

Title 220 WAC

FISH AND WILDLIFE, DEPARTMENT OF (FISHERIES)

tive 7/5/03; 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.

Chapter 220-16 WAC DEFINITIONS

Chapters

- 220-16 **Definitions.**
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WAC

220-16-880 Saltwater State Park Marine Preserve.

WAC 220-16-880 Saltwater State Park Marine Preserve. "Saltwater State Park Marine Preserve" is defined as those waters, bedlands, and tidelands of Saltwater State Park within a line projected from the northernmost marker at the DNR high tide line through 122°19'39.02"W, 47°22'25.14"N; then to 122°19'44.14"W, 47°22'26.11"N; then to 122°19'45.91"W, 47°22'21.54"N; then to 122°19'40.86"W, 47°22'20.60"N; then to the southernmost marker on the shoreline and back along the high tide line to the northernmost marker.

[Statutory Authority: RCW 77.12.047, 09-06-042 (Order 09-27), § 220-16-880, filed 2/25/09, effective 5/1/09.]

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 220-88C COASTAL PILCHARD FISHERY

- 220-88C-010 Emerging commercial fishery—Coastal pilchard fishery. [Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-88C-010, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.
- 220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery. [Statutory Authority: RCW 77.12.047, 03-13-002 (Order 03-111), § 220-88C-020, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-020, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.
- 220-88C-030 Eligibility to participate in the coastal pilchard fishery. [Statutory Authority: RCW 77.12.047 and 77.04.020, 07-08-023 (Order 07-49), § 220-88C-030, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 77.12.-047, 06-08-078 (Order 06-59), § 220-88C-030, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-030, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-030, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-030, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-030, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.
- 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch. [Statutory Authority: RCW 77.12.047, 06-08-078 (Order 06-59), § 220-88C-040, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-040, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-040, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-040, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-040, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.
- 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements. [Statutory Authority: RCW 77.12.047, 06-08-078 (Order 06-59), § 220-88C-050, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-050, filed 3/30/05, effective 4/30/05; 03-13-002 (Order 03-111), § 220-88C-050, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.] Repealed by 10-02-003 (Order 09-167), filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047 and 77.04.020.

Chapter 220-20 WAC GENERAL PROVISIONS

WAC

- 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish.
- 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon.
- 220-20-100 General provisions—Marine protected areas.

WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish. (1) It shall be unlawful to take, fish for, possess or transport for any purpose fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director, unless otherwise provided.

(3) A person may fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

- Pacific halibut (*Hippoglossus stenolepis*)
- Pacific herring (*Clupea harengus pallasii*) (except as prescribed in WAC 220-49-020)

Salmon	
Chinook	<i>(Oncorhynchus tshawytscha)</i>
Coho	<i>(Oncorhynchus kisutch)</i>
Chum	<i>(Oncorhynchus keta)</i>
Pink	<i>(Oncorhynchus gorbuscha)</i>
Sockeye	<i>(Oncorhynchus nerka)</i>
Masu	<i>(Oncorhynchus masu)</i>
Pilchard	<i>(Sardinops sagax)</i>
Except as provided for in WAC 220-88C-040	

(4) It shall be unlawful for any person to fish for fish or shellfish while in possession in the field of fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed, in a visible and legible manner, the department approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line, the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the cork line of the net, on which shall be marked in a visible, legible and permanent manner the name and gill-net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department. In addition, it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47°20', from August 15 through November 30, except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department.

(8) It shall be unlawful for any person taking or possessing fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington, or the Pacific Ocean, for any purpose, to fail to submit such fish or shellfish for inspection by authorized representatives of the department.

(9) It shall be unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing and storing of fish or shellfish, whether taken within the jurisdiction of the state of

Washington or beyond, or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for, possess, injure, kill, or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, snag, snare, dip net, harass, spear, stone, or otherwise molest, injure, kill, destroy, or shoot with a firearm, crossbow, bow and arrow, or compressed air gun, any fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) A person may use a dip net or club in the landing of fish taken by personal-use angling, unless otherwise provided; and a person may use a gaff in the landing of tuna, halibut and dogfish, and a harpoon in the landing of halibut, in all catch record card areas.

(b)(i) A person may use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the fish or shellfish that are not going to be retained or are unlawful to possess.

(ii) It is unlawful under any circumstance to use a device that penetrates the body of a sturgeon whether legal to retain or not.

(c) A person may use a spear in underwater spear fishing, as provided for in WAC 220-56-160.

(d) A person may use a bow and arrow or spear to take carp, as provided for in WAC 220-56-280.

(e) A person may snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) A person may shoot halibut when landing them with a dip net, harpoon or gaff.

(12) It shall be unlawful to take or possess, for any purpose, any fish or shellfish smaller or larger than the lawful minimum or maximum size limits prescribed by department rule. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish.

(13) It shall be unlawful to allow salmon or sturgeon or fish unlawful to retain that are entangled in commercial nets to pass through a power block or onto a power reel or drum.

(14) Notwithstanding the exceptions listed in subsection (15) of this section, it shall be unlawful to possess, aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, species group or category, length, weight, or sex limit is prescribed for said species.

(15) It is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species, except as follows:

(a) The food fish or shellfish have been legally taken for commercial purposes, are landed, and are properly accounted for on a completed fish receiving ticket.

(b) A person may possess, transport through the waters of the state, or land dressed sablefish as defined in WAC 220-16-330.

(c) A person may possess, transport through the waters of the Pacific Ocean, or land dressed salmon caught during a legal commercial salmon troll fishery, provided that frozen Chinook salmon, dressed with the heads off, shall be 21 1/2 inches minimum; and frozen coho salmon, dressed with the heads off, shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(d) A person may possess, transport through the waters of the Pacific Ocean, or land dressed halibut if allowed by International Pacific Halibut Commission (IPHC) rules and such fish meet any IPHC size requirements. All halibut must be landed with the heads on.

(e) A person may possess, transport through the waters of the Pacific Ocean, or land dressed lingcod as defined by WAC 220-16-330 when taken during a lawful commercial fishery.

(16) It shall be unlawful to possess for any purpose any fish or shellfish in excess of catch or possession limits prescribed by department rule. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish.

(17) It shall be unlawful in any area to use, operate, or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department.

(18) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director, or to perform any act not specifically authorized in said document or in the regulations of the commission or director.

(19) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director.

(20) It shall be unlawful to test commercial fishing gear, except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances, in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts, and south of the international boundary, in waters 10 fathoms and deeper during times not under control of the Pacific Salmon Commission.

(c) San Juan Channel - within a 1-mile radius of Point Caution during times not under control of the Pacific Salmon Commission.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2-mile radius of the entrance to Everett breakwater, in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe, and Skiff Point to West Point, in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland, and from Dash Point to Point Piner, in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point, in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes, exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Cod ends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fish and wildlife enforcement office in Olympia prior to testing.

(21) It is unlawful for any person or corporation either licensed by the department or bringing fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(22) It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

(23) It is unlawful for any person to use chemical irritants to harvest fish, shellfish or unclassified marine invertebrates except as authorized by permit issued by the department.

(24) The lower Columbia River, Grays Harbor and Willapa Bay are closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes as described by department rule.

[Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63, 10-02-002 (Order 09-262), § 220-20-010, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047, 07-21-128 (Order 07-266), § 220-20-010, filed 10/23/07, effective 11/23/07; 07-04-030, § 220-20-010, filed 1/29/07, effective 3/1/07; 06-13-023 (Order 06-135), § 220-20-010, filed 6/13/06, effective 7/14/06; 05-08-056 (Order 05-53), § 220-20-010, filed 3/30/05, effective 4/30/05; 02-08-048 (Order 02-53), § 220-20-010, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-20-010, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080, 00-01-096 (Order 99-214), § 220-20-010, filed 12/15/99, effective 1/15/00. Statutory Authority: RCW 75.08.080, 77.12.040, 98-15-081 (Order 98-122), § 220-20-010, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.-080, 98-15-031 (Order 98-120), § 220-20-010, filed 7/7/98, effective 8/7/98. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-20-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 93-15-051, § 220-20-010, filed 7/14/93, effective 8/14/93; 91-08-054 (Order 91-13), § 220-20-010, filed 4/2/91, effective 5/3/91; 91-01-023, § 220-20-010, filed 12/10/90, effective 1/10/91; 89-02-022 (Order 88-186), § 220-20-010, filed 12/29/88; 88-10-013 (Order 88-15), § 220-20-010, filed 4/26/88; 85-09-017 (Order 85-20), § 220-20-010, filed 4/9/85; 85-08-023 (Order 85-24), § 220-20-010, filed 4/1/85; 84-08-014 (Order 84-24), § 220-20-010, filed 3/27/84; 82-15-040 (Order 82-83), § 220-20-010, filed 7/15/82; 82-07-

047 (Order 82-19), § 220-20-010, filed 3/18/82; 81-02-053 (Order 81-3), § 220-20-010, filed 1/7/81; 80-10-058 (Order 80-83), § 220-20-010, filed 8/6/80; 80-07-017 (Order 80-45), § 220-20-010, filed 6/11/80; 79-10-013 (Order 79-75), § 220-20-010, filed 9/7/79; Order 77-14, § 220-20-010, filed 4/15/77; Order 76-148, § 220-20-010, filed 12/2/76; Order 1193, § 220-20-010, filed 3/4/75; Order 1179, § 220-20-010, filed 11/19/74; Order 1106, § 220-20-010, filed 1/10/74; Order 1057, § 220-20-010, filed 5/22/73; Order 945, § 220-20-010, filed 8/16/71; Order 920, § 220-20-010, filed 5/13/71; Order 817, § 220-20-010, filed 5/29/69; Order 810, § 220-20-010, filed 4/17/69; Order 771-A, § 220-20-010, filed 3/29/68; Order 767, § 1, filed 12/22/67; Order 758, § 3, filed 10/16/67; Order 726, §§ 2, 3, filed 4/24/67; Order 721, § 1, filed 3/9/67; Subsections 1, 2 from Orders 405 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Subsection 16 from Order 525, filed 5/3/61; Orders 355 and 256, filed 3/1/60; Subsection 4 from Order 591, filed 10/28/63; Orders 479 and 256, filed 3/1/60; Subsection 5 from Orders 383 and 256, filed 3/1/60; Subsections 6, 26, 35 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsections 7-11, 13-15, 17, 18, 22 from Orders 355 and 256, filed 3/1/60; Subsection 12 from Orders 407 and 256, filed 3/1/60; Subsections 19, 27 from Orders 480 and 256, filed 3/1/60; Subsection 20 from Order 677, filed 3/31/66; Orders 483 and 256, filed 3/1/60; Subsection 23 from Order 677, filed 3/31/66; Order 605, filed 4/21/64; Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsection 24 from Order 605, filed 4/21/64; Orders 407 and 256, filed 3/1/60; Subsection 25 from Orders 449 and 256, filed 3/1/60; Subsections 28-33 from Orders 456 and 256, filed 3/1/60; Subsection 34 from Orders 486 and 256, filed 3/1/60; Subsection 36 from Order 591, filed 10/28/63; Subsections 37 and 38 from Order 677, filed 3/31/66; Subsection 39 from Order 672, filed 12/28/65.]

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed sturgeon less than 43 inches in fork length or greater than 54 inches in fork length.

(2) It is unlawful to fish for, possess, or retain green sturgeon taken with commercial gear. Any green sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(3) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(4) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries. Any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(5) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay, inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(6) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(7) It is unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate unless a person has a permit issued by the director.

(8) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director. However, carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial

fishery license and may result in revocation of the carp permit.

(9) It is unlawful to fin sharks in Washington state waters, and it is unlawful to possess shark fins in the field unless the carcass of the shark is retained. However, once a commercially taken shark carcass has been delivered to a licensed wholesale dealer or a person acting in that capacity, and the sale of the shark has been recorded on a fish receiving ticket, the shark fins need not be retained with the shark carcass.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-18-070 (Order 09-187), § 220-20-020, filed 8/28/09, effective 9/28/09. Statutory Authority: RCW 77.12.047. 07-02-050 (Order 06-301), § 220-20-020, filed 12/27/06, effective 1/27/07; 06-13-024 (Order 06-134), § 220-20-020, filed 6/13/06, effective 7/14/06; 06-07-045 (Order 06-39), § 220-20-020, filed 3/9/06, effective 4/9/06; 02-23-002 (Order 02-278), § 220-20-020, filed 11/6/02, effective 12/7/02; 02-02-049 (Order 01-286), § 220-20-020, filed 12/27/01, effective 1/27/02; 00-17-106 (Order 00-149), § 220-20-020, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-20-020, filed 12/16/99, effective 1/16/00; 98-15-031 (Order 98-120), § 220-20-020, filed 7/7/98, effective 8/7/98; 97-07-043 (Order 97-51), § 220-20-020, filed 3/14/97, effective 4/14/97; 95-23-020 (Order 95-166), § 220-20-020, filed 11/8/95, effective 12/9/95; 93-14-042 (Order 93-54), § 220-20-020, filed 6/29/93, effective 7/30/93. Statutory Authority: RCW 75.08.080 and 75.28.245. 90-07-003 (Order 90-17), § 220-20-020, filed 3/8/90, effective 4/8/90. Statutory Authority: RCW 75.08.080. 90-06-045 (Order 90-15), § 220-20-020, filed 3/1/90, effective 4/1/90; 80-09-072 (Order 80-69), § 220-20-020, filed 7/18/80; 79-03-014 (Order 79-11), § 220-20-020, filed 2/15/79; Order 77-147, § 220-20-020, filed 12/16/77; Order 77-14, § 220-20-020, filed 4/15/77; Order 76-148, § 220-20-020, filed 12/27/76; Order 76-26, § 220-20-020, filed 4/20/76; Order 1193-A, § 220-20-020, filed 3/5/75; Order 1193, § 220-20-020, filed 3/4/75; Order 1143, § 220-20-020, filed 8/8/74; Order 1105, § 220-20-020, filed 12/28/73; Order 1057, § 220-20-020, filed 5/22/73; Order 1045, § 220-20-020, filed 3/8/73; Order 988, § 220-20-020, filed 4/28/72; Order 920, § 220-20-020, filed 5/13/71; Order 862, § 220-20-020, filed 4/16/70; Order 817, § 220-20-020, filed 5/29/69; Order 810, § 220-20-020, filed 4/17/69.]

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring and Yellow and Low Island Preserve is closed to the taking of food fish.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish

except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

(g) The Saltwater State Park Marine Preserve is closed to all recreational harvest.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-20-100, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 07-16-056, § 220-20-100, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. 07-05-051 (Order 07-22), § 220-20-100, filed 2/16/07, effective 3/19/07; 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

Chapter 220-32 WAC COLUMBIA RIVER

WAC
220-32-057 Season—Sturgeon.

WAC 220-32-057 Season—Sturgeon. (1) It is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H except individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with setline gear from January 1 through January 31, and during seasons opened under emergency rule by the department and as provided in this section.

(2) During the open season, it is unlawful to:

(a) Retain for commercial or subsistence purposes sturgeon less than 38 inches in fork length or greater than 54 inches in fork length in Columbia River Salmon Management and Catch Reporting Area (SMCRA) 1F. It is unlawful to retain for commercial or subsistence purposes sturgeon less than 43 inches in fork length or greater than 54 inches in fork length in Columbia River SMCRA 1G and 1H;

(b) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to the sale of the sturgeon to a wholesale dealer licensed under chapter 75.28 RCW, or to sell or barter sturgeon eggs at retail; or

(c) Deliver to a wholesale dealer licensed under chapter 75.28 RCW any sturgeon that are not in the round with the head and tail intact.

(3) Gear:

(a) Maximum 100 hooks per setline;

(b) Minimum hook size 9/0;

(c) Treble hooks prohibited; and

(d) Visible buoys required, with operator name and tribal identification clearly marked on the buoy.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-18-070 (Order 09-187), § 220-32-057, filed 8/28/09, effective 9/28/09. Statutory Authority:

RCW 77.12.047. 00-17-117 (Order 00-146), § 220-32-057, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. 82-19-083 (Order 82-142), § 220-32-057, filed 9/21/82; Order 77-14, § 220-32-057, filed 4/15/77; Order 1043, § 220-32-057, filed 2/22/73; Order 915, § 220-32-057, filed 3/4/71.]

Chapter 220-36 WAC GRAYS HARBOR

WAC
220-36-023 Salmon—Grays Harbor fall fishery.

WAC 220-36-023 Salmon—Grays Harbor fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon according to the chart below. All nonlegal sturgeon and nonlegal steelhead must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
6:00 p.m. September 3 through 6:00 p.m. September 4, 2009;	Area 2C
6:00 p.m. September 8 through 6:00 p.m. September 9, 2009;	
6:00 a.m. September 13 through 6:00 p.m. September 14, 2009;	
6:00 a.m. September 20 through 6:00 p.m. September 21, 2009;	
AND	
6:00 p.m. September 29 through 6:00 p.m. September 30, 2009.	

