

WSR 12-03-053
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 11, 2012, 2:05 p.m.]

Bruce Bjork, 1111 Washington Street S.E., Olympia, WA,
(360) 902-2929.

January 11, 2012
Lori Preuss
Rules Coordinator

Title of Rule and Other Identifying Information: WAC 220-56-255 Halibut—Seasons—Daily and possession limits and 220-56-250 Lingcod—Areas and seasons.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lori Preuss, Rules Coordinator, Washington Department of Fish and Wildlife (WDFW), 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY March 19, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to revise the date that fishing for bottomfish is restricted seaward of twenty fathoms in Marine Areas 3 (La Push) and 4 (Neah Bay). This proposal also allows rockfish retention seaward of thirty fathoms from March 15 through June 15 in Marine Catch Area 2 (Westport), and it restricts lingcod fishing in deepwater portions of Marine Catch Areas 1 (Ilwaco/Chinook) and 2 (Westport).

Depth restrictions and area closures are needed to ensure that catch of yelloweye and canary rockfish taken incidentally during recreational halibut and bottomfish trips do not exceed federal harvest guidelines. Yelloweye and canary rockfish are considered overfished species and managed under rebuilding plans by the Pacific Fishery Management Council (PFMC). These changes are necessary to make state regulations consistent with federal regulations. The federal regulations are listed in Code of Federal Regulations (C.F.R.) Title 50, Part 660.

Reasons Supporting Proposal: This rule change conforms state rules to regulations adopted by the PFMC and implemented into federal regulation by the National Marine Fisheries Service. Input from Washington recreational fishermen was gathered during the PFMC public process and during public meetings sponsored by WDFW.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 660.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Heather Reed, 48 Devonshire Road, Montesano, WA, (360) 249-4628; and Enforcement: Chief

AMENDATORY SECTION (Amending Order 11-141, filed 7/6/11, effective 8/6/11)

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for, or possess lingcod for personal use except during the following seasons and areas:

(1) Coastal area:

(a) Catch Record Card Areas 1 through 3: The Saturday closest to March 15, through the Saturday closest to October 15;

(b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line: April 16 through October 15, or the Saturday closest to October 15 if that Saturday comes before October 15, whichever is earlier; and

(c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line: April 16 through October 15.

(d) It is unlawful to fish for, retain, or possess lingcod in Catch Record Card Area 1 seaward of a line extending from 46°38.17'N. lat., 124°21.00'W. long. to 46°25.00'N. lat., 124°21.00'W. long. year-round.

(e) It is unlawful to fish for, retain, or possess lingcod in Catch Record Card Area 2 seaward of a line extending from 47°31.70'N. lat., 124°45.00'W. long. south to 46°38.17'N. lat., 124°30.00'W. long. year-round, except that lingcod may be taken, retained and possessed seaward of the line on days open during the primary halibut season.

(2) Catch Record Card Areas 5 through 13: May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

AMENDATORY SECTION (Amending Order 10-199, filed 8/4/10, effective 9/4/10)

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Open on the first Thursday in May or May 1, if May 1 is a Friday or Saturday, through the third Saturday in July, from 12:01 a.m. each Thursday through 11:59 p.m. each Saturday. The fishery will reopen on the first Friday in August through September 30, from 12:01 a.m. each Friday through 11:59 p.m. each Sunday. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except sablefish or Pacific cod, if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) The northern near shore fishery takes place in those waters from 47°31.70'N. lat. south to 46°58.00'N. lat. and east of a boundary line approximating the 30 fathom depth contour as defined by the following coordinates:

47°31.70'N. lat., 124°37.03'W. long.

47°25.67'N. lat., 124°34.79'W. long.

47°12.82'N. lat., 124°29.12'W. long.

46°58.00'N. lat., 124°24.24'W. long.

Open on the first Sunday in May through September 30 on days that all other waters in Area 2 are open, as specified in (b)(ii) of this subsection, and from 12:01 a.m. each Thursday through 11:59 p.m. each Sunday.

(ii) All other waters in Area 2 - Open on the first Sunday in May through the third Sunday in May from 12:01 a.m. through 11:59 p.m. each Sunday, and from 12:01 a.m. through 11:59 p.m. each Tuesday. Beginning on the third Sunday in May through September 30, the halibut fishery will be open from 12:01 a.m. through 11:59 p.m. each Sunday.

