

Chapter 220-20 WAC

GENERAL PROVISIONS

WAC

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220-20-056 by WSR 00-01-102 (Order 99-210), filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080. Commercial fishing license renewal upon the death of the holder. [Statutory Authority: RCW 77.12.047. WSR 01-20-065 (Order 01-222), § 220-20-056, filed 9/28/01, effective 10/29/01.] Repealed by WSR 04-10-108 (Order 04-105), filed 5/5/04, effective 6/5/04. Statutory Authority: RCW 77.12.047.

WAC 220-20-001 General definitions—Residency.

For purposes of establishing and maintaining residency in order to purchase and use a Washington state resident commercial or recreational hunting or fishing license, a resident license that is issued to a valid resident of Washington state remains valid for the remainder of the licensing year unless that person obtains a resident license in another state. When a person obtains a resident license in another state, the Washington state resident license becomes invalid.

[Statutory Authority: RCW 77.12.047. WSR 02-16-069 (Order 02-181), § 220-20-001, filed 8/6/02, effective 9/6/02.]

WAC 220-20-005 Oregon-Washington commercial license reciprocity. The following Oregon licenses are equivalent to Washington licenses and are valid in the concurrent waters of the Columbia River:

(1) An Oregon Columbia River gillnet salmon vessel permit issued under ORS 508.775 - ORS 508.796 is equivalent to a Washington salmon gillnet fishery license issued under RCW 77.65.160 (1)(a) or (c) in the concurrent waters of the Columbia River. A person who holds an Oregon Columbia River gillnet salmon vessel permit may land salmon and sturgeon in Washington that were taken in the Columbia River salmon gillnet salmon fishery.

(2) An Oregon ocean charter vessel license issued under ORS 830.435 is equivalent to a Washington charter license issued under RCW 77.65.150 in the concurrent waters of the Columbia River downstream of the bridge at Longview, except that an Oregon vessel may not take on or discharge passengers for any purpose from any Washington port, the Washington shore, or a dock, landing, or other point in Washington.

(3) An Oregon outfitter and guide registration issued under ORS 704.020 is equivalent to a Washington professional salmon guide license issued under RCW 77.65.370 or to a Washington professional game fish guide license issued under RCW 77.65.480(3), in the concurrent waters of the Columbia River upstream of the bridge at Longview and downstream of the Oregon boundary in Lake Wallula, except that an Oregon vessel may not take on or discharge passengers for any purpose from any Washington port, the Washington shore, or a dock, landing, or other point in Washington.

[Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 08-12-016 (Order 08-118), § 220-20-005, filed 5/27/08, effective 6/27/08. Statutory Authority: RCW 77.12.047. WSR 07-15-068, § 220-20-005, filed 7/17/07,

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-20-017	Commercial fishing licenses—Application and renewal. [Statutory Authority: RCW 75.08.080. WSR 91-16-070 (Order 91-57), § 220-20-017, filed 8/2/91, effective 9/2/91; WSR 89-13-004 (Order 89-44), § 220-20-017, filed 6/8/89; WSR 86-24-047 (Order 86-191), § 220-20-017, filed 11/26/86.] Repealed by WSR 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.
220-20-030	General provisions—Off-reservation treaty Indian ceremonial fishing. [Order 866, § 220-20-030, filed 6/12/70.] Repealed by WSR 85-13-032 (Order 85-60), filed 6/12/85. Statutory Authority: RCW 75.08.080.
220-20-055	Commercial license conditions. [Statutory Authority: RCW 75.08.080 and 75.10.120. WSR 89-09-052 (Order 89-22), § 220-20-055, filed 4/18/89; WSR 87-21-018 (Order 87-150), § 220-20-055, filed 10/9/87.] Repealed

effective 8/17/07. Statutory Authority: RCW 77.65.010, 77.04.020, 77.04-130, WSR 07-03-142, § 220-20-005, filed 1/23/07, effective 2/23/07.]

WAC 220-20-010 General rules—Fish. (1) It is unlawful to take, fish for, possess or transport fish, shellfish, or fish or shellfish parts, in or from any waters or land within the jurisdiction of the state of Washington, or from the waters of the Pacific Ocean, except as provided by department rule.

(2) It is unlawful for any person who takes or possesses fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington, or the Pacific Ocean, for any purpose, to fail to submit the fish or shellfish for inspection by authorized department personnel. Violation of this subsection is punishable under RCW 77.15.360, Unlawful interfering in department operations—Penalty.

(3) It is unlawful for the owner or operator of any fishing gear to refuse to submit to inspection of the gear in any manner specified by a fish and wildlife officer. Violation of this subsection is punishable under RCW 77.15.470.

(4) It is unlawful for any person to fish for fish or shellfish while in possession in the field of fish or shellfish that are in violation of the rules for the area fished. This subsection does not apply to vessels in transit. Violation of this subsection is punishable under RCW 77.15.380 or RCW 77.15.550, depending on the circumstances of the violation.

(5) It is unlawful to take, fish for, possess, injure, kill, or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere with the proper operation of a fish protective device in any way. Violation of this subsection is punishable under RCW 77.15.370 or 77.15.380, depending on the circumstances of the violation.

(6) It is unlawful to take or possess any fish or shellfish smaller or larger than the minimum or maximum size limits or in excess of catch or possession limits prescribed by department rule. A person must immediately return to the water any fish or shellfish snagged, hooked, netted or gilled that do not conform to department size requirements or are in excess of catch or possession limits with the least possible injury to the fish or shellfish. Violation of this subsection is a misdemeanor punishable under RCW 77.15.380 or 77.15-550, depending on the circumstances of the violation.

(7) It is unlawful for any person or entity licensed by the department or bringing fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from fish or shellfish. It is also unlawful for any person or entity to fail to relinquish to the department, upon request, any part of a salmon or other fish containing coded-wire tags including, but not limited to, the snouts of salmon with clipped adipose fins.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-010, filed 1/23/13, effective 2/23/13. Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-20-010, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63. WSR 10-02-002 (Order 09-262), § 220-20-010, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-20-010, filed 10/23/07, effective 11/23/07; WSR 07-04-030, § 220-20-010, filed 1/29/07, effective 3/1/07; WSR 06-13-023 (Order 06-135), § 220-20-010, filed 6/13/06, effective 7/14/06; WSR 05-08-056 (Order 05-53), § 220-20-010, filed 3/30/05, effective 4/30/05; WSR 02-08-048 (Order 02-53), § 220-20-010, filed 3/29/02, effective 5/1/02. Statu-