Gear

(2) Gill net gear restrictions: All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It is legal to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(b) Nine-inch maximum mesh size allowed.

(c) Entire nets must be single mesh size. Only one net may be fished at a time; other nets must be properly stored.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(e) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Area 2C. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(f) All wild coho, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box.

(g) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(h) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(4) Fishers must take department observers if requested by department staff when participating in these openings. Pursuant to WAC 220-69-240, fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or e-mail. Notice of intent must be given prior to 5:00 p.m. on August 28, 2009, for the openings in Area 2C.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-16-125 (Order 09-109), § 220-36-023, filed 8/4/09, effective 9/4/09; 08-15-003 (Order 08-166), § 220-36-023, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. 07-17-010, § 220-36-023, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. 05-17-006 (Order 05-167), § 220-36-023, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-36-023, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-36-023, filed 8/20/03, effective 9/20/03; 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective

8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

Chapter 220-40 WAC WILLAPA HARBOR

WAC

220-40-027

Salmon—Willapa Bay fall fishery.

WAC 220-40-027 Salmon—Willapa Bay fall fishery.

August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon as shown below. All nonlegal sturgeon and nonlegal steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

Time:

6:00 p.m. September 15
through 6:00 p.m. September 19, 2009.

Area:

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.
Area 2K

6:00 p.m. September 22
through 6:00 p.m. September 23, 2009;

AND

6:00 p.m. September 28
through 6:00 p.m. September 29, 2009.

6:00 p.m. September 22
through 6:00 p.m. October 7, 2009.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

<p>Time: 6:00 p.m. October 10 through 6:00 p.m. October 14, 2009.</p> <p>6:00 p.m. November 10, through 6:00 p.m. November 19, 2009.</p> <p>Noon, November 6, 2009, through noon, November 30, 2009.</p>	<p>Area: Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.</p> <p>Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of the Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.</p> <p>Areas 2G, 2H, 2J, and 2M.</p>
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(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It will be legal to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery and the length of any one net does not exceed one thousand five hundred feet in length.

(b) September 1 through September 21, 2009: Six-inch maximum mesh, and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(c) September 22 through October 31, 2009: Six and one-half inch maximum mesh.

(d) November 6 through November 30, 2009: Nine-inch minimum mesh; except from 6:00 p.m. November 10 through 6:00 p.m. November 19, 2009 (coho directed), there are two alternatives:

(i) Use six-inch maximum mesh; and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels; or

(ii) Use nine-inch minimum mesh.

(iii) Only one net of either six-inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing.

Other

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-16-125 (Order 09-109), § 220-40-027, filed 8/4/09, effective 9/4/09; 08-15-003 (Order 08-166), § 220-40-027, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. 07-17-010, § 220-40-027, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

Chapter 220-44 WAC

COASTAL WATERS—MARINE FISH

WAC

220-44-095

Coastal sardine purse seine fishery—Harvest, landing, and reporting requirements—Gear.

WAC 220-44-095 Coastal sardine purse seine fishery—Harvest, landing, and reporting requirements—Gear.

(1)(a) It is unlawful to possess, transport through the waters of the state, or deliver into any Washington port, Pacific sardine (*Sardinops sagax*) or other coastal pelagic species taken in violation of gear requirements and other rules published in Title 50, Part 660, Subpart I of the Code of Federal Regulations (CFR). These federal regulations govern commercial fishing for coastal pelagic species in the Exclusive Economic Zone off the coasts of Washington, Oregon, and California. Where the federal regulations refer to the fishery management area, that area is interpreted to include Washington state waters coterminous with the Exclusive Economic Zone. Updates to the federal regulations are published in the Federal Register. Discrepancies or errors between the CFR and Federal Register will be resolved in favor of the Federal Register. This chapter incorporates the CFR by reference and is based, in part, on the CFR. A copy of the federal rules may be obtained by contacting Lori Preuss at 360-902-2930, or going to the U.S. Government Printing Office's GPO Access web site (www.gpoaccess.gov). State regulations that are more restrictive than the federal regulations will prevail.

(b) The coastal sardine fishery season is open to purse seine fishing each year only from April 1st through December 31st. It is unlawful to take Pacific sardine in state waters except for the incidental take authorized by the coastal bait-fish regulations.

(c) It is unlawful to retain any species that is taken incidental to sardine, except for anchovy, mackerel, and market squid (*Logligo opalescens*). Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

(d) It is unlawful to transfer sardine catch from one fishing vessel to another.

(e) It is unlawful to fail to have legal purse seine gear aboard the vessel making a sardine landing.

(f) It is unlawful to fail to deliver sardine landings to a shore-side processing facility.

(g) Once a delivery has commenced at a processing plant, all fish on board the vessel must be offloaded at that plant.

(h) It is unlawful to deliver more than fifteen percent cumulative weight of sardines for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait used during the sardine fishery season.

(2) License owners must designate a vessel upon issuance or renewal of the license and must be identified as either the vessel owner or primary license operator.

(3) Persons fishing under a Washington sardine purse seine fishery license or temporary annual fishery permit must:

(a) Carry an observer on board for any sardine fishing trip if requested by the department;

(b) Surrender up to five hundred sardines per vessel per trip if requested by department samplers for biological information; and

(c) Complete a department-issued logbook each month in which fishing activity occurs, and submit it to the department by the 15th day of the following month.

(4) Violation of reporting requirements under this section is punishable pursuant to RCW 77.15.280.

(5) Violation of gear, harvest, or landing requirements under this section is punishable pursuant to RCW 77.15.520.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 10-02-003 (Order 09-167), § 220-44-095, filed 12/23/09, effective 1/23/10.]

Chapter 220-47 WAC

PUGET SOUND—SALMON

WAC

220-47-302	Puget Sound—Lawful gear—Gill net.
220-47-307	Closed areas—Puget Sound salmon.
220-47-311	Purse seine—Open periods.
220-47-325	Purse seine—Release of incidentally caught fish.
220-47-401	Reef net open periods.
220-47-411	Gill net—Open periods.
220-47-427	Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.
220-47-428	Beach seine—Open periods.
220-47-500	Limited participation salmon net fisheries.

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) It is unlawful to use drift gill net salmon gear in Puget

Sound that exceeds 1,800 feet in length or contains meshes of a size less than 5 inches.

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed 600 feet in length, 90 meshes in depth, or that contain meshes of a size less than 5 inches, except in Area 9A, where skiff gill nets are further restricted by not being more than 60 meshes deep. It is unlawful to retrieve skiff gill nets by any means except by hand (no hydraulics may be used). It is unlawful to fail to attend to skiff gill nets at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. It is unlawful to set such nets in a circle or to set them in other than a substantially straight line.

(a) It is unlawful to operate any drift gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, two red polyform size A-3 buoys, marking the visible end of the cork line portion of the net. One of the two buoys shall be marked in a visible, legible, and permanent manner with the name and gill-net license number of the fisher.

(b) The cork line portion of the net shall be marked every 50 fathoms of the net with polyform size A-1 buoys.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink salmon fisheries unless said gill net gear is constructed so that the first 20 meshes below the cork line are composed of five-inch mesh, white opaque, minimum 210/30d (#12) diameter, nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear when recovery box(es) are required in areas defined under WAC 220-22-030 unless the gill net vessel has aboard and uses said operable recovery box(es) as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or one chamber in each box, if two boxes.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter. The inlet hole must be centered horizontally across the door or wall of the chamber, and the bottom of the hole must be located 1-3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1-1/2 inches in diameter, with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute, nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and with the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-302, filed 7/9/09, effective 8/9/09; 07-20-006, § 220-47-302, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-302, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-302, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-302, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-302, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (99-202), § 220-47-302, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-302, filed 7/29/97, effective 8/29/97; 93-14-041 (Order 93-55), § 220-47-302, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-302, filed 7/20/92, effective 8/20/92; Order 988, § 220-47-302, filed 4/28/72.]

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure:

Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - (1) That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) Additional coho seasonal closure: Those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - (1) Those waters within 1,000 feet of the mouth of the Quilcene River.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-307, filed 7/9/09, effective 8/9/09; 08-15-031 (Order 08-167), § 220-47-307, filed 7/8/08, effective 8/8/08. Statutory Authority: RCW 77.12.047. 04-16-125 (Order 04-202), § 220-47-307, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-307, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-307, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-307, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-307, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-307, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-307, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-307, filed 7/6/94, effective 8/6/94; 92-15-105 (Order 92-47), § 220-47-307, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-307, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-307, filed 6/11/90, effective 7/12/90; 88-14-133

(Order 88-48), § 220-47-307, filed 7/6/88; 85-13-032 (Order 85-60), § 220-47-307, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-307, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-307, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-307, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-307, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-307, filed 8/6/80.]

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM	10/12, 10/13, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31
	7AM - 5PM	11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13, 11/14

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

7B, 7C:	6AM - 9PM	8/12
	6AM - 8PM	8/19, 8/26, 9/2
7B:	7AM - 8PM	9/9
	7AM - 7PM	9/14, 9/16, 9/18
	7AM 9/20	6PM 10/31
	7AM 11/2	4PM 11/6
	7AM 11/9	4PM 11/13
	7AM 11/16	4PM 11/20
	7AM 11/23	4PM 11/27
	8AM 11/30	4PM 11/4

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squaleicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

8:	6AM - 8PM	8/17, 8/19, 8/25, 8/27
8A:	6AM - 8PM	8/18, 8/20, 8/24, 8/26
	7AM - 7PM	Limited participation - two boats (9/28, 10/5). 11/13
8D:	7AM - 6PM	9/21, 9/28, 10/5
	7AM - 7PM	10/12, 10/19, 10/26, 10/28
	7AM - 6PM	11/4, 11/10, 11/12, 11/18
	7AM - 5PM	11/23, 11/25
10:	7AM - 4PM	Limited participation - two boats (8/25, 8/27, 8/31).
10, 11:	6AM - 8PM	10/20, 10/26, 10/28
	7AM - 6PM	11/3, 11/9, 11/11, 11/17
	7AM - 5PM	11/23

Note: In Area 10 during any open period occurring from 8/25 through 8/31 it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f). During limited participation fisheries it is unlawful for vessels to take or fish for salmon with department observers on board.

12, 12B:	7AM - 6PM	10/20, 10/26, 10/28
	7AM - 5PM	11/3, 11/9, 11/11, 11/17
12C:	7AM - 5PM	11/9, 11/17
	7AM - 4PM	11/23

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 25 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, prior to September 6 in Area 7B, and during September in

those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy south-east of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point.

Chum salmon - prior to October 1 in Areas 7 and 7A.

All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-311, filed 7/9/09, effective 8/9/09; 08-15-031 (Order 08-167), § 220-47-311, filed 7/8/08, effective 8/8/08; 07-20-006, § 220-47-311, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-311, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-311, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-311, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-311, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-311, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-311, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74; Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to do so directly into the hold. All salmon must be landed onto the deck or sorting tray or table of the harvesting vessel with the hold hatch cover(s) closed until all salmon that cannot be retained are released; and additionally:

(2) In Areas 7 and 7A, and prior to the Fraser Panel relinquishing management control in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water, unless otherwise provided for in this section.

(3) The brailer must be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag must be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web must be of soft knotless construction, and the mesh size cannot exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand-held dip nets must be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fish may be brought on board without using a brailer or dip net as specified in this section if the number of fish in the net is small enough that the crew can hand-pull the bunt onto the vessel without the use of hydraulic or mechanical assistance.

(6) In order for fishers to participate in openings where brailing is required, fishers must use a recovery box and operate the box in compliance with the provisions of WAC 220-47-301 (7)(a) through (f). It is unlawful to fail to do so.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-325, filed 7/9/09, effective 8/9/09; 08-15-031 (Order 08-167), § 220-47-325, filed 7/8/08, effective 8/8/08; 07-20-006, § 220-47-325, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-325, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-325, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-325, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-325, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (99-202), § 220-47-325, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-325, filed 7/29/97, effective 8/29/97.]

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7, 7A	5AM - 9PM Daily	9/13 - 11/14

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Jeromy Jording, Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia WA, 98501-1091.

(4) All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-401, filed 7/9/09, effective 8/9/09; 08-15-031 (Order 08-167), § 220-47-401, filed 7/8/08, effective 8/8/08; 07-20-006, § 220-47-401, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-401, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-401, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-401, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-401, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-401, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; 00-18-023

(Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-

401, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH	
6D: Skiff gill net only.	7AM	-	7PM	9/21, 9/22, 9/23, 9/24, 9/25, 9/28, 9/29, 9/30, 10/1, 10/2, 10/5, 10/6, 10/7, 10/8, 10/9, 10/12, 10/13, 10/14, 10/15, 10/16, 10/19, 10/20, 10/21, 10/22, 10/23	5 1/2"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gill net fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	-	Midnight; use of recovery box required	10/12, 10/13, 10/16, 10/17	6 1/4"
	7AM	-	Midnight	10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13, 11/14	6 1/4"

Note: In Areas 7 and 7A after September 28 but prior to October 18, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

7B, 7C:	8PM	-	7AM	NIGHTLY 8/10	7"
	7PM	-	8AM	NIGHTLY 8/17, 8/18, 8/20, 8/24, 8/25, 8/27, 8/31, 9/1, 9/3	7"
7B:	12:01AM	-	Midnight	9/6, 9/8, 9/10, 9/13, 9/15, 9/17	5"
	7AM 9/20	-	Midnight 10/24		5"
	12:01AM 10/25	-	Midnight 10/31		6 1/4"
	7AM 11/2	-	4PM 11/6		6 1/4"
	7AM 11/9	-	4PM 11/13		6 1/4"
	7AM 11/16	-	4PM 11/20		6 1/4"
	7AM 11/23	-	4PM 11/27		6 1/4"
	8AM 11/30	-	4PM 12/4		6 1/4"

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 6:00 PM on the first Friday in December.

8:	6AM	-	10PM	8/18, 8/20, 8/24, 8/26	5" minimum and 5 1/2" maximum
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Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gill nets greater than 60 mesh maximum depth.

8A:	6AM	-	10PM	8/17, 8/19, 8/25, 8/27	5" minimum and 5 1/2" maximum
	6PM	-	8AM	NIGHTLY 10/6	5"
	7AM	-	6PM	10/12, 10/14	5"
8D:	6PM	-	8AM	NIGHTLY 9/20, 9/27, 10/4	5"
	7AM	-	9PM	9/22, 9/23, 9/29, 9/30, 9/6, 9/7	5"
	7AM	-	8PM	10/15, 10/22, 10/29	5"
	7AM	-	4PM	10/16, 10/23, 10/30	5"
	7AM	-	7PM	11/11, 11/19	6 1/4"
	7AM	-	6PM	11/26	6 1/4"
	7AM	-	4PM	11/13, 11/20, 11/27	6 1/4"
9A: Skiff gill net only.	7AM	-	7PM	8/24, 8/25, 8/26	5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish. Legal gear defined in WAC 220-47-302.

10	6AM	-	10PM	Limited participation - two boats (8/24, 8/25, 8/31)	5" minimum and 5 1/2" maximum
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Note: In Area 10 during September coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

10, 11:	5PM	-	9AM	NIGHTLY 10/18, 10/29	6 1/4"
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in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/24, 8/25, 8/31, 9/1, 9/7, 9/8, 9/14, 9/15, 9/21, 9/22, 9/28, 9/29
12H:	7AM - 7PM	November (dates determined per agreement with tribal comanagers in-season if harvestable surplus of salmon remain).

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-428, filed 7/9/09, effective 8/9/09. Statutory Authority: RCW 77.12.047. 05-17-002 (Order 05-166), § 220-47-428, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-428, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-428, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-428, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

WAC 220-47-500 Limited participation salmon net fisheries. (1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest or compromises other specific management objectives, the director may authorize a limited participation fishery in extreme terminal fishing areas in order to provide additional opportunities for net fisheries where they might not otherwise exist. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run size data, fisheries necessary to provide biological information, or in cases where:

- (a) Other specific management objectives have been stated for the species and area in question; or
- (b) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and
- (c) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Only one listing is allowed per license. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gill net fishers and a priority list for purse seine fishers. Priority registers will be available for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or trans-

fer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns, biological data collection needs, or specific management objectives dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

Agreement to participate in an authorized limited participation fisheries will require a department observer on board a participating vessel. An additional permit may be required by a participating vessel to allow for a department observer to complete work associated with biological data collection needs meeting specific management objectives.

