



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 07, 2020

TIME: 9:29 AM

WSR 20-05-019

**Agency:** Washington State Department of Fish and Wildlife (20-21)

**Effective date of rule:**

**Permanent Rules**

- 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:** Recent clam and oyster population survey data, recreational harvest projections, and negotiations affecting intertidal Treaty and non-Treaty fisheries, along with public health considerations, call for recreational clam and oyster seasons to be adjusted. Seasons will be opened or extended on some public beaches and closed, removed, or shortened on others. This proposal reflects those openings and closures.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended:
- 220-330-110 – Clams other than razor clams, and mussels- Areas and seasons.
- 220-330-140 – Oysters – Areas and seasons.
- Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04-055, 77.12.045, and 77.12.047.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-02-082 on December 27, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

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

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

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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	___

**Date Adopted:** February 5, 2020

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



**WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons.** It is (~~permissible~~) lawful 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~~) January 1 through May 31 and August 1 through December 31 only.

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

(15) Coupeville: Closed year-round.

(16) Cultus Bay: Closed year-round.

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

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

(19) Discovery Park: Closed year-round.

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

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

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

(23) Dosewallips State Park: The area defined by boundary markers and signs posted on the beach is open (~~August~~) June 15 through September (~~7~~) 30 only.

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

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

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

(27) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.

(28) Eagle Creek: Open June 1 through August 31 only.

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

- (30) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.
- (31) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.
- (32) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.
- (33) Fay Bainbridge Park: Closed year-round.
- (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.
- (35) Freeland County Park: Open October 1 through May 31 only.
- (36) Frye Cove County Park: Open May 1 through May 31 only.
- (37) Fudge Point State Park: Closed year-round.
- (38) Gertrude Island: All tidelands of Gertrude Island are closed year-round.
- (39) Golden Gardens: Closed year-round.
- (40) Graveyard Spit: Closed year-round.
- (41) Guss Island: All tidelands of Guss Island are closed year-round.
- (42) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed year-round.
- (43) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.
- (44) Howarth Park/Darlington Beach: Closed year-round.
- (45) Illahee State Park: Open April 1 through July 31 only.
- (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 ((7)) 30 only.
- (47) Joemma Beach State Park: Closed year-round.
- (48) Kayak Point County Park: Closed year-round.
- (49) Kitsap Memorial State Park: Closed year-round.
- (50) Kopachuck State Park: Open April 1 through May 31 only.
- (51) Lent Landing (Port Washington Narrows): Closed year-round.
- (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.
- (53) Lincoln Park: Closed year-round.
- (54) Lions Park (Bremerton): Closed year-round.
- (55) Lofall: Closed year-round.
- (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.
- (57) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.
- (58) Long Point West: Closed year-round.
- (59) Lower Roto Vista Park: Closed year-round.
- (60) March Point Recreation Area: Closed year-round.
- (61) McNeil Island: All tidelands of McNeil Island are closed year-round.
- (62) Meadowdale County Park: Closed year-round.

