

Chapter 220-315 WAC

PERSONAL-USE FISHERIES—FORAGE FISH

WAC

220-315-010	Forage fish—Lawful gear.
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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-

(2/15/17)

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.]

WAC 220-315-020 Herring—Areas and seasons. Herring fishing is open in all state waters year around except:

(1) Those waters of Catch Record Card Area 6 south of a line from Ediz Hook to Partridge Point are closed January 16 through April 15.

(2) Those waters of Catch Record Card Area 7 north of a line from Sandy Point through Patos Island to the United States-Canada boundary are closed year-round.

(3) Catch Record Card Area 12 is closed year-round.

[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 § 220-315-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-17-098 (Order 04-218), § 220-56-267, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-56-267, filed 3/30/99, effective 5/1/99.]

WAC 220-315-030 Smelt—Areas and seasons. (1) It is unlawful to fish for or possess Columbia River smelt or eulachon (*Thaleichthys pacificus*).

(2) Fishing for smelt other than Columbia River smelt or eulachon (*Thaleichthys pacificus*) is permissible year-round on Pacific Ocean beaches and in all rivers concurrent with a salmon or gamefish opening, except it is unlawful to fish for smelt in the Columbia River and its tributaries.

(3) Fishing for smelt other than Columbia River smelt or eulachon (*Thaleichthys pacificus*) is open in Puget Sound and the Strait of Juan de Fuca year-round except:

(a) Closed weekly from 10:00 p.m. Tuesday to 6:00 a.m. Friday for all gear types except forage fish jig gear; and

(b) Closed year-round in Catch Record Card Area 12 for all gear types.

(c) Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(4) It is unlawful to possess smelt taken with gear in violation of the provisions of this section. Possession of smelt while using gear in violation of the provisions of this section is a rebuttable presumption that the smelt were taken with such gear. Possession of such smelt is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the smelt are taken in an amount 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 § 220-315-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012,

77.04.013, 77.12.045, and 77.12.047. WSR 14-15-006 (Order 14-157), § 220-56-270, filed 7/2/14, effective 8/2/14. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-56-270, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 220-56-270, filed 4/11/06, effective 5/12/06; WSR 04-17-098 (Order 04-218), § 220-56-270, filed 8/17/04, effective 9/17/04; WSR 02-08-048 (Order 02-53), § 220-56-270, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-56-270, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-270, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 93-08-034 (Order 93-20), § 220-56-270, filed 3/31/93, effective 5/1/93; WSR 80-03-064 (Order 80-12), § 220-56-270, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-070.]

WAC 220-315-040 Smelt—Unlawful acts. It shall be unlawful for any person taking smelt for personal use to fail to retain all smelt caught up to the daily limit.

[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 § 220-315-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 220-56-275, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 80-03-064 (Order 80-12), § 220-56-275, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-070.]