

**Title 220 WAC  
FISH AND WILDLIFE,  
DEPARTMENT OF  
(FISHERIES)**

**Chapters**

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**Chapter 220-12 WAC**

**FOOD FISH AND SHELLFISH—CLASSIFIED**

**WAC**

220-12-020	Shellfish—Classification.
220-12-090	Classification—Nonnative aquatic animal species.

**WAC 220-12-020 Shellfish—Classification.** The following species are classified as shellfish under RCW 75.08-.080 and are subject to the provisions of this title:

<b>Abalone</b>	
Pinto abalone	<i>Haliotis kamtschatkana</i>
<b>Mussel</b>	
Blue mussel	<i>Mytilus trossulus</i>
California mussel	<i>Mytilus californianus</i>
Mediterranean mussel	<i>Mytilus galloprovincialis</i>
<b>Scallops</b>	
Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weathervane scallop	<i>Patinopecten caurinus</i>
<b>Clams</b>	
All macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>
Common cockle	<i>Clinocardium nuttallii</i>
Geoduck	<i>Panopea abrupta</i>
Horse or Gaper clam	<i>Tresus nuttallii,</i> <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Venerupis philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Leukoma staminea</i>
Varnish clam	<i>Nuttallia obscurata</i>

All other marine clams existing in Washington in a wild state

<b>Oysters</b>	(Ostreidae)
All oysters	
<b>Squid</b>	Sepiolida or Teuthida
All squid	
<b>Octopus</b>	<i>Enteroctopus dofleini</i>
Octopus	
<b>Barnacles</b>	<i>Pollicipes polymerus</i>
Goose barnacle	
<b>Shrimp</b>	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Coonstripe shrimp	<i>Neotrypaea spp.</i>
Ghost or sand shrimp	<i>Pandalus goniurus</i>
Humpy shrimp	<i>Upogebia pugettensis</i>
Mud shrimp	<i>Pandalus jordani</i>
Ocean pink shrimp	<i>Pandalus eous</i>
Pink shrimp	<i>Pandalopsis dispar</i>
Sidestripe shrimp	<i>Pandalus platyceros</i>
Spot shrimp	
<b>Crab</b>	<i>Cancer magister</i>
Dungeness or Pacific crab	<i>Cancer productus</i>
Red rock crab	<i>Chionoecetes tanneri</i>
Tanner crab	<i>Lopholithodes spp.</i>
King and box crab	
<b>Crawfish</b>	<i>Pacifastacus sp.</i>
Crawfish	
<b>Sea cucumber</b>	<i>Parastichopus californicus</i>
Sea cucumber	
<b>Sea urchin</b>	<i>Strongylocentrotus droebachiensis</i>
Green urchin	<i>Strongylocentrotus franciscanus</i>
Red urchin	<i>Strongylocentrotus purpuratus</i>
Purple urchin	

[Statutory Authority: RCW 77.12.047, 10-07-105 (Order 10-64), § 220-12-020, filed 3/19/10, effective 5/1/10; 04-07-009 (Order 04-39), § 220-12-020, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-12-020, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 77.12.040 and 75.08-.080, 98-06-031, § 220-12-020, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-12-020, filed 1/30/95, effective 5/1/95; 91-10-024 (Order 91-22), § 220-12-020, filed 4/23/91, effective 5/24/91; 88-12-025 (Order 88-28), § 220-12-020, filed 5/25/88, effective 8/22/88; 87-23-006 (Order 87-187), § 220-12-020, filed 11/6/87; 86-24-046 (Order 86-190), § 220-12-020, filed 11/26/86; 85-09-017 (Order 85-20), § 220-12-020, filed 4/9/85; 85-01-010 (Order 84-214), § 220-12-020, filed 12/7/84; 83-24-024 (Order 83-200), § 220-12-020, filed 11/30/83, effective 1/1/84; Order 1186, § 220-12-020, filed 1/13/75; Order 990, § 220-12-020, filed 5/11/72; Order 807, § 220-12-020, filed 1/2/69, effective 2/1/69; Order 677, Shellfish classification, filed 3/31/66; Order 256, Shellfish classification, filed 3/1/60; Abalone and octopus from Order 483 and 256, filed 3/1/60.]

**WAC 220-12-090 Classification—Nonnative aquatic animal species.** (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

- (a) Amphibians:
  - (i) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangen-*

*sis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, *Hyla ussuriensis*, and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. hurterii*, *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaoensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakurarii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosenica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. grafti*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericana*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda*-*Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders);

*Hemidactylum* (four-toed salamanders); *Hydromantes* (web-toed salamanders); *Plethodon* (woodland and slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchus* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species.

(ii) In the family Emydidae:

(A) Chinese pond turtles, all members of the genus *Chinemys*.

(B) Pond turtles, all members of the genus *Clemmys*.

(C) European pond turtle, *Emys orbicularis*.

(D) Asian pond turtle, all members of the genus *Mauremys*.

(iii) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(c) Crustaceans:

(i) Family Cercopagidae:

(A) Fish hook water flea, *Cercopagis pengoi*.

(B) Spiny water flea, *Bythotrephes cederstroemi*.

(ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(iii) Family Cambaridae: Crayfish: All genera, except a person may possess and transport dead prohibited crayfish species obtained under the department's recreational crayfishing rules (WAC 220-56-336 and 220-56-315). There is no daily limit, size limit, or sex restriction for prohibited crayfish species. All nonnative crayfish must be kept in a separate container from native crayfish. Release of any live crayfish species into waters other than the water being fished is prohibited.

(iv) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(v) Family Portunidae: European green crab, *Carcinus maenas*.

(vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(d) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

- (B) Carp, Bighead, *Hypophthalmichthys nobilis*.
- (C) Carp, Black, *Mylopharyngodon piceus*.
- (D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.
- (E) Carp, Silver, *Hypophthalmichthys molitrix*.
- (F) Ide, silver orfe or golden orfe, *Leuciscus idus*.
- (G) Rudd, *Scardinius erythrophthalmus*.
- (vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.
- (vii) Family Esocidae: Northern pike, *Esox lucius*.
- (viii) Family Lepisosteidae: Gar-pikes: All members of the family.
- (e) Mammals:  
Family Myocastoridae: Nutria, *Myocastor coypu*.
- (f) Molluscs:  
(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.
- (ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.
- (2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:
  - (a) Crustaceans:  
All nonnative crustaceans classified as shellfish.
  - (b) Fish:
    - (i) All nonnative fish classified as food fish and game fish.
    - (ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sarotherodon*.
    - (iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.
    - (iv) Family Cyprinidae:
      - (A) Common carp, koi, *Cyprinus carpio*.
      - (B) Goldfish, *Carassius auratus*.
      - (C) Tench, *Tinca tinca*.
      - (D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.
    - (v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.
  - (c) Molluscs:  
(i) All nonnative molluscs classified as shellfish.
  - (ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttallia obscurata*.
- (3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

[Statutory Authority: RCW 77.12.047, 10-07-105 (Order 10-64), § 220-12-090, filed 3/19/10, effective 5/1/10; 04-01-096 (Order 03-312), § 220-12-090, filed 12/16/03, effective 1/16/04; 02-19-007 (Order 02-223), § 220-12-090, filed 9/5/02, effective 10/6/02.]

**Chapter 220-20 WAC  
GENERAL PROVISIONS**

WAC  
220-20-010 General provisions—Lawful and unlawful acts—  
Salmon, other fish and shellfish.

**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 juris-

diction, 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	( <i>Hippoglossus stenolepis</i> )
Pacific herring	( <i>Clupea harengus pallasii</i> )
(except as prescribed in WAC 220-49-020)	
Anchovy (except as provided for in WAC 220-33-060, 220-36-03001, 220-44-020, and 220-40-030)	( <i>Engraulis mordax</i> )
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> )
Sardine	( <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 vis-

ible, 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 77.12.047, 10-06-095 (Order 10-33), § 220-20-010, filed 3/2/10, effective 4/2/10. 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.]

### Chapter 220-33 WAC

#### COLUMBIA RIVER—COMMERCIAL FISHERIES BELOW BONNEVILLE DAM

##### WAC

220-33-030

Shad.

220-33-060

Herring and anchovy.

**WAC 220-33-030 Shad.** It is unlawful to fish for shad in the lower Columbia River for commercial purposes, or to possess shad taken from those waters for commercial purposes, except as provided in this section:

#### Gear

(1) Gill net gear may be used to fish for shad if:

(a) The cork line of the gill net does not exceed 900 feet in length (150 fathoms) and has sufficient buoyancy to float the cork line on the surface. Also, the net may not exceed 40 meshes in depth.

(b) The webbing of the gill net is constructed of mesh having a breaking strength of less than 10 pounds. The gill net may be constructed of monofilament webbing or twine.

(c) The mesh size of the gill net is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gill net does not have more than a single web. The gill net web shall be suspended between a single cork line and a single lead line.

(e) The gill net does not have added lines, strings, back-walls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

#### Fishing periods

(2) The lower Columbia River is open to commercial shad fishing in Shad Area 2S from 3:00 p.m. to 10:00 p.m. daily, Monday through Friday (except on the observed Memorial Day holiday), from May 10 through June 20 annually. Shad taken incidentally during an open commercial salmon or sturgeon fishing period may be retained for commercial purposes.

#### General

(3) As used in this chapter and in emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of Salmon Management and Catch Reporting Area (SMCRA) 1D and 1E that are upstream of a line projected true north and south from the Oregon shore through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore (upper boundary of SMCRA 1E).

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light, thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-07-065 (Order 10-34), § 220-33-030, filed 3/15/10, effective 4/15/10. Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-33-030, filed 9/2/88.]

**WAC 220-33-060 Herring and anchovy.** It is unlawful to fish for herring or anchovy in the lower Columbia River for commercial purposes or to possess herring or anchovy taken from those waters for commercial purposes, except as provided in this section:

#### Gear

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

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

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

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

#### Licensing

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

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

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

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

#### Fishing periods

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

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

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

#### General

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

(10) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess, or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(11) It is unlawful to deliver anchovy, in excess of fifteen percent of the total landing weight, for the purposes of con-

version into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products.

(12) A violation of subsections (9) through (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-33-060, filed 3/2/10, effective 4/2/10; 03-05-062 (Order 03-26), § 220-33-060, filed 2/18/03, effective 3/21/03; 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]

**Chapter 220-36 WAC  
GRAYS HARBOR**

**WAC**

220-36-015	Gill net gear—Grays Harbor specifications.
220-36-020	Grays Harbor salmon fishing—Lawful gear.
220-36-021	Salmon—Grays Harbor—Summer fishery.
220-36-023	Salmon—Grays Harbor fall fishery.
220-36-025	Closed areas—Grays Harbor and tributaries.
220-36-03001	Grays Harbor—Seasons and lawful gear—Forage fish.

**WAC 220-36-015 Gill net gear—Grays Harbor specifications.** It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear, or to possess food fish taken from those waters with gill net gear, unless:

(1) The gill net does not exceed 1,500 feet in length along the cork line; and

(2) Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047, 10-12-061 (Order 09-108), § 220-36-015, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080, 89-16-056 (Order 89-71), § 220-36-015, filed 7/28/89, effective 8/28/89.]

