

**Chapter 220-340 WAC
COMMERCIAL SHELLFISH**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-340-740 Sea cucumber license reduction program. [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 §

220-340-740, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.047, 77.70.150, and 77.70.190. WSR 13-14-041 (Order 13-138), § 220-95-110, filed 6/27/13, effective 7/28/13. Statutory Authority: RCW 77.12.047, 77.70.150, and 77.70.190. WSR 12-15-019 (Order 12-140), § 220-95-110, filed 7/10/12, effective 8/10/12. Statutory Authority: RCW 77.12.047. WSR 07-11-110 (Order 07-88), § 220-95-110, filed 5/18/07, effective 6/18/07; WSR 05-17-027 (Order 05-170), § 220-95-110, filed 8/5/05, effective 9/5/05; WSR 02-17-014 (Order 02-184), § 220-95-110, filed 8/9/02, effective 9/9/02; WSR 02-01-069 (Order 01-274), § 220-95-110, filed 12/14/01, effective 1/14/02.] Repealed by WSR 22-08-048, filed 3/31/22, effective 5/1/22. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047.

220-340-760 Sea urchin license reduction program. [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 § 220-340-760, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.047, 77.70.150, and 77.70.190. WSR 13-14-041 (Order 13-138), § 220-95-100, filed 6/27/13, effective 7/28/13. Statutory Authority: RCW 77.12.047, 77.70.150, and 77.70.190. WSR 12-15-019 (Order 12-140), § 220-95-100, filed 7/10/12, effective 8/10/12. Statutory Authority: RCW 77.12.047. WSR 07-11-110 (Order 07-88), § 220-95-100, filed 5/18/07, effective 6/18/07; WSR 02-17-014 (Order 02-184), § 220-95-100, filed 8/9/02, effective 9/9/02; WSR 02-01-069 (Order 01-274), § 220-95-100, filed 12/14/01, effective 1/14/02.] Repealed by WSR 22-08-048, filed 3/31/22, effective 5/1/22. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047.

GENERAL RULES

WAC 220-340-010 Shellfish—Geographical definitions. (1) "Puget Sound" means Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 23D, 24A, 24B, 24C, 25A, 25B, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29.

(2) "Grays Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(3) "Willapa Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(4) "Columbia River" means Marine Fish-Shellfish Management and Catch Reporting Area 60D.

(5) "Coastal Waters" means Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, and 60A-2.

[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 § 220-340-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-10-090 (Order 07-68), § 220-52-001, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 75.08.080. WSR 84-08-014 (Order 84-24), § 220-52-001, filed 3/27/84.]

WAC 220-340-020 Shellfish—Unlawful acts—Commercial. (1) It is unlawful to take oysters or clams for commercial purposes from tide-lands reserved for public use unless authorized by a permit issued by the director.

(2) It is unlawful to take shellfish for commercial purposes from state oyster reserves without permission of the director.

Licensing: An oyster reserve fishery license is the license required to take shellfish for commercial purposes from state oyster reserves.

(3) All geoduck, sea cucumber, sea urchin, scallop, and mechanical clam harvester vessels shall be issued a harvester number. This number must be placed in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not

have a fixed roof. The numbers must be black on a white background, at least 18 inches high, and of a stroke width of 1/6 the height of the characters.

(4) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the registered clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the registered clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the registered clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

(5) It is unlawful to fish for or possess ghost or mud shrimp taken for commercial purposes unless authorized by a permit issued by the director.

Licensing: A burrowing shrimp fishery license is the license required to take ghost or mud shrimp for commercial purposes.

(6) It is unlawful to set any shellfish pot gear such that the pot is not covered by water at all tide levels.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-020, filed 3/31/22, effective 5/1/22. 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 § 220-340-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-010, filed 5/19/94, effective 6/19/94; WSR 88-12-025 (Order 88-28), § 220-52-010, filed 5/25/88, effective 8/22/88. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-52-010, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 84-08-014 (Order 84-24), § 220-52-010, filed 3/27/84; Order 77-145, § 220-52-010, filed 12/13/77; Order 1258, § 220-52-010, filed 8/25/75; Order 857, § 220-52-010, filed 12/11/69; Order 807, § 220-52-010, filed 1/2/69, effective 2/1/69; subsections 1, 3-5, Orders 414, 256, filed 3/1/60; subsection 2, Orders 443, 256, filed 3/1/60.]

WAC 220-340-030 Shellfish harvest logs. (1) **Logbook requirement:** It is unlawful for any vessel operator engaged in the commercial harvest of crawfish, sea cucumber, sea urchin, scallop, shrimp, or squid to fail to obtain and accurately and completely maintain the appropriate harvest log available from the Washington department of fish and wildlife. It is unlawful for any license holder engaged in commercial sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately and completely maintain the appropriate harvest log available from the Washington department of fish and wildlife.

(2) **Logbook maintenance:** It is unlawful for any harvest vessel operator or license holder engaged in harvest as described in subsection (1) of this section, to fail to maintain the required harvest log: Aboard the vessel; at the harvest site; when crawfish, sea cucumbers, sea urchins, shrimp, squid, scallops, clams, or sand shrimp are aboard during transit of a harvest vessel, or are in possession of the license holder.

(3) **Logbook submission and retention:** It is unlawful for the vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to submit harvest logs for inspection upon request by department of fish and wildlife officers or authorized employees.

(4) It is unlawful for any vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to comply with the following methods of logbook submittal and time frames related to harvest logbook submittal:

(a) Completed harvest logs for crawfish, coastal ocean pink shrimp, sea cucumber, sea urchin, scallop, Puget Sound shrimp pot and trawl, and squid must be received by the department within 10 days following any calendar month in which fishing occurred; however, vessel operators or license holders may submit logs directly to authorized department employees.

(b) Vessel operators or license holders responsible for submitting logs to the department, as described in subsection (1) of this section, must maintain a copy of all submitted logs for a period of three years following the harvest activity. Copies of harvest logs, which are required to be maintained, must be available for inspection upon request by department of fish and wildlife officers and authorized employees.

(c) Original harvest logs must be maintained and submitted in ascending consecutive order of the log serial number.

(5) It is unlawful for any vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to send completed harvest logs to the appropriate following mailing address, except as provided for in subsection (4)(a) of this section.

For Puget Sound Shrimp Pot and Trawl Harvest Logbooks:

ATTN: PUGET SOUND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
375 Hudson St.
Port Townsend, WA 98368.

For Coastal Shrimp Harvest Logbooks:

ATTN: COASTAL SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

For Crawfish Harvest Logbooks:

ATTN: FISH PROGRAM - CRAWFISH HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 43150
Olympia, WA 98504-3150.

For Sea Urchin and Sea Cucumber Harvest Logbooks:

ATTN: FISH PROGRAM - SEA URCHIN/SEA CUCUMBER HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 43150
Olympia, WA 98504-3150.

For Clam (harvest with mechanical digging devices) Harvest Logbooks:

ATTN: FISH PROGRAM - GEODUCK HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 43150

Olympia, WA 98504-3150.

For Scallop Harvest Logbooks:

ATTN: FISH PROGRAM - SCALLOP HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 43150
Olympia, WA 98504-3150.

For Squid (Coastal waters) Harvest Logbooks:

ATTN: FISH PROGRAM - COASTAL SQUID HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 43150
Olympia, WA 98504-3150.

For Squid (Puget Sound waters) Harvest Logbooks:

ATTN: PUGET SOUND SQUID HARVEST MANAGER
Washington Department of Fish and Wildlife
375 Hudson St.
Port Townsend, WA 98368.

For Coastal Sand Shrimp Harvest Logbooks:

ATTN: COASTAL SAND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 190
Ocean Park, WA 98640-0190.

For Puget Sound Sand Shrimp Harvest Logbooks:

ATTN: PUGET SOUND SAND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
375 Hudson St.
Port Townsend, WA 98368.

(6) It is unlawful for any harvest vessel operator or license holder engaged in harvest as described in subsection (1) of this section to fail to permanently and legibly record in ink the following information within the following time frames:

(a) **Crawfish:**

(i) Before leaving the catch area where harvest occurred, record the vessel Washington department of fish and wildlife boat registration number, number of pots pulled, date pulled, soak time, and gear location; and

(ii) Immediately after delivery of shellfish to an original receiver, record the weight of all shellfish.

(b) **Puget Sound shrimp trawl gear:**

(i) Before commencing a new tow or prior to leaving the site where the catch was taken, record the vessel name, current date of fishing activity, location fished, trawl width, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, tow speed, duration of tow, and estimated weight of shrimp of each species caught for each tow.

(ii) Immediately after delivery of shrimp to an original receiver or the submission of a fish receiving ticket, if the operator holds a wholesale fish dealer's license and is the original receiver, record the fish receiving ticket number.

(c) **Coastal shrimp trawl gear:**

(i) Before commencing a new tow, record the vessel name, current date of fishing activity, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, duration of tow, estimated weight of shrimp of each species not retained for

each tow, and estimated weight of shrimp of each species caught for each tow.

(ii) Immediately after delivery of shrimp to an original receiver or the submission of a fish receiving ticket, if the operator holds a wholesale fish dealer's license and is the original receiver, record the fish receiving ticket number.

(d) **Sea urchins and sea cucumbers:**

(i) Before leaving the harvest site, record the vessel identity, date, Marine Fish-Shellfish Catch Reporting Area fished, location fished, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second, and the approximate weight in pounds of sea urchins or sea cucumbers harvested.

(ii) Upon landing or delivery to an original receiver, the exact species and weight of sea urchins, as recorded on the shellfish receiving ticket, must be recorded.

(iii) Upon landing or delivery to an original receiver, the exact weight of sea cucumbers, as recorded on the shellfish receiving ticket, and whether or not prelanded processing occurred ("whole-live" or "split-drained"), must be recorded.

(e) **Clams, with mechanical digging devices:**

(i) Before the end of each day's fishing and departure from the harvest grounds, record the vessel identity if a harvest vessel is used in harvest operation, exact location by latitude and longitude to the nearest thousandths of a minute (recorded in WGS 84 datum), and date of harvest.

(ii) Weight by each clam species in pounds upon landing or delivery to an original receiver.

(iii) Weight in pounds of each clam species caught and returned to the harvest grounds.

(f) **Scallops:**

(i) Before leaving the location where the catch was taken, record the vessel identity, date, location, and duration of harvest and estimated weight in pounds and species of scallops caught for each tow or dive hour.

(ii) Upon landing or delivery to an original receiver, the exact weight in pounds, as recorded on the shellfish receiving ticket, and species of harvested scallops.

(g) **Squid**, except when taken incidental to any other lawful fishery:

(i) Coastal:

(A) Before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel's Washington department of fish and wildlife boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned.

(B) Weight in pounds of squid upon landing or delivery to an original receiver.

(ii) Puget Sound:

(A) Before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel's Washington department of fish and wildlife boat registration number, gear type, catch area, location (nearest landmark, bay, or GPS coordinates), starting and ending time of fishing, total vessel wattage or lumens of attracting lights, and numbers of other species caught and returned.

(B) Weight in pounds of squid upon landing or delivery to an original receiver.

(h) **Sand shrimp (Puget Sound and coastal)**, except when taken incidental to other lawful fishery:

(i) Prior to leaving the harvest site, the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens).

(ii) At the time of delivery to an original receiver, total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

(i) **Puget Sound shrimp pot:**

(i) Prior to leaving the harvest site, the name of vessel operator, license number, the vessel's Washington department of fish and wildlife boat registration number, buoy brand, date, phone number, pot mesh size, pull date, groundline length, number of pots pulled, depth fished, soak time, gear location (including latitude and longitude to the nearest hundredth of a minute), Shrimp Management Unit fished (region, subregion, catch area, subarea), species targeted, sorted catch estimates, and weight(s) in pounds of catch. A separate weight for each species caught and retained must be recorded. Any time that gear is deployed the location must be recorded. For pots deployed on a groundline, the start location for each string must be provided.

(ii) Immediately after delivery of shrimp to an original receiver, record the fish receiving ticket number.

(7) Violation of this section as it relates to failing to report required information or failing to submit log books is punishable under RCW 77.15.280 reporting of fish or wildlife harvest. Violation of this section as it relates to knowingly providing false or misleading information is punishable under RCW 77.15.270, providing false information.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-030, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-030, filed 3/31/22, effective 5/1/22. 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 § 220-340-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-21-083 (Order 07-256), § 220-52-075, filed 10/17/07, effective 11/17/07; WSR 03-05-064 (Order 03-28), § 220-52-075, filed 2/18/03, effective 3/21/03; WSR 01-02-061 (Order 00-267), § 220-52-075, filed 12/29/00, effective 1/29/01; WSR 01-02-057 (Order 00-262), § 220-52-075, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. WSR 00-05-054 (Order 00-17), § 220-52-075, filed 2/14/00, effective 3/16/00; WSR 97-08-052 (Order 97-55), § 220-52-075, filed 3/31/97, effective 5/1/97; WSR 94-12-009 (Order 94-23), § 220-52-075, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-075, filed 7/14/93, effective 8/14/93; WSR 91-10-024 (Order 91-22), § 220-52-075, filed 4/23/91, effective 5/24/91; WSR 87-15-022 (Order 87-69), § 220-52-075, filed 7/8/87; WSR 87-02-013 (Order 86-199), § 220-52-075, filed 12/30/86; WSR 84-08-014 (Order 84-24), § 220-52-075, filed 3/27/84; WSR 83-09-014 (Order 83-24), § 220-52-075, filed 4/12/83; WSR 82-03-045 (Order 82-6), § 220-52-075, filed 1/19/82; WSR 81-11-006 (Order 81-31), § 220-52-075, filed 5/11/81; WSR 80-13-064 (Order 80-123), § 220-52-075, filed 9/17/80; WSR 79-12-039 (Order 79-129), § 220-52-075, filed 11/20/79; WSR 79-02-053 (Order 79-6), § 220-52-075, filed 1/30/79.]

WAC 220-340-040 Sale of commercially caught shellfish. It shall be unlawful for any person commercially fishing for shellfish in Washington state waters or delivering shellfish into a Washington state port that were taken in offshore waters to retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All shellfish taken under commercial license must be recorded on state of Washington fish receiving tickets.

[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 § 220-340-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 93-17-021 (Order 93-77), § 220-20-026, filed 8/10/93, effective 9/10/93.]

WAC 220-340-050 Shellfish—Import. It shall be unlawful to import, ship or otherwise cause live shellfish of any kind or form or associated pest, predators or disease organisms, to be introduced into the waters of the state of Washington without first obtaining written permission from the director or the director's authorized agent. The permit shall accompany the shellfish during transit and at the point of introduction. It shall be unlawful for the permit holder to fail to comply with all terms, conditions and provisions of the permit or to perform any act in connection with the permit that is not specifically authorized in the permit. The permit may specify department inspections and transfer conditions for the import.

[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 § 220-340-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-20-038, filed 4/2/97, effective 5/3/97; WSR 80-13-064 (Order 80-123), § 220-20-038, filed 9/17/80.]