(iii) From March 15 through June 15, it is unlawful to fish for or possess bottomfish, except rockfish, seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain sablefish and Pacific cod from May 1 through June 15 and retain lingcod on days open during the primary halibut season as described in (b)(ii) of this subsection, seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below:

47°31.70'N. lat., 124°37.03'W. long.

47°25.67'N. lat., 124°34.79'W. long.

47°12.82'N. lat., 124°29.12'W. long.

46°52.94'N. lat., 124°22.58'W. long.

46°44.18'N. lat., 124°18.00'W. long.

46°38.17'N. lat., 124°15.88'W. long.

(c) Catch Record Card Areas 3 and 4 - Open the first Thursday between May 9 and May 15 of each year through September 30, from 12:01 a.m. through 11:59 p.m. each Thursday, and from 12:01 a.m. through 11:59 p.m. each Saturday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward-facing C-shaped closed area defined as: Beginning at 48°18'N. lat., 125°18'W. long.; thence to 48°18'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 125°18'W. long.; thence to the point of origin.

It is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from ~~((May 21))~~ June 1 through September 30, on days and times closed to halibut fishing:

48°23.9'N. lat., 124°44.2'W. long.

48°23.6'N. lat., 124°44.9'W. long.

48°18.6'N. lat., 124°43.6'W. long.

48°18.6'N. lat., 124°48.2'W. long.

48°10.0'N. lat., 124°48.8'W. long.

48°02.4'N. lat., 124°49.3'W. long.

47°37.6'N. lat., 124°34.3'W. long.

47°31.7'N. lat., 124°32.4'W. long.

(d) Catch Record Card Area 5 - Open the Thursday before Memorial Day through September 30, except closed to

fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(e) Catch Record Card Areas 6 through 13 - Open May 1 through September 30, except closed to fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-56-156 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-56-156 for rules on Canadian-origin halibut possession.

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

WSR 12-03-120

EXPEDITED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed January 18, 2012, 11:50 a.m.]

Title of Rule and Other Identifying Information: WAC 220-12-010 Food fish—Classification, 220-12-020 Shellfish—Classification, 220-16-211 Geographical definitions—Puget Sound tributaries, 220-20-015 Lawful and unlawful acts—Salmon, 220-88-020 Experimental fishery permits, and 220-88-040 Trial commercial fishery permits.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Joanna Eide, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY March 19, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend several WAC sections to update references from Title 75 RCW to the proper references within Title 77 RCW. Additionally, some substitutions and additions of words are made to clarify the rules and rectify typographical errors.

Reasons Supporting Proposal: RCW references within rules must be accurate for the rules to have the proper effect and be enforceable. These amendments will accomplish this without changing the meaning of the rules.

Statutory Authority for Adoption: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, 77.65.050, chapters 77.65 and 77.70 RCW.

Statute Being Implemented: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, 77.65.050, chapters 77.65 and 77.70 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Joanna Eide, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2403; Implementation: Deputy Chief Mike Cenci, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2938; and Enforcement: Chief Bruce Bjork, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2929.

January 18, 2012

Joanna M. Eide

Administrative Regulations Analyst

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-12-010 Food fish—Classification. The following (~~(fishes)~~) species are classified as food fish under RCW (~~(75.08.080)~~) 77.12.047 and are subject to the provisions of this title:

Barracuda

Pacific barracuda *Sphyraena argentea*

Cyprinids

Carp *Cyprinus carpio*

Cods and hake

Pacific hake or whiting *Merluccius productus*
Walleye pollock *Theragra chalcogrammus*
Pacific Tomcod *Microgadus proximus*
Pacific Cod or true cod *Gadusmacrocephalus*

Flounder, sole and halibut

Butter sole or Bellingham sole
C-O sole *Isopsetta isolepis*
Dover sole *Pleuronichtys coenosus*
English sole *Microstomus pacificus*
Flathead sole *Parophrys vetulus*
Pacific halibut *Hippoglossoides elassodon*
Petrale sole *Hippoglossus stenolepis*
Rex sole *Eopsetta jordani*
Rock sole *Glyptocephalus zachirus*
Pacific sand dab *Lepidopsetta bilineata*
Sand sole *Citharichthys sordidus*
Slender sole *Psettichthys melanostictus*
Speckled sand dab *Lyopsetta exilis*
Starry flounder *Citharichthys stigmaeus*
Turbot or Arrowtooth flounder *Platichthys stellatus*
All other species of sole and flounder *Atheresthes stomias*
Giant wrymouth (Pleuronectiformes)
Delolepsis gigantea

