

**WAC 220-315-010 Forage fish—Lawful gear.** (1) It is unlawful to take, fish for, or possess herring, candlefish (sand lance), sardines, anchovies or smelt for personal use unless an angler takes those species with the following gear:

(a) Hand dip net gear not exceeding 36 inches across the bag frame with a maximum mesh size of 5/8 inch stretched mesh size;

(b) Forage fish jigger gear with not more than 3 treble or 9 single hooks; or

(c) In Marine Areas 1 through 4, 2.1 (Willapa Bay), and 2.2 (Grays Harbor) it is permissible to take anchovies or sardines using dip net, cast net, jigger gear, or by angling.

(2) It is unlawful to take, fish for, or possess eulachon smelt.

(3) It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water.

(4) It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time.

(5) Only persons with WDFW disability status and a designated harvest companion card may use a hand-operated gate on a dip net while fishing for forage fish.

(6) Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

(7) It is unlawful for a fisher to operate cast net gear unless the gear is in his or her immediate control. The fisher must have the retrieval cord in his or her hand at all times when the cast net is deployed. Mesh size for cast nets is limited to 1 inch maximum, and cast nets may be no larger than 10 feet in diameter.

(8) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

(9) It is unlawful to possess forage fish taken with gear in violation of the provisions of this section. Possession of forage fish while using gear in violation of the provisions of this section is a rebuttable presumption that the forage fish were taken with such gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the forage fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-315-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-11-125 (Order 13-105), § 220-56-265, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-265, filed 3/19/10, effective 5/1/10; WSR 06-09-021 (Order 06-67), § 220-56-265, filed 4/11/06, effective 5/12/06; WSR 06-05-085 (Order 06-23), § 220-56-265, filed 2/14/06, effective 5/1/06; WSR 03-05-057 (Order 03-24), § 220-56-265, filed 2/14/03, effective 5/1/03; WSR 02-08-048 (Order 02-53), § 220-56-265, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 220-56-265, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-265, filed 1/30/95, effective 5/1/95; WSR 88-10-013 (Order 88-15), § 220-56-265, filed 4/26/88; WSR

80-03-064 (Order 80-12), § 220-56-265, filed 2/27/80, effective 4/1/80.]