tory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-20-010, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. WSR 00-01-096 (Order 99-214), § 220-20-010, filed 12/15/99, effective 1/15/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 98-15-081 (Order 98-122), § 220-20-010, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 98-15-031 (Order 98-120), § 220-20-010, filed 7/7/98, effective 8/7/98. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 220-20-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 93-15-051, § 220-20-010, filed 7/14/93, effective 8/14/93; WSR 91-08-054 (Order 91-13), § 220-20-010, filed 4/2/91, effective 5/3/91; WSR 91-01-023, § 220-20-010, filed 12/10/90, effective 1/10/91; WSR 89-02-022 (Order 88-186), § 220-20-010, filed 12/29/88; WSR 88-10-013 (Order 88-15), § 220-20-010, filed 4/26/88; WSR 85-09-017 (Order 85-20), § 220-20-010, filed 4/9/85; WSR 85-08-023 (Order 85-24), § 220-20-010, filed 4/1/85; WSR 84-08-014 (Order 84-24), § 220-20-010, filed 3/27/84; WSR 82-15-040 (Order 82-83), § 220-20-010, filed 7/15/82; WSR 82-07-047 (Order 82-19), § 220-20-010, filed 3/18/82; WSR 81-02-053 (Order 81-3), § 220-20-010, filed 1/7/81; WSR 80-10-058 (Order 80-83), § 220-20-010, filed 8/6/80; WSR 80-07-017 (Order 80-45), § 220-20-010, filed 6/11/80; WSR 79-10-013 (Order 79-75), § 220-20-010, filed 9/7/79; Order 77-14, § 220-20-010, filed 4/15/77; Order 76-148, § 220-20-010, filed 12/2/76; Order 1193, § 220-20-010, filed 3/4/75; Order 1179, § 220-20-010, filed 11/19/74; Order 1106, § 220-20-010, filed 1/10/74; Order 1057, § 220-20-010, filed 5/22/73; Order 945, § 220-20-010, filed 8/16/71; Order 920, § 220-20-010, filed 5/13/71; Order 817, § 220-20-010, filed 5/29/69; Order 810, § 220-20-010, filed 4/17/69; Order 771-A, § 220-20-010, filed 3/29/68; Order 767, § 1, filed 12/22/67; Order 758, § 3, filed 10/16/67; Order 726, §§ 2, 3, filed 4/24/67; Order 721, § 1, filed 3/9/67; Subsections 1, 2 from Orders 405 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Subsection 16 from Order 525, filed 5/3/61; Orders 355 and 256, filed 3/1/60; Subsection 4 from Order 591, filed 10/28/63; Orders 479 and 256, filed 3/1/60; Subsection 5 from Orders 383 and 256, filed 3/1/60; Subsections 6, 26, 35 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsections 7-11, 13-15, 17, 18, 22 from Orders 355 and 256, filed 3/1/60; Subsection 12 from Orders 407 and 256, filed 3/1/60; Subsections 19, 27 from Orders 480 and 256, filed 3/1/60; Subsection 20 from Order 677, filed 3/31/66; Orders 483 and 256, filed 3/1/60; Subsection 23 from Order 677, filed 3/31/66; Order 605, filed 4/21/64; Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsection 24 from Order 605, filed 4/21/64; Orders 407 and 256, filed 3/1/60; Subsection 25 from Orders 449 and 256, filed 3/1/60; Subsections 28-33 from Orders 456 and 256, filed 3/1/60; Subsection 34 from Orders 486 and 256, filed 3/1/60; Subsection 36 from Order 591, filed 10/28/63; Subsections 37 and 38 from Order 677, filed 3/31/66; Subsection 39 from Order 672, filed 12/28/65.]

WAC 220-20-012 Unlawful sale of food fish and shellfish. In order to prevent the sale of food fish or shellfish taken under personal-use fishing regulations, it shall be unlawful to sell, or offer for sale or purchase, or offer to purchase, any food fish or shellfish unless taken with lawful commercial gear, in an area open to commercial fishing for that species, and the fisherman has in his possession at the time of sale a valid commercial fishing license.

[Statutory Authority: RCW 75.08.080. WSR 81-02-053 (Order 81-3), § 220-20-012, filed 1/7/81; WSR 79-11-069 (Order 79-111), § 220-20-012, filed 10/18/79.]

WAC 220-20-013 Unlawful possession and sale of unclassified marine invertebrates. (1) It is unlawful to deliver krill taken for commercial purposes from state or offshore waters into Washington state, and it is unlawful to possess krill taken for commercial purposes. Violation of this subsection is punishable under RCW 77.15.140.

(2) It is unlawful to traffic in krill. Violation of this subsection is punishable under RCW 77.15.260.

[Statutory Authority: RCW 77.12.047. WSR 05-01-132 (Order 04-320), § 220-20-013, filed 12/16/04, effective 1/16/05.]

WAC 220-20-015 Lawful and unlawful acts—

Salmon. (1) It is unlawful to operate in any river, stream or channel any gillnet gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department.

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length, except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries, there is no minimum size limit on salmon taken with gillnet gear.

(b) In the Pacific Ocean commercial salmon troll fishery, frozen chinook salmon, dressed heads off, must be 21 1/2 inches minimum, and frozen coho salmon, dressed heads off, must be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 77.50.050.

(5) It is permissible to possess salmon for any purpose that were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It is unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

[Statutory Authority: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, and chapters 77.65 and 77.70 RCW. WSR 12-09-046 (Order 12-61), § 220-20-015, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 77.12.047. WSR 02-23-002 (Order 02-278), § 220-20-015, filed 11/6/02, effective 12/7/02; WSR 00-17-106 (Order 00-149), § 220-20-015, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. WSR 98-15-031 (Order 98-120), § 220-20-015, filed 7/7/98, effective 8/7/98; WSR 84-13-078 (Order 84-53), § 220-20-015, filed 6/21/84; WSR 79-10-013 (Order 79-75), § 220-20-015, filed 9/7/79; WSR 78-05-067 (Order 78-20), § 220-20-015, filed 4/27/78; Order 77-66, § 220-20-015, filed 8/5/77; Order 77-14, § 220-20-015, filed 4/15/77; Order 76-24A, § 220-20-015, filed 4/20/76; Order 1251, § 220-20-015, filed 8/18/75; Order 1210, § 220-20-015, filed 5/26/75; Order 1143, § 220-20-015, filed 8/8/74; Order 1116, § 220-20-015, filed 4/30/74; Order 1049, § 220-20-015, filed 4/11/73; Order 984, § 220-20-015, filed 2/17/72; Order 925, § 220-20-015, filed 6/3/71; Order 920, § 220-20-015, filed 5/13/71; Order 810, § 220-20-015, filed 4/17/69.]

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 salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer except this subsection does not apply to troll caught salmon or the eggs from such salmon.

(d) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pin-pined predation.

(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 salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

[Statutory Authority: RCW 77.12.047. WSR 03-10-010 (Order 03-79), § 220-20-016, filed 4/25/03, effective 5/26/03; WSR 01-07-015 (Order 01-32), § 220-20-016, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. WSR 99-24-011 (Order 99-202), § 220-20-016, filed 11/19/99, effective 12/20/99; WSR 85-11-020 (Order 85-43), § 220-20-016, filed 5/10/85; WSR 80-01-021 (Order 79-137), § 220-20-016, filed 12/14/79.]

