

**Forage Fish, Marine Fish, and Shellfish Sport
Fishing Rule Simplification
(Decision)**

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Summary Sheet

Meeting dates:	December 13-14, 2019 Decision
Agenda item:	Forage Fish, Marine fish, and Shellfish Sport Fishing Rule Simplification
Presenter(s):	Dayv Lowry, Senior Research Scientist, Puget Sound Marine Fish Science Unit Phillip Dionne, Forage Fish Research Scientist Chris Eardley, Puget Sound Shellfish Policy Coordinator

Background summary:

The Department has embarked on efforts to simplify sport regulations while meeting critical conservation needs and recreational opportunities for forage fish, marine fish, and shellfish. This process was formally initiated in June 2019 and proposals were posted on the agency website from September through October 17, 2019, with accompanying outreach efforts. The Fish and Wildlife Commission was briefed on staff proposals during the October 18, 2019 meeting and public hearing in Olympia. Staff will request a decision on the proposal at the December 13, 2019 meeting in Bellingham.

Staff recommendation:

Staff recommend adoption of forage fish, marine fish, and shellfish sport fishing rule simplification as proposed, with two modifications: one to proposed language changes to shellfish WAC 220-330-150 referencing exemption for take of shellfish for personal use by private tideland owners, from private tidelands (clerical change). The proposed modification would use language that further improves clarity and consistency with relevant RCW (77.12.047) and does not alter current regulation. Additionally, WACs pertaining to oyster and clam seasons have been withdrawn from this process due to timing conflict with the current annual season-setting process. Clerical change proposals to those WACs (220-330-110 and 220-330-140) will be included in the current season-setting process and will remain unchanged from the proposal presented at the October 17, 2019 Fish and Wildlife Commission meeting. These clerical changes do not alter the sport fishing rules pamphlet or the intent of existing regulation.

Policy issue(s) and expected outcome:

Establish rules and regulations for the upcoming 2019-2020 sport fishing season(s) to simplify the regulations while ensuring conservation of the marine fish and shellfish resource, and providing sustainable recreational fishing opportunities.

Fiscal impacts of agency implementation: None.

Public involvement process used and what you learned:

A public news release and online notice through the agency website notified people of the opportunity to comment on sport fishing rule simplification proposals; opportunity to comment was open through October 17, 2019. Shellfish rules proposals were also presented to recreational crab and shrimp advisors. Department staff provided explanations for proposals. The Department also held three public meetings to discuss the rule simplification process and proposed regulation changes at locations throughout the Puget Sound region, specifically:

Olympia: 5 to 7 p.m., Wednesday, Sept. 25, 2019 at the Natural Resources Building, Room 175 A and B, 1111 Washington St. SE.

Mill Creek: 5 to 7 p.m., Thursday, Sept. 26, 2019 at WDFW’s Mill Creek office, 16018 Mill Creek Blvd.

Port Townsend: 5 to 7 p.m., Tuesday, Oct. 1, 2019 at WDFW’s Port Townsend District Office, 375 Hudson St.

There were no attendees at any of the three public meetings, but written public comments were submitted to the Department: 1 related to Forage Fish, 2 related to Marine Fish, and 2 related to Shellfish.

The Commission held a public hearing on October 17, 2019 in Olympia.

Action requested and/or proposed next steps:

Consider adoption as proposed in the CR-102, with proposed modification to language in 220-330-150 and withdrawal of WACs 220-330-110 and 220-330-140, as described above.

Draft motion language:

Motion: I move to adopt Forage Fish, Marine Fish, and Shellfish Sport Fishing Rule Simplification proposals;

Amended:

- 220-315-010 Forage Fish-Lawful gear
- 220-315-030 Smelt-Areas and seasons
- 220-310-160 Daily limits forage fish and other food fish not otherwise provided for
- 220-300-040 Definitions-Bottomfish
- 220-300-130 Definition-Forage fish
- 220-300-370 Food fish-Classification
- 220-330-010 Shellfish—Daily limits.
- 220-330-020 Personal-use shellfish gear—Unlawful acts.
- 220-330-040 Crab—Areas and seasons—Personal use.
- 220-330-070 Shrimp—Areas and seasons.
- 220-330-090 Crawfish, sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal-use fishery.
- 220-330-120 Clams, oysters, mussels—Unlawful acts.
- 220-330-150 Oysters and clams on private tidelands—Personal use.
- 220-320-060 General provisions—Shellfish.
- 220-314-020 Possession limits-Bottomfish.
- 220-314-030 Halibut – Seasons-daily and possession limits.
- 220-314-040 Lingcod – Areas and seasons

Repealed:

- 220-330-030 Personal-use crab pot gear requirements.
- 220-330-050 Crab—Unlawful acts—Personal use.
- 220-330-060 Personal-use shrimp pot gear requirements.
- 220-330-080 Shrimp containers.
- 220-330-100 Personal-use crab, shrimp, crawfish—Unlawful acts.
- 220-330-130 Oysters and scallops—Gear.
- 220-330-180 Squid, octopus.
- 220-300-300 Geographical definitions—District 1.
- 220-300-310 Geographical definitions—District 2.

as presented by staff.

Is there a “second”?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed

Post decision communications plan:

The public will be notified of the outcome of the rulemaking through a press release, our website, and to the email distribution list. Hard copies will be sent to those who request it.

Form revised 2-15-18

Forage Fish Rule Simplification

1. Technical changes

Type of Rule Change Proposal

Conservation

Short Description

Corrects Washington Administrative Code language to reflect rules adopted by the Commission (technical changes). Formats the language structure and removes redundant language.

Explanation

This proposal is a technical fix to provide simplified language reflective of Commission intent, and to streamline the information by reducing redundant language in multiple WACs. See Table.

Number	Issue	Details
1	Organization of WAC	Move some elements within WAC's and eliminated redundant sections.
2	Lack of freshwater forage fish limit	Define the freshwater limit for forage fish stated in WAC to align the Puget Sound and Coastal limit.
3	Simplify language	Remove redundant language, and use more concise descriptions and/or terminology for gear, species, and closures.

