

WAC 220-330-120 Clams, oysters, mussels, scallops, sea urchins, sea cucumbers, squid, octopus—Gear and gear-related unlawful acts. It is unlawful to take, dig for, fish for, or possess clams, oysters, mussels, scallops, sea urchins, sea cucumbers, squid, or octopus for personal use, except using gear outlined in the following subsections:

(1) **Clams** (excluding razor clams and geoducks): By hand or with hand-operated forks, picks, mattocks, rakes and shovels.

(2) **Razor clams**: 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.

(3) **Geoducks**:

(a) By hand or with nonmechanized hand-operated forks, picks, mattocks, rakes, and shovels and a cylindrical can or tube not exceeding 24 inches in diameter may be used to dig geoduck.

(b) It is 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 its approximate original condition by the clam diggers immediately after harvest.

(4) It is unlawful to return any 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 their daily limit.

(5) **Oysters and scallops**: 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.

(6) **Sea cucumbers**: By hand or hand-operated, nonmechanized instrument which does not penetrate the animal.

(7) **Sea urchins**: By hand or hand-operated, nonmechanized instrument which does not penetrate the shell.

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

(9) **Squid**: 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.

(10) **Octopus**: Octopus may be taken by hand, only except that one octopus per person per day may be retained when caught incidentally using shellfish pot gear during a lawful shellfish pot fishery. Shellfish pots may not be used to capture octopus outside of a lawful shellfish pot fishery. It is unlawful to take octopus using chemical irritants or by any instrument which will penetrate or mutilate the body, except that it is permissible to retain octopus taken while angling with hook and line gear during a lawful hook and line fishery.

(11) A violation of this subsection is punishable under RCW 77.15.160, 77.15.380, or 77.15.370, depending on the circumstances of the violation. 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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055. WSR 20-04-058 (Order 20-19), § 220-330-120, filed 1/30/20, effective 7/1/20. 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.]