Chapter 220-40 WAC

WILLAPA HARBOR


WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.

WAC 220-40-021 Willapa Bay salmon—Summer fishery.

WAC 220-40-027 Salmon—Willapa Bay fall fishery.

WAC 220-40-030 Willapa Bay—Forage fish.

WAC 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-40-010 Willapa Harbor—Areas. [Order 1221, § 220-40-010, filed 7/1/75; Order 1133, § 220-40-010, filed 7/19/74; Order 995, § 220-40-010, filed 8/6/72; Order 925, § 220-40-010, filed 6/3/71; Order 864, § 220-40-010, filed 5/12/70; Order 813, § 220-40-010, filed 5/3/69; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 2d and 2e from Order 544, filed 4/3/62; subsections 1, 1a, 2, 2a, 2b, from Orders 476 and 256, filed 3/1/60; subsections 1b, 1c, 1d, from Orders 476 and 256, filed 3/1/60; subsections 2c, 2f from Orders 448 and 256, filed 3/1/60; Orders 448 and 256, filed 3/1/60; Order 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.


220-40-026 Salmon—Willapa Bay late summer fishery. [Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-026, filed 6/22/89, effective 8/28/89; Repealed by 90-18-023 (Order 90-77), filed 8/24/90, effective 9/24/90.] Statutory Authority: RCW 75.08.080.


WAC 220-40-015 Willapa Bay—Gill net gear specifications. It is unlawful to fish for food fish in Willapa Bay for commercial purposes with gill net gear or to possess fish taken from those waters with gill net gear unless:

1. The gill net does not exceed 1,500 feet in length along the cord line; and

2. Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon. It is unlawful to take, fish for, or possess salmon taken for commercial purposes in Willapa Bay fishing areas, with the exception of salmon taken with gill net gear as provided for in this chapter.

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From 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.

(6/22/11)[Ch. 220-40 WAC—p. 1]
WAC 220-40-027 Salmon—Willapa Bay fall fishery. From 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 and white sturgeon only as shown below. All nonlegal sturgeon, all steelhead, and all other species including Chinook, coho, chum and white sturgeon, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

<table>
<thead>
<tr>
<th>Time:</th>
<th>Area:</th>
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<tbody>
<tr>
<td>6:00 p.m. August 29 through 6:00 a.m. August 30, 2011; AND 6:00 p.m. August 31 through 6:00 a.m. September 1, 2011; 6:00 p.m. September 6 through 6:00 a.m. September 7, 2011; AND 6:00 p.m. September 8 through 6:00 a.m. September 9, 2011; 6:00 p.m. September 13 through 6:00 p.m. September 22, 2011. 6:00 p.m. September 21 through 6:00 p.m. September 22, 2011; AND 6:00 p.m. September 28 through 6:00 p.m. September 29, 2011. 6:00 p.m. September 24 through 6:00 p.m. September 30, 2011; 6:00 p.m. October 2 through 6:00 p.m. October 7, 2011; 6:00 p.m. October 10 through 6:00 p.m. October 14, 2011; AND 12:00 p.m. November 6 through 12:00 p.m. November 30, 2011.</td>
<td>Area 2N and Area 2U Area 2N, Area 2R, and Area 2U Area 2N, Area 2N, Area 2R, Area 2T, and Area 2U Area 2K Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U</td>
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Gear:

(2) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Willapa Bay.

(b) From August 16 through September 12, 2011: Mesh size must not exceed nine-inch maximum mesh.

(c) From September 13 through September 30, 2011: Mesh size must not exceed six-inch maximum mesh.

(d) From September 24 through October 31, 2011: Mesh size must not exceed six and one-half inch maximum mesh.

(e) From November 6 through November 30, 2011: Mesh size must not exceed nine-inch minimum mesh, except from 6:00 p.m. November 11 through 6:00 p.m. November 19, 2011 (coho directed), there are two alternatives:

(i) Use six and one-half inch maximum mesh; or

(ii) Use nine-inch minimum mesh.

Only one net of either six and one-half inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing.

(f) Only one net may be fished at a time; other nets must be properly stored.

(g) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U from August 16 through October 31, 2011. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(h) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(i) From August 16 through September 30, 2011, all wild (unmarked) Chinook, nonlegal sturgeon and all steelhead

[Ch. 220-40 WAC—p. 2]
must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U.

From October 1 through October 31, 2011, all wild (unmarked) Chinook, chum, nonlegal sturgeon, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U.