(6) Examples of specific management objectives include but are not limited to:

- (a) Reducing levels of incidental catch of wild salmon stocks;
- (b) Reducing incidental catch of nontarget salmon species originating from regions other than the fishing area; or
- (c) Specific recreational emphasis action.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-500, filed 7/9/09, effective 8/9/09. Statutory Authority: RCW 75.08.080. 92-15-105 (Order 92-47), § 220-47-500, filed 7/20/92, effective 8/20/92; 90-13-025 (Order 90-49), § 220-47-500, filed 6/11/90, effective 7/12/90.]

Chapter 220-52 WAC SHELLFISH

WAC

220-52-040

Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab on board.** It is unlawful for any person to possess any quantity of crab on board a vessel geared or equipped with commercial net fishing gear while fishing with the net gear for commercial purposes or while there are commercial quantities of food fish or shellfish on board. Violation of this section is punishable under RCW 77.15.550(1), violation of commercial fishing area or time. However, if such crab are taken or possessed in amounts that constitute a violation of commercial fishing area or time in the first degree, the violation is punishable under RCW 77.15.550(2).

(2) **Area must be open to commercial crabbing.** Except when acting lawfully under the authority of a valid

permit as provided in (a) and (c) of this subsection, it is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not open for commercial crabbing by permanent rule or emergency rule of the department. Violation of this section is punishable under RCW 77.15.550(1), violation of commercial fishing area or time. However, if such crab are taken or possessed in amounts that constitute a violation of commercial fishing area or time in the first degree, the violation is punishable under RCW 77.15.550(2).

(a) Following the close of a commercial crab season, an emergency coastal crab gear recovery permit may be granted by the director or his or her designee. These emergency permits will be considered on a case-by-case basis to allow crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful season opening. Crab fishers must notify and apply to the department's enforcement program for such emergency permits within twenty-four hours prior to the close of the commercial crab season.

(b) It is unlawful to fail to follow the provisions of an emergency coastal crab gear recovery permit. Violation of this section is punishable under ESHB 1516.

(c) Fifteen days after the close of the primary coastal commercial crab season, a coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean.

(d) It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit. Violation of this section is punishable under ESHB 1516.

(3) **Crabs must be male and 6-1/4 inches across the back.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back of the crab's shell immediately in front of the shell's tips. Violation of this section is punishable under RCW 77.15.550 (1)(c).

(4) **Each person and each Puget Sound license is limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district if he or she is using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person who holds two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130. Violation of this section is punishable under RCW 77.15.520.

(5) **Additional area gear limits.** It is unlawful for any person to use, maintain, operate, or control crab pots or ring nets in excess of the limits prescribed in each of the following Marine Fish-Shellfish Management and Catch Reporting Areas. Violation of this section is punishable under RCW 77.15.520.

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E;

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula;

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek, and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay; and

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** It is unlawful to attach or connect a crab pot or ring net to another crab pot or ring net by a common groundline or any other means that connects crab pots together. Violation of this section is punishable under RCW 77.15.520.

(7) **Crab buoy and pot tagging requirements.**

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without an attached buoy and pot tag that meet the requirements of this subsection except as provided for in (b) of this subsection. Violation of this section is punishable under RCW 77.15.520.

(b) Persons operating under a valid coastal gear recovery permit issued by the department may possess crab pots or buoys missing tags or bearing the tags of another license holder, provided that the permittee adheres to provisions of the permit.

(c) Coastal crab pot tags: Each shellfish pot used in the coastal Dungeness crab fishery must bear a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person.

(d) Puget Sound crab pot tags: In Puget Sound, all crab pots must have a durable, nonbiodegradable tag securely attached to the pot and permanently and legibly marked with the license owner's name or license number, and telephone number. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with state law.

(e) Crab buoy tags: The department will issue crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license. Only department-issued crab buoy tags may be used, and each crab pot is required to have a buoy tag.

(f) Puget Sound replacement crab buoy tags: Additional tags to replace lost tags will only be issued to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration under penalty of perjury in the presence of an authorized department employee. The declaration shall state the number of buoy tags lost, the location and date where the lost gear or tags were last observed, and the presumed cause of the loss.

(g) Coastal replacement crab buoy tags: Coastal crab license holders with a 300-pot limit will be able to replace up to fifteen lost tags by January 15th, up to a total of thirty lost tags by February 15th, and up to a total of forty-five lost tags after March 15th of each season. Coastal crab license holders with a 500-pot limit will be able to replace up to twenty-five

lost tags by January 15th, up to a total of fifty lost tags by February 15th, and up to a total of seventy-five lost tags after March 15th of each season. In the case of extraordinary loss of crab pot gear, the department may, on a case-by-case basis, issue replacement tags in excess of the amount set out in this subsection. Replacement buoy tags for the coastal crab fishery will only be issued after a signed affidavit is received by the department.

(8) **No person can possess or use gear with another person's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except under the following circumstances:

(a) An alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(b) Persons operating under a valid coastal gear recovery permit issued by the department may possess crab pots or buoys bearing the tags of another license holder, provided that the permittee adheres to provisions of the permit.

(c) Violation of this section is punishable under ESHB 1516.

(9) **No person can tamper with pot tags.** It is unlawful for any person to remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots. However, persons operating under a valid coastal gear recovery permit or emergency gear recovery permit, issued by the department and who adheres to the permit's provisions may possess crab pots or buoys bearing the tags of another license holder. Violation of this section is punishable under RCW 77.15.180 (3)(b).

(10) **When it is unlawful to buy or land crab from the ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel that has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and that are properly licensed for commercial crab fishing if no Dungeness crabs are on board. Authorized department personnel will perform inspections not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a crab pot limit has been assigned to the Dungeness crab coastal fishery license

held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy crab pots unless the person is in possession of valid documentation issued by the department that specifies the crab pot limit assigned to the license.

(13) **Determination of coastal crab pot limits.**

(a) The number of crab pots assigned to a Washington Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon, and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, which show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a crab pot limit to a Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997; from December 1, 1997, through September 15, 1998; and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds of crab or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a crab pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a crab pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A crab pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one coastal crab pot limit.

(14) **Appeals of coastal crab pot limits.** An appeal of a crab pot limit by a coastal commercial license holder shall be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department

shall remain in effect until such time as the appeal process is concluded.

(15) **Coastal - Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license to be used to deploy crab pot gear except as prescribed below:

(a) Such a vessel may not carry on board more than 250 crab pots at any one time.

(b) Such a vessel may deploy crab pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The primary or alternate operator of the crab pot gear named on the license associated with the gear must be on board the vessel when the gear is being deployed. Violation of this section is punishable under RCW 77.15.500.

(16) **Coastal crab buoys - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one state license shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph. Violation of this section is punishable under RCW 77.15.520.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department. Violation of this section is punishable under RCW 77.15.520.

[Statutory Authority: RCW 77.12.047 and 77.04.020. 09-18-075 (Order 09-183), § 220-52-040, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 77.12.047. 07-23-090 (Order 07-285), § 220-52-040, filed 11/20/07, effective 12/21/07; 05-21-068 (Order 05-246), § 220-52-040, filed 10/14/05, effective 11/14/05; 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080. 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; subsection 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

Chapter 220-55 WAC PERSONAL-USE LICENSES

WAC

220-55-115

Recreational license dealer's fees.

WAC 220-55-115 Recreational license dealer's fees.

License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A two-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.
- (3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

(4) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

(5) Fifty cents for the issuance of any of the following:

- (a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- (b) A state of Washington migratory bird stamp.
- (c) A Western Washington pheasant permit.
- (d) An application for a special permit hunt.
- (e) A migratory bird hunting authorization (including harvest report card).

[Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 09-15-122, § 220-55-115, filed 7/17/09, effective 8/17/09. Statutory Authority: RCW 77.12.047. 04-17-097 (Order 04-216), § 220-55-115, filed 8/17/04, effective 9/17/04; 01-10-030 (Order 01-62), § 220-55-115, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-55-115, filed 5/24/00, effective 6/24/00. Statutory Authority: SB 5020 and RCW 75.08.090. 99-17-095 (Order 99-129), § 220-55-115, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-115, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-115, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-115, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-115, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-115, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-047.]

Chapter 220-56 WAC PERSONAL-USE FISHERY

WAC

220-56-100
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220-56-124
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Definitions—Personal-use fishing.
River mouth definitions.
Statewide saltwater hook rules.
Statewide bait rules.
Unlawful provisions—Hoodspout Hatchery.
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Halibut—Seasons—Daily and possession limits.
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Game fish seasons.

WAC 220-56-100 Definitions—Personal-use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly Varden/bull trout.

(2) "Anti-snagging rule" means:

(a) Terminal fishing gear is limited to a lure or bait with one single point hook. When fishing from a floating device, up to two single point hooks may be used.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(9) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(10) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(11) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(12) "Frozen" means fish or shellfish that are hard frozen throughout.

(13) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(14) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(15) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a

common shank. A "treble hook" means a hook having three points on a common shank.

(16) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(17) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(18) "Juvenile" means a person under fifteen year of age.

(19) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(20) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(21) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(22) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(23) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(24) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with an internal combustion motor is prohibited unless otherwise provided. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(25) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(26) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(27) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(28) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(29) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(30) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(31) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout, tiger

trout, and, in WAC 232-28-619, salmon from waters designated as "landlocked salmon rules apply."

(32) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(33) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(34) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(35) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(36) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

[Statutory Authority: RCW 77.12.047, 09-06-042 (Order 09-27), § 220-56-100, filed 2/25/09, effective 5/1/09; 08-07-003, § 220-56-100, filed 3/5/08, effective 4/5/08; 06-13-023 (Order 06-135), § 220-56-100, filed 6/13/06, effective 7/14/06; 06-05-085 (Order 06-23), § 220-56-100, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 220-56-100, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-100, filed 11/23/04, effective 12/24/04; 04-07-009 (Order 04-39), § 220-56-100, filed 3/4/04, effective 5/1/04; 03-18-007 (Order 03-211), § 220-56-100, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-100, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-100, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-08-029 (Order 99-13), § 220-56-100, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-100, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-100, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-100, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-100, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-100, filed 7/1/94, effective 8/1/94; 91-08-054 (Order 91-13), § 220-56-100, filed 4/2/91, effective 5/3/91; 86-09-020 (Order 86-08), § 220-56-100, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-100, filed 4/9/85; 82-13-040 (Order 82-61), § 220-56-100, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-100, filed 2/27/80, effective 4/1/80.]

WAC 220-56-105 River mouth definitions. When pertaining to angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.
 Bear River - Highway 101 Bridge.
 Bone River - Highway 101 Bridge.
 Chambers Creek - Burlington Northern Railroad Bridge.
 Chehalis River - Highway 101 Bridge in Aberdeen.
 Chelan River - Railroad Bridge.
 Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore.

McLane Creek - A line 100 feet upstream of and parallel to the southernmost Highway 101 Bridge.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

Nisqually River - At the upstream end of Alder Lake, the mouth of the Nisqually River is the Highway 7 Bridge at Elbe.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwest-erly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.
- Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.
- Willapa River - City of South Bend boat launch.
- Wind River - Boundary line markers at mouth.
- Yakima River - Highway 240 Bridge.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-56-105, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 08-15-002 (Order 08-165), § 220-56-105, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.12.047. 08-07-003, § 220-56-105, filed 3/5/08, effective 4/5/08; 07-05-051 (Order 07-22), § 220-56-105, filed 2/16/07, effective 3/19/07; 03-05-057 (Order 03-24), § 220-56-105, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-105, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 220-56-105, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-105, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-105, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-105, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-105, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-105, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-105, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-105, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-105, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-105, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-105, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-105, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-105, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-105, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-105, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-105, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-105, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-105, filed 2/27/80, effective 4/1/80.]

WAC 220-56-116 Statewide saltwater hook rules. (1)

It is unlawful to use more than two hooks to fish in saltwater, except for forage fish jigger gear and squid jig gear, and when fishing from the north jetty of the Columbia River.

(2) It is unlawful to use barbed hooks in Marine Areas 5-13, except for forage fish jigger gear.

(3) It is unlawful to use other than one single-point barbless hook to fish for sturgeon.

(4) It is unlawful to use other than single-point barbless hooks to fish for salmon in Marine Areas 1-13, except in the Ocean Shores and Westport Boat Basins, and in Marine Area 2-1 from August 1 through January 31, as provided for in this section.

(5) It is unlawful to fish for or possess salmon taken with terminal gear hooks in violation of anti-snagging rule in the following saltwater areas during the periods indicated:

(a) Budd Inlet waters south of a line projected true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128 - July 16 through October 31.

(b) Ocean Shores Boat Basin - August 16 through January 31.

(c) Westport Boat Basin - August 16 through January 31.

(6) It is unlawful to use forage fish jig gear, and anti-snagging rule and night closure in effect, in the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.

(7) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or 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 77.12.047 and 77.04.020. 09-15-035 (Order 09-133), § 220-56-116, filed 7/8/09, effective 8/8/09; 08-15-002 (Order 08-165), § 220-56-116, filed 7/3/08, effective 8/3/08; 07-16-056, § 220-56-116, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-116, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-116, filed 2/14/06, effective 5/1/06; 02-08-048 (Order 02-53), § 220-56-116, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-116, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-116, filed 1/30/95, effective 5/1/95; 92-11-012 (Order 92-19), § 220-56-116, filed 5/12/92, effective 6/12/92; 89-10-032 (Order 89-26), § 220-56-116, filed 4/27/89; 88-10-012 (Order 88-14), § 220-56-116, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-116, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-116, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-116, filed 6/9/82.]

WAC 220-56-122 Statewide bait rules. (1) It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is acceptable to use bait in saltwater.

(4) It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attracting fish unless specifically authorized in exceptions to statewide rules.

(5) When fishing for trout with bait, all trout that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.

(6) It is unlawful to possess or use live aquatic animals as bait in fresh water except:

(a) Live aquatic animals (other than fish) collected from the water being fished may be possessed or used as bait.

(b) Live sand shrimp may be possessed or used as bait.

(c) Live forage fish may be possessed or used as bait in the Columbia River downstream of a line projected from

Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(7) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such bait. Violation of this subsection is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish 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 77.12.047, 09-06-042 (Order 09-27), § 220-56-122, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020, 07-16-056, § 220-56-122, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 220-56-122, filed 6/13/06, effective 7/14/06; 06-09-021 (Order 06-67), § 220-56-122, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-122, filed 2/14/06, effective 5/1/06.]

WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery. During the period July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

[Statutory Authority: RCW 77.12.047 and 77.04.020, 09-15-035 (Order 09-133), § 220-56-124, filed 7/8/09, effective 8/8/09; 08-15-002 (Order 08-165), § 220-56-124, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.12.047, 02-15-097 (Order 02-158), § 220-56-124, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 220-56-124, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-124, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-124, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-124, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-124, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-124, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-124, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-124, filed 3/31/93, effective 5/1/93.]

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13, an angler must obtain and have in his or her personal possession a valid and appropriate Puget Sound Dungeness crab catch record card as described in WAC 220-69-236.

(2) In order to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in his or her personal possession a valid and appropriate catch record card as described in WAC 220-69-236. The only exception is for commercially

caught salmon retained for personal use, as provided for in WAC 220-20-016, and commercially caught sturgeon retained for personal use, as provided for in WAC 220-20-021. Also, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(3) To validate their catch record cards, anglers must completely, accurately, and legibly complete all personal identification information in ink on the catch record card before detaching the card from its underlying copy or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid as long as there is one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, a catch record card remains valid for catch-and-release sturgeon fishing when the sturgeon portion of the card is full.

(b) A person may not use a second or subsequent catch record card to retain sturgeon and wild steelhead after the first card is full.

(4) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, anglers must enter, in ink, in the appropriate space on the card, the place, date of catch, and species (catch type). For sturgeon, anglers also must record the length of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked.

(5) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, a fisher must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher must enter the total number of crab tally marks for each fishery type.

(6)(a) Every person issued a catch record card must, by April 30 of the year after they used the card, return the card to the department of fish and wildlife. People issued a Puget Sound Dungeness crab catch record card must return the card to the Washington department of fish and wildlife or report the card information at the designated internet site by the dates indicated on the card.

(b) Effective December 1, 2009, and thereafter, failure to return a Dungeness crab catch record card or to report the Dungeness crab catch record card information at the designated internet site by the dates indicated on the card will result in a ten-dollar administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

(7) Any person possessing a catch record card must show the card to any law enforcement officer or authorized department employee who asks to inspect the card.

(8) A catch record card must not be transferred, borrowed, altered, or loaned to another person, unless pursuant to Substitute Senate Bill No. 6260, effective June 12, 2008.