WAC 220-340-060 Commercial shellfish pot gear—Escape mechanism required. It is unlawful to fish for or possess crab, shrimp, or crawfish taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine, hemp, jute, or sisal no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken. It is permissible to use a single strand of cotton twine or hemp, jute, or sisal tied together at the ends so that it can be looped between the tie down straps and the lid hook to connect them together.

(2) Providing an opening in the pot mesh no less than three inches by five inches and laced or sewn closed with one single strand of untreated cotton twine, hemp, jute, or sisal no larger than thread size 120. The single strand of twine or fiber may not be wrapped multiple times or doubled in any way when lacing or sewing the wire mesh closed. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-060, filed 3/31/22, effective 5/1/22. 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), re-codified as § 220-340-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 11-09-072 (Order 11-72), § 220-52-035, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW 77.12.047. WSR 06-07-044 (Order 06-38), § 220-52-035, filed 3/9/06, effective 4/9/06; WSR 03-16-097 (Order 03-180), § 220-52-035, filed 8/6/03, effective 9/6/03. Statutory Authority: RCW 75.08.080. WSR 87-23-006 (Order 87-187), § 220-52-035, filed 11/6/87.]

WAC 220-340-070 Commercial geoduck harvest—Geoduck diver license application and issuance process. (1) The following information is required to apply for or renew a geoduck diver license:

(a) A complete, legible, and signed application form;
(b) The application and license fees as provided in RCW 77.65.440;

(i) Applicants renewing a geoduck diver license must submit the completed application, application fee and license fee by December 31;

(ii) New geoduck diver license applicants and renewing applicants who missed the December 31 deadline must submit the completed application and only the application fee by January 10. The license fee will be required within forty-eight hours if the individual is selected.

(c) Completion of the department of natural resources (DNR) geoduck diver safety program to be verified by the department of fish and wildlife (DFW) with DNR;

(d) All applicants must be on a DNR geoduck harvest agreement plan of operation during the applicable current calendar year and be verified by the department with DNR on an annual basis; and

(e) The department will not consider incomplete applications for a geoduck diver license.

(2) No more than 77 geoduck diver licenses may be issued per calendar year.

(3) Applicants may submit applications to the department:

(a) By mailing to P.O. Box 43154, Olympia, WA 98504-3154;

(b) By faxing to 360-902-2945; or

(c) In person at the DFW licensing front desk, first floor, natural resources building at 1111 Washington St. S.E., Olympia, WA 98501 during licensing window hours.

(4) The department will renew any geoduck diver license if all requirements listed in subsection (1) of this section are met by December 31. If less than 77 geoduck diver licenses have been issued after the department approves all qualifying applications to renew a geoduck diver license, then the department will issue additional licenses, up to the 77 geoduck diver license limit, to new geoduck diver license applicants and renewing applicants who missed the December 31 deadline. The department will complete the following process for issuing licenses to new geoduck diver license qualified applicants and renewing applicants who missed the December 31 deadline:

(a) New geoduck diver license applicants and renewing applicants who missed the December 31 deadline will be eligible if all requirements listed in subsection (1) of this section are met by January 10.

A drawing will be held ten business days after January 10 for all eligible new applicants.

(b) After the initial drawing, if there are remaining licenses available up to the 77 geoduck diver license limit, then the department will issue licenses to new geoduck diver applicants and renewing applicants who missed the December 31 deadline based on the calendar date the application is received on a first-come first-serve basis. In the event there are multiple applications received on the same calendar day that exceed the quantity of remaining licenses, a drawing will be held to issue the remaining licenses.

[Statutory Authority: RCW 77.04.090 and 77.04.130. WSR 18-09-058, § 220-340-070, filed 4/16/18, effective 5/17/18. 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 § 220-340-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.12.047, and 77.65.410. WSR 14-20-009 (Order 14-267), § 220-52-01905, filed 9/19/14, effective 1/1/15.]

CLAMS AND OYSTERS

WAC 220-340-100 Commercial clam fishery—Gear. It is unlawful to take, dig for, or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except:

(1) Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of the department of fish and wildlife (DFW), subject to the following conditions:

(a) All mechanical devices used to take or harvest shellfish must be approved by the director of DFW.

(b) A separate permit is required for each device used to take or harvest shellfish, and the permit must be attached to the specific unit the permit applies to at all times.

(c) All clams taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(d) The holder of a permit to take shellfish from tidelands by mechanical means must limit operations to privately owned or leased land.

(e) Taking clams that lie in or on the substrate under navigable water below the level of mean lower low water by any mechanical device is prohibited except as authorized by the director of DFW.

(i) Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices must confine their operations to substrate-leased from the Washington department of natural resources, subject to the approval of the director of DFW.

(ii) It is unlawful to harvest shellfish that lie in or on the substrate of the Pacific Ocean westward from the western shores of the state in waters less than two fathoms deep at mean lower low water. The director of DFW may reserve all or portions of the substrate in

waters more than two fathoms deep and prevent the taking of shellfish in any quantity from those reserves.

(f) Noncompliance with any part of this section or with special requirements of individual permits results in immediate cancellation and/or subsequent nonrenewal of all permits held by the operator.

(g) Applications for permits to use mechanical clam digging devices must be made on the forms provided by DFW, and permits must be in the operator's possession before digging commences.

(h) All permits to take or harvest shellfish by mechanical means expire on December 31 of the year of issue.

(i) All mechanical clam harvesting machines must have approved instrumentation that provides deck readout of water pressure.

(j) All clam harvest machines operating on intertidal grounds where less than 10 percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately 25 percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

(k) Clam harvest machines operating in fine substrate material where less than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of three feet (overall) and the maximum pump volume as specified by DFW, commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

(l) Clam harvest machines operating in coarser substrate material where more than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of four feet (overall) and a maximum pump volume as specified by DFW, commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

(m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they must furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator will thereafter modify the machine (install a sealed pressure relief valve) as specified by DFW to conform with values set forth in this section. Thereafter, it is illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine must be included in the DFW's clam harvest permit.

(n) All clam harvest machines must be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement officers.

(o) Each mechanical clam harvester must have controls arranged and situated near the operator to allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

(p) Licensing: A hardshell clam mechanical harvester fishery license is required to operate the mechanical harvester gear provided for in this section. For more information on or to apply for a hardshell clam mechanical harvester fishery license, visit department offices, call the WDFW license division at 360-902-2500, or visit the department website at www.wdfw.wa.gov.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit by means of water pumps and nozzles.

(4) It is unlawful to take, dig for and possess razor clams taken for commercial purposes from any of the tidelands in the state of Washington except by hand, shovels, cylindrical cans, tubes or hinged digging devices operated by hand. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of four inches and the elliptical can/tube having a minimum dimension of four inches long and three inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of four inches at the bottom.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-100, filed 3/31/22, effective 5/1/22. 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 § 220-340-100, 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 12-23-016 (Order 12-267), § 220-52-018, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 06-04-015 (Order 06-08), § 220-52-018, filed 1/22/06, effective 2/22/06. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-018, filed 5/19/94, effective 6/19/94; WSR 84-08-014 (Order 84-24), § 220-52-018, filed 3/27/84; WSR 79-02-053 (Order 79-6), § 220-52-018, filed 1/30/79; Order 76-152, § 220-52-018, filed 12/17/76; Order 1258, § 220-52-018, filed 8/25/75; Order 807, § 220-52-018, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-010(2).]

WAC 220-340-110 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from nonstate tidelands under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit.

[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 § 220-340-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-17-058 (Order 06-200), § 220-52-020, filed 8/10/06, effective 9/10/06; WSR 06-04-015 (Order 06-08), § 220-52-020, filed 1/22/06, effective 2/22/06; WSR 03-16-099 (Order 03-176), § 220-52-020, filed 8/6/03, effective 9/6/03; WSR 01-02-059 (Order 00-264), § 220-52-020, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-020, filed 5/19/94, effective 6/19/94; WSR 91-10-024 (Order 91-22), § 220-52-020, filed 4/23/91, effective 5/24/91; WSR 84-08-014 (Order 84-24), § 220-52-020, filed 3/27/84; Order 807, § 220-52-020, filed 1/2/69, effective 2/1/69; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 1, 1a, 2 from Orders 351 and 256, filed 3/1/60; subsection 1b from Order 605, filed 4/21/64; Orders 443 and 256, filed 3/1/60.]

WAC 220-340-120 Clams—Coastal—Seasons and areas. (1)(a) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of registered aquaculture farms in Grays Harbor and Willapa Harbor the entire year.

(b) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2)(a) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from Washington waters except during commercial razor clam seasons opened by emergency rule.

(b) Licensing: A razor clam fishery license is the license required to take, dig for or possess razor clams for commercial purposes.

[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 § 220-340-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 05-05-027 (Order 05-17), § 220-52-030, filed 2/10/05, effective 3/13/05. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-030, filed 5/19/94, effective 6/19/94; WSR 91-10-024 (Order 91-22), § 220-52-030, filed 4/23/91, effective 5/24/91; WSR 84-08-014 (Order 84-24), § 220-52-030, filed 3/27/84; Order 807, § 220-52-030, filed 1/2/69, effective 2/1/69; Order 770 B, § 220-52-030, filed 2/15/68; Order 718, § 1, filed 1/26/67; subsection 1 from Order 679, filed 4/20/66; Orders 443 and 256, filed 3/1/60; subsection 2 from Order 673, filed 1/24/66; Order 631, filed 1/13/65; Order 599, filed 1/29/64; Order 566, filed 2/8/63; Order 540, filed 1/15/62; Order 524, filed 2/6/61; Order 510, filed 7/8/60; Order 508, filed 4/29/60; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 3 from Order 673, filed 1/24/66; Order 599, filed 1/29/64; Orders 499 and 256, filed 3/1/60; subsection 4 from Order 599, filed 1/29/64; Order 567, filed 2/15/63; Order 524, filed 2/6/61; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 5 from Order 673, filed 1/24/66.]

WAC 220-340-130 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as Oyster Drill Restricted Shellfish Areas:

(1) Dungeness Bay—Inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—Inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—Inside the Lummi Dike and inside and bounded by a line projected from 48.7756°, -122.6667°; thence to 48.7653°, -122.6667°; thence to 48.7653°, -122.6533°; then following the shore-line northerly to the point of origin.

(4) Samish Bay—Inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—Easterly (including the Swinomish Channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—Northerly of a line projected across Skagit Bay following latitude 48.333° ($48^{\circ}20'N$) and easterly of the Deception Pass bridge.

(7) Liberty Bay—Inside and westerly of a line projected true south from the most southerly point on the Lemolo shoreline, near the powerline tower.

(8) Dyes Inlet—Inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—Inside and northerly of the Purdy bridge.

(b) Minter Creek—Inside and westerly of a line projected from the west shore of Carr Inlet at -122.6833° longitude true south to 47.3500° latitude, then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—Northerly of a line projected across Case Inlet following latitude 47.3456° ($47^{\circ}20'44"N$).

(b) Vaughn Bay—Easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—Inside, westerly and northerly of a line starting at the shore at 47.2071° , -123.0627° on the north shore of Hammersley Inlet and projected true south to the south shore of Hammersley Inlet.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—Inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—Inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—Lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—Inside and southerly of a line starting on the east shore at 47.1182° , -122.6657° and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—Inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48.8052° , -122.8583° and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—Inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—Inside and bounded southerly and easterly by a line projected from the western most point at Musqueti Point true west to the mainland.

(d) Hamma Hamma Flats and Jorstad Creek—Inside and westerly of a line projected from 47.5547° , -123.0289° ; thence to 47.5483° ,

-123.0183°; thence to 47.5483°, -123.0300°; thence to 47.5167°, -123.0300°; then true west to shore.

(e) Dosewallips Delta—Inside and westerly of lines projected from 47.6842°, -122.8993°; thence to 47.6842°, -122.8733°; thence to 47.7121°, -122.8733°; thence to 47.7121°, -122.8861°.

(f) Point Whitney (including all portions of seawater ponds, lagoon, and shellfish cultivation facilities)—Inside and southerly of lines projected from 47.7619°, -122.8513°; thence to 47.7644°, -122.8513°; thence to 47.7644°, -122.8550°; thence to 47.7625°, -122.8550°.

(g) Duckabush River Mouth—Inside and westerly of a line projected from 47.6467°, -122.9044°; thence to 47.6319°, -122.9417°.

(h) East Dabob Bay—Inside and easterly of a line projected from 47.8283°, -122.7997°; thence to 47.8264°, -122.8050°; thence to 47.8131°, -122.7989°; thence to the shore at 47.8136°, -122.7958°.

(i) Guillemot Cove—South of a line extending westward from the shoreline at 47.6123° latitude to a point at 47.6120°, -122.9207°; east of a line extending southward from 47.6120°, -122.9207° to 47.6075°, -122.9223°; north of a line extending east from 47.6075°, -122.9223° to the shoreline at 47.6071° latitude; west of a line extending northward from 47.6075°, -122.9223° and tracing the shoreline north to the point of origin.

(j) Bywater Bay—Inside and northerly of a line projected true east from latitude 47.8819° (47°52'55"N) to the west shoreline of Hood Head.

(16) Henderson Inlet—South Bay—Inside and southerly of a line commencing at 47.1268°, -122.8412° on the west shore of Henderson Inlet, thence projected true east across Henderson Inlet to the east shoreline.

(17) Birch Bay—Inside and bounded by a line projected from 48.8997°, -122.7761°; thence following the shoreline northeasterly to 48.9105°, -122.7521°; thence to 48.9156°, -122.7586°; thence to 48.9028°, -122.7815°; thence returning to the origin at 48.8997°, -122.7761°.

(18) Scow Bay (Kilisut Harbor)—Scow Bay in Kilisut Harbor southward of a line from 48.0274°, -122.7039° on the east shore of Indian Island to 48.0274°, -122.6931° on the west shore of Marrowstone Island.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.047, 77.04.055, and 77.12.455. WSR 23-06-065 (Order 23-34), § 220-340-130, filed 2/28/23, effective 3/31/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 22-06-010 (Order 22-20), § 220-340-130, filed 2/18/22, effective 3/21/22. 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 § 220-340-130, 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 14-07-092 (Order 14-63), § 220-72-011, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 77.12.047. WSR 05-01-113 (Order 04-318), § 220-72-011, filed 12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-011, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-011, filed 4/2/97, effective 5/3/97.]

WAC 220-340-140 Oyster drill restricted shellfish areas—Willapa. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[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 § 220-340-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-015, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-015, filed 4/2/97, effective 5/3/97.]

WAC 220-340-150 Unlawful acts—Permit required. (1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish without first obtaining written permission from the director of fish and wildlife or the director's authorized agent except for market ready shellfish as provided for in this subsection and except for shellfish seed transferred under a shellfish health agreement as provided for in subsection (3) of this section. Such written permit must be affixed to or otherwise accompany the conveyance. Where regular and reoccurring transfers take place, a permit may be issued on an annual basis. Shellfish which are market ready, intended for immediate human consumption, and which will not be placed into or come in contact with state waters may be transferred without a department permit. Failure to obtain a permit or failure to affix the permit or to have the permit accompany the conveyance is punishable under RCW 77.15.350.

