

**WAC 220-356-020 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 pun-

ishable 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-356-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-36-03001, filed

3/2/10, effective 4/2/10; WSR 03-05-062 (Order 03-26), § 220-36-03001, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. WSR 95-23-020 (Order 95-166), § 220-36-03001, filed 11/8/95, effective 12/9/95; WSR 85-06-033 (Order 85-14), § 220-36-03001, filed 3/1/85; WSR 84-08-014 (Order 84-24), § 220-36-03001, filed 3/27/84; WSR 80-09-072 (Order 80-69), § 220-36-03001, filed 7/18/80; WSR 79-05-007 (Order 79-20), § 220-36-03001, filed 4/11/79; WSR 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.]