

Applicants approved for participation will receive notification by the office of the state treasurer.

(1) The required forms shall be designated by the office of the state treasurer and approved by the state finance committee.

(2) Documents must be completed by the agency and signed by an authorized representative of the agency. Each financing document must have an original signature and be returned to the office of the state treasurer.

(3) After written approval for financing is received, a LOCAL participant may acquire and pay for the property. Approval for financing may be contingent on certain criteria being satisfied.

[Statutory Authority: RCW 39.94.040. 01-11-062, § 210-03-060, filed 5/11/01, effective 6/11/01.]

WAC 210-03-070 Financing participation deadlines.

(1) The office of the state treasurer may pool state agency equipment and LOCAL participants' requests for financing of equipment and real estate into regularly scheduled offerings of certificates of participation. Only applications that have completed information on the required forms will be included in the financing.

(2) Real estate projects for state agencies are financed on an individual basis provided there is a minimum of ninety days for document preparation.

[Statutory Authority: RCW 39.94.040. 01-11-062, § 210-03-070, filed 5/11/01, effective 6/11/01.]

WAC 210-03-080 Scheduled payments. The state finance committee may designate a fiscal agent as trustee as provided in RCW 39.94.040. Payments may be directed to the fiscal agent as trustee on behalf of the state. Pursuant to RCW 39.94.030, all payments shall be made according to the terms and scheduled payments dates listed in the financing contract.

[Statutory Authority: RCW 39.94.040. 01-11-062, § 210-03-080, filed 5/11/01, effective 6/11/01.]

Title 220 WAC FISH AND WILDLIFE, DEPARTMENT OF (FISHERIES)

Chapters

220-16	Definitions.
220-20	General provisions.
220-24	Pacific Ocean waters.
220-33	Columbia River—Commercial fisheries below Bonneville Dam.
220-36	Grays Harbor.
220-40	Willapa Harbor.
220-44	Coastal waters—Marine fish.
220-47	Puget Sound—Salmon.
220-48	Puget Sound—Fish other than salmon.
220-52	Shellfish.
220-55	Personal-use licenses.

220-56

220-69

220-77

220-88B

220-88C

220-95

220-140

Personal-use fishery.

Fish receiving tickets—Weight delivery sheets.

Aquaculture disease control.

Coastal spot shrimp.

Coastal pilchard fishery.

Commercial fishing gear reduction program.

Regional fisheries enhancement groups.

Chapter 220-16 WAC

DEFINITIONS

WAC

220-16-260

220-16-270

Puget Sound Crustacean Management Regions.

Puget Sound Shrimp Districts.

WAC 220-16-260 Puget Sound Crustacean Management Regions. The following areas are defined as Puget Sound Crustacean Management Regions:

(1) Crustacean Management Region 1A - (Western San Juan Islands). The portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary due north of Waldron Island, and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A west of the following line: Beginning at Steep Point on Orcas Island to Neck Point on Shaw Island, then southerly following the west coast of Shaw Island to the southernmost point of Shaw Island, then to the western entrance to Fisherman's Bay on Lopez Island, then southerly and easterly following the west coast of Lopez Island to Point Colville.

(2) Crustacean Management Region 1B - (Eastern San Juan Islands). The portions of Marine Fish-Shellfish Management and Catch Reporting Areas 20B and 22A to the east of Crustacean Management Region 1A and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(3) Crustacean Management Region 1C - (Gulf of Georgia/North Puget Sound Bays). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 21B, and 22B, and the portion of Marine Fish-Shellfish Management and Catch Reporting Area 21A outside of Crustacean Management Region 1B.

(4) Crustacean Management Region 2 - (Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 25B, 25D, and 26A.

(5) Crustacean Management Region 3 - (Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

(6) Crustacean Management Region 4 - (Southern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, and 26C.

(7) Crustacean Management Region 5 - (Hood Canal). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25C, 27A, 27B, and 27C.

(8) Crustacean Management Region 6 - (South Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

[Statutory Authority: RCW 77.12.047, 01-03-016 (Order 00-271), § 220-16-260, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-260, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-16-270 Puget Sound Shrimp Districts. The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

[Statutory Authority: RCW 77.12.047, 01-03-016 (Order 00-271), § 220-16-270, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-270, filed 5/29/69. Formerly WAC 220-16-020 (part).]

Chapter 220-20 WAC GENERAL PROVISIONS

WAC

220-20-016	Sale and purchase of commercial caught salmon.
220-20-020	General provisions—Lawful and unlawful acts—Food fish other than salmon.
220-20-056	Commercial fishing license renewal upon the death of the holder.

WAC 220-20-016 Sale and purchase of commercial caught salmon. (1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter or attempt to sell or barter chum salmon eggs that have been removed from the body cavity of chum salmon unless all carcasses from which eggs have been removed are sold to the same buyer.

(d) Discard chum salmon that may be lawfully retained.

(2) It is unlawful for any person licensed as a wholesale dealer as required under RCW 77.65.280 and acting in the

capacity as an original receiver to purchase or attempt to purchase chum salmon eggs without also purchasing all male and female chum salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

[Statutory Authority: RCW 77.12.047, 01-07-015 (Order 01-32), § 220-20-016, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-20-016, filed 11/19/99, effective 12/20/99; 85-11-020 (Order 85-43), § 220-20-016, filed 5/10/85; 80-01-021 (Order 79-137), § 220-20-016, filed 12/14/79.]

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.

(9) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director, except that carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial fishery license.

[Statutory Authority: RCW 77.12.047, 02-02-049 (Order 01-286), § 220-20-020, filed 12/27/01, effective 1/27/02; 00-17-106 (Order 00-149), § 220-20-020, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 00-01-103 (Order 99-215), § 220-20-020, filed 12/16/99, effective 1/16/00; 98-15-031 (Order 98-120), § 220-20-020, filed 7/7/98, effective 8/7/98; 97-07-043 (Order 97-51), § 220-20-020, filed 3/14/97, effective 4/14/97; 95-23-020 (Order 95-166), § 220-20-020, filed 11/8/95, effective 12/9/95; 93-14-042 (Order 93-54), § 220-20-020, filed 6/29/93, effective 7/30/93. Statutory Authority: RCW 75.08.080 and 75.28.245, 90-07-003 (Order 90-17), § 220-

20-020, filed 3/8/90, effective 4/8/90. Statutory Authority: RCW 75.08.080. 90-06-045 (Order 90-15), § 220-20-020, filed 3/1/90, effective 4/1/90; 80-09-072 (Order 80-69), § 220-20-020, filed 7/18/80; 79-03-014 (Order 79-11), § 220-20-020, filed 2/15/79; Order 77-147, § 220-20-020, filed 12/16/77; Order 77-14, § 220-20-020, filed 4/15/77; Order 76-148, § 220-20-020, filed 12/2/76; Order 76-26, § 220-20-020, filed 4/20/76; Order 1193-A, § 220-20-020, filed 3/5/75; Order 1193, § 220-20-020, filed 3/4/75; Order 1143, § 220-20-020, filed 8/8/74; Order 1105, § 220-20-020, filed 12/28/73; Order 1057, § 220-20-020, filed 5/22/73; Order 1045, § 220-20-020, filed 3/8/73; Order 988, § 220-20-020, filed 4/28/72; Order 920, § 220-20-020, filed 5/13/71; Order 862, § 220-20-020, filed 4/16/70; Order 817, § 220-20-020, filed 5/29/69; Order 810, § 220-20-020, filed 4/17/69.]

WAC 220-20-056 Commercial fishing license renewal upon the death of the holder. Upon the death of a commercial fishing license holder or commercial fishing permit holder, any license or permit that requires annual renewal in order to be renewed in a subsequent year, and which was not renewed in the licensing year of the license or permit holder's death, may be renewed by the license or permit holder's personal representative, surviving spouse, estate, or estate beneficiary during the next licensing year after the licensing year in which the death occurred, by payment of the license fees for both the year in which the death occurred and the current licensing year. If the license is not renewed in the licensing year after the licensing year in which the death occurred, the license may not be renewed thereafter.

[Statutory Authority: RCW 77.12.047. 01-20-065 (Order 01-222), § 220-20-056, filed 9/28/01, effective 10/29/01.]

Chapter 220-24 WAC PACIFIC OCEAN WATERS

WAC

220-24-020	Lawful acts.
220-24-040	All-citizen troll seasons.

WAC 220-24-020 Lawful acts. It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the state of Washington has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country: Provided, That for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country: Provided further, That it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of reicing: Provided further, That the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

[Statutory Authority: RCW 77.12.047. 01-13-006 (Order 01-105), § 220-24-020, filed 6/7/01, effective 7/8/01. Statutory Authority: RCW 75.08.080. 79-07-046 (Order 79-43), § 220-24-020, filed 6/22/79; 78-05-067 (Order 78-20), § 220-24-020, filed 4/27/78; Order 76-24, § 220-24-020, filed 4/20/76; Order 1221, § 220-24-020, filed 7/1/75; Order 1116, § 220-24-020, filed 4/30/74; Order 726, § 4 (part), filed 4/24/67; Order 677, subsection 1, filed 3/31/66; Orders 398 and 256, filed 3/1/60; Order 677, subsection 2, filed

3/31/66; Orders 357 and 256, filed 3/1/60; Orders 401 and 256, subsection 3, filed 3/1/60.]

WAC 220-24-040 All-citizen troll seasons. It is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section.

(1) SMCRA 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1, 2001, and remain open through June 30, 2001, or until the chinook quota is taken. Unlawful to retain coho. No more than 4 spreads per line beginning June 1. Cape Flattery and Columbia River Control Zones closed.

(2) SMCRA 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001, and remains open through July 27, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.

(3) SMCRA 1 opens July 20, 2001, and remains open through September 30, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Columbia River Commercial Control Zone closed.

(4) SMCRA 2 south of the Queets River opens July 28, 2001 or upon closure of the fishery provided for in subsection (2) of this section, and remains open concurrent with the fishery provided for in subsection (3) of this section.

(5) In all fisheries provided for in this section, chinook minimum size 28 inches and coho minimum size 16 inches. No minimum size for pink, sockeye or chum salmon.

(6) Lawful troll gear is restricted to single point, single shank barbless hooks.

(7) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the SMCRA fished, or within an adjacent SMCRA closed to all-citizen troll fishing.

(9) The Cape Flattery Commercial Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(10) The Columbia River Commercial Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. latitude, 124°06'50" W. longitude) and the green lighted Buoy #7 (46°15'09" N. latitude, 124°06'16" W. longitude); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. latitude, 124°03'07" W. longitude to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the

tip of the north jetty (46°14'48" N. latitude, 124°05'20" W. longitude) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. latitude, 124°04'05" W. longitude), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) Vessels intending to land their catch taken south of Cape Falcon into a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.

[Statutory Authority: RCW 77.12.047. 01-13-006 (Order 01-105), § 220-24-040, filed 6/7/01, effective 7/8/01.]

Chapter 220-33 WAC

COLUMBIA RIVER—COMMERCIAL FISHERIES BELOW BONNEVILLE DAM

WAC

220-33-050 Repealed.
220-33-060 Herring and anchovies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-33-050 Carp. [Statutory Authority: RCW 75.08.080. 88-18-066 (Order 88-86), § 220-33-050, filed 9/2/88.] Repealed by 02-02-049 (Order 01-286), filed 12/27/01, effective 1/27/02. Statutory Authority: RCW 77.12.047.