**WAC 220-36-020 Grays Harbor salmon fishing—Lawful gear.** It shall be unlawful to take, fish for, or possess salmon taken for commercial purposes in Grays Harbor fishing areas, with the exception of salmon taken with gill net gear as provided for in this chapter.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047, 10-12-061 (Order 09-108), § 220-36-020, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080, 89-16-056 (Order 89-71), § 220-36-020, filed 7/28/89, effective 8/28/89; 86-15-016 (Order 86-55), § 220-36-020, filed 7/10/86; 80-09-072 (Order 80-69), § 220-36-020, filed 7/18/80; Order 1221, § 220-36-020, filed 7/1/75; Order 1116, § 220-36-020, filed 4/30/74; Order 1049, § 220-36-020, filed 4/11/73; Order 995, § 220-36-020, filed 6/8/72; Order 925, § 220-36-020, filed 6/3/71; Order 864, § 220-36-020, filed 5/12/70; Order 813, § 220-36-020, filed 5/5/69; Order 772-A, § 220-36-020, filed 4/15/68; subsections 1, 2 and 3 from Order 679, filed 4/20/66; subsection 4 from Order 679, filed 3/31/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60.]

**WAC 220-36-021 Salmon—Grays Harbor—Summer fishery.** From July 5 through August 15, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047, 10-12-061 (Order 09-108), § 220-36-021, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047, 01-13-055 (Order 01-104), § 220-36-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and

77.12.040, 98-15-081 (Order 98-122), § 220-36-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-36-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-36-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-36-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-36-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-36-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-36-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-36-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-36-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-36-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-36-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-36-021, filed 7/18/80; Order 77-71, § 220-36-021, filed 8/18/77; Order 77-44, § 220-36-021, filed 6/3/77; Order 76-73, § 220-36-021, filed 8/16/76; Order 1221, § 220-36-021, filed 7/1/75; Order 1133, § 220-36-021, filed 7/19/74.]

**WAC 220-36-023 Salmon—Grays Harbor fall fishery.** From 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 white sturgeon only according to the chart below. All nonlegal sturgeon, all steelhead, and all other species including Chinook, coho, chum and white sturgeon must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
6:00 p.m. August 31 through 6:00 p.m. September 1, 2010;	Area 2C
6:00 p.m. September 2 through 6:00 a.m. September 4, 2010;	
6:00 p.m. September 6 through 6:00 a.m. September 8, 2010;	
6:00 p.m. September 9 through 6:00 p.m. September 11, 2010;	
6:00 p.m. September 22 through 6:00 p.m. September 23, 2010;	
AND	
6:00 p.m. September 27 through 6:00 p.m. September 28, 2010.	
7:00 a.m. October 8 through 7:00 p.m. October 8, 2010;	That portion of <b>Area 2A</b> upstream from the Highway 101 Bridge at Aberdeen, to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.
AND	
7:30 a.m. October 14 through 7:30 p.m. October 14, 2010.	That portion of <b>Area 2D</b> lying easterly of a north-south line from the confluence of the Hoquiam and Chehalis rivers to Renney Island, then easterly to Range Marker G, then to the eastern boundary of Area 2D at the Highway 101 Bridge.

**Gear**

(2) Gill net gear restrictions: All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size 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.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Grays Harbor.

(b) In Area 2C, mesh size must not exceed nine-inch maximum mesh.

In Areas 2A and 2D, mesh size must not exceed six-inch maximum mesh. Nets may be no more than fifty-five meshes deep. Nets must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(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 Areas 2A, 2D, and 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 (unmarked) coho, nonlegal sturgeon, chum, and all 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 when fishing in Area 2C.

All wild (unmarked) Chinook, nonlegal sturgeon, chum, and all 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 when fishing Areas 2A and 2D.

(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 12:00 p.m. on August 20, 2010, for the openings in Area 2C and prior to 12:00 p.m. October 1, 2010, for the openings in Area 2A and 2D.

(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 Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited to protect this federally listed stock.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-12-061 (Order 09-108), § 220-36-023, filed 5/27/10, effective 6/27/10. 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.]

**WAC 220-36-025 Closed areas—Grays Harbor and tributaries.** (1) It is unlawful to take, fish for, or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light at Westport through the Coast Guard tower to the shore at Point Brown, and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(2) During the period March 1 through July 31, it is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess food fish taken for any purpose from the waters of the Chehalis River or any tributary of the Chehalis River upstream of the Porter Bridge.

(3) It is unlawful to fish for or possess salmon taken for commercial purposes from the Westport Boat Basin.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-12-061 (Order 09-108), § 220-36-025, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080. 86-15-016 (Order 86-55), § 220-36-025, filed 7/10/86; 83-10-015 (Order 83-30), § 220-36-025, filed 4/26/83; 78-07-067 (Order 78-45), § 220-36-025, filed 6/30/78; Order 77-14, § 220-36-025, filed 4/15/77; Order 1133, § 220-36-025, filed 7/19/74.]

**WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Forage fish.** (1) It is unlawful to fish for or possess anchovy, candlefish, herring, sardine, or smelt for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60B except as provided for in this section.

#### **General**

(2) It is unlawful to fish for or possess salmon or sturgeon taken with purse seine or lampara gear.

(3) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) It is unlawful to fail to immediately return to the water, unharmed, all species of fish other than herring, anchovy, candlefish, and sardine taken in operation of purse seine, lampara, dip bag net, or hand net gears.

(5) A violation of subsections (1) through (4) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty; and RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Anchovy and candlefish**

##### **Licensing**

(6) A baitfish purse seine fishery license is required to operate purse seine gear for anchovy or candlefish as provided for in this section.

(7) A baitfish lampara fishery license is required to operate lampara gear for anchovy or candlefish as provided for in this section.

(8) A smelt dip bag license is required to operate dip bag net gear for anchovy or candlefish as provided for in this section.

(9) A violation of subsections (6) through (8) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

##### **Fishing period**

(10) It is unlawful to fish for or to possess anchovy, candlefish, sardine, or smelt with the use of purse seine or lampara gear at any time except January 1 through January 31, and April 16 through December 31, of any calendar year.

(11) Dip bag net gear may be used for anchovy or candlefish at all times.

(12) A violation of subsection (10) or (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

##### **Landing limitations**

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

(14) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess, or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(15) A violation of subsection (13) or (14) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Gear**

(16) It is unlawful to fish for anchovy or candlefish with purse seine or lampara gear with a mesh size of less than one-half inch stretch measure.

(17) It is unlawful to fish with purse seine or lampara gear for anchovy or candlefish if the cork line exceeds 900 feet in length, except: From June 1 through October 31, it is permissible to use gear in which the cork line does not exceed 1,400 feet in length.

(18) It is unlawful to fish for anchovy or candlefish with dip bag net gear that exceeds 18 square feet.

(19) A violation of subsections (16) through (18) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

#### **Incidental catch**

(20) It is unlawful to retain sardine taken incidental to a lawful anchovy or candlefish fishery if the sardine exceeds twenty percent of the weight of the total landing.

(21) It is unlawful to retain smelt or herring taken incidental to a lawful anchovy or candlefish fishery if individual or combined weight of smelt and/or herring exceeds five percent of the weight of the total landing.

(22) A violation of subsections (20) through (21) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Herring Licensing**

(23) A herring lampara limited entry license is required to operate lampara gear for herring as provided for in this section.

(24) A herring dip bag net limited entry license is required to operate dip bag net gear for herring as provided for in this section.

(25) A violation of subsection (23) or (24) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### **Fishing period**

(26) It is unlawful to fish for or possess herring with lampara gear at any time except January 1 through January 31, and April 16 through December 31, of any calendar year.

(27) Dip bag net gear may be used for herring at all times.

(28) A violation of subsection (26) or (27) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Incidental catch**

(29) It is unlawful to retain anchovy, candlefish, smelt, or sardine incidental to a lawful herring fishery if the individual or combined weight of anchovy, candlefish, smelt, or sardine exceeds five percent of the total landing. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Gear**

(30) It is unlawful to fish for or to possess herring taken for commercial purposes with lampara gear with a cork line that exceeds 1,400 feet in length and a mesh size of less than one-half inch stretch measure.

(31) It is unlawful to fish for herring with dip bag net gear that exceeds 18 square feet.

(32) A violation of subsection (30) or (31) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**Sardine  
Licensing**

(33) A smelt dip bag net fishery license is required to operate the dip bag net gear for sardine as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

**Fishing period**

(34) Dip bag net gear may be used for sardine at all times. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Gear**

(35) It is unlawful to fish for sardine with dip bag net gear that exceeds 18 square feet. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**Smelt  
Licensing**

(36) A smelt dip bag net fishery license is required to operate the hand dip net gear for smelt as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

**Fishing period**

(37) It is unlawful to take smelt with hand dip net gear for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursdays to 8:00 p.m. Saturdays. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Gear**

(38) It is unlawful to take, fish for, and possess smelt taken with hand dip nets exceeding 72 inches maximum frame width. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-36-03001, filed 3/2/10, effective 4/2/10; 03-05-062 (Order 03-26), § 220-36-03001, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08-080, 95-23-020 (Order 95-166), § 220-36-03001, filed 11/8/95, effective 12/9/95; 85-06-033 (Order 85-14), § 220-36-03001, filed 3/1/85; 84-08-014 (Order 84-24), § 220-36-03001, filed 3/27/84; 80-09-072 (Order 80-69), § 220-36-03001, filed 7/18/80; 79-05-007 (Order 79-20), § 220-36-03001, filed 4/11/79; 78-07-067 (Order 78-45), § 220-36-03001, filed 6/30/78; Order 77-14, § 220-36-030 (codified as WAC 220-36-03001), filed 4/15/77; Order 76-148, § 220-36-030 (codified as WAC 220-36-03001), filed 12/2/76; Order 1049, § 220-36-030, filed 4/11/73; Order 925, § 220-36-030,

filed 6/3/71; Order 864, § 220-36-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 525, filed 5/3/61; subsection 7 from Order 605, filed 4/21/64; Orders 336 and 256, filed 3/1/60.]

**Chapter 220-40 WAC****WILLAPA HARBOR****WAC**

220-40-020	Willapa Bay salmon—Seasons and lawful gear—Salmon.
220-40-021	Willapa Bay salmon—Summer fishery.
220-40-027	Salmon—Willapa Bay fall fishery.
220-40-030	Willapa Bay—Forage fish.

**WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.** It is unlawful to take, fish for, or possess salmon taken for commercial purposes in Willapa Bay fishing areas, with the exception of salmon taken with gill net gear as provided for in this chapter.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047, 10-12-061 (Order 09-108), § 220-40-020, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080, 89-16-056 (Order 89-71), § 220-40-020, filed 7/28/89, effective 8/28/89; 86-15-016 (Order 86-55), § 220-40-020, filed 7/10/86; Order 1221, § 220-40-020, filed 7/1/75; Order 1116, § 220-40-020, filed 4/30/74; Order 1049, § 220-40-020, filed 4/11/73; Order 995, § 220-40-020, filed 6/8/72; Order 925, § 220-40-020, filed 6/3/71; Order 864, § 220-40-020, filed 5/12/70; Order 813, § 220-40-020, filed 5/5/69; Order 772-B, filed 4/15/68; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 5 from Orders 341 and 256, filed 3/1/60; subsection 2 from Order 677, filed 3/31/66; Order 569, filed 4/11/63; subsection 6 from Order 679, filed 4/20/66; Orders 341 and 256, filed 3/1/60; subsections 3 and 4 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60.]

**WAC 220-40-021 Willapa Bay salmon—Summer fishery.** From July 5 through August 15, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047, 10-12-061 (Order 09-108), § 220-40-021, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047, 01-13-055 (Order 01-104), § 220-40-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12-040, 98-15-081 (Order 98-122), § 220-40-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-40-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-40-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-40-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-40-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-40-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-021, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-021, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-021, filed 8/18/78; Order 77-71, § 220-40-021, filed 8/18/77; Order 77-44, § 220-40-021, filed 6/3/77; Order 76-73, § 220-40-021, filed 8/16/76; Order 1221, § 220-40-021, filed 7/1/75; Order 1133, § 220-40-021, filed 7/19/74.]

