

Chapter 220-305 WAC

FISH—FISH RULES OF GENERAL APPLICATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-305-050	Requirements to possess Indian caught anadromous game fish or roe. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-087, filed 6/1/81.] Repealed by WSR 17-22-100, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520.
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WAC 220-305-010 General rules—Fish. (1) It is unlawful to take, fish for, possess or transport fish, shellfish, or fish or shellfish parts, in or from any waters or land within the jurisdiction of the state of Washington, or from the waters of the Pacific Ocean, except as provided by department rule. Specifically, persons delivering fish or shellfish caught in Pacific Ocean waters into Washington are subject to all Washington personal use fishing, possession, and licensing regulations.

(2) It is unlawful for any person who takes or possesses 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 the fish or shellfish for inspection by authorized department personnel. Violation of this subsection is punishable under RCW 77.15.360 Unlawful interfering in department operations—Penalty.

(3) It is unlawful for the owner or operator of any fishing gear to refuse to submit to inspection of the gear in any manner specified by a fish and wildlife officer. Violation of this subsection is punishable under RCW 77.15.470.

(4) It is 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 rules for the area fished. This subsection does not apply to vessels in transit between Washington marine areas. Violation of this subsection is punishable under RCW 77.15.380 or RCW 77.15.550, depending on the circumstances of the violation.

(5) It is 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 with the proper operation of a fish protective device

in any way. Violation of this subsection is punishable under RCW 77.15.370 or 77.15.380, depending on the circumstances of the violation.

(6) It is unlawful to take or possess any fish or shellfish smaller or larger than the minimum or maximum size limits or in excess of catch or possession limits prescribed by department rule. A person must immediately return to the water any fish or shellfish snagged, hooked, netted or gilled that do not conform to department size requirements or are in excess of catch or possession limits with the least possible injury to the fish or shellfish. Violation of this subsection is a misdemeanor punishable under RCW 77.15.380 or 77.15.-550, depending on the circumstances of the violation.

(7) It is unlawful for any person or entity 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 person or entity 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 salmon with clipped adipose fins.

(8) For the purposes of this section "delivery" means transportation by a private or commercial recreational fishing vessel. Delivery in Washington is complete when, within the state, the vessel anchors, moors, ties to a float or pier, or is placed or attempted to be placed on a boat trailer. Delivery is also complete if the fish or shellfish are offloaded from the vessel within state waters.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and C.F.R. Title 50, Part 660. WSR 17-17-045, § 220-305-010, filed 8/10/17, effective 9/10/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and C.F.R. Title 50, Part 660. WSR 16-17-017 (Order 16-200), § 220-20-010, filed 8/5/16, effective 9/5/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-010, filed 1/23/13, effective 2/23/13. Statutory Authority: RCW 77.12.047. WSR 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. WSR 10-02-002 (Order 09-262), § 220-20-010, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-20-010, filed 10/23/07, effective 11/23/07; WSR 07-04-030, § 220-20-010, filed 1/29/07, effective 3/1/07; WSR 06-13-023 (Order 06-135), § 220-20-010, filed 6/13/06, effective 7/14/06; WSR 05-08-056 (Order 05-53), § 220-20-010, filed 3/30/05, effective 4/30/05; WSR 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. WSR 00-08-038 (Order 00-29), § 220-20-010, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. WSR 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. WSR 98-15-081 (Order 98-122), § 220-20-010, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. WSR 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. WSR 98-06-031, § 220-20-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 93-15-051, § 220-20-010, filed 7/14/93, effective 8/14/93; WSR 91-08-054 (Order 91-13), § 220-20-010, filed 4/2/91, effective 5/3/91; WSR 91-01-023, § 220-20-010,