[Statutory Authority: RCW 77.12.047, 09-02-069 (Order 09-03), § 220-56-175, filed 1/6/09, effective 2/6/09; 08-07-003, § 220-56-175, filed 3/5/08, effective 4/5/08; 07-09-042 (Order 07-59), § 220-56-175, filed 4/11/07, effective 5/12/07; 06-21-031 (Order 06-262), § 220-56-175, filed 10/9/06,

effective 11/9/06; 06-13-023 (Order 06-135), § 220-56-175, filed 6/13/06, effective 7/14/06; 06-05-085 (Order 06-23), § 220-56-175, filed 2/14/06, effective 5/1/06; 04-10-033 (Order 04-91), § 220-56-175, filed 4/29/04, effective 5/30/04; 03-05-057 (Order 03-24), § 220-56-175, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-175, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-56-175, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-175, filed 3/29/00, effective 5/1/00; 99-17-066 (Order 99-125), § 220-56-175, filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080, 91-08-054 (Order 91-13), § 220-56-175, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-175, filed 2/28/90, effective 3/31/90; 89-07-071 (Order 89-05), § 220-56-175, filed 3/20/89; 88-05-002 (Order 88-03), § 220-56-175, filed 2/4/88; 85-11-020 (Order 85-43), § 220-56-175, filed 5/10/85; 80-03-064 (Order 80-12), § 220-56-175, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-023.]

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 1 through April 30 and July 1 through August 15.

(2) Carr Inlet: Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling April 1 through April 30 and August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the

Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed April 1 through April 30 and June 1 through July 31.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September 30.

[Statutory Authority: RCW 77.12.047 and 77.04.020, 09-15-035 (Order 09-133), § 220-56-195, filed 7/8/09, effective 8/8/09; 08-15-002 (Order 08-165), § 220-56-195, filed 7/3/08, effective 8/3/08; 07-16-056, § 220-56-195, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047, 05-17-007 (Order 05-168), § 220-56-195, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-195, filed 11/23/04, effective 12/24/04; 02-15-097 (Order 02-158), § 220-56-195, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 220-56-195, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-195, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-195, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-195, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-56-195, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-195, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-195, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-195, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-195, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-56-195, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-195, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-195, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-195, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-195, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-195, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-195, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-195, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-195, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-195, filed 2/27/80, effective 4/1/80.]

WAC 220-56-230 Bottomfish and halibut—Closed areas. It is unlawful to take, fish for, retain, or possess bottomfish or halibut taken for personal use from within the following areas:

(1) An eastward-facing C-shaped closed area defined as: Beginning at 48°N, 124°59'W; thence to 48°N, 125°18'W; thence to 48°18'N, 125°18'W; thence to 48°18'N, 124°59'W; thence to 48°11'N, 124°59'W; thence to 48°11'N, 125°11'W; thence to 48°04'N, 125°11'W; thence to 48°04'N, 124°59'W; thence to the point of origin.

(2) The "Westport Offshore Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°54.30'N, 124°53.40'W; thence to 46°54.30'N, 124°51.00'W; thence to 46°53.30'N, 124°51.00'W; thence to 46°53.30'N, 124°53.40'W, thence to the point of origin.

(3) The "South Coast Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°58.00'N, 124°48.00'W; thence to 46°55.00'N, 124°48.00'W; thence to 46°55.00'N, 124°49.00'W; thence to 46°58.00'N, 124°49.00'W; thence to the point of origin.

[Statutory Authority: RCW 77.04.020 and 77.12.047. 09-14-010 (Order 09-107), § 220-56-230, filed 6/22/09, effective 7/23/09. Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-230, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-230, filed 2/28/90, effective 3/31/90.]

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for, or possess lingcod for personal use except during the following seasons and areas:

(1) Coastal area:

(a) Catch Record Card Areas 1 through 3: The Saturday closest to March 16, through the Saturday closest to October 15;

(b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line: April 16 through October 15, or the Saturday closest to October 15 if that Saturday comes before October 15, whichever is earlier; and

(c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line: April 16 through October 15.

(2) Catch Record Card Areas 5 through 13: May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

[Statutory Authority: RCW 77.04.020 and 77.12.047. 09-14-010 (Order 09-107), § 220-56-250, filed 6/22/09, effective 7/23/09; 08-15-089 (Order 08-173), § 220-56-250, filed 7/17/08, effective 8/17/08. Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-56-250, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-250, filed 2/14/03, effective 5/1/03. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-250, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-250, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-250, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-250, filed 4/2/91, effective 5/3/91; 89-10-032 (Order 89-26), § 220-56-250, filed 4/27/89; 84-09-026 (Order 84-22), § 220-56-250, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-250, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-250, filed 3/18/82; 80-07-017 (Order 80-45), § 220-56-250, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-250, filed 2/27/80, effective 4/1/80.]

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Open on the first Thursday in May or May 1, if May 1 is a Friday or Saturday, through the third Saturday in July, from 12:01 a.m. each Thursday through 11:59 p.m. each Saturday. The fishery will reopen on the first Friday in August through September 30, from 12:01 a.m. each Friday through 11:59 p.m. each Sunday. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except sablefish or Pacific cod, if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) Those waters from 47°25.00'N. lat. south to 46°58.00'N. lat. and east of 124°30.00'W. long. - Open on the first Sunday in May through September 30 on days that all other waters in Area 2 are open, as specified in (b)(ii) of this subsection, and from 12:01 a.m. each Thursday through 11:59 p.m. each Sunday.

(ii) All other waters in Area 2 - Open on the first Sunday in May through the third Sunday in May from 12:01 a.m. through 11:59 p.m. each Sunday, and from 12:01 a.m. through 11:59 p.m. each Tuesday. Beginning on the third Sunday in May through September 30, the halibut fishery will be open from 12:01 a.m. through 11:59 p.m. each Sunday.

(iii) From March 15, through June 15, it is unlawful to fish for or possess bottomfish seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain sablefish and Pacific cod from May 1 through June 15 seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below:

47°31.70'N. lat., 124°37.03'W. long.

47°25.67'N. lat., 124°34.79'W. long.

47°12.82'N. lat., 124°29.12'W. long.

46°52.94'N. lat., 124°22.58'W. long.

46°44.18'N. lat., 124°18.00'W. long.

46°38.17'N. lat., 124°15.88'W. long.

(c) Catch Record Card Areas 3 and 4 - Open the first Thursday between May 9 and May 15 of each year through September 30, from 12:01 a.m. through 11:59 p.m. each Thursday and from 12:01 a.m. through 11:59 p.m. each Saturday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward-facing C-shaped closed area defined as: Beginning at 48°18'N. lat., 125°18'W. long.; thence to 48°18'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 125°18'W. long.; thence to the point of origin.

It is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from May 21 through September 30, on days and times closed to halibut fishing:

48°23.9'N., 124°44.2'W.

48°23.6'N., 124°44.9'W.

48°18.6'N., 124°43.6'W.

48°18.6'N., 124°48.2'W.

48°10.0'N., 124°48.8'W.
 48°02.4'N., 124°49.3'W.
 47°37.6'N., 124°34.3'W.
 47°31.7'N., 124°32.4'W.

(d) Catch Record Card Area 5 - Open the Thursday before Memorial Day through September 30, except closed to fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(e) Catch Record Card Areas 6 through 13 - Open May 1 through September 30, except closed to fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-56-156 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-56-156 for rules on Canadian-origin halibut possession.

[Statutory Authority: RCW 77.04.020 and 77.12.047. 09-14-010 (Order 09-107), § 220-56-255, filed 6/22/09, effective 7/23/09; 07-21-068, § 220-56-255, filed 10/15/07, effective 11/15/07. Statutory Authority: RCW 77.12.-047. 06-17-057 (Order 06-199), § 220-56-255, filed 8/10/06, effective 9/10/06; 05-14-035 (Order 05-130), § 220-56-255, filed 6/24/05, effective 7/25/05; 03-05-057 (Order 03-24), § 220-56-255, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-255, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-255, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-255, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-255, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-255, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-255, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-255, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-255, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-255, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-255, filed 4/26/88; 85-10-062 (Order 85-39), § 220-56-255, filed 5/1/85; 80-03-064 (Order 80-12), § 220-56-255, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-071.]

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. A person can take, dig for and possess clams and mussels taken for personal use on Puget Sound the entire year:

Except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Ala Spit: Closed the entire year.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Brown's Point Lighthouse: Closed the entire year.
- (6) Cama Beach State Park: Closed the entire year.
- (7) Camano Island State Park: Closed the entire year.
- (8) Chuckanut Bay: Closed the entire year.
- (9) Coupeville: Closed the entire year.
- (10) Dash Point State Park: Closed the entire year.
- (11) Dave Mackie County Park: Closed the entire year.
- (12) Des Moines City Park: Closed the entire year.
- (13) Discovery Park: Closed the entire year.
- (14) DNR-79: Closed the entire year.
- (15) DNR-85: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR-144 (Sleepers): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.

(19) Dosewallips State Park: Open March 1 through October 31 only in area defined by boundary markers and signs posted on the beach.

(20) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.

(21) Eagle Creek: Open July 1 through July 31.

(22) East San De FCA: Closed the entire year.

(23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open May 15 through July 31.

(24) Fort Ward State Park: Closed the entire year.

(25) Freeland County Park: Closed the entire year.

(26) Frye Cove County Park: Closed the entire year.

(27) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(28) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(29) Golden Gardens: Closed the entire year.

(30) Graveyard Spit: Closed the entire year.

(31) Harrington Beach: Closed the entire year.

(32) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed the entire year.

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

(34) Howarth Park: Closed the entire year.

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

(36) Kayak Point County Park: Closed the entire year.

(37) Kitsap Memorial State Park: Open May 15 through July 15.

(38) Kopachuck State Park: Open June 1 through July 31.

(39) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(40) Lincoln Park: Closed the entire year.

(41) Lions Park (Bremerton): Closed the entire year.

(42) Little Clam Bay: Closed the entire year.

(43) Lower Roto Vista Park: Closed the entire year.

(44) Manchester State Park: Closed the entire year.

(45) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(46) Meadowdale County Park: Closed the entire year.

(47) Mee-Kwa-Mooks Park: Closed the entire year.

(48) Monroe Landing: Closed the entire year.

(49) Mukilteo State Park - Closed the entire year.

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

(51) Nisqually National Wildlife Refuge: Closed the entire year.

(52) North Beach County Park: Closed the entire year.

(53) North Fort Lewis: Closed the entire year.

(54) North Point Hudson: Closed the entire year.

(55) Northeast Cultus Bay: Closed the entire year.

(56) Oak Bay County Park: Open June 1 through July 31.

(57) Oak Harbor City Park: Closed the entire year.

(58) Old Man House State Park: Closed the entire year.

(59) Olympia Shoal: Closed the entire year.

(60) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(a) North Bay: State-owned oyster reserves open the entire year.

(b) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(61) Penrose Point State Park: Open March 1 through May 31.

(62) Picnic Point County Park: Closed the entire year.

(63) Pitship Point: Closed the entire year.

(64) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(65) Pleasant Harbor State Park: Closed the entire year.

(66) Point Whitney (excluding Point Whitney Lagoon): Open March 1 through May 31.

(67) Point Whitney Lagoon: Closed.

(68) Port Angeles Coast Guard: Closed the entire year.

(69) Port Angeles Harbor: Closed the entire year.

(70) Port Gardner: Closed the entire year.

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

(72) Post Point: Closed the entire year.

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

(74) Potlatch East: Open April 1 through August 31.

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

(76) Priest Point County Park: Closed the entire year.

(77) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(78) 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 the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.

(79) Reid Harbor - South Beach: Closed the entire year.

(80) Retsil: Closed the entire year.

(81) Rendsland Creek: Open January 1 through June 30.

(82) Richmond Beach Saltwater Park: Closed the entire year.

(83) Saltwater State Park: Closed the entire year.

(84) Samish Beach: Closed the entire year.

(85) Scenic Beach State Park: Open April 15 through May 15.

(86) Seahurst County Park: Closed the entire year.

(87) Semiahmoo: Closed the entire year.

(88) Semiahmoo County Park: Closed the entire year.

(89) Sequim Bay State Park - Open May 1 through July 31.

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

(91) Silverdale County Park: Closed the entire year.

(92) Sinclair Inlet: Closed the entire year.

(93) Skagit Wildlife Area: Closed the entire year.

(94) South Carkeek Park: Closed the entire year.

(95) South Dougall Point: Closed the entire year.

(96) South Gordon Point: Closed the entire year.

(97) South Indian Island County Park: Open April 1 through May 31.

(98) South Mukilteo Park: Closed the entire year.

(99) South Oro Bay: Closed the entire year.

(100) South Point Wilson (Port Townsend): Closed the entire year.

(101) Southworth Ferry Dock: Closed the entire year.

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

(103) Suquamish (Old Man House): Closed the entire year.

(104) Taylor Bay: Closed the entire year.

(105) Triton Cove Tidelands: Open May 1 through September 30.

(106) Twanoh State Park: Open August 1 through September 30.

(107) Walker County Park: Closed the entire year.

(108) West Dewatto: DNR Beach 44A open August 1 through September 30.

(109) West Pass Access: Closed the entire year.

(110) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

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

(112) Woodard Bay: Closed the entire year.

It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

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

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

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

WAC 220-56-380 Oysters—Areas and seasons. A person can take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Alki Park: Closed the entire year.
- (2) Alki Point: Closed the entire year.
- (3) Bangor: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Brown Point (DNR 57-B): Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Chuckanut: Closed the entire year.
- (8) Coupeville: Closed the entire year.
- (9) Cushman (Saltwater) Park: Open year-round.
- (10) Dash Point State Park: Closed the entire year.
- (11) Dave Mackie County Park: Closed the entire year.
- (12) Des Moines City Park: Closed the entire year.
- (13) Discovery Park: Closed the entire year.
- (14) DNR-79: Closed the entire year.
- (15) DNR-85: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR 144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) East San De Fuca: Closed the entire year.
- (20) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open May 15 through July 31.
- (21) Fort Ward State Park: Closed the entire year.
- (22) Freeland County Park: Closed the entire year.
- (23) Frye Cove County Park: Closed the entire year.
- (24) Golden Gardens: Closed the entire year.
- (25) Graveyard Spit: Closed the entire year.
- (26) Harrington Beach: Closed the entire year.
- (27) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (28) Hope Island State Park (South Puget Sound): Open April 1 through May 31.
- (29) Howarth Park: Closed the entire year.
- (30) Illahee State Park: Open April 1 through July 31.
- (31) Kitsap Memorial State Park: Open May 15 through August 15.
- (32) Kopachuck State Park: Open March 1 through July 31.
- (33) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- (34) Lincoln Park: Closed the entire year.
- (35) Lions Park (Bremerton): Closed the entire year.
- (36) Little Clam Bay: Closed the entire year.
- (37) Lower Roto Vista Park: Closed the entire year.
- (38) Manchester State Park: Closed the entire year.
- (39) Meadowdale County Park: Closed the entire year.
- (40) Mee-Kwa-Mooks Park: Closed the entire year.
- (41) Monroe Landing: Closed the entire year.
- (42) Mukilteo State Park: Closed the entire year.

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

(44) Nisqually National Wildlife Refuge: Closed the entire year.

(45) North Beach County Park: Closed the entire year.

(46) North Fort Lewis: Closed the entire year.

(47) North Point Hudson: Closed the entire year.

(48) Northeast Cultus Bay: Closed the entire year.

(49) Oak Bay County Park: Open June 1 through July 31.

(50) Oak Harbor Beach Park: Closed the entire year.

(51) Oak Harbor City Park: Closed the entire year.

(52) Old Man House State Park: Closed the entire year.

(53) Olympia Shoal: Closed the entire year.

(54) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(a) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open the entire year.

(b) North Bay - State-owned reserves open the entire year.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(55) Penrose Point State Park: Open March 1 through May 31.

(56) Picnic Point: Closed the entire year.

(57) Pleasant Harbor State Park: Closed the entire year.

(58) Port Angeles Coast Guard: Closed the entire year.

(59) Port Angeles Harbor: Closed the entire year.

(60) Port Gardner: Closed the entire year.

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

(62) Post Point: Closed the entire year.

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

(64) Potlatch East: Open April 1 through August 31.

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

(66) Priest Point County Park: Closed the entire year.

(67) 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 except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

(68) Reid Harbor - South Beach: Closed the entire year.

(69) Retsil: Closed the entire year.

(70) Richmond Beach Saltwater Park: Closed the entire year.

(71) Saltwater State Park: Closed the entire year.

(72) Samish Beach: Closed the entire year.

(73) Seahurst County Park: Closed the entire year.

(74) Scenic Beach State Park: Open April 15 through May 15.

(75) Semiahmoo: Closed the entire year.

(76) Semiahmoo County Park: Closed the entire year.