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** From 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 white sturgeon only as shown below. All nonlegal sturgeon, all steelhead, and all other species including Chinook, coho, chum and white sturgeon, 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. August 15 through  
6:00 p.m. August 16, 2010.

## Area:

**Areas 2G** east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, except:

**Closed Waters Area (Net Free Zone):** That portion of SMCRA 2G lying within the following boundary lines, Western Boundary: Those waters east of a line drawn from the most waterward exposed end of the jetty at Toke Point (46°42.446'N, 123°57.973'W) to Willapa Marker 2 (46°41.529'N, 123°57.973'W) then 180 degrees true to Goose Point (46°38.184'N, 123°57.584'W). Eastern boundary that includes those waters west of a North-South line through Marker 29.

**Area 2H** west of Willapa Channel Marker 40, **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M**.

**Area 2K**

6:00 p.m. September 22  
through 6:00 p.m. September 23, 2010;

AND

6:00 p.m. September 27  
through 6:00 p.m. September 28, 2010.

6:00 p.m. September 12  
through 5:59 p.m. September 15, 2010.

**Areas 2G** east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, except:

## Time:

6:00 p.m. September 15  
through 6:00 p.m. September 22, 2010.

6:01 p.m. September 22  
through 6:00 p.m. September 30, 2010.

## Area:

**Closed Waters Area (Net Free Zone):** That portion of the SMCRA 2G lying within the following boundary lines, Western Boundary: Those waters east of a line drawn from the most waterward exposed end of the jetty at Toke Point (46°42.446'N, 123°57.973'W) to Willapa Marker 2 (46°41.529'N, 123°57.973'W) then 180 degrees true to Goose Point (46°38.184'N, 123°57.584'W). Eastern boundary that includes those waters west of a North-South line (180 degrees true) through Range Marker "B" (46°42.564'N, 123°51.3'W) between Channel Markers 26 and 28.

**Area 2H** west of Willapa Channel Marker 40, **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M**.

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

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

Time:  
6:00 p.m. October 1, 2010,  
through 6:00 p.m. October  
2, 2010.

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

12:00 p.m. November 6  
through 12:00 p.m. Novem-  
ber 30, 2010.

**Areas 2G, 2H, 2J, and 2M.**

(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 is permissible 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.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Willapa Bay.

(b) From August 16 through August 31, 2010: Mesh size must not exceed six-inch minimum mesh to nine-inch maximum mesh.

(c) From September 1 through 6:00 p.m. September 22, 2010: Mesh size must not exceed six-inch maximum mesh.

(d) From 6:01 p.m. September 22 through October 15, 2010: Mesh size must not exceed six and one-half inch maximum mesh.

(e) From November 6 through November 30, 2010: Mesh size must not exceed nine-inch minimum mesh.

(f) Only one net may be fished at a time; other nets must be properly stored.

(g) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M. 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.

(h) 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.

(i) From August 16 through September 30, 2010, all wild (unmarked) coho, wild (unmarked) Chinook, nonlegal sturgeon and all 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 when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

From October 1 through October 15, 2010, all wild (unmarked) coho, nonlegal sturgeon, and all 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 when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

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

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

#### **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 Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

(6) It is unlawful to fish for salmon with gill net gear in Areas 2G, 2H, 2J, 2K, and 2M 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 77.04.020, 77.12.045, and 77.12.047. 10-12-061 (Order 09-108), § 220-40-027, filed 5/27/10, effective 6/27/10. 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, 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.]

**WAC 220-40-030 Willapa Bay—Forage fish.** (1) It is unlawful to fish for or possess anchovy, candlefish, herring, sardine, or smelt taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except as provided for in this section.

#### General

(2) It is unlawful to fish for or possess salmon or sturgeon taken with purse seine or lampara gear.

(3) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) It is unlawful to fail to immediately return to the water, unharmed, all species of fish other than herring, anchovy, candlefish, and sardine taken in the operation of purse seine, lampara, dip bag net, or hand net gears.

(5) A violation of subsections (1) through (4) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty; and RCW 77.15.550 Violation of commercial fishing area or time—Penalty.

#### Anchovy and candlefish Licensing

(6) A baitfish purse seine fishery license is required to operate purse seine gear for anchovy and candlefish as provided for in this section.

(7) A baitfish lampara fishery license is required to operate lampara gear for anchovy and candlefish as provided for in this section.

(8) A smelt dip bag license is required to operate dip bag net gear for anchovy and candlefish as provided for in this section.

(9) A violation of subsections (6) through (8) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### Fishing period

(10) It is unlawful to fish for or possess anchovy, candlefish, sardine, or smelt with the use of purse seine or lampara gear during any time, except January 1 through January 31, and March 16 through December 31, of any calendar year.

(11) Dip bag net gear may be used for anchovy and candlefish at all times.

(12) A violation of subsection (10) or (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Landing limitations

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

(14) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(15) A violation of subsection (13) or (14) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Gear

(16) It is unlawful to fish for anchovy or candlefish with purse seine or lampara gear with mesh size less than one-half inch stretch measure.

(17) It is unlawful to fish with purse seine or lampara gear if the cork line exceeds 900 feet in length, except: From June 1 through October 31, it is permissible to use gear in which the cork line does not exceed 1,400 feet in length.

(18) It is unlawful to fish for or possess anchovy or candlefish with dip bag net gear that exceeds 18 square feet.

(19) A violation of subsections (16) through (18) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

#### Incidental catch

(20) It is unlawful to retain sardines taken incidental to a lawful anchovy or candlefish fishery that exceeds twenty percent of the weight of the total landing.

(21) It is unlawful to retain smelt or herring incidental to a lawful anchovy or candlefish fishery if the individual or combined weight of smelt and/or herring exceeds five percent of the total landing.

(22) A violation of subsection (20) or (21) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Herring Licensing

(23) A herring/lampara limited entry license is required to operate lampara gear for herring as provided for in this section.

(24) A herring dip bag net limited entry license is required to operate dip bag net gear for herring as provided for in this section.

(25) A violation of subsection (23) or (24) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### Fishing period

(26) It is unlawful to fish for or possess herring with lampara gear during any time except January 1 through January

31, and March 16 through December 31, of any calendar year.

(27) Dip bag net gear may be used for herring at all times.

(28) A violation of subsection (26) or (27) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Incidental catch**

(29) It is unlawful to retain anchovy, candlefish, smelt, or sardine incidental to a lawful herring fishery if the individual or combined weight of anchovy, candlefish, smelt, or sardine exceeds five percent of the total landing. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Gear**

(30) It is unlawful to fish for and possess herring taken for commercial purposes with lampara gear with a cork line that exceeds 1,400 feet in length and a mesh size less than one-half inch stretch measure.

(31) It is unlawful to fish with dip bag net gear that exceeds 18 square feet.

(32) A violation of subsection (30) or (31) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

#### **Sardine Licensing**

(33) A smelt dip bag net fishery license is required to operate dip bag net gear for sardine as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### **Fishing period**

(34) Dip bag net gear may be used for sardine at all times.

#### **Gear**

(35) It is unlawful to fish with dip bag net gear that exceeds 18 square feet. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

#### **Smelt Licensing**

(36) A smelt dip bag net fishery license is required to operate dip bag net gear for smelt as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### **Fishing period**

(37) It is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Gear**

(38) It is unlawful to take, fish for, and possess smelt taken with hand dip nets exceeding 72 inches maximum frame width. A violation of this subsection is punishable

under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-40-030, filed 3/2/10, effective 4/2/10; 03-05-062 (Order 03-26), § 220-40-030, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-40-030, filed 11/8/95, effective 12/9/95; 91-08-054 (Order 91-13), § 220-40-030, filed 4/2/91, effective 5/3/91; 85-06-033 (Order 85-14), § 220-40-030, filed 3/1/85; 84-15-008 (Order 84-66), § 220-40-030, filed 7/6/84; 84-08-014 (Order 84-24), § 220-40-030, filed 3/27/84; 80-09-072 (Order 80-69), § 220-40-030, filed 7/18/80; 79-05-007 (Order 79-20), § 220-40-030, filed 4/11/79; Order 77-14, § 220-40-030, filed 4/15/77; Order 76-148, § 220-40-030, filed 12/2/76; Order 76-26, § 220-40-030, filed 1:45 p.m., 4/20/76; Order 925, § 220-40-030, filed 6/3/71; Order 864, § 220-40-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1, 2, 3 from Order 679, filed 4/20/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 2/1/60; subsection 4 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Orders 448 and 256, filed 3/1/60; subsection 5 from Order 544, filed 4/3/62; Orders 448 and 256, filed 3/1/60; subsections 6, 8, 9 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60; subsection 7 from Orders 346 and 256, filed 3/1/60.]

### **Chapter 220-44 WAC**

#### **COASTAL WATERS—MARINE FISH**

#### **WAC**

220-44-020 Ocean forage fish.

**WAC 220-44-020 Ocean forage fish.** (1) It is unlawful to fish for or possess smelt, anchovy, candlefish, herring, or sardine taken for commercial purposes from offshore waters, except as provided for in this section.

#### **General**

(2) It is unlawful to fail to immediately return to the water, unharmed, all species of fish other than herring, anchovy, candlefish, shad, and sardine taken in operation of purse seine, lampara, dip bag net, or hand net gears.

(3) A violation of subsection (1) or (2) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Smelt Licensing**

(4) A smelt dip bag net fishery license is required to operate hand net gear as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### **Fishing period**

(5) It is unlawful to take smelt for commercial purposes during weekly closed periods from 8:00 a.m. Friday to 8:00 a.m. Sunday. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Gear**

(6) It is unlawful to fish for or possess smelt taken for commercial purposes except by hand net gear not exceeding 72 inches maximum frame width. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**Incidental catch**

(7) It is permissible to retain only anchovy and candlefish taken incidental to a lawful smelt fishery.

**Anchovy and Candlefish****Licensing**

(8) A baitfish lampara fishery license is required to operate the lampara gear for anchovy and candlefish as provided for in this section.

(9) A baitfish purse seine fishery license is required to operate the purse seine gear for anchovy and candlefish as provided for in this section.

(10) A smelt dip bag net fishery license is required to operate the hand dip net gear for anchovy and candlefish as provided for in this section.

(11) A violation of subsections (8) through (10) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

**Landing limitations**

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

(13) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(14) A violation of subsection (12) or (13) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Gear**

(15) It is unlawful to take, fish for, or possess anchovy or candlefish taken with purse seine or lampara gear with mesh size less than one-half inch stretch measure.

(16) It is unlawful to fish for or possess candlefish or anchovy with purse seine or lampara gear if the cork line exceeds 1,400 feet in length.

(17) It is unlawful to take, fish for, or possess anchovy or candlefish with dip bag net gear that exceeds 18 square feet.

(18) A violation of subsections (15) through (17) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**Incidental catch**

(19) It is unlawful to retain sardine taken incidental to a lawful anchovy or candlefish fishery that exceeds twenty percent of the weight of the total landing.

(20) It is unlawful to retain herring taken incidental to a lawful anchovy or candlefish fishery that exceeds five percent of the weight of the total landing.

(21) It is permissible to retain shad incidental to a lawful anchovy or candlefish fishery.

(22) A violation of subsection (19) or (20) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Herring****Licensing and permit**

(23) It is unlawful to fish for or to possess herring taken for commercial purposes except as authorized by permit issued by the director. A violation of this subsection is punishable under section 14, chapter 333, Laws of 2009 (SHB 1778).

