



# PROPOSED RULE MAKING

**CR-102 (October 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 15, 2019

TIME: 10:14 AM

WSR 19-05-051

**Agency:** Washington State Department of Fish and Wildlife (WDFW)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 18-20-120 on October 3, 2018 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) The department is amending several regulations in WAC chapter 220-330 that affect harvesting clams and oysters for personal use and include the following:

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

WAC 220-330-140 Oysters – Areas and seasons

**Hearing location(s):**

**Date:**                      **Time:**                      **Location:** (be specific)                      **Comment:**

Date:	Time:	Location:	Comment:
March 26, 2019	5:30pm	WDFW Port Townsend District Office 375 Hudson Street, Marina Room Port Townsend, WA 98368	

**Date of intended adoption:** March 27, 2019 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Scott Bird, WDFW Rules Coordinator  
Address: PO Box 43200 Olympia, WA 98501-3200  
Email: Rules.Coordinator@dfw.wa.gov  
Fax: 360-902-2155  
Other:  
By (date) March 22, 2019

**Assistance for persons with disabilities:**

Contact Delores Noyes  
Phone: 360-902-2349  
Fax:  
TTY: 360-902-2207  
Email: [Delores.Noyes@dfw.wa.gov](mailto:Delores.Noyes@dfw.wa.gov)  
Other:  
By (date) March 22, 2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** In accordance with recent clam and oyster survey data, recreational harvest projections, co-management agreements, and public health considerations, recreational clam and oyster seasons require extension or shortening on some public beaches. This rule proposal reflects these changes.

**Reasons supporting proposal:** The amendments to the rules will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.045, and 77.12.047

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.045, and 77.12.047

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) WDFW

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Camille Speck	375 Hudson Street, Port Townsend, WA 98368	360-302-3030
Implementation:	Ron Warren	1111 Washington Street SE, Olympia, WA 98501	360-902-2799
Enforcement:	Chief Steve Bear	1111 Washington Street SE, Olympia WA 98501	360-902-2373

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: This proposal does not involve hydraulics.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. These rule changes clarify dates for anticipated open periods and areas for harvesting clams and oysters for personal use. There are no anticipated professional services required to comply. Based on the department's analysis, the proposed rules do not require any additional equipment, supplies, labor, or administrative costs on the part of the public or businesses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

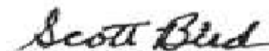
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** February 15, 2019

**Name:** Scott Bird

**Title:** Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 18-11-077, filed 5/17/18, effective 6/17/18)

**WAC 220-330-110 Clams other than razor clams, mussels—Areas and seasons.** It is permissible to take, dig for, and possess clams and mussels for personal use from public tidelands year-round, except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit are open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Belfair State Park: Open year-round.

(7) Blaine Marine Park: Closed year-round.

(8) Blake Island State Park Marina: Closed year-round.

(9) Blowers Bluff North: Closed year-round.

(10) Brown's Point Lighthouse: Closed year-round.

(11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn due west from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(12) Cama Beach State Park: Closed year-round.

(13) Camano Island State Park: Closed year-round.

~~(14) ((Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.~~

~~(15))~~ Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.

~~((16))~~ (15) Coupeville: Closed year-round.

~~((17))~~ (16) Cultus Bay: Closed year-round.

~~((18))~~ (17) Dave Mackie County Park: Closed year-round.

~~((19))~~ (18) Des Moines City Park: Closed year-round.

~~((20))~~ (19) Discovery Park: Closed year-round.

~~((21))~~ (20) DNR-142: Closed year-round.

~~((22))~~ (21) DNR-144 (Sleeper): Closed year-round.

~~((23))~~ (22) Dockton County Park: Closed year-round.

~~((24))~~ (23) Dosewallips State Park: ~~((Open year-round only in))~~

The area defined by boundary markers and signs posted on the beach is open August 15 through September 7 only.

~~((25))~~ (24) Dosewallips State Park South: Closed year-round

south of the line defined by boundary markers on the beach.

~~((26))~~ (25) Drayton West: All public tidelands of Drayton

Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.

~~((27))~~ (26) Duckabush: Open November 1 through April 30 only.

