

Chapter 220-330 WAC

PERSONAL-USE SHELLFISH

WAC

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WAC 220-330-010 Shellfish—Daily limits. It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form. It is unlawful for any one person to take more than the following quantities and sizes of shellfish for personal use in any one day:

- (1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams total, or 10 pounds, whichever is achieved first.
- (2) Razor clams: 15 clams.
- (3) Geoduck clams: 3 clams.
- (4) Horse clams: 7 clams.
- (5) Oysters: 18 oysters. Minimum size before shucking two and one-half inches along the longest dimension of the shell.
- (6) Rock scallops: 6 scallops.
- (7) Weathervane scallops: 12 scallops (over 4 inches).
- (8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.
- (9) Shrimp:
 - (a) In Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line: Total weight 25 pounds, maximum 200 spot shrimp as part of the 25-pound limit.
 - (b) In Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13: First Saturday in May through May 31, daily limit 80 shrimp; during all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.
- (10) Pinto abalone: Closed statewide.
- (11) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.
- (12) Sea cucumbers: 25 sea cucumbers.
- (13) Red sea urchins: 18 sea urchins.
- (14) Purple sea urchins: 18 sea urchins.

(15) Green sea urchins: 36 sea urchins.

(16) Dungeness crab:

(a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crab.

(b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crab.

(17) Red rock crab: 6 crab.

(18) Mussels: 10 pounds in the shell, in the aggregate.

(19) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(20) Ghost and mud shrimp: 10 dozen.

(21) King and box crab: Closed statewide.

(22) Tanner crab: 6 crab.

[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 § 220-330-010, 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), § 220-56-310, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-19-007 (Order 13-221), § 220-56-310, filed 9/5/13, effective 10/6/13. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-310, filed 3/19/10, effective 5/1/10; WSR 08-07-003, § 220-56-310, filed 3/5/08, effective 4/5/08; WSR 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; WSR 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; WSR 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; WSR 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; WSR 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; WSR 99-08-029 (Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; WSR 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; WSR 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; WSR 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; WSR 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; WSR 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; WSR 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; WSR 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; WSR 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; WSR 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; WSR 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; WSR 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

WAC 220-330-020 Personal-use shellfish gear—Unlawful acts. (1) It is unlawful to violate the following provisions regarding unattended shellfish gear:

(a) Unattended shellfish gear must be marked with a buoy that lists the first and last name and permanent mailing address of the owner.

(i) The information on the buoy must be permanent, visible, and legible.

(ii) Only one person's name and address may appear on a marker buoy.

(b) All buoys must consist of durable material. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans, or any other container as a buoy.

(c) Buoys must remain visible on the surface at all times, except during extreme tidal conditions.

(d) The line attaching a buoy to shellfish gear must be weighted sufficiently to prevent the line from floating on the water's surface.

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

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

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

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than 3 single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(3) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times.

(4) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160, except failure to use untreated cotton twine as provided for in subsection (2) of this section is a misdemeanor punishable under RCW 77.15.-380 Unlawful recreational fishing in the second degree—Penalty.

(5) It is unlawful to possess shellfish taken with gear in violation of the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with that gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370 Unlawful recreational fishing in the first degree—Penalty.

[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 § 220-330-020, 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), § 220-56-320, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 08-07-003, § 220-56-320, filed 3/5/08, effective 4/5/08; WSR 06-09-021 (Order 06-67), § 220-56-320, filed 4/11/06, effective 5/12/06; WSR 06-05-085 (Order 06-23), § 220-56-320, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-320, filed 2/10/05, effective 5/1/05; WSR 03-05-057 (Order 03-24), § 220-56-320, filed 2/14/03, effective 5/1/03; WSR 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; WSR 94-14-069, § 220-

56-320, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; WSR 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; WSR 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; WSR 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; WSR 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; WSR 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; WSR 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-088.]

WAC 220-330-030 Personal-use crab pot gear requirements. (1) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) It is unlawful to fish for crab using shellfish pot gear greater than 13 cubic feet in volume.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless:

(a) The gear is equipped with 2 or more escape rings located in the upper half of the pot; and

(b) Escape rings are 4-1/4 inches inside diameter or larger, except in the Columbia River where escape ring minimum size is 4 inches inside diameter.

(4) It is unlawful to use mesh size for crab pots smaller than 1.5 inches.

[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 § 220-330-030, 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), § 220-56-318, filed 11/9/12, effective 12/10/12.]

WAC 220-330-040 Crab—Areas and seasons—Personal use. (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 8-1, 8-2, 9, 10, 11, 12, and 13: Open 7:00 a.m., July 1 through Labor Day, Thursday through Monday of each week.

(b) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m., July 15 through September 30, Thursday through Monday of each week.

(c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open

7:00 a.m. August 15 through September 30, Thursday through Monday of each week.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period from December 1 through September 15, except that it is lawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Area 2-1 (Willapa Bay) from November 15 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.

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

(5) Violation of this section is a misdemeanor, punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty.