(24) Herring dip bag net, herring drag seine, herring gill net, herring lampara, or herring purse seine are the limited entry licenses required for a permittee to fish for or to retain herring. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-44-020, filed 3/2/10, effective 4/2/10; 07-23-002 (Order 07-279), § 220-44-020, filed 11/7/07, effective 12/8/07; 01-07-016 (Order 01-36), § 220-44-020, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-44-020, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-44-020, filed 3/27/84; 79-06-085 (Order 79-38), § 220-44-020, filed 6/4/79; 78-10-046 (Order 78-83), § 220-44-020, filed 9/20/78; 78-05-067 and 78-06-002 (Order 78-20), § 220-44-020, filed 4/27/78 and 5/4/78; 78-04-039 (Order 78-11), § 220-44-020, filed 3/20/78; Order 77-14, § 220-44-020, filed 4/15/77; Order 1221, § 220-44-020, filed 7/1/75; Order 813, § 220-44-020, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsection 1 from Order 547, filed 7/5/62; Orders 384 and 256, filed 3/1/60; subsection 2 from Orders 448 and 256, filed 3/1/60; subsection 3 from Orders 397 and 256, filed 3/1/60; subsections 4 and 5 from Orders 355 and 256, filed 3/1/60; subsection 6 from Orders 406 and 256, filed 3/1/60.]

**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.
220-47-401	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.

**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 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 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 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-302, filed 7/7/10, effective 8/7/10. 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 Fautleroy 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 - 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.

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 McGlenn 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 Hoodsport 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 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-307, filed 7/7/10, effective 8/7/10. 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	- 10/10, 10/11, 10/14, 10/15, 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
	7AM - 5PM	- 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13

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 - 8PM	- 8/18, 8/25, 9/1
7B:	7AM - 8PM	- 9/8
	7AM - 7PM	- 9/13, 9/15, 9/17
	7AM 9/19	- 6PM 10/30
	7AM 11/1	- 4PM 11/5
	7AM 11/8	- 4PM 11/12

AREA	TIME	DATE
	7AM 11/15	- 4PM 11/19
	7AM 11/22	- 4PM 11/26
	8AM 11/29	- 4PM 12/3
8A:	7AM - 7PM	- Limited participation - two boats (9/27, 10/4).
	7AM - 6PM	- 10/11
8D:	7AM - 7PM	- 9/20, 9/27, 10/4
	7AM - 6PM	- 10/11, 10/18, 10/25, 10/27, 11/3
	7AM - 5PM	- 11/9, 11/11, 11/17
	7AM - 4PM	- 11/22, 11/24
10, 11:	7AM - 6PM	- 10/18, 10/26, 10/28, 11/1
	7AM - 5PM	- 11/9, 11/11, 11/15
	7AM - 4PM	- 11/23
12, 12B:	7AM - 6PM	- 10/18, 10/26, 10/28, 11/1
	7AM - 5PM	- 11/9, 11/11, 11/15
12C:	7AM - 5PM	- 11/9, 11/11, 11/15
	7AM - 4PM	- 11/23

Note: In Areas 12, 12B, and 12C, it is unlawful to take or fish for salmon during any open period with purse seine gear unless purse seine fishers are using a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

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 23 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, prior to September 5 in Area 7B, and wild coho in Areas 12, 12B, and 12C.

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

All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-311, filed 7/7/10, effective 8/7/10. 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 220-47-401 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	9/12 - 11/13

(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: 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 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-401, filed 7/7/10, effective 8/7/10. 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; 85-13-032 (Order 85-60), § 220-47-401, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-401, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-401, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-401, filed 7/15/82; 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, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22	5"
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	10/10, 10/11, 10/14, 10/15 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 6 1/4"
Note: In Areas 7 and 7A after September 26 but prior to October 17, 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:	7PM	-	8AM	NIGHTLY 8/15, 8/17, 8/18, 8/22, 8/24, 8/25, 8/29, 8/31, 9/1 7"
7B:	7AM	-	7 AM the day following	9/6, 9/7, 9/8, 9/9, 9/12, 9/13, 9/14, 9/16 5"
	7AM 9/19	-	Midnight 10/23	5"
	12:01AM 10/24	-	Midnight 10/30	6 1/4"
	7AM 11/1	-	4PM 11/5	6 1/4"
	6AM 11/8	-	4PM 11/12	6 1/4"
	6AM 11/15	-	4PM 11/19	6 1/4"
	7AM 11/22	-	4PM 11/26	6 1/4"
	8AM 11/29	-	4PM 12/3	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 Squaticum 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 4:00 PM on the first Friday in December.				
8A:	6PM	-	8AM	NIGHTLY 10/4 5"
	7AM	-	8PM	10/12, 10/13, 10/14 5"
8D:	6PM	-	8AM	NIGHTLY 9/19, 9/20, 9/21, 9/22, 9/23, 9/26, 9/27, 9/28, 9/29, 9/30, 10/3, 10/4, 10/5, 10/6, 10/7 5"
	5PM	-	8AM	10/10, 10/11, 10/12, 10/13, 10/14 5"
	7AM	-	9PM	9/21, 9/22, 9/28, 9/29, 10/5, 10/6 5"
	7AM	-	8PM	10/12, 10/13, 10/21, 10/28, 11/4 5"
	7AM	-	4PM	10/22, 10/29, 11/5 5"
	6AM	-	6PM	11/10, 11/18 6 1/4"
	7AM	-	6PM	11/25 6 1/4"
	6AM	-	4PM	11/12, 11/19 6 1/4"
	7AM	-	4PM	11/26 6 1/4"
9A: Skiff gill net only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM	8/22 through 10/30 daily 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.				
10, 11:	5PM	-	9AM	NIGHTLY 10/19, 10/24, 11/2 6 1/4"
	5PM	-	8AM	NIGHTLY 10/27 6 1/4"
	4PM	-	8AM	NIGHTLY 11/7, 11/10, 11/16 6 1/4"
	3PM	-	8AM	NIGHTLY 11/21 6 1/4"
	4PM	-	Midnight	NIGHTLY 10/20, 11/3, 11/17, 11/24 6 1/4"
12A: Skiff gill net only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM	Dates determined per agreement with tribal comanagers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gill net gear. 5"
Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gill net fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.				
12, 12B:	7AM	-	8PM	10/19, 10/21, 10/25, 10/27, 11/2, 11/4 6 1/4"
	6AM	-	6PM	11/8, 11/10, 11/16, 11/18 6 1/4"
12C:	6AM	-	6PM	11/8, 11/10, 11/16, 11/18 6 1/4"
	7AM	-	6PM	11/22, 11/25 6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-411, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-411, filed 7/9/09, effective 8/9/09; 08-15-031 (Order 08-167), § 220-47-411, filed 7/8/08, effective 8/8/08; 07-20-006, § 220-47-411, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-411, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-411, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-411, filed 8/4/04, effective 9/4/04; 03-16-101 (Order 03-179), § 220-47-411, filed 8/6/03, effective 9/6/03; 02-16-004 (Order 02-167), § 220-47-411, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

**WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.**

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue four salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit being aboard the designated vessel in the open fishery.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be void and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a salmon beach seine experimental permit, will have the permit voided and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-427, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-054 (Order 09-108), § 220-47-427, filed 7/9/09, effective 8/9/09. Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-427, filed 8/20/03, effective 9/20/03; 00-18-023 (Order 00-172), § 220-47-427, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-427, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-427, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-427, filed 7/29/97, effective 8/29/97; 96-19-049 (Order 96-152), § 220-47-427, filed 9/12/96, effective 10/13/96.]

**WAC 220-47-428 Beach seine—Open periods.** It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except 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	8/23, 8/24, 8/25, 8/26, 8/30, 8/31, 9/1, 9/2, 9/6, 9/7, 9/8, 9/9, 9/13, 9/14, 9/15, 9/16, 9/20, 9/21, 9/22, 9/23, 9/27, 9/28, 9/29, 9/30
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 77.04.020, 77.12.045, and 77.12.047. 10-14-129 (Order 10-137), § 220-47-428, filed 7/7/10, effective 8/7/10. 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.]

## Chapter 220-52 WAC

### SHELLFISH

#### WAC

220-52-050 Ocean pink shrimp trawl fishery—Coastal waters.  
220-52-068 Scallop fishery—Coastal waters.

**WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters.** It is unlawful to fish for, possess or deliver ocean pink shrimp taken for commercial purposes from the waters of the Exclusive Economic Zone, except as provided for in this section:

#### Area

(1) It is unlawful to fish for ocean pink shrimp within the territorial boundaries of the state. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Season

(2) It is unlawful to fish for, take, or possess on board a fishing vessel, pink shrimp, except during the following time: The open season for trawl gear is April 1 through October 31 of each year. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Gear

(3) It is unlawful to fish with or possess pink shrimp taken with shrimp trawl gear having a net mesh size greater than two inches in the intermediate or codend, except for net mesh used in by-catch reduction devices defined under subsection (4) of this section. However, it is lawful to have net mesh larger than two inches in the wings or body of the trawl.

(4) It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved by-catch reduction device is used in each net. Approved by-catch reduction devices include:

(a) A Soft Panel By-catch Reduction Device, which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(i) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(ii) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots, and must be constructed of a single panel of continuous netting, without zippers or other devices designed to allow disabling of the panel such that large fish can pass back into the codend;

(iii) The escape hole must, when spread open, expose a hole of at least 100 square inches; and

(iv) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net.

(b) A Nordmore Grate By-catch Reduction Device, which uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(i) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(ii) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(iii) The escape hole must, when spread open, expose a hole of at least 100 square inches; and

(iv) The escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(5) It is unlawful to remove trawl gear from the vessel prior to offloading of shrimp.

(6) It is unlawful to modify by-catch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the by-catch reduction device to measure shrimp loss. Authorized testing of by-catch reduction devices must meet the following criteria:

(a) Testing is allowed by special permit only, consistent with the terms and conditions of the permit; and

(b) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled by-catch reduction device, and the other net must be fishing a fully functional by-catch reduction device as described in subsection (4) of this section.

(7) A violation of subsections (4) through (6) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(8) It is unlawful to land or deliver pink shrimp to an original receiver that exceeds the following count per pound restriction: The count per pound must average no more than 160 shrimp per pound for a minimum of two samples, increasing at a rate of one sample per one thousand pounds landed or in possession, up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound each of whole, unbroken shrimp taken at random from throughout the individual load landed or in possession. This landing restriction shall apply only to loads of 3,000 pounds of shrimp or more. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### Incidental catch

(9) It is unlawful to take salmon incidental to any shrimp trawl fishery.

(10) It is unlawful to retain any bottomfish species taken incidental to any shrimp trawl fishery, except as provided for in WAC 220-44-050.

(11) It is unlawful to retain any species of shellfish, except that it is permissible to:

(a) Retain up to 50 pounds round weight of other shrimp species taken incidentally in the ocean pink shrimp fishery; and

(b) Retain octopus or squid.

(12) A violation of subsections (9) through (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### License

(13) An ocean pink shrimp delivery license is required to operate the gear provided for in this section, and it allows the operator to retain shrimp taken in the waters of the Exclusive Economic Zone.

A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

#### Permit

(14) It is unlawful to fish for, retain, land, or deliver shrimp taken with trawl gear without a valid shrimp trawl fishery permit.

(15) It is unlawful to take, retain, land, or deliver any shrimp or groundfish taken with trawl gear without complying with all provisions of a shrimp trawl fishery permit.

(16) A violation of subsection (14) or (15) of this section is punishable under RCW 77.15.750.