WAC 220-33-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-33-060 Herring and anchovies. It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Purse seine and lampara gear may be used to fish for herring or anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

Licensing

(3)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(b) A herring purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

(c) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

[2002 WAC Supp—page 544]

(d) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

Fishing periods

(4) Purse seine and lampara gear may be used to fish for herring or anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

General

(5) Species of fish other than herring or anchovies, except shad and pilchard, taken in the operation of the purse seine and lampara gear shall be returned immediately to the water. Pilchard taken incidental to the herring and anchovy fisheries provided for in this section may not exceed twenty-five percent of the weight of any landing.

[Statutory Authority: RCW 77.12.047. 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]

Chapter 220-36 WAC GRAYS HARBOR

WAC

220-36-021 Salmon—Grays Harbor—Summer fishery.
220-36-023 Grays Harbor salmon—Fall fishery.

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. July 5 through August 15 it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-36-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-36-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-36-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-36-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-36-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-36-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-36-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-36-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-36-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-36-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-36-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-36-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-36-021, filed 7/18/80; Order 77-71, § 220-36-021, filed 8/18/77; Order 77-44, § 220-36-021, filed 6/3/77; Order 76-73, § 220-36-021, filed 8/16/76; Order 1221, § 220-36-021, filed 7/1/75; Order 1133, § 220-36-021, filed 7/19/74.]

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

Gill net gear may be used to fish for salmon:

Time	Areas
6:00 p.m. September 4 through 6:00 p.m. September 6, and	2A and 2D
6:00 p.m. October 4 through 6:00 p.m. October 5, 2001	

Gear

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Gill net gear shall be used as provided for in WAC 220-36-015, except no maximum mesh restriction September 4 through September 6, 2001.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

Chapter 220-40 WAC

WILLAPA HARBOR

WAC

220-40-021	Willapa Bay salmon—Summer fishery.
220-40-027	Salmon—Willapa Bay fall fishery.

WAC 220-40-021 Willapa Bay salmon—Summer fishery. July 5 through August 15 it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-40-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-40-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-40-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-40-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-40-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-021, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-021, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-021, filed 8/18/78; Order 77-71, § 220-40-021, filed 8/18/77; Order 77-44, § 220-40-021, filed 6/3/77; Order 76-73, § 220-40-021, filed 8/16/76; Order 1221, § 220-40-021, filed 7/1/75; Order 1133, § 220-40-021, filed 7/19/74.]

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. August 27 through 6:00 p.m. August 28, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 35, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 9 through 6:00 p.m. September 10, 2001	Area 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line drawn true north-south from the most waterward exposed end of the rock jetty located near Washaway Beach and excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point.
6:00 p.m. September 16 through 6:00 p.m. September 30, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 40 and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 16 through 6:00 p.m. September 17 and 6:00 p.m. September 23 through 6:00 p.m. September 24, 2001	Area 2K
7:30 a.m. October 3 through 6:30 p.m. October 3 and 7:30 a.m. October 11 through 6:30 p.m. October 11, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. October 16 through 6:00 p.m. October 18 and 6:00 p.m. October 23 through 6:00 p.m. October 25, 2001	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and westerly of a line from

Time	Area
Noon, November 6 through noon November 30, 2001	Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2) Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Prior to September 1, 2001 - No maximum mesh restrictions.

(c) September 1 through October 14, 2001 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October 15 through October 31, 2001 - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, 2001 - 9-inch minimum mesh.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

Chapter 220-44 WAC

COASTAL WATERS—MARINE FISH

WAC

220-44-020	Coastal baitfish gear.
220-44-035	Coastal pelagic gear.
220-44-050	Coastal bottomfish catch limits.

WAC 220-44-020 Coastal baitfish gear. It is unlawful to fish for or possess smelt, anchovies, candlefish, herring or pilchard taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, or 60A, except as provided for in this section.

(1)(a) It is unlawful to fish for or possess smelt taken for commercial purposes except by hand net gear not exceeding

72 inches maximum frame width. It is unlawful to take smelt for commercial purposes during weekly closed periods from 8:00 a.m. Friday to 8:00 a.m. Sunday.

(b) Licensing: A smelt dip bag net fishery license is the license required to operate the gear provided for in this section.

(c) Incidental catch: It is lawful to retain only anchovies and candlefish taken incidental to a lawful smelt fishery.

(2)(a) It is unlawful to fish for or possess candlefish or anchovies taken for commercial purposes with any gear except purse seine or lampara not exceeding 1,400 feet in length nor having mesh size less than 1/2 inch, or dip bag net not exceeding 72 inches maximum frame width.

(b) Licensing:

(i) A baitfish lampara fishery license is the license required to operate the lampara gear provided for in this section.

(ii) A baitfish purse seine fishery license is the license required to operate the purse seine gear provided for in this section.

(iii) A smelt dip bag net fishery license is the license required to operate the hand dip net gear provided for in this section.

(c) Incidental catch: It is lawful to retain only shad and pilchard taken incidental to a lawful anchovy or candlefish fishery. Pilchard may not exceed twenty-five percent of the weight of the landing. Any sturgeon must be released unharmed.

(3)(a) It is unlawful to fish for or possess herring or pilchard taken for commercial purposes except as authorized by permit issued by the director, except pilchard taken incidental to candlefish and anchovy.

(b) Licensing:

(i) An emerging commercial fishery license is the license for a permittee to fish for or retain pilchard.

(ii) Herring dip bag net, herring drag seine, herring gill net, herring lampara or herring purse seine are the licenses for a permittee to fish for or retain herring.

[Statutory Authority: RCW 77.12.047. 01-07-016 (Order 01-36), § 220-44-020, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-44-020, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-44-020, filed 3/27/84; 79-06-085 (Order 79-38), § 220-44-020, filed 6/4/79; 78-10-046 (Order 78-83), § 220-44-020, filed 9/20/78; 78-05-067 and 78-06-002 (Order 78-20), § 220-44-020, filed 4/27/78 and 5/4/78; 78-04-039 (Order 78-11), § 220-44-020, filed 3/20/78; Order 77-14, § 220-44-020, filed 4/15/77; Order 1221, § 220-44-020, filed 7/1/75; Order 813, § 220-44-020, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsection 1 from Order 547, filed 7/5/62; Orders 384 and 256, filed 3/1/60; subsection 2 from Orders 448 and 256, filed 3/1/60; subsection 3 from Orders 397 and 256, filed 3/1/60; subsections 4 and 5 from Orders 355 and 256, filed 3/1/60; subsection 6 from Orders 406 and 256, filed 3/1/60.]

WAC 220-44-035 Coastal pelagic gear. It is unlawful to use drift gill net gear in state and offshore waters west of the Bonilla-Tatoosh line, north of the Washington-Oregon boundary, and south of the United States-Canada boundary.

[Statutory Authority: RCW 77.12.047. 02-02-051 (Order 01-288), § 220-44-035, filed 12/27/01, effective 1/27/02.]

WAC 220-44-050 Coastal bottomfish catch limits. (1) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken

from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 66, No. 8, published January 11, 2001, except thresher shark are further restricted as provided for in this section. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(5) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the

United States-Canada boundary, and it is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

[Statutory Authority: RCW 77.12.047, 02-02-051 (Order 01-288), § 220-44-050, filed 12/27/01, effective 1/27/02; 01-13-002 (Order 01-103), § 220-44-050, filed 6/6/01, effective 7/7/01. Statutory Authority: 2000 c 107 § 7.00-16-033 (Order 00-124), § 220-44-050, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080, 98-15-033 (Order 98-121), § 220-44-050, filed 7/7/98, effective 8/7/98; 98-05-043, § 220-44-050, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-050, filed 5/9/96, effective 6/9/96; 95-08-069 (Order 95-29), § 220-44-050, filed 4/4/95, effective 5/5/95; 94-13-077 (Order 94-51), § 220-44-050, filed 6/10/94, effective 7/11/94; 93-07-093 (Order 93-16), § 220-44-050, filed 3/22/93, effective 4/22/93; 92-07-008 (Order 97-07), § 220-44-050, filed 3/6/92, effective 4/16/92; 91-07-050 (Order 91-12), § 220-44-050, filed 3/18/91, effective 4/18/91; 90-13-108 (Order 90-26), § 220-44-050, filed 6/21/90, effective 7/22/90. Statutory Authority: RCW 75.08.070 and 75.08.080, 89-14-069 (Order 89-54), § 220-44-050, filed 6/30/89; 89-06-030 (Order 89-07), § 220-44-050, filed 2/24/89; 88-14-020 (Order 88-42), § 220-44-050, filed 6/28/88. Statutory Authority: RCW 75.08.080, 87-07-042 (Order 87-17), § 220-44-050, filed 3/16/87; 86-12-027 (Order 86-39), § 220-44-050, filed 5/28/86. Statutory Authority: RCW 75.08.070 and 75.08.080, 85-07-022 (Order 85-17), § 220-44-050, filed 3/13/85. Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-050, filed 3/27/84; 83-17-030 (Order 83-88), § 220-44-050, filed 8/10/83; 83-10-016 (Order 83-31), § 220-44-050, filed 4/26/83.]

Chapter 220-47 WAC PUGET SOUND—SALMON

WAC

220-47-301
220-47-304
220-47-311
220-47-401
220-47-411
220-47-428

Puget Sound—Lawful gear—Purse seine.
Repealed.
Purse seine—Open periods.
Reef net open periods.
Gill net—Open periods.
Beach seine—Open periods.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-47-304

Puget Sound—All citizen salmon species seasons and gill net mesh sizes. [Statutory Authority: RCW 77.12.047, 00-18-023 (Order 00-172), § 220-47-304, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-304, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-304, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-304, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-304, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-304, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-304, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-304, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-304, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-304, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-304, filed 6/11/90, effective 7/12/90; Order 988, § 220-47-304, filed 4/28/72.] Repealed by 01-13-056 (Order 01-106), filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 77.12.047.

WAC 220-47-301 Puget Sound—Lawful gear—Purse seine. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 4 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear.

It shall be lawful as part of the purse seine to have a bunt not more than 10 fathoms long which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

[Statutory Authority: RCW 77.12.047, 01-07-015 (Order 01-32), § 220-47-301, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-301, filed 7/29/97, effective 8/29/97; 87-15-059 (Order 87-72), § 220-47-301, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-301, filed 6/12/86; Order 988, § 220-47-301, filed 4/28/72.]

WAC 220-47-304 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6, 11/7, 11/8
	7AM - 5PM	11/12, 11/13, 11/14, 11/15

Note: It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A.

7B:	6AM 9/10	-	8PM 9/12
	6AM 9/17	-	8PM 9/19
	6AM 9/23	-	8PM 10/27
	6AM 10/29	-	4PM 11/2
	6AM 11/5	-	4PM 11/9
	6AM 11/12	-	4PM 11/16
	6AM 11/19	-	4PM 11/23
	6AM 11/26	-	4PM 11/30
	6AM 12/3	-	4PM 12/7
8:	5AM - 9PM		8/27, 8/28
	6AM - 5PM		11/5
8A:	5AM - 9PM		8/21

AREA TIME DATE
Note: It is unlawful to fish for pink salmon on August 21, 2001, south of a line from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

8D:	5AM - 9PM	8/27
	7AM - 7PM	10/8
	7AM - 7PM	10/17
	7AM - 6PM	10/22, 10/23
	6AM - 5PM	10/31, 11/1
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/14, 11/15
	7AM - 5PM	11/19, 11/20
	7AM - 5PM	11/26, 11/27, 11/28
	7AM - 7PM	9/25, 9/26, 9/27
	7AM - 7PM	10/2, 10/3, 10/4
	7AM - 7PM	10/8, 10/9, 10/10, 10/11
	7AM - 7PM	10/17
	7AM - 6PM	10/22, 10/23
	6AM - 5PM	10/31, 11/1
10, 11:	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/14, 11/15
	7AM - 5PM	11/19, 11/20
	7AM - 5PM	11/26, 11/27, 11/28
	7AM - 7PM	10/16
	7AM - 6PM	10/22
	6AM - 5PM	10/30, 10/31
	6AM - 5PM	11/5
	7AM - 5PM	11/13
	7AM - 7PM	10/16
12:	7AM - 6PM	10/22
	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6
	7AM - 5PM	11/13
12C:	7AM - 5PM	11/13

It is unlawful to retain chinook salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047, 01-13-056 (Order 01-106), § 220-47-311, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74; Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

WAC 220-47-401 Reef net open periods. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following

designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	9/23 - 11/10

It is unlawful to retain chinook or wild coho salmon taken with reef net gear. It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047, 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93,

effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-401, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D:	7AM	9/21, 9/24, 9/25, 9/26, 9/27, 9/28, 10/1, 10/2, 10/3, 10/4, 10/5, 10/8, 10/9, 10/10, 10/11, 10/12, 10/15, 10/16, 10/17, 10/18, 10/19, 10/22, 10/23, 10/24, 10/25, 10/26	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring fish.