filed 12/10/90, effective 1/10/91; WSR 89-02-022 (Order 88-186), § 220-20-010, filed 12/29/88; WSR 88-10-013 (Order 88-15), § 220-20-010, filed 4/26/88; WSR 85-09-017 (Order 85-20), § 220-20-010, filed 4/9/85; WSR 85-08-023 (Order 85-24), § 220-20-010, filed 4/1/85; WSR 84-08-014 (Order 84-24), § 220-20-010, filed 3/27/84; WSR 82-15-040 (Order 82-83), § 220-20-010, filed 7/15/82; WSR 82-07-047 (Order 82-19), § 220-20-010, filed 3/18/82; WSR 81-02-053 (Order 81-3), § 220-20-010, filed 1/7/81; WSR 80-10-058 (Order 80-83), § 220-20-010, filed 8/6/80; WSR 80-07-017 (Order 80-45), § 220-20-010, filed 6/11/80; WSR 79-10-013 (Order 79-75), § 220-20-010, filed 9/7/79; Order 77-14, § 220-20-010, filed 4/15/77; Order 76-148, § 220-20-010, filed 12/2/76; Order 1193, § 220-20-010, filed 3/4/75; Order 1179, § 220-20-010, filed 11/19/74; Order 1106, § 220-20-010, filed 1/10/74; Order 1057, § 220-20-010, filed 5/22/73; Order 945, § 220-20-010, filed 8/16/71; Order 920, § 220-20-010, filed 5/13/71; Order 817, § 220-20-010, filed 5/29/69; Order 810, § 220-20-010, filed 4/17/69; Order 771-A, § 220-20-010, filed 3/29/68; Order 767, § 1, filed 12/22/67; Order 758, § 3, filed 10/16/67; Order 726, §§ 2, 3, filed 4/24/67; Order 721, § 1, filed 3/9/67; Subsections 1, 2 from Orders 405 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Subsection 16 from Order 525, filed 5/3/61; Orders 355 and 256, filed 3/1/60; Subsection 4 from Order 591, filed 10/28/63; Orders 479 and 256, filed 3/1/60; Subsection 5 from Orders 383 and 256, filed 3/1/60; Subsections 6, 26, 35 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsections 7-11, 13-15, 17, 18, 22 from Orders 355 and 256, filed 3/1/60; Subsection 12 from Orders 407 and 256, filed 3/1/60; Subsections 19, 27 from Orders 480 and 256, filed 3/1/60; Subsection 20 from Order 677, filed 3/31/66; Orders 483 and 256, filed 3/1/60; Subsection 23 from Order 677, filed 3/31/66; Order 605, filed 4/21/64; Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsection 24 from Order 605, filed 4/21/64; Orders 407 and 256, filed 3/1/60; Subsection 25 from Orders 449 and 256, filed 3/1/60; Subsections 28-33 from Orders 456 and 256, filed 3/1/60; Subsection 34 from Orders 486 and 256, filed 3/1/60; Subsection 36 from Order 591, filed 10/28/63; Subsections 37 and 38 from Order 677, filed 3/31/66; Subsection 39 from Order 672, filed 12/28/65.]

WAC 220-305-020 Food fish and shellfish taken by another. It is unlawful to possess food fish or shellfish taken during the open season by another fisher unless it is accompanied by a statement which shows the name, address, fishing license or document number and signature of the taker, and the date, county or marine area where taken.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-20-011, filed 12/16/16, effective 1/16/17.]

WAC 220-305-030 General rules—Fish—Reporting.

(1) It is 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.

(2) Violation of this section is punishable under RCW 77.15.280, 77.15.560, or 77.15.568, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-120, filed 1/23/13, effective 2/23/13.]

WAC 220-305-040 Aquatic use of chemicals. (1) It is unlawful to use, place, or cause to be placed in state waters or on state beaches or tidelands any substance or chemical used for control of predators or pests that affects fish or shellfish or

other aquatic marine organisms, without first obtaining a special permit to do so from the director.

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

(3) Violation of this section is a misdemeanor, punishable under RCW 77.15.150 or 77.15.196, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-03-153 (Order 13-16), § 220-20-116, filed 1/23/13, effective 2/23/13.]

WAC 220-305-060 Collection of sampling data—Unlawful acts. It is unlawful for any person or corporation licensed by the department to fail to comply with the directions of authorized department personnel related to the collection of sampling data and/or material from wildlife. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of steelhead or other species of fish commonly found in fresh water, containing coded-wire tags, including but not limited to, the snouts of those steelhead that are marked with clipped left ventral fins. This section does not apply to those species of fish classified as food fish by the director of fisheries or to private sector cultured aquatic products on aquatic farms.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 90-01-069 (Order 415), § 232-12-082, filed 12/18/89, effective 1/18/90.]

WAC 220-305-070 Sampling data and tag recovery.

It is unlawful for any person to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 15-11-042 (Order 15-126), § 220-56-112, filed 5/14/15, effective 6/14/15. Statutory Authority: RCW 75.08.080. WSR 82-07-047 (Order 82-19), § 220-56-112, filed 3/18/82.]