(2) Permits will be approved with conditions or denied based on the shellfish disease or pest transfer risk. Existing permits may be revoked, suspended or modified upon a finding of an aquatic disease or pest or upon determination of violation of the conditions of a permit. In the event of revocation, suspension or denial of a permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process. It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended. Violation of this subsection is punishable under RCW 77.15.350.

(3) When shellfish health agreements have been made by memoranda of agreement between WDFW and companies which operate shellfish hatcheries, the company may be authorized to transfer shellfish seed to seed buyers without a transfer permit. Shellfish health agreements may be revoked for cause. Shellfish health agreements will require submission of a seed transfer report to the department on a quarterly basis and when requested by authorized department personnel.

[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 § 220-340-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 05-01-113 (Order 04-318), § 220-72-076, filed

12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-076, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 99-10-061 (Order 99-60), § 220-72-076, filed 5/3/99, effective 6/3/99; WSR 97-08-078 (Order 97-56), § 220-72-076, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-076, filed 9/24/69.]

WAC 220-340-160 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to
47°21'00" N. Lat.,
122°41'00" W. Long.; thence to
47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.084' N. Lat., 122°51.316' W. Long. and 47°16.224' N. Lat.,
122°51.746' W. Long.

(7) Carr Inlet—northerly of a line projected from the northern tip of South Head on Key Peninsula to the most western point of Green Point.

(8) Eld Inlet—southerly of a line projected due north from the northern most point of Cooper Point to the mainland at Edgewater Beach.

(9) Port Orchard—southerly of a line projected from Battle Point projected due west to the mainland; westerly of a line projected from Point White due south to the mainland; and easterly of a line projected from the southern most point of Point Herron due south to the mainland.

(10) Kilisut Harbor—southerly of a line projected from the northeasterly most point on Indian Island north to the most northwesterly point of Marrowstone Island.

[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 § 220-340-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-01-015 (Order 05-272), § 220-72-089, filed 12/9/05, effective 1/9/06; WSR 05-01-113 (Order 04-318), § 220-72-089, filed 12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-089, filed 4/30/03, effective 5/31/03.]

WAC 220-340-170 European green crab (*Carcinus maenas*) restricted shellfish area. All waters, embayments, sloughs, tidelands, shellfish handling facilities and equipment within the following are designated as European Green Crab Restricted Shellfish Areas:

(1) Coastal waters: From west of a line projected true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River, northward to the Bonilla-Tatoosh line as defined in WAC 220-300-360;

(2) Lower Columbia River: That area within the state of Washington from the Astoria-Megler Bridge west to a line projected true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River.

(3) Willapa Bay: Easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

(4) Grays Harbor: Easterly of a line projected from the outermost end of the north jetty of Grays Harbor to the outermost end of the south jetty of Grays Harbor.

(5) Puget Sound: All Washington waters eastward from the Bonilla-Tatoosh line as defined in WAC 220-300-360 and southward from the International Boundary at 49° north latitude to a line drawn between Tala Point, Foulweather Bluff, and Double Bluff on Whidbey Island, excluding the waters to the east of Whidbey Island (defined as all waters east of the Deception Pass Bridge and north of a line from the southern tip of Possession Point (47.9061°, -122.3846°) to the shipwreck located 0.8 nautical miles north of Picnic Point (47.8931°, -122.3286°) on the opposite shore).

(6) Hood Canal: South of a line drawn between Foulweather Bluff and Tala Point.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.047, 77.04.055, and 77.12.455. WSR 23-06-065 (Order 23-34), § 220-340-170, filed 2/28/23, effective 3/31/23. 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 § 220-340-170, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-086, filed 4/30/03, effective 5/31/03.]

SALES FROM STATE SHELLFISH RESERVES

WAC 220-340-200 State oyster reserves sales—Notice for sales over 50 bushels. (1) Sales of oysters or clams from state oyster reserves in excess of 50 bushels must occur by bid at public auction.

(2) The department must publish notice of a sale of over 50 bushels of oysters or clams from state oyster reserves in one newspaper of general circulation in the area where the state oyster reserves sale will occur before the oyster reserves sale may take place.

[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 § 220-340-200, 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 14-02-013 (Order 13-304), § 220-60-010, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 04-01-054 (Order 03-307), § 220-60-010, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-010, filed 11/27/85; Order 248, § 1, filed 3/1/60.]

WAC 220-340-210 Director to designate time and place of harvest from reserves. All harvesting of oysters shall take place under the supervision of the director or his authorized agent, and such harvesting shall be accomplished only at such times and in such areas as may be specified in writing by such authorized agent of the director, or by the director.

[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 § 220-340-210, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-020, filed 11/27/85; Order 1179, § 220-60-020, filed 11/19/74; Order 248, § 2, filed 3/1/60.]

WAC 220-340-220 State oyster reserves sales—Harvest and measuring loads. (1) Oyster harvest from state reserves must occur under the supervision of authorized department personnel. Harvest from state reserves may only occur as specified in writing in the department contract with the harvester.

(2) Purchasers must contact department personnel to measure loads of oysters or clams before leaving a state oyster reserve. It is unlawful for any scow, dredge, or other conveyance containing oysters or clams to leave a state oyster reserve unless department personnel grants permission to leave the reserve.

(3) A violation of subsection (1) or (2) of this section is a gross misdemeanor under RCW 77.15.560, Commercial fish, shellfish harvest or delivery—Failure to report—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 § 220-340-220, 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 14-02-013 (Order 13-304), § 220-60-040, filed 12/19/13, effective 1/19/14; Order 248, § 4, filed 3/1/60.]

WAC 220-340-230 State oyster reserves sales—Invoices and payment. (1) The department issues invoices for loads of oysters or clams leaving state reserves in triplicate. Invoices must show the number of bushels or pounds in each load of oysters or clams. The department agent must retain a copy of the invoice, give one copy to the buyer, and forward a copy to the department's central office.

(2) Purchasers of oysters or clams from state oyster reserves must pay for purchases by bank draft or check payable to the treasurer of the state of Washington. Purchasers must make payments to authorized department personnel by the Friday of the week following the week invoices are issued.

[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 § 220-340-230, 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 14-02-013 (Order 13-304), § 220-60-050, filed 12/19/13, effective 1/19/14; Order 1179, § 220-60-050, filed 11/19/74; Order 248, § 5, filed 3/1/60.]

WAC 220-340-240 State oyster reserves sales—Oyster growers' associations—Representative. An organized oyster growers' association may, at the association's expense, appoint a representative to be present during purchases of oysters or clams from state oyster reserves. The representative will have access to the department's boat and all records pertaining to those state oyster reserves sales.

[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 § 220-340-240, 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 14-02-013 (Order 13-304), § 220-60-060, filed 12/19/13, effective 1/19/14; Order 248, § 6, filed 3/1/60.]

WAC 220-340-250 State oyster reserves sales—Purchasers' licenses. (1) It is unlawful for purchasers of oysters or clams from state oyster reserves to remove any oysters or clams from any state oyster reserve without first obtaining an oyster reserve license from the department as required by RCW 77.65.260.

(2) A violation of this section is a gross misdemeanor or class C felony under RCW 77.15.500, Commercial fishing without a license—Penalty, 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 § 220-340-250, 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 14-02-013 (Order 13-304), § 220-60-070, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-070, filed 11/27/85; Order 248, § 7, filed 3/1/60.]

WAC 220-340-260 State oyster reserves sales—Director may limit use of licenses. The department may limit the number of bushels of

oysters or pounds of clams sold to an oyster reserve licensee. The department may also limit the number of dredges operated by a licensee.

[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 § 220-340-260, 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 14-02-013 (Order 13-304), § 220-60-080, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-080, filed 11/27/85; Order 248, § 8, filed 3/1/60.]

WAC 220-340-270 State oyster reserves sales—Broodstock sale prices. (1) Sale of oysters from the state oyster reserves to registered oyster farmers for broodstock purposes in amounts of 50 bushels or less may occur at a price established by the director that accounts for costs associated with the sale. However, the director's established price cannot be less than the average price paid at the most recent bid sale.

(2) Sales of oysters for broodstock purposes in amounts over 50 bushels must occur by bid at public auction.

[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 § 220-340-270, 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 14-02-013 (Order 13-304), § 220-60-090, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-090, filed 11/27/85; Order 248, § 9, filed 3/1/60.]

WAC 220-340-280 Other unlawful conduct. It is unlawful to violate any of the provisions of this chapter.

[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 § 220-340-280, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-110, filed 11/27/85; Order 248, § 11, filed 3/1/60.]

GEODUCK

WAC 220-340-300 Commercial geoduck harvest—Gear restrictions.

(1) It is unlawful to use any gear other than a manually operated water jet with a nozzle 5/8 of an inch or less inside diameter to commercially harvest geoducks, unless a permit to use other gear is first obtained from the director.

(2) It is unlawful for through-hull fittings for water discharge hoses connected to harvest gear to be below the water's surface in the commercial harvest of geoducks. Through-hull fittings connected to harvest gear above the water's surface must be visible at all times.

[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 §

220-340-300, 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 12-23-016 (Order 12-267), § 220-52-019, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 06-17-056 (Order 06-197), § 220-52-019, filed 8/10/06, effective 9/10/06; WSR 03-10-008 (Order 03-81), § 220-52-019, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-019, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-019, filed 7/14/93, effective 8/14/93; WSR 84-08-014 (Order 84-24), § 220-52-019, filed 3/27/84; WSR 81-11-006 (Order 81-31), § 220-52-019, filed 5/11/81; WSR 79-12-039 (Order 79-129), § 220-52-019, filed 11/20/79; WSR 79-02-053 (Order 79-6), § 220-52-019, filed 1/30/79; Order 77-65, § 220-52-019, filed 8/5/77 and 8/25/77; Order 76-152, § 220-52-019, filed 12/17/76; Order 76-26, § 220-52-019, filed 1:45 p.m., 4/20/76; Order 1258, § 220-52-019, filed 8/25/75; Order 857, § 220-52-019, filed 12/11/69.]

WAC 220-340-310 Commercial geoduck harvest license. (1) It is unlawful to commercially harvest geoducks unless the harvester possesses a valid, director-issued geoduck fishery license or geoduck diver license. A geoduck fishery license card is a "license card" under WAC 220-352-210.

(2) Only persons holding current geoduck harvest agreements from the department of natural resources or their agents may apply for a geoduck fishery license. An application for a geoduck fishery license must be fully completed on a form provided by the department and accompanied by a copy of the geoduck harvest agreement for which the license is sought.

(3) Each geoduck fishery license authorizes the use of two water jets or other units of geoduck harvest gear. Commercial geoduck harvesting gear must meet the requirements of WAC 220-340-300.

(4) Holders of geoduck fishery licenses must comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq. Some of these regulations appear at 29 C.F.R. Part 1910, Subpart T.

(a) The director may suspend or revoke a geoduck fishery license used in violation of commercial diving safety regulations, including 29 C.F.R. Part 1910, Subpart T, adopted under the Occupational Safety and Health Act of 1970. The procedures of chapter 34.05 RCW apply to these suspensions or revocations.

(b) If there is a substantial probability that a violation of commercial diving safety regulations could result in death or serious physical harm to a person harvesting geoducks, the director may immediately suspend the license until the violation is corrected. If the violator fails to correct the violation within ten days of notice of the violation, the director may revoke the violator's geoduck fishery license. The director may not revoke a geoduck fishery license if the holder of the harvesting agreement corrects the violation within ten days of receiving written notice 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), amended and recodified as § 220-340-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.12.047, and 77.65.410. WSR 14-20-008 (Or-

der 14-266), § 220-52-01901, filed 9/19/14, effective 10/20/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-01901, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-01901, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-01901, filed 7/14/93, effective 8/14/93; WSR 84-08-014 (Order 84-24), § 220-52-01901, filed 3/27/84; WSR 80-13-064 (Order 80-123), § 220-52-01901, filed 9/17/80; WSR 79-12-039 (Order 79-129), § 220-52-01901, filed 11/20/79; Order 77-65, § 220-52-01901, filed 8/5/77 and 8/25/77.]

WAC 220-340-320 Commercial geoduck harvest—Requirements and unlawful acts. (1) It is unlawful to take, fish for, or possess geoduck clams taken for commercial purposes from the substrate of any Washington state waters except as provided by RCW 77.60.070 and department rule.

(2) It is unlawful to engage in geoduck harvesting operations unless the following documents are onboard the geoduck harvesting vessel:

(a) A copy of the department of natural resources (DNR) geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by DNR for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-340-310.

(3) It is unlawful for more than two divers from any one harvest vessel to be in the water at any one time.

(4) It is unlawful to process geoduck clams on board any harvest vessel.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck aboard a geoduck harvest vessel, except when the geoduck is incidentally damaged during harvest. Geoduck damage sustained incidental to harvest must be reported under a DNR harvest agreement.

(6) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(7) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a DNR harvest agreement.

(8) Violation of this section is punishable by RCW 77.15.520, 77.15.540, or 77.15.550, 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), amended and recodified as § 220-340-320, 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 12-23-016 (Order 12-267), § 220-52-01902, filed 11/9/12, effective 12/10/12.]

WAC 220-340-330 Commercial geoduck harvest—Time and area restrictions. (1) It is unlawful to harvest geoducks for commercial purposes during the following time and day restrictions:

(a) Between one-half hour before official sunset or 7:00 p.m., whichever is earlier, and 7:00 a.m.

(b) It is unlawful for a geoduck harvest vessel to be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m.

(c) It is unlawful to take or fish for geoducks on Sundays or on state holidays as defined by the office of financial management.

(2) It is unlawful to take or fish for geoducks for commercial purposes outside the tract or harvest area designated in the department of natural resources harvest agreement required by WAC 220-340-310 and 220-340-320.

(3) It is unlawful to harvest geoducks in areas deeper than 70 feet below mean lower low water (0.0 ft.).

(4) It is unlawful to possess geoducks taken in violation of this section.

(5) Violation of this section is a misdemeanor or class C felony punishable by RCW 77.15.550, depending on the circumstances of the violation or the value of the shellfish 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), amended and recodified as § 220-340-330, 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 12-23-016 (Order 12-267), § 220-52-01903, filed 11/9/12, effective 12/10/12.]

CRAB

WAC 220-340-400 Definition—Commercial crab fishing. "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crab for commercial purposes, and includes the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

[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 § 220-340-400, 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 12-23-016 (Order 12-267), § 220-52-036, filed 11/9/12, effective 12/10/12.]

WAC 220-340-410 Commercial crab licenses. (1) It is unlawful to take, fish for, land, or deliver crab for commercial purposes in Washington or coastal waters unless the person has the license required by statute or department rule, or if the person is a properly designated alternative operator to a valid license.

(a) For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 77.65.130.

(b) For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 77.65.130.

(c) To use ring nets instead of or in addition to pots, a licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license as provided in RCW 77.65.130.

(d) Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators are provided in and controlled by chapters 77.65 and 77.70 RCW.

(2) It is unlawful to fish for or possess Dungeness crab or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California without the licenses or permits required to commercially fish for Dungeness crab within the state waters of Oregon or California. Washington coastal Dungeness crab permits are valid only in Washington state waters, the Columbia River, Willapa Bay, Grays Harbor, and the Pacific Ocean in federal waters north of the Washington/Oregon border (46°15'00"N. Lat.), extending 200 nautical miles westward.