[Statutory Authority: RCW 77.040.020 [77.04.020], 77.12.045, and 77.12.047. WSR 18-22-010 (Order 18-305), § 220-330-040, filed 10/25/18, effective 11/25/18. 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 § 220-330-040, 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), § 220-56-330, filed 12/16/16, effective 1/16/17. 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), § 220-56-330, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.04.012, 77.12.045, and 77.12.047. WSR 11-09-016 (Order 11-29), § 220-56-330, filed 4/11/11, effective 5/12/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-330, filed 3/19/10, effective 5/1/10; WSR 05-12-007 (Order 05-102), § 220-56-330, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-330, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-330, filed 3/4/04, effective 5/1/04; WSR 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.-080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; WSR 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; WSR 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; WSR 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; WSR 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; WSR 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-330-050 Crab—Unlawful acts—Personal use. (1) It is unlawful for any person to take or possess any female Dungeness crab for personal use.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use measuring less than the following caliper measurements:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) - 6 1/4 inch minimum size.

(b) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters except when fishing from the north jetty of the Columbia River, Grays Harbor, Willapa Bay - 6 inch minimum size.

(10/25/18)

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crab taken for personal use that measure less than 5 inches. Either sex may be retained.

(4) It is unlawful to take or possess any tanner crab taken for personal use that measure less than 4 1/2 inches. Either sex may be retained.

(5) All crab measurements must be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(6) It is unlawful to possess in the field any crab or crab parts without also retaining the back shell.

(7) It is unlawful to possess soft-shelled crab for any personal-use purpose. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

[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 § 220-330-050, 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), § 220-56-335, filed 12/16/16, effective 1/16/17. 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), § 220-56-335, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 04-07-009 (Order 04-39), § 220-56-335, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 220-56-335, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.-080. WSR 98-06-031, § 220-56-335, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-335, filed 1/30/95, effective 5/1/95; WSR 93-08-034 (Order 93-20), § 220-56-335, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-335, filed 5/12/92, effective 6/12/92; WSR 88-10-013 (Order 88-15), § 220-56-335, filed 4/26/88; WSR 86-09-020 (Order 86-08), § 220-56-335, filed 4/9/86; WSR 85-07-023 (Order 85-18), § 220-56-335, filed 3/13/85; WSR 80-03-064 (Order 80-12), § 220-56-335, filed 2/27/80, effective 4/1/80.]

WAC 220-330-060 Personal-use shrimp pot gear requirements. (1) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(2) It is unlawful to take, fish for, or possess shrimp taken for personal use with shellfish pot gear unless the gear meets the following requirements:

(a) A shrimp pot may not exceed 10 feet in perimeter and 1-1/2 feet in height.

(b) The entire top, bottom, and sides of the shrimp pot must be constructed of mesh material (no liners allowed), except the entrance tunnels must have the minimum mesh opening size specified in subsection (2)(g) of this section.

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

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

(e) Half-inch mesh is defined as mesh that a 3/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material); flexible (web) mesh pots must have mesh size openings that are a minimum of 1-1/8 inch stretch measure.

(f) One inch mesh is defined as a mesh that a 7/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material);

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flexible (web) mesh pots must have mesh size openings that are a minimum of 1-3/4 inch stretch measure.

(g) The minimum mesh size for shrimp pots is:

(i) Year-round, Marine Areas 1-3 and 4 west of the Bonilla-Tatoosh line:

(A) Shoreward of 20 fathoms, the minimum mesh size for shrimp pots is 1/2-inch.

(B) Seaward of 20 fathoms, the minimum mesh size for shrimp pots is 1 inch.

(ii) May 1 through October 15, Area 4 east of the Bonilla-Tatoosh line, and Areas 5 through 13, the minimum mesh size for shrimp pots is 1 inch, with the following exception: June 1 through October 15, in any Marine Area or portion thereof that is closed for spot shrimp but open for coon-stripe and pink shrimp, the minimum mesh size for shrimp pots is 1/2-inch.

[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 § 220-330-060, 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), § 220-56-317, filed 12/16/16, effective 1/16/17. 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), § 220-56-317, filed 11/9/12, effective 12/10/12.]

WAC 220-330-070 Shrimp—Areas and seasons. It is unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(1) It is unlawful to fish for or possess shrimp taken for personal use in Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13 except as provided by emergency rule.

(2) Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line - Open year-round.

[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 § 220-330-070, 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), § 220-56-325, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-56-325, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-325, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-325, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-325, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-325, filed 2/14/03, effective 5/1/03; WSR 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; WSR 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-325, filed 3/19/97, effective 5/1/97; WSR 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; WSR 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; WSR 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; WSR 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; WSR 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; WSR 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

WAC 220-330-080 Shrimp containers. In the field, it is unlawful for each person harvesting shrimp to fail to use a separate container to hold his or her catch and the container must be in the harvester's presence or identified with the harvester's name. Violation of this section is an infraction, punishable under RCW 77.15.160.

[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 § 220-330-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR

06-09-021 (Order 06-67), § 220-56-326, filed 4/11/06, effective 5/12/06; WSR 05-05-035 (Order 05-15), § 220-56-326, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-56-326, filed 2/9/96, effective 5/1/96.]