From November 6 through November 30, 2011, all nonlegal sturgeon and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U.

(j) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(k) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other:

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(4) The retention of green sturgeon is prohibited.

(5) It is unlawful to fish with gill net gear in Areas 2K, 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession a department-issued certification card.


WAC 220-40-030 Willapa Bay—Forage fish. (1) It is unlawful to fish for or possess anchovy, candlefish, herring, sardine, or smelt taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except as provided for in this section.

(2) It is unlawful to fish for or possess salmon or sturgeon taken with purse seine or lampara gear.

(3) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) It is unlawful to fail to immediately return to the water, unharmed, all species of fish other than herring, anchovy, candlefish, and sardine in the operation of purse seine, lampara, dip bag net, or hand net gears.

(5) A violation of subsections (1) through (4) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty; and RCW 77.15.550 Violation of commercial fishing area or time—Penalty.

Anchovy and candlefish Licensing

(6) A baitfish purse seine fishery license is required to operate purse seine gear for anchovy and candlefish as provided for in this section.

(7) A baitfish lampara fishery license is required to operate lampara gear for anchovy and candlefish as provided for in this section.

(8) A smelt dip bag license is required to operate dip bag net gear for anchovy and candlefish as provided for in this section.

(9) A violation of subsections (6) through (8) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period

(10) It is unlawful to fish for or possess anchovy, candlefish, sardine, or smelt with the use of purse seine or lampara gear during any time, except January 1 through January 31, and March 16 through December 31, of any calendar year.

(11) Dip bag net gear may be used for anchovy and candlefish at all times.

(12) A violation of subsection (10) or (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Landing limitations

(13) It is unlawful to deliver anchovy, in excess of fifteen percent of the total landing weight, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products.

(14) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(15) A violation of subsection (13) or (14) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(6/22/11)
Gear
(16) It is unlawful to fish for anchovy or candlefish with purse seine or lampara gear with mesh size less than one-half inch stretch measure.
(17) It is unlawful to fish with purse seine or lampara gear if the cork line exceeds 900 feet in length, except: From June 1 through October 31, it is permissible to use gear in which the cork line does not exceed 1,400 feet in length.
(18) It is unlawful to fish for or possess anchovy or candlefish with dip bag net gear that exceeds 18 square feet.
(19) A violation of subsections (16) through (18) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Incidental catch
(20) It is unlawful to retain sardines taken incidental to a lawful anchovy or candlefish fishery that exceeds twenty percent of the weight of the total landing.
(21) It is unlawful to retain smelt or herring incidental to a lawful anchovy or candlefish fishery if the individual or combined weight of smelt and/or herring exceeds five percent of the total landing.
(22) A violation of subsection (20) or (21) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Herring Licensing
(23) A herring/lampara limited entry license is required to operate lampara gear for herring as provided for in this section.
(24) A herring dip bag net limited entry license is required to operate dip bag net gear for herring as provided for in this section.
(25) A violation of subsection (23) or (24) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period
(26) It is unlawful to fish for or possess herring with lampara gear during any time except January 1 through January 31, and March 16 through December 31, of any calendar year.
(27) Dip bag net gear may be used for herring at all times.
(28) A violation of subsection (26) or (27) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Incidental catch
(29) It is unlawful to retain anchovy, candlefish, smelt, or sardine incidental to a lawful herring fishery if the individual or combined weight of anchovy, candlefish, smelt, or sardine exceeds five percent of the total landing. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear
(30) It is unlawful to fish for and possess herring taken for commercial purposes with lampara gear with a cork line that exceeds 1,400 feet in length and a mesh size less than one-half inch stretch measure.
(31) It is unlawful to fish with dip bag net gear that exceeds 18 square feet.
(32) A violation of subsection (30) or (31) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Sardine Licensing
(33) A smelt dip bag net fishery license is required to operate dip bag net gear for sardine as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period
(34) Dip bag net gear may be used for sardine at all times.

Gear
(35) It is unlawful to fish with dip bag net gear that exceeds 18 square feet. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Smelt Licensing
(36) A smelt dip bag net fishery license is required to operate dip bag net gear for smelt as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period
(37) It is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear
(38) It is unlawful to take, fish for, and possess smelt taken with hand dip nets exceeding 72 inches maximum frame width. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.
WAC 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times and with such gear as provided by emergency rule of the director, and subject to the provisions of this section:

It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.