[Statutory Authority: RCW 77.12.047, 10-05-059, § 220-52-050, filed 2/11/10, effective 3/14/10; 03-05-060 (Order 03-30), § 220-52-050, filed 2/18/03, effective 3/21/03; 00-17-145 (Order 00-165), § 220-52-050, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-52-050, filed 12/22/98, effective 1/22/99; 94-12-009 (Order 94-23), § 220-52-050, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-050, filed 7/14/93, effective 8/14/93; 87-23-006 (Order 87-187), § 220-52-050, filed 11/6/87; 84-08-014 (Order 84-24), § 220-52-050, filed 3/27/84; 83-04-025 (Order 83-04), § 220-52-050, filed 1/27/83; 82-03-045 (Order 82-6), § 220-52-050, filed 1/19/82; 80-13-064 (Order 80-123), § 220-52-050, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-050, filed 1/30/79; Order 76-152, § 220-52-050, filed 12/17/76; Order 76-26, § 220-52-050, filed 1:45 p.m., 4/20/76; Order 1242, § 220-52-050, filed 8/7/75, effective 9/16/75; Order 1179, § 220-52-050, filed 11/19/74; Order 1112, § 220-52-050, filed 4/15/74; Order 945, § 220-52-050, filed 8/16/71; Order 807, § 220-52-050, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6 from Orders 414 and 256, filed 3/1/60; subsection 2 from Orders 420 and 256, filed 3/1/60; subsection 3 from Order 525, filed 5/3/61; Orders 414 and 256, filed 3/1/60; subsection 7 from Order 525, filed 5/3/61.]

#### WAC 220-52-068 Scallop fishery—Coastal waters.

(1) It is unlawful to fish for or possess scallops taken for commercial purposes from the waters of the Exclusive Economic Zone.

(2) It is unlawful to trawl for scallops in Washington territorial waters west of the Bonilla-Tatoosh line or in Marine Fish-Shellfish Management and Catch Reporting Area 29.

(3) A violation of this section is punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty; and RCW 77.15.550 Violation of commercial fishing area or time—Penalty.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. Part 660.306, 10-03-087 (Order 10-03), § 220-52-068, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 77.12.047, 00-17-145 (Order 00-165), § 220-52-068, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-068, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-068, filed 7/14/93, effective 8/14/93.]

### Chapter 220-55 WAC PERSONAL-USE LICENSES

#### WAC

220-55-115	Recreational license dealer's fees.
220-55-220	Two pole endorsement.
220-55-230	Columbia River endorsement.

#### 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 combination license.
- A saltwater license.
- A freshwater license.
- A two-day temporary fishing license.
- A family fishing weekend license.
- A shellfish and seaweed license.
- A razor clam license.

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

- A big game combination license.
  - A small game license.
  - 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 deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- A state of Washington migratory bird stamp.
- A Western Washington pheasant permit.
- An application for a special permit hunt.
- A migratory bird hunting authorization (including harvest report card).
- A replacement of substitute special hunting season permit.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530, 10-10-061 (Order 10-94), § 220-55-115, filed 4/30/10, effective 5/31/10. 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.]

**WAC 220-55-220 Two pole endorsement.** Anglers who are in possession of a valid two pole endorsement may

fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	Notes	Water Body	County	Notes
Para-juvenile Lake	Adams		Swans Mill Pond	King	
Quail Lake	Adams		Koeneman Lake	Kitsap	Formerly Fern Lake
Headgate Pond	Asotin		Easton Lake	Kittitas	
Columbia Park Pond	Benton		Kachess Lake	Kittitas	
Blackbird Island Pond	Chelan		Keechelus Lake	Kittitas	
Lake Wenatchee	Chelan		Kiwanis Pond	Kittitas	
Aldwell Lake	Clallam		Naneum Pond	Kittitas	
Beaver Lake	Clallam		Cowlitz Falls Reservoir	Lewis	
Carrie Blake Pond	Clallam		Fort Borst Park Pond	Lewis	
Dickey Lake	Clallam		Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam
Lake Pleasant	Clallam		Packwood Lake	Lewis	
Lincoln Pond	Clallam		Scanewa Lake	Lewis	Cowlitz Falls Reservoir
Sutherland Lake	Clallam		Walupt Lake	Lewis	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River	Willame Lake	Lewis	
Big Four Lake	Columbia		Coffeepot Lake	Lincoln	
Dayton Pond	Columbia		Cady Lake	Mason	
Blue Lake	Cowlitz		Cushman Reservoir	Mason	
Castle Lake	Cowlitz		Prices Lake	Mason	
Coldwater Lake	Cowlitz		Stump Lake	Mason	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No.1 powerhouse and Swift No. 2 powerhouse	Aeneas Lake	Okanogan	
Merrill Lake	Cowlitz		Big Twin Lake	Okanogan	
Silver Lake	Cowlitz		Black Lake	Okanogan	
Grimes Lake	Douglas		Blue Lake	Okanogan	Near Wannacut Lake
Pit Lake	Douglas		Blue Lake	Okanogan	Sinlahekin Creek
Long Lake	Ferry		Campbell Lake	Okanogan	
Beda Lake	Grant		Chopaka Lake	Okanogan	
Brookies Lakes	Grant		Cougar Lake	Okanogan	Lost River
Dry Falls Lake	Grant		Davis Lake	Okanogan	
Dusty Lake	Grant		Ell Lake	Okanogan	
Homestead Lake	Grant		Green Lake	Okanogan	Lower Green Lake
Lenice Lake	Grant		Green Lake	Okanogan	Lost River
Lenore Lake	Grant		Hidden Lake	Okanogan	
Merry Lake	Grant		Rat Lake	Okanogan	
Nunnally Lake	Grant		Silvermail Lake	Okanogan	
Ping Pond	Grant		Cases Pond	Pacific	
Damon Lake	Grays Harbor		Middle Nemah Pond	Pacific	
Mill Creek Pond	Grays Harbor		Mooses Pond	Pacific	
Promised Land Pond	Grays Harbor		Owens Pond	Pacific	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano	South Bend Mill Pond	Pacific	
Shye Lake	Grays Harbor		Browns Lake	Pend Oreille	
Vance Creek Pond #1	Grays Harbor		Muskegon Lake	Pend Oreille	
Vance Creek Pond #2	Grays Harbor		Bradley Lake	Pierce	
Wynoochee Reservoir	Grays Harbor		De Coursey Pond	Pierce	
Anderson Lake	Jefferson		Ohop Lake	Pierce	
Gibbs Lake	Jefferson		Tanwax Lake	Pierce	
Horseshoe Lake	Jefferson		Wapato Lake	Pierce	
Teal Lake	Jefferson		Granite Lakes	Skagit	Near Marblemount
Lake Sammamish	King		Northern State Hospital Pond	Skagit	
Lake Union	King		Pass Lake	Skagit	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream (Including Lake Union, Portage Bay, and Salmon Bay) waters east of a north-south line 400' west of the Chittenden Locks to the MontLake Bridge	Vogler Lake	Skagit	
Lake Washington Ship Canal	King		Drano Lake	Skamania	(Little White Salmon River) downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 bridge
Mill Pond	King		Swift Reservoir	Skamania	From dam to markers approximately 1 mile below Eagle Cliff Bridge
Old Fishing Hole Pond	King		Ebey Lake	Snohomish	Little Lake
Portage Bay	King		Fortson Mill Pond #2	Snohomish	
Rattlesnake Lake	King		Jennings Park Pond	Snohomish	
Ravensdale Lake	King		Monte Cristo Lake	Snohomish	
Salmon Bay	King		North Gissburg Pond	Snohomish	
			Spada Lake	Snohomish	
			Amber Lake	Spokane	
			Bear Lake	Spokane	
			Medical Lake	Spokane	
			North Silver Lake	Spokane	
			Bayley Lake	Stevens	
			Lucky Duck Pond	Stevens	

Water Body	County	
Mcdowell Lake	Stevens	
Rigley Lake	Stevens	
Kennedy Creek Pond	Thurston	
Long's Pond	Thurston	
Mclane Creek Ponds	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place
Diablo Lake	Whatcom	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Bumping Lake	Yakima	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area
Mud Lake	Yakima	
Myron Lake	Yakima	
Rimrock Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Note: The two pole endorsement is not valid in the Columbia and Snake rivers except as noted in Lake Roosevelt and Rufus Woods Lake.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-55-220, filed 3/19/10, effective 5/1/10.]

#### **WAC 220-55-230 Columbia River endorsement.**

Anglers fifteen years of age or older must be in possession of a valid Columbia River endorsement to fish for salmon or steelhead in the following waters:

Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam  
 Deep River (Wahkiakum County)  
 Grays River (Wahkiakum County)  
   Grays River, West Fork  
   Grays River, East Fork  
 Skamokawa River (Wahkiakum County)  
 Elochoman River (Wahkiakum County)  
 Mill Creek (Lewis County)  
 Abernathy Creek (Cowlitz County)  
 Germany Creek (Cowlitz County)  
 Coal Creek (Cowlitz County)  
 Cowlitz River (Cowlitz County)  
   Blue Creek  
   Lacamas Creek  
   Mill Creek  
   Olequa Creek  
   Tilton River  
   Mayfield Lake  
   Riffe Lake  
   Lake Scanewa  
   Cispus River (Lewis County)  
 Coweeman River (Cowlitz County)  
 Toutle River (Cowlitz County)  
   Toutle River, North Fork  
   Toutle River, South Fork  
   Green River (Cowlitz County)  
 Green River (Cowlitz County)  
 Kalama River (Cowlitz County)  
 Lewis River (Clark/Cowlitz counties)

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Lewis River, North Fork  
 Lewis River, East Fork  
 Cedar Creek  
 Salmon Creek (Clark County)  
 Washougal River (Clark County)  
 Washougal River West, North Fork  
   Little Washougal  
 Camas Slough (Clark County)  
 Drano Lake (Skamania County)  
 Hamilton Creek (Skamania County)  
 Rock Creek (Skamania County)  
 Wind River (Skamania County)  
 White Salmon River (Klickitat/Skamania counties)  
 Klickitat River (Klickitat County)  
 Walla Walla River (Walla Walla County)  
 Mill Creek (Walla Walla County)  
 Touchet River (Columbia/Walla Walla counties)  
 Grande Ronde River (Asotin County)  
 Snake River mainstem  
   Palouse River (Whitman County) (below the falls)  
 Tucannon River (Columbia/Garfield counties)  
 Yakima River (Benton/Yakima/Kittitas counties)  
 Wenatchee River  
 Icicle River (Chelan County)  
 Lake Wenatchee (Chelan County)  
 Entiat River (Chelan County)  
 Methow River (Okanogan County)  
 Okanogan River (Okanogan County)  
 Lake Osoyoos (Okanogan County)  
 Similkameen River (Okanogan County)

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-55-230, filed 3/19/10, effective 5/1/10.]

### **Chapter 220-56 WAC PERSONAL-USE FISHERY**

#### **WAC**

220-56-100	Definitions—Personal-use fishing.
220-56-115	Angling gear—Lawful and unlawful acts.
220-56-116	Statewide saltwater hook rules.
220-56-123	Statewide freshwater hook rules.
220-56-124	Unlawful provisions—Hoodspout Hatchery.
220-56-128	Food fish fishing—Closed areas.
220-56-129	Unclassified freshwater invertebrates and fish.
220-56-130	Unclassified marine invertebrates and fish.
220-56-185	Marine area codes.
220-56-230	Bottomfish and halibut—Closed areas.
220-56-235	Possession limits—Bottomfish.
220-56-240	Daily limits forage fish and other food fish not otherwise provided for.
220-56-255	Halibut—Seasons—Daily and possession limits.
220-56-265	Forage fish—Lawful gear.
220-56-310	Shellfish—Daily limits.
220-56-330	Crab—Areas and seasons.
220-56-350	Clams other than razor clams, mussels—Areas and seasons.
220-56-380	Oysters—Areas and seasons.
220-56-385	Oysters—Unlawful acts.
220-56-500	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) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(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) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

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

(10) "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.

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

(12) "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.

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

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

(15) "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.