WAC 220-330-090 Crawfish, abalone, sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal-use fishery. (1) Crawfish: The open season for crawfish is the first Monday in May through October 31.

(2) Abalone: It is unlawful to fish for or possess abalone taken for personal use the entire year.

(3) Sea urchins: It is lawful to fish for sea urchins for personal use the entire year. It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.

(4) Sea cucumbers: It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Marine Area 12. It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

(5) Goose barnacles: It is lawful to take goose barnacles for personal use the entire year.

[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 § 220-330-090, 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), § 220-56-336, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-336, filed 3/19/97, effective 5/1/97.]

WAC 220-330-100 Personal-use crab, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crab, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, or any hand-operated instrument that will not penetrate the shell. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.380 or 77.15.382 depending on the circumstances of the violation.

(2) It is unlawful to set, fish, or pull more than 2 units of gear per person at any one time, unless otherwise provided in this subsection. A unit of gear is defined as a hand dip net, shellfish pot, ring net or any other instrument used to capture crab, shrimp, or crawfish. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(a) In Puget Sound waters, it is unlawful to set, fish, or pull at any one time more than 2 units of crab gear and 2 additional units of shrimp gear per person.

(b) In Catch Record Card Areas 4 through 13, it is unlawful for the operator of any boat from which shrimp pots are set, fished, or pulled to have on board or to fish more than 4 shrimp pots.

(c) In the Columbia River, it is unlawful to set, fish, or pull more than 3 units of crab gear per person.

(d) In fresh water, it is permissible to use up to 5 units of gear per person to fish for crawfish.

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

able under RCW 77.15.382, Unlawful use of shellfish gear for personal-use purposes—Penalty.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost, unless the person first obtains a permit issued by the director, authorizing that activity. A violation is punishable under RCW 77.15.180, Unlawful interference with fishing or hunting gear—Penalty. It is unlawful to fail to comply with all provisions of a permit authorizing the salvage of gear from Hood Canal. A violation of this subsection is RCW 77.15.750, Unlawful use of a department permit—Penalty.

(5) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(6) It is unlawful to have more than one unit of untended gear attached to a buoy line or to fail to have a separate buoy for each unit of gear. "One unit of gear" means one ring net or one shellfish pot. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.382, Unlawful use of shellfish gear for personal-use purposes—Penalty.

(7) In waters open only on certain days or certain hours during the day, except for those waters affected by the night closure set out in subsection (8) of this section, it is unlawful to fail to remove gear from the water if fishing for shellfish is not allowed. It is also unlawful to fail to remove gear from the water within one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously, except for those waters affected by the night closure set out in subsection (8) of this section, gear may be left in the water during a night closure. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(8) It is unlawful to set or pull shellfish pots, ring nets or star traps from a vessel in Catch Record Card Areas 1-13 from one hour after official sunset to one hour before official sunrise. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

[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 § 220-330-100, 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), § 220-56-315, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-01-056 (Order 13-301), § 220-56-315, filed 12/12/13, effective 1/12/14. 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), § 220-56-315, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 08-07-003, § 220-56-315, filed 3/5/08, effective 4/5/08; WSR 07-05-051 (Order 07-22), § 220-56-315, filed 2/16/07, effective 3/19/07; WSR 05-12-007 (Order 05-102), § 220-56-315, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-315, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-315, filed 3/4/04, effective 5/1/04; WSR 02-19-014 (Order 02-224), § 220-56-315, filed 9/6/02, effective 10/7/02; WSR 02-08-048 (Order 02-53), § 220-56-315, filed 3/29/02, effective 5/1/02; WSR 01-07-024 (Order 01-39), § 220-56-315, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-315, filed 3/29/00, effective 5/1/00; WSR 98-06-031, § 220-56-315, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 94-14-069, §

220-56-315, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-315, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-315, filed 5/12/92, effective 6/12/92; WSR 89-07-060 (Order 89-12), § 220-56-315, filed 3/16/89; WSR 81-05-027 (Order 81-13), § 220-56-315, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-315, filed 2/27/80, effective 4/1/80.]

WAC 220-330-110 Clams other than razor clams, mussels—Areas and seasons. It is permissible to take, dig for, and possess clams and mussels for personal use from public tidelands year-round, except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit are open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Belfair State Park: Open year-round.

(7) Blaine Marine Park: Closed year-round.

(8) Blake Island State Park Marina: Closed year-round.

(9) Blowers Bluff North: Closed year-round.

(10) Brown's Point Lighthouse: Closed year-round.

(11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn due west from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(12) Cama Beach State Park: Closed year-round.

(13) Camano Island State Park: Closed year-round.

(14) Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.

(15) Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.

(16) Coupeville: Closed year-round.

(17) Cultus Bay: Closed year-round.

(18) Dave Mackie County Park: Closed year-round.

(19) Des Moines City Park: Closed year-round.

(20) Discovery Park: Closed year-round.

(21) DNR-142: Closed year-round.

(22) DNR-144 (Sleeper): Closed year-round.

