



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 16-06-076 on February 26, 2016 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

The department must amend recreational fishing rules to meet conservation objectives and provide fishing opportunities within those conservation objectives. The department is considering changes to the recreational fishing rules in saltwater areas of Washington State. The department may consider additional recreational fishing rule changes if necessary.

Hearing location(s):
 Fish and Wildlife Commission Meeting
 Natural Resources Building, Room 172
 1111 Washington St., SE
 Olympia, WA 98501

Date: November 4-5 Time: 8:00 am

Date of intended adoption: On or after November 4, 2016
 (Note: This is **NOT** the effective date)

Submit written comments to:
 Name: Scott Bird WDFW Rules Coordinator
 Address: 600 Capitol Way N
 Olympia, WA 98501-1091
 e-mail Rules.Coordinator@dfw.wa.gov
 fax (360)902-2155 by (date) October 28, 2016

Assistance for persons with disabilities: Contact
Dolores Noyes by October 28, 2016
 TTY (360)902-2207 or (360) 902-2349

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department makes adjustments to recreational fishing rules annually to maximize conservation and recreational-fishing opportunity. This proposal includes changes to marine recreational fishing regulations, focusing on the Puget Sound and Coast. The department also proposes technical changes to clarify, correct, and update language as part of this rule making. This proposal will create WAC 220-20-011: "Food fish and shellfish taken by another. It is unlawful to possess food fish or shellfish taken during the open season by another fisher unless it is accompanied by a statement which shows the name, address, fishing license or document number and signature of the taker, and the date, county or Marine Area where taken."

This proposal will delete the following WACs, as they become redundant: 220-56-312, 220-56-400, 220-56-405, 220-56-410, 220-56-415, 220-56-340 and 220-56-385.

Edits are made to the following WACs: 220-12-010; 220-16-265; 220-56-115; 220-56-310; 220-56-315; 220-56-317; 220-56-320; 220-56-325; 220-56-330; 220-56-335; 220-56-336; 220-56-355; 220-56-390

Reasons supporting proposal: The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data and public feedback. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

DATE September 21, 2016

NAME (type or print)
Scott Bird

SIGNATURE *Scott Bird*

TITLE Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2016

TIME: 10:01 AM

WSR 16-19-059

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Valerie Tribble	600 Capital Way N Olympia, WA 98501-1091	(360)902-2339
Implementation.... Valerie Tribble	600 Capital Way N Olympia, WA 98501-1091	(360)902-2339
Enforcement..... Chief Chris Anderson	600 Capital Way N Olympia, WA 98501-1091	(360)902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared. There is no evidence that these rule changes will have any impact on small business

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: No hydraulics are involved in these rule changes.

NEW SECTION

WAC 220-20-011 Food fish and shellfish taken by another. It is unlawful to possess food fish or shellfish taken during the open season by another fisher unless it is accompanied by a statement which shows the name, address, fishing license or document number and signature of the taker, and the date, county or marine area where taken.

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

Barracuda

Pacific barracuda *Sphyaena argentea*

Cyprinids

Carp *Cyprinus carpio*

Cods and hake

Pacific hake or whiting *Merluccius productus*

Walleye pollock (~~*Theragra chalcogrammus*~~)
Gadus chalcogrammus

Pacific Tomcod *Microgadus proximus*

Pacific Cod or true cod (~~*Gadus macrocephalus*~~)
Gadus macrocephalus

Flounder, sole and halibut

Butter sole or Bellingham sole *Isopsetta isolepis*

C-O sole *Pleuronichtys coenosus*

Dover sole *Microstomus pacificus*

English sole *Parophrys vetulus*

Flathead sole *Hippoglossoides elassodon*

Pacific halibut *Hippoglossus stenolepis*

Petrale sole *Eopsetta jordani*

Rex sole *Glyptocephalus zachirus*

Northern rock sole *Lepidopsetta polyxystra*

Southern rock sole *Lepidopsetta bilineata*

Pacific sand dab *Citharichthys sordidus*

Sand sole *Psettichthys melanostictus*

Slender sole *Lyopsetta exilis*

Speckled sand dab *Citharichthys stigmaeus*

Starry flounder *Platichthys stellatus*

Turbot or Arrowtooth flounder *Atheresthes stomias*

All other species of sole and flounder (Pleuronectiformes)