- (77) Shine Tidelands State Park: Open January 1 through May 15.
- (78) Silverdale County Park: Closed the entire year.
- (79) Sinclair Inlet: Closed the entire year.
- (80) Skagit Wildlife Area: Closed the entire year.
- (81) South Carkeek Park: Closed the entire year.
- (82) South Dougall Point: Closed the entire year.
- (83) South Gordon Point: Closed the entire year.
- (84) South Indian Island County Park: Open April 1 through May 31.
- (85) South Mukilteo Park: Closed the entire year.
- (86) South Oro Bay: Closed the entire year.
- (87) South Point Wilson (Port Townsend): Closed the entire year.
- (88) Southworth Ferry Dock: Closed the entire year.
- (89) Suquamish (Old Man House): Closed the entire year.
- (90) Taylor Bay: Closed the entire year.
- (91) Walker County Park: Closed the entire year.
- (92) West Pass Access: Closed the entire year.
- (93) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.
- (94) Woodard Bay: Closed the entire year.
- (95) Wolfe Property State Park: Open January 1 through May 15.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-56-380, filed 2/25/09, effective 5/1/09; 08-07-003, § 220-56-380, filed 3/5/08, effective 4/5/08; 07-05-051 (Order 07-22), § 220-56-380, filed 2/16/07, effective 3/19/07; 06-05-085 (Order 06-23), § 220-56-380, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-380, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-380, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 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. 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-380, filed 2/30/99, effective 5/1/99; 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

WAC 220-56-500 Game fish seasons. It is unlawful to fish for game fish except during open seasons or open time periods.

(1) Freshwater lakes, ponds and reservoirs: Open year round except as provided for in WAC 232-28-619.

(2) Freshwater rivers, streams and beaver ponds: Open the first Saturday in June through October 31 except as provided for in WAC 232-28-619.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year-round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through August 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; except a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210, as long as he or she does not use lead-core fly line. Use of gear other than fly-fishing gear or use of a lead core line in violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to retain any fish taken during the period January 1 through March 31.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-56-500, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 08-15-002 (Order 08-165), § 220-56-500, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.12.047. 06-13-023 (Order 06-135), § 220-56-500, filed 6/13/06, effective 7/14/06.]

Chapter 220-69 WAC

FISH RECEIVING TICKETS—WEIGHT DELIVERY SHEETS

WAC

220-69-230	Description of Washington state nontreaty fish receiving tickets.
220-69-250	Required information on nontreaty fish receiving tickets.

WAC 220-69-230 Description of Washington state nontreaty fish receiving tickets. (1) There is hereby created the following nontreaty fish receiving ticket forms to be prepared, printed, and distributed upon request, by the department: Puget Sound salmon, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer.
- (b) Address: Address of licensed deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDFW boat registration: Washington department of fish and wildlife boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of licensed deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and department number assigned to dealer.

(i) Buyer: Name of buyer, and department number assigned to buyer.

(j) Receiver's signature: Signature of original receiver.

(k) Number of days fished: Days spent catching fish.

(l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.

(m) Catch area: Salmon catch area code if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.

(n) Tally space for dealer's use: Used at dealer's discretion.

(o) Species code: Department assigned species code.

(p) Individual number of salmon and sturgeon.

(q) Individual numbers of other fish species, if such fish are landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish rather than in pounds.

(r) Number of ghost shrimp in dozens, number of oysters in dozens or gallons, and species description for all fish and shellfish.

(s) The original total weight in round pounds of all shellfish or fish, except that pounds of legally dressed fish and shellfish may be recorded in original dressed weight. Dressed fish and shellfish must be designated as dressed on the fish receiving ticket. Value of fish and shellfish sold or purchased: Summary information for species, or species groups landed.

(t) All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

(u) Work area for dealer's use: Used at dealer's discretion, with the following exceptions:

(i) Federal sablefish endorsed limited entry permit numbers must be recorded in this area for each delivery of sablefish landed under the authority of this permit. Separate fish tickets are required for each permit number being used.

(ii) At the time of landing of coastal bottomfish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(v) Total amount: Total value of landing.

(w) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use.

(x) Crew: Name and signature of crew members who take home fish.

(2) The Puget Sound salmon fish receiving ticket shall be used for:

(a) Deliveries of nontreaty salmon caught in inland waters.

(b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(3) The troll fish receiving ticket shall be used for:

(a) Deliveries of nontreaty coastal salmon and incidental catch.

(b) Any other nontreaty deliveries where the species delivered may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(d) Any bottomfish or halibut that are subject to a catch allowance or ratio restriction, when those species are taken incidental to salmon fishing.

(4) The marine fish receiving ticket shall be used for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.

(b) Any imports of fresh marine fish or bottomfish.

(5) The utility fish receiving ticket shall be used for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.

(b) Any imports of fresh fish or shellfish that do not include salmon.

(6) The shellfish receiving ticket shall be used for:

(a) Any nontreaty deliveries of shellfish.

(b) Any imports of fresh shellfish.

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

[Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63. 10-02-002 (Order 09-262), § 220-69-230, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. 07-23-002 (Order 07-279), § 220-69-230, filed 11/7/07, effective 12/8/07; 07-04-030, § 220-69-230, filed 1/29/07, effective 3/1/07. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-230, filed 12/20/99, effective 1/20/00; 85-11-020 (Order 85-43), § 220-69-230, filed 5/10/85; 84-08-014 (Order 84-24), § 220-69-230, filed 3/27/84; 83-24-049 (Order 83-203), § 220-69-230, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-230, filed 5/2/80; 78-03-031 (Order 78-7), § 220-69-230, filed 2/17/78; Order 76-153, § 220-69-230, filed 12/17/76.]

WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC 220-69-230 (1)(a) through (m) and (p) through (x) on each nontreaty fish receiving ticket.

(2) A valid license card or duplicate license card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(a) through (e) except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63. 10-02-002 (Order 09-262), § 220-69-250, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. 07-23-002 (Order 07-279), § 220-69-250, filed 11/7/07, effective 12/8/07; 07-04-030, § 220-69-250, filed 1/29/07, effective 3/1/07; 04-17-096 (Order 04-

210), § 220-69-250, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-250, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-250, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-250, filed 5/10/85; 85-01-010 (Order 84-214), § 220-69-250, filed 12/7/84; 84-08-014 (Order 84-24), § 220-69-250, filed 3/27/84; 83-24-049 (Order 83-203), § 220-69-250, filed 12/2/83; Order 76-153, § 220-69-250, filed 12/17/76.]

220-150-060 Treatment notification and promising treatment waiver process.
 220-150-070 Ballast tank sediment.
 220-150-080 Penalties and enforcement.

**Chapter 220-77 WAC
 AQUACULTURE DISEASE CONTROL**

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

220-77-090 Ballast water management and control—Reporting and sampling requirements. [Statutory Authority: RCW 77.12.047. 06-07-006 (Order 06-35), § 220-77-090, filed 3/2/06, effective 4/2/06; 01-17-097 (Order 01-173), § 220-77-090, filed 8/20/01, effective 9/20/01; 00-17-146 (Order 00-163), § 220-77-090, filed 8/22/00, effective 9/22/00.] Repealed by 09-14-052 (Order 09-110), filed 6/25/09, effective 7/26/09. Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070.
 220-77-095 Interim ballast water discharge standard approval process. [Statutory Authority: RCW 77.12.047. 02-17-015 (Order 02-185), § 220-77-095, filed 8/9/02, effective 9/9/02; 01-17-097 (Order 01-173), § 220-77-095, filed 8/20/01, effective 9/20/01.] Repealed by 09-14-052 (Order 09-110), filed 6/25/09, effective 7/26/09. Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070.

**Chapter 220-88E WAC
 HAGFISH FISHERY**

WAC
 220-88E-040 Hagfish pot trial fishery—Logbook required.

WAC 220-88E-040 Hagfish pot trial fishery—Logbook required. It is unlawful for a participant in the hagfish pot trial fishery to fail to maintain and submit a legible, accurate, and complete harvest log for all hagfish fishing activity. Logs will be submitted such that the department receives them no later than the tenth day following the end of each calendar month. Participants in the hagfish pot trial fishery must use a Hagfish Harvest Logbook provided by the department to record all of their hagfish fishing activity. Failure to submit logbook information may result in revocation of a participant's hagfish pot trial fishery permit.

[Statutory Authority: RCW 77.12.047. 09-14-031, § 220-88E-040, filed 6/24/09, effective 7/25/09; 05-21-067 (Order 05-245), § 220-88E-040, filed 10/14/05, effective 11/14/05.]

**Chapter 220-150 WAC
 BALLAST WATER MANAGEMENT**

WAC
 220-150-010 Purpose, stakeholder consultation, and cooperative management.
 220-150-020 Definitions.
 220-150-030 Reporting forms, waivers, safety exemptions, and recordkeeping.
 220-150-033 Vessel inspections.
 220-150-035 Vessels carrying high risk ballast water.
 220-150-037 Temporary compliance plans and alternative strategies.
 220-150-040 Interim open sea exchange requirements.
 220-150-043 Interim open sea exchange alternative.
 220-150-050 Treatment requirements.

WAC 220-150-010 Purpose, stakeholder consultation, and cooperative management. (1) Purpose.

(a) These rules apply to vessels as recognized under RCW 77.120.020. Owners or operators of vessels to which this chapter does not apply are encouraged to voluntarily comply to the extent possible.

(b) These rules are provided to fulfill the legislative general directives under chapter 77.120 RCW and the specific directives under RCW 77.120.030(3), "to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species."

(c) As directed by statute and in response to scientific evidence gathered since the state ballast water management program was first established in 2000, the approach to meet this directive is to encourage vessel owners or operators to reduce the volume of ballast water discharged, phase-out the ballast water open sea exchange requirement, and replace open sea exchange with an effective ballast water discharge performance standard.

(d) The legislature, in recognizing the complexity, evolving science, and technological challenges of ballast water management, gave the department broad authority under RCW 77.120.030(3) and 77.120.040(5) to develop discharge standards that pose minimum risk of introducing non-indigenous species. To assure the legislature that this authority is applied in a transparent and accountable manner, the department met the three key conditions required by statute. First, the rules were developed in consultation with advisors from the regulated industries and potentially affected parties as required in RCW 77.120.040(5) and as identified in subsection (2) of this section. Second, the rules were developed in consideration of the extent to which the requirement for a discharge performance standard is technologically and practically feasible. Third, the rules were developed to complement, to the extent practical and appropriate, current ballast water management regulations of the United States Coast Guard (USCG), the International Maritime Organization (IMO), and the state of Oregon.

(e) In the absence of a national discharge performance standard, these rules were developed to complement, and promote consistency along the west coast in accordance with, the West Coast Governor's Agreement on Ocean Health 2008 Action Plan, Action 2.3, and the Puget Sound Partnership's 2008 Action Agenda, Priority A.5.2, Near-term Actions 1 and 2. When a national discharge standard is developed, the department will assess these rules for consistency, as practical and appropriate.

(2) **Ballast water work group consultation.** The department will establish the ballast water work group (BWWG) or a similar forum to advise the department on developing, revising, and implementing chapter 77.120 RCW and this chapter regarding ballast water management. The department, at a minimum, will invite the participation of shipping interests, ports, shellfish growers, fisheries, environmental interests, citizens who have knowledge of the issues, and appropriate governmental representatives, including the USCG and the tribes per RCW 77.120.040(5).

To assist the department in making every reasonable effort to protect state waters from introduction of nonindigenous species, the BWWG may advise the department on:

- (a) Issues to bring forward to the state invasive species council;
- (b) Developing and implementing the ballast water management plan;
- (c) Providing science-based recommendations and technical information;
- (d) Adjusting laws, rules, or policies if and when necessary or advisable;
- (e) Enhancing the predictability and stability of the process so that stakeholders can anticipate and prepare for change; and
- (f) Working with regional and national ballast water regulators to strive for a coordinated and integrated program.

(3) **Cooperative ballast water management.** The department communicates and cooperates with the USCG and other federal and state agencies to standardize regulations to the extent practical and appropriate, minimize duplication of efforts, and share information. The goal is to provide transparency and accountability in the regulatory process, protect state resources, and facilitate collaboration among federal and state agencies. The department also communicates and cooperates to the extent practical and appropriate with international ballast water management entities. Agencies that the department works with directly include:

(a) The Washington department of ecology. Pursuant to RCW 77.120.030(3), the department of fish and wildlife will consult and coordinate with the department of ecology on Clean Water Act issues related to ballast water management.

(b) The Washington department of health. The department of fish and wildlife will consult with the department of health on public health issues related to ballast water management.

(c) The Puget Sound partnership. Pursuant to chapter 90.71 RCW, the department will consult and coordinate with the Puget Sound partnership on biennial budget needs related to the ballast water program, cross-border coordination, policy, and research and monitoring needs to protect and restore Puget Sound by 2020.

(d) Tribes. Pursuant to RCW 77.120.040(5), the department of fish and wildlife will consult and coordinate with federally recognized Indian tribes in the state of Washington on ballast water management issues to assist in the protection of aquatic resources. The department will inform tribes of any ballast water management regulatory changes. The department also will notify tribes of any ballast water technologies as accepted under WAC 220-150-060 and supply the tribes with available supporting documentation.

(e) State of Oregon. Pursuant to RCW 77.120.040(5), the department will consult and coordinate with the state of Oregon on ballast water management in the Columbia River system. The department will strive to enter into cooperative management agreements with the state of Oregon to implement provisions of Washington, Oregon, and other appropriate federal ballast water laws. The agreements may include, but are not limited to, arrangements for cooperative enforcement, inspection, research, and monitoring.

(f) United States Coast Guard (USCG). Pursuant to RCW 77.120.030(3) and 77.120.040 (5)(a), the department

will strive to enter into cooperative management agreements with the USCG to implement ballast water management objectives. The agreements may include, but are not limited to, arrangements for cooperative enforcement, inspection, research, and monitoring.

(g) United States Environmental Protection Agency (EPA). The department, as practical and appropriate, will consult and coordinate with the EPA on Clean Water Act issues related to ballast water management.

(h) Pacific Coast states. Pursuant to RCW 77.120.040 (5)(a), the department will consult and coordinate with the Pacific Coast states of Alaska, California, Hawaii, and Oregon on ballast water issues. In general, this will be through the Pacific ballast water group or a similar cooperative forum.

(i) Canada. As practical and appropriate, the department will strive for consistency and cooperation with the Canadian government through the province of British Columbia or other appropriate venues to manage ballast water risks.

(j) International Maritime Organization (IMO). As practical and appropriate, the department will strive for consistency and cooperation with the IMO to manage ballast water risks.

(4) **Other state and federal laws.** Nothing in this chapter shall supersede more stringent state or federal regulations, including public health and Clean Water Act criteria. Nothing in these regulations negates the need to comply with other state and federal regulations regarding the management of ballast water or any other vessel-related discharges.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-010, filed 6/25/09, effective 7/26/09.]

WAC 220-150-020 Definitions. (1) **In general.** The definitions herein are provided solely for the purposes of ballast water management unless otherwise noted. Nonindigenous species and ballast water management definitions from RCW 77.08.010 and 77.120.010 are included as noted to provide a comprehensive listing of terms used in this chapter.

(2) **"Ballast tank"** means any vessel tank or hold used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(3) **"Ballast water"** means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried. This includes matter suspended in such water per USCG regulations under Title 33 CFR, Part 151.1504.

(4) **"Ballast water capacity"** means the total volumetric capacity of any tanks, spaces, or compartments on a vessel used for carrying, loading or discharging ballast water, including any multiuse tank, space or compartment designed to allow carriage of ballast water.

(5) **"Ballast Water Reporting Form"** or **"reporting form"** means either a USCG or an IMO ballast water reporting form pursuant to USCG regulations under Title 33 CFR, Part 151.2045.

(6) **"Commission"** means the state fish and wildlife commission.

(7) "**Concurrent waters of the Columbia River**" means those waters of the Columbia River that coincide with the Washington-Oregon state boundary.

(8) "**Constructed**" means a stage of vessel construction wherein:

(a) The keel is laid;

(b) Construction identifiable with a specific vessel begins;

(c) Assembly of the vessel has commenced and comprises at least fifty tons or one percent of the estimated mass of all structural material, whichever is less; or

(d) The vessel undergoes a major conversion.

(9) "**Department**" means the Washington department of fish and wildlife.

(10) "**Detectable**" means a scientifically credible measurement as determined by the department, resulting in a mathematical count of aquatic organisms greater than zero or an approved measurement of a surrogate criterion, and assumes:

(a) Measurements reflect a specific point in time;

(b) Organisms may exist that are below detectable or reasonably credible limits;

(c) The term is temporal and likely to require adjustment as scientific methods improve in ability to measure the criteria;

(d) A reasonableness criteria also applies to the level of effort to find and enumerate organisms in large volumes of ballast water; and

(e) Measurements resulting in a mathematical count of zero are considered to have no detectable organisms.

(11) "**Exchange**" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required under USCG Title 33 CFR, Part 151.2035.

