

# Chapter 220-40 WAC

## WILLAPA HARBOR

### WAC

220-40-015 Willapa Bay—Gillnet gear specifications.  
 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.  
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 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon.

Repealed by WSR 90-18-023 (Order 90-77), filed 8/24/90, effective 9/24/90. Statutory Authority: RCW 75.08.080.  
 220-40-040 Willapa Harbor—Emergencies. [Order 525, filed 5/3/61; Orders 507 and 256, filed 3/1/60.] Repealed by deletion by Order 726, filed 4/24/67.

### 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 5/5/69; 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 341 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 Repealed by Order 76-35, filed 5/11/76.

220-40-022 Willapa Harbor—Weekly periods. [Statutory Authority: RCW 75.08.080. WSR 87-21-041 (Order 87-161), § 220-40-022, filed 10/14/87; WSR 86-15-016 (Order 86-55), § 220-40-022, filed 7/10/86; WSR 85-13-073 (Order 85-64), § 220-40-022, filed 6/19/85; WSR 84-15-008 (Order 84-66), § 220-40-022, filed 7/6/84; WSR 83-13-054 (Order 83-53), § 220-40-022, filed 6/15/83; WSR 82-13-048 (Order 82-63), § 220-40-022, filed 6/11/82; WSR 81-13-005 (Order 81-37), § 220-40-022, filed 6/8/81; WSR 80-09-072 (Order 80-69), § 220-40-022, filed 7/18/80; WSR 79-07-046 (Order 79-43), § 220-40-022, filed 6/22/79; WSR 78-09-041 (Order 78-61), § 220-40-022, filed 8/18/78; Order 77-71, § 220-40-022, filed 8/18/77; Order 77-44, § 220-40-022, filed 6/3/77; Order 76-73, § 220-40-022, filed 8/16/76; Order 1221, § 220-40-022, filed 7/1/75; Order 1133, § 220-40-022, filed 7/19/74.] Repealed by WSR 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-024 Willapa Harbor—Mesh sizes—Gear. [Statutory Authority: RCW 75.08.080. WSR 87-21-041 (Order 87-161), § 220-40-024, filed 10/14/87; WSR 86-15-016 (Order 86-55), § 220-40-024, filed 7/10/86; WSR 85-13-073 (Order 85-64), § 220-40-024, filed 6/19/85; WSR 84-15-008 (Order 84-66), § 220-40-024, filed 7/6/84; WSR 83-13-054 (Order 83-53), § 220-40-024, filed 6/15/83; WSR 82-13-048 (Order 82-63), § 220-40-024, filed 6/11/82; WSR 81-13-005 (Order 81-37), § 220-40-024, filed 6/8/81; WSR 80-09-072 (Order 80-69), § 220-40-024, filed 7/18/80; WSR 79-07-046 (Order 79-43), § 220-40-024, filed 6/22/79; WSR 78-09-041 (Order 78-61), § 220-40-024, filed 8/18/78; Order 77-71, § 220-40-024, filed 8/18/77; Order 76-73, § 220-40-024, filed 8/16/76; Order 1221, § 220-40-024, filed 7/1/75; Order 1133, § 220-40-024, filed 7/19/74.] Repealed by WSR 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-025 Willapa Harbor—Closed area. [Statutory Authority: RCW 75.08.080. WSR 79-07-046 (Order 79-43), § 220-40-025, filed 6/22/79; Order 77-44, § 220-40-025, filed 6/3/77; Order 76-73, § 220-40-025, filed 8/16/76; Order 1221, § 220-40-025, filed 7/1/75; Order 1133, § 220-40-025, filed 7/19/74.] Repealed by WSR 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-026 Salmon—Willapa Bay late summer fishery. [Statutory Authority: RCW 75.08.080. WSR 89-16-056 (Order 89-71), § 220-40-026, filed 7/28/89, effective 8/28/89.]

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

- (1) The gillnet does not exceed 1,500 feet in length along the cork line; and
- (2) Except as otherwise provided in this chapter, the mesh size of the gillnet is not less than 5 inches or greater than 6-1/2 inches stretch measure.

[Statutory Authority: RCW 75.08.080. WSR 89-16-056 (Order 89-71), § 220-40-015, filed 7/28/89, effective 8/28/89.]

**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 gillnet gear as provided for in this chapter.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 10-12-061 (Order 09-108), § 220-40-020, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080. WSR 89-16-056 (Order 89-71), § 220-40-020, filed 7/28/89, effective 8/28/89; WSR 86-15-016 (Order 86-55), § 220-40-020, filed 7/10/86; Order 1221, § 220-40-020, filed 7/1/75; Order 1116, § 220-40-020, filed 4/30/74; Order 1049, § 220-40-020, filed 4/11/73; Order 995, § 220-40-020, filed 6/8/72; Order 925, § 220-40-020, filed 6/3/71; Order 864, § 220-40-020, filed 5/12/70; Order 813, § 220-40-020, filed 5/5/69; Order 772-B, filed 4/15/68; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 5 from Orders 341 and 256, filed 3/1/60; subsection 2 from Order 677, filed 3/31/66; Order 569, filed 4/11/63; subsection 6 from Order 679, filed 4/20/66; Orders 341 and 256, filed 3/1/60; subsections 3 and 4 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60.]