- (63) Mee-Kwa-Mooks Park: Closed year-round.
- (64) Monroe Landing: Closed year-round.
- (65) Mukilteo: Closed year-round.
- (66) Mystery Bay State Park: Open October 1 through April 30 only.
- (67) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.
- (68) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
- (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.
- (70) North Bay (Case Inlet): 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 September 30, from one hour before official sunrise until one hour after official sunset only.
- (71) North Beach County Park: Closed year-round.
- (72) Oak Bay County Park: (~~Open April 1 through April 30 only~~) Closed year-round.
- (73) Oak Harbor: Closed year-round.
- (74) Oak Harbor Beach Park: Closed year-round.
- (75) Oak Harbor City Park: Closed year-round.
- (76) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.
- (77) Old Mill County Park (Silverdale): Closed year-round.
- (78) Olympia Shoal: Closed year-round.
- (79) Pat Carey Vista Park: Closed year-round.
- (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.
- (81) Picnic Point County Park: Closed year-round.
- (82) Pitship Point: Closed year-round.
- (83) Pitt Island: All tidelands on Pitt Island are closed year-round.
- (84) Pleasant Harbor State Park: Closed year-round.
- (85) Pleasant Harbor WDFW Boat Launch: Closed year-round.
- (86) Point Defiance: Closed year-round.
- (87) Point No Point South: Closed year-round.
- (88) Point Whitney Lagoon: Open January 1 through (~~April 15~~) May 31 only.
- (89) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through (~~April 15~~) May 31 only.
- (90) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.
- (91) Port Gamble Heritage Park Tidelands: Open (~~year-round~~) January 1 through May 15 and July 15 through December 31 only.
- (92) Port Gardner: Closed year-round.
- (93) Port Townsend Ship Canal/Portage Beach: Open January 1 through (~~May 31~~) April 15 only.
- (94) Post Point: Closed year-round.
- (95) Potlatch DNR tidelands: Open April 1 through July ((7)) 31 only.
- (96) Potlatch State Park: Open April 1 through July ((7)) 31 only.

- (97) Priest Point County Park: Closed year-round.
- (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.
- (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.
- (100) Retsil: Closed year-round.
- (101) Richmond Beach Saltwater Park: Closed year-round.
- (102) Salt Creek Recreation Area (DNR-419): Closed year-round.
- (103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.
- (104) Saltwater State Park: Closed year-round.
- (105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and ((an unnamed)) a point on the shore ((~~latitude N48.5745°; longitude W122.4440°~~)) (48° 34.47'N, 122° 26.64'W) are closed year-round.
- (106) Scenic Beach State Park: Closed year-round.
- (107) Seahurst County Park: Closed year-round.
- (108) Semiahmoo County Park: Closed year-round.
- (109) Semiahmoo Marina: Closed year-round.
- (110) Sequim Bay State Park: Open January 1 through June 30 only.
- (111) Shine Tidelands State Park: Open January 1 through May 15 only.
- (112) Silverdale Waterfront Park: Closed year-round.
- (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.
- (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.
- (115) South Carkeek Park: Closed year-round.
- (116) Southworth: Closed year-round.
- (117) Spencer Spit State Park: Open March 1 through July 31 only.
- (118) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.
- (119) Taylor Bay: Closed year-round.
- (120) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.
- (121) Triton Cove Tidelands: Open June 1 through August 31 only.
- (122) Twanoh State Park: Open August ((±)) 15 through September 30 only.
- (123) Walker County Park: Closed year-round.
- (124) West Dewatto: DNR Beach 44A open July 1 through September 30 only.
- (125) West Pass Access: Closed year-round.
- (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 open ((July 15)) August 1 through September ((15)) 30 only.
- (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.

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

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

(130) It is ((~~permissible~~)) lawful 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.))~~

**WAC 220-330-140 Oysters—Areas and seasons.** It is (~~permissible~~) lawful 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) Belfair State Park: Open January 1 through May 31 and August 1 through December 31 only.

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

~~((7))~~ (8) Blake Island State Park Marina: Closed year-round.

~~((8))~~ (9) Blowers Bluff North: Closed year-round.

~~((9))~~ (10) Brown's Point Lighthouse: Closed year-round.

~~((10))~~ (11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn from the southern boundary of Burfoot Park west to the opposite shore near 68th Avenue N.W. are closed year-round.

~~((11))~~ (12) Cama Beach State Park: Closed year-round.

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

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

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

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

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

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

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

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

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

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

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~~((32))~~ (33) 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.

