



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules 13-221**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** Amends the following sportfishing rules:

WAC 220-56-235 Possession limits—Bottomfish

WAC 220-56-310 Shellfish--Daily limits

WAC 220-56-390 Squid, octopus

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 220-56-235, 220-56-310, and 220-56-390

Suspended:

**Statutory authority for adoption:** RCWs 77.04.012 and 77.12.047

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 13-10-083 on 5/1/13 (date).

Describe any changes other than editing from proposed to adopted version: See Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**Date adopted:** August 2, 2013

**NAME (TYPE OR PRINT)**

Miranda Wecker

**SIGNATURE**

*Miranda Wecker*

**TITLE**

Chair, Washington Fish and Wildlife Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 05, 2013**

**TIME: 11:58 AM**

**WSR 13-19-007**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended	Repealed
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernmental entity:**

New	Amended	Repealed
-----	---------	----------

**The number of sections adopted in the agency's own initiative:**

New	Amended	<u>3</u>	Repealed
-----	---------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	Repealed
-----	---------	----------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## ATTACHMENT A

### Changes from proposed to adopted version

In response to public feedback, the Washington Fish and Wildlife Commission made the following changes from the proposed to the adopted version of these rules:

**1. WAC 220-16-881 through 220-16-887**

These proposed new rules, WAC 220-16-881 through -887, were withdrawn as part of WSR 13-19-006, filed on September 5, 2013. These rules were not adopted.

**2. WAC 220-20-100 General provisions—Marine protected areas**

Proposed amendments to this section were withdrawn on September 5, 2013, as part of WSR 13-19-006. The new marine protected areas that were proposed in this WAC were moved to WAC 220-56-390.

**3. WAC 220-56-235 Possession limits--Bottomfish**

- a. Reduced fishing limit for cabezon to one fish per day for Marine Areas 4,5,6,7,8,9, 10, 11, and 13.
- b. Implemented an 18-inch minimum length for cabezon in Marine Areas 4,5,6,7,8,9,10,11 and 13.
- c. Removed proposal for rockfish species retention.
- d. Removed proposal for cabezon season change.

**4. WAC 220-56-310 Shellfish – Daily limits**

- a. Removed proposal for two new marine areas.
- b. Removed squid and octopus sections and moved them to WAC 220-56-390.

**5. WAC 220-56-390 Squid, octopus**

- a. Added seven new areas in which it is unlawful to take octopus.
- b. Moved squid and octopus sections to this document; they were originally in WAC 220-56-310.
- c. Added new section (3) to differentiate between a violation that is an infraction and one that is a crime.
- d. Added new section (2)(a) to establish a daily limit of one octopus.

**WAC 220-56-235 Possession limits-Bottomfish.** It is unlawful to fish for, retain, or possess sixgill, sevendill, or thresher sharks. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time (~~shall~~) may not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided, bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4)(~~(—)~~): Limit 12 fish ((in the aggregate)) total, except limit 10 fish total east of the Bonilla-Tatoosh line(~~(—10 fish in the aggregate))~~, of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod(~~(—)~~): 2 fish(~~(÷~~

~~(÷)~~). Minimum length is 22 inches in Catch Record Card Areas 1 through (~~(3))~~ 4.

~~((ii) Minimum length 24 inches in Catch Record Card Area 4.)~~

(b) Rockfish(~~(—)~~): 10 fish. Release all canary and yelloweye rockfish. In Marine Area 4 east of the Bonilla-Tatoosh line: 6 fish. Only black or blue rockfish may be retained.

(c) Wolfeel(~~(—)~~): 0 fish from Catch Record Card Area 4.

(d) Cabezon(~~(—2))~~):

(i) Marine Areas 1 through 3: 2 fish.

(ii) Marine Area 4: 1 fish; the minimum size limit is 18 inches.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6(~~(—)~~): 15 fish ((in the aggregate of)) total for all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except	1 fish May 1 through September 30. Only black or blue rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue rockfish may be retained.
in Marine Area 6.	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	<del>((2))</del> <u>1</u> fish
Pacific hake	2 fish

(b) Catch Record Card Area 7(~~(—)~~): 15 fish ((in the aggregate of)) total for all species of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish

Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	((2)) 1 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13(~~(—)~~): 15 fish (~~(in the aggregate of)~~) total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except hali- but)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	((2)) 1 fish
Pacific hake	0 fish

(d) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling (~~(less than)~~) that are under 26 inches in length or (~~(greater than)~~) over 36 inches in length. It is unlawful to possess lingcod taken by spear fishing (~~(greater than)~~) that are over 36 inches in length.

~~(f) ((It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.~~

~~(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.~~

~~(h)) In Marine Areas 5 through 11 and 13, the minimum size limit for cabezon is 18 inches. All cabezon must be released in Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.~~

~~(g) In Catch Record Card Area 5, the daily limit for rockfish is the first legal rockfish caught, except that west of Slip Point, the daily limit for rockfish is the first three legal rockfish caught. Only black or blue rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.~~

~~((i)) (h) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.~~

AMENDATORY SECTION (Amending WSR 10-07-105, filed 3/19/10, effective 5/1/10)

**WAC 220-56-310 Shellfish-Daily limits.** It is unlawful for any one person to take (~~(in any one day for personal use)~~) 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 (~~(in the aggregate)~~) 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 ~~((twenty-four))~~ 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 ((10)) 25 pounds, maximum ((80)) 200 spot shrimp as part of the ((10)) 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) ~~((Octopus-~~

~~1-octopus-~~

~~(11))~~ Pinto abalone: Closed statewide.

~~((12))~~ (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.

~~((13) Squid other than Humboldt squid: 10 pounds or 5 quarts. In addition a person may retain up to 5 Humboldt squid per day.~~

~~(14))~~ (12) Sea cucumbers: 25 sea cucumbers.

~~((15))~~ (13) Red sea urchins: 18 sea urchins.

~~((16))~~ (14) Purple sea urchins: 18 sea urchins.

~~((17))~~ (15) Green sea urchins: 36 sea urchins.

~~((18))~~ (16) Dungeness crab((s)):

(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((s)).

(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((s)).

~~((19))~~ (17) Red rock crab((s)): 6 crab((s)).

~~((20))~~ (18) Mussels: 10 pounds in the shell, in the aggregate.

~~((21))~~ (19) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

~~((22))~~ (20) Ghost and mud shrimp: 10 dozen.

~~((23))~~ (21) King and box crab: Closed statewide.

~~((24))~~ (22) Tanner crab((s)): 6 crab((s)).

**WAC 220-56-390 Squid, octopus.** (1) ~~((It is lawful to take, fish for or possess squid and octopus the entire year except closed year-round in Catch Record Card Area 12.~~

~~(2)) (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. ((Violation of this subsection is an infraction, punishable under RCW 77.15.160.~~

~~(3)) (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 ((lawful)) permissible to retain octopus taken while angling with hook and line gear. ((Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(4)) (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 northwest-

erly 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.