WAC 220-340-100 Commercial clam fishery—Gear. It is unlawful to take, dig for, or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except:

(1) Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of the department of fish and wildlife (DFW), subject to the following conditions:

(a) All mechanical devices used to take or harvest shellfish must be approved by the director of DFW.

(b) A separate permit is required for each device used to take or harvest shellfish, and the permit must be attached to the specific unit the permit applies to at all times.

(c) All clams taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(d) The holder of a permit to take shellfish from tidelands by mechanical means must limit operations to privately owned or leased land.

(e) Taking clams that lie in or on the substrate under navigable water below the level of mean lower low water by any mechanical device is prohibited except as authorized by the director of DFW.

(i) Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices must confine their operations to substrate-leased from the Washington department of natural resources, subject to the approval of the director of DFW.

(ii) It is unlawful to harvest shellfish that lie in or on the substrate of the Pacific Ocean westward from the western shores of the state in waters less than two fathoms deep at mean lower low water. The director of DFW may reserve all or portions of the substrate in waters more than two fathoms deep and prevent the taking of shellfish in any quantity from those reserves.

(f) Noncompliance with any part of this section or with special requirements of individual permits results in immediate cancellation and/or subsequent nonrenewal of all permits held by the operator.

(g) Applications for permits to use mechanical clam digging devices must be made on the forms provided by DFW, and permits must be in the operator's possession before digging commences.

(h) All permits to take or harvest shellfish by mechanical means expire on December 31 of the year of issue.

(i) All mechanical clam harvesting machines must have approved instrumentation that provides deck readout of water pressure.

(j) All clam harvest machines operating on intertidal grounds where less than 10 percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately 25 percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

(k) Clam harvest machines operating in fine substrate material where less than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of three feet (overall) and the maximum pump volume as specified by DFW, commensu-

rate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

(l) Clam harvest machines operating in coarser substrate material where more than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of four feet (overall) and a maximum pump volume as specified by DFW, commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

(m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they must furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator will thereafter modify the machine (install a sealed pressure relief valve) as specified by DFW to conform with values set forth in this section. Thereafter, it is illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine must be included in the DFW's clam harvest permit.

(n) All clam harvest machines must be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement officers.

(o) Each mechanical clam harvester must have controls arranged and situated near the operator to allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

(p) Licensing: A hardshell clam mechanical harvester fishery license is required to operate the mechanical harvester gear provided for in this section. For more information on or to apply for a hardshell clam mechanical harvester fishery license, visit department offices, call the WDFW license division at 360-902-2500, or visit the department website at www.wdfw.wa.gov.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit by means of water pumps and nozzles.

(4) It is unlawful to take, dig for and possess razor clams taken for commercial purposes from any of the tidelands in the state of Washington except by hand, shovels, cylindrical cans, tubes or hinged digging devices operated by hand. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of four inches and the elliptical can/tube having a minimum dimension of four inches long and three inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of four inches at the bottom.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-100, filed 3/31/22, effective 5/1/22. 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 § 220-340-100, 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), § 220-52-018, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 06-04-015 (Order 06-08), § 220-52-018, filed 1/22/06, effective 2/22/06. Statu-

tory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-018, filed 5/19/94, effective 6/19/94; WSR 84-08-014 (Order 84-24), § 220-52-018, filed 3/27/84; WSR 79-02-053 (Order 79-6), § 220-52-018, filed 1/30/79; Order 76-152, § 220-52-018, filed 12/17/76; Order 1258, § 220-52-018, filed 8/25/75; Order 807, § 220-52-018, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-010(2).]