~~((28))~~ (27) Dungeness Spit and Dungeness National Wildlife

Refuge Tidelands: Open May 15 through September 30 only.

~~((29))~~ (28) Eagle Creek: Open ~~((July))~~ June 1 through ~~((July))~~

August 31 only.

~~((30))~~ (29) East San de Fuca: Tidelands east of the Rolling

Hills Glencairn Community dock are closed year-round.

~~((31))~~ (30) Eld Inlet Oyster Reserves (Mud Bay reserves):

Closed year-round.

~~((32))~~ (31) English Camp: Tidelands between the National Park

Service dinghy dock to the southern park boundary are closed year-round.

~~((33))~~ (32) Evergreen Rotary Park (Port Washington Narrows):

Closed year-round.

~~((34))~~ (33) Fay Bainbridge Park: Closed year-round.

~~((35))~~ (34) Fort Flagler State Park: Open January 1 through

April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

~~((36))~~ (35) Freeland County Park: Open ~~((January))~~ October 1

through May ~~((15))~~ 31 only.

~~((37))~~ (36) Frye Cove County Park: Open May 1 through May 31

only.

~~((38))~~ (37) Fudge Point State Park: Closed year-round.

~~((39))~~ (38) Gertrude Island: All tidelands of Gertrude Island

are closed year-round.

~~((40))~~ (39) Golden Gardens: Closed year-round.

~~((41))~~ (40) Graveyard Spit: Closed year-round.

~~((42))~~ (41) Guss Island: All tidelands of Guss Island are

closed year-round.

~~((43))~~ (42) Hoodspout: Tidelands at Hoodspout Salmon Hatchery

are closed year-round.

~~((44))~~ (43) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

~~((45))~~ (44) Howarth Park/Darlington Beach: Closed year-round.

~~((46))~~ (45) Illahee State Park: Open April 1 through July 31 only.

~~((47))~~ (46) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((30))~~ 7 only.

~~((48))~~ (47) Joemma Beach State Park: Closed year-round.

~~((49))~~ (48) Kayak Point County Park: Closed year-round.

~~((50))~~ (49) Kitsap Memorial State Park: Closed year-round.

~~((51))~~ (50) Kopachuck State Park: Open April 1 through May 31 only.

~~((52))~~ (51) Lent Landing (Port Washington Narrows): Closed year-round.

~~((53))~~ (52) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.



~~((54))~~ (53) Lincoln Park: Closed year-round.

~~((55))~~ (54) Lions Park (Bremerton): Closed year-round.

~~((56))~~ (55) Lofall: Closed year-round.

~~((57))~~ (56) Long Island Oyster Reserve, Diamond Point, and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

~~((58))~~ (57) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

~~((59))~~ (58) Long Point West: Closed year-round.

~~((60))~~ (59) Lower Roto Vista Park: Closed year-round.

~~((61) Manchester State Park: Closed year-round.~~

~~((62))~~ (60) March Point Recreation Area: Closed year-round.

~~((63))~~ (61) McNeil Island: All tidelands of McNeil Island are closed year-round.

~~((64))~~ (62) Meadowdale County Park: Closed year-round.

~~((65))~~ (63) Mee-Kwa-Mooks Park: Closed year-round.

~~((66))~~ (64) Monroe Landing: Closed year-round.

~~((67))~~ (65) Mukilteo: Closed year-round.

~~((+68+))~~ (66) Mystery Bay State Park: Open October 1 through April 30 only.

~~((+69+))~~ (67) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.

~~((+70+))~~ (68) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

~~((+71+))~~ (69) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

~~((+72+))~~ (70) North Bay (Case Inlet): ~~((State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing))~~ All state-owned tidelands north of the power transmission lines and those extending 1,900 feet south of the power transmission lines along the eastern shore are open March 1 through April 30 and September 1 through ~~((December 31))~~ September 30, daylight hours only.

~~((+73+))~~ (71) North Beach County Park: Closed year-round.

~~((+74)~~ North Tabook Point: Closed year round.

~~(75))~~ (72) Oak Bay County Park: Open (~~May~~) April 1 through ~~(May 31)~~ April 30 only.