WAC 220-20-019 Requirement to provide sales documents. It is unlawful for any wholesale fish dealer, fish buyer, or holder of a direct retail endorsement to fail to submit for inspection any state of Washington fish receiving tickets or sales documents upon demand of a fish and wildlife officer. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640 (1)(d).

[Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 08-21-019 (Order 08-260), § 220-20-019, filed 10/6/08, effective 11/6/08. Statutory Authority: RCW 75.08.080. WSR 82-17-040 (Order 82-105), § 220-20-019, filed 8/13/82.]

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 sturgeon less than 43 inches in fork length or greater than 54 inches in fork length.

(2) It is unlawful to fish for, possess, or retain green sturgeon taken with commercial gear. Any green sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(3) 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.

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

(5) 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.

(6) 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.

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

(8) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director. However, 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 and may result in revocation of the carp permit.

(9) It is unlawful to fin sharks in Washington state waters, and it is unlawful to possess shark fins in the field unless the carcass of the shark is retained. However, once a commercially taken shark carcass has been delivered to a licensed wholesale dealer or a person acting in that capacity, and the sale of the shark has been recorded on a fish receiving ticket, the shark fins need not be retained with the shark carcass.

[Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-18-070 (Order 09-187), § 220-20-020, filed 8/28/09, effective 9/28/09. Statutory Authority: RCW 77.12.047. WSR 07-02-050 (Order 06-301), § 220-20-020, filed 12/27/06, effective 1/27/07; WSR 06-13-024 (Order 06-134), § 220-20-020, filed 6/13/06, effective 7/14/06; WSR 06-07-045 (Order 06-39), § 220-20-020, filed 3/9/06, effective 4/9/06; WSR 02-23-002 (Order 02-278), § 220-20-020, filed 11/6/02, effective 12/7/02; WSR 02-02-049 (Order 01-286), § 220-20-020, filed 12/27/01, effective 1/27/02; WSR 00-17-106 (Order 00-149), § 220-20-020, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. WSR 00-01-103 (Order 99-215), § 220-20-020, filed 12/16/99, effective 1/16/00; WSR 98-15-031 (Order 98-120), § 220-20-020, filed 7/7/98, effective 8/7/98; WSR 97-07-043 (Order 97-51), § 220-20-020, filed 3/14/97, effective 4/14/97; WSR 95-23-020 (Order 95-166), § 220-20-020, filed 11/8/95, effective 12/9/95; WSR 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. WSR 90-07-003 (Order 90-17), § 220-20-020, filed 3/8/90, effective 4/8/90. Statutory Authority: RCW 75.08.080. WSR 90-06-045 (Order 90-15), § 220-20-020, filed 3/1/90, effective 4/1/90; WSR 80-09-072 (Order 80-69), § 220-20-020, filed 7/18/80; WSR 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 220-20-021 Sale of commercially caught sturgeon, bottomfish and halibut. (1) It is unlawful for any person while engaged in commercial fishing for sturgeon, bottomfish or halibut to:

(a) Keep sturgeon smaller or greater than the size limits provided for in WAC 220-20-020, keep more than one sturgeon for personal use, or keep more than the equivalent of one daily limit of sport caught bottomfish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length. All commer-

cially taken sturgeon, bottomfish, and halibut retained for personal use must be recorded on fish receiving tickets.

(b) Sell any sturgeon, bottomfish, or halibut taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 77.65.280 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Remove from the body cavity of the sturgeon any eggs or roe prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 77.65.280.

(2) It is unlawful for any wholesale dealer licensed under RCW 77.65.280 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 77.65 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

(3) It is unlawful to purchase, sell, barter or attempt to purchase, sell, or barter any sturgeon eggs taken from sturgeon caught in the Columbia River below Bonneville Dam.

(4) It is unlawful to remove either the head or tail from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 77.65.280 and delivered to a fish processing plant.

[Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-20-021, filed 10/23/07, effective 11/23/07; WSR 07-04-030, § 220-20-021, filed 1/29/07, effective 3/1/07; WSR 06-05-094 (Order 06-24), § 220-20-021, filed 2/14/06, effective 3/17/06. Statutory Authority: RCW 75.08.080. WSR 97-07-043 (Order 97-51), § 220-20-021, filed 3/14/97, effective 4/14/97; WSR 94-12-009 (Order 94-23), § 220-20-021, filed 5/19/94, effective 6/19/94; WSR 85-08-023 (Order 85-24), § 220-20-021, filed 4/1/85; WSR 82-17-040 (Order 82-105), § 220-20-021, filed 8/13/82.]

WAC 220-20-025 General provisions—Shellfish. (1)

It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(5) "Shellfish" includes all bodily parts but does not include five pounds or less of relic shells of classified shellfish or relic shells of unclassified freshwater and marine invertebrates. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from tidelands.

[Statutory Authority: RCW 77.12.047. WSR 06-23-114 (Order 06-289), § 220-20-025, filed 11/17/06, effective 12/18/06; WSR 02-23-002 (Order 02-278), § 220-20-025, filed 11/6/02, effective 12/7/02; WSR 02-08-048 (Order 02-53), § 220-20-025, filed 3/29/02, effective 5/1/02; WSR 00-17-106 (Order 00-149), § 220-20-025, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. WSR 00-01-095 (Order 99-213), § 220-20-025, filed 12/15/99, effective 1/15/00; WSR 98-15-031 (Order 98-120), § 220-20-025, filed 7/7/98, effective 8/7/98; WSR 95-23-020 (Order 95-166), § 220-20-025, filed 11/8/95, effective 12/9/95; WSR 94-12-009 (Order 94-23), § 220-20-025, filed 5/19/94, effective 6/19/94; WSR 90-06-045 (Order 90-15), § 220-20-025, filed 3/1/90, effective 4/1/90; WSR 80-13-064 (Order 80-123), § 220-20-025, filed 9/17/80; Order 1179, § 220-20-025, filed 11/19/74; Order 990, § 220-20-025, filed 5/11/72; Order 810, § 220-20-025, filed 4/17/69.]

WAC 220-20-026 Sale of commercially caught shellfish. It shall be unlawful for any person commercially fishing for shellfish in Washington state waters or delivering shellfish into a Washington state port that were taken in offshore waters to retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All shellfish taken under commercial license must be recorded on state of Washington fish receiving tickets.

[Statutory Authority: RCW 75.08.080. WSR 93-17-021 (Order 93-77), § 220-20-026, filed 8/10/93, effective 9/10/93.]