(12) "**Gross tons**," "**GT**," or "**GT ITC**" means a vessel's gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor convention, as required under USCG Navigation and Vessel Circular No. 11-93, CH. 3, Section 2. GT is the metric used on the USCG ballast water reporting form, used to qualify a "vessel" under this chapter, and is generally calculated differently than other tonnage metrics such as gross regulatory tons, gross registered tons (GRT), net tons, displacement, or deadweight. It is the vessel owner's or operator's responsibility to determine his or her vessel's applicability to this chapter if using alternative tonnage measurements, as there are no standard conversion metrics to GT.

(13) "**International Maritime Organization**" or "**IMO**" means a specialized agency of the United Nations with one hundred sixty-seven Member States and three Associate Members and based in the United Kingdom. Reference to IMO herein applies to its International Convention for the Control and Management of Ships' Ballast Water and Sediments adopted in 2004.

(14) "**Living organism**" means a whole or minimally damaged organism that exhibits signs of viability such as energy, activity, reproductive ability, or function at the time of observation.

(15) "**Major conversion**" means a conversion of an existing vessel that:

(a) Changes its ballast water carrying capacity by fifteen percent or greater;

(b) Changes the vessel type;

(c) As determined by the department, is projected to prolong its life by ten years or more; or

(d) Results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a vessel to meet the provisions of this chapter will not be deemed to constitute a major conversion.

(16) "**Nonindigenous species**" means any species or other viable biological material that enters an ecosystem beyond its natural range. This also includes the seeds, eggs, spores, and other biological material capable of reproducing that species, or any other viable biological material that enters an ecosystem beyond its natural range.

(17) "**Person**" means an individual, firm, public or private corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

(18) "**Port**" means a terminal or group of terminals or any place or facility that has been designated as a port by a USCG captain of the port. For purposes of this chapter, port may also mean a commonly associated anchorage or a common anchorage in the Columbia river if the next destination port is not known to the vessel owner or operator.

(19) "**Recognized marine trade association**" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia River Steamship Operators Association for the Columbia River or other marine trade association that meets the same criteria.

(20) "**Sediments**" means any matter settled out of ballast water within a vessel.

(21) "**Technical assistance**" means information or training provided by the department in a nonenforcement capacity on ballast water laws, rules, and compliance methods and technologies.

(22) "**Treatment**" means the mechanical, physical, chemical, and biological technology or processes used, either singularly or in combination, to remove, render harmless, or avoid the discharge of living organisms and pathogens within ballast water and sediment.

(23) "**Untreated ballast water**" means exchanged or unexchanged ballast water that has not undergone treatment.

(24) "**Vessel**" means a ship, boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(25) "**Vessel owner**" or "**operator**" means the owner, operator, master, or person-in-charge of a vessel.

(26) "**Voyage**" means any transit by a vessel destined for any Washington port.

(27) "**Waters of the state**" means any surface waters, including internal waters contiguous to state shorelines, within the boundaries of the state.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-020, filed 6/25/09, effective 7/26/09.]

WAC 220-150-030 Reporting forms, waivers, safety exemptions, and recordkeeping. (1) **Purpose.** These rules apply to all vessels subject to ballast water management provisions under chapter 77.120 RCW. The intent of the state's ballast water management program is to minimize the risk of introducing nonindigenous species from ballast water and ballast tank sediment into Washington state waters. Reporting and recordkeeping are designed to assess a vessel owner or operator's compliance with, and monitor the effectiveness of, these regulations as defined in RCW 77.120.030, 77.120.-040, 77.120.070, and 77.120.100. Nothing in this section negates the need to comply with any other state or federal regulations.

(2) **Ballast water reporting form requirements.**

(a) In general. Vessel owners or operators shall file ballast water management information using a Ballast Water Reporting Form (reporting form) that is acceptable to the USCG and prior to entering waters of the state whether or not they intend to discharge ballast water. Refer to WAC 220-150-040 for interim exchange, WAC 220-150-043 for interim exchange alternative, and WAC 220-150-050 for discharge performance standard requirements. Once within waters of the state, vessel owners or operators shall file reporting forms for voyages between state ports. This is necessary for timely enforcement of regulations and to allow risk analysis by port. Vessel owners or operators who do not regularly discharge ballast water may apply for a reporting form waiver as directed in subsection (3) of this section.

Reporting forms will be used by the department to identify both random and high risk vessels for inspection and to monitor overall compliance, quantities, distribution, voyage patterns and other information associated with potential vessel-related introductions of nonindigenous species.

(b) Prior to entering waters of the state. At least twenty-four hours prior to entering waters of the state, vessel owners or operators must file a reporting form with the department. If filing twenty-four hours prior is not possible due to voyage distance or change in destination, vessel owners or operators must file at the time of first known or predictable Washington port visit. A vessel owner or operator filing a reporting form for a Columbia River visit and stating its destination as a state of Oregon port must file a new reporting form if its itinerary changes to a Washington port or for a subsequent voyage from an Oregon port to a Washington port. The reporting form should be completed according to the following instructions:

(i) The reporting form should only have information related to discharges expected into Washington state waters.

(ii) If submitting a USCG reporting form, it must be completed per USCG regulation under Title 33 CFR, Part 151.2041, for each port visit.

(iii) If submitting an IMO reporting form, it must be completed per USCG regulation under Title 33 CFR, Part

151.2045(11), and additional information must be included, showing the total number of tanks being discharged.

(c) Within waters of the state. After meeting the requirements of (b) of this subsection, a new reporting form must be filed by the vessel owner or operator for each subsequent port, if any, in waters of the state. Vessel owners or operators must file a new reporting form at least twenty-four hours prior to arrival at the next Washington port or at the time of first known or predictable port visit if filing twenty-four hours prior is not possible due to voyage distance or change in destination. A new reporting form does not need to be filed where:

(i) A vessel moves multiple times between an anchorage and the same port for which the discharge is accurately attributed on the reporting form; or

(ii) The ballast water or sediment to be discharged was taken up at the same port from where it originated within a single port visit and did not mix with ballast water or sediment from areas other than open sea waters.

(d) Amended reporting forms. Vessel owners or operators shall file an amended reporting form where there are information errors or where the results of actual operations are different from the information contained in their last filed reporting form under (b) or (c) of this subsection. An amended reporting form shall be filed at the time of first known or predictable change of destination, and immediately upon the completion of discharge operations resulting in changes to actual volume of ballast water discharged.

(e) Submission. Reporting forms must be submitted in a standard electronic format to the department by e-mail at ballastwater@dfw.wa.gov or, if e-mail is not possible, by fax to 360-902-2845. Reporting forms that cannot be opened electronically or are illegible may not be considered as received in a timely manner and requires filing a new reporting form. Vessel owners or operators who rely on a third party to collect and forward ballast water reporting forms are responsible for ensuring that the department receives the ballast water management information as required in this subsection.

(3) **Ballast Water Reporting Form waiver.**

(a) In general. Vessel owners or operators who do not, under normal operating conditions, discharge ballast water may request a reporting form waiver from the department. A waiver request form letter, as provided by the department, may be requested for multiple vessels under the authority of a single vessel owner or operator. The waiver request must be received by the department at least thirty days prior to a vessel entering Washington waters and does not release the vessel owners or operators from meeting other federal or state ballast water reporting laws.

(b) Contents. The waiver becomes effective upon department approval. The department will approve or deny approval of the request within thirty days of receipt. The letter must include the following information:

(i) Vessel name(s), identification number(s) (International Maritime Organization, Lloyds of London, or USCG registry number), owner, agent, and vessel type(s);

(ii) A statement that the vessel owner or operator will not discharge ballast water into Washington state waters;

(iii) A statement that the vessel owner or operator will comply with the requirements in subsection (2) of this section if discharge becomes necessary;

(iv) A statement that the vessel owner or operator of the vessel(s) will file for a new waiver if there are any changes in the information required in this subsection; and

(v) The signature of the vessel owner or operator.

(c) Submission. Send the completed form to the department by e-mail to ballastwater@dfw.wa.gov or, if e-mail is not possible, by fax to 360-902-2845, or by U.S. mail to: WDFW, AIS Unit, 600 Capitol Way N., Olympia, Washington 98501-1090, USA. Incomplete forms will be returned and waiver approval denied until a completed form has been received.

(d) Availability. Vessel owners or operators shall maintain a copy of the waiver in the vessel's ballast water management plan.

(4) Vessels claiming safety exemptions.

(a) In general. Vessel owners or operators claiming a safety exemption under RCW 77.120.030(4) must file a reporting form and provide sufficient additional information for the department to evaluate the claim, determine whether an alternative exchange or emergency ballast water treatment strategy is warranted, and determine whether a temporary compliance plan is necessary to prevent or reduce the likelihood of future claims. The intent of these rules is to prevent or minimize the discharge of unexchanged or untreated ballast water.

(b) Reporting requirements. Vessel owners or operators claiming a safety exemption must notify the department of their intent to do so on the ballast water reporting form as required in subsection (2) of this section. Notification requires writing the words "SAFETY EXEMPTION" on the form where it asks "If no ballast treatment conducted, state reason why not:" and stating the cause as either "ADVERSE WEATHER," "VESSEL DESIGN LIMITATION," "EQUIPMENT FAILURE," or "EXTRAORDINARY CONDITION." In addition:

(i) Vessel owners or operators are not required to request a safety exemption if the vessel does not intend to discharge unexchanged or untreated ballast water and the vessel owner or operator follows the reporting requirements under subsection (2) of this section.

(ii) Vessel owners or operators may rescind a safety exemption claim by filing an amended ballast water reporting form and notifying the department as required in subsection (2)(d) of this section.

(iii) Vessel owners or operators required to meet discharge performance standards under WAC 220-150-050 and claiming a safety exemption due to equipment failure must conduct an open sea exchange or provide evidence to establish why that was not possible.

(iv) The department will waive the twenty-four hour advance notification as required in subsection (2) of this section for circumstances where the vessel, crew or passengers are in imminent danger. In these situations, the vessel owner or operator must file the ballast water reporting form at the earliest opportunity.

(c) Department review. The department will review safety exemption claims and determine whether a compliance plan and/or alternative strategy per WAC 220-150-037 is required to minimize potential discharge of future unexchanged ballast water until compliance with this section can be met. Reviews will be completed within sixty days of

safety exemption notification on their ballast water reporting form.

(d) Discharge authorization requirement. Except where discharging is necessary to prevent jeopardy to the vessel, crew or passengers, the vessel owner or operator shall not discharge unexchanged or untreated ballast water without department authorization. The department will determine and require the vessel owner or operator to conduct one or more of the following actions:

(i) Hold its ballast water;

(ii) Conduct an emergency ballast water treatment response;

(iii) Discharge into a reception facility;

(iv) Discharge into specified alternative waters; or

(v) Discharge only the minimum amount necessary to complete a safe operation.

(e) Safety exemption filing fee. The department will assess a safety exemption filing fee of five hundred dollars for administrative costs to assess compliance, unless covered under WAC 220-150-037, or within the sixty-day notice period under WAC 220-150-037. Furthermore:

(i) Payment of the fee is due within thirty days after the date of the written notice by the department.

(ii) The fee is not a formal enforcement action and is a public record.

(iii) The fee may be withdrawn if the vessel owner or operator files an amended report by the payment deadline stating that no ballast water or sediment was discharged into state waters.

(5) Ballast water management plan.

(a) In general. Vessel owners or operators shall develop, and maintain on board, a ballast water management plan that has been developed specifically for the vessel and that will allow those responsible for the plan's implementation to understand and follow the vessel's ballast water management strategy. The plans of unmanned barges may be kept on board the towing vessel or incorporated into the towing vessel's own plan.

The plan should detail safe and effective shipboard procedures for ballast water management, and the central elements of the plan should be the processes, equipment, and vessel safety measures used for implementing the vessel's ballast water management strategy and following the required ballast water management practices. Vessel owners and operators should seek assistance from their class societies, marine surveyors, or other appropriate marine services during the development of the plan.

(b) Contents. At a minimum, the plan should include:

(i) Detailed ballast water management safety procedures;

(ii) Actions for implementing the mandatory ballast water management requirements and practices;

(iii) Detailed fouling maintenance and sediment removal procedures for areas on the vessel where ballast water can be carried;

(iv) Identification of the designated officer(s) in charge of ensuring that the plan is properly implemented;

(v) Detailed reporting requirements and procedures for ports in Washington state where the vessel may visit; and

(vi) A translation of the plan into English if the ship's working language is another language.

(c) Training. The vessel owners or operators and appropriate crew must be trained in the application of the vessel's ballast water and sediment management strategies.

(d) Availability. Vessel owners or operators shall make the ballast water management plan readily available for examination by the department at all reasonable times. The vessel owner or operator shall readily transmit the management plan or any other specific information to the department regarding the vessel's ballast operations as the department may request.

(e) Alternative means of recordkeeping. The ballast water management plan may be an electronically recorded system or integrated into another management plan or system. At a minimum, any alternative method shall meet the provisions of this subsection.

(f) Alternative means of recordkeeping. The ballast water log or record book may be an electronically recorded system or integrated into another record book or system. At a minimum, any alternative method shall meet the provisions of this subsection.

(6) Ballast water log or record book.

(a) In general. Vessel owners or operators shall record all ballast water and sediment management operations in the vessel's ballast water log, record book, or other suitable documentation system. This information is used by the department to assess compliance, review ballast water and sediment management history, and recommend practices that can improve ballast water management compliance and efficiency.

(b) Content. Vessel owners or operators shall maintain a version of the ballast water log, record book, or other suitable documentation system in English on board the vessel that, at a minimum:

(i) Records each operation involving ballast water or sediment management;

(ii) Describes each such operation, including the location and circumstances of, and the reason for, the operation;

(iii) Records the exact time and position of the start and stop of ballast water exchange or treatment operations for each tank;

(iv) Describes the nature and circumstances of any situation under which any operation was conducted under a safety exemption set forth in subsection (4) of this section; and

(v) Records ballast water and sediment management training.

(c) Availability. Vessel owners or operators shall make the ballast water log or record book readily available for examination by the department at all reasonable times. The vessel owner or operator shall transmit such information to the department regarding the ballast operations of the vessel as the department may require.

(d) Retention period. The ballast water log or record book shall be retained on board the vessel for a minimum of two years after the date on which the last entry in the book is made.

(e) Required signatures. The department will require, at a minimum, that each completed page and each completed vessel exchange or treatment operation in the ballast water log or record book be signed and dated by the vessel owner or operator or responsible officer; and that such owner, operator, or responsible officer attests to the accuracy of the infor-

mation provided and certifies compliance with the requirements of this subsection.

(f) Alternative means of recordkeeping. The ballast water log or record book may be an electronically recorded system or integrated into another record book or system. At a minimum, any alternative method shall meet the provisions of this subsection.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-030, filed 6/25/09, effective 7/26/09.]

WAC 220-150-033 Vessel inspections. (1) In general.

Department employees shall have the right to board and inspect vessels, without advance notice, to provide technical assistance, assess compliance, and enforce the requirements of this chapter as provided in RCW 77.120.070, so long as such inspections are conducted in accordance with the standards set forth herein.

The department intends, as resources allow, to board between five and ten percent of all vessels arriving at Washington ports each year, with a priority for inspections of vessels carrying high risk ballast water as described in WAC 220-150-035. Multiple boardings of an individual vessel may occur throughout the year, depending on the vessel's risk and compliance history.

(2) **Conditions.** Department inspections shall be conducted under the following conditions:

(a) Authorized department inspectors: Inspections shall be conducted only by department employees, agents, or contractors specifically authorized by the department to conduct such inspections.

(b) Time: Inspections may be conducted at any time, due to the twenty-four hour nature of the regulated industry. In general, the department will not unduly interrupt normal cargo operations of the vessel. However, the department may interrupt vessel cargo operations where facts indicate that the discharge of unexchanged or untreated ballast water or sediment is occurring or is likely imminent.

(c) Location: Inspections may be conducted when the vessel is at anchor within waters of the state or in port within waters of the state.

(d) Scope of inspection: The department inspector shall limit inspection of the vessel to those areas reasonably necessary to inspect management plans, logs, or other ballast water and sediment-related records required by these rules and maintained on board the vessel, and to areas in which ballast water or sediment is contained, pumped, or treated. Inspectors may examine records related to ballast water management plans, logs, or other ballast water and sediment-related records and make copies of such records.

(e) Identification: Department inspectors must have official identification, announce their presence and intent at the time of inspection, perform their duties in a safe and professional manner, and follow all appropriate ship safety requirements.

(f) Vessel escort: The vessel owner or operator will provide an employee to escort the department inspector to those areas of the vessel that are subject to inspection under these rules.

(g) Safety: Nothing in this section relieves the vessel owner or operator of the responsibility for ensuring the safety

and stability of the vessel or the safety of the crew and passengers.