**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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-18-029 (Order 15-281), § 220-40-021, filed 8/25/15, effective 9/8/15; WSR 14-15-052 (Order 14-173), § 220-40-021, filed 7/11/14, effective 8/11/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-17-001 (Order 13-184), § 220-40-021, filed 8/7/13, effective 8/12/13; WSR 12-11-093, § 220-40-021, filed 5/18/12, effective 6/18/12; WSR 10-12-061 (Order 09-108), § 220-40-021, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047. WSR 01-13-055 (Order 01-104), § 220-40-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-40-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-15-148 (Order 97-123), § 220-40-021, filed 7/23/97, effective 8/23/97; WSR 96-13-035 (Order 96-77), § 220-40-021, filed 6/11/96, effective 7/12/96; WSR 95-13-065 (Order 95-76), § 220-40-021, filed 6/19/95, effective 7/20/95; WSR 94-13-014 (Order 94-46), § 220-40-021, filed 6/3/94, effective 7/4/94; WSR 90-18-023 (Order 90-77), § 220-40-021, filed 8/24/90, effective 9/24/90; WSR 89-16-056 (Order 89-71), § 220-40-021,

filed 7/28/89, effective 8/28/89; WSR 88-19-098 (Order 88-116), § 220-40-021, filed 9/20/88; WSR 87-21-041 (Order 87-161), § 220-40-021, filed 10/14/87; WSR 86-15-016 (Order 86-55), § 220-40-021, filed 7/10/86; WSR 85-13-073 (Order 85-64), § 220-40-021, filed 6/19/85; WSR 84-15-008 (Order 84-66), § 220-40-021, filed 7/6/84; WSR 83-13-054 (Order 83-53), § 220-40-021, filed 6/15/83; WSR 82-13-048 (Order 82-63), § 220-40-021, filed 6/11/82; WSR 81-13-005 (Order 81-37), § 220-40-021, filed 6/8/81;

WSR 80-09-072 (Order 80-69), § 220-40-021, filed 7/18/80; WSR 79-07-046 (Order 79-43), § 220-40-021, filed 6/22/79; WSR 78-09-041 (Order 78-61), § 220-40-021, filed 8/18/78; Order 77-71, § 220-40-021, filed 8/18/77; Order 77-44, § 220-40-021, filed 6/3/77; Order 76-73, § 220-40-021, filed 8/16/76; Order 1221, § 220-40-021, filed 7/1/75; Order 1133, § 220-40-021, filed 7/19/74.]

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** 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) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Area	Time	Date(s)	Maximum Mesh Size
2M, 2N, 2R	6:00 a.m. through 6:00 p.m.	9/8, 9/10	6.5"
2T	6:00 a.m. through 6:00 p.m.	9/16, 9/17, 9/18, 9/19	6.5"
2M, 2N, 2R	6:00 a.m. through 6:00 p.m.	9/13, 9/14, 9/15, 9/16, 9/17, 9/18, 9/19	6.5"
2U	6:00 a.m. through 6:00 p.m.	9/16, 9/17, 9/18, 9/19	4.25"
2T	6:30 a.m. through 6:30 p.m.	9/21, 9/22, 9/23, 9/24, 9/25, 9/26,	6.5"
2U	6:30 a.m. through 6:30 p.m.	9/20, 9/21, 9/22	4.25"
2U	6:30 a.m. through 6:30 p.m.	9/24, 9/25, 9/26,	6.5"
2M, 2N, 2R	6:30 a.m. through 6:30 p.m.	9/20, 9/21, 9/22, 9/23, 9/24, 9/25, 9/26,	6.5"
2T	7:00 a.m. through 7:00 p.m.	9/28, 9/29, 9/30, 10/1, 10/2, 10/3,	6.5"
2U	7:00 a.m. through 7:00 p.m.	9/27, 9/28, 9/29,	4.25"
2U	7:00 a.m. through 7:00 p.m.	10/1, 10/2, 10/3,	6.5"
2M, 2N, 2R	7:00 a.m. through 7:00 p.m.	9/28, 9/29, 9/30, 10/1, 10/2, 10/3,	6.5"
2U	7:30 a.m. through 7:30 p.m.	10/5	6.5"
2M, 2N	7:30 a.m. through 7:30 p.m.	10/5, 10/6, 10/7, 10/8, 10/9	6.5"
2R	7:30 a.m. through 7:30 p.m.	10/5, 10/6	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/2, 11/3, 11/4, 11/5, 11/6	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/9, 11/10, 11/11, 11/12, 11/13	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/16, 11/17, 11/18, 11/19, 11/20	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/23, 11/24, 11/25, 11/26, 11/27	6.5"

Note: Those waters of 2T north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N; 123°50.83134'W are closed through September 30.