WAC 220-20-038 Shellfish—Import. It shall be unlawful to import, ship or otherwise cause live shellfish of any kind or form or associated pest, predators or disease organisms, to be introduced into the waters of the state of Washington without first obtaining written permission from the director or the director's authorized agent. The permit shall accompany the shellfish during transit and at the point of introduction. It shall be unlawful for the permit holder to fail to comply with all terms, conditions and provisions of the permit or to perform any act in connection with the permit that is not specifically authorized in the permit. The permit may specify department inspections and transfer conditions for the import.

[Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-20-038, filed 4/2/97, effective 5/3/97; WSR 80-13-064 (Order 80-123), § 220-20-038, filed 9/17/80.]

WAC 220-20-039 Live fish—Import and transfer. (1) It is unlawful for any person, group, corporation, association, or government entity to import into, transport, or possess within the state of Washington live fish and/or the viable sexual products of fish without first obtaining a permit to do so from the director. The only exception is for aquarium fish, game fish, indigenous marine baitfish, and mosquito fish (genus *Gambusia*) when used by agencies authorized by chapter 17.28 RCW. The permit must accompany the fish and/or sexual products at all times within the state of Washington and must be presented to department employees on demand.

(2) For any permit issued under subsection (1) of this section, the director may impose conditions as necessary to ensure the protection of food fish populations from infectious, contagious, or communicable diseases and pests.

(3) It is unlawful to violate the terms and conditions imposed on any permit issued under subsection (1) of this section. In addition to penalties provided by law, violation of

the permit terms and conditions may result in the suspension and/or revocation of the permit.

(4) Violation of this section is punishable under RCW 77.15.253, 77.15.290, or 77.15.750, depending on the species, value of the species, and the circumstances underlying the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 220-20-039, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 75.08.080. WSR 82-17-040 (Order 82-105), § 220-20-039, filed 8/13/82.]

WAC 220-20-040 General provisions—Rearing and planting food fish. It is unlawful for any person, group, corporation, association, or governmental entity to plant or release any food fish into the waters of the state of Washington without first obtaining a permit from the department. The department may not issue a permit unless the following time periods are observed and information is provided to the department prior to planting:

(1) Thirty days prior to obtaining or importing food fish or food fish eggs, fry, or fingerlings with the intention of planting them in Washington state waters, the person, group, corporation, association, or governmental entity must provide the department with information regarding the:

(a) Source of the food fish or food fish eggs, fry, or fingerlings;

(b) Species, race, and size of the food fish or food fish eggs, fry, or fingerlings; and

(c) Time and place for the proposed release or other disposition of the food fish to be planted.

(2) Thereafter, the department will examine the provided information and determine whether it should issue a permit. The department will not issue a permit if the planting:

(a) Presents an important conflict or competition to the established stocks in the waters to be planted;

(b) Conflicts with the department's overall management plan for the waters in which the planting is proposed;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Would significantly inhibit the ability to harvest existing stocks.

(3) Thirty days prior to planting, and within 10 days of the actual plant, the permittee must make the food fish to be released available to the department for inspection for disease. If the department representative inspecting the fish is not satisfied the food fish are disease-free or otherwise in a condition specified in subsection (2) of this section, then the department representative may not allow the food fish to be released in state waters, and may automatically withdraw any prior department approval for the planting. In lieu of actual department inspection, the department will consider a certification by department-approved pathologists that the food fish to be released are disease-free.

(4) Any person, group, corporation, association or governmental entity intending to release food fish in the waters of the state, must report to the department immediately the outbreak of any disease among the food fish, food fish eggs, fry or fingerlings intended to be released. If an outbreak presents a threat to a state fishery resource, the department may immediately order actions necessary to protect the state's fisheries in a manner satisfactory to the department, including

quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish.

(5) It is unlawful to brand, tattoo, tag, fin-clip, or otherwise mark food fish covered under a permit under this section for identification without prior approval by the department.

(6) It is unlawful to construct or operate facilities for food fish propagating or rearing without first obtaining a permit from the department. The department may not issue a permit unless the entity wanting to propagate or rear the fish provides the following information prior to beginning construction of a facility:

(a) The species to be produced in the facility or otherwise affected by the facility;

(b) A general plan of times and places for the proposed releases or other disposition;

(c) The size, age, and maturity of the food fish to be released; and

(d) Functional plans for constructing the facility.

(7) Once the department receives the information required under subsection (6) of this section, it will examine the information and determine whether the facility construction permit should be issued. The department will not issue a permit if the proposed planting, release, or operational scheme:

(a) Presents an important conflict or competition to established stocks of food fish;

(b) Conflicts with the department's overall management plan for the waters or areas to be planted;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Will significantly inhibit the ability to harvest existing stocks.

(8) The department may revoke a permit for construction or operation of a propagation facility if any food fish are planted, released, or otherwise disposed of by entity that holds a construction or operation permit under this section and does not, prior to planting or releasing the fish, provide the department with the required information and secure any additional permits this section requires.

(9) The department will establish an advisory committee of potentially affected groups to provide technical input on the requirements of this section.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 220-20-040, filed 12/21/12, effective 1/21/13; Order 76-96, § 220-20-040, filed 9/23/76.]

WAC 220-20-045 Scientific collection permits. (1)

The following definitions apply to this section:

(a) "Collect" means to take control or to attempt to take control of fish, shellfish, wildlife, or the nests of birds. Collect does not include transitory holding of reptiles, amphibians and invertebrates solely for identification purposes.

(b) "Display" means to place or locate fish, shellfish, wildlife, or the nests of birds, so that public viewing is allowed.

(c) "Encountered" means targeted or nontargeted specimens captured, handled or physically affected by the collecting activity.

(d) "Project" means a planned undertaking of common temporal or geographical activities to reach a common objec-

tive. Multiple activities of a similar nature may be grouped under a single project.

(e) "Research" means scientific investigation, and includes education. Electrofishing is a form of scientific investigation.

(f) "Scientific collection permit" and "scientific permit" as referenced in RCW 77.15.660 and 77.32.240 have the same meaning.

(2) It is unlawful for any person to collect fish, shellfish, wildlife, or the nests of birds for research or display purposes on the lands or in the waters of the state of Washington for species, by means, in amounts, or in such condition not authorized under personal use or commercial rules, or in violation of any rule prohibiting possession of unclassified wildlife or prohibited aquatic species, without first obtaining a permit from the department. It is unlawful to fail to comply with any of the provisions of the permit and it is unlawful to buy or sell fish, shellfish, wildlife, or the nests of birds taken under the permit, and it is unlawful to consume or offer for human consumption any fish, shellfish, or wildlife taken under the permit.

(3) Application procedure:

(a) All applications for scientific collection must be submitted on a department application form and delivered to the department office in Olympia. Approval or denial of a scientific collection permit application will be given no more than sixty days after receipt of a complete application.

(b) A separate permit application must be submitted for each project.