Greenling

Lingcod *Ophiodon elongatus*
Rock greenling *Hexagrammos superciliosus*
Kelp greenling *Hexagrammos decagrammus*
All other species of greenling (Hexagrammidae)

Herring and herring-like fishes

Northern anchovy *Engraulis mordax*
Pacific sand lance or candlefish *Ammodytes hexapterus*
Pacific herring *Clupea harengus pallasii*
Pacific sardine or pilchard *Sardinops sagax*
American shad *Alosa sapidissima*

Mackerels, tunas and jacks (carangids)

Pacific bonito *Sarda chiliensis*
Pacific mackerel *Scomber japonicus*
Jack mackerel *Trachurus symmetricus*
Monterey Spanish mackerel *Scomberomorus concolor*
Spanish mackerel *Scomberomorus maculatus*
Yellowtail *Seriola dorsalis*
Albacore *Thunnus alalunga*
Bluefin tuna *Thunnus thynnus*
Skipjack tuna *Euthynnus pelamis*
Yellowfin tuna *Thunnus albacares*
All other species of tunas and mackerels (Scombridae)
Pacific pomfret *Brama japonica*
Pacific pompano *Peprilus simillimus*
Plainfin midshipman *Parichthys notatus*
Ratfish *Hydrolagus collicii*
Rattails, all species (Coryphaenoididae)

Skates

Longnose skate *Raja rhina*
Big skate *Raja binoculata*
All other species of skates (Rajidae)

Rockfish

Bocaccio *Sebastes paucispinis*
Black rockfish *Sebastes melanops*
Brown rockfish *Sebastes auriculatus*
Copper rockfish *Sebastes caurinus*
Greenstriped rockfish *Sebastes elongatus*
Canary rockfish *Sebastes pinniger*
Pacific Ocean perch *Sebastes alutus*
Yelloweye or rasphead rockfish *Sebastes ruberrimus*
Rosefish or splitnose rockfish *Sebastes diploproa*
Silvergray rockfish *Sebastes brevispinis*
Quillback rockfish *Sebastes maliger*
Yellowtail rockfish *Sebastes flavidus*
All other species of rockfish (Scorpaenidae)
Sablefish *Anoplopoma fimbria*

Salmon

Chinook or King salmon (except in its landlocked form as defined in WAC 232-12- 018)	<i>Oncorhynchus tshawytscha</i>
Chum or dog salmon	<i>Oncorhynchus keta</i>
Pink or humpback	<i>Oncorhynchus gorbuscha</i>
Coho or silver (except in its landlocked form as defined in WAC 232-12- 018)	<i>Oncorhynchus kisutch</i>
Sockeye or blue back	<i>Oncorhynchus nerka</i>
Masu	<i>Oncorhynchus masu</i>
Atlantic salmon (except in its landlocked form)	<i>Salmo salar</i>

Sculpins

Brown Irish lord	<i>Hemilepidotus spinosus</i>
Buffalo sculpin	<i>Enophrys bison</i>
Cabezon	<i>Scorpaenichthys marmoratus</i>
Great sculpin	<i>Myoxocephalus polyacantho- cephalus</i>
Pacific Staghorn sculpin	<i>Leptocottus armatus</i>
Red Irish lord	<i>Hemilepidotus hemilepidotus</i>

Seabass and drums

White seabass	<i>Cynoscion nobilis</i>
All other seabass and drums	(Sciaenidae and Serranidae)

Sharks

Sixgill shark	<i>Hexanchus griseus</i>
Southern shark	<i>Galeorhinus zyopterus</i>
Dogfish or spiny dogfish	<i>Squalus acanthias</i>
All other species of sharks	(Squaliformes and Hexanchi- formes)

Smelts

Eulachon or Columbia River smelt	<i>Thaleichthys pacificus</i>
Longfin smelt	<i>Spirinchus dilatatus</i>
Surf smelt	<i>Hypomesus pretiosus</i>
All other species of smelt	(Osmeridae)

Sturgeons

Green sturgeon	<i>Acipenser medirostris</i>
White sturgeon	<i>Acipenser transmontanus</i>

Surfperches

Blue perch or striped seaperch	<i>Embiotoca lateralis</i>
Kelp perch	<i>Brachyistius frenatus</i>
Redtail surfperch	<i>Amphistichus rhodoterus</i>
Shiner perch	<i>Cymatogaster aggregata</i>
Pile perch	<i>Rhacochilus vacca</i>
Walleye surfperch	<i>Hyperprosopon argenteum</i>
White seaperch	<i>Phanerodon furcatus</i>
All other species of perch	(Embiotocidae)
Wolf-eel	<i>Anarrhichthys ocellatus</i>