Giant wrymouth *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*~~)
personatus

Pacific herring	<i>Clupea</i> (<i>harengus pallasii</i>) <i>pallasii</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>
Mackerels, tunas and jacks (carangids)	
Pacific bonito	<i>Sarda chiliensis</i>
Pacific mackerel	<i>Scomber japonicus</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Monterey Spanish mackerel	<i>Scomberomorus concolor</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>
Yellowtail	<i>Seriola dorsalis</i>
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Skipjack tuna	<i>Euthynnus pelamis</i>
Yellowfin tuna	<i>Thunnus albacares</i>
All other species of tunas and mackerels	(Scombridae)
Pacific pomfret	<i>Brama japonica</i>
Pacific pompano	<i>Peprilus simillimus</i>
Plainfin midshipman	<i>Parichthys notatus</i>
Ratfish	<i>Hydrolagus colliei</i>
Rattails, all species	(Coryphaenoididae)
Skates	
Longnose skate	<i>Raja rhina</i>
Big skate	<i>Raja binoculata</i>
All other species of skates	((Rajidae)) (<u>Rajiformes</u>)
Rockfish	
Bocaccio	<i>Sebastes paucispinis</i>
Black rockfish	<i>Sebastes melanops</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Copper rockfish	<i>Sebastes caurinus</i>
Greenstriped rockfish	<i>Sebastes elongatus</i>
Canary rockfish	<i>Sebastes pinniger</i>
Pacific Ocean perch	<i>Sebastes alutus</i>
Yelloweye or rasphead rockfish	<i>Sebastes ruberrimus</i>
Rosefish or splitnose rockfish	<i>Sebastes diploproa</i> <i>Sebastes brevispinis</i>
Silvergray rockfish	<i>Sebastes maliger</i>
Quillback rockfish	<i>Sebastes flavidus</i>
Yellowtail rockfish	(Scorpaenidae)
All other species of rockfish	
Sablefish	<i>Anoplopoma fimbria</i>
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 polyacanthocephalus</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>
Soupin <u>or tope</u> shark	<i>Galeorhinus ((zyopterus)) galeus</i>
Dogfish or spiny dogfish	<i>Squalus ((aenanthias)) suckleyi</i>
All other species of sharks	((Squaliformes and Hexanchiformes)) (Selachimorpha)
Smelts	
Eulachon or Columbia River smelt	<i>Thaleichthys pacificus</i>
Longfin smelt	<i>Spirinchus ((dilatatus)) thaleichthys</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

Eptatretus deani

WAC 220-56-115 Angling gear—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and 220-310-175 through 220-310-200.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, (~~12~~) and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel, except:

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) In Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13: It is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture.

(6) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

~~((6))~~ (7) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 13-19-007, filed 9/5/13, effective 10/6/13)

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form. It is unlawful for any one person to take more than the following quantities and sizes of shellfish for personal use in any one day:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams total, or 10 pounds, whichever is achieved first (~~except:~~

~~(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance: Diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.~~

~~(b) In Willapa Bay: Diggers may additionally retain up to 24 cockles)).~~

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters(~~(, shucked and the shells left on the beach)).~~ Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 6 scallops.

(7) Weathervane scallops: 12 scallops (over 4 inches).

(8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp:

(a) In Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line: Total weight 25 pounds, maximum 200 spot shrimp as part of the 25-pound limit.

(b) In Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13: First Saturday in May through May 31, daily limit 80 shrimp; during all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.

(10) Pinto abalone: Closed statewide.

(11) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(12) Sea cucumbers: 25 sea cucumbers.