(3) Violation of this section is a gross misdemeanor or a class C felony under RCW 77.15.500 Commercial fishing without a license—Penalty, 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 § 220-340-410, 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 12-23-016 (Order 12-267), § 220-52-038, filed 11/9/12, effective 12/10/12.]

WAC 220-340-420 Commercial crab fishery—Unlawful acts. (1)

Crab size and sex restrictions. It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crab; or

(b) Any male Dungeness crab measuring less than 6-1/4 inches, caliper measurement, at the widest part of the shell immediately in front of the points (tips).

(2) Violation of subsection (1) of this section is a gross misdemeanor or class C felony depending on the value of fish or shellfish taken, possessed, or delivered, punishable under RCW 77.15.550 (1)(c).

(3) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any commercial crab fishing.

(4) **Net fishing boats must not have crab on board.** It is unlawful for any person to possess any crab on board a vessel geared or equipped with commercial net fishing gear while fishing with the net gear for commercial purposes or while commercial quantities of food fish or shellfish are on board. Violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550(1), depending on the quantity of crab taken or possessed.

(5) **Area must be open to commercial crabbing.** It is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots for taking crab for commercial purposes in any area or time that is not open for commercial crabbing by rule of the department, except when acting lawfully under the authority of a valid gear recovery permit as provided in WAC 220-340-450.

(6) Violation of subsection (5) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, or a gross

misdeemeanor punishable under RCW 77.15.522 depending on the circumstances of the violation.

(7) **When it is unlawful to buy or land crab from the ocean without a crab vessel inspection.** It is unlawful for any fisher or wholesale fish buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel that has not been issued a Washington crab vessel inspection certificate during the first 30 days following the opening of a coastal crab season.

(a) Authorized department personnel will perform inspections for Washington crab vessel inspection certificates no earlier than 12 hours prior to the opening of the coastal crab season and during the following 30-day period.

(b) A Washington crab vessel inspection certificate may be issued to vessels made available for inspection at a Washington coastal port that:

(i) Are properly licensed commercial crab fishing; and

(ii) Contain no Dungeness crab on board the vessel.

(8) Violation of subsection (7) of this section is a gross misdemeanor, punishable under RCW 77.15.550 (1)(a) Violation of commercial fishing area or time—Penalty.

(9) **Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal or Puget Sound fishery license to deploy crab pot gear except under the following conditions:

(a) **Coastal**

(i) The vessel deploys pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;

(ii) The undesignated vessel carries no more than 250 crab pots at any one time; and

(iii) The primary or alternate operator of the crab pot gear named on the license associated with the gear is on board the undesignated vessel while the gear is being deployed.

(b) **Puget Sound**

(i) The vessel deploys pot gear only during the 48-hour period immediately following the initial season opening date and time;

(ii) The primary or alternate operator designated on the license associated with the barged gear is on board the nondesignated vessel ("barge" vessel) while the gear is being deployed; and

(iii) The Puget Sound commercial crab license holder who owns the gear intended for barging has provided notice to the department via email at crab.report@dfw.wa.gov at least 24 hours in advance of the fishery opening date. Notice must include the following information:

(A) Name and license number(s) of the owner of the gear being barged;

(B) Name of the designated primary operator, if different from the licensed owner;

(C) Name of the alternate operator, if used to deploy pots from a nondesignated vessel;

(D) Buoy brand number and number of pots to be deployed from a nondesignated vessel;

(E) Name and identification numbers (WN and/or Coast Guard) of the nondesignated vessel;

(F) Puget Sound Crab Management Region or set location.

(10) Violation of subsection (9) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.500 Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(11) **Storing crab prior to delivery to an original receiver, Puget Sound.** It is unlawful for a Puget Sound commercial crab license holder to store crab off-vessel prior to delivery to an original receiver, except under the following conditions:

(a) It is unlawful to store crab, off-vessel or on-vessel, for more than 10 days without making a delivery to an original receiver.

(b) All crab that have been removed from a vessel and are not immediately delivered to an original receiver must be stored in containers labeled with the following:

(i) Fisher name;

(ii) WDFW-issued vessel ID number;

(iii) Puget Sound commercial crab license number;

(iv) Date of harvest;

(v) The quantity of pounds of crab retained by Crab Management Region or by Marine Fish-Shellfish (MFSF) Catch Reporting Area;

(vi) Containers used for storing crab removed from a vessel and not delivered to an original receiver by 5:00 p.m. of the day following the day of harvest must additionally be labeled with the commercial fish and shellfish transportation ticket number(s).

(c) Storage of crab is subject to the reporting requirements described in WAC 220-352-340.

(12) **Electronic monitoring system (EM system)** is defined as a vessel monitoring system that automatically determines a vessel's position, records individual pot retrieval via a hydraulic pressure reading, and transmits this information to an EM system service provider. The service provider receives the transmission and provides automated data access to the Pacific States Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications where it is available to WDFW for management and enforcement.

(a) The department has published a compliance guide for the EM system which provides additional information and instructions to follow in complying with this regulation and is incorporated by reference herein. The guide can be obtained by contacting the EM program manager: 48 Devonshire Road, Montesano, WA 98563; phone: 360-249-4628; email: coastal.crab.EM@dfw.wa.gov or wdfw.wa.gov/fishing/commercial/crab/coastal.

(b) It is unlawful for the operator of a vessel designated to a coastal Dungeness crab license that is used to commercial fish for coastal Dungeness crab as defined by WAC 220-340-400 to fail to:

(i) Obtain an EM system that is capable of recording and transmitting vessel location and hydraulic pressure readings and have it installed on board the vessel designated to the coastal Dungeness crab license. The operating requirements for the EM system are as follows:

(A) The EM system must accurately record the vessel's position at least once every minute.

(B) The EM system must transmit the vessel location data to the service provider at least once every hour.

(C) A hydraulic pressure sensor must be installed on the main high pressure supply line between the hydraulic pump and the crab block of a vessel that controls it such that recorded pressure readings show pressure increases during pot hauling activity.

(D) The hydraulic pressure sensor must accurately record a pressure reading at least once every 10 seconds.

(E) The EM system must transmit hydraulic pressure sensor readings at least once every hour.

(F) If the EM system can determine when a vessel is moored, the EM system may automatically decrease the position and hydraulic pressure recording rate to at least once every hour.

(G) The EM system must be able to store vessel position and hydraulic pressure data in the event of service coverage interruption. Once service is restored, the system must transmit stored data to the service provider.

(H) The EM system must include a feedback mechanism to indicate to the vessel operator that the system is operational.

(ii) Arrange for an EM system service provider to receive and relay transmissions to Pacific States Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications.

(A) The following data fields must be provided to the PSMFC whenever a new system is installed, or new data transmissions begin: Vessel coast guard number, WDFW vessel registration number, state of registration, serial number or unique identifier linked to the EM system, EM service provider name, name of the make and model of the EM system, date the system was installed or started transmitting data, date the system was removed or stopped transmitting data.

(B) The following data fields must be recorded by the EM system and relayed to the PSMFC every hour: Serial number or unique identifier linked to the EM system, date, time, latitude, longitude, pressure reading from sensor, speed, vessel name.

(iii) Activate the EM system and submit an EM system activation report to WDFW before the vessel is used to fish in the coastal commercial Dungeness fishery. Commercial crab fishing is defined in WAC 220-340-400. An activation report must be submitted to WDFW under the following circumstances:

(A) Annually before gear is deployed at the start of each coastal commercial Dungeness crab season.

(B) When an EM system is reactivated following a reinstallation.

(C) When there is a change in service provider.

(D) When any changes are made to the information required in the EM activation report.

(iv) Operate and maintain the EM system in good working order continuously, 24 hours a day when a vessel is fishing for coastal commercial crab, as defined in WAC 220-340-400, in the Washington coastal commercial Dungeness crab fishery unless the vessel is operating under an exemption provided under (b) (v) (A), (B), (C), or (b) (vi) (A) or (B) of this subsection.

(v) Request and secure an EM exemption permit when there is an interruption in the EM system function and comply with the requirements of this subsection and the terms of the EM exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempt from this requirement if a valid WDFW EM exemption permit is received from WDFW. An exemption is only authorized for the period specified on the permit. The exemption permits are as follows:

(A) EM system failure exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempt from EM system requirements in situations due to an EM system failure, or hydraulic pressure sensor failure by obtaining an EM system failure exemption permit. In the event a system failure ex-

emption permit is granted by WDFW, the operator of the vessel must submit a harvest logbook per WAC 220-340-460 and use electronic navigational equipment (including, but not limited to, chart plotters, hand-held global positioning systems, etc.) to record a track line of the vessel's movements while commercial crab fishing, and track line information must be made available to WDFW officers or authorized employees immediately upon request and retained for 30 days. Requests for multiple exemption permits for a single vessel within a season will be reviewed and approved at the discretion of WDFW.

(B) Haul out exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempted from EM requirements when it is anticipated that a vessel's EM system will be inoperable due to removing the vessel from the water for less than 14 days and coastal commercial Dungeness crab gear will remain lawfully deployed by obtaining a "Haul Out Exemption Permit" from WDFW.

(C) Emergency exemption permit: Vessels required to operate and maintain an EM system under (b) of this subsection may be exempt from EM requirements in emergency situations rendering the vessel's EM system inoperable for less than 14 days including, but not limited to, fire, flooding, or extensive physical damage to critical areas of the vessel by obtaining an emergency exemption permit from WDFW.

(D) To request an exemption permit described in (b)(v) of this subsection, a vessel owner must contact WDFW. For an exemption permit to be valid, a request must be received by WDFW as soon as it is apparent that there is a system failure or emergency or at least 2 hours before a haul out exemption is needed.

(vi) Submit a long-term departure exemption report. A vessel that is required to operate and maintain an EM system under (b) of this subsection may be exempt from this requirement if a long-term departure exemption report is submitted to WDFW in compliance with all the conditions described in (b)(vi)(A), (B), or (C) of this subsection. The basis for a long-term departure exemption report are as follows:

(A) Suspension of fishing operations. Vessels required to operate and maintain an EM system under (b) of this subsection may be exempted from EM system requirements when the vessel has concluded fishing for coastal commercial Dungeness crab for the current season or has suspended fishing operations such that all commercial gear is removed from waters open to the coastal Dungeness crab fishery.

(B) Emergency. Vessels required to operate and maintain an EM system under (b) of this subsection may be exempted from EM system requirements in emergency situations rendering the vessel's EM system inoperable for more than 14 days including, but not limited to, fire, flooding, or extensive physical damage to critical areas of the vessel, and the vessel will not resume fishing for coastal commercial Dungeness crab for the remainder of the current season.

(C) Long-term departure reports must be received by WDFW no later than 24 hours after a vessel has concluded fishing for the season.

(vii) Contact WDFW immediately if transmission of position and pressure sensor readings have been interrupted and no more than 24 hours after being notified by WDFW that position and pressure sensor readings are not being received, by notifying the EM program manager, phone: 360-249-4628, or email coastal.crab.EM@dfw.wa.gov.

(viii) Make the EM system available for inspection by WDFW enforcement personnel, USCG personnel, or any authorized employee upon request.

(ix) Ensure that the EM system or signal is not interfered with, tampered with, disabled, or destroyed and is operated and maintained according to the EM system provider instructions.

(x) Pay all charges levied by the service provider as necessary to ensure continuous operation of the EM system.

(13) Violation of subsection (12) of this section is a gross misdemeanor punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-420, filed 10/31/23, effective 1/1/24. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-420, filed 3/31/22, effective 5/1/22. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 21-24-031 (Order 21-259), § 220-340-420, filed 11/22/21, effective 1/1/22. 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. WSR 17-22-100, § 220-340-420, filed 10/30/17, effective 1/1/18. 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 § 220-340-420, 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 12-23-016 (Order 12-267), § 220-52-040, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 09-18-075 (Order 09-183), § 220-52-040, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 77.12.047. WSR 07-23-090 (Order 07-285), § 220-52-040, filed 11/20/07, effective 12/21/07; WSR 05-21-068 (Order 05-246), § 220-52-040, filed 10/14/05, effective 11/14/05; WSR 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; WSR 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; WSR 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; WSR 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080. WSR 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; WSR 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; WSR 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; WSR 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; WSR 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; WSR 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; WSR 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; WSR 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; WSR 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; WSR 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; subsection 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

WAC 220-340-430 Commercial crab fishery—Gear requirements. (1)
Buoy tag and pot tag required.

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without an attached buoy tag and pot tag that meet the requirements of this section, except as provided by (b) and (c) of this subsection. A violation of this subsection is punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(b) Persons operating under a valid coastal gear recovery permit as provided in WAC 220-340-440 may possess crab pots or buoys missing tags or bearing the tags of another license holder, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

(c) Persons operating under a valid coastal gear transport permit as provided in WAC 220-340-440 may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

(2) **Commercial crab fishery pot tag requirements:** Each shellfish pot used in the commercial crab fishery must have a durable, nonbiodegradable tag securely attached to the pot that is permanently and legibly marked with the license owner's name or license number and telephone number. If the tag information is illegible, or the tag is lost for any reason, the pot is not in compliance with state law. A violation of this subsection is punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(3) **Commercial crab fishery buoy tag requirements.**

(a) The department issues crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license.

(b) In coastal waters, except if authorized by permit issued by the director, each crab pot must have the department-issued buoy tag securely attached to the first buoy on the crab pot buoy line (the buoy closest to the crab pot), and the buoy tag must be attached to the end of the first buoy, at the end away from the crab pot buoy line.

(c) In Puget Sound, except if authorized by permit issued by the director, all crab buoys must have the department-issued buoy tag attached to the outermost end of the buoy line.

(d) If there is more than one buoy attached to a pot, only one buoy tag is required.

(e) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection by the department, except under the following conditions: The holder or alternate operator of a Puget Sound crab license has declared, as permitted under (f) of this subsection, that deployed tags have been lost and are unrecoverable, under penalty of perjury, and has been granted permission by the department to use undeployed buoy tags as a replacement.

(f) Replacement crab buoy tags.

(i) Puget Sound: Puget Sound commercial crab license holders are required to request permission to use undeployed buoy tags in the event deployed buoy tags are lost and are unrecoverable. Requests to use undeployed buoy tags must state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss. Requests must be made using a department provided electronic form.

(ii) Coastal: The department only issues replacement buoy tags for the coastal crab fishery in the case of extraordinary loss or on a case-by-case basis. Replacement buoy tags will not be issued in excess of the license holder's permanent pot limit.

(4) A violation of subsection (3) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(5) Commercial crab fishery buoy requirements.

(a) All buoys attached to commercial crab gear must consist of a durable material and remain floating on the water's surface when 5 pounds of weight is attached, unless otherwise authorized by permit issued by the director.

(b) It is unlawful to use bleach, antifreeze or detergent bottles, paint cans, or any other container as a buoy. The line attaching a buoy to shellfish gear must be weighted sufficiently to prevent the excess line from floating on the water's surface.

(c) No buoys attached to Puget Sound or coastal commercial crab gear may be both red and white in color unless a minimum of 30 percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white. Red and white colors are reserved for personal use crab gear as described in WAC 220-330-020.

