

WSR 25-03-124
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-17—Filed January 21, 2025, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-093 on October 17, 2024.

Title of Rule and Other Identifying Information: The Washington department of fish and wildlife (WDFW) is seeking to amend several regulations in chapter 220-330 WAC that affect recreational harvesting of clams, mussels, and oysters, and include WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons and 220-330-140 Oysters—Areas and seasons.

Hearing Location(s): On February 25, 2025, at 5:30 p.m., via Zoom webinar. Register in advance for this webinar <https://us06web.zoom.us/join/9876543210>.

Date of Intended Adoption: On or after February 28, 2025.

Submit Written Comments to: WDFW Rules Coordinator, P.O. Box 43152, Olympia, WA 98502, email 2025clamandoystercr102@publicinput.com, <https://publicinput.com/2025clamandoystercr102>, voice comments call 855-925-2801 and enter code 11012, beginning January 22, 2025, 4:00 p.m., by February 25, 2025, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requestsaccomodation>, by February 18, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Based on recent clam and oyster survey data, recreational harvest projections, comangement agreements, and public health considerations, WDFW is seeking to extend or shorten the 2025 recreational clam and oyster seasons on some public beaches.

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: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Camille Speck, 375 Hudson Street, Port Townsend, WA 98368, 360-744-8491; Implementation: Kelly Cunningham, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2325; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule proposal does not require a cost-benefit analysis per RCW 34.05.328 (5) (a) (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Relative to the recreational clam and oyster seasons portion of this proposal (WAC 220-330-110 and 220-330-140), WDFW is exempt from the requirements of chapter 19.85 RCW 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.

Scope of exemption for rule proposal:
Is fully exempt.

January 20, 2025
Scott Bird
Rules Coordinator

RDS-6113.1

AMENDATORY SECTION (Amending WSR 24-06-062, filed 3/4/24, effective 4/4/24)

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~~) 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.
- (9) Blake Island State Park Marina: Closed year-round.
- (10) Blowers Bluff North: Closed year-round.
- (11) Brown's Point Lighthouse: Closed year-round.
- (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.
- (13) Cama Beach State Park: Closed year-round.
- (14) Camano Island State Park: Closed year-round.
- (15) Chuckanut Bay: All tidelands of Chuckanut Bay north of the railroad trestle are closed year-round.
- (16) Coupeville: Closed year-round.
- (17) Cultus Bay: Closed year-round.
- (18) Dash Point County Park: Closed year-round.

- (19) Dash Point State Park: Open September 1 through May 31 only.
- (20) Dave Mackie County Park: Closed year-round.
- (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.
- (22) Des Moines City Park: Closed year-round.
- (23) Discovery Park: Closed year-round.
- (24) DNR-142: Closed year-round.
- (25) DNR-144 (Sleeper): Closed year-round.
- (26) Dockton County Park: Closed year-round.
- (27) Dosewallips State Park: The area defined by boundary markers and signs posted on the beach is (~~open July 15 through September 30 only~~) closed year-round.
- (28) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers and signs posted on the beach.
- (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.
- (30) Duckabush: Open November 1 through April 30 only.
- (31) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.
- (32) Eagle Creek: Open August 1 through September 15 only.
- (33) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.
- (34) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.
- (35) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.
- (36) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.
- (37) Fay Bainbridge Park: Closed year-round.
- (38) Fort Flagler State Park: Open January 1 through April 15 and (~~July~~) June 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.
- (39) Freeland County Park: Open October 1 through May 31 only.
- (40) Frye Cove County Park: Open May 1 through May 31 only.
- (41) Fudge Point State Park: Closed year-round.
- (42) Gertrude Island: All tidelands of Gertrude Island are closed year-round.
- (43) Golden Gardens: Closed year-round.
- (44) Graveyard Spit: Closed year-round.
- (45) Guillemot Cove Nature Reserve: Closed year-round.
- (46) Guss Island: All tidelands of Guss Island are closed year-round.
- (47) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.
- (48) Howarth Park/Darlington Beach: Closed year-round.
- (49) Illahee State Park: Open (~~April~~) March 1 through (~~July 31~~) June 30 only.
- (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 April 1 through (~~June 30~~) May 31 only.
- (51) Jacoby (Shorecrest) County Park: Closed year-round.