~~((76))~~ (73) Oak Harbor: Closed year-round.

~~((77))~~ (74) Oak Harbor Beach Park: Closed year-round.

~~((78))~~ (75) Oak Harbor City Park: Closed year-round.

~~((79))~~ (76) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

~~((80))~~ (77) Old Mill County Park (Silverdale): Closed year-round.

~~((81))~~ (78) Olympia Shoal: Closed year-round.

~~((82))~~ (79) Pat Carey Vista Park: Closed year-round.

~~((83))~~ (80) Penrose Point State Park: Open March 1 through April 30 only, except that portion of Mayo Cove within the commercially prohibited growing area is closed year-round.

~~((84))~~ (81) Picnic Point County Park: Closed year-round.

~~((85))~~ (82) Pitship Point: Closed year-round.

~~((86))~~ (83) Pitt Island: All tidelands on Pitt Island are closed year-round.

~~((87))~~ (84) Pleasant Harbor State Park: Closed year-round.

~~((88))~~ (85) Pleasant Harbor WDFW Boat Launch: Closed year-round.

~~((89))~~ (86) Point Defiance: Closed year-round.

~~((90))~~ (87) Point No Point South: Closed year-round.

~~((91))~~ (88) Point Whitney Lagoon: Open January 1 through April ~~((30))~~ 15 only.

~~((92))~~ (89) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through April ~~((30))~~ 15 only.

~~((93))~~ (90) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

~~((94))~~ (91) Port Gamble Heritage Park Tidelands: Open year-round.

~~((95))~~ (92) Port Gardner: Closed year-round.

~~((96))~~ (93) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

~~((97))~~ (94) Post Point: Closed year-round.

~~((98))~~ (95) Potlatch DNR tidelands: Open April 1 through ~~((August 31))~~ July 7 only.

~~((99))~~ (96) Potlatch State Park: Open April 1 through ~~((August 31))~~ July 7 only.

~~((100))~~ (97) Priest Point County Park: Closed year-round.

~~((101))~~ (98) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

~~((102))~~ (99) 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 year-round, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

~~((103))~~ (100) Retsil: Closed year-round.

~~((104))~~ (101) Richmond Beach Saltwater Park: Closed year-round.

~~((105))~~ (102) Salt Creek Recreation Area (DNR-419): Closed year-round.

~~((106))~~ (103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

~~((107))~~ (104) Saltwater State Park: Closed year-round.

~~((108))~~ (105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

~~((109))~~ (106) Scenic Beach State Park: Closed year-round.

~~((110))~~ (107) Seahurst County Park: Closed year-round.

~~((111))~~ (108) Semiahmoo County Park: Closed year-round.

~~((112))~~ (109) Semiahmoo Marina: Closed year-round.

~~((113))~~ (110) Sequim Bay State Park: Open January 1 through June 30 only.

~~((114))~~ (111) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((115))~~ (112) Silverdale Waterfront Park: Closed year-round.

~~((116))~~ (113) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

~~((117))~~ (114) Skagit Bay Estuary Wildlife Areas: All public tidelands of Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

~~((118))~~ (115) South Carkeek Park: Closed year-round.

~~((119) South Mukilteo: Closed year-round.~~

~~(120))~~ (116) Southworth: Closed year-round.

~~((121))~~ (117) Spencer Spit State Park: Open March 1 through July 31 only.

~~((122))~~ (118) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

~~((123))~~ (119) Taylor Bay: Closed year-round.

~~((124))~~ (120) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

~~((125))~~ (121) Triton Cove Tidelands: Open ~~((July 15))~~ June 1 through August 31 only.

~~((126))~~ (122) Twanoh State Park: Open ~~((September))~~ August 1 through September 30 only.

~~((127))~~ (123) Walker County Park: Closed year-round.

~~((128))~~ (124) West Dewatto: DNR Beach 44A open July 1 through September 30 only.

~~((129))~~ (125) West Pass Access: Closed year-round.

~~((130))~~ (126) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is ~~((closed year-round))~~ open July 15 through September 15 only.

~~((131))~~ (127) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

~~((132))~~ (128) Wolfe Property State Park: Open January 1 through May 15 only.