7, 7A:	7AM	8PM	10/29, 11/5, 11/6, 11/7, 11/8, 11/12, 11/13, 11/14, 11/15	6 1/4"
7B:	7PM	9AM	NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4	7"
	6AM 9/10	8PM 9/12		5"
	6AM 9/17	8PM 9/19		
	6AM 9/23	8PM 10/27		
	6AM 10/29	4PM 11/2		6 1/4"
	6AM 11/5	4PM 11/9		
	6AM 11/12	4PM 11/16		
	6AM 11/19	4PM 11/23		
	6AM 11/26	4PM 11/30		
	6AM 12/3	4PM 12/7		

7C:	7PM	9AM	NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4	7"
8:	6AM	11PM	8/29, 8/30	5"

Note: In Area 8 openings on August 28 and 29, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh, no greater than 60 meshes in depth.

	7AM	8PM	11/6	6 1/4"
8A:	6AM	11PM	8/20, 8/28	5"

Note: In Area 8A, on August 20, 2001, it is unlawful to fish for pink salmon south of a line drawn from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

	7AM	8PM	10/9, 10/16	5"
	7AM	8PM	10/24, 10/25	6 1/4"
	7AM	8PM	10/29, 10/30	
	7AM	8PM	11/7, 11/8	
	7AM	8PM	11/12, 11/13	
	7AM	8PM	11/19, 11/20	
	7AM	8PM	11/26, 11/27, 11/28	
8D:	6PM	8AM	9/25, 9/26, 9/27	5"
	6PM	8AM	10/1, 10/2, 10/3	
	6PM	8AM	10/8, 10/9, 10/10, 10/11	
	7AM	8PM	10/16	
	7AM	8PM	10/24, 10/25	
	7AM	8PM	10/29, 10/30	
	7AM	8PM	11/7, 11/8	
	7AM	8PM	11/12, 11/13	6 1/4"
	7AM	8PM	11/19, 11/20	
	7AM	8PM	11/26, 11/27, 11/28	

9A:	6AM 9/16 through 8PM 10/27			5"
-----	----------------------------	--	--	----

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.

10, 11:	6PM	8AM	10/15	6 1/4"
	5PM	8AM	10/22	

AREA	TIME	-	DATE(S)	MINIMUM MESH
	4PM	-	8AM	10/29, 10/30
	4PM	-	8AM	11/5
	4PM	-	8AM	11/12

Note: During the Area 10, 11 openings it is unlawful for fishers to fish with gill net gear unless the fisher has registered in writing on a department-approved form by October 8, 2001, and the fisher agrees to allow a department observer to be on board during each fishing trip to monitor the catch.

12:	7AM	-	8PM	10/15	6 1/4"
12, 12B:	7AM	-	8PM	10/23	6 1/4"
	7AM	-	8PM	10/29	
	7AM	-	8PM	11/7, 11/8	
	7AM	-	8PM	11/12	
12C:	7AM	-	8PM	11/12	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

[Statutory Authority: RCW 77.12.047. 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

Beach seine closed in 2001.

[Statutory Authority: RCW 77.12.047. 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

Chapter 220-48 WAC

PUGET SOUND—FISH OTHER THAN SALMON

WAC

220-48-015 Beam trawl and bottom trawl—Seasons.

[2002 WAC Supp—page 550]

WAC 220-48-015 Beam trawl and bottom trawl—

Seasons. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, and 25B the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to all trawl fishing in waters less than 30 feet deep.

(e) Areas 20A, 20B, 21A, 22A and 22B are closed in waters deeper than 40 fathoms from 12:01 a.m. September 15 through December 31 except if the Pacific cod quota for these waters has not been taken by September 15, these waters may be opened by emergency rule for the taking of the Pacific cod quota.

(f) Area 23C is closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and is closed to beam trawl fishing in waters less than 60 feet deep.

(g) Area 23C is closed to otter trawl Wednesday, Saturday and Sunday, January 1 through August 31, and closed to all otter trawl September 1 through December 31.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kipat Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29 the entire year.

(5) It is unlawful to take more than 500 pounds of rockfish with beam trawl and bottom trawl gear during any vessel trip in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 77.12.047, 01-10-001 (Order 01-58), § 220-48-015, filed 4/18/01, effective 5/19/01; 01-02-060 (Order 00-266), § 220-48-015, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-015, filed 2/11/98, effective 3/14/98; 97-07-053 (Order 97-52), § 220-48-015, filed 3/17/97, effective 4/17/97; 94-19-001 (Order 94-96), § 220-48-015, filed 9/7/94, effective 10/8/94; 94-12-009 (Order 94-23), § 220-48-015, filed 5/19/94, effective 6/19/94; 91-13-051 (Order 91-39), § 220-48-015, filed 6/14/91, effective 7/15/91; 89-14-010 (Order 89-48), § 220-48-015, filed 6/22/89; 87-04-003 (Order 87-03), § 220-48-015, filed 1/22/87; 85-08-023 (Order 85-24), § 220-48-015, filed 4/1/85; 84-08-014 (Order 84-24), § 220-48-015, filed 3/27/84; 83-24-024 (Order 83-200), § 220-48-015, filed 11/30/83, effective 1/1/84; 83-04-025 (Order 83-04), § 220-48-015, filed 1/27/83; 82-24-080 (Order 82-215), § 220-48-015, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-015, filed 7/1/82.]

Chapter 220-52 WAC

SHELLFISH

WAC

220-52-040	Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.
220-52-043	Commercial crab fishery—Additional gear and license use requirements.
220-52-046	Crab fishery—Seasons and areas.
220-52-051	Shrimp fishery—Puget Sound.
220-52-071	Sea cucumbers.
220-52-073	Sea urchins.

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130.

(5) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(7) **Puget Sound crab buoys and pots must be tagged.**

(a) In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without attached buoy and pot tags that meets the requirements of WAC 220-52-043.

(b) The department will issue one hundred buoy tags to the owner of each Puget Sound commercial crab fishery license upon payment of an annual buoy tag fee of one hundred dollars per license. Additional tags to replace lost tags will only be issued to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration under penalty of perjury in the presence of an authorized department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(8) **Puget Sound - No person can possess or use gear with other person's tag.** In Puget Sound no person may pos-

sess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except that an alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(9) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots.

(10) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

(13) **Determination of coastal crab pot limits.**

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or

equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one shellfish pot limit.

(14) **Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

(15) **Coastal - Barging of crab pots by undesignated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

(16) **Coastal shellfish pot tags.** It is unlawful for a person to use a shellfish pot in the coastal Dungeness crab fishery unless the pot bears a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person. No person may operate or

possess a pot that bears another person's tag, except that a person who is licensed as an alternate operator may operate or possess a pot that bears the tag of the primary license holder. It is unlawful for any person who is not the owner of Dungeness crab pot gear to remove, damage, or otherwise tamper with pot gear tags.

(17) Coastal - Registration and use of buoy brands and colors.

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

[Statutory Authority: RCW 77.12.047, 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; subsection 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

WAC 220-52-043 Commercial crab fishery—Additional gear and license use requirements. (1) Commercial gear limited to pots and ring nets. It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) Commercial gear escape rings and ports defined. It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) Puget Sound commercial gear tagging requirements.

(a) In Puget Sound, all crab pots must have a durable, nonbiodegradable tag permanently and legibly marked with the license owner's name or license number, and telephone

number securely attached to the pot. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(b) In Puget Sound all crab buoys must have a buoy tag issued to the license owner by the department attached to the outermost end of the buoy line. If more than one buoy is attached to a pot, only one buoy tag is required.

(4) Puget Sound - Description of lawful buoys. All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(5) Commercial crab license requirements. In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 77.65.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 77.65.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 77.65.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 77.65 and 77.70 RCW.

(6) Maximum size for coastal crab pots. The maximum volume of a crab pot used to fish for or take Dungeness crab from the waters provided for in WAC 220-52-040(12) is thirteen cubic feet.

(7) Incidental catch may not be retained. It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any crab fishing.

[Statutory Authority: RCW 77.12.047, 01-18-005 (Order 01-180), § 220-52-043, filed 8/22/01, effective 9/22/01; 00-18-005 (Order 00-164), § 220-52-043, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-043, filed 9/4/98, effective 10/5/98; 94-12-009 (Order 94-23), § 220-52-043, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-043, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-043, filed 3/27/84; 79-02-053 (Order 79-6), § 220-52-043, filed 1/30/79; Order 77-145, § 220-52-043, filed 12/13/77; Order 1179, § 220-52-043, filed 11/19/74; Order 807, § 220-52-043, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040(1).]

WAC 220-52-046 Crab fishery—Seasons and areas.

"Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after 8:00 a.m. October 1st, one-half hour before sunrise to one-half hour after sunset, except as provided by other subsections below.

(2) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the outermost tip of the abandoned dock at the Three Crabs Restaurant.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed October 1 through October 31 and March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth

contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 15, and March 15 through April 15 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed October 15 through October 31, and March 15 through April 15 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D and those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy, thence to Brown Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east

of a line projected north from Governor's Point to the east side of Chuckanut Island thence to Chuckanut Rock thence to the most southerly tip of Clark's Point.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

(o) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line from the southeast end of Satellite Island to Stuart Island.