(d) It is unlawful for any coastal or Puget Sound commercial Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. The license holder, or alternate operator, must register the buoy brand and buoy color(s) to be used with the license each crab season using the WDFW online registration form. In the event that a license is transferred to another vessel or owner in the same season, the license holder must reregister the buoy brand and buoy color(s) to be used with the license for the remainder of that crab season. A license holder may register only one unique buoy brand and one unique buoy color scheme with the department per license. Persons holding more than one state license must register buoy color(s) for each license that are distinctly different. The buoy color(s) will be shown in a color photograph.

(i) All buoys fished under a single license must be marked in a uniform manner with one buoy brand number registered by the license holder with the department and be of identical color or color combinations, unless otherwise authorized by permit issued from the director.

(ii) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

(6) Commercial crab fishery line requirements.

(a) All crab pots used in any Dungeness crab fishery shall be set up to use only the amount of line reasonably necessary to compensate for tides, currents, and weather.

(b)(i) It is unlawful for a coastal Dungeness crab fishery license holder to use line that connects the main buoy to the crab pot

that is not marked sufficiently to identify it as gear used exclusively in the Washington coastal Dungeness crab fishery.

(ii) For each shellfish pot used in the Washington coastal commercial Dungeness crab fishery and rigged with line, that line must be marked with no less than 12 continuous inches of red in at least two places. At a minimum, 12 continuous inches of line must be marked in red, no more than one fathom from the main buoy and no more than one fathom from the pot.

(7) Violation of subsection (5) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-430, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-430, filed 3/31/22, effective 5/1/22. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 21-24-031 (Order 21-259), § 220-340-430, filed 11/22/21, effective 1/1/22; WSR 20-04-066 (Order 20-15), § 220-340-430, filed 1/31/20, effective 3/2/20. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 17-17-104 (Order 17-207), § 220-340-430, filed 8/18/17, effective 9/18/17. 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), amended and recodified as § 220-340-430, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-03-091 (Order 15-01), § 220-52-042, filed 1/21/15, effective 2/21/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-042, filed 11/9/12, effective 12/10/12.]

WAC 220-340-435 Commercial crab fishery—Shellfish pot requirements. (1) **Commercial gear limited to pots.** It is unlawful to take or fish for crab for commercial purposes except with shellfish pots.

(2) **Commercial gear escape rings and ports defined.** It is unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless the gear meets the following requirements:

(a) Pot gear must have 2 or more escape rings or ports;

(b) Escape rings or ports must be 4-1/4 inches inside diameter or larger; and

(c) Escape rings or ports must be located in the upper half of the trap.

(3) **Maximum size for commercial crab pots.** It is unlawful to use a crab pot greater than 13 cubic feet in volume to fish for or take Dungeness crab from state or offshore waters for commercial purposes.

(4) **Groundline gear is unlawful.** It is unlawful to attach or connect a crab pot or ring net to another crab pot or ring net by a common groundline or any other means that connects crab pots together.

(5) **Penalty.** Violation of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty, or RCW 77.15.522 Unlawful use of shellfish gear for commercial purposes—Penalty, whichever is applicable depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 20-04-066 (Order 20-15), § 220-340-435, filed 1/31/20, effective 3/2/20. 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 § 220-340-435, 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 12-23-016 (Order 12-267), § 220-52-043, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 06-17-058 (Order 06-200), § 220-52-043, filed 8/10/06, effective 9/10/06; WSR 06-01-013 (Order 05-275), § 220-52-043, filed 12/9/05, effective 1/9/06; WSR 05-21-068 (Order 05-246), § 220-52-043, filed 10/14/05, effective 11/14/05; WSR 01-18-005 (Order 01-180), § 220-52-043, filed 8/22/01, effective 9/22/01; WSR 00-18-005 (Order 00-164), § 220-52-043, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080. WSR 98-19-012 (Order 98-185), § 220-52-043, filed 9/4/98, effective 10/5/98; WSR 94-12-009 (Order 94-23), § 220-52-043, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-043, filed 7/14/93, effective 8/14/93; WSR 84-08-014 (Order 84-24), § 220-52-043, filed 3/27/84; WSR 79-02-053 (Order 79-6), § 220-52-043, filed 1/30/79; Order 77-145, § 220-52-043, filed 12/13/77; Order 1179, § 220-52-043, filed 11/19/74; Order 807, § 220-52-043, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040(1).]

WAC 220-340-440 Commercial crab gear—Possession of another's gear and tag tampering. (1) **Possession of gear bearing another's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot bearing a tag identifying the pot as belonging to another person, or any buoy not bearing tags issued by the department to the person possessing them, except:

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

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

(c) Persons operating under a valid coastal gear transport permit issued by the department may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.520, 77.15.522, 77.15.750, or 77.70.500, depending on the circumstances of the violation.

(3) **Pot tag or buoy tag tampering.** It is unlawful for any person to remove, damage, or otherwise tamper with crab buoy or pot tags not issued to that person, except: A person may possess the buoy tags or pot tags of another when the person is operating under a valid coastal gear recovery permit or emergency gear recovery permit issued by the department, and adheres to the permit's provisions.

(4) Violation of subsection (3) of this section is a gross misdemeanor punishable under RCW 77.15.180 Unlawful interference with fishing or hunting gear—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 17-17-104 (Order 17-207), § 220-340-440, filed 8/18/17, effective 9/18/17. 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 § 220-340-440, 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 12-23-016 (Order 12-267), § 220-52-047, filed 11/9/12, effective 12/10/12.]

WAC 220-340-450 Commercial crab fishery—Seasons and areas—Coastal. The open times and areas for coastal commercial crab fishing are as follows:

(1) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are closed to commercial crab fishing except as provided by emergency rule. The target date for the commercial season opening is December 1 based on the results of test fishing to determine crab condition.

(2) The department may delay opening of the coastal crab fishery due to softshell crab conditions or biotoxin levels. If the department delays a season due to softshell crab conditions or biotoxin levels, the following provisions will apply:

(a) After consultation with the Oregon department of fish and wildlife and the California department of fish and wildlife, the director may establish a softshell crab or biotoxin demarcation line by emergency rule.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area where the season opening is delayed due to softshell crab or biotoxin for the first 30 days following the opening of the area if the vessel was employed in the coastal crab fishery during the previous 45 days.

(c) It is unlawful for fishers to set crab gear in any area where the season opening is delayed, except that gear may be set as allowed by emergency rule. Emergency rules will allow setting crab gear in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crab or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California without the licenses or permits required to commercially fish for Dungeness crab within the state waters of Oregon or California. Washington coastal Dungeness crab permits are valid only in Washington state waters, the Columbia River, Willapa Bay, Grays Harbor, and the Pacific Ocean in federal waters north of the Washington/Oregon border (46°15'00"N. Lat.), extending 200 nautical miles westward.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 21-24-031 (Order 21-259), § 220-340-450, filed 11/22/21, effective 1/1/22. 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 § 220-340-450, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-03-091 (Order 15-01), § 220-52-045, filed 1/21/15, effective 2/21/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055,

77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-045, filed 11/9/12, effective 12/10/12.]

WAC 220-340-455 Commercial crab fishery—Seasons and areas—Puget Sound. The open times and areas for commercial crab fishing in Puget Sound are as follows:

(1) It is unlawful to fish for, take, or possess crab for commercial purposes except during open commercial crab harvest seasons and from open commercial crab management units as set by emergency rule. Commercial crab fishing will be open from one hour before sunrise to one hour after sunset during open seasons, except as provided below.

(2) The following areas are closed to commercial crab fisheries regulated by the department:

(a) Crab Management Regions 4, 5, and 6 (WAC 220-320-110).

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from Sandy Point Light No. 2 (48.7868°, -122.7124°) to Gooseberry Point (48.7324°, -122.6728°).

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder off the southeast portion of Point Francis (48.6973°, -122.6073°) to the old pilings at Stevie's Point (48.7765°, -122.5523°).

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected true north from the most westerly tip of Skagit Island (48.4131°, -122.5814°) and extending south to the most westerly tip of Hope Island (48.3959°, -122.5788°), thence southeast to Seal Rocks (48.3737°, -122.5634°), thence southeast to the green can buoy (Buoy No. 5; 48.3630°, -122.5510°) at the mouth of Swinomish Channel, thence easterly to the western tip of Goat Island (48.3630°, -122.5386°).

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point (48.0322°, -122.2274°) to the five-meter tower (48.0156°, -122.2707°) between Gedney (Hat) Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point (48.1935°, -122.4625°) to the intersection (48.1353°, -122.3999°) with a line projected true west from Kayak Point (48.1351°, -122.3678°), thence east to shore.

(f) Those waters of the Dungeness Bay Crustacean Special Management Area (WAC 220-320-120).

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-455, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-455, filed 3/31/22, effective 5/1/22. 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 § 220-340-455, 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 12-23-016 (Order 12-267), § 220-52-046, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 07-23-090 (Order 07-285), § 220-52-046, filed 11/20/07, effective 12/21/07; WSR 06-08-064 (Order 06-58), § 220-52-046, filed 3/31/06, effective 5/1/06; WSR 06-01-013 (Order

05-275), § 220-52-046, filed 12/9/05, effective 1/9/06; WSR 01-11-009 (Order 01-74), § 220-52-046, filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 75.08.080. WSR 99-10-062 (Order 99-59), § 220-52-046, filed 5/3/99, effective 6/3/99; WSR 98-19-012 (Order 98-185), § 220-52-046, filed 9/4/98, effective 10/5/98; WSR 98-05-043, § 220-52-046, filed 2/11/98, effective 3/14/98; WSR 97-08-052 (Order 97-55), § 220-52-046, filed 3/31/97, effective 5/1/97; WSR 94-12-009 (Order 94-23), § 220-52-046, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-046, filed 7/14/93, effective 8/14/93; WSR 91-10-024 (Order 91-22), § 220-52-046, filed 4/23/91, effective 5/24/91; WSR 87-05-038 (Order 87-08), § 220-52-046, filed 2/18/87; WSR 85-01-010 (Order 84-214), § 220-52-046, filed 12/7/84; WSR 84-08-014 (Order 84-24), § 220-52-046, filed 3/27/84; WSR 83-01-026 (Order 82-221), § 220-52-046, filed 12/8/82; WSR 80-13-064 (Order 80-123), § 220-52-046, filed 9/17/80; Order 76-152, § 220-52-046, filed 12/17/76; Order 1179, § 220-52-046, filed 11/19/74; Order 1112, § 220-52-046, filed 4/15/74; Order 1057, § 220-52-046, filed 5/22/73; Order 920, § 220-52-046, filed 5/13/71; Order 807, § 220-52-046, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040 (2), (3), (4) and (9).]

WAC 220-340-460 Commercial crab fishery—Coastal Dungeness crab logbook requirements.

(1) It is unlawful for any vessel operator engaged in fishing for Dungeness crab in the coastal commercial fishery without a fully operational electronic monitoring system to fail to have in possession, and to complete a department-issued paper or a department-approved electronic logbook for all fishing activity occurring in Grays Harbor, Willapa Bay, the Columbia River, or the Pacific Ocean waters for all crab deliveries to a Washington port. Fully operational means the electronic monitoring system is collecting, storing, and transmitting data per WAC 220-340-420(12). For the purposes of this section, "delivery" is defined as provided in RCW 77.65.210.

(2) It is unlawful for any vessel operator engaged in fishing without a fully operational electronic monitoring system to fail to comply with the following method and time frame related to harvest logbook submittal and record keeping:

(a) The department must receive a copy of the completed logbook sheets or electronic fields within 10 days following any landing made by a vessel while fishing for Dungeness crab in the coastal commercial fishery without a fully operational electronic monitoring system. Completed Dungeness crab harvest logbooks must be submitted to the Washington department of fish and wildlife using a WDFW logbook drop box or the following electronic mail address: coastal.crab.EM@dfw.wa.gov.

(b) Vessel operators engaged in fishing for Dungeness crab in the coastal commercial fishery and without a fully operational electronic monitoring system must complete a logbook entry for each day fished prior to offloading. Vessel operators responsible for submitting harvest logbooks to the department must maintain a copy of all submitted harvest logbooks for no less than three years after the fishing activity ended.

(c) Vessel operators can obtain paper logbooks by contacting the department's coastal Dungeness crab manager at 360-249-4628 or at coastal.crab.EM@dfw.wa.gov.

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-460, filed 10/31/23, effective 12/1/23. 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 § 220-340-460, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-03-091 (Order 15-01), § 220-52-041, filed 1/21/15, effective 2/21/15. Statutory Authority: RCW 77.12.047. WSR 07-23-090 (Order 07-285), § 220-52-041, filed 11/20/07, effective 12/21/07.]

WAC 220-340-470 Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (1) **Puget Sound licensing district commercial shellfish gear limit.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district if he or she is using, operating, or controlling any more than an aggregate total of 100 shellfish pots. This limit applies to each license. This subsection does not preclude a person who holds two or three Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(2) **Marine Fish-Shellfish Management and Catch Reporting Areas gear limits.** It is unlawful for any person to use, maintain, operate, or control crab pots in excess of the per-license limits prescribed in each of the following shellfish management units.

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

(b) Twenty pots in all waters of the Sequim Bay Crustacean Special Management Area (WAC 220-320-120).

(c) Twenty pots in all waters of the Port Townsend Bay Crustacean Special Management Area (WAC 220-320-120).

(d) Twenty pots in the Port Angeles Harbor Crustacean Special Management Area (WAC 220-320-120).

(3) Violation of subsection (2) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-470, filed 3/31/22, effective 5/1/22. 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 § 220-340-470, 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 12-23-016 (Order 12-267), § 220-52-048, filed 11/9/12, effective 12/10/12.]

WAC 220-340-480 Commercial crab fishery—Gear limits—Coastal.

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

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of

Washington unless the person's Dungeness crab coastal fishery license or the equivalent Oregon or California Dungeness crab fishery license is assigned a crab pot limit. A violation of this subsection is punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, unless authorized under a permit issued by the director. A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(c) It is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license. A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.530 Unlawful use of a nondesignated vessel—Penalty.

(d) It is unlawful for a person to take or fish for Dungeness crab or to deploy crab pots unless the person is in possession of valid documentation issued by the department that specifies the crab pot limit assigned to the license. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.540 Unlawful use of a commercial fishery license—Penalty.

(e) Beginning May 1, through September 15, it is unlawful to leave Dungeness crab pots deployed in Grays Harbor, Willapa Bay, Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington for more than 14 consecutive days without making a Dungeness crab landing.

(2) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (Catch Area 60B) with more than 200 shellfish pots in the aggregate. It is unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(3) **Determination of permanent coastal crab pot limits.**

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

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

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997; from December 1, 1997, through September 15, 1998; and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license determines the

crab pot limit for that license. A crab pot limit of 300 will be assigned to a license with landings totaling up to 35,999 pounds and a crab pot limit of 500 will be assigned to a license with landings totaling 36,000 pounds of crab or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a crab pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon department of fish and wildlife and/or the California department of fish and game.

(iii) Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a crab pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A crab pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license will be assigned more than one coastal crab pot limit.