(23) Dockton County Park: Closed year-round.

(24) Dosewallips State Park: Open year-round only in the area defined by boundary markers and signs posted on the beach.

(25) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers on the beach.

(26) Drayton West: All public tidelands of Drayton Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.

(27) Duckabush: Open November 1 through April 30 only.

(28) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.

(29) Eagle Creek: Open July 1 through July 31 only.

(30) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

(31) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

(32) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

(33) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

(34) Fay Bainbridge Park: Closed year-round.

(35) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

(36) Freeland County Park: Open January 1 through May 15 only.

(37) Frye Cove County Park: Open May 1 through May 31 only.

(38) Fudge Point State Park: Closed year-round.

(39) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

(40) Golden Gardens: Closed year-round.

(41) Graveyard Spit: Closed year-round.

(42) Guss Island: All tidelands of Guss Island are closed year-round.

(43) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed year-round.

(44) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

(45) Howarth Park/Darlington Beach: Closed year-round.

(46) Illahee State Park: Open April 1 through July 31 only.

(47) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September 30 only.

(48) Joemma Beach State Park: Closed year-round.

(49) Kayak Point County Park: Closed year-round.

(50) Kitsap Memorial State Park: Closed year-round.

(51) Kopachuck State Park: Open April 1 through May 31 only.

(52) Lent Landing (Port Washington Narrows): Closed year-round.

(53) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.

(54) Lincoln Park: Closed year-round.

(55) Lions Park (Bremerton): Closed year-round.

(56) Lofall: Closed year-round.

(57) Long Island Oyster Reserve (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

(58) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

(59) Long Point West: Closed year-round.

(60) Lower Roto Vista Park: Closed year-round.

(61) Manchester State Park: Closed year-round.

(62) March Point Recreation Area: Closed year-round.

(63) McNeil Island: All tidelands of McNeil Island are closed year-round.

(64) Meadowdale County Park: Closed year-round.

(65) Mee-Kwa-Mooks Park: Closed year-round.

(66) Monroe Landing: Closed year-round.

(67) Mukilteo: Closed year-round.

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

(69) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.

(70) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

(71) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

(72) North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through December 31 only.

(73) North Beach County Park: Closed year-round.

(74) North Tabook Point: Closed year-round.

(75) Oak Bay County Park: Open May 1 through May 31 only.

(76) Oak Harbor: Closed year-round.

(77) Oak Harbor Beach Park: Closed year-round.

(78) Oak Harbor City Park: Closed year-round.

(79) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

(80) Old Mill County Park (Silverdale): Closed year-round.

(81) Olympia Shoal: Closed year-round.

(82) Pat Carey Vista Park: Closed year-round.

(83) Penrose Point State Park: Open March 1 through April 30 only, except that portion of Mayo Cove within the commercially prohibited growing area is closed year-round.

(84) Picnic Point County Park: Closed year-round.

(85) Pitship Point: Closed year-round.

(86) Pitt Island: All tidelands on Pitt Island are closed year-round.

(87) Pleasant Harbor State Park: Closed year-round.

(88) Pleasant Harbor WDFW Boat Launch: Closed year-round.

(89) Point Defiance: Closed year-round.

(90) Point No Point South: Closed year-round.

(91) Point Whitney Lagoon: Open January 1 through April 30 only.

(92) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through April 30 only.

(93) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

(94) Port Gamble Heritage Park Tidelands: Open year-round.

(95) Port Gardner: Closed year-round.

(96) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

(97) Post Point: Closed year-round.

(98) Potlatch DNR tidelands: Open April 1 through August 31 only.

(99) Potlatch State Park: Open April 1 through August 31 only.

(100) Priest Point County Park: Closed year-round.

(101) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

(102) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams year-round, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

(103) Retsil: Closed year-round.

(104) Richmond Beach Saltwater Park: Closed year-round.

(105) Salt Creek Recreation Area (DNR-419): Closed year-round.

(106) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

(107) Saltwater State Park: Closed year-round.

(108) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

(109) Scenic Beach State Park: Closed year-round.

(110) Seahurst County Park: Closed year-round.

(111) Semiahmoo County Park: Closed year-round.

(112) Semiahmoo Marina: Closed year-round.

(113) Sequim Bay State Park: Open January 1 through June 30 only.

(114) Shine Tidelands State Park: Open January 1 through May 15 only.

(115) Silverdale Waterfront Park: Closed year-round.

(116) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

(117) Skagit Bay Estuary Wildlife Areas: All public tidelands of Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

(118) South Carkeek Park: Closed year-round.

(119) South Mukilteo: Closed year-round.

(120) Southworth: Closed year-round.

(121) Spencer Spit State Park: Open March 1 through July 31 only.

(122) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

(123) Taylor Bay: Closed year-round.

(124) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

(125) Triton Cove Tidelands: Open July 15 through August 31 only.

(126) Twanoh State Park: Open September 1 through September 30 only.

(127) Walker County Park: Closed year-round.

(128) West Dewatto: DNR Beach 44A open July 1 through September 30 only.

