

Chapter 220-320 WAC

SHELLFISH—DEFINITIONS, CLASSIFICATIONS AND GENERAL RULES

WAC

DEFINITIONS AND CLASSIFICATIONS

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DEFINITIONS AND CLASSIFICATIONS

WAC 220-320-010 Shellfish—Classification. The following species are classified as shellfish under RCW 77.12.-047 and are subject to the provisions of this title:

Abalone

Pinto abalone	<i>Haliotis kamtschatkana</i>
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Mussel

Blue mussel	<i>Mytilus trossulus</i>
California mussel	<i>Mytilus californianus</i>
Mediterranean mussel	<i>Mytilus galloprovincialis</i>

Scallops

Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weatherwane scallop	<i>Patinopekten caurinus</i>

Clams

All macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>
Common cockle	<i>Clinocardium nuttallii</i>
Geoduck	<i>Panopea abrupta</i>
Horse or Gaper clam	<i>Tresus nuttallii</i> , <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Venerupis philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Leukoma staminea</i>

Varnish clam

All other marine clams existing in Washington in a wild state

Nuttallia obscurata

Oysters

All oysters (Ostreidae)

Squid

All squid Sepiolida or Teuthida

Octopus

Octopus *Enteroctopus dofleini*

Barnacles

Goose barnacle *Pollicipes polymerus*

Shrimp

Coonstripe shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Ghost or sand shrimp	<i>Neotrypaea spp.</i>
Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus eous</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>

Crab

Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
King and box crab	<i>Lopholithodes spp.</i>
Blue king crab	<i>Paralithodes platypus</i>
Red king crab	<i>Paralithodes camtschaticus</i>
Golden king crab	<i>Lithodes aequispinus</i>

Crawfish

Crawfish *Pacifastacus sp.*

Sea cucumber

Sea cucumber *Parastichopus californicus*

Sea urchin

Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>

Purple urchin*Strongylocentrotus purpuratus*

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-010, filed 2/15/17, effective 3/18/17; WSR 17-01-055 (Order 16-326), § 220-12-020, filed 12/14/16, effective 1/14/17. 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), § 220-12-020, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-12-020, filed 3/19/10, effective 5/1/10; WSR 04-07-009 (Order 04-39), § 220-12-020, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-12-020, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 220-12-020, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-12-020, filed 1/30/95, effective 5/1/95; WSR 91-10-024 (Order 91-22), § 220-12-020, filed 4/23/91, effective 5/24/91; WSR 88-12-025 (Order 88-28), § 220-12-020, filed 5/25/88, effective 8/22/88; WSR 87-23-006 (Order 87-187), § 220-12-020, filed 11/6/87; WSR 86-24-046 (Order 86-190), § 220-12-020, filed 11/26/86; WSR 85-09-017 (Order 85-20), § 220-12-020, filed 4/9/85; WSR 85-01-010 (Order 84-214), § 220-12-020, filed 12/7/84; WSR 83-24-024 (Order 83-200), § 220-12-020, filed 11/30/83, effective 1/1/84; Order 1186, § 220-12-020, filed 1/13/75; Order 990, § 220-12-020, filed 5/11/72; Order 807, § 220-12-020, filed 1/2/69, effective 2/1/69; Order 677, Shellfish classification, filed 3/31/66; Order 256, Shellfish classification, filed 3/1/60; Abalone and octopus from Order 483 and 256, filed 3/1/60.]

WAC 220-320-020 Definitions—Hardshell clam.

"Hardshell clam" means all clams classified as shellfish under WAC 220-320-010 except geoduck clams, horse clams, and mud or softshell clams.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-320-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-07-009 (Order 04-39), § 220-16-800, filed 3/4/04, effective 5/1/04.]

WAC 220-320-030 Definitions—Razor clam beds.

"Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line 150 feet waterward of the extreme upper limit of the hard sand area. The detached Willapa Bay Spits that are north of Leadbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds," as are those portions of the mouths of Grays Harbor and Willapa Bay which contain razor clams.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-320-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-16-257, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. WSR 91-08-054 (Order 91-13), § 220-16-257, filed 4/2/91, effective 5/3/91; WSR 82-07-047 (Order 82-19), § 220-16-257, filed 3/18/82; WSR 80-13-064 (Order 80-123), § 220-16-257, filed 9/17/80.]

WAC 220-320-040 Definitions—Shellfish pot.

"Shellfish pot" shall be defined as a movable trap with one or more entrance tunnels used to entrap shellfish in a live condition.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 84-08-014 (Order 84-24), § 220-16-100, filed 3/27/84; Order 1179, § 220-16-100, filed 11/19/74; Order 810, § 220-16-100, filed 4/17/69. Formerly WAC 220-16-010 (part).]