(c) Each request for a permit to collect for research purposes must be accompanied by the following information:

(i) A study title.

(ii) A statement of the applicant's qualifications for conducting the project. A statement of the qualifications of anyone conducting activities under the permit, including experience with the methodology of the proposed collection, and the applicant's access to facilities and competence to care for the specimens to be collected, if the collected specimens will be retained in live form by the applicant.

(iii) A study plan which includes: Specific objective(s) for the proposed project including defining an identifiable end point or conclusion toward which efforts are to be directed; the justification for the project; methodology of collection; project start and end dates; project location including county name; names of participants in the collection; names and numbers of species expected to be collected or encountered; and proposed final disposition of specimens collected. Students under the direct on-site supervision of an instructor in an official course of study under an accredited educational institution may collect on behalf of the instructor holding a scientific collection permit and are not required to be listed on the permit.

(d) Each request for a permit to collect for display purposes must be accompanied by the following information:

(i) A statement of the qualifications of the applicant and all other persons conducting activities under the permit, including experience with the methodology of the proposed collection, and, if live fish, shellfish or wildlife are to be displayed, the name of the publicly owned facility where the display will occur and the competence of the facility operators to care for the specimens.

(ii) A project description, which includes: Reason for display; project location including county name; methodology of collection; names of participants in the collection; names and numbers of species expected to be collected or encountered; display site; length of display; and proposed final disposition of specimens collected.

(e) Any application for a scientific collection permit using firearms must contain a statement that all persons who will use firearms are legally capable of possessing firearms.

(f) An amendment to a project application will be treated as a project application except for the addition or deletion of names of participants in the collection.

(4) Permit periods: Permits are valid for the project period, but not to exceed one year from the date of issuance, except multiyear permits, at the discretion of the department, may be issued for public health purposes.

(5) Reporting: A final report as specified in the permit conditions must be submitted to the department upon completion of the research or display project, and must be received by the department no later than 60 days after the expiration of the permit. Renewable annual permit holders must submit a report each year, and the report must be received by the department within 60 days of the anniversary date of the initial issuance date of the permit. In addition to the final or annual report, interim reports may be required. Issuance of additional permits or permit renewals are subject to prior submission of a project report.

(6) Permit granting and denial: Permits will normally be granted for requests which contribute to the body of fish, shellfish, or wildlife knowledge, increase or maximize the fish, shellfish, and wildlife resource, avoid damage to the various resources, and do not unnecessarily duplicate previous research. Permits will not be granted if the project conflicts with existing activities or conservation goals. Permits will not be granted if the applicant was a prior permit holder and failed to submit required reports. Permits may be denied if the applicant or any other person involved in the collection has a history of fish or wildlife violations or may be revoked if, during the project period, the applicant or any other person involved in the collection commits a fish or wildlife violation.

(7) Miscellaneous permit provisions:

(a) A copy of the scientific collection permit must be in the physical possession of any person exercising the privileges authorized by the permit. Only collection participants named under subsection (3)(c)(iii) or (d)(ii) of this section may collect under the permit.

(b) A scientific collection permit does not authorize the release of specimens collected under the permit except for an immediate release to the exact site where the collection occurred unless release is specifically allowed as a condition of the permit. Release at any other site requires a transport, release, or planting permit. The conditions of the permit may specify that no release of certain specimens will be allowed.

(c) If the scientific collection allows retention of specimens, an interim, final, or annual collection report for the period documenting when the specimen was collected must be retained for the period of retention of the specimen.

(d) As a condition of receiving a scientific collection permit, the applicant agrees that fish and wildlife officers may, at reasonable times and in a reasonable manner, inspect the

specimens collected, as well as the permits, records and facilities of a permit holder.

(e) A scientific collection permit may be revoked for violating the conditions of the permit.

(8) Appeal procedure: A person who is denied a scientific collection permit, who disputes the conditions of a permit, or who has a permit revoked may appeal the department action. Appeals must be filed in writing, and delivered to Legal Services, Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. Specific grounds for contesting the revocation, denial, or permit conditions must be stated in the appeal. An appeal will be held under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 77.12.047. WSR 06-07-081 (Order 06-47), § 220-20-045, filed 3/14/06, effective 4/14/06; Order 76-96, § 220-20-045, filed 9/23/76.]

WAC 220-20-050 Display of registration, salmon guide, and angler permit decals. (1) At the time a vessel is first designated on any license pursuant to WAC 220-20-051, the department will issue a permanent vessel registration number and a set of two vessel registration decals. The vessel registration decals must be affixed to the registered vessel in a permanent manner and be clearly visible from each side of the vessel.

(2) Salmon guides, upon designating a vessel to be used, will be issued salmon guide license decals for that vessel, which decals must be affixed to the vessel in a permanent manner and be clearly visible from each side of the vessel. Each guide using the vessel must have separate license decals for the vessel. Salmon guide license decals will be issued annually upon renewal of the salmon guide license.

(3) Angler permit decals will be issued annually to each salmon charter licensee upon designation of a vessel and the angler permit decals must be affixed to the vessel in a permanent manner and be clearly visible from each side of the vessel.

[Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-20-050, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080 and 75.10.120. WSR 87-21-018 (Order 87-150), § 220-20-050, filed 10/9/87.]

WAC 220-20-051 Vessel designation requirements.

(1) In any licensed fishery for which a vessel is required under chapter 77.65 RCW, or for any delivery of food fish or shellfish, or for any charter fishery, it is unlawful to fish for, harvest, deliver, or possess food fish or shellfish unless:

(a) The licensee has designated the vessel from which the food fish or shellfish are to be taken or delivered;

(b) The department has issued a commercial license to the licensee showing the vessel so designated; and

(c) The vessel operator has the commercial license in physical possession.

(2) The following definitions apply to this section:

(a) "Documentation" means vessel documentation by the United States Coast Guard showing eligibility for the fishery. Once documentation is presented as evidence of ownership, it becomes the only acceptable evidence of ownership unless the vessel is remeasured, found to be less than five net tons, and no longer eligible for documentation.

(b) "Initial designation" means the designation by an individual licensee of a vessel to be used in a commercial fishery, for delivery of food fish or shellfish, or for charter fishing. Designation by that licensee on additional licenses is not "initial designation," and required evidence of ownership is the same as for continuing designation.

(c) "Continuing designation" means reapplication for a commercial license with no change in vessel designation.

(3) A licensee does not have to own the vessel being designated on the license. However, each licensee initially designating a vessel, except nontransferable emergency salmon delivery licensees, and every licensee continuing designation after the fourth continuous designation, must offer evidence of ownership. The following is the only acceptable evidence of ownership:

(a) For initial designation of a vessel measuring less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(b) For initial designation of a vessel thirty-two feet or greater in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(c) For continuing designation of vessel less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(d) For continuing designation of a vessel between thirty-two and thirty-six feet in length, evidence of ownership is current state registration for vessels with state registration numbers or current documentation for documented vessels.