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

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 ((+66+)) (67) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.  
 ((+67+)) (68) 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.  
 ((+68+)) (69) North Bay (Case Inlet): 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 September 30, from one hour before official sunrise until one hour after official sunset only.  
 ((+69+)) (70) North Beach County Park: Closed year-round.  
 ((+70+)) (71) Oak Bay County Park: (~~Open April 1 through April 30 only~~) Closed year-round.  
 ((+71+)) (72) Oak Harbor: Closed year-round.  
 ((+72+)) (73) Oak Harbor Beach Park: Closed year-round.  
 ((+73+)) (74) Oak Harbor City Park: Closed year-round.  
 ((+74+)) (75) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.  
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 ((+76+)) (77) Olympia Shoal: Closed year-round.  
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 ((+78+)) (79) 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.  
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 ((+80+)) (81) Picnic Point County Park: Closed year-round.  
 ((+81+)) (82) Pitt Island: Closed year-round.  
 ((+82+)) (83) Pleasant Harbor State Park: Closed year-round.  
 ((+83+)) (84) Pleasant Harbor WDFW Boat Launch: Closed year-round.  
 ((+84+)) (85) Point Defiance: Closed year-round.  
 ((+85+)) (86) Point No Point South: Closed year-round.  
 ((+86+)) (87) Point Whitney Lagoon: Open January 1 through July 31 only.  
 ((+87+)) (88) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through July 31 only.  
 ((+88+)) (89) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.  
 ((+89+)) (90) Port Gamble Heritage Park Tidelands: Open (~~year-round~~) January 1 through May 15 and July 15 through December 31 only.

((+90)) (91) Port Gardner: Closed year-round.  
 ((+91)) (92) Port Townsend Ship Canal/Portage Beach: Open January 1 through ~~((May 31))~~ April 15 only.  
 ((+92)) (93) Post Point: Closed year-round.  
 ((+93)) (94) Potlatch DNR Tidelands: Open April 1 through July ((7)) 31 only.  
 ((+94)) (95) Potlatch State Park: Open April 1 through July ((7)) 31 only.  
 ((+95)) (96) Priest Point County Park: Closed year-round.  
 ((+96)) (97) 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.  
 ((+97)) (98) 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.  
 ((+98)) (99) Retsil: Closed year-round.  
 ((+99)) (100) Richmond Beach Saltwater Park: Closed year-round.  
 ((+100)) (101) Salt Creek Recreation Area (DNR-419): Closed year-round.  
 ((+101)) (102) Saltair Beach (Kingston Ferry Terminal): Closed year-round.  
 ((+102)) (103) Saltwater State Park: Closed year-round.  
 ((+103)) (104) Samish Bay: Public tidelands of Samish Bay between Scotts Point and ~~((an unnamed))~~ a point on the shore ((latitude N48.5745°; longitude W122.4440°)) (48°34.47'N, 122°26.64'W) are closed year-round.  
 ((+104)) (105) Scenic Beach State Park: Closed year-round.  
 ((+105)) (106) Seahurst County Park: Closed year-round.  
 ((+106)) (107) Semiahmoo County Park: Closed year-round.  
 ((+107)) (108) Semiahmoo Marina: Closed year-round.  
 ((+108)) (109) Sequim Bay State Park: Open January 1 through June 30 only.  
 ((+109)) (110) Shine Tidelands State Park: Open January 1 through May 15 only.  
 ((+110)) (111) Silverdale Waterfront Park: Closed year-round.  
 ((+111)) (112) 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.  
 ((+112)) (113) 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.  
 ((+113)) (114) South Carkeek Park: Closed year-round.  
 ((+114)) (115) Southworth: Closed year-round.  
 ((+115)) (116) Spencer Spit State Park: Open March 1 through July 31 only.  
 ((+116)) (117) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.  
 ((+117)) (118) Taylor Bay: Closed year-round.  
 ((+118)) (119) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.  
 ((+119)) (120) Walker County Park: Closed year-round.  
 ((+120)) (121) West Pass Access: Closed year-round.  
 ((+121)) (122) 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 open (~~(July 15)~~) August 1 through September (~~(15)~~) 30 only.

~~((122))~~ (123) 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.

~~((123))~~ (124) Wolfe Property State Park: Open January 1 through May 15 only.

~~((124))~~ (125) Woodard Bay Natural Resource Conservation Area: Closed year-round.

(126) It is (~~(permissible)~~) lawful 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.))~~