



PROPOSED RULE MAKING

CR-102 (July 2022)
(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: January 17, 2023

TIME: 9:35 AM

WSR 23-03-095

Agency: Washington State Department of Fish and Wildlife (WDFW) (P2022-16)

- Original Notice**
- Supplemental Notice to WSR**
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 22-21-046 on October 11, 2022 ; 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 Chapters that affect harvesting clams, mussels, and oysters for personal use and include the following:

- WAC 220-330-110 Clam, other than razor clams, and mussels – Areas and seasons
- WAC 220-330-140 Oysters – Areas and seasons
- WAC 220-340-130 Oyster drill restricted shellfish areas – Puget Sound
- WAC 220-340-170 European green crab (*Carcinus maenas*) restricted shellfish areas

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 21, 2023	5:30pm	Zoom webinar; Register in advance for this webinar: https://us02web.zoom.us/j/84869547873?pwd=YWZNNNGZ2L3BCSEx5bytFU0IRc3gzdz09	This meeting will take place by webinar. The public may participate in the meeting. Register in advance for this webinar: https://us02web.zoom.us/j/84869547873?pwd=YWZNNNGZ2L3BCSEx5bytFU0IRc3gzdz09

Date of intended adoption: No sooner than February 22, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Camille Speck
 Address: PO Box 43152 Olympia, WA 98502
 Email: clam-oyster-greencrab-areas-23@PublicInput.com
 Fax:
 Other: Webpage: <https://publicinput.com/clam-oyster-greencrab-areas-23> Phone # for voicemail comments: 855-925-2801 project code 6666
 By (date) February 21, 2023

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator
 Phone: 360-902-2349
 Fax:
 TTY: 1-800-833-6388 or 711
 Email: Title6@dfw.wa.gov
 Other:
 By (date) February 21, 2023

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. Additionally, this proposal updates beach status according to shellfish pest status by updating Oyster Drill and European Green Crab Restricted Shellfish Area designations. These designations are necessary to prevent the spread of pest infestations harmful to shellfish

Reasons supporting proposal: The amendments to the rules will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health; and helping to prevent the spread of a harmful shellfish pest organisms.

Statutory authority for adoption: RCWs 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047

Statute being implemented: RCWs 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization)

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Camille Speck	375 Hudson Street, Port Townsend WA 98368	360-302-3030
Implementation:	Kelly Cunningham	1111 Washington Street SE, Olympia WA 98501	360-902-2325
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 rule proposal does not require a cost benefit analysis per RCW 34.05.328(5)(a)(i).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- | | |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: With respect to the recreational clam and oyster seasons portion of this proposal (WACs 220-330-110 and 220-330-140), the department is exempt from the requirements of RCW Chapter 19.85 because the proposed recreational fishing rules do not regulate small businesses; these rule changes clarify dates for anticipated open and closed periods and areas for harvesting clams and oysters for personal use. There are no anticipated professional services required to comply.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal.

	Proposed WAC Sections and Title	This proposed rule section is not exempt . Analysis is required	This proposed rule section is exempt . Provide RCW to support this exemption.
1.	220-330-110 Clam, other than razor clams, and mussels – Areas and seasons	<input type="checkbox"/>	<input checked="" type="checkbox"/> RCW 19.85.025(4)
2.	220-330-140 Oysters – Areas and seasons	<input type="checkbox"/>	<input checked="" type="checkbox"/> RCW 19.85.025(4)
3.	220-340-130 Oyster drill restricted shellfish areas – Puget Sound	<input checked="" type="checkbox"/> Brief summary of agency's minor cost analysis in Section 3	<input type="checkbox"/>
4.	220-340-170 European green crab (<i>Carcinus maenas</i>) restricted shellfish areas	<input checked="" type="checkbox"/> Brief summary of agency's minor cost analysis in Section 3	<input type="checkbox"/>

- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

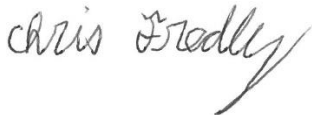
If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. A. With respect to the Oyster drill shellfish restricted areas portions of this proposal (WAC 220-340-130), the updates to existing designations of Oyster Drill Restricted Shellfish Areas do not have an anticipated more-than-minor impact on small business for the following reasons: 1. These areas are off-limits to the public as being on U.S. Navy property; 2. These areas do not host any commercial activity with the exception of some tribal harvest by several Treaty tribes; 3. The transfer of shellfish from these locations is already unlawful without a no-cost permit per WAC 220-340-150; 4. These areas are used for periodic tribal commercial and C&S harvest, which already operate with consideration to the Restricted Area landscape under conditions long-established and agreed-to in co-management plans; and because 5. Most of the proposed changes are administrative "housekeeping" changes that do not affect the substance of existing rules.
- B. With respect to the European Green Crab Restricted Shellfish Areas portions of the proposal (WAC 220-340-170), the updates to designation of European Green Crab Restricted Shellfish Areas do not have an anticipated more-than-minor impact on small business for the following reasons: 1. The designations do not come with prohibitions on movement of shellfish or any specifically-prescribed requirements, but rather are updates to area definitions used to indicate a need for additional precautions in permitting under WAC 220-340-150; 2. The movement of shellfish and shellfish products already requires a no-cost permit under WAC 220-340-150 and industry has long operated under this system (decades); 3. Precautionary permitting measures for these areas are already in place under WAC 220-340-150; 4. The designations are already in effect through requirements of WAC 220-340-150 and industry already operates with consideration to the Restricted Area landscape under conditions long-established; 5. WDFW works directly with permittees to develop effective management approaches that minimize additional costs in permitting under WAC 220-340-150; 6. This proposal simply updates permanent rule definitions to reflect what is already defined under existing permitting authorities; and 7. Some of the proposed changes are administrative "housekeeping" changes that do not affect the substance of existing rules.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: January 17, 2022	Signature: 
Name: Chris Fredley	
Title: Acting Agency Rules Coordinator	

WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons. It is 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 (~~(July 15)~~) August 1 through September 30 only.
- (7) Billy Frank Jr. 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.
- (8) Blaine Marine Park: Closed year-round.
- ~~((8))~~ (9) Blake Island State Park Marina: Closed year-round.
- ~~((9))~~ (10) Blowers Bluff North: Closed year-round.
- ~~((10))~~ (11) Brown's Point Lighthouse: Closed year-round.
- ~~((11))~~ (12) 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.
- ~~((12))~~ (13) Cama Beach State Park: Closed year-round.
- ~~((13))~~ (14) Camano Island State Park: Closed year-round.
- ~~((14))~~ (15) Chuckanut Bay: All tidelands of Chuckanut Bay north of the railroad trestle are closed year-round.
- ~~((15))~~ (16) Coupeville: Closed year-round.
- ~~((16))~~ (17) Cultus Bay: Closed year-round.
- ~~((17))~~ (18) Dash Point County Park: Closed year-round.
- ~~((18))~~ (19) Dash Point State Park: Open September 1 through May 31 only.
- ~~((19))~~ (20) Dave Mackie County Park: Closed year-round.
- ~~((20))~~ (21) Deception Pass State Park: Open year-round, except the tidelands of Rosario Bay from the northern park boundary, south to Rosario Head (48.4172°, -122.6663°) are closed year-round.
- ~~((21))~~ (22) Des Moines City Park: Closed year-round.
- ~~((22))~~ (23) Discovery Park: Closed year-round.
- ~~((23))~~ (24) DNR-142: Closed year-round.
- ~~((24))~~ (25) DNR-144 (Sleeper): Closed year-round.
- ~~((25))~~ (26) Dockton County Park: Closed year-round.
- ~~((26))~~ (27) Dosewallips State Park: The area defined by boundary markers and signs posted on the beach is open July ~~((4))~~ 15 through September 30 only.
- ~~((27))~~ (28) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers and signs posted on the beach.
- ~~((28))~~ (29) Drayton Harbor: All public tidelands of Drayton Harbor are open year-round, except tidelands identified as prohibited

by the department of health and defined by boundary markers and signs posted on the beach are closed year-round.