Hagfishes

Pacific hagfish	<i>Eptatretus stouti</i>
Black hagfish	<i>Eptatretus deani</i>

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-12-020 Shellfish—Classification. The following species are classified as shellfish under RCW ((75-08-080)) 77.12.047 and are subject to the provisions of this title:

Abalone

Pinto abalone	<i>Haliotis kamtschatkana</i>
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Mussel

Blue mussel	<i>Mytilus trossulus</i>
California mussel	<i>Mytilus californianus</i>
Mediterranean mussel	<i>Mytilus galloprovincialis</i>

Scallops

Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weathervane scallop	<i>Patinopecten caurinus</i>

Clams

All macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>
Common cockle	<i>Clinocardium nuttallii</i>
Geoduck	<i>Panopea abrupta</i>
Horse or Gaper clam	<i>Tresus nuttallii,</i> <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Venerupis philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Leukoma staminea</i>
Varnish clam	<i>Nuttallia obscurata</i>
All other marine clams existing in Washington in a wild state	

Oysters

All oysters	(Ostreidae)
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Squid

All squid	Sepiolida or Teuthida
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Octopus

Octopus	<i>Enteroctopus dofleini</i>
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Barnacles

Goose barnacle	<i>Pollicipes polymerus</i>
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Shrimp

Coonstripe shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>

Ghost or sand shrimp	<i>Neotrypaea spp.</i>
Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus eous</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>

Crab

Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
King and box crab	<i>Lopholithodes spp.</i>

Crawfish

Crawfish	<i>Pacifastacus sp.</i>
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Sea cucumber

Sea cucumber	<i>Parastichopus californicus</i>
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Sea urchin

Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

AMENDATORY SECTION (Amending Order 920, filed 5/13/71)

WAC 220-16-211 Geographical definitions—Puget Sound tributaries. The term "Puget Sound tributaries" (~~shall be construed to~~) includes the waters of all fresh water rivers and streams tributary to Puget Sound as defined in WAC (~~(220-15-210)~~) 220-16-210 and (~~including~~) all tributaries flowing into said rivers and streams.

AMENDATORY SECTION (Amending Order 02-278, filed 11/6/02, effective 12/7/02)

WAC 220-20-015 Lawful and unlawful acts—Salmon. (1) It is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department (~~of fisheries~~).

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length, except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries, there is no minimum size limit on salmon taken with gill net gear.

(b) In the Pacific Ocean commercial salmon troll fishery, frozen chinook salmon, dressed heads off (~~shall~~), must be 21 1/2 inches minimum, and frozen coho salmon, dressed heads off (~~shall~~), must be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW (~~(75-12-140)~~) 77.50.050.

(5) It is (~~lawful~~) permissible to possess salmon for any purpose (~~which~~) that were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It (~~shall be~~) is unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

AMENDATORY SECTION (Amending Order 94-162, filed 11/14/94, effective 12/15/94)

WAC 220-20-051 Vessel designation requirements.

(1) In any licensed fishery for which a vessel is required under chapter (~~(75-28)~~) 77.65 RCW, or for any delivery of food fish or shellfish, or for any charter fishery, it is unlawful to fish for, harvest, deliver, or possess food fish or shellfish unless:

(a) The licensee has designated the vessel from which the food fish or shellfish are to be taken or delivered(,);

(b) The department has issued a commercial license to the licensee showing the vessel so designated(,); and

(c) The vessel operator has the commercial license in physical possession.

(2) The following definitions apply to this section:

(a) "Documentation" means vessel documentation by the United States Coast Guard showing eligibility for the fishery. Once documentation is presented as evidence of ownership, it becomes the only acceptable evidence of ownership unless the vessel is remeasured, found to be less than five net tons, and no longer eligible for documentation.

(b) "Initial designation" means the designation by an individual licensee of a vessel to be used in a commercial fishery, for delivery of food fish or shellfish, or for charter fishing. Designation by that licensee on additional licenses is not "initial designation," and required evidence of ownership is the same as for continuing designation.

(c) "Continuing designation" means reapplication for a commercial license with no change in vessel designation.

(3) A licensee does not have to own the vessel being designated on the license. However, each licensee initially designating a vessel, except nontransferable emergency salmon delivery licensees, and every licensee continuing designation after the fourth continuous designation, must offer evidence of ownership. The following is the only acceptable evidence of ownership:

(a) For initial designation of a vessel measuring less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(b) For initial designation of a vessel thirty-two feet or greater in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(c) For continuing designation of vessel less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(d) For continuing designation of a vessel between thirty-two and thirty-six feet in length, evidence of ownership is current state registration for vessels with state registration numbers or current documentation for documented vessels.