(4) **Appeals of coastal crab pot limits.** An appeal of a crab pot limit by a coastal commercial license holder must be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department will remain in effect until such time as the appeal process is concluded.

(5) **Summer management period - Pot limits.** Beginning May 1 through September 15, it is unlawful for a person to deploy or fish more than the specified reduced pot limit assigned to each license, unless otherwise authorized by permit issued by the director. Each pot deployed during the summer management period must possess a summer buoy tag, unless authorized by permit issued by the director.

(a) Licenses with a permanent pot limit of 500 will be assigned a reduced pot limit of 330 pots.

(b) Licenses with a permanent pot limit of 300 will be assigned a reduced pot limit of 200 pots.

(c) It is unlawful to deploy gear that includes tags other than the summer buoy tag, unless authorized by permit issued by the director.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 21-24-031 (Order 21-259), § 220-340-480, filed 11/22/21, effective 1/1/22; WSR 20-04-066 (Order 20-15), § 220-340-480, filed 1/31/20, effective 3/2/20. 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 § 220-340-480, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 15-03-091 (Order 15-01), § 220-52-049, filed 1/21/15, effective 2/21/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-049, filed 11/9/12, effective 12/10/12.]

WAC 220-340-490 Commercial crab fishery—Coastal gear recovery permits. (1) **Emergency coastal crab gear recovery permit.** Emergency permits are granted on a case-by-case basis to allow crab fishers to recover shellfish pots that were irretrievable at the end of the lawful season opening due to extreme weather conditions. The director or director's designee may grant an emergency coastal crab gear permit

once a commercial crab season is closed. Crab fishers must notify and apply to the department's enforcement program for such emergency permits within 24 hours prior to the close of the commercial crab season.

(2) **Coastal crab gear recovery permit.** After the September 15 close of the primary coastal commercial crab season and from May 1 through September 15, the director or director's designee may grant a coastal crab gear recovery permit for licensed coastal Dungeness crab fishers to recover crab pots that remain in the ocean and belong to state licensed fishers.

(3) It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit. Violation of this section is a misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 21-24-031 (Order 21-259), § 220-340-490, filed 11/22/21, effective 1/1/22; WSR 20-15-049 (Order 20-128), § 220-340-490, filed 7/9/20, effective 8/9/20; WSR 20-04-066 (Order 20-15), § 220-340-490, filed 1/31/20, effective 3/2/20. 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 § 220-340-490, 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 12-23-016 (Order 12-267), § 220-52-044, filed 11/9/12, effective 12/10/12.]

Reviser's note: The permanent filing 20-04-066 contained no amendments to this section.

SHRIMP

WAC 220-340-500 Commercial 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 trawl gear for pink shrimp for commercial purposes unless an approved by-catch reduction device is used in each net. A by-catch reduction device, also known as a finfish excluder, uses a rigid panel or grate of narrowly spaced bars to guide fish out of an escape hole forward of the panel, generally in the top of the net. An approved by-catch reduction device must meet the following criteria:

(a) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net;

(b) None of the openings between the bars in the rigid panel may exceed 0.75 inches;

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

(d) 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.

(4) 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 as provided by special gear permit as described in subsection (5) of this section.

(5) Testing of by-catch reduction devices is allowed by special gear permit only, consistent with the terms and conditions of the permit.

(6) It is unlawful to remove trawl gear from the vessel prior to offloading shrimp without advance notification to WDFW enforcement. To provide advance notification, contact 360-902-2936, and then press zero when the recording begins.

(7) It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless footrope lighting devices that have been approved by the department are used in each net. A list of approved footrope lighting devices is available from the department. Footrope lighting devices must meet the following criteria:

(a) Lighting devices must be operational;

(b) Lighting devices must be securely attached within six inches of the forward leading edge of the bottom panel of trawl netting; and

(c) Each trawl net must have a minimum of five lighting devices, spaced four feet apart in the central sixteen feet of each net.

(8) It is unlawful to modify footrope lighting devices or device placement on the footrope in any way inconsistent with subsection (7)(c) of this section, except as provided by special gear permit as described in subsection (9) of this section.

(9) Testing of footrope lighting devices or placement on the footrope is allowed by special gear permit only, consistent with the terms and conditions of the permit.

(10) A violation of subsections (3) through (6) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(11) 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

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

(13) It is unlawful to retain any bottomfish species taken incidental to any shrimp trawl fishery, except as provided for in WAC 220-355-100.

(14) 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.

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

License

(16) 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

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

(18) 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.

(19) A violation of subsection (17) or (18) of this section is punishable under RCW 77.15.750.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 18-08-003 (Order 18-46), § 220-340-500, filed 3/21/18, effective 4/21/18. 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 § 220-340-500, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-04-034 (Order 12-11), § 220-52-050, filed 1/27/12, effective 2/27/12. Statutory Authority: RCW 77.12.047. WSR 10-05-059, § 220-52-050, filed 2/11/10, effective 3/14/10; WSR 03-05-060 (Order 03-30), § 220-52-050, filed 2/18/03, effective 3/21/03; WSR 00-17-145 (Order 00-165), § 220-52-050, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080. WSR 99-01-154 (Order 98-257), § 220-52-050, filed 12/22/98, effective 1/22/99; WSR 94-12-009 (Order 94-23), § 220-52-050, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-050, filed 7/14/93, effective 8/14/93; WSR 87-23-006 (Order 87-187), § 220-52-050, filed 11/6/87; WSR 84-08-014 (Order 84-24), § 220-52-050, filed 3/27/84; WSR 83-04-025 (Order 83-04), § 220-52-050, filed 1/27/83; WSR 82-03-045 (Order 82-6), § 220-52-050, filed 1/19/82; WSR 80-13-064 (Order 80-123), § 220-52-050, filed 9/17/80; WSR 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 220-340-510 Commercial ocean spot shrimp pot fishery—Coastal waters. It is unlawful to fish for, possess, or deliver ocean spot shrimp (*Pandalus platyceros*) taken for commercial purposes from state waters west of the Bonilla-Tatoosh line, or from offshore waters, except as provided for in this section:

License and area

(1) It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from state waters west of the Bonilla-Tatoosh line, or from offshore waters, unless the fisher has a valid Washington-coastal spot shrimp pot fishery license. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

(2) It is unlawful to fish for or possess spot shrimp or to set spot shrimp gear in waters of the Pacific Ocean adjacent to the state of Oregon without the licenses or permits required to commercially fish for spot shrimp within the state waters of Oregon. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Season

(3) It is unlawful to fish for, take, or possess spot shrimp on board a commercial fishing vessel, except from March 15 through September 15 of each year. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(4) The total allowable catch of spot shrimp taken from waters west of the Bonilla-Tatoosh line and from offshore waters during a calendar year is 200,000 pounds round weight. Of this 200,000 pounds round weight, no more than 100,000 pounds can be taken south of 47 degrees 04.00' N. latitude, and no more than 100,000 pounds can be taken north of 47 degrees 04.00' N. latitude.

Gear

(5) It is unlawful to fish with spot shrimp pot gear for commercial purposes if the pots exceed a maximum 153-inch bottom perimeter and a maximum 24-inch height. It is unlawful to possess spot shrimp taken with spot shrimp pot gear that exceeds a maximum 153-inch bottom perimeter and a maximum 24-inch height.

(a) Shrimp pot gear must be constructed with net webbing or rigid mesh. At least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(b) Pot gear is required to have an escape mechanism as provided for in WAC 220-340-060.

(c) Set line end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector, and operating light, and marked with the clear identification of the license holder and the vessel designated on the coastal spot shrimp pot license.

(d) Fishers shall use only the amount of line reasonably necessary to compensate for tides, currents, and weather.

(6) It is unlawful to fish for spot shrimp for commercial purposes with more than a maximum of 500 pots. It is unlawful to possess spot shrimp taken for commercial purposes with more than a maximum of 500 pots.

(7) It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.

(8) A violation of subsection (5) or (6) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Incidental catch

(9) It is unlawful for persons fishing in any coastal spot shrimp fishery to deliver spot shrimp while having on board the fishing vessel any bottomfish taken in the coastal bottomfish fishery under WAC 220-355-100.

(10) It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except octopus, squid, or up to 50 pounds round weight of other shrimp species taken incidentally with spot shrimp pot gear.

(11) A violation of subsection (9) or (10) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Harvest logs

(12) It is unlawful for any spot shrimp pot fishery license holder or vessel operator engaged in fishing for spot shrimp in the coastal commercial spot shrimp fishery to fail to complete a department-issued harvest log for all fishing activity in state or offshore waters.

(13) It is unlawful for any vessel operator engaged in fishing for spot shrimp for commercial purposes to fail to comply with the following method and time frame related to harvest log submittal and recordkeeping:

(a) Completed harvest logs must be submitted so that the department receives them within 10 days following any calendar month in which fishing occurred. Washington-coastal spot shrimp pot license holders can submit the completed harvest logs to a WDFW employee upon request, or mail the completed harvest logs to Washington Department of Fish and Wildlife, Attention: Coastal Spot Shrimp Manager, 48 Devonshire Rd., Montesano, WA 98563.

(b) Washington-coastal spot shrimp pot license holders or vessel operators engaged in fishing for spot shrimp in the coastal commercial fishery must complete a harvest log entry for each day fished, prior to offloading the spot shrimp. Washington-coastal spot shrimp pot license holders must maintain a copy of all submitted harvest log entries for no less than three years after the fishing activity ended.

(c) Washington-coastal spot shrimp pot license holders or vessel operators can obtain a harvest logbook by contacting the department's coastal spot shrimp manager at 360-249-4628.

(14) A violation of subsection (12) or (13) of this section is a misdemeanor, punishable under RCW 77.15.280, Reporting of fish or wildlife harvest—Rules violation—Penalty.

Permit

(15) It is unlawful to fish for, retain, land, or deliver spot shrimp taken with pot gear for commercial purposes without a valid coastal spot shrimp pot fishery permit.

(16) It is unlawful to take, retain, land, or deliver any spot shrimp taken with pot gear without complying with all provisions of a coastal spot shrimp pot fishery permit.

(17) A violation of subsection (15) or (16) of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-510, filed 10/31/23, effective 12/1/23. 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 § 220-340-510, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, and 2011 c 147. WSR 11-21-039 (Order 11-215), § 220-52-052, filed 10/11/11, effective 11/11/11.]

WAC 220-340-520 Commercial shrimp pot fishery—Puget Sound.

License

(1) It is unlawful to take, fish for, land, or deliver shrimp taken for commercial purposes with pot gear from Puget Sound waters without a valid Puget Sound shrimp pot license.

A Puget Sound shrimp pot license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses may designate a single alternate operator per license.

Pot Gear and area

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule.

(3) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in subsection (5)(d) of this section, and a maximum of 100 nonspot shrimp pots, as defined in subsection (5)(e) of this section, except for dual licensees as provided for in RCW 77.70.410.

(4) Buoy requirements, in all areas:

(a) Buoys must be solid orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(b) Buoys must be marked with the clear identification of the license holder and the vessel designated on the Puget Sound shrimp pot license.

(c) When two or more shrimp pots are attached to a common ground line, the number and type of pots (spot shrimp or nonspot shrimp pot) so attached must be clearly labeled on the required buoy.

(d) Fishers shall use only the amount of line reasonably necessary to compensate for tides, currents, and weather. The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(e) It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other

state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.

(5) Pot requirements, in all areas:

(a) A shrimp pot may not exceed a maximum of 153-inch bottom perimeter and a maximum of 24-inch height.

(b) The entire top, bottom, and sides of the shrimp pot must be constructed of mesh material. Use of liners is prohibited.

(c) Entrance tunnels to shrimp pots may be constructed of any size mesh material. All entrance tunnels must open into the pot from the side. The sum of the maximum widths of all entrance tunnel openings must not exceed half of the perimeter of the bottom of the pot.

(d) Spot shrimp may only be harvested using pots with a minimum mesh size of one inch. Mesh size of one inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.

(e) Nonspot shrimp may only be harvested using pots with a minimum mesh size 1/2 inch. Mesh of 1/2 inch is defined as a mesh that a 3/8 inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be at a minimum 1 1/8 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.

(6) Harvest restrictions, all areas:

(a) It is unlawful to set or pull shrimp pot gear from one hour after official sunset to one hour before official sunrise.

(b) Each fisher or alternate operator is required to report their intended catch area of harvest, target species (spot or nonspot), and an estimate of total pounds that are being targeted prior to the deployment of any shrimp gear by email or text message to shrimp.report@dfw.wa.gov, or by using the Puget Sound commercial shrimp reporting website.

(c) It is unlawful to harvest nonspot and spot shrimp in the same day.

(d) Nonspot shrimp pot harvest restrictions:

(i) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Shrimp Management Region 2E.

(ii) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Shrimp Management Subregion 1A.

(iii) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Catch Area 23A including the corresponding shrimp subareas (23A-E, 23A-W, 23A-S, 23A-C).

(iv) Harvest of nonspot shrimp is not permitted deeper than 150 feet in Shrimp Management Region 2W.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-520, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-520, filed 3/31/22, effective 5/1/22. 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. WSR 17-22-100, § 220-340-520, filed 10/30/17, effective 1/1/18. 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 § 220-340-520, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-106 (Order 11-43), § 220-52-051, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 06-01-013 (Order 05-275), § 220-52-051, filed 12/9/05, effective 1/9/06; WSR 03-05-064 (Order 03-28), § 220-52-051, filed 2/18/03, effective 3/21/03; WSR 02-01-068, § 220-52-051, filed 12/14/01, effective 1/14/02; WSR 01-03-016 (Order 00-271), § 220-52-051, filed 1/5/01, effective 2/5/01. Statutory Authority: RCW 74.08.080 and 1999 c 239. WSR 00-01-124 (Order 99-217), § 220-52-051, filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 75.28.740 and 75.30.220. WSR 94-07-092 (Order 94-14), § 220-52-051, filed 3/17/94, effective 4/17/94. Statutory Authority: RCW 75.08.080. WSR 93-15-051, § 220-52-051, filed 7/14/93, effective 8/14/93; WSR 91-18-030 (Order 91-73), § 220-52-051, filed 8/28/91, effective 9/28/91; WSR 87-23-006 (Order 87-187), § 220-52-051, filed 11/6/87.]

WAC 220-340-530 Commercial shrimp trawl fishery—Puget Sound.

License

(1) It is unlawful to take, fish for, land, or deliver shrimp taken for commercial purposes with trawl gear from Puget Sound waters without a valid Puget Sound shrimp trawl license and a shrimp trawl permit, issued annually by the director, and without complying with all provisions of a Puget Sound shrimp trawl fishery permit.

A Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

Trawl gear and area restrictions

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule and authorized by a permit issued by the director.

It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to retain spot shrimp with trawl gear.

(4) Gear restrictions - Beam trawl gear is the only lawful trawl gear type permitted for Puget Sound.

(a) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(b) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A (trawl Catch Area 23A; WAC 220-320-140), 23B, 23C, 25A, and 29 is 60 feet.

(5) Depth restrictions - It is unlawful to fish for shrimp with beam trawl gear in waters shallower than the following:

(a) 100 feet in Puget Sound.

(b) 120 feet in Catch Area 20A.