WAC 220-320-050 Definitions—Soft-shelled crab.

A soft-shelled crab is defined as a crab whose shell, including

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shell covering of the legs, is not fully hardened and said shell is flexible and depresses to digital pressure.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-320-050, filed 2/15/17, effective 3/18/17; Order 817, § 220-16-355, filed 5/29/69. Formerly WAC 220-16-030 (part).]

WAC 220-320-060 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 220-320-030. 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-320-060, filed 2/15/17, effective 3/18/17. 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 220-320-070 Geographical definitions—

Marine Area 7 shrimp fishing subareas. (1) Marine Area 7 South: The portion of Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then south of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then south of a line projected due west from Lime Kiln Point light to the international boundary.

(2) Marine Area 7 West: The portion of Marine Area 7 north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from

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Lime Kiln Point light to the international boundary, then west of a line from the bell buoy at the international boundary to Point Doughty on Orcas Island, then west of a line projected true north and south from the western tip of Crane Island, then west of a line projected from the southern tip of Shaw Island to the number 2 buoy at the entrance to Fisherman Bay.

(3) Marine Area 7 East: The portion of Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, then east of a line projected true north and south from the western tip of Crane Island, then east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-16-265, filed 12/16/16, effective 1/16/17; Order 817, § 220-16-265, filed 5/29/69. Formerly WAC 220-16-020 (part).]

SHELLFISH RULES OF GENERAL APPLICATION

WAC 220-320-100 Crab—General unlawful acts. (1)

It is unlawful to take or possess soft-shelled crab for any purpose. Violation of this subsection is punishable under RCW 77.15.160 or 77.15.550, depending on whether the crab was taken for personal use or commercial purposes.

(2) It is unlawful for any person to take or possess any female Dungeness crab for any purpose. All female Dungeness crab caught must be released immediately. Violation of this subsection is punishable under RCW 77.15.380 or 77.15.550, depending on whether the crab was taken for personal use or commercial purposes.

(3) It is unlawful to use bleach or antifreeze bottles or any other container as a float for gear used in recreational or commercial crab harvesting. Violation of this subsection is punishable under RCW 77.15.382 or 77.15.520, depending on whether the crab was taken for personal use or commercial purposes.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-005, filed 11/9/12, effective 12/10/12.]

WAC 220-320-110 Puget sound crab management regions. The following areas are defined as Puget Sound Crab Management Regions:

(1) Crab Management Region 1 - (North Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.

(2) Crab Management Region 2-East - (Eastern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E (see WAC 220-340-455).

(3) Crab Management Region 2-West - (Western Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A-W (see WAC 220-340-455).

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(4) Crab Management Region 3, subarea 3-1 - (Eastern Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.

(5) Crab Management Region 3, subarea 3-2 - (Central Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.

(6) Crab Management Region 3, subarea 3-3 - (Western Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.

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

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

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-320-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-01-013 (Order 05-275), § 220-16-260, filed 12/9/05, effective 1/9/06; WSR 01-03-016 (Order 00-271), § 220-16-260, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-260, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-320-120 Puget sound shrimp districts. The following areas shall be defined as Puget Sound Shrimp Districts:

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

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-16-270, filed 2/16/07, effective 3/19/07; WSR 04-07-009 (Order 04-39), § 220-16-270, filed 3/4/04, effective 5/1/04; WSR 03-16-097 (Order 03-180), § 220-16-270, filed 8/6/03, effective 9/6/03; WSR 01-03-016 (Order 00-271), § 220-16-270, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-270, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-320-130 Razor clam sanctuaries. The areas described below are set aside for experimental purposes for the department's razor clam research project. As need arises, the department will close specific sections of these areas to public use for project or experimental purposes.

(1) Long Beach: From a point beginning 2.7 miles north of the Oysterville beach approach, then north for 1/4 mile (1,320 feet).

(2) Twin Harbors Beach: From a line extending 1/4 mile (1,320 feet) westward, south of the county line beach approach.

(3) Copalis Beach: From a point beginning 4/10 of a mile south of the Ocean City beach approach (2nd Ave.) and extending 1/4 mile (1,320 feet) south.

(4) "Beach approach" means a signed and established public access roadway providing access to the beach that is typically maintained by state parks and recreation and may be associated with a city or county road.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-320-130, filed 2/15/17, effective 3/18/17. 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), § 220-56-372, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-372, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-56-372, filed 2/9/96, effective 5/1/96; WSR 87-09-066 (Order 87-16), § 220-56-372, filed 4/21/87; WSR 83-07-043 (Order 83-16), § 220-56-372, filed 3/17/83; WSR 82-07-047 (Order 82-19), § 220-56-372, filed 3/18/82; WSR 80-13-064 (Order 80-123), § 220-56-372, filed 9/17/80.]