- (52) Ingvald J. Gronvold Park: Open April 1 through May 31 only.
- (53) Joemma Beach State Park: Closed year-round.
- (54) Kayak Point County Park: Closed year-round.
- (55) Kitsap Memorial State Park: Closed year-round.
- (56) Kopachuck State Park: (~~Open April 1 through May 31 only~~)
Closed year-round.
- (57) Lent Landing (Port Washington Narrows): Closed year-round.
- (58) 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.
- (59) Lincoln Park: Closed year-round.
- (60) Lions Park (Bremerton): Closed year-round.
- (61) Lofall: Closed year-round.
- (62) 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.
- (63) Long Island Slough Oyster Reserve (Willapa Harbor reserves):
Closed year-round.
- (64) Long Point West: Closed year-round.
- (65) Lower Roto Vista Park: Closed year-round.
- (66) Maple Grove County Park: Closed year-round.
- (67) March Point Recreation Area: Closed year-round.
- (68) McNeil Island: All tidelands of McNeil Island are closed year-round.
- (69) Meadowdale County Park: Closed year-round.
- (70) Mee-Kwa-Mooks Park: Closed year-round.
- (71) Monroe Landing: Closed year-round.
- (72) Mukilteo: Closed year-round.
- (73) Mystery Bay State Park: Open October 1 through April 30 only.
- (74) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.
- (75) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
- (76) 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 October (~~15~~) 31, from one hour before official sunrise until one hour after official sunset only.
- (77) North Beach County Park: Closed year-round.
- (78) Oak Bay County Park: Closed year-round.
- (79) Oak Harbor: Closed year-round.
- (80) Oak Harbor Beach Park: Closed year-round.
- (81) Oak Harbor City Park: Closed year-round.
- (82) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.
- (83) Old Mill County Park (Silverdale): Closed year-round.
- (84) Olympia Shoal: Closed year-round.
- (85) Pat Carey Vista Park: Closed year-round.

- (86) 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.
- (87) Picnic Point County Park: Closed year-round.
- (88) Pitship Point: Closed year-round.
- (89) Pitt Island: All tidelands on Pitt Island are closed year-round.
- (90) Pleasant Harbor State Park: Closed year-round.
- (91) Pleasant Harbor WDFW Boat Launch: Closed year-round.
- (92) Point Defiance: Closed year-round.
- (93) Point Whitney Tidelands and Point Whitney Lagoon: Closed year-round.
- (94) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.
- (95) Port Gamble Heritage Park Tidelands: Open (~~August~~) September 1 through September 30 only.
- (96) Port Gardner: Closed year-round.
- (97) Port Townsend Ship Canal/Portage Beach: Open April 1 through (~~June 30~~) May 31 only.
- (98) Post Point: Closed year-round.
- (99) Potlatch State Park and Potlatch DNR tidelands: Open April 1 through May 31 only.
- (100) 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.
- (101) 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.
- (102) Quilcene Bay Boat Ramp: Open January 1 through May 15 only.
- (103) Retsil: Closed year-round.
- (104) Richmond Beach Saltwater Park: Closed year-round.
- (105) Salt Creek Recreation Area (DNR-419): Closed year-round.
- (106) Saltair Beach (Kingston Ferry Terminal): Closed year-round.
- (107) Saltwater State Park: Closed year-round.
- (108) Samish Bay: Public tidelands of Samish Bay between Scotts Point and a point on the shore (48.5745°, -122.4440°) are closed year-round.
- (109) Scenic Beach State Park: Closed year-round.
- (110) Seahurst County Park: Closed year-round.
- (111) Semiahmoo County Park: Closed year-round.
- (112) Semiahmoo Marina: Closed year-round.
- (113) Sequim Bay State Park: Open January 1 through (~~May~~) June 15 only.
- (114) Shine Tidelands State Park: Open January 1 through May 15 only.
- (115) Silverdale Waterfront Park: Closed year-round.
- (116) 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) 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) South Carkeek Park: Closed year-round.
- (119) South Lilliwaup: Open November 1 through April 30 only.