(13) Red sea urchins: 18 sea urchins.

(14) Purple sea urchins: 18 sea urchins.

(15) Green sea urchins: 36 sea urchins.

(16) Dungeness crab:

(a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crab.

(b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crab.

(17) Red rock crab: 6 crab.

(18) Mussels: 10 pounds in the shell, in the aggregate.

(19) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(20) Ghost and mud shrimp: 10 dozen.

(21) King and box crab: Closed statewide.

(22) Tanner crab: 6 crab.

AMENDATORY SECTION (Amending WSR 14-01-056, filed 12/12/13, effective 1/12/14)

WAC 220-56-315 Personal use crab, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crab, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, or any hand-operated instrument that will not penetrate the shell. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.380 or 77.15.382 depending on the circumstances of the violation.

(2) It is unlawful to set, fish, or pull more than 2 units of gear per person at any one time, unless otherwise provided in this subsection. A unit of gear is defined as a hand dip net, shellfish pot, ring net or any other instrument used to capture crab, shrimp, or crawfish. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(a) In Puget Sound waters, it is unlawful to set, fish, or pull at any one time more than 2 units of crab gear and 2 additional units of shrimp gear per person.

(b) In Catch Record Card Areas 4 through 13, it is unlawful for the operator of any boat from which shrimp pots are set, fished, or pulled to have on board or to fish more than 4 shrimp pots.

(c) In the Columbia River, it is unlawful to set, fish, or pull more than 3 units of crab gear per person.

(d) In fresh water, it is permissible to use up to 5 units of gear per person to fish for crawfish.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.382, Unlawful use of shellfish gear for personal use purposes—Penalty.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost, unless the person first obtains a permit issued by the director, authorizing that activity. A

violation is punishable under RCW 77.15.180, Unlawful interference with fishing or hunting gear—Penalty. It is unlawful to fail to comply with all provisions of a permit authorizing the salvage of gear from Hood Canal. A violation of this subsection is RCW 77.15.750, Unlawful use of a department permit—Penalty.

(5) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(6) It is unlawful to have more than one unit of unattended gear attached to a buoy line or to fail to have a separate buoy for each unit of gear. "One unit of gear" means one ring net or one shellfish pot. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.382, Unlawful use of shellfish gear for personal use purposes—Penalty.

(7) In waters open only on certain days or certain hours during the day, except for those waters affected by the night closure set out in subsection (8) of this section, it is unlawful to fail to remove gear from the water if fishing for shellfish is not allowed. It is also unlawful to fail to remove gear from the water within one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously, except for those waters affected by the night closure set out in subsection (8) of this section, gear may be left in the water during a night closure. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(8) It is unlawful to set or pull shellfish pots, ring nets or star traps from a vessel in Catch Record Card Areas 1-13 from one hour after official sunset to one hour before official sunrise. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

WAC 220-56-317 Personal use shrimp pot gear requirements. (1) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(2) It is unlawful to take, fish for, or possess shrimp taken for personal use with shellfish pot gear unless the gear meets the following requirements:

(a) A shrimp pot may not exceed 10 feet in perimeter and 1-1/2 feet in height.

(b) The entire top, bottom, and sides of the shrimp pot must be constructed of mesh material (no liners allowed), except the entrance tunnels must have the minimum mesh opening size specified in subsection (2)((+e)) (g) of this section.

(c) (~~The minimum mesh size for shrimp pots is one inch, defined as a mesh that a 7/8 inch square peg will pass through each mesh open-~~

ing. Flexible (web) mesh pots must have an opening with a mesh size of a minimum of 1-3/4 inch stretch measure.