Written Testimony (1 comments)

Support (0): No comments

Oppose (0): No comments.

General (1): Commenter would like the removal or the restriction "lures only" at Titlow Beach Marine Preserve.

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

Marine Fish Rule Simplification

1. Changes to bottomfish regulations in Marine Area 4 (east of the Bonilla-Tatoosh line)

Type of Rule Change Proposal

Recreational

Short Description

This rule proposal would align recreational bottomfish regulations in Marine Area 4 (east of the Bonilla-Tatoosh line, also referred to as Marine Area 4B), with recreational bottomfish regulations in Marine Area 4 (west of the Bonilla-Tatoosh line).

Changes to **WAC 220-314-020**, which describes possession limits for bottomfish, includes: reducing the aggregate daily bottomfish limit from 10 to nine, increasing the rockfish sublimit from six to seven per day, allowing 12 surfperch per day, and removing the lingcod and cabezon size limits. Species allowed within the rockfish sublimit would include yellowtail rockfish and widow rockfish in addition to the current allowance for black rockfish and blue/deacon rockfish. Changes to **WAC 220-314-030** would allow anglers to retain yellowtail rockfish and widow rockfish seaward of a line approximating 20 fathoms on days open to recreational salmon fishing in July and August.

Changes to **WAC 220-314-040** would open the lingcod fishery from the second Saturday in March through the Second Saturday in October in Marine Area 4B, which is the same as the lingcod season in Marine Area 4, and clarifies that Marine Area 12 is closed to lingcod fishing year-round.

Throughout these WAC's, additional technical changes have been made to refer to management areas as Marine Area rather than Catch Record Card Area, and replace blue rockfish with blue/deacon rockfish.

Explanation

These proposed changes would simplify regulations in two management areas that are adjacent to one another and commonly fished during a single trip. Revising the regulations for Marine Area 4B so they are more similar to Marine Area 4 makes it easier for recreational anglers to understand the rules. Stock assessments conducted by the National Marine Fisheries Service and adopted by the Pacific Fishery Management Council for federally managed areas west of the Bonilla-Tatoosh line (Marine Area 4) include catch and biological data from species in the area east of the Bonilla-Tatoosh line (Marine Area 4B). These regulatory proposals provide anglers with additional access to healthy bottomfish resources without substantially increased risk of over harvest.

Written Testimony (2 comments)

Support (0): No comments

Oppose (1): A commenter was concerned about the rule language and possible unintended consequences.

General (1): A commenter would like a change in the way halibut fishing days are done.

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

2. Technical changes

Type of Rule Change Proposal

Conservation

Short Description

Corrects Washington Administrative Code language to reflect rule adoptions made by the Commission (technical changes). Formats the language in a clear structure, removes redundant language, etc.

Explanation

This proposal is a technical fix to streamline the information by reducing redundant language in multiple WACs. See Table below:

Number	Issue	Details
1	Definition of "bottomfish"	Reorganized language in WAC 220-300-040 so that the list refers first to individual species that tend to be preferred fishery targets and then to "all other species" of several taxonomic groups.
2	Updating food fish names	Updated names used in WAC 220-300-370 so that broad group names are used (e.g., Flatfishes) in place of more specific, word labels (e.g., Flounder, sole, and halibut). Reorganized the list to merge all categories with a single species into the shared category titled "Other." Corrected spelling and use of several names.
3	Eliminate unused geographic definitions	Eliminated WAC 220-300-300 and -310 entirely because they are not referred to anywhere in WAC or RCW. These WACs created two geographic marine regions in Washington in 1954, but new areas were subsequently created. The old areas have not been used since at least 1982.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

Shellfish Rule Simplification

1. Daily limits for green urchins, purple urchins, red urchins, pink scallops, spiny scallops, and sea cucumbers.

Type of Rule Change Proposal

Recreational

Short Description

This rule proposal streamlines daily limits for all urchins as uniformly 18 urchins, as 18 for sea cucumbers, and from a weight-based daily limit (10 lbs.) to a quantity-based limit of 40 for pink scallops and spiny scallops.

Explanation

Currently management of urchins uses two different daily limits (18 for red urchins and purple urchins and 36 for green urchins). This proposal reduces the daily limit of green sea urchins from 36 to 18 to align with other urchin species. It reduces the daily limit of sea cucumbers from 25 to 18 for simplicity. For pink scallops and spiny scallops, the Department is proposing a quantity-based daily limit in lieu of a weight-based daily limit. Quantity based limits are easier for harvesters to comply with in the field. Weight-based daily limits require that animals are first taken to the surface and weighed, presenting enforcement and logistical challenges. A total of 40 aligns with existing daily limits for clams for simplicity. Instituting streamlined daily limits is a simplification and the proposed limits align with conservation objectives.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

2. Define size limits for pink scallops, spiny scallops, and urchins

Type of Rule Change Proposal

Recreational

Short Description

This rule proposal would make it unlawful to take or possess pink scallops, spiny scallops, green urchins, purples urchins, or red urchins below a minimum size limit for conservation purposes.

Explanation

Currently, minimum size limits for pink scallops, spiny scallops, green urchins, purple urchins, and red urchins are undefined for recreational fisheries. Proposed minimum size limits (and a maximum size limit for red urchins) will preserve opportunity for the affected species to reproduce prior to harvest-- a conservation measure currently instituted by co-managed state and tribal commercial fisheries. Proposed minimum size limits are: 2 inches (pink scallops, spiny scallops), 2 ¼ inches (green urchins, purple urchins), and 3 ¼ inches (red urchins). A maximum size limit of 5 inches is proposed for red urchins to conserve the largest reproductive animals.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)**Modifications:****Staff Recommendation:****Adopt as presented:****Commission Action:**

3. Define closure areas for recreational sea cucumber and urchin fisheries

Type of Rule Change Proposal

Recreational

Short Description

This proposal would make it unlawful to fish for sea cucumbers and sea urchins in 8 conservation closure areas throughout Puget Sound.