~~((133))~~ (129) Woodard Bay Natural Resource Conservation Area: Closed year-round.

It is permissible to take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-11-077 (Order 18-99), § 220-330-110, filed 5/17/18, effective 6/17/18; WSR 17-18-004 (Order 17-214), § 220-330-110, filed 8/24/17, effective 9/24/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 16-07-012 (Order 16-41), § 220-56-350, filed 3/4/16, effective 4/4/16. Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 15-09-046, § 220-56-350, filed 4/10/15, effective 5/11/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047. WSR 14-07-057 (Order



14-61), § 220-56-350, filed 3/14/14, effective 4/14/14. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 13-06-034 (Order 13-44), § 220-56-350, filed 3/1/13, effective 4/1/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-07-011 (Order 12-31), § 220-56-350, filed 3/12/12, effective 4/12/12; WSR 11-09-073 (Order 11-66), § 220-56-350, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-350, filed 3/19/10, effective 5/1/10; WSR 09-06-042 (Order 09-27), § 220-56-350, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 220-56-350, filed 3/5/08, effective 4/5/08; WSR 07-05-051 (Order 07-22), § 220-56-350, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-350, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-350, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-350, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-350, filed 2/14/03, effective 5/1/03; WSR 02-17-019 (Order 02-193), § 220-56-350, filed 8/9/02, effective 9/9/02; WSR 02-08-048 (Order 02-53), § 220-56-350, filed 3/29/02, effective 5/1/02; WSR 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order

00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; WSR 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; WSR 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; WSR 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; WSR 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; WSR 86-09-020 (Order 86-08), § 220-56-350, filed 4/9/86; WSR 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; WSR 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; WSR 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

AMENDATORY SECTION (Amending WSR 18-11-077, filed 5/17/18, effective 6/17/18)

**WAC 220-330-140 Oysters—Areas and seasons.** It is permissible to take and possess oysters for personal use from public tidelands year-round except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Blaine Marine Park: Closed year-round.

(7) Blake Island State Park Marina: Closed year-round.

(8) Blowers Bluff North: Closed year-round.

(9) Brown's Point Lighthouse: Closed year-round.

(10) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(11) Cama Beach State Park: Closed year-round.

(12) Camano Island State Park: Closed year-round.

~~(13) ((Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.~~

~~(14))~~ Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.

~~((15))~~ (14) Coupeville: Closed year-round.

~~((16))~~ (15) Cultus Bay: Closed year-round.

~~((17))~~ (16) Dave Mackie County Park: Closed year-round.

~~((18))~~ (17) Des Moines City Park: Closed year-round.

~~((19))~~ (18) Discovery Park: Closed year-round.

~~((20))~~ (19) DNR-142: Closed year-round.

~~((21))~~ (20) DNR-144 (Sleeper): Closed year-round.

~~((22))~~ (21) Dockton County Park: Closed year-round.

~~((23))~~ (22) Dosewallips State Park: Open year-round only in the area defined by boundary markers and signs posted on the beach.

~~((24))~~ (23) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers on the beach.

~~((25))~~ (24) Drayton West: All public tidelands of Drayton Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.

~~((26))~~ (25) Duckabush: Open November 1 through April 30 only.

~~((27))~~ (26) Dungeness Spit/National Wildlife Refuge: Open May 15 through September 30 only.

~~((28))~~ (27) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

~~((29))~~ (28) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

~~((30))~~ (29) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

~~((31))~~ (30) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

~~((32))~~ (31) Fay Bainbridge Park: Closed year-round.

~~((33))~~ (32) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of

Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

~~((34))~~ (33) Freeland County Park: Open ~~((January))~~ October 1 through May ~~((15))~~ 31 only.

~~((35))~~ (34) Frye Cove County Park: Open May 1 through May 31 only.

~~((36))~~ (35) Fudge Point State Park: Closed year-round.

~~((37))~~ (36) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

~~((38))~~ (37) Golden Gardens: Closed year-round.

~~((39))~~ (38) Graveyard Spit: Closed year-round.

~~((40))~~ (39) Guss Island: All tidelands of Guss Island are closed year-round.