~~June 1 through October 15, Area 4 east of the Bonilla-Tatoosh line, and Areas 5 through 13:~~

~~(i) In any Marine Area or portion thereof that is closed for spot shrimp but open for coonstripe and pink shrimp, the minimum mesh size for shrimp pots is 1/2 inch.~~

~~(ii) 1/2 inch mesh is defined as mesh that a 3/8 inch square peg will pass through each mesh opening, except for flexible (web) mesh pots where the opening must be a minimum of 1-1/8 inch stretch measure.~~

~~(d) All entrance tunnels must open into the pot from the side.~~

~~(e) The sum of the maximum widths of all entrance tunnels must not exceed half of the perimeter of the bottom of the pot.) All entrance tunnels must open into the pot from the side.~~

~~(d) The sum of the maximum widths of all entrance tunnels must not exceed half of the perimeter of the bottom of the pot.~~

~~(e) Half-inch mesh is defined as mesh that a 3/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material); flexible (web) mesh pots must have mesh size openings that are a minimum of 1-1/8 inch stretch measure.~~

~~(f) One inch mesh is defined as a mesh that a 7/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material); flexible (web) mesh pots must have mesh size openings that are a minimum of 1-3/4 inch stretch measure.~~

~~(g) The minimum mesh size for shrimp pots is:~~

~~(i) Year-round, Marine Areas 1-3 and 4 west of the Bonilla-Tatoosh line:~~

~~(A) Shoreward of 20 fathoms, the minimum mesh size for shrimp pots is 1/2-inch.~~

~~(B) Seaward of 20 fathoms, the minimum mesh size for shrimp pots is 1 inch.~~

~~(ii) May 1 through October 15, Area 4 east of the Bonilla-Tatoosh line, and Areas 5 through 13, the minimum mesh size for shrimp pots is 1 inch, with the following exception: June 1 through October 15, in any Marine Area or portion thereof that is closed for spot shrimp but open for coonstripe and pink shrimp, the minimum mesh size for shrimp pots is 1/2-inch.~~

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

WAC 220-56-320 Personal use shellfish gear—Unlawful acts. (1)

It is unlawful to violate the following provisions regarding unattended shellfish gear:

(a) Unattended shellfish gear must be marked with a buoy that lists the first and last name and permanent mailing address of the ~~((owner))~~ fisher operating the gear.

(i) The information on the buoy must be permanent, visible, and legible.

(ii) Only one person's name and address may appear on a marker buoy.

(b) All buoys must consist of durable material. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans, or any other container as a buoy.

(c) Buoys must remain visible on the surface at all times, except during extreme tidal conditions.

(d) The line attaching a buoy to shellfish gear must be weighted sufficiently to prevent the line from floating on the water's surface.

(2) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. 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.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than 3 single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(3) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times.

(4) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160, except failure to use untreated cotton twine as provided for in subsection (2) of this section is a misdemeanor punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty.

(5) It is unlawful to possess shellfish taken with gear in violation of the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with that gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

WAC 220-16-265 Geographical definitions—((Lopez Island shrimp fishing area)) Marine Area 7 shrimp fishing subareas. ((~~"Lopez Island shrimp fish area" shall include those waters of Puget Sound lying inside and southerly of a line projected from Spencer Spit on Lopez Island to Fauntleroy Point on Decatur Island and a line projected from Decatur Light across Lopez Pass to the nearest point of Lopez Island.~~)) (1) Marine Area 7 South: The portion of Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then south of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then south of a line projected due west from Lime Kiln Point light to the international boundary.

(2) Marine Area 7 West: The portion of Marine Area 7 north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary, then west of a line from the bell buoy at the international boundary to Point Doughty on Orcas Island, then west of a line projected true north and south from the western tip of Crane Island, then west of a line projected from the southern tip of Shaw Island to the number 2 buoy at the entrance to Fisherman Bay.

(3) Marine Area 7 East: The portion of Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, then east of a line projected true north and south from the western tip of Crane Island, then east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary.

