

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.]