(e) For continuing designation of a vessel greater than thirty-six feet in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(4) Every vessel designated to participate in a commercial fishery or to deliver food fish or shellfish must have the official Coast Guard documentation number, complete state registration number, or Alaska department of fish and game registration number permanently displayed in ten-inch tall numbers, or letters and numbers, of proportionate width, clearly visible from each side of the vessel. It is unlawful to participate in a commercial fishery or deliver food fish or shellfish without having such numbers displayed. This subsection does not apply to salmon guide, charter, or nontransferable emergency salmon delivery licensees, or to Canadian vessels delivering under a nonlimited entry delivery license.

AMENDATORY SECTION (Amending Order 94-162, filed 11/14/94, effective 12/15/94)

WAC 220-20-065 Commercial licensing—Business organizations—Operator designation. Any person (~~which~~) that holds a commercial fishing license or delivery license and is a business organization may designate one natural person to act on behalf of the license holder to operate a designated vessel as provided for in this section:

(1) If the business is a sole proprietorship, the designated operator must be the sole proprietor.

(2) If the business is a partnership, the designated operator must be a partner.

(3) If the business is a corporation, the designated operator must be a corporate officer.

(4) In addition to the designated operator, a license holder (~~who~~) that is a business organization may designate up to two alternate operators.

(5) A license holder (~~which~~) that is a business organization may substitute the designated operator by surrendering the fishery license card, redesignating the operator under the criteria provided for in this section, and paying the replacement license fee provided for in RCW (~~(75-28-030)~~) 77.65.050.

AMENDATORY SECTION (Amending Order 92-89, filed 9/3/92, effective 10/4/92)

WAC 220-88-020 Experimental fishery permits. (1) The director will issue experimental fishery permits after the date the rules take effect designating a fishery as either an emerging commercial fishery or an expanding commercial fishery and establishing the number and qualifications of permit holders (~~take effect~~).

(2) Only persons meeting the following requirements may hold an experimental fishery permit:

(a) The person must hold a commercial fishing license under chapter (~~(75-28)~~) 77.65 RCW for the gear (~~(to)~~) that will be used with the experimental fishery permit, or the person must own a vessel that holds such a commercial fishing license. An experimental fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(b) No person ineligible to hold a commercial fishing license will be issued an experimental fishery permit. The person must meet the qualifications established for the experimental fishery permit that the person seeks.

(c) In the event an emerging or expanding commercial fishery arises from a trial commercial fishery, the director shall consider whether a fisher making application for an experimental fishery permit had previously held a trial commercial fishery permit for that fishery.

(3) An experimental fishery permit will not be issued for any species for which a license, endorsement, or validation limitation has been established pursuant to chapter (~~(75-30)~~) 77.70 RCW, or for any fishery under the jurisdiction of the secretary of commerce.

(4) The director may at any time close an emerging or expanding commercial fishery for conservation reasons.

AMENDATORY SECTION (Amending Order 92-89, filed 9/3/92, effective 10/4/92)

WAC 220-88-040 Trial commercial fishery permits.

(1) Applications for trial commercial fishery permits must specify the species, fishing area, and fishing method to be used.

(2) The department will respond to any request for a trial commercial fishery permit within sixty days of receiving the application.

(3) Only persons who hold a commercial fishing license under chapter (~~(75-28)~~) 77.65 RCW for the gear (~~(to)~~) that will be used with the trial commercial fishery permit, or persons who own a vessel that holds such a commercial fishing license, are eligible to hold a trial commercial fishery permit. A trial commercial fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(4) The director will issue a trial commercial fishery permit for a newly classified species only after the director has by rule classified the species as a food fish or shellfish in chapter 220-12 WAC. If emergency classification is required, the director will issue the trial commercial fishery permit only for the period of emergency classification, and will not renew the permit unless the department has received a request for permanent classification at least two weeks before the end of the permit period.

(5) The director may redesignate a trial commercial fishery as an emerging or expanding commercial fishery if the director finds that there is a need to limit participation. A trial commercial fishery permit for that fishery does not guarantee future eligibility for an experimental fishery permit.

(6) The director may at any time close a trial commercial fishery for conservation reasons.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 232-14-010 Hydraulic Code guidelines.