(e) For continuing designation of a vessel greater than thirty-six feet in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(4) Every vessel designated to participate in a commercial fishery or to deliver food fish or shellfish must have the official Coast Guard documentation number, complete state registration number, or Alaska department of fish and game registration number permanently displayed in ten-inch tall numbers, or letters and numbers, of proportionate width, clearly visible from each side of the vessel. It is unlawful to participate in a commercial fishery or deliver food fish or shellfish without having such numbers displayed. This subsection does not apply to salmon guide, charter, or nontransferable emergency salmon delivery licensees, or to Canadian vessels delivering under a nonlimited entry delivery license.

[Statutory Authority: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, and chapters 77.65 and 77.70 RCW. WSR 12-09-046 (Order 12-61), § 220-20-051, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 75.08.080. WSR 94-23-059 (Order 94-162), § 220-20-051, filed 11/14/94, effective 12/15/94; WSR 94-01-001, § 220-20-051, filed 12/1/93, effective 1/1/94.]

WAC 220-20-060 Commercial fishing license transfer—Notarization. Any person making application to transfer a commercial fishing license or charter boat angler permit must have the signature of the transferor notarized, and without notarization the department will not transfer a license or angler permit, except the department may transfer the license or angler permit of a decedent without notarization but with appropriate legal certification supporting the transfer.

[Statutory Authority: RCW 75.08.080. WSR 88-16-074 (Order 88-69), § 220-20-060, filed 8/2/88.]

WAC 220-20-065 Commercial licensing—Business organizations—Operator designation. Any person that holds a commercial fishing license or delivery license and is a business organization may designate one natural person to act on behalf of the license holder to operate a designated vessel as provided for in this section:

(1) If the business is a sole proprietorship, the designated operator must be the sole proprietor.

(2) If the business is a partnership, the designated operator must be a partner.

(3) If the business is a corporation, the designated operator must be a corporate officer.

(4) In addition to the designated operator, a license holder that is a business organization may designate up to two alternate operators.

(5) A license holder that is a business organization may substitute the designated operator by surrendering the fishery license card, redesignating the operator under the criteria provided for in this section, and paying the replacement license fee provided for in RCW 77.65.050.

[Statutory Authority: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, and chapters 77.65 and 77.70 RCW. WSR 12-09-046 (Order 12-61), § 220-20-065, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 75.08.080. WSR 94-23-059 (Order 94-162), § 220-20-065, filed 11/14/94, effective 12/15/94.]

WAC 220-20-070 Recreational fisheries enhancement account—Funding. The department shall deposit into the recreational fisheries enhancement account the sum of \$1,415,000 during fiscal year 2000, based on 127,000 annual license holders and 29,000 short-term license holders fishing for salmon and marine bottomfish in Puget Sound. Beginning in fiscal year 2001, and each year thereafter, the deposit into the recreational fisheries enhancement account shall be adjusted annually to reflect the actual number of license holders fishing for salmon and marine bottomfish in Puget Sound based on an annual survey from the previous license year conducted by the department beginning with the April 1, 1999, to March 31, 2000, license year survey.

[Statutory Authority: RCW 77.32.440. WSR 99-17-096 (Order 99-128), § 220-20-070, filed 8/17/99, effective 9/17/99. Statutory Authority: RCW 75.54.140 and 75.32.370. WSR 99-02-040 (Order 98-263), § 220-20-070, filed 12/31/98, effective 1/1/99.]

WAC 220-20-075 License sales—Dishonored check and credit card transaction penalties. All license sales by the department, and by department contract vendors in the case of nonsalmon delivery licenses, are subject to the following provisions.

(1) Definitions. The following definitions apply to this section:

(a) "Collection procedures" means sending a payment on demand notice thirty, sixty, and ninety days after the notice of dishonored instrument has been sent, during which period the person who issued the check or used the credit card will accrue a one percent per month interest fee in addition to the dishonored instrument fee. If the accrued fees have not been paid within thirty days after the mailing of the ninety-day notice, the account will be turned over for collection.

(b) "Dishonored instrument" means a check issued to the department for purchase of a license that has been returned for any reason, including, but not limited to, insufficient funds or closed account, or a credit card transaction with the department for purchase of a license that is not approved by the entity that issued the credit card.

(c) "Dishonored instrument fee" means the additional fee required to be paid for a license that was paid for with a dishonored instrument. The dishonored instrument fee is thirty dollars.

(d) "Notice of dishonored instrument" means the notice sent to a person who attempted purchase of a license with a dishonored instrument. This notice will be mailed to the person at the address given at the time of the license transaction.

(2) Commercial license sales:

(a) All commercial license sales will be made through the Olympia licensing office, except for nonsalmon delivery licenses, which will also be sold through department-approved contract vendors at selected ports.

(b) Commercial licensees who tender a dishonored instrument to the department will not be issued another commercial license of any kind until the license fee, dishonored instrument fee, and, if applicable, interest and collection fees, have been paid.

(c) Commercial licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and any future license purchases, by cash, certified check or money order for the subsequent two licensing years after the licensing year in which the dishonored instrument was issued.

(d) Except for commercial fishing licenses which require annual renewal in order to purchase subsequent year licenses, commercial licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any deliveries that have been made under the license will be treated as deliveries without a valid license.

(e) Commercial fishing licensees who are renewing a license which requires annual renewal in order to be renewed in a subsequent year, and who tender a dishonored instrument, must pay the license fee and the dishonored instrument fee by December 31st in order to have a valid license for purposes of subsequent renewal.

(f) Commercial licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

(g) Fishers who deliver shellfish or food fish other than salmon on a nonsalmon delivery license, which license has been paid for with a dishonored check from the contract vendor, are not subject to the penalties of this section.

(3) Recreational license sales:

(a) Recreational licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any recreational activities that occurred within the fifteen days will be treated as having occurred without having a valid license, tag or permit.

(b) Recreational licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and, if applicable, interest, by cash, certified check or money order.

(c) Recreational licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

[Statutory Authority: RCW 77.12.047. WSR 02-05-046 (Order 02-32), § 220-20-075, filed 2/14/02, effective 3/17/02.]

WAC 220-20-080 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing.

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of this section are punishable under RCW 77.15.640, Wholesale fish buying and dealing—Rules violations.

[Statutory Authority: RCW 77.12.047. WSR 04-08-025 (Order 04-63), § 220-20-080, filed 3/29/04, effective 4/29/04; WSR 03-05-059 (Order 03-32), § 220-20-080, filed 2/18/03, effective 3/21/03.]

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring and Yellow and Low Island Preserve is closed to the taking of food fish.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all

fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

(g) The Saltwater State Park Marine Preserve is closed to all recreational harvest.