(6) Closed areas - It is unlawful to fish for shrimp with beam trawl gear year-round in the following areas:

(a) Catch Area 21A except those waters of the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4).

(b) Catch Areas 21B, 22B, and those waters of Catch Area 20A north and east of a line from Point Roberts Light (48.9716°,

-123.0838°) to Sandy Point Light, at the Lummi Reservation (48.7868°, -122.7124°).

(c) Subregion 1A, as defined in WAC 220-320-140 (1)(a)(i).

(d) Discovery Bay Shrimp District, as defined in WAC 220-320-120 (1)(b).

(e) Sequim Bay CSMA, as defined in WAC 220-320-120(6).

(f) Catch Area 23D.

(7) Area restrictions - The following areas are closed from the season opening through the dates described in the following paragraphs.

(a) Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°) are closed through July 31st.

(b) Those waters of the Lummi-Sinclair Triangle, as defined in WAC 220-320-140 (4)(c) are closed through June 30th.

(c) Those waters of South Lopez Sound, as defined in WAC 220-320-140 (4)(a), are closed through July 9th.

(d) All waters of subregion 1B, with the exception of South Lopez Sound and the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4), are closed through June 15th, except as described in (e) of this subsection.

(e) The following areas may open on the described dates and remain open from that date contingent upon the results of department-approved observer sampling to evaluate bycatch. Bycatch parameters must be satisfied for the fishery to remain open earlier than the date described in (d) of this subsection.

(i) Those waters of the subregion 1B, except South Lopez Sound and the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4) may open as early as May 1st.

(ii) Trawl fishers seeking to open before the date described in (d) of this subsection must coordinate with the department to arrange a department-approved bycatch observation plan prior to commencing fishing.

A violation of this section is punishable under RCW 77.15.750.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 23-22-110 (Order 2023-10), § 220-340-530, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-530, filed 3/31/22, effective 5/1/22.]

SCALLOPS

WAC 220-340-600 Commercial 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-340-600, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. Part 660.306. WSR 10-03-087 (Order 10-03), § 220-52-068, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 77.12.047. WSR 00-17-145 (Order 00-165), § 220-52-068, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-068, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-068, filed 7/14/93, effective 8/14/93.]

WAC 220-340-610 Commercial scallop fishery—Puget Sound. (1)

Licensing and permits:

(a) It is unlawful to fish for, take, or possess scallops with shellfish dive gear without a valid commercial scallop dive fishery license in possession of the license holder or designated alternate operator, and on board the designated harvest vessel. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(b) It is unlawful to fish for, take, or possess rock or weather-vane scallops for commercial purposes from Puget Sound unless a person first obtains a valid scallop brood stock collection permit issued by the department. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, violation of commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(c) It is unlawful to harvest scallops for brood stock or culture purposes in a manner that violates scallop brood stock collection permit provisions. Scallop brood stock collection permit provisions include, but are not limited to, the location, date and time restrictions on harvest, and the species and quantity of scallops the permit holder may take for brood stock or culture purposes. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(2) Harvest areas and seasons.

(a) It is unlawful to take or possess pink or spiny scallops for commercial purposes or for the purposes of public health testing, except during open scallop harvest seasons from open shellfish management areas as provided by emergency rule.

(b) It is unlawful to fish for, take, or possess scallops from the waters permanently closed to sea urchin harvest as defined in WAC 220-340-750, and the waters permanently closed to sea cucumber harvest as defined in WAC 220-340-730.

(c) It is unlawful to fish for or take pink or spiny scallops from official sunset through 5:59 a.m. the following morning.

(3) A violation of subsection (2) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(4) **Size limits:** It is unlawful to take or possess pink or spiny scallops less than two inches in length, measured from the hinge to the outer margin of the shell. A violation of this subsection is a

gross misdemeanor, punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(5) **Shellfish dive gear and harvest vessel restrictions:**

(a) It is unlawful to fish for, take, or possess pink or spiny scallops by any means other than by hand with shellfish dive gear. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful to operate a vessel engaged in scallop harvest operations unless the harvester number assigned by the department is properly displayed as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license—Penalty.

(c) It is unlawful for more than one shellfish dive fishery license holder from a harvest vessel to be in the water at any one time during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel, except that two shellfish dive fishery license holders may be in the water if the harvest vessel is designated on two shellfish dive fishery licenses. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful for a vessel engaged in the harvest of pink or spiny scallops to have through-hull fittings for water discharge hoses to be below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than 30 feet or water jet nozzles on-board a vessel engaged in the commercial pink or spiny scallop fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(6) **Possession restrictions:** It is unlawful to possess geoduck clams during pink or spiny scallop harvest operations, or possess geoduck clams on a vessel that has pink or spiny scallops on board. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(7) For the purposes of weekly trip limits, the scallop fishery week begins Monday and ends Sunday.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-610, filed 3/31/22, effective 5/1/22. 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 § 220-340-610, 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 14-02-016 (Order 13-305), § 220-52-069, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-108 (Order 11-42), § 220-52-069, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 00-17-108 (Order 00-153), § 220-52-069, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-069, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-069, filed 7/14/93, effective

tive 8/14/93; WSR 91-10-024 (Order 91-22), § 220-52-069, filed 4/23/91, effective 5/24/91; WSR 87-15-022 (Order 87-69), § 220-52-069, filed 7/8/87; WSR 86-08-056 (Order 86-14), § 220-52-069, filed 3/28/86; WSR 84-08-014 (Order 84-24), § 220-52-069, filed 3/27/84; WSR 82-03-045 (Order 82-6), § 220-52-069, filed 1/19/82; Order 807, § 220-52-069, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060(7).]

CRAWFISH, BARNACLES, OCTOPUS, SEA CUCUMBERS, SEA URCHINS AND SQUID

WAC 220-340-700 Commercial crawfish fishery. (1) Licensing: A shellfish pot fishery license is required to operate the gear provided for in this section. An application for a shellfish pot fishery license is available at the offices of the department, by calling the WDFW license division at 360-902-2500, or on the department website at www.wdfw.wa.gov.

(2) Commercial crawfish season: The first Monday in May through October 31, except: In Washington waters of the Columbia River downstream from the mouth of the Walla Walla River, it is permissible to take crawfish from April 1 through October 31.

(3) Commercial crawfish size and sex restrictions:

(a) Crawfish must be 3 1/4 inches or more in length from the tip of the rostrum (nose) to the tip of the tail.

(b) All undersize crawfish and female crawfish with eggs or young attached to the abdomen must be immediately returned unharmed to the waters from which taken. Fishers must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed from the shellfish pot and prior to lifting additional pots from the water.

(4) Commercial crawfish gear, fishing areas, and pot number restrictions:

(a) It is unlawful to take crawfish for commercial purposes with gear other than shellfish pots.

(b) The department determines the maximum number of pots permitted in any given body of water. Once the permitted maximum number of pots for any given body of water is reached, no further permits may be issued for that area. Permits are issued on a first-come, first-served basis consistent with all other regulations concerning issuance of commercial crawfish harvest permits.

(c) It is unlawful for a person to fish more than 400 pots at one time in the commercial crawfish fishery.

(d) Buoys must consist of durable material that will remain floating on the surface with five pounds attached; bleach or anti-freeze bottles or other containers may not be used as floats.

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

(f) Crawfish gear also subject to provisions of WAC 220-353-020.

(g) It is unlawful to fish for crawfish for commercial purposes in the following waters:

Clallam

Crescent Lake

Clark

Battleground Lake

Cowlitz

Merrill Lake

Grant

Deep Lake
Potholes Res.
Coulee Lake
Soap Lakes
Sun Lakes

Grays Harbor

Sylvia Lake

Island

Cranberry Lake

Jefferson

Anderson Lake

King

Cedar Lake
Elbow Lake
Green Lake
Green River
Margaret Lake
Sammamish Lake
Sammamish River
Sammamish Slough
Walsh Lake

Kittitas

Easton Lake

Klickitat

Horsethief Lake
Roland Lake

Lewis

Mineral Lake

Okanogan

Alta Lake
Buffalo Lake
Campbell Lake
Conconully Lake
Conconully Res.
Crawfish Lake
Omak Lake
Osoyoos Lake
Pearrygin Lake

Pacific

Middle Nemah River
North Nemah River

Smith Creek

Pend Oreille

Browns Lake (on Brown Cr)
Calispell Lake
Cooks Lake
Conklin Lake
Davis Lake
Half Moon Lake
Mystic Lake
No Name Lake
Shearer Lake
Vanee Lake

Pierce

Clear Lake
Spanaway Lake
Steilacoom Lake
Wapato Lake

Skagit

Beaver Lake
Caskey Lake
Cranberry Lake
Everett Lake
Minkler Lake
Pass Lake
Sixteen Lake
Whistle Lake

Skamania

Goose Lake
Mosquito Lake
South Prairie Lake
Stump (Tunnel) Lake

Snohomish

Ballinger Lake
Chaplain Lake
Flowing Lake
Goodwin Lake
Ki Lake
Martha Lake
Pass Lake
Roesiger Lake
Serene Lake
Shoecraft Lake
Silver Lake
Stevens Lake
Stickney Lake
Storm Lake

Thurston

Deep Lake
Hicks Lake
Long Lake
Patterson Lake

Summit Lake
Ward Lake

Whatcom

Budd Lake
Bug Lake
Caine Lake
Fishtrap Creek
Johnson Creek
Padden Lake
Toad or Emerald Lake

(h) It is unlawful to fish for crawfish within 1/4 mile of the shoreline of developed parks.

(i) It is permissible for an individual fisherman to fish for crawfish for commercial use in the waters set out below with up to the number of pots shown.

Name of Lake, River, or Slough	County	Max. Pots Allowed
Alder Lake (Res.)	Pierce/Thurston	200
Alkali Lake	Grant	100
Bachelor Slough	Clark	100
Baker Lake	Whatcom	200
Banks Lake	Grant	200
Big Lake	Skagit	200
Black Lake	Thurston	200
Blue Lake	Grant	200
Bonaparte Lake	Okanogan	100
Buckmire Slough	Clark	100
Camas Slough	Clark	100
Campbell Lake	Skagit	100
Cassidy Lake	Snohomish	100
Cavanaugh Lake	Skagit	200
Chehalis River	Lewis/Grays Harbor	100
Chelan Lake	Chelan	200
Clear Lake	Skagit	100
Coal Creek Slough	Cowlitz	100
Columbia River	Clark, Cowlitz, etc.	200
Copalis River	Grays Harbor, etc.	100
Cowlitz River	Clark, Cowlitz, etc.	100
Curlew Lake	Ferry	200
Cushman Lake #1	Clark	100
Deep River	Wahkiakum	100
Deschutes River	Thurston	100
Diablo Lake	Whatcom	200
Drano Lake	Skamania	100
Elochoman River	Wahkiakum	100
Erie Lake	Skagit	100
Evergreen Reservoir	Grant	100
Fisher Island Slough	Cowlitz	100
Goose Lake (upper)	Grant	100
Grays River	Pacific	100
Harts Lake	Pierce	100
Hoquiam River	Grays Harbor	100
Humtulpis River	Grays Harbor	100
John's River	Grays Harbor	100
Kapowsin Lake	Pierce	200

Name of Lake, River, or Slough	County	Max. Pots Allowed
Kalama River	Cowlitz, etc.	100
Klickitat	Klickitat	100
Lackamas Lake (Res.)	Clark	100
Lake River	Clark	100
Lawrence Lake	Thurston	100
Lenore Lake	Grant	200
Lewis River	Clark/Cowlitz	100
Loomis Lake	Pacific	100
Mayfield Lake	Lewis	200
McIntosh Lake	Thurston	100
McMurray Lake	Skagit	100
Merwin Lake	Clark/Cowlitz	200
Moses Lake	Grant	200
Naselle River	Pacific, etc.	100
Nisqually River	Pierce, etc.	100
Nooksack River	Whatcom	100
North River	Grays Harbor	100
Palmer Lake	Okanogan	100
Patterson Lake (Res.)	Okanogan	100
Portage Bay	King	100
Rattlesnake Lake	King	100
Ross Lake (Res.)	Whatcom	200
Salmon Lake	Okanogan	100
Satsop River	Grays Harbor	100
Shannon Lake (Res.)	Skagit	200
Sidley Lake	Okanogan	100
Silver Lake	Pierce	100
Silver Lake	Cowlitz	200
Skagit River	Skagit/Whatcom	200
Skamokawa River	Wahkiakum	100
Snake River	Franklin/Walla Walla	200
Snohomish River	Snohomish	100
St. Clair Lake	Thurston	100
Swift Lake (Res.)	Skamania	200
Terrell Lake	Whatcom	100
Toutle River	Cowlitz	100
Union Lake	King	200
Vancouver Lake	Clark	200
Warden Lake	Grant	100
Washington Lake	King	200
Washougal River	Clark/Skamania	100
Whitestone Lake	Okanogan	100
Willapa River	Pacific	100
Wiser Lake	Whatcom	100
Wind River	Cowlitz	100
Wishkah River	Grays Harbor	100
Woodland Slough	Clark	100
Wynoochee River	Grays Harbor	100
Yakima River	Kittitas	100
Yale Lake (Res.)	Clark/Cowlitz	200

(j) Commercial crawfish harvest permits will be issued to limit the number of crawfish pots permissible per fisherman per body of water in suitable crawfish harvest sites not listed in subsections (4) (d) and (e) of this section as follows:

- (i) Under 20 acres - No commercial harvest.
- (ii) 20 acres to 100 acres - 50 pots.
- (iii) 101 acres to 400 acres - 100 pots.
- (iv) Over 400 acres - 200 pots.

(k) Permits may be issued only in waters where fishing will not conflict with high density residential or recreational areas. No permit will be issued where developed parks encompass more than 1/2 of the water shoreline.

(5) It is unlawful to discard any crawfish bait into the waters of the state.

(6) This section does not apply to the commercial culture of crawfish at a registered aquatic farm.

(7) It is unlawful to fish for or possess crawfish taken for commercial purposes in violation of this section. Violation of this section is punishable under RCW 77.15.500, 77.15.520, 77.15.522, or 77.15.540, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-700, filed 3/31/22, effective 5/1/22. 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 § 220-340-700, 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 12-23-016 (Order 12-267), § 220-52-060, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-060, filed 5/19/94, effective 6/19/94; WSR 91-10-024 (Order 91-22), § 220-52-060, filed 4/23/91, effective 5/24/91; WSR 87-23-006 (Order 87-187), § 220-52-060, filed 11/6/87. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-52-060, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 80-13-064 (Order 80-123), § 220-52-060, filed 9/17/80; WSR 79-02-053 (Order 79-6), § 220-52-060, filed 1/30/79; Order 76-26, § 220-52-060, filed 1:45 p.m., 4/20/76; Order 945, § 220-52-060, filed 8/16/71; Order 807, § 220-52-060, filed 1/2/69, effective 2/1/69; subsections 1-7, Orders 414 and 256, filed 3/1/60.]

WAC 220-340-710 Commercial goose barnacle fishery. (1) It is unlawful to take or possess Pacific goose barnacles taken for commercial purposes without having first obtained a permit to do so issued by the director.