(p) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to commercial crab fishing during the

periods indicated, except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Those waters bounded by lines projected between the following coordinates:

Southern SMA Description:

NW corner: 47°09.00'N 124°23.80'W (LORAN 41885)

NE corner: 47°09.00'N 124°16.30'W

SW corner: 46°58.00'N 124°22.00'W (LORAN 41885)

SE corner: 46°58.00'N 124°15.30'W

Northern SMA Description:

NW corner: 47°32.00'N 124°34.00'W (LORAN 41865)

NE corner: 47°32.00'N 124°29.50'W (LORAN 41880)

SW corner: 47°27.00'N 124°33.00'W (LORAN 41865)

SE corner: 47°27.00'N 124°28.60'W (LORAN 41880)

The non-Indian fishery will be closed within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point: 47°40.50'N 124°37.50'W

Central point: 48°00.00'N 124°49.50'W

Northern point: 48°02.25'N 124°50.00'W

This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

(d) It is unlawful to place gear, fish for or take Dungeness crab for commercial purposes in the following area from July 1 through September 15:

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

	Land description	Coordinate
(i)	Washington - Oregon border	46°15.00'N 124°10.00'W
(ii)	Seaview	46°20.00'N 124°10.00'W

	Land description	Coordinate
(iii)	Willapa Bay entrance	46°40.00'N 124°10.00'W
(iv)	N. Willapa Bay spits	46°43.50'N 124°11.50'W
(v)	Grayland	46°50.00'N 124°12.30'W
(vi)	Grays Harbor	46°54.70'N 124°16.00'W
(vii)	Ocean Shores	47°00.00'N 124°16.00'W
(viii)	Moclips	47°15.00'N 124°19.00'W
(ix)	Cape Elizabeth	47°20.00'N 124°25.00'W
(x)	Raft River	47°27.00'N 124°28.60'W (follow TD 41880 to waypoint # 11 N. Destruction Island)
(xi)	N. Destruction Island	47°42.40'N 124°31.50'W
(xii)	Lapush	47°55.00'N 124°46.00'W
(xiii)	Carol Island	48°00.00'N 124°49.50'W
(xiv)	N. Lake Ozette	48°07.60'N 124°51.40'W
(xv)	Makah Bay	48°20.00'N 124°50.00'W
(xvi)	Cape Flattery	Point on land

[Statutory Authority: RCW 77.12.047, 01-11-009 (Order 01-74), § 220-52-046, filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 75.08.080, 99-10-062 (Order 99-59), § 220-52-046, filed 5/3/99, effective 6/3/99; 98-19-012 (Order 98-185), § 220-52-046, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-046, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-046, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-046, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-046, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-046, filed 9/17/91, effective 5/24/91; 87-05-038 (Order 87-08), § 220-52-046, filed 2/18/87; 85-01-010 (Order 84-214), § 220-52-046, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-046, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-046, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-046, filed 9/17/80; Order 76-152, § 220-52-046, filed 12/17/76; Order 1179, § 220-52-046, filed 11/19/74; Order 1112, § 220-52-046, filed 4/15/74; Order 1057, § 220-52-046, filed 5/22/73; Order 920, § 220-52-046, filed 5/13/71; Order 807, § 220-52-046, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040 (2), (3), (4) and (9).]

WAC 220-52-051 Shrimp fishery—Puget Sound. (1)

A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace

length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(iii) Closed in waters shallower than 50 fathoms from March 16 through July 31.

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer, or if transferred at sea, without transfer to a licensed wholesale dealer. A fisher who is a licensed wholesale dealer may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

[Statutory Authority: RCW 77.12.047, 02-01-068, § 220-52-051, filed 12/14/01, effective 1/14/02; 01-03-016 (Order 00-271), § 220-52-051, filed 1/5/01, effective 2/5/01. Statutory Authority: RCW 74.08.080 and 1999 c 239, 00-01-124 (Order 99-217), § 220-52-051, filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 75.28.740 and 75.30.220, 94-07-092 (Order 94-14), § 220-52-051, filed 3/17/94, effective 4/17/94. Statutory Authority: RCW 75.08.080, 93-15-051, § 220-52-051, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-051, filed 8/28/91, effective 9/28/91; 87-23-006 (Order 87-187), § 220-52-051, filed 11/6/87.]

WAC 220-52-071 Sea cucumbers. It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) Sea cucumber districts:

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C.

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

(2) Sea cucumber areas and seasons:

Sea cucumber areas and seasons will be set by emergency rule.

(3) Shellfish diver gear:

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

(4) Trawl gear:

It is unlawful to fish for or possess sea cucumbers taken with trawl gear.

00-03-042 (Order 00-07), § 220-52-071, filed 1/13/00, effective 2/13/00; 99-17-068 (Order 99-126), § 220-52-071, filed 8/13/99, effective 9/13/99; 94-12-009 (Order 94-23), § 220-52-071, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-071, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-071, filed 8/28/91, effective 9/28/91; 91-10-024 (Order 91-22), § 220-52-071, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-071, filed 11/6/87; 87-15-022 (Order 87-69), § 220-52-071, filed 7/8/87; 87-02-013 (Order 86-199), § 220-52-071, filed 12/30/86; 81-11-006 (Order 81-31), § 220-52-071, filed 5/11/81; 79-02-053 (Order 79-6), § 220-52-071, filed 1/30/79; Order 77-145, § 220-52-071, filed 12/13/77; Order 77-65, § 220-52-071, filed 8/5/77; Order 1105, § 220-52-071, filed 12/28/73; Order 990, § 220-52-071, filed 5/11/72.]

WAC 220-52-073 Sea urchins. It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) Sea urchin districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

[Statutory Authority: RCW 77.12.047, 01-07-021 (Order 01-40), § 220-52-071, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080.

(2) Sea urchin seasons and sizes:

Sea urchin seasons and sizes will be set by emergency rule.

(3) Shellfish diver gear:

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 77.12.047, 01-07-021 (Order 01-40), § 220-52-073, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 00-03-042 (Order 00-07), § 220-52-073, filed 1/13/00, effective 2/13/00; 94-12-009 (Order 94-23), § 220-52-073, filed 5/19/94, effective 6/19/94; 91-22-064 (Order 91-132), § 220-52-073, filed 11/1/91, effective 12/2/91; 91-10-024 (Order 91-22), § 220-52-073, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-073, filed 11/6/87; 87-15-022 (Order 87-69), § 220-52-073, filed 7/8/87; 86-20-028 (Order 86-123), § 220-52-073, filed 9/23/86; 85-01-010 (Order 84-214), § 220-52-073, filed 12/7/84; 83-04-025 (Order 83-04), § 220-52-073, filed 1/27/83; 80-13-064 (Order 80-123), § 220-52-073, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-073, filed 1/30/79; Order 77-145, § 220-52-073, filed 12/13/77; Order 76-152, § 220-52-073, filed 12/17/76; Order 1105, § 220-52-073, filed 12/28/73; Order 990, § 220-52-073, filed 5/11/72.]

Chapter 220-55 WAC

PERSONAL-USE LICENSES

WAC

220-55-115 Recreational license dealer's fees.

WAC 220-55-115 Recreational license dealer's fees.

License dealers may charge a license issuance fee as follows:

- (1) Two dollars for the issuance of any of the following fishing licenses:
 - (a) A combination license.
 - (b) A saltwater license.
 - (c) A freshwater license.
 - (d) A two-day temporary fishing license.
 - (e) A family fishing weekend license.
- (2) Two dollars for the issuance of any of the following hunting licenses:
 - (a) A big game combination license.
 - (b) A small game license.
 - (c) A three-consecutive day small game license.
- (3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.
- (4) One dollar for the issuance of a personal use shellfish and seaweed license and for a two-day temporary fishing license when issued as a charter stamp.
- (5) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.
- (6) Fifty cents for the issuance of any of the following:
 - (a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
 - (b) A state of Washington migratory bird stamp.
 - (c) A Western Washington pheasant permit.
 - (d) An application for a special permit hunt.

[Statutory Authority: RCW 77.12.047, 01-10-030 (Order 01-62), § 220-55-115, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-115, filed 5/24/00, effective 6/24/00. Statutory Authority: SB 5020 and RCW 75.08.090, 99-17-095 (Order 99-129), § 220-55-115, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-115, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-115, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-115, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-115, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-115, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-047.]

Chapter 220-56 WAC

PERSONAL-USE FISHERY

WAC

220-56-105 River mouth definitions.

220-56-115 Angling—Lawful and unlawful acts.

220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins.

220-56-124 Unlawful provisions—Hoodsport Hatchery.

220-56-126 Nonbuoyant lures and night closures—Saltwater.

220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.

220-56-175 Catch record cards.

220-56-195 Closed areas—Saltwater salmon angling.

220-56-210 Fly fishing.

220-56-235 Possession limits—Bottomfish.

220-56-240 Daily limits forage fish and other food fish not otherwise provided for.

220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts.

220-56-285 Shad—Areas and seasons.

220-56-290 Repealed.

220-56-295 Repealed.

220-56-305 Repealed.

220-56-315 Crabs, shrimp, crawfish—Unlawful acts.

220-56-320 Shellfish gear—Unlawful acts.

220-56-325 Shrimp—Areas and seasons.

220-56-330 Crab—Areas and seasons.

220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.

220-56-380 Oysters—Areas and seasons.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 220-56-290 Sturgeon angling hours. [Statutory Authority: RCW 75.08.080, 82-07-047 (Order 82-19), § 220-56-290, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-290, filed 2/27/80, effective 4/1/80.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.
- 220-56-295 Sturgeon—Unlawful acts. [Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-295, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-56-295, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 89-07-060 (Order 89-12), § 220-56-295, filed 3/16/89; 87-09-066 (Order 87-16), § 220-56-295, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-295, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-295, filed 4/11/84; 81-05-027 (Order 81-13), § 220-56-295, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-295, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-072.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.
- 220-56-305 Sturgeon—Catch and release. [Statutory Authority: RCW 75.08.080, 97-08-018 (Order 97-54), § 220-56-305, filed 3/25/97, effective 4/25/97; 95-12-027 (Order 95-46), § 220-56-305, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-305, filed 7/1/94, effective 8/1/94; 86-09-020 (Order 86-08), § 220-56-305, filed 4/9/86; 80-03-064 (Order 80-12), § 220-56-305, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-073.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chambers Creek - Burlington Northern Railroad Bridge.
- Chehalis River - Highway 101 Bridge in Aberdeen.
- Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
- Drano Lake - Highway 14 Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Hoquiam River - Highway 101 Bridge.
- Humptulips River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

- Kettle River - Barstow Bridge.
- Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - 68th Avenue NE Bridge.
- Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Spokane River - State Route 25 Bridge.
- Tucannon River - State Highway 261 Bridge.
- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.
- Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.
- Willapa River - South Bend boat launch.
- Wind River - Boundary line markers at mouth.
- Yakima River - Highway 240 Bridge.

[Statutory Authority: RCW 77.12.047, 01-14-001 (Order 01-107), § 220-56-105, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-105, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-105, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-105, filed 2/26/98, effective 5/1/98. Statutory

Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-105, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-105, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-105, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-105, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-105, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-105, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-105, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-105, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-105, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-105, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-105, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-105, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-105, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-105, filed 2/27/80, effective 4/1/80.]

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

[Statutory Authority: RCW 77.12.047, 01-06-036 (Order 01-24), § 220-56-115, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7.00-16-091 (Order 00-134), § 220-56-115, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-115, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-115, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-115, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-115, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-115, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-56-115, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-115, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-115, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-115, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-115, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-115, filed 3/18/82; 80-12-040 (Order 80-107), § 220-56-115, filed 8/29/80; 80-03-064 (Order 80-12), § 220-56-115, filed 2/27/80, effective 4/1/80.]

WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins. During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use forage fish jigger gear.

[Statutory Authority: RCW 77.12.047, 01-06-036 (Order 01-24), § 220-56-123, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7.00-16-091 (Order 00-134), § 220-56-123, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-123, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 94-14-069, § 220-56-123, filed 7/1/94, effective 8/1/94.]

WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery. During the period July 1 through December 15, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

[Statutory Authority: RCW 77.12.047, 01-14-001 (Order 01-107), § 220-56-124, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-124, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-124, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-124, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-124, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-124, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-124, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-124, filed 3/31/93, effective 5/1/93.]

WAC 220-56-126 Nonbuoyant lures and night closures—Saltwater. It is unlawful to fish for or possess salmon taken for personal use from the following saltwater areas unless the hooks meet the requirements of this section.

(1) Nonbuoyant lure restriction: In the following waters during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time Period
Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island parallel to SW Spokane Street where it crosses Harbor Island Budd Inlet - waters south of a line true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128	July 1 - November 30
Westport Boat Basin	July 16 - October 31 August 16 - January 31

(2) During the gear restricted periods provided for in this section it is unlawful to fish for food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(4) All hooks must be attached within 3 inches of the bait or lure.

(5) It is unlawful to use forage fish jigger gear.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-126, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-126, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-126, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-56-126, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-126, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-126, filed 3/16/89; 85-09-017 (Order 85-20), § 220-56-126, filed 4/9/85.]

WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.

(1) Fish and shellfish may be cleaned and portioned in the field except sturgeon when sturgeon eggs are in possession. It is unlawful for a fisher to fail to retain proof of compliance with number, species, size, weight, sex, or wild or hatchery origin restrictions, if such restrictions apply, until the fisher is ashore and has finished fishing for the day. This subsection does not apply if the catch is in the process of being prepared for immediate consumption.

(2) Notwithstanding the provisions of subsection (1) of this section, it is unlawful to possess Dolly Varden/bull trout in the field in such condition that the species and total length cannot be determined.

(3) In Marine Areas 1 through 6 it is unlawful for any person to possess more than one daily limit of fish or shellfish in fresh form while aboard a vessel.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-145, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-145, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-145, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-145, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-56-145, filed

3/17/83; 82-13-040 (Order 82-61), § 220-56-145, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-145, filed 2/27/80, effective 4/1/80.]

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, sturgeon, halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except that in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-175, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-56-175, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-175, filed 3/29/00, effective 5/1/00; 99-17-066 (Order 99-125), § 220-56-175, filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-56-175, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-175, filed 2/28/90, effective 3/31/90; 89-07-071 (Order 89-05), § 220-56-175, filed 3/20/89; 88-05-002 (Order 88-03), § 220-56-175, filed 2/4/88; 85-11-020 (Order 85-43), § 220-56-175, filed 5/10/85; 80-03-064 (Order 80-12), § 220-56-175, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-023.]

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling May 1 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling August 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling August 1 through September 30 and November 1 through April 10.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 16 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through July 31 and April 1 through April 10.

(7) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and

following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then to the easternmost point of Obstruction Island, then true south to Blakely Island, and south along the Blakely Island shore to the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to the Bird Rocks Buoy, then true west from Bird Rocks Buoy to Decatur Island, and then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

(8) Strait of Juan de Fuca:

(a) Waters of Areas 4 and 5 in the Strait of Juan de Fuca southerly of a line running from Kydaka Point to Shipwreck Point - Release all salmon August 1 - September 30.

(b) Waters of Area 6 within 1000 feet of the mouth of the Elwha River - Closed to fishing for salmon August 1 - August 31.

[Statutory Authority: RCW 77.12.047, 01-14-001 (Order 01-107), § 220-56-195, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7.00-16-091 (Order 00-134), § 220-56-195, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-195, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-195, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-56-195, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-195, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-195, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-195, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-195, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-56-195, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-195, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-195, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-195, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-195, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-195, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-195, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-195, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-195, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-195, filed 2/27/80, effective 4/1/80.]

WAC 220-56-210 Fly fishing. (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

(c) Monofilament leader greater than fifteen feet in length or with a breaking strength of more than 12 pounds.

(d) Hooks that exceed 1/2 inch when measured from point to shank.

(e) A lure other than a fly with a barbless single hook.

(f) Bait.

(g) Weight attached to the leader or line.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

(3) Notwithstanding the provisions of this section, persons who have a permanent disability that significantly limits the use of one or both upper extremities may use spinning gear in fly fishing only waters as provided for in this section.

(a) A fisher with a disability must apply for a fly fishing special use permit by presenting a letter from a physician stating that the fisher's disability is permanent and that, because of the inability to use one or both upper extremities, the fisher is physically incapable of using conventional fly fishing gear.

(b) The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.

(c) It is lawful for persons in possession of a fly fishing special use permit to use the following gear:

(i) Fishers may use spin casting gear with a casting bubble.

(ii) Monofilament line is permitted with no limit on the breaking strength of the line, but the leader beyond the bubble may not exceed fifteen feet in length or have a breaking strength greater than 12 pounds.

(iii) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in this section apply to both conventional fly fishing and spin-bubble fly fishing.

[Statutory Authority: RCW 77.12.047. 01-06-051 (Order 01-31), § 220-56-210, filed 3/6/01, effective 4/6/01. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-210, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-210, filed 2/27/80, effective 4/1/80.]

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod - 2 fish minimum length 24 inches.

(b) Rockfish - 10 fish of which no more than 2 may be an aggregate of canary rockfish and yelloweye rockfish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	1 fish
Rockfish May 1 through September 30 in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-235, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-235, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-235, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-235, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 98-15-032 (Order 98-119), § 220-56-235, filed 7/7/98, effective 8/7/98; 97-07-078 (Order 97-53), § 220-56-235, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-235, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-235, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-235, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-235, filed 3/31/93, effective 5/1/93; 92-11-012

(Order 92-19), § 220-56-235, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-235, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-235, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-235, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-235, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-235, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-235, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-235, filed 3/17/83; 80-07-017 (Order 80-45), § 220-56-235, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-235, filed 2/27/80, effective 4/1/80.]

WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for. It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(2) All other food fish not otherwise provided for in this chapter: No limit.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-240, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-240, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080 and 1998 c 191 § 40. 98-24-042 (Order 98-241), § 220-56-240, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-240, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-08-017 (Order 97-53), § 220-56-240, filed 3/25/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-240, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-240, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-240, filed 7/1/94, effective 8/1/94; 93-22-004 (Order 93-125), § 220-56-240, filed 10/20/93, effective 1/1/94; 93-08-034 (Order 93-20), § 220-56-240, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-240, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-240, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-240, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-240, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-240, filed 4/26/88; 86-09-020 (Order 86-08), § 220-56-240, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-240, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-240, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-240, filed 2/27/80, effective 4/1/80.]

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; and

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

(11) It is unlawful to retain sturgeon taken from the following waters:

(a) Those waters of the Snake River and tributaries upstream from lower Granite Dam;

(b) Those waters of the Columbia River and tributaries upstream from Priest Rapids Dam; and

(c) Those waters of the Columbia River and tributaries between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period September 1 through December 31.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-282, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-282, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-282, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-282, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-282, filed 3/16/89.]

WAC 220-56-285 Shad—Areas and seasons. It is lawful the entire year to fish for or possess shad taken for personal use except Columbia River waters downstream from Bonneville Dam are closed to shad fishing April 1 through May 15.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-285, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.040 and

75.08.080. 98-06-031, § 220-56-285, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-285, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-285, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-285, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-285, filed 5/12/92, effective 6/12/92; 88-10-012 (Order 88-14), § 220-56-285, filed 4/26/88; 83-07-043 (Order 83-16), § 220-56-285, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-285, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-285, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-285, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-072.]

WAC 220-56-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-56-295 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-56-305 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Hood Canal Shrimp District it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp.

(b) In Hood Canal Shrimp District it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season. It is unlawful for the operator of any boat from which shrimp pots are set or pulled to have on board or to fish more than four shrimp pots.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise.

[Statutory Authority: RCW 77.12.047. 01-07-024 (Order 01-39), § 220-56-315, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-315, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-56-315, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-315, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-315, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-315, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-56-315, filed 3/16/89; 81-05-027 (Order 81-13), § 220-56-315, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-315, filed 2/27/80, effective 4/1/80.]

WAC 220-56-320 Shellfish gear—Unlawful acts. (1)

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots:

(a) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, anti-freeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter. The minimum mesh size for crab pots is 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; 94-14-069, § 220-56-320, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-088.]

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as shrimp fishing districts:

(a) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(c) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(d) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(e) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(a) Discovery Bay Shrimp District - First Saturday in June through September 5;

(b) Port Angeles Shrimp District - First Saturday in June through September 30;

(c) Hood Canal Shrimp District - 9:00 a.m. on the third Saturday in May and open only on days set by emergency regulation;

(d) All other areas - The third Saturday in April through October 15 except:

(i) Closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(ii) Marine Areas 8-1, 8-2, 9 and 10 closed Monday through Wednesday of each week during the open period.

(3) During the general shrimp seasons, it is unlawful to retain spot shrimp except as provided below:

(a) Discovery Bay Shrimp District - First Saturday in June through third Saturday in August. Spot shrimp may be retained on Saturdays only.

(b) Port Angeles Shrimp District - First Saturday in June through first Saturday in September. Spot shrimp may be retained on Saturdays and Sundays only.

(c) Marine Areas 8-1, 8-2, 9 and 10 - Third Saturday in April through June 30. Spot shrimp may be retained each day.

(d) All other areas - Spot shrimp may be retained each day the third Saturday in April through October 15.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-325, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound is year around.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) It is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) It is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Ben Ure Spit: Open January 1 through May 31.
- (b) Brown Point (DNR 57-B): Open January 1 through July 31.
- (c) Cama Beach State Park: Closed the entire year.
- (d) Camano Island State Park: Open June 1 through June 30.
- (e) Cline Spit: Closed the entire year.
- (f) Cutts Island State Park: Open January 1 through June 15.
- (g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:
 - (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
 - (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
 - (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.
- (h) Dosewallips State Park: Open July 1 through September 15 only in area defined by boundary markers and signs posted on the beach.
- (i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.
- (j) Dungeness Spit - Open May 15 through September 30.
- (k) Eagle Creek: Open January 1 through May 31.
- (l) Fort Flagler State Park: Open April 1 through June 30.
- (m) Frye Cove - Open January 1 through May 31.
- (n) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (o) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (p) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.
- (q) Hope Island State Park (South Puget Sound): Open April 1 through April 30.
- (r) Illahee State Park: Closed the entire year.
- (s) Kayak Point County Park: Open May 1 through May 15 and August 1 through August 15, except mussels open the entire year.
- (t) Kitsap Memorial State Park: Open June 1 through June 30.
- (u) Kopachuck State Park: Closed the entire year.

(v) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(w) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(x) Mukilteo State Park - Closed the entire year.

(y) Mystery Bay State Park: Open October 1 through April 30.

(z) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(aa) North Sequim Bay State Park - Open May 16 through June 15.

(bb) Oak Bay County Park: Open July 1 through July 15.

(cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open March 1 through September 30.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(dd) Penrose Point State Park: Open May 1 through May 15.

(ee) Picnic Point County Park: Closed the entire year.

(ff) Pillar Point County Park: Open November 1 through April 30.

(gg) Pitship Point: Closed the entire year.

(hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(ii) Point Whitney (excluding Point Whitney Lagoon): May 1 through June 30.

(jj) Point Whitney Lagoon: Open June 1 through June 30.

(kk) Port Townsend Ship Canal: Open April 1 through May 15.

(ll) Potlatch DNR tidelands: Open April 1 through July 15.

(mm) Potlatch East: Open April 1 through July 15.

(nn) Potlatch State Park: Open April 1 through July 15.

(oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(pp) Quilcene Bay - 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 the entire year, except those tidelands on the west side of the

bay defined by boundary markers and a sign on the beach are open April 1 through September 30, daily from official sunrise to official sunset only.

(qq) Rendsland Creek: Open January 1 through April 30.

(rr) Saltwater State Park: Closed the entire year.

(ss) Scenic Beach State Park - Open April 16 through June 15.

(tt) Seahurst County Park: Closed the entire year.

(uu) Sequim Bay State Park - Open May 1 through June 30.

(vv) Shine Tidelands: Open January 1 through May 15.

(ww) South Indian Island County Park: Open May 1 through August 31.

(xx) Spencer Spit State Park: Open April 1 through July 31.

(yy) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

(zz) Triton Cove Oyster Farm: Closed the entire year.

(aaa) Triton Cove State Park: Open April 1 through June 30.

(bbb) Twanoh State Park: Closed the entire year.

(ccc) West Dewatto: DNR Beach 44A is open January 1 through May 31.

(ddd) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

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

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

[Statutory Authority: RCW 77.12.047, 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-350, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tide-

lands at the following beaches are closed unless otherwise provided:

(a) Brown Point: Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open July 1 through September 15 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Eagle Creek: Open January 1 through June 30.