(129) West Pass Access: Closed year-round.

(130) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is closed year-round.

(131) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

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

(133) Woodard Bay Natural Resource Conservation Area: Closed year-round.

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

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-11-077 (Order 18-99), § 220-330-110, filed 5/17/18, effective 6/17/18; WSR 17-18-004 (Order 17-214), § 220-330-110, filed 8/24/17, effective 9/24/17. 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), reclassified as § 220-330-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055 [77.04.055], 77.12.045, and 77.12.047. WSR 16-07-012 (Order 16-41), § 220-56-350, filed 3/4/16, effective 4/4/16. Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 15-09-046, § 220-56-350, filed 4/10/15, effective 5/11/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047. WSR 14-07-057 (Order 14-61), § 220-56-350, filed 3/14/14, effective 4/14/14. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 13-06-034 (Order 13-44), § 220-56-350, filed 3/1/13, effective 4/1/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-07-011 (Order 12-31), § 220-56-350, filed 3/12/12, effective 4/12/12; WSR 11-09-073 (Order 11-66), § 220-56-350, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-350, filed 3/19/10, effective 5/1/10; WSR 09-06-042 (Order 09-27), § 220-56-350, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 220-56-350, filed 3/5/08, effective 4/5/08; WSR 07-05-051 (Order 07-22), § 220-56-350, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-350, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-350, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-350, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-350, filed 2/14/03, effective 5/1/03; WSR 02-17-019 (Order 02-193), § 220-56-350, filed 8/9/02, effective 9/9/02; WSR 02-08-048 (Order 02-53), § 220-56-350, filed 3/29/02, effective 5/1/02; WSR 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; WSR 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; WSR 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; WSR 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; WSR 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; WSR 86-09-020

(Order 86-08), § 220-56-350, filed 4/9/86; WSR 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; WSR 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; WSR 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-330-120 Clams, oysters, mussels—Unlawful acts. (1) It is unlawful to take, dig for and possess clams (excluding razor clams), cockles, and mussels taken for personal use except by hand or with hand-operated forks, picks, mattocks, rakes and shovels. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to take, dig for and possess razor clams taken for personal use except by hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) Any newly designed or modified digging device intended for the recreational use of razor clams must receive the specific approval of the director of fish and wildlife.

(4) In the field each digger, including holders of razor clam disability permits, must have his or her daily limit in a separate container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(5) It is unlawful to possess shellfish taken with gear that violates the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with such gear. Possession of such shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(6) It shall be unlawful for any person digging clams other than razor clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(7) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(8) Oysters taken for personal use must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

(9) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell.

(10) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

(11) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055 [77.04.055], 77.12.045, and 77.12.047. WSR 17-18-004 (Order 17-214), § 220-330-120, filed 8/24/17, effective 9/24/17. 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 § 220-330-120, 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), § 220-56-355, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.12.047. WSR 02-17-019 (Order 02-193), § 220-56-355, filed 8/9/02, effective 9/9/02; WSR 02-08-048 (Order 02-53), § 220-56-355, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-355, filed 3/19/97, effective 5/1/97; WSR 89-07-060 (Order 89-12), § 220-56-355, filed 3/16/89; WSR 88-10-013 (Order 88-15), § 220-56-355, filed 4/26/88; WSR 80-03-064 (Order 80-12), § 220-56-355, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-330-130 Oysters and scallops—Gear. (1) It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to possess oysters taken with gear that violates the provisions of this section. Possession of oysters while using gear in violation of the provisions of this section is a rebuttable presumption that the oysters were taken with such gear. Possession of such oysters is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the oysters are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[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 § 220-330-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 220-56-375, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-375, filed 3/19/97, effective 5/1/97; WSR 80-03-064 (Order 80-12), § 220-56-375, filed 2/27/80, effective 4/1/80.]

WAC 220-330-140 Oysters—Areas and seasons. It is permissible to take and possess oysters for personal use from public tidelands year-round except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Blaine Marine Park: Closed year-round.

(7) Blake Island State Park Marina: Closed year-round.

(8) Blowers Bluff North: Closed year-round.

(9) Brown's Point Lighthouse: Closed year-round.

(10) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn from the southern boundary of Burfoot Park to the opposite shore near 68th Avenue N.W. are closed year-round.

(11) Cama Beach State Park: Closed year-round.