((+29+)) (30) Duckabush: Open November 1 through April 30 only.

((+30+)) (31) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.

((+31+)) (32) Eagle Creek: Open July 1 through August 31 only.

((+32+)) (33) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

((+33+)) (34) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

((+34+)) (35) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

((+35+)) (36) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

((+36+)) (37) Fay Bainbridge Park: Closed year-round.

((+37+)) (38) Fort Flagler State Park: Open January 1 through April 15 and (~~July 1~~) June 15 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.

((+38+)) (39) Freeland County Park: Open October 1 through May 31 only.

((+39+)) (40) Frye Cove County Park: Open May 1 through May 31 only.

((+40+)) (41) Fudge Point State Park: Closed year-round.

((+41+)) (42) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

((+42+)) (43) Golden Gardens: Closed year-round.

((+43+)) (44) Graveyard Spit: Closed year-round.

((+44+)) (45) Guillemot Cove Nature Reserve: Closed year-round.

((+45+)) (46) Guss Island: All tidelands of Guss Island are closed year-round.

((+46+)) (47) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

((+47+)) (48) Howarth Park/Darlington Beach: Closed year-round.

((+48+)) (49) Illahee State Park: Open April 1 through July 31 only.

((+49+)) (50) 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 (~~September~~) April 1 through (~~September 30~~) May 31 only.

((+50+)) (51) Ingvald J. Gronvold Park: Open April 1 through (~~April 30~~) May 31 only.

((+51+)) (52) Joemma Beach State Park: Closed year-round.

((+52+)) (53) Kayak Point County Park: Closed year-round.

((+53+)) (54) Kitsap Memorial State Park: Closed year-round.

((+54+)) (55) Kopachuck State Park: Open April 1 through May 31 only.

((+55+)) (56) Lent Landing (Port Washington Narrows): Closed year-round.

((+56+)) (57) 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.

((+57+)) (58) Lincoln Park: Closed year-round.

- ((+58)) (59) Lions Park (Bremerton): Closed year-round.
- ((+59)) (60) Lofall: Closed year-round.
- ((+60)) (61) 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.
- ((+61)) (62) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.
- ((+62)) (63) Long Point West: Closed year-round.
- ((+63)) (64) Lower Roto Vista Park: Closed year-round.
- ((+64)) (65) March Point Recreation Area: Closed year-round.
- ((+65)) (66) McNeil Island: All tidelands of McNeil Island are closed year-round.
- ((+66)) (67) Meadowdale County Park: Closed year-round.
- ((+67)) (68) Mee-Kwa-Mooks Park: Closed year-round.
- ((+68)) (69) Monroe Landing: Closed year-round.
- ((+69)) (70) Mukilteo: Closed year-round.
- ((+70)) (71) Mystery Bay State Park: Open October 1 through April 30 only.
- ((+71)) (72) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.
- ((+72)) (73) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
- ~~((+73) 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.))~~
- (74) 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)~~ October 15, from one hour before official sunrise until one hour after official sunset only.
- (75) North Beach County Park: Closed year-round.
- (76) Oak Bay County Park: Closed year-round.
- (77) Oak Harbor: Closed year-round.
- (78) Oak Harbor Beach Park: Closed year-round.
- (79) Oak Harbor City Park: Closed year-round.
- (80) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.
- (81) Old Mill County Park (Silverdale): Closed year-round.
- (82) Olympia Shoal: Closed year-round.
- (83) Pat Carey Vista Park: Closed year-round.
- (84) 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.
- (85) Picnic Point County Park: Closed year-round.
- (86) Pitship Point: Closed year-round.
- (87) Pitt Island: All tidelands on Pitt Island are closed year-round.
- (88) Pleasant Harbor State Park: Closed year-round.
- (89) Pleasant Harbor WDFW Boat Launch: Closed year-round.
- (90) Point Defiance: Closed year-round.

