

## **Concise Explanatory Statement (CES)**

### **Recreational Clam and Oyster Season Changes**

**WAC 220-330-110, Clams other than razor clams, mussels – Areas and seasons;**

**WAC 220-330-140, Oysters – Areas and seasons;**

**and WAC 220-330-120, Clams, oysters, mussels – Unlawful Acts**

#### **A. Reasons for adopting the rules:**

The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies.

In the preparation of the rule amendments, the department reviewed both public health considerations and in-house administrative changes. Such rule amendments are designed to perpetuate shellfish resources while maximizing recreational fishing opportunity for the public. For 2017, intertidal bivalve staff recommends that twelve (12) beaches have longer seasons compared to 2016 and 3 beaches have shorter seasons. Two beaches will be added to the oyster WAC to align with existing closures in the clam WAC. In addition, two (2) beaches will be closed based on public health considerations and two (2) beaches will be opened as a result in upgrades to water quality. Twenty beaches will have revised text in both areas and seasons WACs.

Following negotiations with the affected treaty tribes, state and tribal shellfish program co-managers agreed there were no conservation reasons to maintain a smaller minimum size limit for clams on the public tidelands on the west side of the bay and north of the boat ramp at Quilcene Bay. Previously, Quilcene Bay was the only site in Puget Sound with a codified smaller size limit of 1 ¼ inches. This rule change standardizes the minimum size limit on all Puget Sound public tidelands to 1 ½ inches measured across the longest part of the shell.

#### **B. Differences between the text of the proposed rule and the text of the rule as adopted:**

None.

#### **C. Summary of comments and WDFW response and consideration for the comments:**

Season change recommendations were coordinated where appropriate with Washington State Department of Health and Washington State Parks staff. All season change recommendations and the change in minimum clam size at Quilcene Bay were announced on the agency web site and the Shellfish Rule Change phone hotline. One question

seeking clarification on the proposed minimum size limit change at Quilcene bay was received as the only public comment. The department held a public rule change hearing on August 5, 2017. No public testimony was offered regarding the rule changes.