Explanation

These closure areas serve as reference areas supporting monitoring of population status, and as conservation measures to protect spawning stock distributed throughout Puget Sound. This conservation proposal permits the long term sustainable management of sea cucumber and sea urchin fisheries and aligns with co-management of urchins and sea cucumbers in Puget Sound.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)**Modifications:****Staff Recommendation:****Adopt as presented:****Commission Action:**

4. Eliminate requirement to retain eastern softshell clams

Type of Rule Change Proposal

Recreational

Short Description

This proposal eliminates the requirement to retain eastern softshell clams dug as bycatch.

Explanation

Eastern softshell clams are sometimes encountered by harvesters as bycatch when targeting other clam species. The current rule requires that eastern softshell clams be retained when encountered as bycatch, counting toward the aggregate daily limit. This rule proposal eliminates the requirement to retain eastern softshell clams encountered as bycatch, but clams will still count toward daily limit if retained. This species is a non-native (but not considered to be invasive) species not often targeted by harvesters. The Department proposes to strike this requirement as a simplification; there is no conservation need for this rule.

Written Testimony (1 comment)

Support (1): Consideration should be given to allow a bonus retention of the eastern softshell clam similar to Atlantic salmon or other unwanted species.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

5. Clarify lawful gear for intertidal harvest of geoduck

Type of Rule Change Proposal

Recreational

Short Description

This proposal clarifies that the use of a cylindrical can or tube is lawful gear for the harvest of geoduck and describes a lawful maximum diameter.

Explanation

The harvest of intertidal geoduck is commonly conducted with the assistance of a tube or cylinder to temporarily prevent clam-digging holes from caving in. There is not currently a conservation concern with this practice as long as holes are filled in after use. This rule seeks to

clarify that this is a lawful gear type, to define the gear, and to define a maximum permissible diameter for tubes or cylinders as 24”.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

6. Define a caliper measurement

Type of Rule Change Proposal

Recreational

Short Description

Clarifies regulations regarding the definition of a caliper measurement as a linear measurement when both points of a movable caliper are touching the shell of the shellfish. A fixed caliper gauge is the linear distance between points of the caliper gauge or the diameter of a circular gauge.

Explanation

Currently the definition of a caliper measurement, originally referred to in 220-330-050 and in the proposed consolidated 220-330-010, is undefined.

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

7. Define lawful pot escapement component fibers

Type of Rule Change Proposal

Recreational

Short Description

This rule proposal clarifies regulations regarding the definition of lawful fibers which can be used in attaching pot escapement components to shellfish pots.

Explanation

Currently, WAC 220-330-020 describes lawful attachment of pot lid or pot side serving as pot lid as consisting of "...100 percent cotton or *other natural fiber twine*..." This clarification seeks to define *other* acceptable fiber types for attachment of escapement component to pots as hemp, jute, or sisal (in addition to 100% cotton) twine. Research conducted by the Northwest Straits Initiative and WDFW has indicated that these "other" fiber types exhibit degradation time similar to 100% cotton twine, sufficient to allow for expedient de-activation of derelict pot gear (Redekopp et al. 2006).

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Modifications:

Staff Recommendation:

Adopt as presented:

Commission Action:

8. Technical changes

Type of Rule Change Proposal

Conservation

Short Description

Proposals correct Washington Administrative Code language to reflect rule adoptions made by the Commission (technical changes). Formats and streamlines the language, removes redundant language, reorganizes chapter to improve structure.

Explanation

This proposal is a technical fix to streamline the information by reducing redundant language in multiple WACs. See Proposals Table.

Number	Issue	Details
1	Eliminate redundant language	Eliminate redundant language in WAC 220-330 individual section titles.
2	Re-organize WAC 220-330-010	Consolidate all shellfish daily limits, size restrictions, and non-gear-related unlawful acts provisions to WAC 220-330-010. Rename section Shellfish—Daily limits, size restrictions, and unlawful acts. Delete redundant language. Alphabetize section by taxa. Identify each relevant WDFW Marine Area for clarification. Update formatting for consistency. Preserve all relevant RCW references.
3	Shellfish daily limits--consolidate	Consolidate all shellfish daily limits into WAC 220-330-010, including from 220-330-180 and 220-320-060 (5) (relic shells). Add clarifying language in several subsections.
4	Shellfish minimum size limits—consolidate and clarify.	Consolidate all shellfish minimum size limits into re-organized 220-330-010, including from 220-330-050. Clarify that there is no minimum size for all relevant species. Add clarifying language in several subsections.
5	Shellfish unlawful acts—consolidate.	Consolidate all non-gear-related unlawful acts into re-organized 220-330-010, including from 220-330-050, -080, -090, -120, and -180. Add clarifying language in several subsections.
6	Add relevant WAC cross-reference for crawfish	Add a cross-reference to existing rules (Chapter 220-640 WAC) regarding take and possession of non-native (invasive) crawfish species, which is applicable to personal use fisheries.
7	Re-organize WAC 220-330-020	Consolidate all personal pot fishery shellfish gear and gear-related unlawful act provisions to WAC 220-330-020, including from 220-330-030, -060, and -100. Rename section Crab, shrimp, crawfish—Gear and gear-related unlawful acts. Re-write general pot rules for simplicity and add clarifying language in several subsections. Eliminate redundant language. Re-organize by fishery. Preserve all relevant RCW references.
8	Re-organize WAC 220-330-090	Consolidate areas and seasons for crawfish, sea urchins, sea cucumbers, goose barnacles, scallops, squid, and octopus into one WAC. Rename section Crawfish, sea urchins, sea cucumbers, goose barnacles, scallops, squid, octopus—Areas and seasons. Add language to clarify existing areas and seasons.