(16) "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.

(17) "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.

(18) "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.

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

(20) "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.

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

(22) "Opening day of lowland lake season" means the last Saturday in April.

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

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

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

(26) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks and bait is prohibited. 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.

(27) "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.

(28) "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.

(29) "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.

(30) "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.

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

(32) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

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

(34) "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."

(35) "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.

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

(37) "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.

(38) "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.

(39) "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, 10-07-105 (Order 10-64), § 220-56-100, filed 3/19/10, effective 5/1/10; 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 220-56-115 Angling gear—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line while angling for personal use except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220.

(b) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13. A violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It shall be unlawful for any person to take, fish for or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(d) A violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It shall be unlawful for any person while angling to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

(5) 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, 10-07-105 (Order 10-64), § 220-56-115, filed 3/19/10, effective 5/1/10; 06-09-021 (Order 06-67), § 220-56-115, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-115, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-115, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-115, filed 3/4/04, effective 5/1/04; 02-09-001 (Order 02-53A), § 220-56-115, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-115, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-115, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-115, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-115, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-115, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-115, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-115, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-56-115, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-115, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-115, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-115, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-115, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-115, filed 3/18/82; 80-12-040 (Order 80-107), § 220-56-115, filed 8/29/80; 80-03-064 (Order 80-12), § 220-56-115, 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.

(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: 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.

(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. 10-07-105 (Order 10-64), § 220-56-116, filed 3/19/10, effective 5/1/10. 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 220-56-123 Statewide freshwater hook rules.**

(1) It is unlawful to use more than three hooks per line to fish in freshwater, except it is lawful to use forage fish jigger gear in the waters of the Columbia River downstream from a line between Rocky Point and Tongue Point.

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

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

(4) 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. 10-07-105 (Order 10-64), § 220-56-123, filed 3/19/10, effective 5/1/10; 06-09-021 (Order 06-67), § 220-56-123, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-123, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 220-56-123, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-123, filed 11/23/04, effective 12/24/04; 01-06-036 (Order 01-24), § 220-56-123, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-123, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), §

220-56-123, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-123, filed 7/1/94, effective 8/1/94.]

**WAC 220-56-124 Unlawful provisions—Hoodsport 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 Hoodsport 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.

(4)(a) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations.

(b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-124, filed 3/19/10, effective 5/1/10. 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 220-56-128 Food fish fishing—Closed areas.** It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within

the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) 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 food fish angling from January 1 through March 31 except it is lawful to fish with gear meeting the fly fishing only requirements of WAC 220-56-210 except it is unlawful to 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.

(14) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon except:

(a) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.

(b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.

(24) Freshwater Bay - waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through August 31.

(25) Tulalip Bay - waters east of line from Mission Point to Hermosa Point are closed at all times.

(26) Waters of Catch Record Card Area 13 within 500 yards of the Toliva Shoal buoy are closed to fishing for food fish June 16 through April 30 and closed to rockfish year-round.

[Statutory Authority: RCW 77.12.047, 10-07-105 (Order 10-64), § 220-56-128, filed 3/19/10, effective 5/1/10; 06-09-021 (Order 06-67), § 220-56-128, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-128, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-128, filed 2/10/05, effective 5/1/05; 04-24-030 (Order 04-306), § 220-56-128, filed 11/23/04, effective 12/24/04; 04-17-098 (Order 04-218), § 220-56-128, filed 8/17/04, effective 9/17/04; 02-08-048 (Order 02-53), § 220-56-128, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-128, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-128, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-128, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-128, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-128, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-128, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-128, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-128, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-128, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-128, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-128, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-128, filed 4/9/85; 82-07-047 (Order 82-19), § 220-56-128, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-128, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-065.]

**WAC 220-56-129 Unclassified freshwater invertebrates and fish.** (1) Definitions. For purposes of this section, "freshwater clams and mussels" means all freshwater

bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to take or possess freshwater clams and mussels taken for personal use. Freshwater clams and mussels include all bodily parts but does not include five pounds or less of relic shells of freshwater clams and mussels. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts: It readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit.

(3) It is unlawful to retain any freshwater fish not classified as a food fish or game fish.

(4) It is unlawful for any person to take, fish for or possess Pacific lamprey, western brook lamprey, or river lamprey taken for personal use.

(5) Violation of this rule is punishable under RCW 77.15.140.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-129, filed 3/19/10, effective 5/1/10; 06-23-114 (Order 06-289), § 220-56-129, filed 11/17/06, effective 12/18/06; 05-05-035 (Order 05-15), § 220-56-129, filed 2/10/05, effective 5/1/05; 03-05-057 (Order 03-24), § 220-56-129, filed 2/14/03, effective 5/1/03.]

**WAC 220-56-130 Unclassified marine invertebrates and fish.** (1) "Unclassified marine invertebrates" and "unclassified marine fish" mean species existing in Washington state marine waters in a wild state that have not been classified as food fish, shellfish, game fish, protected wildlife, or endangered species.

(2) All Marine Areas are closed to the taking of unclassified marine invertebrates and unclassified marine fish.

(3) It is unlawful to take, fish for or possess Pacific lamprey or river lamprey.

(4) Violation of this section 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. 10-07-105 (Order 10-64), § 220-56-130, filed 3/19/10, effective 5/1/10; 06-09-021 (Order 06-67), § 220-56-130, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-130, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-130, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-130, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-130, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-130, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-185 Marine area codes.** The term "marine area code numbers" is defined as the catch area for the catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y "R" on National Ocean Service Chart No. 18400-1 dated 1997-08-30) - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-185, filed 3/19/10, effective 5/1/10; 07-05-051 (Order 07-22), § 220-56-185, filed 2/16/07, effective 3/19/07. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-185, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-185, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-185, filed 3/30/99, effective 5/1/99. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-185, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-185, filed 4/2/91, effective 5/3/91; 89-07-060 (Order 89-12), § 220-56-185, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-185, filed 4/26/88; 85-18-026 (Order 85-111), § 220-56-185, filed 5/27/85; 85-09-017 (Order 85-20), § 220-56-185, filed 4/9/85; 80-03-064 (Order 80-12), § 220-56-185, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-230 Bottomfish and halibut—Closed areas.** (1) It is unlawful to take, fish for, retain, or possess bottomfish or halibut taken for personal use from within the following areas:

(a) 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.

(b) 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.

(c) 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.

(d) Marine Area 12.

(2) In Marine Area 4 east of the westernmost point of Cape Flattery, Marine Area 5 through 11 and 13, it is unlawful to take, fish for, retain, or possess bottomfish taken for personal use except from within the following areas:

(a) In Marine Area 4 east of the westernmost point of Cape Flattery, Marine Area 5, and Marine Area 6 west of the easternmost point of Dungeness Spit: Waters inside of an area approximating 120 feet (20 fathoms) described by following the coordinates: 124°44.20'W, 48°23.90'N; 124°40.00'W, 48°24.10'N; 124°36.46'W, 48°23.61'N; 124°21.24'W, 48°17.71'N; 124°14.43'W, 48°15.96'N; 124°02.02'W, 48°11.91'N; 123°34.51'W, 48°09.93'N; 123°31.13'W, 48°11.02'N; 123°24.13'W, 48°08.53'N; 123°06.02'W, 48°11.45'N; 123°06.02'W, 48°08.22'N.

(b) In the remaining portion of Marine Area 6, and Marine Areas 7 - 11 and 13: Waters shallower than 120 feet (20 fathoms).

(3) It is unlawful to take, fish for, retain, or possess rockfish taken for personal use from Marine Areas 6 - 11 and 13.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-230, filed 3/19/10, effective 5/1/10. 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 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod - 2 fish:

(i) Minimum length 22 inches in Catch Record Card Areas 1 through 3.

(ii) Minimum length 24 inches in Catch Record Card Area 4.

(b) Rockfish - 10 fish. Release all canary and yelloweye rockfish. In Marine Area 4 east of the Bonilla Tatoosh Line: 6 fish. Only black or blue rockfish may be retained.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 0 fish from Catch Record Card Area 4.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 1 fish May 1 through September 30 only black or blue rockfish may be retained.

in Marine Area 5 west of Slip Point 3 fish only black or blue rockfish may be retained.

in Marine Area 6. 0 fish  
Surfperch 10 fish  
Pacific cod 2 fish  
Pollock 2 fish  
Flatfish (except halibut) 15 fish  
Lingcod 1 fish  
Wolf-eel 0 fish  
Cabezon 2 fish  
Pacific hake 2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish 0 fish  
Surfperch 10 fish  
Pacific cod 2 fish  
Flatfish (except halibut) 15 fish  
Lingcod 1 fish  
Wolf-eel 0 fish  
Cabezon 2 fish  
Pollock 2 fish  
Pacific hake 2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish 0 fish  
Surfperch 10 fish

Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling or by spear fishing less than 26 inches in length or greater than 36 inches in length.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) In Catch Record Area 5, the daily limit for rockfish is the first legal rockfish caught, except west of Slip Point the daily limit for rockfish is the first three legal rockfish caught. Only black or blue rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-235, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.047 and 77.65.200. 07-12-080, § 220-56-235, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 77.12.047. 04-17-098 (Order 04-218), § 220-56-235, filed 8/17/04, effective 9/17/04; 04-07-009 (Order 04-39), § 220-56-235, filed 3/4/04, effective 5/1/04; 03-16-100 (Order 03-178), § 220-56-235, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 220-56-235, filed 2/14/03, effective 5/1/03; 02-09-001 (Order 02-53A), § 220-56-235, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-235, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-235, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-235, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-235, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 98-15-032 (Order 98-119), § 220-56-235, filed 7/7/98, effective 8/7/98; 97-07-078 (Order 97-53), § 220-56-235, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-235, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-235, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-235, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-235, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-235, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-235, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-235, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-235, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-235, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-235, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-235, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-235, filed 3/17/83; 80-07-017 (Order 80-45), § 220-56-235, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-235, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for.** It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(2) All other marine food fish not otherwise provided for in this chapter except albacore, yellowfin, skipjack, and northern bluefin tuna and all mackerel: Daily limit two fish.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-240, filed 3/19/10, effective 5/1/10; 01-06-036 (Order 01-24), § 220-56-240, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-240, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080 and 1998 c 191 § 40. 98-24-042 (Order 98-241), § 220-56-240, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-240, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-08-017 (Order 97-53), § 220-56-240, filed 3/25/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-240, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-240, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-240, filed 7/1/94, effective 8/1/94; 93-22-004 (Order 93-125), § 220-56-240, filed 10/20/93, effective 1/1/94; 93-08-034 (Order 93-20), § 220-56-240, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-240, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-240, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-240, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-240, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-240, filed 4/26/88; 86-09-020 (Order 86-08), § 220-56-240, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-240, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-240, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-240, 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) The northern near shore fishery takes place in those waters from 47°31.70'N. lat. south to 46°58.00'N. lat. and east of a boundary line approximating the 30 fathom depth contour as defined by the following coordinates:

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°58.00'N. lat., 124°24.24'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. lat., 124°44.2'W. long.  
 48°23.6'N. lat., 124°44.9'W. long.  
 48°18.6'N. lat., 124°43.6'W. long.  
 48°18.6'N. lat., 124°48.2'W. long.  
 48°10.0'N. lat., 124°48.8'W. long.  
 48°02.4'N. lat., 124°49.3'W. long.  
 47°37.6'N. lat., 124°34.3'W. long.  
 47°31.7'N. lat., 124°32.4'W. long.

(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.