- (120) Southworth: Closed year-round.
(121) Spencer Spit State Park: Open March 1 through July 31 only.
(122) Squaxin Park (Priest Point County Park): Closed year-round.
(123) Stuart Island State Park - Reid Harbor (South Beach):
Closed year-round.
(124) Taylor Bay: Closed year-round.
(125) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed
year-round.
(126) Triton Cove Tidelands: Open June 1 through August 31 only.
(127) Twanoh State Park: Open August 1 through August 31 only.
(128) Walker County Park: Closed year-round.
(129) WDFW Hoodspport Hatchery: Tidelands at Hoodspport Salmon
Hatchery are closed year-round.
(130) West Dewatto: DNR Beach 44A open July 1 through September
30 only.
(131) West Pass Access: Closed year-round.
(132) 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 June (~~15~~) 1 through
September 30 only.
(133) Willapa River Oyster Reserve (Willapa Harbor reserves): Re-
serves 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.
(134) Wolfe Property State Park: Open January 1 through May 15
only.
(135) Woodard Bay Natural Resource Conservation Area: Closed
year-round.
(136) It is lawful to take, dig for, and possess clams and mus-
sels, not including razor clams, for personal use from the Pacific
Ocean beaches from November 1 through March 31 only.

AMENDATORY SECTION (Amending WSR 24-06-062, filed 3/4/24, effective
4/4/24)

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~~) August 1 through September
30 only.
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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.
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- (74) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
- (75) 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 October (~~(15)~~) 31, from one hour before official sunrise until one hour after official sunset only.

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- (80) Oak Harbor City Park: Closed year-round.
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- (82) Old Mill County Park (Silverdale): Closed year-round.
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- (84) Pat Carey Vista Park: Closed year-round.
- (85) 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.
- (86) Picnic Point County Park: Closed year-round.
- (87) Pitship Point: Closed year-round.
- (88) Pitt Island: Closed year-round.
- (89) Pleasant Harbor State Park: Closed year-round.
- (90) Pleasant Harbor WDFW Boat Launch: Closed year-round.
- (91) Point Defiance: Closed year-round.
- (92) Point Whitney Tidelands and Point Whitney Lagoon: Open January 1 through (~~June 30~~) July 31 only.
- (93) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.
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- (95) Port Gardner: Closed year-round.
- (96) Port Townsend Ship Canal/Portage Beach: Open April 1 through (~~June 30~~) May 31 only.
- (97) Post Point: Closed year-round.
- (98) Potlatch State Park and Potlatch DNR tidelands: Open April 1 through May 31 only.
- (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) 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.
- (101) Quilcene Boat Ramp: Open January 1 through May 15 only.
- (102) Retsil: Closed year-round.
- (103) Richmond Beach Saltwater Park: Closed year-round.
- (104) Salt Creek Recreation Area (DNR-419): Closed year-round.
- (105) Saltair Beach (Kingston Ferry Terminal): Closed year-round.
- (106) Saltwater State Park: Closed year-round.
- (107) 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) Scenic Beach State Park: Closed year-round.
- (109) Seahurst County Park: Closed year-round.
- (110) Semiahmoo County Park: Closed year-round.
- (111) Semiahmoo Marina: Closed year-round.
- (112) Sequim Bay State Park: Open January 1 through (~~May~~) June 15 only.
- (113) Shine Tidelands State Park: Open January 1 through May 15 only.

(114) Silverdale Waterfront Park: Closed year-round.

(115) 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) 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.

(117) South Carkeek Park: Closed year-round.

(118) South Lilliwaup: Open November 1 through April 30 only.

(119) Southworth: Closed year-round.

(120) Spencer Spit State Park: Open March 1 through July 31 only.

(121) Squaxin Park (Priest Point County Park): Closed year-round.

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

(123) Taylor Bay: Closed year-round.

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

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

(126) WDFW Hoodspout Hatchery: Open April 1 through (~~June 30~~) July 31, from one hour before official sunrise until one hour after official sunset only.

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

(128) 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 June (~~15~~) 1 through September 30 only.

(129) 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.

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

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

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