~~((41))~~ (40) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed year-round.

~~((42))~~ (41) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

~~((43))~~ (42) Howarth Park/Darlington Beach: Closed year-round.

~~((44))~~ (43) Illahee State Park: Open April 1 through July 31 only.

~~((45))~~ (44) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((30))~~ 7 only.

~~((46))~~ (45) Joemma Beach State Park: Closed year-round.

~~((47))~~ (46) Kayak Point County Park: Closed year-round.

~~((48))~~ (47) Kitsap Memorial State Park: Closed year-round.

~~((49))~~ (48) Kopachuck State Park: Open April 1 through May 31 only.

~~((50))~~ (49) Lent Landing (Port Washington Narrows): Closed year-round.

~~((51))~~ (50) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.

~~((52))~~ (51) Lincoln Park: Closed year-round.

~~((53))~~ (52) Lions Park (Bremerton): Closed year-round.

~~((54))~~ (53) Lofall: Closed year-round.

~~((55))~~ (54) Long Island Oyster Reserve, Diamond Point, and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the

northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

~~((56))~~ (55) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

~~((57))~~ (56) Long Point West: Closed year-round.

~~((58))~~ (57) Lower Roto Vista Park: Closed year-round.

~~((59) Manchester State Park: Closed year round.~~

~~(+60))~~ (58) March Point Recreation Area: Closed year-round.

~~((61))~~ (59) McNeil Island: All tidelands of McNeil Island are closed year-round.

~~((62))~~ (60) Meadowdale County Park: Closed year-round.

~~((63))~~ (61) Mee-Kwa-Mooks Park: Closed year-round.

~~((64))~~ (62) Monroe Landing: Closed year-round.

~~((65))~~ (63) Mukilteo: Closed year-round.

~~((66))~~ (64) Mystery Bay State Park: Open October 1 through April 30 only.

~~((67))~~ (65) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are open year-round.



~~((+68+))~~ (66) Nemah Oyster Reserve (Willapa Harbor reserves):

Oyster reserves between reserve monuments 10 and 11 are closed year-round.

~~((+69+))~~ (67) Nisqually National Wildlife Refuge: All state-owned

tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

~~((+70+))~~ (68) North Bay (Case Inlet): ~~((State-owned oyster~~

~~reserves and contiguous state-owned tidelands south and east of the~~

~~powerline crossing))~~ All state-owned tidelands north of the power

transmission lines and those extending 1,900 feet south of the power

transmission lines along the eastern shore are open March 1 through

April 30 and September 1 through ~~((December 31))~~ September 30,

daylight hours only.

~~((+71+))~~ (69) North Beach County Park: Closed year-round.

~~((+72) North Tabook Point: Closed year-round.~~

~~+73+))~~ (70) Oak Bay County Park: Open ~~((May))~~ April 1 through

~~((May 31))~~ April 30 only.

~~((+74+))~~ (71) Oak Harbor: Closed year-round.

~~((+75+))~~ (72) Oak Harbor Beach Park: Closed year-round.

~~((+76+))~~ (73) Oak Harbor City Park: Closed year-round.

~~((77))~~ (74) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

~~((78))~~ (75) Old Mill County Park (Silverdale): Closed year-round.

~~((79))~~ (76) Olympia Shoal: Closed year-round.

~~((80))~~ (77) Pat Carey Vista Park: Closed year-round.

~~((81))~~ (78) Penrose Point State Park: Open March 1 through April 30 only, except that part of Mayo Cove within the commercially prohibited growing area is closed year-round.

~~((82))~~ (79) Pitship Point: Closed year-round.

~~((83))~~ (80) Picnic Point County Park: Closed year-round.

~~((84))~~ (81) Pitt Island: Closed year-round.

~~((85))~~ (82) Pleasant Harbor State Park: Closed year-round.

~~((86))~~ (83) Pleasant Harbor WDFW Boat Launch: Closed year-round.

~~((87))~~ (84) Point Defiance: Closed year-round.

~~((88))~~ (85) Point No Point South: Closed year-round.

~~((89))~~ (86) Point Whitney Lagoon: Open January 1 through July 31 only.