(f) Hoodspport: Tidelands at the Hoodspport Salmon Hatchery are closed the entire year.

(g) Illahee State Park: Closed the entire year.

(h) Kitsap Memorial State Park: Open June 1 through August 31.

(i) Kopachuck State Park: Open May 1 through May 31.

(j) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(k) Mystery Bay: Open October 1 through April 30.

(l) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(m) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open March 1 through September 30.

(ii) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(iii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(n) Penrose Point State Park: Open May 1 through June 30.

(o) Point Whitney (excluding Point Whitney Lagoon): Open April 1 through August 31.

(p) Potlatch East: Open April 1 through July 15.

(q) Potlatch State Park: Open April 1 through July 15.

(r) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through September 30, daily from official sunrise to official sunset, only.

(s) Scenic Beach State Park: Open April 16 through July 15.

(t) South Indian Island County Park: Open May 1 through August 31.

(u) Triton Cove Oyster Farm: Open May 1 through September 30.

(v) Triton Cove State Park: Open April 1 through June 30.

(w) West Dewatto: DNR Beach 44A is open January 1 through September 30.

(x) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(y) Wolfe Property State Park: Open January 1 through June 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

[Statutory Authority: RCW 77.12.047, 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

Chapter 220-69 WAC

FISH RECEIVING TICKETS—WEIGHT DELIVERY SHEETS

WAC

220-69-240

Duties of commercial purchasers and receivers.

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 77 RCW, must immediately, completely, accurately,

and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(3) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts made by individuals or consumers at retail.

(b) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish gatherer shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(c) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(d) Private sector cultured aquatic products.

(4) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(5) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay

completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(6) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone (360) 466-4345 ext. 243.

(7) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(8) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(9) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Such report must be by telephone call to the Point Whitney Shellfish Laboratory or by facsimile transmission (FAX) to the Point Whitney Shellfish Laboratory. All reports must specify the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(10) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

(11) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 902-2949

(ii) E-mail to psfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 902-2949

(ii) E-mail to trollfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 664-0689

(ii) E-mail to harborfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 906-6776 or (360) 906-6777

(ii) E-mail to crfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1281

(12) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (FAX) transmission to (360) 586-8408 or by telephone to (360) 796-4601, extension 500. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

[Statutory Authority: RCW 77.12.047, 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

Chapter 220-77 WAC

AQUACULTURE DISEASE CONTROL

WAC

220-77-010

Intent.

220-77-020

Definitions—Aquaculture disease control.

220-77-030

Finfish aquaculture disease control.

220-77-070

Aquaculture disease control—Emergency provisions.

220-77-080

Aquaculture fee schedule.

220-77-081

Aquaculture facility inspection authority.

220-77-082

Recordkeeping.

220-77-090

Ballast water management and control—Reporting and sampling requirements.

220-77-095

Interim ballast water discharge standard approval process.

WAC 220-77-010 Intent. The intent of this chapter is to establish rules that promote the health, productivity and well-being of aquaculture products and the wild stock fisheries. These rules will identify the conditions that will be required for transfer and importation of live aquaculture products and the circumstances when action will be taken to control disease. These rules have been developed jointly by the department and the department of agriculture.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-010, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-010, filed 3/27/87.]

WAC 220-77-020 Definitions—Aquaculture disease control. For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite, or pest, occurring on or within the aquaculture product, or other shellfish or finfish, or on or within the water or substrate associated with the aquaculture product, shellfish, or finfish, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in containers that do not discharge to the water[s] of the state, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all aquatic invertebrates except insects.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container or shellfish on an affected bed or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of fish and wildlife.

(9) "Quarantine" is defined as isolation of the organism in a department approved facility.

(10) "Pest" is defined as parasite, parasitoid, predator, or fouling agent.

(11) "Established species" is defined as a species that has been propagated through aquaculture for at least ten years in Washington, or a species naturally reproducing within Washington.

(12) "West coast commerce region" is defined as the states of Alaska, California, Oregon, and Washington and the province of British Columbia.

(13) "Kelp" is defined as any species of brown algae of the order Laminariales.

(14) "Class A shellfish disease" is defined as an infectious disease which can cause significant mortality or loss of condition or quality in affected shellfish.

(15) "Class B shellfish disease" is defined as an infectious disease which is not known to cause significant mortality or loss of condition or quality in affected shellfish.

(16) "Market ready shellfish" are defined as aquatic invertebrate species which are intended for immediate human consumption and will not be placed into or come in contact with state waters.

(17) "Authorized finfish inspector" shall be defined as the individual who conducts or supervises testing in an authorized laboratory and attests to the results obtained. This individual signs/cosigns inspection and diagnostic reports and health certificates. The director shall maintain and provide upon request a roster of authorized finfish inspectors. An authorized finfish inspector shall be currently recognized by one of the following entities: The American Fisheries Society, Fish Health Section (either as Fish Health Inspector or Fish Pathologist); United States Fish and Wildlife Service, Title 50 Inspector; Canadian Department of Fisheries and Oceans, Fish Health Official or Inspector; Supervising veterinarian in a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD).

(18) "Laboratory inspection report" is defined as the written results of testing conducted by an authorized finfish inspector.

(19) "Lot of fish" shall be defined as a group of fish of the same species and age that originated from the same spawning stock and share a common water supply.

(20) "Regulated finfish pathogens" are defined as the following pathogens which, upon initial detection within Washington state, or detection from a site within Washington state that has been pathogen-free for three or more years, require notification within one working day to the fish health unit of the department, who will, in turn, notify the state veterinarian of the detection:

(a) Viruses:

(i) Infectious hematopoietic necrosis virus;

(ii) Infectious pancreatic necrosis virus;

(iii) Viral hemorrhagic septicemia virus;

(iv) Oncorhynchus masou virus; and

(v) Infectious salmon anemia virus.

(b) Parasite: *Myxobolus cerebralis*.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-020, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.08.080, 97-08-078 (Order 97-56), § 220-77-020, filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-020, filed 3/27/87.]

WAC 220-77-030 Finfish aquaculture disease control. (1) It is unlawful for any person to import into or transport within the state of Washington finfish aquaculture products without first having obtained a permit to do so issued by the department. A copy of the transport permit shall accom-

pany the finfish aquaculture products at all times within the state of Washington, and must be presented upon request to authorized department employees.

(2) The director may impose conditions on a transport permit as necessary to ensure the protection of aquaculture products and native finfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the finfish aquaculture products.

(3) Upon the initial detection of a regulated pathogen, the department's fish health unit must be notified by the end of the following working day after diagnosis is made. The department will confirm or deny the presence of the regulated pathogen. Pending confirmation the department may take action under WAC 220-77-070 (1)(a) or (b).

(4) The director will issue, upon request, copies of the rules and policies dealing with finfish disease control.

(5) The director will issue or deny a transport permit within thirty days after a completed application containing all requested information is received by the department's fish health unit.

(6) Violation of these rules or the conditions of the transport permit may result in the suspension or revocation of the permit.

(7) In the event of denial, suspension, or revocation of a transport permit, the affected person may appeal the decision to the director. The department will advise the person of the appeals process. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW). A suspended or revoked transport permit will remain suspended or revoked during the appellate process.

(8) Any person desiring to conduct *in vivo* research using a regulated finfish pathogen is required to first obtain permission in writing from the department prior to beginning the research.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-030, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-030, filed 3/27/87.]

WAC 220-77-070 Aquaculture disease control—Emergency provisions. (1) The director may take the following emergency enforcement actions when evidence indicates these actions are necessary to protect aquaculture products and native stocks from disease causing severe mortality:

- (a) Deny issuance of an transport permit.
- (b) Quarantine the aquaculture products.
- (c) Confiscate or order the destruction of the aquaculture products.
- (d) Require removal of the aquaculture product from state waters.

(2) For finfish, shellfish, amphibian, and marine plant aquaculture products:

(a) Quarantine may be ordered without a hearing when aquaculture products are transferred without appropriate inspections or permits or transferred in violation of the conditions of a permit.

(b) Quarantine may be ordered without a hearing when evidence demonstrates that aquaculture products, previously imported, may introduce a disease not known to occur in Washington.

(3) For finfish aquaculture products, if an epizootic caused by a regulated finfish pathogen is detected, quarantine may be ordered without a hearing.

(4) For shellfish aquaculture products, an outbreak of serious mortality in which contagious disease is suspected may result in quarantine or require removal of the suspected diseased shellfish aquaculture products from state waters, subject to the aquatic farmer's right to an emergency departmental hearing, if removal from state waters is ordered.

(5) When there is evidence that continued presence of aquaculture products in state waters may cause disease that would harm other aquaculture products or native fauna or flora, the director may order quarantine, confiscation, destruction, or removal from state waters. Except as provided for in subsection (3) of this section, the aquatic farmer has a right to a departmental hearing. In the event the director has ordered emergency action of confiscation, destruction, or removal from state waters, the director shall give notice to the affected aquatic farmer. At the time of notice of emergency action, the affected aquatic farmer may request an emergency departmental hearing. If requested, the hearing will take place no later than the third working day after notice is received by the aquatic farmer. The hearing will be presided over by a hearing officer appointed by the director, who will consider the severity of the disease outbreak, remedies, and alternate courses of action. The hearing officer shall present a recommendation to the director. The director will then review the emergency action and, if appropriate, order confiscation, destruction, or removal from state waters. If so ordered, the emergency action will take place no sooner than forty-eight hours after service of the order. If no request for an emergency departmental hearing is received, the emergency action of confiscation, destruction, or removal from state waters, may take place immediately after the third working day after the notice is served on the aquatic farmer.

(6) If the department refuses to issue a transport permit, or orders quarantine or isolation of aquaculture products, the aquatic farmer has a right to a hearing under the Administrative Procedure Act (chapter 34.04 RCW).

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-070, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-070, filed 3/27/87.]

WAC 220-77-080 Aquaculture fee schedule. (1) The following is a list of the charges to be assessed for tissue samples submitted to the department for pathogen examination, miscellaneous charges, and the finfish transport permit issuance fee. All samples for stock certification must be collected by department personnel or individuals approved by the department.

<u>Virology</u>	
Kidney/spleen or other tissue	\$25/sample
Ovarian fluid	20/sample
<u>Bacteriology</u>	
Bacterial Kidney Disease	
- FAT	\$7/sample
Culture and characterization	10/sample
Gram stain	1/sample

Parasitology

<u>C. shasta</u>	\$1/fish
<u>M. cerebralis</u>	\$4.00/fish (0-30 grams)
	\$5.00/fish (30-100 grams)
	\$15.00/fish (>100 grams)

Collection Fees

Collecting samples (includes travel time) \$35/hour

Mileage at published OFM rates

Per diem (if applicable) at published OFM rates

Diagnostic Service

Diagnostic services (includes travel time) \$35/hour

Mileage at published OFM rates

Per diem (if applicable) at published OFM rates

Finfish transport permit \$50.00

(2) The funds received from the aquatic farmers who use disease inspection, other services provided by department personnel, and finfish transport permit revenues shall be placed into a designated account. Funds from the account shall be used solely for administering the disease inspection and control program.

[Statutory Authority: RCW 77.12.047. 02-02-013 (Order 01-281), § 220-77-080, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010. 89-06-031 (Order 89-06), § 220-77-080, filed 2/24/89.]

WAC 220-77-081 Aquaculture facility inspection authority. Authorized department employees shall, at reasonable times and in a reasonable manner, have access to all finfish aquaculture facilities to conduct inspections for the prevention and suppression of aquaculture diseases, including, but not limited to, taking samples for detection of regulated finfish pathogens and other diseases. If the department is denied access, a court of competent jurisdiction may issue a search warrant authorizing access to the facility upon a showing that the facility is engaged in aquaculture production and that access has been denied.