- (91) Point Whitney Tidelands and Point Whitney Lagoon: Closed year-round.
- (92) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.
- (93) Port Gamble Heritage Park Tidelands: Open (~~September~~) August 1 through September 30 only.
- (94) Port Gardner: Closed year-round.
- (95) Port Townsend Ship Canal/Portage Beach: Open (~~September~~) April 1 through (~~September 30~~) May 31 only.
- (96) Post Point: Closed year-round.
- (97) Potlatch State Park and Potlatch DNR tidelands: Open April 1 through May (~~15~~) 31 only.
- (98) (~~Priest Point County Park: Closed year-round.~~
- ~~99~~) 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.
- (~~100~~) (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.
- (~~101~~) (100) Quilcene Bay Boat Ramp: Open January 1 through (~~April 30~~) May 31 only.
- (~~102~~) (101) Retsil: Closed year-round.
- (~~103~~) (102) Richmond Beach Saltwater Park: Closed year-round.
- (~~104~~) (103) Salt Creek Recreation Area (DNR-419): Closed year-round.
- (~~105~~) (104) Saltair Beach (Kingston Ferry Terminal): Closed year-round.
- (~~106~~) (105) Saltwater State Park: Closed year-round.
- (~~107~~) (106) Samish Bay: Public tidelands of Samish Bay between Scotts Point and a point on the shore (48.5745°, -122.4440°) are closed year-round.
- (~~108~~) (107) Scenic Beach State Park: Closed year-round.
- (~~109~~) (108) Seahurst County Park: Closed year-round.
- (~~110~~) (109) Semiahmoo County Park: Closed year-round.
- (~~111~~) (110) Semiahmoo Marina: Closed year-round.
- (~~112~~) (111) Sequim Bay State Park: Open January 1 through April (~~30~~) 15 only.
- (~~113~~) (112) Shine Tidelands State Park: Open January 1 through May 15 only.
- (~~114~~) (113) Silverdale Waterfront Park: Closed year-round.
- (~~115~~) (114) 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.
- (~~116~~) (115) 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.
- (~~117~~) (116) South Carkeek Park: Closed year-round.
- (~~118~~) (117) Southworth: Closed year-round.
- (~~119~~) (118) Spencer Spit State Park: Open March 1 through July 31 only.
- (119) Squaxin Park (Priest Point County Park): Closed year-round.
- (120) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.
- (121) Taylor Bay: Closed year-round.

- (122) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.
- (123) Triton Cove Tidelands: Open June 1 through August 31 only.
- (124) Twanoh State Park: Open August 1 through September 30 only.
- (125) Walker County Park: Closed year-round.
- (126) WDFW Hoodspout Hatchery: Tidelands at Hoodspout Salmon Hatchery are closed year-round.
- (127) West Dewatto: DNR Beach 44A open July 1 through September 30 only.
- (128) West Pass Access: Closed year-round.
- (129) 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 through (~~August 31~~) September 30 only.
- (130) 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.
- (131) Wolfe Property State Park: Open January 1 through May 15 only.
- (132) Woodard Bay Natural Resource Conservation Area: Closed year-round.
- (133) It is lawful to take, dig for, and possess clams and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

AMENDATORY SECTION (Amending WSR 22-06-010, filed 2/18/22, effective 3/21/22)

WAC 220-330-140 Oysters—Areas and seasons. It is 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 (~~(July 15)~~) August 1 through September 30 only.
- (7) Billy Frank Jr. 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.
- (8) Blaine Marine Park: Closed year-round.
- (~~(8)~~) (9) Blake Island State Park Marina: Closed year-round.
- (~~(9)~~) (10) Blowers Bluff North: Closed year-round.
- (~~(10)~~) (11) Brown's Point Lighthouse: Closed year-round.

((11)) (12) 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.

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

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

((14)) (15) Chuckanut Bay: All tidelands of Chuckanut Bay north of the railroad trestle are closed year-round.

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

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

((17)) (18) Dash Point County Park: Closed year-round.

((18)) (19) Dash Point State Park: Open September 1 through May 31 only.