[Statutory Authority: RCW 77.12.047. WSR 09-06-042 (Order 09-27), § 220-20-100, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 07-16-056, § 220-20-100, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-20-100, filed 2/16/07, effective 3/19/07; WSR 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; WSR 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure. (1) This section governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department specific to the claim. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommo-

dation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence. If the claimant fails to attend any scheduled medical examination or fails to comply with department directions, the request for relief from active duty may be denied.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of one or more licensed, qualified medical professionals, representatives of the department of labor and industries or the department of retirement systems, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant at least thirty days prior to the scheduled exam. It is the claimant's responsibility to provide the department with the claimant's current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to comply with department directions, the relief from active duty benefits may be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty request is denied or the benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

[Statutory Authority: RCW 77.12.047. WSR 04-01-056 (Order 03-302), § 220-20-110, filed 12/11/03, effective 1/11/04.]

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WAC 220-20-115 Watchable wildlife program. (1)

There is established a watchable wildlife program. The minimum amount to participate in the watchable wildlife program is \$30.00 per license year, which includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount may receive additional materials or consideration.

[Statutory Authority: RCW 77.12.047. WSR 04-01-052 (Order 03-305), § 220-20-115, filed 12/11/03, effective 1/11/04.]

WAC 220-20-116 Aquatic use of chemicals. (1) It is unlawful to use, place, or cause to be placed in state waters or on state beaches or tidelands any substance or chemical used for control of predators or pests that affects fish or shellfish or other aquatic marine organisms, without first obtaining a special permit to do so from the director.

(2) It is unlawful for any person to use chemical irritants to harvest fish, shellfish, or unclassified marine invertebrates, except as authorized by department permit.

(3) Violation of this section is a misdemeanor, punishable under RCW 77.15.150 or 77.15.196, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-116, filed 1/23/13, effective 2/23/13.]

WAC 220-20-117 Gaffing and use of other body-penetrating devices—Personal use. (1) It is unlawful to club, gaff, snag, snare, dip net, harass, spear, stone, or otherwise molest, mutilate, injure, kill, destroy, or shoot with a firearm, crossbow, bow and arrow, or compressed air gun, any fish or shellfish or fish or shellfish parts for personal-use purposes, except:

(a) A person may use a dip net or club in the landing of fish taken by personal-use angling, unless otherwise provided; and a person may use a gaff in the landing of tuna, halibut and dogfish, and a harpoon in the landing of halibut, in all catch record card areas;

(b) A person may use a spear in underwater spear fishing, as provided in WAC 220-56-160;

(c) A person may use a bow and arrow or spear to take carp or as provided by department rule;

(d) A person may snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs; and

(e) A person may shoot halibut when landing them with a dip net, harpoon or gaff for personal use only.

(2) It is unlawful to possess fish or shellfish or parts of fish or shellfish taken using the unlawful methods described in subsection (1) of this section.

(3) It is unlawful to use a device that penetrates the body of a sturgeon under any circumstance, whether the sturgeon is legal to retain or not.

(4) Violation of this section is a gross misdemeanor punishable under RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

(5) It is unlawful to attempt acts that violate this section. Violation of this subsection is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-117, filed 1/23/13, effective 2/23/13.]

WAC 220-20-118 General rules—Commercial fishery. (1) It is unlawful for any person to possess any food fish or shellfish within the jurisdiction of the state of Washington, except in areas open to commercial fishing or where the possession of salmon or other food fish or shellfish for commercial purposes is permissible under state law or department rule.

(2) It is permissible to fish for, possess, process, and otherwise deal in food fish and fish offal or scrap for any purpose, except it is unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(<i>Hippoglossus stenolepis</i>)
Pacific herring (except as prescribed in WAC 220-49-020)	(<i>Clupea harengus pallasii</i>)
Anchovy (except as provided for in WAC 220-33-060, 220-36-03001, 220-44-020, and 220-40-030)	(<i>Engraulis mordax</i>)
Salmon	
Chinook	(<i>Oncorhynchus tshawytscha</i>)
Coho	(<i>Oncorhynchus kisutch</i>)
Chum	(<i>Oncorhynchus keta</i>)
Pink	(<i>Oncorhynchus gorbuscha</i>)
Sockeye	(<i>Oncorhynchus nerka</i>)
Masu	(<i>Oncorhynchus masu</i>)
Sardine	(<i>Sardinops sagax</i>)

(3) Violation of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-118, filed 1/23/13, effective 2/23/13.]

WAC 220-20-119 General gear rules—Commercial fishery. (1) Commercial shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy that bears the department approved and registered buoy brand issued to the license in a visible and legible manner. It is unlawful for the owner or operator of any commercial food fish or shellfish gear to leave the gear unattended in state or offshore waters unless the gear is marked. Violation of this subsection

is punishable under RCW 77.15.520 or 77.15.522, depending on the circumstances of the violation.

(2) Violations of the following are punishable under 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty:

(a) Buoys affixed to unattended commercial food fish or shellfish gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) It is unlawful to operate any gill net unless there is a buoy, float, or other marker affixed within 5 feet of each end of the net and visible on the cork line. The buoy, float, or other marker must be labeled legibly and permanently with the name and gill-net license number of the owner of the net.

(c) It is unlawful to leave a gill net unattended at any time in the commercial salmon fishery.

(d) It is unlawful to allow salmon, sturgeon, or fish unlawful to retain that are entangled in commercial nets to pass through a power block or onto a power reel or drum.

(3) It is unlawful for any person who loses or abandons non-tribal commercial net fishing gear within the waters of the state to fail to:

(a) Contact the department of fish and wildlife within twenty-four hours of the loss, by phone at 855-542-3935, or online at <http://wdfw.wa.gov/fishing/derelect/>; and

(b) Provide the following required information:

(i) Type of gear;

(ii) General location of the gear;

(iii) Latitude (if known) of the gear;

(iv) Longitude (if known) of the gear;

(v) Estimated water depth where the gear is located;

(vi) Date the gear was lost;

(vii) Time the gear was lost;

(viii) Name of gear's owner;

(ix) Telephone number of the gear's owner; and

(x) E-mail address (if available) of the gear's owner.

(c) Failing to report lost or abandoned nontribal commercial net gear under this subsection is an infraction under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-119, filed 1/23/13, effective 2/23/13.]

WAC 220-20-120 General rules—Fish—Reporting.

(1) It is unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing, and storing of fish or shellfish, whether taken within the jurisdiction of the state of Washington or beyond, or on Indian reservations or usual and accustomed Indian fishing grounds.

(2) Violation of this section is punishable under RCW 77.15.280, 77.15.560, or 77.15.568, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-120, filed 1/23/13, effective 2/23/13.]

