

**WAC 220-358-070 Herring and anchovy.** It is unlawful to fish for herring or anchovy in the lower Columbia River for commercial purposes or to possess herring or anchovy taken from those waters for commercial purposes, except as provided in this section:

**Gear**

(1) Purse seine and lampara gear may be used to fish for anchovy if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) Lampara gear may be used to fish for herring if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(3) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) A violation of subsections (1) through (3) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**Licensing**

(5) (a) A baitfish purse seine fishery license is required to operate gear as provided for in this section, and the license allows the operator to retain anchovy.

(b) A baitfish lampara fishery license is required to operate gear as provided for in this section, and the license allows the operator to retain anchovy.

(c) A herring lampara limited entry license is required to operate gear as provided for in this section, and the license allows the operator to retain herring.

(6) A violation of any portion of subsection (5) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

**Fishing periods**

(7) (a) Purse seine and lampara gear may be used to fish for anchovy in Salmon Management and Catch Reporting Area (SMCRA) 1A, 7 days per week, from January 1 through December 31 of each calendar year.

(b) Lampara gear may be used to fish for herring in SMCRA 1A, 7 days per week, from January 1 through December 31 of each calendar year.

(8) A violation of subsection (7) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**General**

(9) Species of fish other than herring, anchovy, shad, or sardine, taken in the operation of purse seine and lampara gear, shall be returned immediately to the water. Sardine taken incidental to herring or anchovy fisheries as provided for in this section may not exceed twenty percent of the weight of any landing. Herring taken incidental to an anchovy fishery as provided for in this section may not exceed five percent of the weight of any landing.

(10) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess, or deliver, to a place or port, regardless of catch area, anchovy in ex-

cess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(11) It is unlawful to deliver anchovy, in excess of fifteen percent of the total landing weight, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products.

(12) A violation of subsections (9) through (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—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 § 220-358-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-33-060, filed 3/2/10, effective 4/2/10; WSR 03-05-062 (Order 03-26), § 220-33-060, filed 2/18/03, effective 3/21/03; WSR 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. WSR 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; WSR 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; WSR 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]