**Concise Explanatory Statement (CES)**

**2024 Recreational Clam and Oyster Seasons**

**Rules amended as part of this rulemaking:**

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

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

**Rules repealed as part of this rulemaking:**

None.

**Rules created as part of this rulemaking:**

None.

1. **Background/Summary of Project:**

The department must annually amend recreational clam and oyster season rules on some public tidelands. Such amendments are designed to perpetuate shellfish resources while maximizing recreational fishing opportunity.

1. **Reasons for adopting the rule:**

For 2024, in response to shellfish population changes, shifts in recreational effort, conservation issues, accounting for the fluctuating annual tidal calendar, and negotiations with Treaty tribes and other state agencies, staff are recommending clam and oyster season changes to 14 public beaches. Of the proposed changes, six beaches will feature longer clam and oyster seasons and one will have a longer oyster season compared to 2023. Three beaches will have shorter clam and oyster seasons and two beaches will have a shorter clam season. Two beaches will be closed year-round for clams, mussels, and oysters to align with Department of Health water quality classifications.

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

None.

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

Season change recommendations were coordinated where appropriate with Washington state Department of Health and Washington State Parks staff. All season change recommendations were announced on the agency rulemaking web site. Announcements of, and links to the rulemaking project were also posted on additional agency web pages. A recreational fishing listserv was notified of the project, and a public engagement website was created to encourage public input. A public hearing was held on February 27, 2023. No public testimony was given regarding the rule changes.

No written comments were received. Of note, WDFW received public input during rulemaking in 2022 asking for a shift in harvesting opportunity in East Jefferson County away from late summer seasons to early Spring seasons to help reduce risk of biotoxin closures during the scheduled seasons. Two of the season change proposals for 2024 continue to be responsive to this input and WDFW has proposed extending those seasons in Spring rather than Fall to address this concern, and given an increase in available resources on those beaches since 2023 rulemaking.