- (12) Camano Island State Park: Closed year-round.
- (13) Chimacum Creek Tidelands (Irondale Beach Park): Public tidelands south of the main Chimacum Creek channel are closed year-round.
- (14) Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.
- (15) Coupeville: Closed year-round.
- (16) Cultus Bay: Closed year-round.
- (17) Dave Mackie County Park: Closed year-round.
- (18) Des Moines City Park: Closed year-round.
- (19) Discovery Park: Closed year-round.
- (20) DNR-142: Closed year-round.
- (21) DNR-144 (Sleeper): Closed year-round.
- (22) Dockton County Park: Closed year-round.
- (23) Dosewallips State Park: Open year-round only in the area defined by boundary markers and signs posted on the beach.
- (24) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers on the beach.
- (25) Drayton West: All public tidelands of Drayton Harbor are closed year-round, except tidelands identified as approved by the department of health and defined by boundary markers and signs posted on the beach are open year-round.
- (26) Duckabush: Open November 1 through April 30 only.
- (27) Dungeness Spit/National Wildlife Refuge: Open May 15 through September 30 only.
- (28) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.
- (29) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.
- (30) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.
- (31) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.
- (32) Fay Bainbridge Park: Closed year-round.
- (33) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.
- (34) Freeland County Park: Open January 1 through May 15 only.
- (35) Frye Cove County Park: Open May 1 through May 31 only.
- (36) Fudge Point State Park: Closed year-round.
- (37) Gertrude Island: All tidelands of Gertrude Island are closed year-round.
- (38) Golden Gardens: Closed year-round.
- (39) Graveyard Spit: Closed year-round.
- (40) Guss Island: All tidelands of Guss Island are closed year-round.
- (41) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed year-round.
- (42) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.
- (43) Howarth Park/Darlington Beach: Closed year-round.
- (44) Illahee State Park: Open April 1 through July 31 only.
- (45) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September 30 only.
- (46) Joemma Beach State Park: Closed year-round.
- (47) Kayak Point County Park: Closed year-round.
- (48) Kitsap Memorial State Park: Closed year-round.
- (49) Kopachuck State Park: Open April 1 through May 31 only.
- (50) Lent Landing (Port Washington Narrows): Closed year-round.
- (51) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.
- (52) Lincoln Park: Closed year-round.
- (53) Lions Park (Bremerton): Closed year-round.
- (54) Lofall: Closed year-round.
- (55) Long Island Oyster Reserve (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.
- (56) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.
- (57) Long Point West: Closed year-round.
- (58) Lower Roto Vista Park: Closed year-round.
- (59) Manchester State Park: Closed year-round.
- (60) March Point Recreation Area: Closed year-round.
- (61) McNeil Island: All tidelands of McNeil Island are closed year-round.
- (62) Meadowdale County Park: Closed year-round.
- (63) Mee-Kwa-Mooks Park: Closed year-round.
- (64) Monroe Landing: Closed year-round.
- (65) Mukilteo: Closed year-round.
- (66) Mystery Bay State Park: Open October 1 through April 30 only.
- (67) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are open year-round.
- (68) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.
- (69) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.
- (70) North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through December 31 only.
- (71) North Beach County Park: Closed year-round.
- (72) North Tabook Point: Closed year-round.
- (73) Oak Bay County Park: Open May 1 through May 31 only.
- (74) Oak Harbor: Closed year-round.
- (75) Oak Harbor Beach Park: Closed year-round.
- (76) Oak Harbor City Park: Closed year-round.

(77) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

(78) Old Mill County Park (Silverdale): Closed year-round.

(79) Olympia Shoal: Closed year-round.

(80) Pat Carey Vista Park: Closed year-round.

(81) Penrose Point State Park: Open March 1 through April 30 only, except that part of Mayo Cove within the commercially prohibited growing area is closed year-round.

(82) Pitship Point: Closed year-round.

(83) Picnic Point County Park: Closed year-round.

(84) Pitt Island: Closed year-round.

(85) Pleasant Harbor State Park: Closed year-round.

(86) Pleasant Harbor WDFW Boat Launch: Closed year-round.

(87) Point Defiance: Closed year-round.

(88) Point No Point South: Closed year-round.

(89) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through June 30 only.

(90) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

(91) Port Gamble Heritage Park Tidelands: Open year-round.

(92) Port Gardner: Closed year-round.

(93) Port Townsend Ship Canal/Portage Beach: Open January 1 through May 31 only.

(94) Post Point: Closed year-round.

(95) Potlatch DNR Tidelands: Open April 1 through August 31 only.

(96) Potlatch State Park: Open April 1 through August 31 only.

(97) Priest Point County Park: Closed year-round.

(98) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

(99) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed year-round except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

(100) Retsil: Closed year-round.

(101) Richmond Beach Saltwater Park: Closed year-round.

(102) Salt Creek Recreation Area (DNR-419): Closed year-round.

(103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

(104) Saltwater State Park: Closed year-round.

(105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and an unnamed point on the shore (latitude N48.5745°; longitude W122.4440°) are closed year-round.

(106) Scenic Beach State Park: Closed year-round.

(107) Seahurst County Park: Closed year-round.

(108) Semiahmoo County Park: Closed year-round.

(109) Semiahmoo Marina: Closed year-round.

(110) Sequim Bay State Park: Open January 1 through June 30 only.

(111) Shine Tidelands State Park: Open January 1 through May 15 only.

(112) Silverdale Waterfront Park: Closed year-round.

(113) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

(114) Skagit Bay Estuary Wildlife Areas: All public tidelands of the Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

(115) South Carkeek Park: Closed year-round.

(116) South Mukilteo: Closed year-round.

(117) Southworth: Closed year-round.

(118) Spencer Spit State Park: Open March 1 through July 31 only.