(87) Point Whitney Tidelands (excluding Point Whitney Lagoon):

Open January 1 through ~~((June 30))~~ July 31 only.

~~((90))~~ (88) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

~~((91))~~ (89) Port Gamble Heritage Park Tidelands: Open year-round.

~~((92))~~ (90) Port Gardner: Closed year-round.

~~((93))~~ (91) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

~~((94))~~ (92) Post Point: Closed year-round.

~~((95))~~ (93) Potlatch DNR Tidelands: Open April 1 through ~~((August 31))~~ July 7 only.

~~((96))~~ (94) Potlatch State Park: Open April 1 through ~~((August 31))~~ July 7 only.

~~((97))~~ (95) Priest Point County Park: Closed year-round.

~~((98))~~ (96) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

~~((99))~~ (97) 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 year-round except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

~~((100))~~ (98) Retsil: Closed year-round.

~~((101))~~ (99) Richmond Beach Saltwater Park: Closed year-round.

~~((102))~~ (100) Salt Creek Recreation Area (DNR-419): Closed year-round.

~~((103))~~ (101) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

~~((104))~~ (102) Saltwater State Park: Closed year-round.

~~((105))~~ (103) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

~~((106))~~ (104) Scenic Beach State Park: Closed year-round.

~~((107))~~ (105) Seahurst County Park: Closed year-round.

~~((108))~~ (106) Semiahmoo County Park: Closed year-round.

~~((109))~~ (107) Semiahmoo Marina: Closed year-round.

~~((110))~~ (108) Sequim Bay State Park: Open January 1 through June 30 only.

~~((111))~~ (109) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((112))~~ (110) Silverdale Waterfront Park: Closed year-round.

~~((113))~~ (111) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

~~((114))~~ (112) Skagit Bay Estuary Wildlife Areas: All public tidelands of the Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

~~((115))~~ (113) South Carkeek Park: Closed year-round.

~~((116) South Mukilteo: Closed year-round.~~

~~(117))~~ (114) Southworth: Closed year-round.

~~((118))~~ (115) Spencer Spit State Park: Open March 1 through July 31 only.

~~((119))~~ (116) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

~~((120))~~ (117) Taylor Bay: Closed year-round.

~~((121))~~ (118) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

~~((122))~~ (119) Walker County Park: Closed year-round.

~~((123))~~ (120) West Pass Access: Closed year-round.

~~((124))~~ (121) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is ~~((closed year-round))~~ open July 15 through September 15 only.

~~((125))~~ (122) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

~~((126))~~ (123) Wolfe Property State Park: Open January 1 through May 15 only.

~~((127))~~ (124) Woodard Bay Natural Resource Conservation Area: Closed year-round.

It is permissible to take and possess oysters for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-11-077 (Order 18-99), § 220-330-140, filed 5/17/18, effective 6/17/18; WSR 17-18-004 (Order 17-214), § 220-330-140, filed 8/24/17, effective 9/24/17. Statutory Authority: RCW

77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 16-07-012 (Order 16-41), § 220-56-380, filed 3/4/16, effective 4/4/16. Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 15-09-046, § 220-56-380, filed 4/10/15, effective 5/11/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047. WSR 14-07-057 (Order 14-61), § 220-56-380, filed 3/14/14, effective 4/14/14. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 13-06-034 (Order 13-44), § 220-56-380, filed 3/1/13, effective 4/1/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-07-011 (Order 12-31), § 220-56-380, filed 3/12/12, effective 4/12/12; WSR 11-09-073 (Order 11-66), § 220-56-380, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-380, filed 3/19/10, effective 5/1/10; WSR 09-06-042 (Order 09-27), § 220-56-380, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 220-56-380, filed 3/5/08, effective 4/5/08; WSR 07-05-051 (Order 07-22), § 220-56-380, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-380, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-380, filed 2/10/05, effective 5/1/05; WSR 04-07-009

(Order 04-39), § 220-56-380, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; WSR 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; WSR 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; WSR 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; WSR 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; WSR 87-09-



066 (Order 87-16), § 220-56-380, filed 4/21/87; WSR 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; WSR 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; WSR 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; WSR 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; WSR 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]