WAC 220-20-121 Possession of food fish and shellfish—Identification—Commercial. (1) It is unlawful to possess any food fish or shellfish in a condition where the

species, length, weight, or sex cannot be determined if a species, species group or category, length, weight, or sex limit is prescribed for that species on a vessel engaging in commercial fishing or that has commercially caught fish aboard, except:

(a) It is permissible to possess fish or shellfish legally taken for commercial purposes, landed, and properly accounted for on a completed fish receiving ticket;

(b) It is permissible to possess, transport through the waters of the state, or land dressed sablefish;

(c) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed salmon caught during a legal commercial salmon troll fishery, provided that frozen dressed Chinook salmon are 21 1/2 inches or more in length and frozen dressed coho salmon are 12 inches or more in length, measured from the midpoint of the clavicle arch to the fork of the tail;

(d) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed halibut if allowed by International Pacific Halibut Commission (IPHC) rules and such fish meet any IPHC size requirements so long as halibut is landed with the heads still attached; and

(e) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed lingcod when taken during a lawful commercial fishery.

(2) Violation of this section is a gross misdemeanor under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) "Dressed fish" is defined as provided in WAC 220-16-330.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-121, filed 1/23/13, effective 2/23/13.]

WAC 220-20-122 Possession of a net aboard a vessel—Commercial fishery. (1) It is unlawful in any area to use, operate, or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum size or length permissible for a single net in that area, except as otherwise provided by department rule.

(2) Violation of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-122, filed 1/23/13, effective 2/23/13.]

WAC 220-20-123 Testing commercial fishing gear.

(1) It is unlawful to test commercial fishing gear, except as follows:

(a) Bellingham Bay - Inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances, in waters 10 fathoms and deeper.

(b) Boundary Bay - North of a line from Birch Point to Point Roberts, and south of the international boundary, in waters 10 fathoms and deeper during times not under control of the Pacific Salmon Commission.

(c) San Juan Channel - Within a 1-mile radius of Point Caution during times not under control of the Pacific Salmon Commission.

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(d) Port Angeles - Inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - Within a 2-mile radius of the entrance to Everett breakwater, in waters 10 fathoms and deeper.

(f) Central Puget Sound - Between lines from Meadow Point to Point Monroe, and Skiff Point to West Point, in waters 50 fathoms and deeper.

(g) East Pass - Between lines from Point Robinson true east to the mainland, and from Dash Point to Point Piner, in waters 50 fathoms and deeper.

(h) Port Townsend - Westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point, in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes, exclusive of setting and retrieving time.

(j) All testing must only occur between 8:00 a.m. and 4:00 p.m.

(k) Cod ends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks may be used with jig or troll gear.

(l) All incidentally caught fish and shellfish must be returned to the waters immediately. It is unlawful to retain fish or shellfish aboard the vessel at any time during a gear test operation.

(2) It is unlawful for any person conducting gear testing operations to fail to notify fish and wildlife enforcement in Olympia at 360-902-2936 prior to testing.

(3) Violation of this section is punishable under RCW 77.15.520, 77.15.550, or 77.15.580, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-123, filed 1/23/13, effective 2/23/13.]

WAC 220-20-124 Placing commercial gear in closed waters—Unlawful. (1) It is unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, except reef nets, brush weirs, or gear tested in accordance with WAC 220-20-123 and under department supervision.

(2) It is unlawful to take, fish for, or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47°20', from August 15 through November 30, except as provided in chapter 220-47 WAC.

(3) Violation of this section is punishable under RCW 77.15.520 or 77.15.550.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-124, filed 1/23/13, effective 2/23/13.]

WAC 220-20-125 Commercial sturgeon fishery—Gillnet—Lower Columbia, Grays Harbor and Willapa Bay. (1) The lower Columbia River, Grays Harbor and Willapa Bay are closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes when allowed by department rule.

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(2) Violation of this subsection is a gross misdemeanor under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, unless the circumstances constitute violating commercial fishing area or time in the first degree, which is a class C felony.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-125, filed 1/23/13, effective 2/23/13.]

WAC 220-20-126 Gaffing and use of other body-penetrating devices—Commercial. (1) It is unlawful to club, gaff, snag, snare, dip net, harass, spear, stone, or otherwise molest, injure, kill, destroy, or shoot with a firearm, cross-bow, bow and arrow, or compressed air gun, any fish or shellfish or parts of fish or shellfish for commercial purposes, except: It is permissible to use a dip net, gaff, or club in the landing of food fish or shellfish. However, it is unlawful to use a fish pew, pitchfork, or any other instrument that penetrates the body of the fish or shellfish if the fish or shellfish will not be retained or are unlawful to possess.

(2) It is unlawful to possess fish or shellfish or parts of fish or shellfish taken using the unlawful methods described in subsection (1) of this section.

(3) It is unlawful under any circumstance to use a device that penetrates the body of a sturgeon whether the sturgeon is legal to retain or not.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(5) It is unlawful to attempt acts that violate this section. Violation of this subsection is punishable under RCW 77.15.382, Unlawful recreational fishing in the second degree—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-126, filed 1/23/13, effective 2/23/13.]

WAC 220-20-130 Commercial Pacific halibut fishery—Seasons, gear, possession, and landing requirements. (1) The commercial Pacific halibut fishery is jointly managed by the Washington department of fish and wildlife (WDFW), the National Marine Fisheries Service (NMFS), and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations (C.F.R.) 50 C.F.R. § 300.60-300.67 and related appendices in Subpart E provide federal requirements for this fishery including, but not limited to, the time, place, and manner of taking Pacific halibut. This section adopts the federal regulations on Pacific halibut imposed by 50 C.F.R. § 300.60-300.67 and the Federal Register, and it incorporates those federal regulations by reference. A copy of the federal regulations may be obtained by contacting the department at 360-902-2200, or accessing a copy on-line at www.pcouncil.org.

(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state port Pacific halibut taken for commercial purposes in violation of the requirements published in 50 C.F.R. § 300.60-300.67, Subpart E.

(b) Where the federal regulations refer to the fishery management area, that area is extended to include Washington state waters adjacent to the Exclusive Economic Zone.

(c) If state rules are more restrictive than federal regulations, the Washington Administrative Code takes precedence over the federal regulations.

(d) Additional regulations on Pacific halibut may be listed in the Federal Register. Other regulations on Pacific halibut in the Federal Register take precedence over the Pacific halibut fishery regulations in 50 C.F.R. § 300.60-300.67 if the regulations conflict. The department recommends that a person consult the Federal Register and the C.F.R. prior to participating in the commercial Pacific halibut fishery.

(2) Violation of reporting requirements under this section is punishable under RCW 77.15.280.

(3) Violation of possession requirements under this section is punishable under RCW 77.15.550.

(4) Violation of gear requirements under this section is punishable under RCW 77.15.520.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R. § 300.60-300.67. WSR 13-06-029 (Order 13-26), § 220-20-130, filed 2/28/13, effective 3/31/13.]