9	Re-organize WAC 220-330-120	Consolidate all non-pot fishery gear and gear-related unlawful acts for clams, oysters, mussels, scallops, sea urchins, sea cucumbers, squid, and octopus, including from WAC 220-330-090, -120, -130, and -180. Re-organize by fishery. Add clarifying language in several subsections. Preserve all relevant RCW references.
10	Add coordinates	Add coordinates to geographical references in WACs 220-330-040, 220-330-090, 220-330-100. Correct one incorrect coordinate in 220-330-180 (c)-(v). Make all coordinate formatting consistent throughout WAC chapter. Clarifying language is proposed for several geographical references in the chapter.
11	Updating language referencing exemption	Updating WAC references describing exemption in WAC 220-330-150 to reflect the consolidation and re-organization being proposed for this chapter and reference the correct WACs.
12	Clarifying language pertaining to possession of cleaned crab in the field	WAC 220-320-060: Editing language to clarify that it is lawful to clean crab in the field, as long as the back shell is retained. Existing language prohibits cleaning of crab in the field.
13	Remove redundant reference to Hood Canal shrimp gear salvage permit	WAC 220-330-100: Language is outdated. Gear salvage program is outlined in RCW 77.12.870.
14	Correct RCW references and violation clauses	Correct several incorrect RCW references and violation clauses, including in WAC 220-330-040, -100, -120- and 130.
15	Eliminate now redundant sections	Repeal WAC sections that are now redundant after consolidation, including 220-330-030, -050, -060, -080, -100, -130, -180.

Written Testimony (2 comments)

Support (0):

Oppose (1): The commenter would like there to be one definition for Possession limit for both finfish and shellfish; would like to preserve status quo in defining relic shell or remove burden of proof in defining relic shell as one resulting from natural death of the shellfish; and would like language in 220-320-060(2) to clarify that it is unlawful to retain softshell crab for *any* purpose.

General (0):

Public Hearing (0 comments)

Modifications: There is one proposed modification to language changes to shellfish WAC 220-330-150 referencing exemption for take of shellfish for personal use by private tideland owners,

from private tidelands (clerical change). The proposed modification would use language that further improves clarity and consistency with relevant RCW (77.12.047) and does not alter current regulation. Specifically, the proposed modification rewrites subsection (1), using language from RCW 77.12.047 for improved clarity, and strikes subsection (2), which is redundant. References to “cockles and borers” are also stricken, as cockles and borers are already defined as clams by WAC 220-320-010:

WAC 220-330-150 Oysters and clams on private tidelands—Personal use.

~~(1) ((WAC 220-330-120 through 220-330-140 shall)) Clam (other than razor clam) and oyster provisions of this chapter do not apply to private tideland owners or lessees of state tidelands or immediate family members taking or possessing oysters, clams, ((cockles, borers)) and mussels for personal use from their own tidelands or leased state tidelands.~~

(1) Provisions of this chapter do not apply where oysters, clams (excluding razor clams), or mussels, are taken or possessed for personal use only, by private tideland owners and lessees and immediate family members of the owners or lessees of state tidelands, from their own private tidelands.

~~(2) This section ((shall)) does not apply to razor clams.~~

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-330-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-14-069, § 220-56-382, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-382, filed 3/31/93, effective 5/1/93; WSR 86-09-020 (Order 86-08), § 220-56-382, filed 4/9/86; WSR 80-13-064 (Order 80-123), § 220-56-382, filed 9/17/80.]

Additionally, WACs pertaining to oyster and clam seasons have been withdrawn from this process due to timing conflict with the current annual season-setting process. Clerical change proposals to those WACs (220-330-110 and 220-330-140) will be included in the current season-setting process and will remain unchanged from the proposal presented at the October 17, 2019 Fish and Wildlife Commission meeting. These clerical changes do not alter existing regulation.

Staff Recommendation:
Adopt as presented:
Commission Action:



PROPOSED RULE MAKING

CR-102 (October 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 03, 2019

TIME: 1:42 PM

WSR 19-18-070

Agency: Washington Department of Fish and Wildlife (WDFW)

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 19-13-051 June 13, 2019 ; 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); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject)

The department is considering amendments to shellfish, marine fish, and forage fish recreational fishing rules.

- 220-315-010 Forage Fish-Lawful gear
- 220-315-030 Smelt-Areas and seasons
- 220-310-160 Daily limits forage fish and other food fish not otherwise provided for
- 220-330-010 Shellfish—Daily limits.
- 220-330-020 Personal-use shellfish gear—Unlawful acts.
- 220-330-040 Crab—Areas and seasons—Personal use.
- 220-330-070 Shrimp—Areas and seasons.
- 220-330-090 Crawfish, sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal-use fishery.
- 220-330-110 Clams other than razor clams, and mussels—Areas and seasons.
- 220-330-120 Clams, oysters, mussels—Unlawful acts.
- 220-330-140 Oysters—Areas and seasons.
- 220-330-150 Oysters and clams on private tidelands—Personal use.
- 220-320-060 General provisions—Shellfish.
- 220-314-020 Possession limits-Bottomfish.
- 220-314-030 Halibut – Seasons-daily and possession limits.
- 220-314-040 Lingcod – Areas and seasons.

- Repeals
- 220-330-030 Personal-use crab pot gear requirements.
 - 220-330-050 Crab—Unlawful acts—Personal use.
 - 220-330-060 Personal-use shrimp pot gear requirements.
 - 220-330-080 Shrimp containers.
 - 220-330-100 Personal-use crab, shrimp, crawfish—Unlawful acts.
 - 220-330-130 Oysters and scallops—Gear.
 - 220-330-180 Squid, octopus.
 - 220-300-300 Geographical definitions—District 1.
 - 220-300-310 Geographical definitions—District 2.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 18-19, 2019	8:00 am	Natural Resource Building, 1111 Washington St. SE, Olympia, WA 98501	

Date of intended adoption: October 20, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: WDFW Rules Coordinator

Address: PO Box 43152 Olympia, WA 98501

Email: Rules.Coordinator@dfw.wa.gov

Fax: 360-902-2155

Other:

By (date) October 17, 2019

Assistance for persons with disabilities:

Contact WDFW ADA Manager

Phone: 360-902-2349

Fax:

TTY: 360-902-2207

Email: adaprogram@dfw.wa.gov

Other:

By (date) October 17, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department makes adjustments to recreational fishing rules to maximize conservation and recreational-fishing opportunity. This proposal includes changes to shellfish, marine fish and forage fish recreational fishing regulations, focusing on clarification and simplification.