(3) **Technical assistance.** Technical assistance is generally provided during every vessel boarding by a department ballast water inspector, but may also be the sole reason for a boarding. The purpose is to explain and provide details of state law to the officers and crew responsible for implementing the vessel's ballast water management plan. Based on the crew's familiarity with state law and ballast water management practices, the department inspector may provide a thorough overview or a brief update and be available to answer any questions they might have regarding the ballast management on board their specific vessel. The inspector will leave a state ballast water management information pamphlet with contact information on board so the vessel may contact the department directly to address any other questions that may come up regarding state requirements.

(4) **Ballast water management audit.** The department inspector may board a vessel and conduct an audit of its ballast water management documentation to verify compliance with state laws. An audit consists of reviewing the vessel's ballast water reporting form, management plan, and record book as required in this section. In addition, the inspector may request and review any other records that relate to ballast management operations, including: The Deck Log, GPS Log, Soundings Log, Stability Reports, Engine Room Log, and Oil Record Book. A vessel owner or operator who maintains a concise record of its ballast water management will expedite the audit. The department will provide a copy of a vessel audit checklist and findings to the vessel owner or operator prior to leaving the vessel.

(5) **Sampling ballast tanks.** Department inspectors may take samples from a vessel's ballast tanks in addition to the audit. These samples are used to help evaluate the risk that vessel poses for introducing nonindigenous species into waters of the state. Sampling may require the vessel's crew to provide safe access to ballast tanks for sampling, including lighting and ventilation of cargo holds, spaces, and voids as needed. The vessel's crew will provide the labor to open ballast tank manhole covers and present the tank for sample access. This may involve taking the head off of the tank level as necessary, to preclude overflowing the tank. If tank certification is necessary for access, the vessel owner or operator will be responsible for any costs incurred. At least one member of the vessel's crew will accompany the department ballast inspector at all times during the sampling process. A department inspector may also require a sample of tank sediment, where safe and practical, that can be collected by the vessel owner or operator under department observation or by the department inspector.

(6) **Exchange alternative and discharge standard performance inspections and testing.** The department may review operations data and take ballast water or sediment samples from a vessel's equipment that is used to meet exchange alternative requirements under WAC 220-150-043 or discharge performance standards under WAC 220-150-050. Vessel owners or operators must provide in-line discharge sampling ports that allow for this testing.

(7) **Investigation of violations.** Where there is evidence that a violation has occurred, the department may investigate those suspected violations. In doing so, the department may

use all appropriate and practical measures of detection and environmental monitoring. Where the department determines that a violation has occurred, the department will follow the protocols under WAC 220-150-080.

(8) **Petition for civil enforcement.** If a department inspector is denied access to any vessel where access was sought for the purposes of this subsection, the department may file a petition for civil enforcement pursuant to RCW 77.120.070(3) and 34.05.578.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-033, filed 6/25/09, effective 7/26/09.]

WAC 220-150-035 Vessels carrying high risk ballast water. (1) **In general.** The department will identify, publish, and maintain a list of vessels that pose an elevated risk of discharging ballast water or sediment containing nonindigenous species into the waters of the state. Vessels on this list will be prioritized for evaluation and boarding under WAC 220-150-033 and may require completion of an approved temporary compliance plan and/or temporary alternative strategy under WAC 220-150-037.

(2) **Listing.** The department will identify vessels that are carrying high risk ballast water using factors including but not limited to:

- (a) A nonindigenous species profile of originating waters;
- (b) The volume and frequency of exchanged ballast water normally discharged;
- (c) Design limitations in vessels that prevent effective exchanges;
- (d) Frequency of voyages within coastal areas where exchange outside fifty nautical miles is not a viable option;
- (e) Frequency and severity of vessel or vessel owner or operator violation history; and
- (f) Frequency of vessel claims for safety exemptions.

(3) **Delisting.** The department will delist a vessel on the high risk list where the vessel owner or operator:

- (a) Demonstrates that its management operations meet or exceed interim open sea exchange requirements under WAC 220-150-040 or 220-150-043, unless WAC 220-150-050 applies; or
- (b) Demonstrates that its management operations meet or exceed the discharge performance standards under WAC 220-150-050; or
- (c) Completes an approved compliance plan and/or alternative strategy per WAC 220-150-037.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-035, filed 6/25/09, effective 7/26/09.]

WAC 220-150-037 Temporary compliance plans and alternative strategies. (1) **In general.** The department may require a vessel owner or operator to submit a temporary compliance plan or a temporary alternative strategy to bring its vessel into compliance with state ballast water management law. Temporary compliance plans and alternative strategies are only utilized when it is not feasible to otherwise comply with regulatory requirements, and then, only for the minimum time necessary to bring a vessel into compliance. If the department approves, at its sole discretion, a compliance

plan or alternative strategy, the department will issue a formal waiver exempting the vessel owner or operator from specified provisions in these rules for a specified period of time, not to exceed two years from the approval date of the waiver, to allow the vessel owner or operator to implement corrective action to bring the vessel into full compliance with the statute and rules. Forms and guidance may be adopted by department policy to assist in the implementation of this subsection.

(2) **Compliance plan.** A temporary compliance plan describes how the vessel owner or operator plans to correct vessel equipment problems causing ballast water or sediment discharges that are not in compliance with state law. These temporary compliance plans are generally related to vessels that claim safety exemptions for design limitations or equipment failure, and vessels that are listed as carrying high risk ballast water and require accelerated implementation of WAC 220-150-050 to meet the state discharge performance standard. At a minimum, a temporary compliance plan will document the responsible vessel representative, objectives and expectations, scope of work to be performed, tasks to be completed by timeline, any deliverables, interim ballast water and sediment management plan, reporting requirements, and the total time period for which a waiver is requested, up to two years. Additional information may be required by the department on a case-by-case basis. An extension of the plan beyond two years may be granted by the department in its sole discretion.

(3) **Alternative strategy.** A temporary alternative strategy describes how the vessel owner or operator plans to conduct ballast management operations to sufficiently reduce the risk of introducing nonindigenous species into waters of the state to a level determined acceptable by the department. These temporary alternative strategies are generally related to vessels that cannot otherwise meet the full regulatory requirements due to extenuating circumstances. At a minimum, a temporary alternative strategy will document the responsible vessel owner or operator, objectives and expectations, scope of actions to be performed, tasks to be completed by timeline, any deliverables or reporting requirements, and the total time period for which a waiver is requested, not to exceed two years. Additional information may be required by the department on a case-by-case basis. An extension of the strategy beyond two years may be granted by the department, in its sole discretion.

(4) **Submission.** To seek a waiver of specified rules, a vessel owner or operator shall submit to the department a completed and signed temporary compliance plan or temporary alternative strategy at their convenience if not required by the department, or within sixty days of department notice under either WAC 220-150-030(4) or 220-150-035, to avoid being in violation of these rules. Additional time may be allowed on a case-by-case basis. The department will notify the ballast water work group when a submission has been received and provide a copy if requested.

(5) **Review and approval.** The department will review a vessel's proposed temporary compliance plan or alternative strategy within sixty days of receipt, for completeness and suitability in accomplishing objectives. The department will then make one of the following determinations:

(a) **Approval** - the compliance plan or alternative strategy is acceptable for the period of time noted in the document. The department will then return the approved plan or strategy to the vessel owner or operator, attached to a waiver signed by the department;

(b) **Incomplete** - the document will be returned to the vessel owner or operator for revision or additional information under the original sixty-day review timeline unless otherwise extended; or

(c) **Deny approval** - the department determines, in its sole discretion, that the document is not suitable for meeting its regulatory objectives. The department may also deny the request if the parties do not come to agreement on an acceptable plan or strategy within sixty days of receipt of the plan by the department, unless such time frame is extended by the department in its sole discretion.

(6) **Availability.** Vessel owners or operators shall make a copy of the signed temporary compliance plan or alternative strategy document readily available for examination by the department as part of the vessel's ballast water management plan per WAC 220-150-030(5). The department will make all approved compliance plans and alternative strategies available on the department's web site or electronically, as requested.

(7) **Revocation of approval.** The department may revoke the waiver if the vessel owner or operator is not meeting the terms of the temporary compliance plan or alternative strategy. The department may agree to revise the temporary compliance plan or alternative strategy if appropriate, reasonable, and practical. In the event the department issues a notice of revocation, the vessel owner or operator will cease discharging ballast water into waters of the state unless it can meet the applicable regulations. The vessel owner or operator may appeal the decision to revoke the waiver. The appeal must be made to the director within twenty days of notice, by electronic or hard copy written form, according to the procedures set forth in chapter 34.05 RCW, Part IV, and chapter 10-08 WAC.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-037, filed 6/25/09, effective 7/26/09.]

WAC 220-150-040 Interim open sea exchange requirements. (1) **Purpose.** Until otherwise required to meet performance standards under WAC 220-150-050 and prior to discharging ballast water into Washington waters, vessel owners or operators must exchange their ballast water to meet or exceed state interim open sea exchange requirements or use an approved exchange alternative. An open sea exchange is intended to reduce the number of higher risk coastal organisms in a ballast tank by replacing them with open sea organisms that are less likely to invade waters of the state, and by changing the salinity and other ambient water conditions to further reduce populations of remaining coastal species. Vessel owners or operators who do not discharge ballast water into waters of the state are exempt from this section but must continue to meet the reporting and other requirements under WAC 220-150-030.

(2) **Open sea exchange methodology.**

(a) In general. An open sea exchange must result in an efficiency of at least ninety-five percent volumetric exchange

of the total ballast water capacity for each tank. An open sea exchange requires using either an empty/refill method or a flow through method.

(b) Empty/refill exchange. Preferred - this type of exchange requires, for each ballast tank that contains ballast water to be discharged into waters of the state, at least one empty/refill cycle in an open sea exchange area designated by the department under subsection (3) of this section. Vessel owners or operators should remove as close to one hundred percent, but not less than ninety-five percent, of the ballast water as is safe to do so. If this is not possible, then perform a flow through exchange under (c) of this subsection.

(c) Flow through exchange. This type of exchange requires, for each ballast tank that contains ballast water to be discharged into waters of the state, pumping or otherwise forcing a minimum of three times the total ballast tank capacity's volume in an open sea exchange area designated by the department under subsection (3) of this section. For example, a ballast tank with a one thousand cubic meter capacity, regardless of actual ballast water in the tank, would require pumping three thousand cubic meters of open sea water through the tank. In all flow through exchange operations, open sea water must be pumped into the bottom and discharged out the top of the tank. Where department evaluation determines more flow through volume is required to meet the ninety-five percent exchange requirements, a compliance plan or alternative strategy may be required under WAC 220-150-037.

(3) Open sea exchange areas.

(a) In general. Ballast water exchanges must be conducted in open sea (also called midocean or mid-ocean) areas based upon originating port as defined herein. In all exchange situations, the vessel owner or operator must file a ballast water reporting form per WAC 220-150-030(2).

(b) Voyages from outside the United States Exclusive Economic Zone (EEZ). A vessel owner or operator en route to a state of Washington port or place, from a port or place outside the United States EEZ, shall conduct an open sea exchange:

- (i) Before entering waters of the state;
- (ii) At least two hundred nautical miles from any shore; and

and

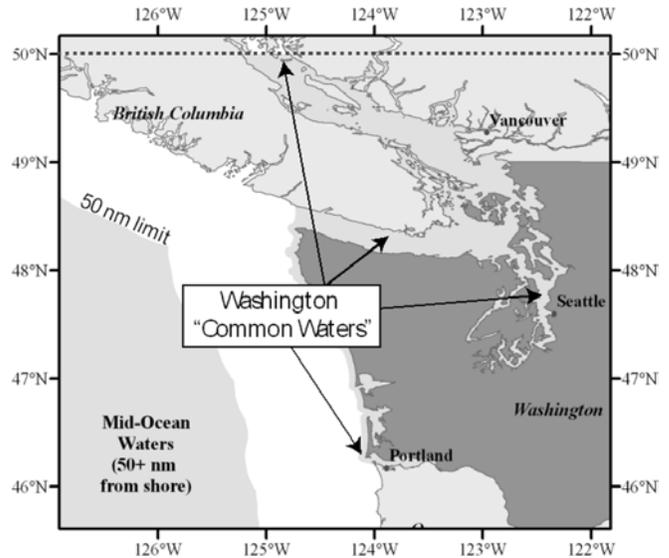
- (iii) In waters greater than two thousand meters deep.

(c) Coastal voyages. A vessel owner or operator who does not voyage two hundred nautical miles or greater from any shore shall conduct ballast water exchange:

- (i) Before entering waters of the state;
- (ii) At least fifty nautical miles from any shore; and
- (iii) In water at least two hundred meters deep.

(4) **Common water exemption.** Vessels voyaging from a port within the common water zone to a port in Washington state are exempt from having to conduct a ballast water exchange if the ballast water and sediment originated solely from a valid exchange prior to entering the common waters or from uptake within an area that includes only the waters of Washington state, the Oregon portions of the Columbia River system, and the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca (Figure 1). The common waters area relates only to vessels voyaging to a Washington state port or place from another Washington state port or place, or

from designated Canadian and Oregon waters to waters of the state. It does not imply or provide any regulatory authority for vessels voyaging from waters of the state to Oregon and Canadian waters, or voyages to or between Canada and Oregon. Please refer to Canadian and Oregon ballast water laws for their requirements.



(5) **Safety exemptions.** Nothing in this chapter relieves the vessel owner or operator from ensuring the safety and stability of the vessel, its crew, or its passengers. A vessel owner or operator is not required to conduct an open sea exchange, in part or in full, if the vessel owner or operator determines that the operation would threaten the safety of the vessel, its crew, or its passengers. In these situations, the vessel operator must file a ballast water reporting form and is subject to all other provisions under WAC 220-150-030(4).

(6) **Alternative discharge areas.** The department, in consultation with states of concurrent waters, may identify alternative discharge areas as promulgated by department policy.

(7) **Prohibited discharge areas.** A vessel may not discharge ballast water or sediment within a marine protected or conservation area as designated under chapter 220-16 WAC.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-040, filed 6/25/09, effective 7/26/09.]

WAC 220-150-043 Interim open sea exchange alternative. (1) **In general.** For purposes of this section, a vessel owner or operator may use an exchange alternative instead of conducting an open sea exchange, except for Columbia River ports unless specifically approved, provided:

(a) The vessel owner or operator is not otherwise required to meet discharge performance standards under WAC 220-150-050; and

(b) The exchange alternative meets or exceeds the standards provided under Regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediment as signed on February 13, 2004.

(2) **Notification.** Vessel owners or operators must file a signed notification form, as provided by the department, stat-

ing that they intend to use an exchange alternative to meet state ballast water exchange requirements. A single notification form may cover multiple vessels under the authority of a single vessel owner or operator. The form must include the minimum content as required in subsection (3) of this section. This notification does not release vessel owners or operators from meeting other federal or state ballast water reporting or discharge regulations.

(3) **Notification form contents.** The department's notification of exchange alternative use will, at a minimum, require the following information:

(a) Vessel name(s), identification number(s) (International Maritime Organization, Lloyds of London, or USCG registry number), owner, agent, and vessel type(s);

(b) The manufacturer, brand name, model, and other information, as necessary, of the technology on board the vessel, and a brief description of the technology and its process for removing or inactivating organisms in ballast water;

(c) The name of the flag state that has approved the exchange alternative system, a copy of IMO type approval certification or final approval documentation, or other information that reasonably documents how the exchange alternative was tested to ensure it meets state open sea exchange requirements;

(d) If the exchange alternative will not be used on all ballast tanks, the number of tanks and the volume of each tank that will be managed using the exchange alternative;

(e) A recommendation from the state department of ecology, based upon a toxicity report provided in accordance with Appendix H of ecology publication number WQ-R-95-80, setting conditions necessary for the environmentally safe discharge of biocide treated ballast water;

(f) A statement that the vessel owner or operator will file a new notification if there are any changes in the information required in this subsection;

(g) A statement that the vessel will conduct a valid open sea exchange under this section if they do not use the exchange alternative; and

(h) The signature of the vessel owner or operator.

(4) **Submission.** The department will accept notification application forms up to eighteen months prior to the implementation date for that type of vessel under WAC 220-150-050, or a subsequent, delayed implementation date. Applications received within the eighteen-month period may be accepted, but will not be granted the full grace period as provided in subsection (6)(c) of this section. Send the completed form to the department by e-mail to ballastwater@dfw.wa.gov, or if e-mail is not possible, by fax to 360-902-2845, or by U.S. mail to: WDFW, AIS Unit, 600 Capitol Way N., Olympia, Washington 98501-1090, USA. The vessel owner or operator will be notified of the department's receipt of the form within ten working days.

(5) **Acceptance.** The department will make a final decision on acceptance within forty-five days of receipt. If the notification is illegible or incomplete, it will be returned to the vessel owner or operator as unacceptable, with an explanation of the deficiencies. The notification is effective upon department verification of acceptance by e-mail or in writing to the vessel owner or operator.