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

((20)) (21) Deception Pass State Park: Open year-round, except the tidelands of Rosario Bay from the northern park boundary to Rosario Head (48.4172°, -122.6663°) are closed year-round.

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

((22)) (23) Discovery Park: Closed year-round.

((23)) (24) DNR-142: Closed year-round.

((24)) (25) DNR-144 (Sleeper): Closed year-round.

((25)) (26) Dockton County Park: Closed year-round.

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

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

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

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

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

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

((32)) (33) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

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

((34)) (35) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

((35)) (36) Fay Bainbridge Park: Closed year-round.

((36)) (37) Fort Flagler State Park: Open January 1 through April 15 and ~~(July 1)~~ June 15 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.

((37)) (38) Freeland County Park: Open October 1 through May 31 only.

((38)) (39) Frye Cove County Park: Open May 1 through May 31 only.

((39)) (40) Fudge Point State Park: Closed year-round.

((40)) (41) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

((41)) (42) Golden Gardens: Closed year-round.

((42)) (43) Graveyard Spit: Closed year-round.

~~((43))~~ (44) Guillemot Cove Nature Reserve: Closed year-round.
~~((44))~~ (45) Guss Island: All tidelands of Guss Island are closed year-round.
~~((45))~~ (46) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.
~~((46))~~ (47) Howarth Park/Darlington Beach: Closed year-round.
~~((47))~~ (48) Illahee State Park: Open April 1 through July 31 only.
~~((48))~~ (49) 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 ~~((September))~~ April 1 through ~~((September 30))~~ May 31 only.
~~((49))~~ (50) Ingvald J. Gronvold Park: Open April 1 through ~~((April 30))~~ May 31 only.
~~((50))~~ (51) Joemma Beach State Park: Closed year-round.
~~((51))~~ (52) Kayak Point County Park: Closed year-round.
~~((52))~~ (53) Kitsap Memorial State Park: Closed year-round.
~~((53))~~ (54) Kopachuck State Park: Open April 1 through May 31 only.
~~((54))~~ (55) Lent Landing (Port Washington Narrows): Closed year-round.
~~((55))~~ (56) 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.
~~((56))~~ (57) Lincoln Park: Closed year-round.
~~((57))~~ (58) Lions Park (Bremerton): Closed year-round.
~~((58))~~ (59) Lofall: Closed year-round.
~~((59))~~ (60) 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.
~~((60))~~ (61) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.
~~((61))~~ (62) Long Point West: Closed year-round.
~~((62))~~ (63) Lower Roto Vista Park: Closed year-round.
~~((63))~~ (64) March Point Recreation Area: Closed year-round.
~~((64))~~ (65) McNeil Island: All tidelands of McNeil Island are closed year-round.
~~((65))~~ (66) Meadowdale County Park: Closed year-round.
~~((66))~~ (67) Mee-Kwa-Mooks Park: Closed year-round.
~~((67))~~ (68) Monroe Landing: Closed year-round.
~~((68))~~ (69) Mukilteo: Closed year-round.
~~((69))~~ (70) Mystery Bay State Park: Open October 1 through April 30 only.
~~((70))~~ (71) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are open year-round.
~~((71))~~ (72) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
~~((72))~~ ~~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.~~

(73) 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~~) October 15, from one hour before official sunrise until one hour after official sunset only.

(74) North Beach County Park: Closed year-round.

(75) Oak Bay County Park: Closed year-round.

(76) Oak Harbor: Closed year-round.

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

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

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

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

(81) Olympia Shoal: Closed year-round.

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

(83) 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.

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

(85) (~~Pienie~~) Pitship Point (County Park): Closed year-round.

(86) Pitt Island: Closed year-round.

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

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

(89) Point Defiance: Closed year-round.

(90) Point Whitney Tidelands and Point Whitney Lagoon: Open January 1 through June 30 only.

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

(92) Port Gamble Heritage Park Tidelands: Open (~~September~~) August 1 through September 30 only.

(93) Port Gardner: Closed year-round.

(94) Port Townsend Ship Canal/Portage Beach: Open (~~September~~) April 1 through (~~September 30~~) May 31 only.