Reasons supporting proposal: The changes in this proposal are needed to make necessary adjustments to recreational fishing/shellfishing rules based on department data, public feedback, and the desire of the department to reduce complexity of the sport rules as reflected in the annual pamphlet. 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: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute being implemented: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, 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:

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

Name of proponent: (person or organization)

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kelly Henderson	1111 Washington Street, Olympia, WA 98501	360-902-2684
Implementation:	Dayv Lowry	1111 Washington Street, Olympia, WA 98501	360-902-2558
	Bob Sizemore	1111 Washington Street, Olympia, WA 98501	360-902-2200
	Phil Dionne	1111 Washington Street, Olympia, WA 98501	360-902-2641
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	360-902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

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:

TTY:

Email:

Other:

No: Please explain: The proposed rule does not affect hydraulics

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: The department is exempt from the requirements of RCW chapter 19.85 because the proposed recreational fishing rules do not regulate small businesses; rather, the department's proposed fishing rules regulate individuals who undertake recreational fishing activities. The statewide recreational rules that are the subject of this rule making simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

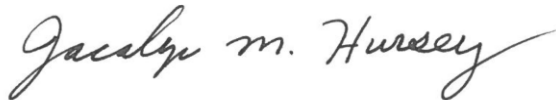
Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Other:

Date: September 3, 2019

Name: Jacalyn M Hursey

Title: Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-330-010 Shellfish—Daily limits, size restrictions, and unlawful acts. 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))~~ of shellfish in any one day for personal use, or take or possess shellfish that measure less than the caliper measurement described in this section. Caliper measurement is defined as a linear measurement when both points of a movable caliper are touching the shell of the shellfish. A fixed caliper gauge is the linear distance between points of the caliper gauge or the diameter of a circular gauge.

(1) Clams:

(a) Clams (not including razor clams, geoduck clams and horse clams(~~(τ)~~)):

(i) Daily limit is 40 clams total, or 10 pounds, whichever is achieved first.

~~((2) Razor clams: 15 clams.~~

~~(3) Geoduck clams: 3 clams.~~

~~(4) Horse clams: 7 clams.~~

~~(5) Oysters: 18 oysters. 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))~~ (ii) Minimum size for Manila, native littleneck, butter clams, and cockles is 1 1/2 inches across the widest dimension of the shell.

(b) Geoduck clams:

(i) Daily limit is first 3 clams dug, regardless of size or condition. Broken clams count towards daily limit. No minimum size limit.

(ii) It is 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.

(c)(i) Horse clams:

(ii) Daily limit is first 7 clams dug, regardless of size or condition. Broken clams count towards daily limit. No minimum size limit.

(d)(i) Razor clams:

(ii) Daily limit is 15 clams. No minimum size limit.

(e) It is unlawful for any person digging clams (other than razor clam) for personal use to fail to refill holes created during the digging operation. Beach terrain must be returned to its original condition by the clam diggers before leaving immediate site of harvest. Violation of provisions of this subsection is an infraction punishable under RCW 77.15.160.

(f) Relic shells: No license or permit is required to take or possess up to 5 pounds of relic shells per day. It is unlawful to take or possess more than 5 pounds of relic shells from public tidelands without first obtaining a scientific collection permit.

Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from public tidelands.

(2) Crab:

(a) General provisions:

(i) All crab measurements must be made at the widest part of the shell (carapace) immediately in front of the points (tips) on the carapace.

(ii) It is unlawful to possess in the field any crab or crab parts without also retaining the back shell of each crab.

(iii) It is unlawful for any person to take or possess any female Dungeness crab.

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

(b) Dungeness crab:

(i)(A) In Area 1 (except when fishing from the north jetty of the Columbia River), Areas 2, 3, and 4 west of the Bonilla-Tatoosh line (Coastal waters): Daily limit is 6 male crab.

(B) Minimum size limit is 6 inches.

(ii)(A) 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: Daily limit is 12 male crab.

(B) Minimum size limit is 5 3/4 inches.

(iii)(A) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8, 9, 10, 11, 12, and 13 (Puget Sound): Daily limit is 5 male crab.

(B) Minimum size limit is 6 1/4 inches.

(c) **Red rock crab:**

(i) Daily limit is 6 crab. Either sex may be retained.

(ii) Minimum size limit is 5 inches.

(d) **King and box crab:** Closed in all waters.

(e) **Tanner crab:**

(i) Daily limit is 6 crab.

(ii) Minimum size limit is 4 1/2 inches. Either sex may be retained.

(3) **Crawfish:**

(a) Daily limit is 10 pounds, whole crawfish in the shell.

(b) Minimum size limit 3 1/4 inches from tip of rostrum to tip of tail.

(c) Female crawfish with eggs or young attached to the abdomen must be released immediately.

(d) Take or possession of crawfish must also comply with provisions of chapter 220-640 WAC.

(4) **Goose barnacles:** Daily limit is 10 pounds of whole barnacles in the shell or 5 pounds of barnacle stalks. No minimum size limit.

(5) **Mussels:** Daily limit is 10 pounds in the shell, all species in the aggregate. No minimum size limit.

(6) **Octopus:** Daily limit is one octopus. No minimum size limit.

(7) **Oysters:**

(a) Daily limit is 18 oysters.

(b) Minimum size limit before shucking is 2 1/2 inches along the widest dimension of the shell. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(c) 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 original was taken. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(8) **Scallops:**

(a) **Rock scallops:**

(i) Daily limit is 6 scallops.

(ii) Minimum size limit is 4 inches. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) **Pink and spiny scallops:**

(i) Combined daily limit is 40 scallops in the shell.

(ii) Minimum size limit is 2 inches. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(c) **Weathervane scallops:**

(i) Daily limits is 12 scallops.

(ii) Minimum size limit is 4 inches.

(9) **California sea cucumbers:** Daily limit is 18 sea cucumbers. No minimum size limit.

(10) **Sea urchins:**

(a) **Red sea urchins:**

(i) Daily limit is 18 red sea urchins.

