Closed the entire year.

(80) Shine Tidelands State Park: Open January 1 through May 15.

(81) Silverdale Waterfront Park: Closed the entire year.

(82) Sinclair Inlet: Closed the entire year.

(83) Skagit Wildlife Area: Closed the entire year.

(84) South Carkeek Park: Closed the entire year.

(85) South Gordon Point: Closed the entire year.

(86) South Indian Island County Park: Open April 1 through (~~May~~) July 31.

(87) South Mukilteo Park: Closed the entire year.

(88) South Oro Bay: Closed the entire year.

(89) South Point Wilson (Port Townsend): Closed the entire year.

(90) Southworth Ferry Dock: Closed the entire year.

- (91) Spencer Spit State Park: Open March 1 through July 31.
 - (92) Suquamish (Old Man House): Closed the entire year.
 - (93) Taylor Bay: Closed the entire year.
 - (94) Walker County Park: Closed the entire year.
 - (95) West Pass Access: Closed the entire year.
 - (96) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.
 - (97) Woodard Bay: Closed the entire year.
 - (98) Wolfe Property State Park: Open January 1 through May
- 15.