(2) Licensing: An emerging commercial fishery license is the license required for a permittee to retain goose barnacles.

[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 § 220-340-710, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-070, filed 5/19/94, effective 6/19/94; WSR 86-24-046 (Order 86-190), § 220-52-070, filed 11/26/86.]

WAC 220-340-720 Commercial octopus fishery. (1) It is unlawful to possess octopus for commercial purposes except octopus taken incidentally to any lawful bottom fish or shellfish fishery.

(2) It is unlawful to take or possess octopus for display or scientific purposes, except as authorized by permit issued by the director.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-720, filed 3/31/22, effective 5/1/22. 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 § 220-340-720, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 01-02-057 (Order 00-262), § 220-52-063, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-063, filed 5/19/94, effective 6/19/94; WSR 87-15-022 (Order 87-69), § 220-52-063, filed 7/8/87; WSR 84-08-014 (Order 84-24), § 220-52-063, filed 3/27/84; WSR 80-13-064 (Order 80-123), § 220-52-063, filed 9/17/80; Order 807, § 220-52-063, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060 (2), (3) and (4).]

WAC 220-340-730 Commercial sea cucumber fishery. (1) Licensing:

It is unlawful to fish for, take, or possess sea cucumbers without a valid commercial sea cucumber dive fishery license and license holder or designated alternate operator on board the designated harvest vessel. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

(2) Harvest areas and seasons:

(a) It is unlawful to fish for, take, or possess sea cucumbers for commercial purposes, except during open sea cucumber harvest seasons and from open sea cucumber districts as provided by emergency rule. It is unlawful to fish for, take, or possess sea cucumbers for commercial purposes from closed areas defined in this section.

(b) It is unlawful to fish for or take sea cucumbers from official sunset to 5:59 a.m. the following morning.

(c) A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) Sea cucumber districts defined:

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B outside of the following closed areas:

(i) San Juan Channel Closed Area: Those waters of San Juan Channel and Upright Channel within the following lines: North and west of a line from the northernmost point of Turn Island off San Juan Island (48.5358°, -122.9713°) to Flat Point on Lopez Island (48.5510°, -122.9197°), and thence projected from Flat Point true west to Shaw Island (48.5510°); north of a line projected from the northernmost point of Turn Island (48.5358°, -122.9713°) true west to San Juan Island (48.5358°); west of a line from Neck Point on Shaw Island (48.5872°, -123.0124°) to Steep Point on Orcas Island (48.6093°, -123.0231°); and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48.6225°, -123.1075°).

(ii) Haro Strait Closed Area: North of a line projected true west from the southernmost point of Cattle Point on San Juan Island to the International Boundary (closed area includes those waters of Areas 22A and 23A that fall north of this line) and south of a line projected

true west from a point (48.5200°, -123.1527°) 1/4 mile north of Lime Kiln Light (48.5159°, -123.1525°) on San Juan Island to the International Boundary.

(b) Sea Cucumber District 2-1 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, and 29 outside of the following closed areas:

(i) Low Point Closed Area: Those waters of the Strait of Juan de Fuca west of a line projected true north from the shoreline at -123.8050° longitude to the International Boundary and east of a line projected true north from the shoreline at -123.8783° longitude to the International Boundary;

(ii) Tatoosh Island Closed Area: Those waters within 1/4 mile of Tatoosh Island;

(iii) Haro Strait Closed Area: Those waters of Haro Strait within Area 23A north of a line projected true west from the southernmost point of Cattle Point (48.4501°, -122.9636°) on San Juan Island to the International Boundary (this closed area also includes those waters of Area 22A described in (a)(ii) of this subsection).

(c) Sea Cucumber District 2-2 is defined as the waters of Marine Fish Shellfish Management and Catch Reporting Areas 23B, 25A, 25B, 25C, 25D, and 25E.

(d) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Eagle Harbor Closed Area: Those waters of Eagle Harbor west of a line projected from Wing Point (47.6207°, -122.4923°) to Eagle Harbor Creosote Light Number 1 (47.6163°, -122.4965°), thence projected true west to shore on Bainbridge Island (47.6163°).

(ii) Sinclair Inlet Closed Area: Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner (47.5648°, -122.6233°) to landfall directly below the Kitsap Transit foot ferry terminal in Annapolis (47.5478°, -122.6162°).

(e) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(f) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D outside of the following closed area: Hale Passage/Wollochet Bay Closed Area: The waters of Hale Passage and Wollochet Bay within the following lines: West of a line projected true south from the shoreline near Point Fosdick at -122.5833° longitude to 47.2333° latitude, and thence projected true west to the shoreline of Fox Island (47.2333° latitude), and east of a line projected true south from the shoreline near Green Point at -122.6833° longitude to 47.2750° latitude, and thence projected true east to the shoreline of Fox Island (47.2750°).

(4) Shellfish dive gear and harvest vessel restrictions:

(a) It is unlawful to fish for, take, or possess sea cucumbers taken for commercial purposes by any means other than by hand with shellfish dive gear. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful to operate a vessel engaged in commercial sea cucumber harvest operations unless the harvester number assigned by the department is properly displayed on the vessel as provided by department rule (WAC 220-340-020). A violation of this subsection is a

misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license.

(c) It is unlawful for more than one diver from a harvest vessel to be in the water at any one time during sea cucumber harvest operations or when commercial quantities of sea cucumbers are aboard, except that two divers from a harvest vessel may be in the water at one time if the vessel is designated on two sea cucumber dive fishery licenses. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful for a vessel engaged in the harvest of sea cucumbers to have through-hull fittings for water discharge hoses below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than 30 feet or water jet nozzles on-board a vessel engaged in the commercial sea cucumber fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(5) **Possession restrictions:** It is unlawful to possess geoduck clams during commercial sea cucumber harvest operations, or possess geoduck clams on a vessel that has sea cucumbers on board. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(6) For the purposes of weekly trip limits, the sea cucumber fishery week begins Monday and ends Sunday.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-730, filed 3/31/22, effective 5/1/22. 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 § 220-340-730, 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 14-02-016 (Order 13-305), § 220-52-071, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 03-16-098 (Order 03-177), § 220-52-071, filed 8/6/03, effective 9/6/03; WSR 02-17-016 (Order 02-186), § 220-52-071, filed 8/9/02, effective 9/9/02; WSR 01-07-021 (Order 01-40), § 220-52-071, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080. WSR 00-03-042 (Order 00-07), § 220-52-071, filed 1/13/00, effective 2/13/00; WSR 99-17-068 (Order 99-126), § 220-52-071, filed 8/13/99, effective 9/13/99; WSR 94-12-009 (Order 94-23), § 220-52-071, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-071, filed 7/14/93, effective 8/14/93; WSR 91-18-030 (Order 91-73), § 220-52-071, filed 8/28/91, effective 9/28/91; WSR 91-10-024 (Order 91-22), § 220-52-071, filed 4/23/91, effective 5/24/91; WSR 87-23-006 (Order 87-187), § 220-52-071, filed 11/6/87; WSR 87-15-022 (Order 87-69), § 220-52-071, filed 7/8/87; WSR 87-02-013 (Order 86-199), § 220-52-071, filed 12/30/86; WSR 81-11-006 (Order 81-31), § 220-52-071, filed 5/11/81; WSR 79-02-053 (Order 79-6), § 220-52-071, filed 1/30/79; Order 77-145, § 220-52-071, filed 12/13/77; Order 77-65, § 220-52-071, filed 8/5/77; Order 1105, § 220-52-071, filed 12/28/73; Order 990, § 220-52-071, filed 5/11/72.]

WAC 220-340-750 Commercial sea urchin fisheries. (1) Licensing:

It is unlawful to fish for, take, or possess sea urchins for commercial purposes without a valid commercial sea urchin dive fishery license and license holder or designated alternate operator on board the designated harvest vessel. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(2) Harvest areas, seasons, and size restrictions:

(a) It is unlawful to fish for, take, or possess sea urchins for commercial purposes except during open sea urchin harvest seasons and from open sea urchin districts as set by emergency rule. It is unlawful to fish for, take, or possess sea urchins for commercial purposes from closed areas defined in this section.

(b) It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2 1/4 inches; or red sea urchins measuring less than 3 1/4 inches or greater than five inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

(c) It is unlawful to fish for or take sea urchins from official sunset through 5:59 a.m. the following morning.

(d) It is unlawful to harvest or possess sea urchins taken from less than 10 feet below mean lower low water.

(e) It is unlawful to process sea urchins aboard the harvest vessel.

(f) It is unlawful to take sea urchins for commercial use for purposes other than human consumption.

(3) A violation of subsection (2) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(4) Sea urchin districts defined:

(a) Sea Urchin District 1 (San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B outside the following closed areas:

(i) San Juan Channel Closed Area: Those waters of San Juan Channel and Upright Channel within the following lines: North and west of a line from the northernmost point of Turn Island on San Juan Island (48.5358°, -122.9713°) to Flat Point on Lopez Island (48.5510°, -122.9197°), and thence projected from Flat Point true west to Shaw Island (48.5510°); north of a line projected from the northernmost point of Turn Island (48.5358°, -122.9713°) true west to San Juan Island (48.5358°); west of a line from Neck Point on Shaw Island (48.5872°, -123.0124°) to Steep Point on Orcas Island (48.6093°, -123.0231°); and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48.6225°, -123.1075°).

(ii) Haro Strait Closed Area: North of a line projected true west from the southernmost point of Cattle Point (48.4501°, -122.9636°) on San Juan Island to the International Boundary (closed area includes those waters of 22A and 23A that fall north of this line) and south of a line projected true west from a point (48.5200°, -123.1527°) 1/4 mile north of Lime Kiln Light (48.5159°, -123.1525°) on San Juan Island to the International Boundary.

(b) Sea Urchin District 2 (Admiralty Inlet) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23B, 25A, and 25B.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23D, and 23C east of a line projected true north from the shoreline near Low Point at -123.8050° longitude to the International Boundary.

The following area, comprising portions of Sea Urchin Districts 3 and 4, is a closed area: (Low Point Closed Area) Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of a line projected true north from the shoreline at -123.8050° longitude to the International Boundary, and east of a line projected true north from the shoreline at -123.8783° longitude to the International Boundary.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point, along -123.8783° longitude, and those waters of Area 29 east of a line projected true north from the mouth of the Sekiu River (48.2878° , -124.3954°).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of the Sekiu River (48.2878° , -124.3954°) and Areas 59A-1, 59A-2, and 59B. Within Sea Urchin District 5, waters within 1/4 mile of Tatoosh Island are closed to the harvest of sea urchins at all times (Tatoosh Island Closed Area).

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times:

(i) Eagle Harbor Closed Area: Those waters of Eagle Harbor west of a line projected from Wing Point (47.6207° , -122.4923°) to Eagle Harbor Creosote Light Number 1 (47.6163° , -122.4965°), thence projected true west to the shore on Bainbridge Island (47.6163°).

(ii) Sinclair Inlet Closed Area: Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner (47.5648° , -122.6233°) to landfall directly below the Kitsap Transit foot ferry terminal in Annapolis (47.5478° , -122.6162°).

(iii) Hale Passage/Wollochet Bay Closed Area: The waters of Hale Passage and Wollochet Bay within the following lines: West of a line projected true south from the shoreline near Point Fosdick at -122.5833° longitude to 47.2333° latitude, and thence projected true west to the shoreline of Fox Island (47.2333° latitude), and east of a line projected true south from the shoreline near Green Point at -122.6833° longitude to 47.2750° latitude, and thence projected true east to the shoreline of Fox Island (47.2750° latitude).

(5) Shellfish dive gear and harvest vessel restrictions:

(a) It is unlawful to fish for, take, or possess sea urchins by any means other than with handheld tools that do not penetrate the shell.

(b) It is unlawful for more than one diver from a harvest vessel to be in the water at any one time during sea urchin harvest operations or when commercial quantities of sea urchins are onboard, except that two divers may be in the water if the harvest vessel is designated on two sea urchin dive fishery licenses.

(c) It is unlawful for a vessel engaged in the harvest of sea urchins to have through-hull fittings for water discharge hoses below the surface of the water. Through-hull fittings above the water line

must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than 30 feet or water jet nozzles onboard a vessel engaged in the commercial sea urchin fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to operate a vessel engaged in sea urchin harvest operations unless the harvester number assigned by the department is properly displayed as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license—Penalty.

(6) **Possession restrictions:** It is unlawful to possess geoduck clams during commercial sea urchin harvest operations, or possess geoduck clams on a vessel that has sea urchins onboard. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(7) For the purposes of weekly trip limits, the sea urchin fishery week begins Monday and ends Sunday.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-750, filed 3/31/22, effective 5/1/22. 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), re-codified as § 220-340-750, 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 14-02-016 (Order 13-305), § 220-52-073, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 08-15-127 (Order 08-180), § 220-52-073, filed 7/22/08, effective 8/22/08; WSR 04-17-096 (Order 04-210), § 220-52-073, filed 8/17/04, effective 9/17/04; WSR 02-17-016 (Order 02-186), § 220-52-073, filed 8/9/02, effective 9/9/02; WSR 01-07-021 (Order 01-40), § 220-52-073, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080. WSR 00-03-042 (Order 00-07), § 220-52-073, filed 1/13/00, effective 2/13/00; WSR 94-12-009 (Order 94-23), § 220-52-073, filed 5/19/94, effective 6/19/94; WSR 91-22-064 (Order 91-132), § 220-52-073, filed 11/1/91, effective 12/2/91; WSR 91-10-024 (Order 91-22), § 220-52-073, filed 4/23/91, effective 5/24/91; WSR 87-23-006 (Order 87-187), § 220-52-073, filed 11/6/87; WSR 87-15-022 (Order 87-69), § 220-52-073, filed 7/8/87; WSR 86-20-028 (Order 86-123), § 220-52-073, filed 9/23/86; WSR 85-01-010 (Order 84-214), § 220-52-073, filed 12/7/84; WSR 83-04-025 (Order 83-04), § 220-52-073, filed 1/27/83; WSR 80-13-064 (Order 80-123), § 220-52-073, filed 9/17/80; WSR 79-02-053 (Order 79-6), § 220-52-073, filed 1/30/79; Order 77-145, § 220-52-073, filed 12/13/77; Order 76-152, § 220-52-073, filed 12/17/76; Order 1105, § 220-52-073, filed 12/28/73; Order 990, § 220-52-073, filed 5/11/72.]

WAC 220-340-770 Commercial squid fishery. (1) It is lawful at any time to take or fish for squid for commercial purposes with dip bag net, brail, and squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch

measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish except octopus, and squid eggs caught while fishing for squid must be returned to the water immediately. It is lawful to retain for commercial purposes squid taken incidental to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts), or equivalent when measured in lumens. Lights of 200 watts (or equivalent when measured in lumens) or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline.

(5) Licensing: A squid fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-770, filed 3/31/22, effective 5/1/22. 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 § 220-340-770, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-066, filed 5/19/94, effective 6/19/94; WSR 84-08-014 (Order 84-24), § 220-52-066, filed 3/27/84; WSR 80-13-064 (Order 80-123), § 220-52-066, filed 9/17/80; Order 807, § 220-52-066, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060 (5) and (6).]