AMENDATORY SECTION (Amending WSR 07-05-051, filed 2/16/07, effective 3/19/07)

WAC 220-56-325 Shrimp—Areas and seasons. It is unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

~~(1) ((Discovery Bay Shrimp District and Marine Areas 8, 9, 10 and 11—Open 7:00 a.m. through 3:00 p.m., beginning the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week except it is lawful for divers to take shrimp by hand or hand-held device from 7:00 p.m. until midnight on any open day in May in Marine Area 8-2;~~

~~(2) Hood Canal Shrimp District—Open 9:00 a.m. through 1:00 p.m., the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week;~~

~~(3) Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7 and 13, except for Shrimp Districts—Open 7:00 a.m. the first Saturday in May through May 31 and open daily except open only Wednesday through Saturday in Marine Area 7.~~

~~(4) Beginning June 1 through October 15 in Marine Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, shrimp fishing is open daily except closed in Area 10 and the shrimp districts at all times. Unlawful to retain spot shrimp.~~

~~(5)) It is unlawful to fish for or possess shrimp taken for personal use in Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13 except as provided by emergency rule.~~

(2) Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line - Open year-round.

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

WAC 220-56-330 Crab—Areas and seasons—Personal use. (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 8-1, 8-2, 9, 10, 11, 12, and 13: Open 7:00 a.m., July 1 through Labor Day, Thursday through Monday of each week.

(b) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence ((due)) true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m., July 15 through September 30, Thursday through Monday of each week.

(c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence

to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island (~~due~~) true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m. August 15 through September 30, Thursday through Monday of each week.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period from December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.

(4) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(5) Violation of this section is a misdemeanor, punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty.

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

WAC 220-56-335 Crab—Unlawful acts—Personal use. (1) It is unlawful for any person to take or possess any female Dungeness crab for personal use.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use measuring less than the following caliper measurements:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) - 6 1/4 inch minimum size.

(b) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters except when fishing from the north jetty of the Columbia River, Grays Harbor, Willapa Bay - 6 inch minimum size.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crab taken for personal use that measure less than 5 inches. Either sex may be retained.

(4) It is unlawful to take or possess any tanner crab taken for personal use that measure less than 4 1/2 inches. Either sex may be retained.

(5) All crab measurements must be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

~~((+5))~~ (6) It is unlawful to possess in the field any crab or crab parts without also retaining the back shell.

((+6)) (7) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 97-07-078, filed 3/19/97, effective 5/1/97)

WAC 220-56-336 Crawfish, abalone, sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal use fishery. ((The open season for crawfish is the first Monday in May through October 31.))

(1) Crawfish: The open season for crawfish is the first Monday in May through October 31.

(2) Abalone: It is unlawful to fish for or possess abalone taken for personal use the entire year.

(3) Sea urchins: It is lawful to fish for sea urchins for personal use the entire year. It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.

(4) Sea cucumbers: It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Marine Area 12. It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

(5) Goose barnacles: It is lawful to take goose barnacles for personal use the entire year.

AMENDATORY SECTION (Amending WSR 02-17-019, filed 8/9/02, effective 9/9/02)

WAC 220-56-355 Clams, oysters, mussels—Unlawful acts. (1) It is unlawful to take, dig for and possess clams (excluding razor clams), cockles, and mussels taken for personal use except by hand or with hand-operated forks, picks, mattocks, rakes and shovels. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to take, dig for and possess razor clams taken for personal use except by hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) Any newly designed or modified digging device intended for the recreational use of razor clams must receive the specific approval of the director of fish and wildlife.

(4) In the field each digger, including holders of razor clam disability permits, must have his or her daily limit in a separate

container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(5) It is unlawful to possess shellfish taken with gear that violates the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with such gear. Possession of such shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(6) It shall be unlawful for any person digging clams other than razor clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

((2)) (7) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

((3)) (8) Oysters taken for personal use must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

(9) Opening or shucking oysters by heating the shell or cooking oysters in the shell is unlawful.

(10) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell except minimum size 1-1/4 inches if taken from public tidelands on the west side of Quilcene Bay north of the county boat ramp.