(4) A violation of this section is punishable under RCW 77.15.370 or 77.15.380, depending on the violation.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. and C.F.R. Title 50, Part 300. 10-17-003 (Order 10-199), § 220-56-255, filed 8/4/10, effective 9/4/10. 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 220-56-265 Forage fish—Lawful gear.** (1) It shall be unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with hand dip net gear not exceeding 36 inches across the bag frame having a maximum mesh size of five-eighths inch stretched mesh size, and forage fish jigger gear having not more than three treble or nine single hooks.

(2) It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water.

(3) It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time.

(4) Only persons with a reduced fee license or a designated harvest card may use a hand-operated gate on a dip net while fishing for forage fish.

(5) Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

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

(7) It is unlawful to possess forage fish taken with gear in violation of the provisions of this section. Possession of forage fish while using gear in violation of the provisions of this section is a rebuttable presumption that the forage fish were taken with such gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the forage 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. 10-07-105 (Order 10-64), § 220-56-265, filed 3/19/10, effective 5/1/10; 06-09-021 (Order 06-67), § 220-56-265, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-265, filed 2/14/06, effective 5/1/06; 03-05-057 (Order 03-24), § 220-56-265, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-265, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-265, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-265, filed 1/30/95, effective 5/1/95; 88-10-013 (Order 88-15), § 220-56-265, filed 4/26/88; 80-03-064 (Order 80-12), § 220-56-265, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

- (3) Geoduck clams: 3 clams.
- (4) Horse clams: 7 clams.
- (5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.
- (6) Rock scallops: 6 scallops.
- (7) Weathervane scallops: 12 scallops (over 4 inches).
- (8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.
- (9) Shrimp:
  - (a) In Areas 1-3 and Area 4 west of the Bonilla-Tatoosh line - total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.
  - (b) In Area 4 east of the Bonilla-Tatoosh line and Areas 5-13 - first Saturday in May through May 31, daily limit 80 shrimp. During all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.
- (10) Octopus: 1 octopus.
- (11) Pinto abalone: Closed statewide.
- (12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.
- (13) Squid other than Humboldt squid: 10 pounds or 5 quarts. In addition a person may retain up to 5 Humboldt squid per day.
- (14) Sea cucumbers: 25 sea cucumbers.
- (15) Red sea urchins: 18 sea urchins.
- (16) Purple sea urchins: 18 sea urchins.
- (17) Green sea urchins: 36 sea urchins.
- (18) Dungeness crabs:
  - (a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crabs.
  - (b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.
  - (c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crabs.
- (19) Red rock crabs: 6 crabs.
- (20) Mussels: 10 pounds in the shell, in the aggregate.
- (21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.
- (22) Ghost and mud shrimp: 10 dozen.
- (23) King and box crab: Closed statewide.
- (24) Tanner crabs: 6 crabs.

[Statutory Authority: RCW 77.12.047, 10-07-105 (Order 10-64), § 220-56-310, filed 3/19/10, effective 5/1/10; 08-07-003, § 220-56-310, filed 3/5/08, effective 4/5/08; 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective

6/12/92; 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5 and 13 - Open 7:00 a.m., June 18 through the last day in February.

(b) Waters of Area 6, those waters of Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary; westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point, and waters of Areas 8-1, 8-2, 9, 10, 11 and 12 - Open 7:00 a.m. July 1 through September 3, open only Wednesday through Saturday of each week and open Sunday, September 5 and Monday, September 6.

(c) Those contiguous waters of Marine Area 7 north, south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island (southeast Hale Pass, Bellingham Bay, Samish Bay, Padilla Bay, eastern waters of Bellingham Channel, Guemes Channel and Fidalgo Bay) - Open 7:00 a.m. July 16 through September 30, and open only Wednesday through Saturday except also open Sunday, September (5) and Monday, September 6.

(d) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island - Open 7:00 a.m. August 17 through September 30, and open only Wednesday through Saturday of each week except also open Sunday, September 5 and Monday, September 6.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end

of the south jetty is open to crab fishing for personal use year-round.

[Statutory Authority: RCW 77.12.047, 10-07-105 (Order 10-64), § 220-56-330, filed 3/19/10, effective 5/1/10; 05-12-007 (Order 05-102), § 220-56-330, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-330, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-330, filed 3/4/04, effective 5/1/04; 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

**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: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Belfair State Park: Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut Bay: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: 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) 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 Fuca: 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: Open January 1 through May 15.
- (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 May 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: State-owned oyster reserves open the entire year except in areas defined by boundary markers and signs posted on the beach.
  - (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: Closed the entire year.
- (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 April 30.

- (67) Point Whitney Lagoon: Open May 1 through May 31.
- (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 June 30.
- (72) Post Point: Closed the entire year.
- (73) Potlatch DNR tidelands: Open April 1 through June 30.
- (74) Potlatch State Park: Open April 1 through June 30.
- (75) Priest Point County Park: Closed the entire year.
- (76) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (77) 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.
- (78) Reid Harbor - South Beach: Closed the entire year.
- (79) Retsil: Closed the entire year.
- (80) Richmond Beach Saltwater Park: Closed the entire year.
- (81) Saltwater State Park: Closed the entire year.
- (82) Samish Beach: Closed the entire year.
- (83) Scenic Beach State Park: Open April 15 through May 15.
- (84) Seahurst County Park: Closed the entire year.
- (85) Semiahmoo: Closed the entire year.
- (86) Semiahmoo County Park: Closed the entire year.
- (87) Sequim Bay State Park - Open May 1 through June 30.
- (88) Shine Tidelands State Park: Open January 1 through May 15.
- (89) Silverdale Waterfront Park: Closed the entire year.
- (90) Sinclair Inlet: Closed the entire year.
- (91) Skagit Wildlife Area: Closed the entire year.
- (92) South Carkeek Park: Closed the entire year.
- (93) South Gordon Point: Closed the entire year.
- (94) South Indian Island County Park: Open April 1 through May 31.
- (95) South Mukilteo Park: Closed the entire year.
- (96) South Oro Bay: Closed the entire year.
- (97) South Point Wilson (Port Townsend): Closed the entire year.
- (98) Southworth Ferry Dock: Closed the entire year.
- (99) Spencer Spit State Park: Open March 1 through July 31.
- (100) Suquamish (Old Man House): Closed the entire year.
- (101) Taylor Bay: Closed the entire year.
- (102) Triton Cove Tidelands: Open June 1 through August 31.
- (103) Twanoh State Park: Open August 1 through September 30.
- (104) Walker County Park: Closed the entire year.
- (105) West Dewatto: DNR Beach 44A open August 1 through September 30.
- (106) West Pass Access: Closed the entire year.

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

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

(109) 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, 10-07-105 (Order 10-64), § 220-56-350, filed 3/19/10, effective 5/1/10; 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) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bangor: Closed the entire year.
- (5) Bay View State Park: Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.

- (15) DNR-79: 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) Dungeness Spit/National Wildlife Refuge: Open May 15 - September 30.
- (20) East San de Fuca: Closed the entire year.
- (21) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open May 15 through July 31.
- (22) Fort Ward State Park: Closed the entire year.
- (23) Freeland County Park: Closed the entire year.
- (24) Frye Cove County Park: Open January 1 through May 15.
- (25) Golden Gardens: Closed the entire year.
- (26) Graveyard Spit: Closed the entire year.
- (27) Harrington Beach: Closed the entire year.
- (28) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (29) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (30) Howarth Park: Closed the entire year.
- (31) Illahee State Park: Open April 1 through July 31.
- (32) Kayak Point County Park: Closed the entire year.
- (33) Kitsap Memorial State Park: Open May 15 through August 15.
- (34) Kopachuck State Park: Open March 1 through July 31.
- (35) 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.
- (36) Lincoln Park: Closed the entire year.
- (37) Lions Park (Bremerton): Closed the entire year.
- (38) Little Clam Bay: Closed the entire year.
- (39) Lower Roto Vista Park: Closed the entire year.
- (40) Manchester State Park: Closed the entire year.
- (41) Meadowdale County Park: Closed the entire year.
- (42) Mee-Kwa-Mooks Park: Closed the entire year.
- (43) Monroe Landing: Closed the entire year.
- (44) Mukilteo State Park: Closed the entire year.
- (45) Mystery Bay State Park: Open October 1 through April 30.
- (46) Nisqually National Wildlife Refuge: Closed the entire year.
- (47) North Beach County Park: Closed the entire year.
- (48) North Fort Lewis: Closed the entire year.
- (49) North Point Hudson: Closed the entire year.
- (50) Northeast Cultus Bay: Closed the entire year.
- (51) Oak Bay County Park: Open June 1 through July 31.
- (52) Oak Harbor Beach Park: Closed the entire year.
- (53) Oak Harbor City Park: Closed the entire year.
- (54) Old Man House State Park: Closed the entire year.
- (55) Olympia Shoal: Closed the entire year.
- (56) 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 - State-owned oyster reserves open the entire years except in areas defined by boundary markers and signs posted on the beach.
- (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.
- (57) Penrose Point State Park: Closed the entire year.
- (58) Picnic Point: Closed the entire year.
- (59) Pitt Island: Closed the entire year.
- (60) Pleasant Harbor State Park: Closed the entire year.
- (61) Port Angeles Coast Guard: Closed the entire year.
- (62) Port Angeles Harbor: Closed the entire year.
- (63) Port Gardner: Closed the entire year.
- (64) Port Townsend Ship Canal/Portage Canal: Open January 1 through June 30.
- (65) Post Point: Closed the entire year.
- (66) Potlatch DNR Tidelands: Open April 1 through June 30.
- (67) Potlatch State Park: Open April 1 through June 30.
- (68) Priest Point County Park: Closed the entire year.
- (69) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (70) 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.
- (71) Reid Harbor - South Beach: Closed the entire year.
- (72) Retsil: Closed the entire year.
- (73) Richmond Beach Saltwater Park: Closed the entire year.
- (74) Saltwater State Park: Closed the entire year.
- (75) Samish Beach: Closed the entire year.
- (76) Seahurst County Park: Closed the entire year.
- (77) Scenic Beach State Park: Open April 15 through May 15.
- (78) Semiahmoo: Closed the entire year.
- (79) Semiahmoo County Park: Closed the entire year.
- (80) Shine Tidelands State Park: Open January 1 through May 15.
- (81) Silverdale Waterfront Park: Closed the entire year.
- (82) Sinclair Inlet: Closed the entire year.
- (83) Skagit Wildlife Area: Closed the entire year.
- (84) South Carkeek Park: Closed the entire year.
- (85) South Gordon Point: Closed the entire year.
- (86) South Indian Island County Park: Open April 1 through May 31.
- (87) South Mukilteo Park: Closed the entire year.
- (88) South Oro Bay: Closed the entire year.
- (89) South Point Wilson (Port Townsend): Closed the entire year.
- (90) Southworth Ferry Dock: Closed the entire year.
- (91) Spencer Spit State Park: Open March 1 through July 31.
- (92) Suquamish (Old Man House): Closed the entire year.
- (93) Taylor Bay: Closed the entire year.
- (94) Walker County Park: Closed the entire year.
- (95) West Pass Access: Closed the entire year.

(96) 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.

(97) Woodard Bay: Closed the entire year.

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

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-380, filed 3/19/10, effective 5/1/10; 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 3/30/99, 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 220-56-385 Oysters—Unlawful acts.** Oysters taken for personal use must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-385, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-385, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-385, filed 2/27/80, effective 4/1/80.]

**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:

(a) Rivers, streams, and beaver ponds that drain into Puget Sound or the Strait of Juan de Fuca are closed to fishing for game fish unless otherwise provided for.

(b) All other 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.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year except:

(i) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodspout Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.

(ii) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-500, filed 3/19/10, effective 5/1/10; 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

220-69-240

Duties of commercial purchasers and receivers.

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) It is unlawful for any person originally receiving fresh or iced fish or shellfish or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or consumers at retail, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket. Failure

to be licensed under this subsection is punishable under RCW 77.15.620.