(6) **Notification conditions.** To maintain acceptance, the vessel owner or operator must meet all of the following conditions:

(a) All notification form content in subsection (3) of this section remains accurate;

(b) Vessel owners or operators shall maintain a copy of the accepted notification of exchange alternative use in the vessel's ballast water management plan under WAC 220-150-030(5);

(c) Vessel owners or operators may use the exchange alternative for a period of five years from the date on which the equipment was first placed into service or until the vessel must meet discharge performance standards under WAC 220-150-050, whichever is longer;

(d) The exchange alternative equipment is otherwise used as defined in WAC 220-150-050 for installed equipment; and

(e) The department determines through inspections, sampling, investigations, or other methods, that the exchange alternative continues to meet, or is likely to continue to meet, open sea exchange standards.

(7) **Other laws.** Nothing in these rules or laws authorizes the discharge of other pollutants or assures that the technology is safe to operate or that it meets other state, federal, and international laws governing business, marine applications, or other elements.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-043, filed 6/25/09, effective 7/26/09.]

WAC 220-150-050 Treatment requirements. Reserved.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-050, filed 6/25/09, effective 7/26/09.]

WAC 220-150-060 Treatment notification and promising treatment waiver process. (1) **Purpose.** This section implements RCW 77.120.040 (5)(a). All vessels using treatment technologies designed to meet state ballast water discharge performance standards are required to notify the department prior to or within thirty days of their first use in waters of the state. A prior notification is preferred to assess compliance with state regulations in using treatment technology to meet discharge performance standards and to assist vessel owners or operators in avoiding the discharge of ballast water that does not meet those standards or that poses other potential violations. It is the responsibility of the vessel owner or operator to show that the installed equipment meets state discharge performance standards. Vessel owners or operators wishing to use treatment technology that does not meet state standards may apply for a waiver to use the technology as promising technology under subsection (3) of this section.

(2) **Notification.** Vessel owners or operators using treatment technology must file a signed notification form, as provided by the department, stating that their vessel meets state discharge performance standards under WAC 220-150-050. A single notification form may cover multiple vessels under the authority of a single vessel owner or operator. The form

must include the minimum content as required in subsection (4) of this section.

(3) Waiver for promising treatment technology use.

(a) In general. Vessel owners or operators using promising treatment technology do not need to file a notification, but they must apply for a waiver to the interim open sea exchange requirements under WAC 220-150-040.

(b) Criteria. The form must include the minimum content as required in subsection (4) of this section and be received by the department at least forty-five days prior to entering waters of the state. In addition, promising technology must meet one or more of the following criteria:

(i) The same manufacturer's treatment technology is being tested on a vessel that is enrolled in the USCG Shipboard Technology Evaluation Program (STEP), United States Environmental Protection Agency Environmental Technology Verification (ETV) program, or other department-recognized regional or national program;

(ii) The technology is approved as promising technology or a similar classification by the state of California, Oregon, Hawaii, or Alaska for use in their state waters; or

(iii) The technology is being actively evaluated under the IMO final approval process.

(4) Notification and waiver application form content.

(a) In general. Standard notification application and promising technology waiver forms are provided by the department and must be used for this subsection. A single waiver form may cover multiple vessels under the authority of a single vessel owner or operator.

(b) Content. The department's notification of treatment technology use and application for promising treatment technology waiver forms will, at a minimum, require the following information:

(i) Vessel name(s), identification number(s) (International Maritime Organization, Lloyds of London, or USCG registry number), owner, agent, and vessel type(s);

(ii) The manufacturer and brand name of the technology on board the vessel and a brief description of the technology and process for removing or inactivating organisms in ballast water;

(iii) The name of the organization or flag state that has approved the ballast water treatment technology, and the approval or certification number of the technology or other information that reasonably documents how the technology was tested to ensure it meets, or is likely to meet in the case of promising treatment technology, state discharge performance standards for the vessel type on which it is being used;

(iv) If the treatment technology will not be used on all ballast tanks, the number of tanks and the volume of each tank that will be managed using the treatment technology;

(v) A recommendation from the state department of ecology, based upon a toxicity report provided in accordance with Appendix H of ecology publication number WQ-R-95-80, setting conditions necessary for the environmentally safe discharge of biocide-treated ballast water;

(vi) A statement that the vessel owner or operator will file a new notification if there are any changes in the information required in this subsection;

(vii) A statement that the vessel will conduct a valid ballast water exchange, under WAC 220-150-040, if it does not use the treatment technology; and

(viii) The signature of the vessel owner or operator.

(5) **Submission.** The department will accept notification and waiver application forms at any time. Send the completed form to the department by e-mail to ballastwater@dfw.wa.gov, or if e-mail is not possible, by fax to 360-902-2845, or by U.S. mail to: WDFW, AIS Unit, 600 Capitol Way N., Olympia, Washington 98501-1090, USA. The vessel owner or operator will be notified of the department's receipt of the form within ten working days.

(6) Acceptance.

(a) Notification. The department will make a final decision on acceptance of a notification application form within forty-five days of receipt. If the notification is illegible or incomplete, it will be returned to the vessel owner or operator as unacceptable, with an explanation of the deficiencies. The notification is effective upon department verification of acceptance by e-mail or in writing to the vessel owner or operator.

(b) Waiver for promising treatment technology use. The department will make a final decision on acceptance for a waiver within forty-five days of receipt. If the application is illegible or incomplete, it will be returned to the vessel owner or operator as incomplete, with an explanation of the deficiencies. The waiver is effective upon department verification of acceptance by e-mail or in writing to the vessel owner or operator.

(7) Notification and waiver acceptance conditions.

(a) In general. To maintain acceptance, the vessel owner or operator must meet a minimum set of conditions.

(b) Conditions. Minimum conditions include:

(i) All acceptance form content in subsection (4) of this section remains accurate;

(ii) Vessel owners or operators shall maintain a copy of the accepted notification of treatment technology use or waiver form for promising treatment technology use in the vessel's ballast water management plan under WAC 220-150-030(5);

(iii) The technology is used as defined in subsection (8) of this section for installed treatment technology; and

(iv) The department determines through inspections, sampling, investigations, or other methods that the technology continues to meet, or is likely to continue to meet, ballast water discharge performance standards under WAC 220-150-050.

(8) Installed treatment technology.

(a) In general. If ballast water treatment technology used for purposes of complying with the regulations under this subsection is installed on a vessel, maintained in good working order and used by the vessel, the vessel may use that technology for the shortest of:

(i) Federal requirements;

(ii) The life of the vessel on which the technology is used; or

(iii) The manufacturer's equipment life specifications.

(b) Incremental improvements. Vessel owners and operators are encouraged to incrementally improve installed treatment technology to meet higher discharge performance standards and reduce the risk of introducing nonindigenous species. The expectation is these improvements would take advantage of regular maintenance and upgrade schedules.

(c) Record or log book. All information regarding compliance with this subsection must be recorded in the vessel's ballast water record or log book per WAC 220-150-030(6).

(9) **Other laws.** Nothing in these rules or laws authorizes the discharge of other pollutants or assures that the technology is safe to operate or that it meets other state, federal, and international laws governing business, marine applications, or other elements.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-060, filed 6/25/09, effective 7/26/09.]

WAC 220-150-070 Ballast tank sediment. (1) **Purpose.** A vessel owner or operator may not remove or discharge sediment or tank fouling organisms into waters of the state from spaces carrying ballast water unless that sediment or those organisms are discharged solely in the location from which they originated. Sediment is known to contain nonindigenous species that are otherwise missed during open sea exchange and operations that would otherwise meet ballast water discharge performance standards. These rules implement RCW 77.120.020 (1)(b) and the overall authority under RCW 77.120.030(3) and 77.120.040(5) to set standards by rule that provide a minimal risk of introducing nonindigenous species into the waters of the state.

(2) **Ballast tank sediment removal options.**

(a) In general. Three options are provided for the effective removal of sediment and any fouling organisms in a vessel's ballast tanks, including saltwater flushing, upland disposal, or use of an approved reception facility.

(b) Saltwater flushing. Ballast tanks must be cleaned as necessary in open sea exchange areas consistent with WAC 220-150-040(3) voyage requirements unless common water rules apply under WAC 220-150-040(4) except for ballast-related fouling organisms. Sediment may be removed by saltwater flushing of ballast water tanks by:

(i) Adding open sea water to a ballast water tank that contains residual quantities of ballast waters;

(ii) Mixing the open sea water with the residual ballast water and sediment in the tank through the motion of a vessel or alternative means so that the sediment becomes suspended; and

(iii) Discharging the mixed water so that the salinity of the resulting residual ballast water in the tank exceeds thirty parts per thousand.

(c) Upland disposal. Tank sediment and fouling organisms may be removed from the vessel under controlled arrangements in port or in drydock, and disposed of in accordance with local, state, and federal law.

(d) Sediment reception facilities. The department, in consultation with the department of ecology, will adopt department policies as necessary for sediment reception facilities. These facilities must be approved by the department for use and provide for the disposal of such sediment in a way that effectively eliminates the risk of nonindigenous species and does not impair or damage the environment, human health, property, or resources of the disposal area.

(3) **Reporting.** Sediment cleaning and discharges must be recorded in the vessel's ballast water log or record book as defined in WAC 220-150-030(6), or in another format conforming to the intent of that section.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-070, filed 6/25/09, effective 7/26/09.]

WAC 220-150-080 Penalties and enforcement. (1)

Purpose. The department may issue a verbal warning, notice of correction, or notice of civil penalty up to twenty-seven thousand five hundred dollars for each day of a continuing violation of the requirements of ballast water management regulations pursuant to RCW 77.120.070. Each and every such violation will be a separate and distinct violation. The department may also seek criminal penalties where warranted.

(2) **Notice of correction.**

(a) In general. If, in the course of carrying out their duties under chapter 77.120 RCW or this chapter, a department employee becomes aware that a vessel owner or operator is not in compliance with applicable laws and rules enforced by the department, the department may issue a notice of correction as provided in RCW 43.05.100 to the vessel owner or operator.

(b) Content. A notice of correction, at a minimum, will include:

(i) A description of the condition that is not in compliance, and the text of the specific section or subsection of the applicable state law or rule;

(ii) A statement of what is required to achieve compliance;

(iii) The date and time by which the department requires compliance to be achieved;

(iv) Notice of the means to contact any technical assistance services provided by the department; and

(v) A description of when, where, and from whom to request an extension of time to achieve compliance for good cause.

(c) Context. A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(d) Compliance. If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

(3) **Notice of penalty.**

(a) In general. If, in the course of carrying out their duties under chapter 77.120 RCW or this chapter, a department employee becomes aware that a vessel owner or operator is not in compliance with applicable laws and rules enforced by the department, the department may issue a notice of penalty as provided in RCW 43.05.110 to the vessel owner or operator.

(b) Conditions. The department may issue a notice of penalty without first issuing a notice of correction under subsection (2) of this section to the vessel owner or operator where:

(i) The vessel owner or operator has previously been subject to an enforcement action for the same or a similar type of violation of the same statute or rule or has previously been given a notice of correction for the same or similar type of violation of the same statute or rule;

(ii) Compliance is not achieved by the date established in a previously issued notice of correction, whereupon every

day's continuance thereafter will be a separate and distinct violation;

(iii) The violation has a probability of, or actually resulted in, the discharge of ballast water and/or sediments that do not meet the requirements set forth in WAC 220-150-040, 220-150-043, 220-150-050, or 220-150-070; or

(iv) The violation was committed by a business that employs fifty or more employees on at least one day in each of the preceding twelve months.

(c) Context. A notice of penalty is a formal enforcement action, is subject to appeal, and is a public record.

(d) Compliance. If the department issues a notice of penalty, it shall calculate a civil penalty for the violation(s) as provided in subsection (4) of this section.

(4) Calculation and payment of civil penalties.

(a) In general. The department will assess civil penalties for each separate and distinct violation for each day of a continuing violation of the requirements of ballast water management regulations.

(b) Base penalty. There are three base civil penalties:

(i) Two thousand dollars for violations that are not related to or do not result in the discharge of ballast water that does not meet open sea exchange or discharge performance standards;

(ii) Five thousand dollars for failing to comply with a notice of correction issued under subsection (2) of this section; and

(iii) Five thousand dollars for violations that result in a discharge of ballast water that does not meet open sea exchange or discharge performance standards.

(c) Level of intent. Evidence of intent to violate the laws and rules governing ballast water and sediment management may result in an increase in the base penalty up to twenty-seven thousand five hundred dollars for each separate and distinct violation for each day of a continuing violation. Evidence includes, but is not limited to:

(i) Intention. In making a determination of intent, the department will consider, but not be limited to, the following considerations: The vessel owner or operator knowingly violated state laws and rules; whether precautions were taken to avoid the violation; and/or whether an inspection, warning, notice of correction, or enforcement action was served on the violator prior to the violation. For this factor, up to double the base penalty may be added.

(ii) Cooperation. The department will consider whether the violator did or did not make any attempt to correct the problem. Timeliness of action(s) and/or ignoring or evading agency contacts or directives will determine whether the penalty will be increased. For this factor, up to double the base penalty may be added.

(iii) Previous violation(s). The department will consider whether the violator has previous violations of a ballast water rule or regulation as documented in an enforcement action. The department may consider company organizations and assignment of operational responsibilities when evaluating previous violations. A substantially larger penalty will result if the violator has a history of violations with adverse impacts or the potential for adverse impacts or that shows a pattern of ignoring the rules or the act. Enforcement actions for the purposes of this section will include notices of penalty, the amounts of those civil penalties, and criminal citations when

those enforcement actions are associated with ballast water violations. For this factor, up to quadruple the base penalty may be added.

(d) Quality and quantity of risk. Evidence showing the potential or actual discharge of high risk ballast water or sediment may result in an increase in the base penalty up to twenty-seven thousand five hundred dollars for each separate and distinct violation for each day of a continuing violation. Evidence includes, but is not limited to:

(i) Vessels carrying high risk ballast water and/or sediment listed under in WAC 220-150-035. For this factor, up to double the base penalty may be added.

(ii) Volume of ballast water and sediment discharged or potentially discharged. For this factor, up to quadruple the base penalty may be added.

(e) Payment. Unless a timely appeal is filed, all civil penalties imposed must be paid to the department within thirty days after the date of the written notice imposing the civil penalty. If a timely appeal is filed, then all civil penalties imposed must be paid upon the completion of all administrative and judicial review proceedings and the issuance of a final notice affirming the penalty in whole or in part.

(f) Failure to pay. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. Where the department prevails, using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

(5) Appeals.

(a) In general. A person who is subject to a notice of penalty shall have the rights provided by this section to request an adjudicative proceeding to contest the notice. No person other than the recipient of the notice or the recipient's legal representative shall have standing to request an adjudicative proceeding. The adjudicative proceeding shall be in compliance with provisions of chapter 34.05 RCW, the Administrative Procedure Act, except as modified herein by the department.

(b) Timing for request. An adjudicative proceeding to contest a notice of penalty must be requested no later than twenty days from the date of service of the notice. To be timely, the request must be physically received by the department director in Olympia, Washington, during normal business hours on or before the twentieth day following the date of service of the order, except that if the twentieth day falls on a Saturday, Sunday, or state holiday, then the request for hearing shall be timely if received on the next business day. The person requesting an adjudicative proceeding may prove that it was timely requested by obtaining a written receipt of service from the department director, or by providing an affidavit showing personal service on the department director, or by a U.S. mail return receipt requested service showing receipt by the department on or before the last day set by this rule.

(c) Manner and content of request. Each request for adjudicative proceeding shall substantially comply with this subsection.

(i) The request shall be in writing;

(ii) The request shall identify the notice of penalty that the person seeks to contest. This can be done by reference to the number of the notice, by reference to the subject and date

of the notice, or by reference to a copy of the notice attached to the request;

(iii) The request shall state the grounds upon which the person contests the notice of penalty. If the person contests the factual basis for the notice, the person shall allege the facts that the person contends are relevant to the appeal; and

(iv) The request shall identify the relief that the person seeks from the adjudicative proceeding by specifying whether the person asks to have the notice vacated, or provisions of the notice corrected.

(6) **Coordination with United States Coast Guard (USCG).** The department will report state violations, penalties and enforcement actions taken on vessels, as requested by cooperative agreement, to the appropriate sector representative of the USCG. The department will also report suspected federal violations to the USCG.

(7) **Other laws.** These regulations are in addition to any other state or federal laws related to ballast water management.

[Statutory Authority: RCW 77.12.047, 77.120.030, 77.120.040, and 77.120.070. 09-14-052 (Order 09-110), § 220-150-080, filed 6/25/09, effective 7/26/09.]