((4)) (11) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

((5)) (12) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 13-19-007, filed 9/5/13, effective 10/6/13)

WAC 220-56-390 Squid, octopus. (1)(a) Squid daily limit: For squid other than Humboldt squid, the daily limit is 10 pounds or 5 quarts. For Humboldt squid, the daily limit is 5 squid.

(b) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch.

(c) It is permissible to take, fish for or possess squid the entire year(~~, except closed year round in Catch Record Card Area 12~~)).

(2)(a) The octopus daily limit is 1.

(b) It is unlawful to take octopus except by hand or by any instrument which will not penetrate or mutilate the body, except that it

is permissible to retain octopus taken while angling with hook and line gear.

(c) It is unlawful to take octopus in the following areas:

(i) Marine Area 12;

(ii) **Redondo Beach.** Redondo Beach is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°19'27.69"W, 47°20'55.64"N; then northwesterly to 122°19'30.77"W, 47°20'56.82"N; then to 122°19'33.84"W, 47°20'57.31"N; then northeasterly to 122°19'29.78"W, 47°21'02.32"N; then returning to shore at 122°19'25.27"W, 47°21'00.64"N.

(iii) **Three Tree Point.** Three Tree Point is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'48.68"W, 47°27'06.46"N; then northwesterly to 122°22'58.06"W, 47°27'15.30"N; then northeasterly to 122°22'36.99"W, 47°27'25.51"N; then returning to shore at 122°22'27.63"W, 47°27'16.67"N.

(iv) **Alki Beach Seacrest Coves 1, 2 and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'37.34"W, 47°35'12.98"N; then northeasterly and offshore to 122°22'33.61"W, 47°35'16.10"N; then northwesterly to 122°23'51.20"W, 47°35'29.51"N; then returning to shore at 122°23'54.31"W, 47°35'28.81"N. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

(v) **Les Davis.** Les Davis is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°29'07.21"W, 47°17'05.15"N; the northeasterly to 122°29'0.97"W, 47°17'10.57"N; then southeasterly to 122°31'05.91"W, 47°17'06.91"N; then returning to shore at 122°30'59.80"W, 47°17'01.48"N.

(vi) **Alki Beach Junk Yard.** Alki Beach Junk Yard is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°24'57.17"W, 47°34'40.64"N; then northwesterly to 122°25'03.25"W, 47°34'50.03"N; then northeasterly to 122°24'40.68"W, 47°34'56.75"N; then returning to shore at 122°24'34.48"W, 47°34'47.34"N.

(vii) **Days Island.** Days Island is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°33'49.16"W, 47°14'07.49"N; then west to 122°34'01.41"W, 47°14'07.58"N; then north to 122°34'0.78"W, 47°14'41.73"N; then returning to shore at 122°34'40.74"W, 47°14'41.73"N.

(viii) **Deception Pass.** Deception Pass is defined as the waters, bed lands, and tidelands east of a line starting at 122°39'48.07"W, 48°24'08.05"N; and north to 122°40'20.57"W, 48°25'10.16"N; then east to 122°40'09.63"W, 48°25'16.15"N proceeding to 122°39'50.68"W, 48°24'55.51"N; and west of a line starting at 122°36'54.24"W, 48°24'29.52"N; and north to 122°36'54.73"W, 48°24'48.92"N.

(3) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. If a person violates any provision of this section but has not yet harvested squid or octopus, the violation is an infraction punishable under RCW 77.15.160. Possession of squid or octopus while using gear in violation of the provisions of this section is a rebuttable presumption that the squid or octopus were taken with such gear. Possession of such squid or octopus is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the squid or octopus are taken in the

amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-312 Shellfish—Possession limits.
- WAC 220-56-340 General provisions—Clams, cockles, mussels—Gear.
- WAC 220-56-385 Oysters—Unlawful acts.
- WAC 220-56-400 Abalone.
- WAC 220-56-405 Sea urchins.
- WAC 220-56-410 Sea cucumbers.
- WAC 220-56-415 Goose barnacles.