(ii) Minimum size limit 3 1/4 inch shell diameter exclusive of the spines. Maximum size limit is 5 inch shell diameter exclusive of the spines. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) **Purple sea urchins:**

(i) Daily limit is 18 purple sea urchins.

(ii) Minimum size limit is 2 1/4 inch shell diameter exclusive of the spines.

(c) **Green sea urchins:**

(i) Daily limit is 18 green sea urchins.

(ii) Minimum size limit is 2 1/4 inch shell diameter exclusive of the spines.

(11) Shrimp:

(a) In Areas 1 (~~(through)~~), 2, and 3 and Area 4 west of the Bonilla-Tatoosh line: Daily total weight limit is 25 pounds, maximum of 200 spot shrimp as part of the 25-pound limit.

(b)(i) In Area 4 east of the Bonilla-Tatoosh line and Areas 5 (~~(through)~~), 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13: First Saturday in May through May 31, daily limit is 80 shrimp; during all other open periods daily total weight limit is 10 pounds (whole shrimp) all species combined, maximum of 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)).~~

(ii) Shrimp heads may be removed, but after May 31 must be retained in the field until ashore and finished fishing for the day.

(c) Ghost and mud shrimp: Daily limit is 120 shrimp.

(12) Squid:

(a) Humboldt squid: 1 squid. No minimum size limit.

(b) All other species of squid: Daily limit is 10 pounds or 5

quarts of squid. No minimum size limit.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-310, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-19-007 (Order 13-221), § 220-56-310, filed 9/5/13, effective 10/6/13. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-310, filed 3/19/10, effective 5/1/10; WSR 08-07-003, § 220-56-310, filed 3/5/08, effective 4/5/08; WSR 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; WSR 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; WSR 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; WSR 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; WSR 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; WSR 99-08-029

(Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; WSR 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; WSR 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; WSR 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; WSR 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; WSR 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; WSR 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; WSR 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; WSR 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; WSR 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; WSR 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; WSR 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; WSR 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; WSR 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

Crab, shrimp, crawfish—Gear and gear-related 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.~~

~~(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.)~~

General gear requirements

(1) It is unlawful to take, fish for, or possess crab, shrimp, and crawfish except by hand or with hand dip nets, ring nets, shellfish pots, or any hand-operated, nonmechanized instrument. It is unlawful to harvest shellfish in any manner that penetrates the shell.

(2) It is unlawful to set, fish, or pull more than 2 units of gear per person per day, 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, 77.15.380, or 77.15.370, depending on the circumstances of the violation.

(a) In Area 4 east of the Bonilla-Tatoosh line and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13 (Puget Sound), it is unlawful to set, fish, or pull more than 2 units of crab gear and 2 additional units of shrimp gear per person per day.

(b) In Areas 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 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 to violate the following provisions regarding unattended shellfish gear:

(a)(i) Unattended shellfish gear must be marked with a buoy that permanently, visibly, and legibly lists the first and last name and permanent mailing address of the owner.

(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.

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

(4) It is unlawful to have more than one unit of unattended gear attached to a buoy line and buoy, or to fail to have a separate buoy for each unit of 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.

(5) 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 77.15.180 Unlawful interference with fishing or hunting gear—Penalty.

(6) 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, hemp, jute, or

sisal no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than 3 inches by 5 inches which is laced or sewn closed with untreated, 100 percent cotton twine, hemp, jute, or sisal 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, hemp, jute, or sisal no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(d) Use of gear in violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times. Use of gear in violation of this subsection is an infraction, punishable under RCW 77.15.160.

(8) Gear setting and retrieval:

(a) It is unlawful to fish, or place or retrieve gear outside of open days and hours.

(b) It is unlawful to fail to remove gear prior to the closure of a fishery.

(c) It is unlawful to fail to remove gear from the water within one hour after sunset if fishing is not allowed on the next calendar day.

(d) In waters that are open continuously, shellfish gear may be left in the water overnight, but may not be set or pulled from a vessel from one hour after official sunset to one hour before official sunrise in Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(9) Crab pot gear requirements:

(a) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) It is unlawful to fish for crab using shellfish pot gear greater than 13 cubic feet in volume.

(c) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless the gear is equipped with 2 or more escape rings located in the upper

half of the pot and escape rings are 4 1/4 inches inside diameter or larger, except in the Columbia River where escape ring minimum size is 4 inches inside diameter.

(d) It is unlawful to use mesh size smaller than 1 1/2 inches for crab pots.

(e) Unless otherwise designated, a violation of this subsection is a violation of RCW 77.15.382. Possession of crab while using gear in violation of the provisions of this section is a rebuttable presumption that the crab were taken with such gear.

(10) Shrimp pot gear requirements:

(a) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

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

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

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

(iii) Shrimp pot minimum mesh size:

(A) Year-round, Marine Areas 1, 2, 3, and 4 west of the Bonilla-Tatoosh line and shoreward of 20 fathoms, the minimum mesh size for shrimp pots is 1/2 inch. Seaward of 20 fathoms, the minimum mesh size for shrimp pots is 1 inch.

(B) May 1 through October 15, Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 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.

(C) Half-inch mesh is defined as mesh that a 3/8 inch square peg will pass through each mesh opening; flexible (web) mesh pots must have mesh size openings that are a minimum of 1 1/8 inch stretch measure.

(D) One inch mesh is defined as a mesh that a 7/8 inch square peg will pass through each mesh opening; flexible (web) mesh pots must have mesh size openings that are a minimum of 1 3/4 inch stretch measure.

(iv) Entrance tunnels to shrimp pots may be constructed of any size mesh material. All entrance tunnels must open into the pot from

the side. The sum of the maximum widths of all entrance tunnel openings must not exceed half of the perimeter of the bottom of the pot.

(v) Unless otherwise designated, a violation of this subsection is a violation of RCW 77.15.382. Possession of shrimp while using gear in violation of the provisions of this section is a rebuttable presumption that the shrimp were taken with such gear.