(95) Post Point: Closed year-round.

(96) Potlatch State Park and Potlatch DNR tidelands: Open April 1 through May (~~15~~) 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+)) (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.~~

~~((+100+)) (99) Quilcene Boat Ramp: Open January 1 through (~~April 30~~) May 31 only.~~

~~((+101+)) (100) Retsil: Closed year-round.~~

~~((+102+)) (101) Richmond Beach Saltwater Park: Closed year-round.~~

~~((+103+)) (102) Salt Creek Recreation Area (DNR-419): Closed year-round.~~

~~((+104+)) (103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.~~

~~((+105+)) (104) Saltwater State Park: Closed year-round.~~

((~~106~~)) (105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and a point on the shore (48.5745°, -122.4440°) are closed year-round.

((~~107~~)) (106) Scenic Beach State Park: Closed year-round.

((~~108~~)) (107) Seahurst County Park: Closed year-round.

((~~109~~)) (108) Semiahmoo County Park: Closed year-round.

((~~110~~)) (109) Semiahmoo Marina: Closed year-round.

((~~111~~)) (110) Sequim Bay State Park: Open January 1 through April (~~30~~) 15 only.

((~~112~~)) (111) Shine Tidelands State Park: Open January 1 through May 15 only.

((~~113~~)) (112) Silverdale Waterfront Park: Closed year-round.

((~~114~~)) (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.

((~~115~~)) (114) 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.

((~~116~~)) (115) South Carkeek Park: Closed year-round.

((~~117~~)) (116) Southworth: Closed year-round.

((~~118~~)) (117) Spencer Spit State Park: Open March 1 through July 31 only.

((~~119~~)) (118) Squaxin Park (Priest Point County Park): Closed year-round.

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

(120) Taylor Bay: Closed year-round.

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

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

(123) WDFW Hoodsport Hatchery: Open April 1 through (~~April 30~~) May 31, from one hour before official sunrise until one hour after official sunset only.

(124) West Pass Access: Closed year-round.

(125) 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 through (~~August 31~~) September 30 only.

(126) 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.

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

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

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

WAC 220-340-130 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as Oyster Drill Restricted Shellfish Areas:

(1) Dungeness Bay—Inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—Inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—Inside the Lummi Dike and inside and bounded by a line projected from 48.7756° , -122.6667° ; thence to 48.7653° , -122.6667° ; thence to 48.7653° , -122.6533° ; then following the shoreline northerly to the point of origin.

(4) Samish Bay—Inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—Easterly (including the Swinomish Channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—Northerly of a line projected across Skagit Bay following latitude 48.333° ($48^{\circ}20' N$) and easterly of the Deception Pass bridge.

(7) Liberty Bay—Inside and westerly of a line projected true south from the most southerly point on the Lemolo shoreline, near the powerline tower.

(8) Dyes Inlet—Inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—Inside and northerly of the Purdy bridge.

(b) Minter Creek—Inside and westerly of a line projected from the west shore of Carr Inlet at -122.6833° longitude true south to 47.3500° latitude, then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—Northerly of a line projected across Case Inlet following latitude 47.3456° ($47^{\circ}20'44'' N$).

(b) Vaughn Bay—Easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—Inside, westerly and northerly of a line starting at the shore at (~~47.2070°~~) 47.2071° , (~~-123.0600°~~) -123.0627° on the north shore of Hammersley Inlet and projected true south to the south shore of Hammersley Inlet.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—Inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—Inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—Lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected north-easterly to the mainland.

(14) Nisqually Flats—Inside and southerly of a line starting on the east shore at 47.1182° , -122.6657° and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—Inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at (~~48.8028°~~) 48.8052° , -122.8583° and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—Inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—Inside and bounded southerly and easterly by a line projected from the western most point at Musqueti Point true west to the mainland.

(d) Hamma Hamma Flats and Jorstad Creek—Inside and westerly of a line projected from 47.5547° , -123.0289° ; thence to 47.5483° , -123.0183° ; thence to 47.5483° , -123.0300° ; thence to 47.5167° , -123.0300° ; then true west to shore.