**Gear:**

- (2) Gillnet gear restrictions - All areas:

(a)(i) Drift gillnet 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.

(ii) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is 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 mini-

imum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(b) From 12:01 a.m. September 8 through November 30: Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Area 2U on September 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29.

**Other:**

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. September 8 through 11:59 p.m. October 10:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber 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.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) 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.

(b) All steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection. From September 8 through October 3, all chum must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.

(c) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river/bay prior to landing or docking.

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

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(14), reports must be made by 10:00 a.m. the day following landing.

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho salmon, chum salmon, or Chinook is prohibited.

(c) From 12:01 a.m. September 8 through 11:59 p.m. October 3, retention of any species other than coho salmon or hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

(d) From 12:01 a.m. October 4 through 11:59 p.m. October 10, retention of any species other than coho salmon, chum salmon, or hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

(6) Report ALL encounters of green sturgeon, steelhead, and wild (unmarked) Chinook (your name, date of encounter, and number of species encountered) to the quick reporting

office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do NOT remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) It is unlawful to fish with gillnet gear in Areas 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.

(9) Fishers must take department observers if requested by department staff when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or e-mail. Notice of intent must be given prior to 12:00 p.m. on September 1.

(10) Fishers must provide notice of intent to participate in 2U on September 16, 17, 18, 19, 20, 21, 22, 27, 28, and 29 by contacting quick reporting by phone, fax, or e-mail. Notice of intent must be given prior to 12:00 p.m. on September 1. Fishers must take department observers when participating in these openings.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-18-029 (Order 15-281), § 220-40-027, filed 8/25/15, effective 9/8/15; WSR 14-15-052 (Order 14-173), § 220-40-027, filed 7/11/14, effective 8/11/14. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 13-17-001 (Order 13-184), § 220-40-027, filed 8/7/13, effective 8/12/13; WSR 12-11-093, § 220-40-027, filed 5/18/12, effective 6/18/12; WSR 11-14-003 (Order 11-91), § 220-40-027, filed 6/22/11, effective 7/23/11; WSR 10-12-061 (Order 09-108), § 220-40-027, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-16-125 (Order 09-109), § 220-40-027, filed 8/4/09, effective 9/4/09; WSR 08-15-003 (Order 08-166), § 220-40-027, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. WSR 07-17-010, § 220-40-027, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. WSR 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; WSR 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; WSR 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; WSR 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; WSR 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; WSR 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. WSR 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; WSR 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; WSR 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; WSR 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; WSR 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; WSR 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; WSR 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

**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.

#### General

(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 taken 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.

#### **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.

[Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-40-030, filed 3/2/10, effective 4/2/10; WSR 03-05-062 (Order 03-26), § 220-40-030, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. WSR 95-23-020 (Order 95-166), § 220-40-030, filed 11/8/95, effective 12/9/95; WSR 91-08-054 (Order 91-13), § 220-40-030, filed 4/2/91, effective 5/3/91; WSR 85-06-033 (Order 85-14), § 220-40-030, filed 3/1/85; WSR 84-15-008 (Order 84-66), § 220-40-030, filed 7/6/84; WSR 84-08-014 (Order 84-24), § 220-40-030, filed 3/27/84; WSR 80-09-072 (Order 80-69), § 220-40-030, filed 7/18/80; WSR 79-05-007 (Order 79-20), § 220-40-030, filed 4/11/79; Order 77-14, § 220-40-030, filed 4/15/77; Order 76-148, § 220-40-030, filed 12/2/76; Order 76-26, § 220-40-030, filed 1:45 p.m., 4/20/76; Order 925, § 220-40-030, filed 6/3/71; Order 864, § 220-40-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1, 2, 3 from Order 679, filed 4/20/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 2/1/60; subsection 4 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Orders 448 and 256, filed 3/1/60; subsection 5 from Order 544, filed 4/3/62; Orders 448 and 256, filed 3/1/60; subsections 6, 8, 9 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60; subsection 7 from Orders 346 and 256, filed 3/1/60.]

(8/25/15)

**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.

[Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-40-031, filed 10/23/07, effective 11/23/07. Statutory Authority: RCW 75.08.080. WSR 91-08-054 (Order 91-13), § 220-40-031, filed 4/2/91, effective 5/3/91; WSR 90-18-023 (Order 90-77), § 220-40-031, filed 8/24/90, effective 9/24/90; WSR 85-06-033 (Order 85-14), § 220-40-031, filed 3/1/85.]