(119) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

(120) Taylor Bay: Closed year-round.

(121) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

(122) Walker County Park: Closed year-round.

(123) West Pass Access: Closed year-round.

(124) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is closed year-round.

(125) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

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

(127) Woodard Bay Natural Resource Conservation Area: Closed year-round.

It is permissible to take and possess oysters for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-11-077 (Order 18-99), § 220-330-140, filed 5/17/18, effective 6/17/18; WSR 17-18-004 (Order 17-214), § 220-330-140, filed 8/24/17, effective 9/24/17. 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 § 220-330-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055 [77.04.055], 77.12.045, and 77.12.047. WSR 16-07-012 (Order 16-41), § 220-56-380, filed 3/4/16, effective 4/4/16. Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 15-09-046, § 220-56-380, filed 4/10/15, effective 5/11/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047. WSR 14-07-057 (Order 14-61), § 220-56-380, filed 3/14/14, effective 4/14/14. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 13-06-034 (Order 13-44), § 220-56-380, filed 3/1/13, effective 4/1/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-07-011 (Order 12-31), § 220-56-380, filed 3/12/12, effective 4/12/12; WSR 11-09-073 (Order 11-66), § 220-56-380, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-380, filed 3/19/10, effective 5/1/10; WSR 09-06-042 (Order 09-27), § 220-56-380, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 220-56-380, filed 3/5/08, effective 4/5/08; WSR 07-05-051 (Order 07-22), § 220-56-380, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-380, filed

2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-380, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-380, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; WSR 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; WSR 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; WSR 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; WSR 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; WSR 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; WSR 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; WSR 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; WSR 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; WSR 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; WSR 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; WSR 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

WAC 220-330-150 Oysters and clams on private tidelands—Personal use. (1) WAC 220-330-120 through 220-330-140 shall not apply to private tideland owners or lessees of state tidelands or immediate family members taking or possessing oysters, clams, cockles, borers and mussels for personal use from their own tidelands or leased state tidelands.

(2) This section shall not apply to 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 § 220-330-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-14-069, § 220-56-382, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-382, filed 3/31/93, effective 5/1/93; WSR 86-09-020 (Order 86-08), § 220-56-382, filed 4/9/86; WSR 80-13-064 (Order 80-123), § 220-56-382, filed 9/17/80.]

WAC 220-330-160 Razor clams—Areas and seasons.

(1) The following areas are defined as razor clam areas:

(a) "Razor Clam Area 1" includes the tidelands and waters of the Pacific Ocean and Willapa Bay between Cape Disappointment and Toke Point, not including the beaches within the Shoalwater Bay Indian Reservation or those tidelands and waters within the boundaries of Razor Clam Area 2;

(b) "Razor Clam Area 2" includes the tidelands and waters of the detached sand spits at the entrance to Willapa Bay west of Ellen Sands, north of the tip of Leadbetter Point and south of the Willapa Bay Ship Channel;

(c) "Razor Clam Area 3" includes the tidelands and waters of the Pacific Ocean, Willapa Bay, and Grays Harbor from Toke Point west and north to the westernmost point of the jetty at the end of Point Brown, not including the beaches within the Shoalwater Bay Indian Reservation;

(d) "Razor Clam Area 4" includes the tidelands and waters of the Pacific Ocean from the westernmost point of the jetty at the end of Point Brown north to the Copalis River;

(10/25/18)

(e) "Razor Clam Area 5" includes the tidelands and waters of the Pacific Ocean from the Copalis River north to the southern boundary of the Quinault Indian Reservation;

(f) "Razor Clam Area 6" includes the tidelands and waters of the Pacific Ocean from the northern boundary of the Quinault Indian Reservation north to Brown's Point (in the Kalaloch area of Jefferson County);

(g) "Razor Clam Area 7" includes the tidelands and waters of the Pacific Ocean from Brown's Point (in the Kalaloch area of Jefferson County) north to the Bonilla-Tatoosh line at Cape Flattery, not including those beaches that fall within the boundaries of an Indian reservation.

(2) It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided by emergency rule.

(3) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors, or Copalis Beach Razor Clam Sanctuaries as defined in WAC 220-320-130.

(4) Violation of this section is an infraction under RCW 77.15.160, a misdemeanor punishable under RCW 77.15.-380, Unlawful recreational fishing in the second degree—Penalty, or a gross misdemeanor under RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty, depending on whether any razor clams were harvested and the amount harvested.

[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 § 220-330-160, 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), § 220-56-360, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 75.08.080. WSR 92-11-012 (Order 92-19), § 220-56-360, filed 5/12/92, effective 6/12/92; WSR 87-09-066 (Order 87-16), § 220-56-360, filed 4/21/87; WSR 85-19-067 (Order 85-134), § 220-56-360, filed 9/17/85; WSR 85-12-007 (Order 85-51), § 220-56-360, filed 5/23/85; WSR 83-07-043 (Order 83-16), § 220-56-360, filed 3/17/83; WSR 83-04-026 (Order 83-05), § 220-56-360, filed 1/27/83; WSR 83-01-025 (Order 82-220), § 220-56-360, filed 12/8/82; WSR 82-07-047 (Order 82-19), § 220-56-360, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-360, filed 2/27/80, effective 4/1/80.]