(e) Dosewallips Delta—Inside and westerly of lines projected from 47.6842° , -122.8993° ; thence to 47.6842° , -122.8733° ; thence to 47.7121° , -122.8733° ; thence to 47.7121° , -122.8861° .

(f) Point Whitney (including all portions of seawater ponds, lagoon, and shellfish cultivation facilities)—Inside and southerly of lines projected from 47.7619° , -122.8513° ; thence to 47.7644° , -122.8513° ; thence to 47.7644° , -122.8550° ; thence to 47.7625° , -122.8550° .

(g) Duckabush River Mouth—Inside and westerly of a line projected from 47.6467° , -122.9044° ; thence to 47.6319° , -122.9417° .

(h) East Dabob Bay—Inside and easterly of a line projected from 47.8283° , -122.7997° ; thence to 47.8264° , -122.8050° ; thence to 47.8131° , -122.7989° ; thence to the shore at 47.8136° , -122.7958° .

(i) Guillemot Cove—(~~Inside and easterly of lines projected from 47.6119° , -122.8848° ; thence to 47.6119° , -122.9208° ; thence to 47.6075° , -122.9225° ; thence returning to shore at 47.6069° latitude~~) South of a line extending westward from the shoreline at 47.6123° latitude to a point at 47.6120° , -122.9207° ; east of a line extending southward from 47.6120° , -122.9207° to 47.6075° , -122.9223° ; north of a line extending east from 47.6075° , -122.9223° to the shoreline at 47.6071° latitude; west of a line extending northward from 47.6075° , -122.9223° and tracing the shoreline north to the point of origin.

(j) Bywater Bay—Inside and northerly of a line projected true east from latitude 47.8819° ($47^{\circ}52'55''$ N) to the west shoreline of Hood Head.

(16) Henderson Inlet—South Bay—Inside and southerly of a line commencing at 47.1268° , -122.8412° on the west shore of Henderson Inlet, thence projected true east across Henderson Inlet to the east shoreline.

(17) Birch Bay—Inside and bounded by a line projected from 48.8997°, -122.7761°; thence following the shoreline northeasterly to 48.9105°, -122.7521°; thence to 48.9156°, -122.7586°; thence to 48.9028°, -122.7815°; thence returning to the origin at 48.8997°, -122.7761°.

(18) Scow Bay (Kilisut Harbor)—Scow Bay in Kilisut Harbor southward of a line from 48.0274°, -122.7039° on the east shore of Indian Island to 48.0274°, -122.6931° on the west shore of Marrowstone Island.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-340-170 European green crab (*Carcinus maenas*) restricted shellfish area. ((~~The European green crab restricted shellfish areas are as follows:~~

~~The waters and tidelands of Grays Harbor inside and~~)

All waters, embayments, sloughs, tidelands, shellfish handling facilities and equipment within the following are designated as European Green Crab Restricted Shellfish Areas:

(1) Coastal waters: From west of a line projected true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River, northward to the Bonilla-Tatoosh line as defined in WAC 220-300-360;

(2) Lower Columbia River: That area within the state of Washington from the Astoria-Megler Bridge west to a line projected true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River.

(3) Willapa Bay: Easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

(4) Grays Harbor: Easterly of a line projected from the outermost end of the north jetty of Grays Harbor to the outermost end of the south jetty ((and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater)) of Grays Harbor.

(5) Puget Sound: All Washington waters eastward from the Bonilla-Tatoosh line as defined in WAC 220-300-360 and southward from the International Boundary at 49° north latitude to a line drawn between Tala Point, Foulweather Bluff, and Double Bluff on Whidbey Island, excluding the waters to the east of Whidbey Island (defined as all waters east of the Deception Pass Bridge and north of a line from the southern tip of Possession Point (47.9061°, -122.3846°) to the shipwreck located 0.8 nautical miles north of Picnic Point (47.8931°, -122.3286°) on the opposite shore).

(6) Hood Canal: South of a line drawn between Foulweather Bluff and Tala Point.