WAC 220-305-080 Closed areas—Marine preserves and conservation areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-303 WAC.

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

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

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling,

defined as fishing from a vessel under power and in gear making forward progress.

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

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

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-310-150.

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

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-305-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 09-06-042 (Order 09-27), § 220-20-100, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 07-16-056, § 220-20-100, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-20-100, filed 2/16/07, effective 3/19/07; WSR 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; WSR 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

WAC 220-305-090 Fishing near dams—Department facilities. Except as provided in current season game fish regulations, it is unlawful to fish within four hundred feet downstream from man-made dams, fish ladders or other obstructions, or in facilities used by the department for rearing, holding, or passage of fish. It is unlawful to fish in an irrigation canal or ditch, when the area is posted as closed waters.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-164, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-164, filed 6/1/81. Formerly WAC 232-12-370.]

WAC 220-305-100 Treaty Indian gear identification. It is unlawful for any person exercising treaty Indian fishing rights at adjudicated usual and accustomed grounds and stations within the Point No Point, Makah, Quinault, Medicine Creek, and Point Elliott treaty areas to leave any gear unattended unless there is affixed to it an identification tag of tribal affiliation and the person's valid treaty Indian identification number.

(10/30/17)

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-305-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 14-01-056 (Order 13-301), § 220-47-121, filed 12/12/13, effective 1/12/14. Statutory Authority: RCW 75.08.080. WSR 84-13-078 (Order 84-53), § 220-47-121, filed 6/21/84; Order 76-26, § 220-47-121, filed 1:45 p.m., 4/20/76.]

WAC 220-305-110 Possession of personal-use food fish and shellfish. (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned by him for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

(3) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(4) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

(5) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes except for commercially caught fish retained for personal use as provided for in WAC 220-354-030 and 220-353-110.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-305-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-56-110, filed 5/10/85; WSR 80-03-064 (Order 80-12), § 220-56-110, filed 2/27/80, effective 4/1/80.]

WAC 220-305-120 Harvesting of shellfish, food fish or game fish by persons with a disability. (1) Definitions:

(a) "Harvester with a disability" means a person with a permanent disability who possesses a valid disabled harvester permit issued by the department;

(b) "Disabled harvester permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability;

(i) A designated harvester companion card will be issued to the holder of a disabled harvester permit along with the issuance of a harvesting license.

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(c) "Designated harvester companion" means a designated person who only assists with that physical function the harvester with a disability is unable to perform during his or her recreational activity in the taking of shellfish, food fish, or game fish;

(d) "Designated harvester companion card" means an identification card issued by the department to a harvester with a disability for use by another person in assisting or acting on the behalf of the harvester with a disability while engaging in fishing or harvesting activities.

(2) It is unlawful for a harvester with a disability to fail to obtain all licenses, permits and catch record cards prior to fishing.

(3) The designated harvester companion, when accompanied by the harvester with a disability, may assist the harvester with a disability in taking shellfish, game fish and food fish or engage in the taking of shellfish, game fish, and food fish on behalf of the harvester with a disability.

(4) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the harvester with a disability is present and participating in the fishing activity, except:

(a) The harvester with a disability is not required to be present at the location where the designated harvester companion is harvesting shellfish for the harvester with a disability. The harvester with a disability is required to be in the direct line of sight of the designated harvester companion who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the harvester with a disability is required to be within one-quarter mile of the designated harvester companion who is harvesting shellfish for him or her and must have a form of reliable and direct communication.

(5) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the designated harvester companion is licensed and has the designated harvester companion card on his or her person.

(6) Shellfish, game fish or food fish harvested by a designated harvester companion on behalf of a harvester with a disability becomes part of the harvester with a disability's bag or possession limit, and must be kept separate from the designated harvester companion's bag or possession limit.

(7) A violation of this section is punishable under RCW 77.15.380.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, amended and recodified as § 220-305-120, filed 8/21/17, effective 9/21/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.-055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-240, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-065, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-065, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-065, filed 4/2/91, effective 5/3/91; WSR 88-05-002 (Order 88-03), § 220-55-065, filed 2/4/88; WSR 87-09-066 (Order 87-16), § 220-55-065, filed 4/21/87; WSR 80-13-064 (Order 80-123), § 220-55-065, filed 9/17/80; WSR 79-09-021 (Order 79-58), § 220-55-065, filed 8/10/79.]