WAC 220-330-170 Razor clams—Unlawful acts. (1)

It is unlawful to return any razor clams to the beach or water regardless of size or condition, and all razor clams taken for personal use must be retained by the digger as a part of his or her daily limit.

(2) 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.

(3) A violation of this section is an infraction, punishable under RCW 77.15.160.

[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 § 220-330-170, 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), § 220-56-365, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-365, filed 1/30/95, effective 5/1/95; WSR 86-09-020 (Order 86-08), § 220-56-365, filed 4/9/86; WSR 81-05-027 (Order 81-13), § 220-56-365, filed 2/17/81, effective 4/1/81; WSR 80-03-064 (Order 80-12), § 220-56-365, filed 2/27/80, effective 4/1/80.]

WAC 220-330-180 Squid, octopus. (1)(a) Squid daily limit: For squid other than Humboldt squid, the daily limit is 10 pounds or 5 quarts. For Humboldt squid, the daily limit is 5 squid.

(b) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch.

(c) It is permissible to take, fish for or possess squid the entire year.

(2)(a) The octopus daily limit is 1.

(b) It is unlawful to take octopus except by hand or by any instrument which will not penetrate or mutilate the body, except that it is permissible to retain octopus taken while angling with hook and line gear.

(c) It is unlawful to take octopus in the following areas:

(i) Marine Area 12;

(ii) **Redondo Beach.** Redondo Beach is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°19'27.69"W, 47°20'55.64"N; then northwesterly to 122°19'30.77"W, 47°20'56.82"N; then to 122°19'33.84"W, 47°20'57.31"N; then northeasterly to 122°19'29.78"W, 47°21'02.32"N; then returning to shore at 122°19'25.27"W, 47°21'00.64"N.

(iii) **Three Tree Point.** Three Tree Point is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'48.68"W, 47°27'06.46"N; then northwesterly to 122°22'58.06"W, 47°27'15.30"N; then northeasterly to 122°22'36.99"W, 47°27'25.51"N; then returning to shore at 122°22'27.63"W, 47°27'16.67"N.

(iv) **Alki Beach Seacrest Coves 1, 2 and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'37.34"W, 47°35'12.98"N; then northeasterly and offshore to 122°22'33.61"W, 47°35'16.10"N; then northwesterly to 122°23'51.20"W, 47°35'29.51"N; then returning to shore at 122°23'54.31"W, 47°35'28.81"N. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

(v) **Les Davis.** Les Davis is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°29'07.21"W, 47°17'05.15"N; the northeasterly to 122°29'0.97"W, 47°17'10.57"N; then southeasterly to 122°31'05.91"W, 47°17'06.91"N; then returning to shore at 122°30'59.80"W, 47°17'01.48"N.

(vi) **Alki Beach Junk Yard.** Alki Beach Junk Yard is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°24'57.17"W, 47°34'40.64"N; then northwesterly to 122°25'03.25"W, 47°34'50.03"N; then northeasterly to 122°24'40.68"W, 47°34'56.75"N; then returning to shore at 122°24'34.48"W, 47°34'47.34"N.

(vii) **Days Island.** Days Island is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°33'49.16"W, 47°14'07.49"N; then west to 122°34'01.41"W, 47°14'07.58"N; then north to

122°34'0.78"W, 47°14'41.73"N; then returning to shore at 122°34'40.74"W, 47°14'41.73"N.

(viii) **Deception Pass.** Deception Pass is defined as the waters, bed lands, and tidelands east of a line starting at 122°39'48.07"W, 48°24'08.05"N; and north to 122°40'20.57"W, 48°25'10.16"N; then east to 122°40'09.63"W, 48°25'16.15"N proceeding to 122°39'50.68"W, 48°24'55.51"N; and west of a line starting at 122°36'54.24"W, 48°24'29.52"N; and north to 122°36'54.73"W, 48°24'48.92"N.

(3) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. If a person violates any provision of this section but has not yet harvested squid or octopus, the violation is an infraction punishable under RCW 77.15.160. Possession of squid or octopus while using gear in violation of the provisions of this section is a rebuttable presumption that the squid or octopus were taken with such gear. Possession of such squid or octopus is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the squid or octopus are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[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 § 220-330-180, 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), § 220-56-390, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-19-007 (Order 13-221), § 220-56-390, filed 9/5/13, effective 10/6/13. Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 220-56-390, filed 4/11/06, effective 5/12/06; WSR 04-17-098 (Order 04-218), § 220-56-390, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-390, filed 1/30/95, effective 5/1/95; WSR 94-14-069, § 220-56-390, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-390, filed 3/31/93, effective 5/1/93; WSR 83-07-043 (Order 83-16), § 220-56-390, filed 3/17/83; WSR 82-07-047 (Order 82-19), § 220-56-390, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-390, filed 2/27/80, effective 4/1/80.]