(c) In the field, it is unlawful for each person harvesting shrimp to fail to use a separate container to hold their catch and the container must be in the harvester's presence or identified with the harvester's name. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(d) It is unlawful to dig for or possess ghost or mud shrimp taken by any method except hand operated, nonmechanized suction devices or dug by hand.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-56-320, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.12.047. WSR 08-07-003, § 220-56-320, filed

3/5/08, effective 4/5/08; WSR 06-09-021 (Order 06-67), § 220-56-320, filed 4/11/06, effective 5/12/06; WSR 06-05-085 (Order 06-23), § 220-56-320, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-320, filed 2/10/05, effective 5/1/05; WSR 03-05-057 (Order 03-24), § 220-56-320, filed 2/14/03, effective 5/1/03; WSR 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; WSR 94-14-069, § 220-56-320, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; WSR 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; WSR 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; WSR 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; WSR 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; WSR 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; WSR 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; WSR 80-

03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80.

Formerly WAC 220-56-088.]

AMENDATORY SECTION (Amending WSR 18-22-010, filed 10/25/18, effective 11/25/18)

WAC 220-330-040 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 (48° 43.038'N, 122° 43.127'W), through the navigation buoy just east of Matia Island (48° 44.610'N, 122° 48.961'W), thence to the buoy at Clements Reef (48° 46.659'N, 122° 53.481'W), thence to the easternmost point of Patos Island (48° 47.123'N, 122° 56.441'W), thence running along the northern shore of Patos Island to the westernmost point of Patos Island (48° 47.355'N, 122° 58.308'W), thence true west to the international boundary and south of a line that extends south-

southwest from Point Francis on Portage Island (48° 41.627'N, 122° 37.013'W), through the marker just north of Inati Bay on Lummi Island (48° 40.467'N, 122° 37.234'W) to Lummi Island (48° 40.331'N, 122° 37.262'W): 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 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))~~) (48° 43.038'N, 122° 43.127'W), through the navigation buoy just east of Matia Island (48° 44.610'N, 122° 48.961'W), thence to the buoy at Clements Reef (48° 46.659'N, 122° 53.481'W), thence to the easternmost point of Patos Island (48° 47.123'N, 122° 56.441'W), thence running along the northern shore of Patos Island to the westernmost point of Patos Island (48° 47.355'N, 122° 58.308'W), thence true west to the international boundary and south of a line that extends south-southwest from Point Francis on Portage Island (48° 41.627'N, 122°

37.013'W), through the marker just north of Inati Bay on Lummi Island
(48° 40.467'N, 122° 37.234'W) to Lummi Island (48° 40.331'N, 122°
37.262'W): 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, except that it is lawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Area 2-1 (Willapa Bay) from November 15 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 year-round 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.))~~

[Statutory Authority: RCW 77.040.020 [77.04.020], 77.12.045, and 77.12.047. WSR 18-22-010 (Order 18-305), § 220-330-040, filed 10/25/18, effective 11/25/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-330, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-56-330, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.04.012, 77.12.045, and 77.12.047. WSR 11-09-016 (Order 11-29), § 220-56-330, filed 4/11/11, effective 5/12/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-330, filed 3/19/10, effective 5/1/10; WSR 05-12-007 (Order 05-102), § 220-56-330, filed 5/19/05, effective 6/19/05; WSR 05-05-035 (Order 05-15), § 220-56-330, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-330, filed 3/4/04, effective 5/1/04; WSR 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW

75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; WSR 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; WSR 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; WSR 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; WSR 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; WSR 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; WSR 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; WSR 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; WSR 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-330-070 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) 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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-325, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order 07-22), § 220-56-325, filed 2/16/07, effective 3/19/07; WSR 06-05-085 (Order 06-23), § 220-56-325, filed 2/14/06, effective 5/1/06; WSR 05-05-035 (Order 05-15), § 220-56-325, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-325, filed 3/4/04, effective 5/1/04; WSR 03-05-057 (Order 03-24), § 220-56-325, filed 2/14/03, effective 5/1/03; WSR 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; WSR 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW

75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-325, filed 3/19/97, effective 5/1/97; WSR 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; WSR 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; WSR 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; WSR 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; WSR 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; WSR 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

AMENDATORY SECTION (Amending WSR 19-13-013, filed 6/7/19, effective 7/8/19)

WAC 220-330-090 Crawfish, sea urchins, sea cucumbers, goose barnacles, scallops, squid, octopus—~~Areas and seasons~~~~((, personal-use fishery))~~. (1) It is unlawful to fish for personal use for crawfish, sea urchins, sea cucumbers, goose barnacles, and scallops except in the following areas and seasons:

(a) **Crawfish:** ~~((The open season for crawfish is))~~ Open in all waters from the first Monday in May through October 31.

~~((2) 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.~~

~~(3) 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.~~

~~(4) Goose barnacles: It is lawful to take goose barnacles for personal use the entire year.)~~

(b) **Sea cucumbers and sea urchins:** Open year-round in all waters, except that it is unlawful to take sea cucumbers and sea urchins in Area 12 and in the following closed areas:

(i) Those waters of San Juan Channel and Upright Channel within the following lines: North and west of a line from the northernmost point of Turn Island on San Juan Island (48° 32.146'N, 122° 58.279'W) to Flat Point on Lopez Island (48° 33.060'N, 122° 55.181'W) and thence projected from Flat Point true west to Shaw Island (48° 33.062'N, 122° 56.509'W) north of a line projected from the northernmost point of Turn Island (48° 32.146'N, 122° 58.279'W) true west to San Juan Island (48° 32.146'N, 122° 59.033'W) west of a line from Neck Point on Shaw Island (48° 35.233'N, 123° 0.744'W) to Steep Point on Orcas Island

(48° 36.559'N, 123° 1.387'W) and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48° 37.348'N, 123° 6.450'W).

(ii) Those waters of Haro Strait north of a line projected true west from the southernmost point of Cattle Point on San Juan Island (48° 27.006'N, 122° 57.818'W) to the international border and south of a line projected true west from a point one-quarter mile north of Lime Kiln Light on San Juan Island (48° 31.202'N, 123° 9.162'W) to the international border.

