

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), re-codified 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.]