[Statutory Authority: RCW 77.12.047. 02-02-013 (Order 01-281), § 220-77-081, filed 12/21/01, effective 1/21/02.]

WAC 220-77-082 Recordkeeping. It is the responsibility of a registered finfish aquatic farmer to maintain records of laboratory inspection reports on the live product of that finfish aquatic farmer issued for the previous twenty-four months. It is the responsibility of a finfish aquatic farmer to maintain records of shipments of all live products to other sites or facilities that occurred during the previous twenty-four months, which shipment reports must contain, at a minimum, the shipping date, species, amount, and name and address of the receiver of the shipment. Laboratory inspection reports and shipping reports must be made available to authorized department employees. Records of a proprietary nature, such as lists and addresses of clients, are not public records and are not available for public inspection.

[Statutory Authority: RCW 77.12.047. 02-02-013 (Order 01-281), § 220-77-082, filed 12/21/01, effective 1/21/02.]

WAC 220-77-090 Ballast water management and control—Reporting and sampling requirements. (1) Ves-

sels which are subject to chapter 77.120 RCW and which intend to discharge ballast water into Washington state waters must report ballast water management information at least twenty-four hours prior to entering Washington waters by filing a ballast water report pursuant to Title 33 C.F.R. Part 151.2045 with the department's designated agents as follows:

(a) Vessels bound for Puget Sound or coastal ports must file their ballast water reporting form with the Marine Exchange of Puget Sound in Seattle. Forms must be submitted by fax or in electronic format.

(b) Vessels bound for Washington ports on the Columbia River must file their ballast water reporting form with the Merchants Exchange of Portland. Forms must be submitted by fax or in electronic format.

(2) Vessels not intending to discharge ballast water into Washington state waters shall notify the department in one of the following ways:

(a) Vessel operators who do not wish to file a ballast water reporting form may send a signed letter to the state ANS coordinator, at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091, which includes the following information:

(i) Vessel name, identification number (International Maritime Organization, Lloyds of London or U.S. Coast Guard registry number), owner, agent and vessel type; and

(ii) A statement that the vessel will not discharge ballast water.

(b) Vessels that would normally discharge ballast water, but will not discharge on any given trip, may continue to file the ballast water reporting form, with "not discharging" written in the ballast water history section.

(3) The department, or designated representatives, may at reasonable times and in a reasonable manner, during a vessel's scheduled stay in port, take samples of ballast water and sediment, may examine ballast water management records, and may make other appropriate inquiries to assess the compliance of vessels with ballast water reporting and control requirements.

[Statutory Authority: RCW 77.12.047. 01-17-097 (Order 01-173), § 220-77-090, filed 8/20/01, effective 9/20/01; 00-17-146 (Order 00-163), § 220-77-090, filed 8/22/00, effective 9/22/00.]

WAC 220-77-095 Interim ballast water discharge standard approval process. (1) The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organism.

(2) Vessels subject to chapter 77.120 RCW that have not adequately exchanged their ballast water must treat their ballast prior to discharge into Washington waters, after July 1, 2002. An interim approval process shall be used to evaluate ballast water treatment technologies and provide approval for certain technologies that are determined to meet the Washington state interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used to discharge treated ballast water into Washington waters following the guidelines identified within the approval process. Ballast water treatment technology vendors or vessel owners may submit ballast

treatment technology for evaluation through the following process:

(a) Applications for approval will be accepted by the director or the director's designee at any time. The applicant is to be notified of department receipt of the application package within ten working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of deficiencies or if the deficiencies are minimal, held for thirty days to allow the applicant to correct the deficiencies. Formal reviews of supporting data and proposed study plans will be completed within forty-five days of receipt of the complete application package.

(b) Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the Washington state interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology." The maritime advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology."

(c) The director, or the director's designee, shall take into consideration the findings of the scientific advisory panel, and the maritime advisory panel and make one of the following determinations:

(i) That the ballast water treatment technology has been approved by the United States Coast Guard or a state agency and is an approved system for use in Washington state;

(ii) To grant general approval to a technology meeting the Washington state interim ballast water discharge standard for a period of five years with stipulations for scientific evaluation. Approval may be revoked if new information shows the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy;

(iii) To grant conditional approval for use on a specific number of vessels for further full-scale testing; or

(iv) Deny approval.

(d) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principal investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principal investigators must be qualified independent researchers. Applications for a treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port.

(ii) Documentation stating that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements.

(iii) All available documentation describing the technical, operational and installation characteristics of the system.

(iv) Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington state interim ballast water discharge standard. Indicator species may be used to evaluate the technologies' effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a "best available technology." The technology should include easily verifiable indicators to ensure the system is operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department-approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies limiting conditions such as water quality attributes that may affect the performance of the equipment, length of time for adequate treatment, or other factors that may render the technology as inadequate to meet the interim ballast water discharge standard.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

(3) Conditions of approval.

(a) Approval of a technology shall be withdrawn after one year if the system is not installed or the testing begun as proposed.

(b) Systems approved under the interim approval process shall be considered to meet all ballast water treatment requirements promulgated by the department for a period of five years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system will be withdrawn unless the treatment system can be repaired to address the system's inadequacies.

(c) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period.

(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.

(e) The principal scientist and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department within twelve months after installation. Further testing may or may not be required based upon the test results.

(f) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence

with the terms of this interim approval agreement and the operation of the treatment systems.

[Statutory Authority: RCW 77.12.047. 01-17-097 (Order 01-173), § 220-77-095, filed 8/20/01, effective 9/20/01.]

Chapter 220-88B WAC COASTAL SPOT SHRIMP

WAC

220-88B-030	Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal.
220-88B-040	Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.
220-88B-050	Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction—pot gear restriction—Species restriction.

WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal. (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated in the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to the person who:

(a) Held such a permit the previous year; and

(b) Beginning January 1, 2001, can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's vessel during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) Effective January 1, 2003, all coastal spot shrimp experimental trawl fishery permits shall be converted to coastal spot shrimp experimental pot fishery permits.

(5) Coastal spot shrimp experimental fishery permits may be revoked by the director for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit shall be revoked if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(6) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed the number of permits issued in 1999. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then

in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(7) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(8) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

(9) The allowable catch shall be equally divided between trawl and pot gear permits in 2002, except that the allowable catch may be reallocated between gear types if the allowable catch of a gear type is unlikely to be taken during that year. Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

[Statutory Authority: RCW 77.12.047. 02-02-050 (Order 01-287), § 220-88B-030, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-030, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-030, filed 12/22/98, effective 1/22/99.]

WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction. It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear the entire year.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is lawful for persons fishing in the coastal spot shrimp experimental fishery to participate in the coastal bottomfish fishery under WAC 220-44-050, and to retain on board bottomfish taken in that fishery.

[Statutory Authority: RCW 77.12.047, 02-02-050 (Order 01-287), § 220-88B-040, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-040, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-88B-040, filed 12/22/98, effective 1/22/99.]

WAC 220-88B-050 Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction—pot gear restriction—Species restriction. It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using trawl gear except as provided for in this section:

(1) Season - Open to trawl gear May 1, 2002, through November 30, 2002, except closed May 1 through June 30 north of 46°54.50' and south of 47°04.00' N. latitude, and closed at all times within 3 miles of shore.

(2) Gear:

(a) Fish excluder devices required.

(b) Single-layered codends only, minimum mesh one and one-half inches measured between adjacent knots. Effective January 1, 2001, minimum mesh size is two inches measured between adjacent knots.

(c) Chafing gear may encircle no more than 50 percent of the circumference of the net codend and the terminal end of chafing gear may not be attached to the codend except at the corners.

(d) Trawl gear may not be rigged such that tickler chains, or any other gear drags across the bottom in front of the mouth of the net; each roller, bobbin, disc, or similar device added to the footrope of the trawl net that is intended to make contact with the sea bottom may not be less than eight inches nor more than twenty-eight inches in diameter and must roll independently and freely.

(3) Effective January 1, 2002, spot shrimp pot gear may be aboard any vessel designated in the coastal spot shrimp trawl experimental fishery and may be used by trawl permit holders as provided in WAC 220-88B-040.

(4) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species except as provided for in WAC 220-44-050.

[Statutory Authority: RCW 77.12.047, 02-02-050 (Order 01-287), § 220-88B-050, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-050, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-88B-050, filed 12/22/98, effective 1/22/99.]

Chapter 220-88C WAC

COASTAL PILCHARD FISHERY

WAC

220-88C-010	Emerging commercial fishery—Coastal pilchard fishery.
220-88C-020	Designation of the coastal pilchard fishery as an emerging commercial fishery.
220-88C-030	Eligibility to participate in the coastal pilchard fishery.
220-88C-040	Coastal pilchard fishery—Seasons and lawful catch.
220-88C-050	Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

[2002 WAC Supp—page 576]

WAC 220-88C-010 Emerging commercial fishery—Coastal pilchard fishery. The purpose of this chapter is to establish the coastal pilchard fishery as an emerging commercial fishery.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-010, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery. (1) The director designates the coastal pilchard fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful for any person to fish for, possess, or deliver pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal pilchard trial fishery permit, or except as otherwise provided.

(2) After the effective date of this section, the following fishery licenses may not be used to take pilchard from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone: Baitfish lampara; baitfish purse seine; Columbia River smelt; food fish trawl—non-Puget Sound; herring dip bag net; herring gill net; herring lampara; herring purse seine; smelt dip bag net; smelt gill net, except as provided for in chapter 220-44 WAC.

(3) After the effective date of this section, pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone may not be delivered into a Washington port under a nonlimited entry delivery license, and may not be delivered under the licenses provided for in RCW 77.65.210.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-020, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery. (1) All persons who are eligible to purchase a commercial fishery license may obtain a coastal pilchard trial fishery permit and purchase an emerging commercial fishery license.

(2) Persons who violate the terms of the coastal pilchard trial fishery permit will have the permit revoked, pursuant to appeal rights under chapter 34.05 RCW, and will be ineligible to obtain a coastal pilchard trial fishery permit for the remainder of the calendar year for which the emerging commercial fishery license is valid.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-030, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch. (1) The coastal pilchard fishery season is open to purse seine fishing only May 15 through October 31, or until 15,000 metric tons of pilchard have been taken, whichever is earlier. Fishing under a trial commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and squid. Any salmon encircled in the purse seine

must be released prior to completion of the set, and no salmon may be landed on the fishing vessel's deck.

(3) The transfer of catch from one vessel to another is prohibited.

(4) Legal purse seine gear must be aboard the vessel making the landing.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-040, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

(1) As a condition of the trial commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort, and are required to have observer coverage for one-half of the vessel trips. Fishers may elect to use either department-provided observers, or NMFS-certified observers, but must notify the department of their irrevocable decision on which type of observer to use at least 48 hours before their first pilchard fishing trip of the season. NMFS-certified observers must have completed a department training session. Department-provided observer coverage will be made available to fishers who agree to reimburse the department at a rate of \$100 per landing, whether or not the vessel trip was observed. Payment for department-provided observer coverage is due by the tenth day of the following month for the previous month's landings, and failure to make timely payment will result in revocation of the trial commercial fishery permit.

(2) In order to allow sufficient time for observer coverage and sampling efforts, fishers must notify the department's marine fish division during normal business hours at least 48 hours before the first vessel trip and at least 24 hours before each subsequent trip. Fishers must provide name and contact phone number, time and location of departure, and estimated time and location of landing. Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain a trial commercial fishery permit for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by November 15th. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.]