(2) It is unlawful for any person originally receiving fresh or iced fish or shellfish previously delivered in another state, territory, or country, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(3) It is unlawful for any original receiver of crab or spot shrimp to fail to record all crab or spot shrimp aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(4) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business, firm, and/or licensed wholesale fish dealer who the buyers are operating under shall be responsible for the accuracy and legibility of all such documents initiated in its name.

(5) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed must be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.

(6) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or sardine caught but not sold due to mortality must be included on the fish ticket as "loss estimate." In the coastal sardine fishery, the amount of sardine, by weight, purchased for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products for purposes other than human consumption or fishing bait, must be included on the fish ticket as "reduction." In any forage fish fishery, the amount of anchovy, by weight, purchased for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products for purposes other than human consumption or fishing bait, must be included on the fish ticket as "reduction."

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(7) Geoduck: It is unlawful for any person receiving geoducks, regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(8) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(9) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1-360-796-4601, option 1, or by fax at 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, plus the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record either 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest

and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(10) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1-360-796-4601, option 1, or by fax at 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area, and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers, from Puget Sound, to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day. Reports must be made to the Point Whitney Shellfish Laboratory by fax at 360-586-8408 or by phone at 1-866-859-8439, option 5, and must specify the dealer name; dealer phone number; date of delivery of crab to the original receiver; and the total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(12) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location, date of purchase, each fish ticket number, including alpha, used on the purchasing date, and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via e-mail at [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov); or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart

F of the International Fisheries Regulations, 50 CFR Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location, date of purchase, each fish ticket number, including alpha, used on the purchasing date, and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via e-mail at [trollfishtickets@dfw.wa.gov](mailto:trollfishtickets@dfw.wa.gov); or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location, date of purchase, each fish ticket number, including alpha, used on the purchasing date, and the following catch data for each fish ticket used: Gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-664-0689; e-mail at [harborfishtickets@dfw.wa.gov](mailto:harborfishtickets@dfw.wa.gov); or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location, date of purchase, each fish ticket number, including alpha, used on the purchasing date, and the following catch data for each fish ticket used: Gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery. The time frame for submitting reports will be established by the department at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery will occur in conjunction with the adoption of said fishery through the Columbia River Compact. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via e-mail at [crfishtickets@dfw.wa.gov](mailto:crfishtickets@dfw.wa.gov); or via phone at 1-866-791-1281.

(e) Faxing a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(13)(a) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins, the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by fax at 360-902-2943, or by toll-free telephone at 866-207-8223.

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(14) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-69-240, filed 3/2/10, effective 4/2/10; 07-23-001 (Order 07-278), § 220-69-240, filed 11/7/07, effective 12/8/07; 07-04-030, § 220-69-240, filed 1/29/07, effective 3/1/07; 06-08-078 (Order 06-59), § 220-69-240, filed 4/3/06, effective 5/4/06; 06-01-013 (Order 05-275), § 220-69-240, filed 12/9/05, effective 1/9/06; 04-17-096 (Order 04-210), § 220-69-240, filed 8/17/04, effective 9/17/04; 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; 03-05-064 (Order 03-28), § 220-69-240, filed 2/18/03, effective 3/21/03; 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), §

220-69-240, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

## Chapter 220-110 WAC HYDRAULIC CODE RULES

### WAC

220-110-030	Hydraulic project approvals—Procedures.
220-110-340	Informal appeal of administrative actions.
220-110-350	Formal appeal of administrative actions.

**WAC 220-110-030 Hydraulic project approvals—Procedures.** (1) A person shall obtain an HPA before conducting a hydraulic project.

(2) Receipt by the department of any one of the following documents constitutes an application for a written HPA:

(a) A joint aquatic resources permit application (JARPA) submitted to the department;

(b) A forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or

(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(3) You shall request a written HPA by submitting a complete written application to the department. You shall request a pamphlet HPA by following the procedures in WAC 220-110-031. Your application for a written HPA shall contain general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the MHHW line in salt water, or waterward of the OHWL in fresh water, complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW. You and your authorized agent, if one is acting for you, must sign and date the application.

(4) The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application. The department shall strive to issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

(a) The site is physically inaccessible for inspection;

(b) You or your authorized agent, if one is acting for you, remains unavailable or unable to arrange for a timely field evaluation of the proposed project after ten working days of the department's receipt of the application;

(c) You or your authorized agent, if one is acting for you, requests a delay;

(d) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161 (3)(b); or

(e) The department is reviewing the application as part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(5) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(6) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property.

(7) The department may issue an expedited written HPA in those instances where normal processing would result in significant hardship for the applicant, or unacceptable environmental damage would occur.

(8) Expedited HPA requests require a complete written application and shall take precedence over other non-emergency applications. These will be issued within fifteen calendar days of receipt of a complete written application. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for expedited written HPAs.

(9) The county legislative authority or the department may declare an emergency or continue an existing declaration of an emergency where there is an immediate threat to life, the public, property, or of environmental degradation. Upon the declaration of an emergency, the department shall grant verbal approval immediately upon request for a stream crossing, or work to remove any obstructions, repair existing obstructions, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow. The verbal approval shall be obtained prior to commencing emergency work and the department must issue a written HPA reflecting the conditions of the verbal approval within thirty days. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for emergency HPAs.

(10) The department may accept written or verbal requests for time extensions, renewals, or alterations of an existing HPA. The request must be processed within forty-five calendar days of receipt of the request. Approvals of such requests shall be in writing. Transfer of an HPA to a new permittee requires written request by the original permittee or their authorized agent, if one is acting for the permittee, and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall include a statement that the new permittee agrees to be bound by the conditions in the HPA. The new permittee shall not conduct any project activities until the department has issued approval.

(11) Each HPA is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

(12) The written HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

(13) The department may grant HPAs for a period of up to five years. Permittees shall demonstrate substantial progress on construction of that portion of the project relating to the HPA within two years of the date of issuance. The following types of HPAs issued under RCW 77.55.021 shall remain in effect without the need for periodic renewal, provided the permittee notifies the department before commencing work each year:

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes; and

(b) Stream-bank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to, history of permit application, approval, or photographs. Periodic floodwaters by themselves do not constitute a problem that requires an HPA.

(14) An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

(15) Protection of fish life shall be the only grounds upon which the department may deny or condition an HPA.

(16) The department may place specific time limitations on project activities in HPAs to protect fish life.

(17) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

(18) The department shall administer this chapter in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11 and 220-100 WAC.

(19) The department may, after consultation with the permittee, modify an HPA due to changed conditions. The modification becomes effective unless appealed as specified in RCW 77.55.021(4) and WAC 220-110-340 and 220-110-350.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-030, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-030, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-030, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-030, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-21-060 (Order 84-176), § 220-110-030, filed 10/15/84; 84-04-047 (Order 84-04), § 220-110-030, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-030, filed 4/13/83.]

**WAC 220-110-340 Informal appeal of administrative actions.** The department recommends that a person aggrieved by the issuance, denial, conditioning, or modification of an HPA contact the department employee responsible for making the decision on the HPA before initiating an informal appeal. Discussion of concerns with the department employee often results in a resolution of the problem without the need for an informal appeal.

The department encourages aggrieved persons to take advantage of the informal appeal process before initiating a formal appeal. However, the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal under WAC 220-110-350.

(1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental approvals as defined in WAC 220-110-020. A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA.

(2) Any person with standing may request an informal appeal of the following department actions:

(a) The issuance, denial, conditioning, or modification of an HPA; or

(b) An order imposing civil penalties.

(3) A request for an informal appeal shall be in writing and shall be received by the department within thirty days from the date of receipt of the decision or order. "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the department, shall constitute sufficient evidence of actual receipt. The date of actual receipt; however, may not exceed forty-five days from the date of mailing.

(4) A request for informal appeal shall be mailed to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

(5) The request shall be plainly labeled as "Request for Informal Appeal" and shall include the following:

(a) The appellant's name, address, e-mail address (if available), and phone number;

(b) The specific department action that the appellant contests;

(c) The date the department issued, denied, conditioned, or modified an HPA, or the date the department issued the order imposing civil penalties;

(d) The log number or a copy of the HPA, or a copy of the order imposing civil penalties;

(e) A short and plain statement explaining why the appellant considers the department action or order to provide inadequate protection of fish life or to be otherwise unlawful;

(f) A clear and concise statement of facts to explain the appellant's grounds for appeal;

(g) Whether the appellant is the permittee, HPA applicant, landowner, resident, or another person with an interest in the department action in question;

(h) The specific relief requested;

(i) The attorney's name, address, e-mail address (if available), and phone number, if the appellant is represented by legal counsel; and

(j) The signature of the appellant or his or her attorney.

(6) Upon receipt of a valid request for an informal appeal, the department may initiate a review of the department action. If the appellant agrees, and the appellant applied for the HPA, resolution of the appeal may be facilitated through an informal conference. The informal conference is an optional part of the informal appeal and is normally a discussion between the appellant, the department employee responsible for the decision, and a supervisor. The time period for the department to issue a decision on an informal appeal is suspended during the informal conference process.

(7) If a resolution is not reached through the informal conference process, the appellant is not the person who applied for the HPA, or the appeal involves an order imposing civil penalties, the HPA appeals coordinator or designee shall conduct an informal appeal hearing. Upon completion

of the informal appeal hearing, the HPA appeals coordinator or designee shall recommend a decision to the director or designee. The director or designee shall approve or disapprove the recommended decision within sixty days of the date the department received the request for informal appeal, unless the appellant agrees to an extension of time. The department shall notify the appellant in writing of the decision of the director or designee.

(8) If the department declines to initiate an informal review of its action after receipt of a valid request, or the appellant still wishes to contest the department action following completion of the informal appeal process, the appellant may initiate a formal appeal under WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-340, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-340, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-340, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-340, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-340, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-340, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-340, filed 4/13/83.]

**WAC 220-110-350 Formal appeal of administrative actions.** The department recommends that a person aggrieved by the issuance, denial, conditioning, or modification of an HPA contact the department employee responsible for making the decision on the HPA before initiating a formal appeal. Discussion of concerns with the department employee often results in a resolution of the problem without the need for a formal appeal.

The department encourages aggrieved persons to take advantage of the informal appeal process under WAC 220-110-340 before initiating a formal appeal. However, the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental approvals as defined in WAC 220-110-020. A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA.

(2) Any person with standing may request a formal appeal of the following department actions:

(a) The issuance, denial, conditioning, or modification of an HPA; or

(b) An order imposing civil penalties.

(3) As required by the Administrative Procedure Act, chapter 34.05 RCW, the department shall inform the HPA permittee or applicant, or person subject to civil penalty order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

(4) A request for formal appeal shall be in writing and shall be filed with the clerk of the pollution control hearings board (PCHB) and served on the department within thirty days from the date of receipt of the decision or order. "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the department, shall constitute sufficient evidence of actual receipt. The date of actual receipt; however, may not exceed forty-five days from the date of mailing.

(5) Service on the department shall be mailed to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); faxed to 360-902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

(6) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days from the date of receipt of the department's written decision in response to the informal appeal.

(7) The request for formal appeal shall contain the information required by WAC 371-08-340.

(8) The department in its discretion may stay the effectiveness of any decision or order that has been appealed to the PCHB. The department will use the standards in WAC 371-08-415(4) to make a decision on any stay request. At any time during the appeal to the PCHB, the appellant may apply to the PCHB for a stay of the decision or order, or removal of a stay imposed by the department.

(9) If there is no timely request for an appeal, the department action shall be final and unappealable.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-350, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-350, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-350, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-350, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-350, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-350, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-350, filed 4/13/83.]