Chapter 220-95 WAC

COMMERCIAL FISHING GEAR REDUCTION PROGRAM

WAC

220-95-013	2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration.
220-95-018	2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility.
220-95-022	2001-2002 Puget Sound salmon license economic adjustment assistance program application.
220-95-027	Ranking and acceptance of salmon purse seine license offers.
220-95-032	Ranking and acceptance of salmon gill net—Puget Sound and salmon reef net license offers.
220-95-100	Sea urchin license reduction program.

220-95-110

Sea cucumber license reduction program.

WAC 220-95-013 2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration. (1) The legislature and the federal government have allocated funds and anticipate allocating additional funds to buy back salmon licenses from commercial license holders. The department hereby designates \$34,884,689 of these funds as the 2001-2002 Puget Sound salmon license economic adjustment assistance program (program). The licenses eligible to participate in the program are purse seine, Puget Sound salmon gill net, and reef net.

(2) The goal of the program is to provide economic relief to Washington commercial salmon fishers, and to reduce the number of Washington commercial salmon licenses. To accomplish this, the department is proposing a three-step process, all three steps of which are purchase of licenses for a fixed sum.

(3) The department will allocate the funds available for the program after deducting up to 3% for the costs of state program administration as follows:

(a) Spring 2001, Phase 1.

(i) Purse seine - 56.4% at a purchase price of \$103,300 per license.

(ii) Gill net - 38.5% at a purchase price of \$27,500 per license.

(iii) Reef net - 5.1% at a purchase price of \$57,600 per license.

(b) Fall 2001, Phase 2.

(c) Spring 2002, Phase 3.

Program administration funds that will not be used will be reallocated to license purchases.

(4) The program expires upon the distribution of all available funds.

[Statutory Authority: RCW 77.12.047, 01-10-031 (Order 01-66), § 220-95-013, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-013, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 98-20-052 (Order 98-206), § 220-95-013, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-013, filed 3/3/95, effective 4/3/95.]

WAC 220-95-018 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility. Only persons who possessed or were eligible to possess in 2000 a salmon gill net—Puget Sound license, a salmon purse seine license, or a salmon reef net license issued pursuant to RCW 77.65.160, and are eligible to possess the same license in 2001 are eligible to participate in the program.

[Statutory Authority: RCW 77.12.047, 01-10-031 (Order 01-66), § 220-95-018, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-018, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 98-20-052 (Order 98-206), § 220-95-018, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-018, filed 3/3/95, effective 4/3/95.]

WAC 220-95-022 2001-2002 Puget Sound salmon license economic adjustment assistance program application. (1) A person may make only one offer per license under the program.

(2) Applications must be submitted to the department's licensing division on a department offer form. A completed offer form must contain the following information:

The applicant's name, Social Security number, mailing address during the offer period, telephone number (if applicable), and the license type and license number being offered.

(3) Applications for all phases will be accepted through 5:00 p.m., May 11, 2001. Only those applications received by this deadline will be eligible for the Phase 1 buyback. Applications received after this date will be ranked for Phase 2 or Phase 3 as detailed under the procedures for ranking offers.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-022, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-022, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-022, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-022, filed 3/3/95, effective 4/3/95.]

WAC 220-95-027 Ranking and acceptance of salmon purse seine license offers. (1) All salmon purse seine licenses will be ranked based upon participation in the Puget Sound summer and fall salmon fisheries.

(2) Purse seine rankings will be based upon a point system (0-15) for landings in the months of July and August (summer fisheries) and/or the months of September, October, and November (fall fisheries) between 1994 and 1998. One point will be assigned for a verified landing during the fall fisheries and two points will be assigned for a verified landing during the summer fisheries or a maximum of fifteen points possible.

(3) Points will be assigned only if the current license owner and program applicant also landed salmon on that same license some time during the 1994-1998 qualifying period except upon the death of the licensee, the license shall be treated as analogous to personal property for purposes of calculating and assigning points in the program. A license transferred to an immediate family member during or after the period 1994-1998, and who has continued with that license shall be able to count the points for that license and shall be qualified to participate in the program.

(4) Example: A current license owner makes a landing on the license in August and October of each year from 1994 to 1998. The owner is assigned the maximum fifteen points possible. If landings were only made in August 1994 and October 1998, then the owner would be assigned three points.

(5) Landings will be documented on official Washington state fish-receiving tickets or computer-generated landing lists certified by the department to be true and correct copies of Washington fish receiving tickets.

(6) In the event that two or more applicants have the same number of points, a random draw shall be conducted to rank the applicants among themselves before placing them into the overall rank order.

(7) The ranking will continue until all applicants have been rank-ordered. The order of ranking will apply to all phases of the program.

(8) **Persons selected** based upon the rank order and the available funds will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and

returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(9) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for Phase 2 and Phase 3 when they should occur.

(10) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. They are not eligible to participate in Phase 1. Applications received on a single day will be ranked by random draw.

(11) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding for resolution.

(12) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-027, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-027, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-027, filed 3/3/95, effective 4/3/95.]

WAC 220-95-032 Ranking and acceptance of salmon gill net—Puget Sound and salmon reef net license offers.

(1) The purchase of Puget Sound gill net and reef net licenses will be based upon a random drawing of all applicants for a specific license type.

(2) The random drawing will continue until all applicants who offered to sell at the department's offered price have been rank-ordered. The order of ranking will apply to all phases of the buyback.

(3) **Persons selected** will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(4) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for a Phase 2 and Phase 3 buyback when they should occur.

(5) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. Applications received on a single day will be ranked by random draw.

(6) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding resolution.

(7) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased for that respective gear group.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-032, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-032, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-032, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-032, filed 3/3/95, effective 4/3/95.]

WAC 220-95-100 Sea urchin license reduction program. In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) Eligibility: All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea urchin licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.150, with a maximum purchase price of \$6,000 per license.

(3) Offer process: For the winter 2001-2002 selection, the department will accept offers to sell during the thirty-day period after these rules go into effect, and will purchase licenses from the funds that were available on December 31, 2001. Thereafter the department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea urchin commercial fishery.

(7) Program termination: This program terminates when the number of sea urchin commercial fishery licensees is reduced to twenty-five.

[Statutory Authority: RCW 77.12.047. 02-01-069 (Order 01-274), § 220-95-100, filed 12/14/01, effective 1/14/02.]

WAC 220-95-110 Sea cucumber license reduction program. In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of \$5,000 per license.

(3) Offer process: For the winter 2001-2002 selection, the department will accept offers to sell during the thirty-day period after these rules go into effect, and will purchase licenses from the funds that were available on December 31, 2001. Thereafter the department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery.

(7) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty-five.

[Statutory Authority: RCW 77.12.047. 02-01-069 (Order 01-274), § 220-95-110, filed 12/14/01, effective 1/14/02.]

Chapter 220-140 WAC

REGIONAL FISHERIES ENHANCEMENT GROUPS

WAC

220-140-020 Description of regional fisheries enhancement groups.

WAC 220-140-020 Description of regional fisheries enhancement groups. The following geographical areas define regions in which groups have been formed, and established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region.

Region 1: Nooksack Salmon Enhancement Association

Includes most of WRIA 1: The major watershed is the Nooksack River. This region also includes nearshore habitat and other watersheds located from the Canada-U.S. border south to Oyster Creek in Samish Bay and also watersheds flowing from Whatcom County to the Fraser River.

Region 2: Skagit Fisheries Enhancement Group

Includes WRIAs 2, 3 and 4, and parts of 1 and 6: The major watersheds are the Skagit and Samish rivers. This region also includes nearshore habitat and other watersheds located from Samish Bay, south of Oyster Creek, south to and including, Penn Cove on Whidbey Island, out to and including, the San Juan Islands.

Region 3: Stilly-Snohomish Fisheries Enhancement Task Force

Includes WRIAs 5 and 7 and parts of 6 and 8: The major watersheds are the Stillaguamish and Snohomish rivers. This region also includes nearshore habitat and other watersheds located south of Penn Cove on Whidbey Island, including Camano Island; the mainland south to the Edmonds ferry dock.

Region 4: Mid-Sound Salmon Enhancement Group

Includes WRIAs 8 and 9 and part of 15: The major watersheds are those entering Lake Washington and the Green/Duwamish River. This region also includes nearshore habitat and other watersheds located from the Edmonds ferry dock south to Brown's Point, across to the north side of Gig Harbor, and north around Foulweather Bluff down to the Hood Canal Bridge.

Region 5: South Puget Sound Salmon Enhancement Group

Includes WRIAs 10, 11, 12 and 13 and parts of 14 and 15: The major watersheds are the Puyallup, Nisqually, and Deschutes rivers. This region also includes nearshore habitat and other watersheds draining into Puget Sound south of a line between Brown's Point and the north side of the entrance to Gig Harbor.

Region 6: Hood Canal Salmon Enhancement Group

Includes WRIA 16 and parts of 14, 15 and 17: Major watersheds include the Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quilcene rivers. This region also includes nearshore habitat and other watersheds located in Hood Canal south of the Hood Canal Bridge.

Region 7: North Olympic Salmon Coalition

Includes WRIAs 18 and 19 and part of 17: Major watersheds include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko rivers. This region also includes nearshore habitat and other watersheds located north and west of the Hood Canal Bridge, to Cape Flattery.

Region 8: Pacific Coast Salmon Coalition

Includes WRIAs 20 and 21: Major watersheds include the Sooes, Ozette, Quillayute, Hoh, Queets, and Quinault rivers. This region also includes nearshore habitat and other watersheds entering directly into the Pacific Ocean between Cape Flattery and the north side of Grays Harbor.

Region 9: Chehalis Basin Fisheries Task Force

Includes WRIAs 22 and 23: Major watersheds include the Humptulips, Hoquiam, Wishkah, Johns and Chehalis rivers. This region also includes nearshore habitat within, and other watersheds flowing into Grays Harbor.

Region 10: Willapa Bay Regional Fisheries Enhancement Group

Includes most of WRIA 24: Major watersheds include the North, Willapa, Palix, Nemah, Bear, Long Island and Naselle rivers. This region also includes nearshore habitat within, and other watersheds flowing into Willapa Bay.

Region 11: Lower Columbia Fish Enhancement Group

Includes WRIAs 25, 26, 27 and 28 and parts of 24 and 29: Major watersheds include the Chinook, Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal rivers. This region also includes Columbia River habitat and other watersheds entering the Washington side of the Columbia River below Bonneville Dam.

Region 12: Mid-Columbia Regional Fisheries Enhancement Group

Includes WRIAs 30, 31, 37, 38, 39 and 40 and most of 29: Major watersheds include the Little White Salmon, White Salmon, Wind, Yakima, and Klickitat rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the north and west above Bonneville Dam, up to Rock Island Dam.

Region 13: Tri-State Steelheaders Regional Fisheries Enhancement Group

Includes WRIAs 32, 33 and 35 and parts of 34 and 36: Major watersheds include the Snake and Walla Walla rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the east between McNary Dam and the Interstate 182 Bridge at Richland.

Region 14: Upper Columbia Regional Fisheries Enhancement Group

Includes WRIAs 44, 45, 46, 47, 48, 49, 50, 51 and 52: Major watersheds include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River above Rock Island Dam up to and including the San Poil watershed.

[Statutory Authority: RCW 77.12.047. 01-17-074 (Order 01-172), § 220-140-020, filed 8/16/01, effective 9/16/01; 00-20-040 (Order 00-200), § 220-140-020, filed 9/28/00, effective 10/29/00. Statutory Authority: 1989 c 426 and RCW 75.08.080. 90-04-026 (Order 90-06), § 220-140-020, filed 1/30/90, effective 3/2/90.]