(iii) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

(iv) Those waters within one-quarter mile of Tatoosh Island.

(v) Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of a line projected true north from the shoreline at 123° 48.3'W longitude to the international border, and east of a line projected true north from the shoreline at 123° 52.7'W longitude to the international border at 123° 52.7'W longitude.

(vi) Those waters of Eagle Harbor west of a line projected from Wing Point (47° 37.241'N, 122° 29.535'W) to Eagle Harbor Creosote

Light Number 1 (47° 36.975'N, 122° 29.792'W), then projected true west to the shore on Bainbridge Island (47° 36.975'N, 122° 29.977'W).

(vii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner (47° 33.886'N, 122° 37.397'W) to landfall directly below the Veteran's Home in Annapolis (47° 32.868'N, 122° 36.973'W).

(viii) All waters of Hale Passage and Wollochet Bay within the following lines: West of a line projected true south from the shoreline near Point Fosdick (47° 14'N, 122° 35'W), and thence projected true west to the shoreline of Fox Island (47° 14'N, 122° 35.368'W) and east of a line projected true south from the shoreline near Green Point (47° 16.5'N, 122° 41'W), and thence projected true east to the shoreline of Fox Island (47° 16.5'N, 122° 40.145'W).

(c) **Goose barnacles:**

(i) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13 (Puget Sound), open year-round.

(ii) In Areas 1, 2, and 3 and Area 4 west of the Bonilla-Tatoosh line (outside of Olympic National Park), open November 1 through March 31 only.

(d) **Scallops:** Open in all waters year-round.

(e) **Squid:** Open in all waters year-round.

(f) **Octopus:** Open year-round in all waters, except that is unlawful to take octopus in Area 12 and from the following closed areas:

(i) **Redondo Beach.** Redondo Beach is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 20.927'N, 122° 19.462'W; then northwesterly to 47° 20.947'N, 122° 19.513'W; then to 47° 20.955'N, 122° 19.564'W; then northeasterly to 47° 21.039'N, 122° 19.496'W; then returning to shore at 47° 21.011'N, 122° 19.42'W.

(ii) **Three Tree Point.** Three Tree Point is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 27.108'N, 122° 22.811'W; then northwesterly to 47° 27.255'N, 122° 22.948'W; then northeasterly to 47° 27.425'N, 122° 22.617'W; then returning to shore at 47° 27.278'N, 122° 22.461'W.

(iii) **Alki Beach Seacrest Coves 1, 2, and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 35.216'N, 122° 22.622'W; then northeasterly and offshore to 47° 35.268'N, 122° 22.560'W; then northwesterly to 47° 35.492'N, 122° 23.87'W; then returning to shore at 47° 35.480'N, 122° 23.905'W. 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.

(iv) **Les Davis.** Les Davis is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 17.086'N, 122° 29.120'W; the northeasterly to 47° 17.176'N, 122° 29.016'W; then southeasterly to 47° 17.115'N, 122° 28.902'W; then returning to shore at 47° 17.025'N, 122° 29.003'W.

(v) **Alki Beach Junk Yard.** Alki Beach Junk Yard is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 34.677'N, 122° 24.953'W; then northwesterly to 47° 34.834'N, 122° 25.054'W; then northeasterly to 47° 34.946'N, 122° 24.678'W; then returning to shore at 47° 34.789'N, 122° 24.575'W.

(vi) **Days Island.** Days Island is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 14.125'N, 122° 33.819'W; then west to 47° 14.126'N, 122° 34.024'W; then north to 47° 14.696'N, 122° 34.013'W; then returning to shore at 47° 14.696'N, 122° 34.679'W.

(vii) **Deception Pass.** Deception Pass is defined as the waters, bedlands, and tidelands east of a line starting at 48° 24.134'N, 122° 39.801'W; and north to 48° 25.169'N, 122° 40.343'W; then east to 48° 25.269'N, 122° 40.161'W; proceeding to 48° 24.925'N, 122° 39.845'W;

and west of a line starting at 48° 24.492'N, 122° 36.904'W; and north to 48° 24.815'N, 122° 36.912'W.

(2) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. 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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 19-13-013 (Order 18-120), § 220-330-090, filed 6/7/19, effective 7/8/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-336, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-336, filed 3/19/97, effective 5/1/97.]

AMENDATORY SECTION (Amending WSR 17-18-004, filed 8/24/17, effective 9/24/17)

WAC 220-330-120 Clams, oysters, mussels, scallops, sea urchins,

sea cucumbers, squid, octopus—Gear and gear-related unlawful acts.

~~((1))~~ It is unlawful to take, dig for ~~((and))~~, fish for, or possess clams ~~((excluding razor clams), cockles, and mussels taken for personal use except))~~, oysters, mussels, scallops, sea urchins, sea cucumbers, squid, or octopus for personal use, except using gear outlined in the following subsections:

(1) Clams (excluding razor clams and geoducks): 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))~~

(2) Razor clams: 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.~~

~~(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.~~

~~(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) 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.~~

~~(10) 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.~~

~~(11) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.)~~

(3) Geoducks:

(a) By hand or with nonmechanized hand-operated forks, picks, mattocks, rakes, and shovels and a cylindrical can or tube not exceeding 24 inches in diameter may be used to dig geoduck.

(b) It is 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 its original condition by the clam diggers immediately after harvest.

(4) It is unlawful to return any 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 their daily limit.

(5) **Oysters and scallops:** By hand or with the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process.

(6) **Sea cucumbers:** By hand or hand-operated, nonmechanized instrument which does not penetrate the animal.

(7) **Sea urchins:** By hand or hand-operated, nonmechanized instrument which does not penetrate the shell.

(8) In the field each harvester, including holders of razor clam disability permits, must have their daily limit in a separate container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(9) **Squid:** 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.

(10) **Octopus:** Octopus may be taken by hand, only except that one octopus per person per day may be retained when caught incidentally using shellfish pot gear during a lawful shellfish pot fishery. Shellfish pots may not be used to capture octopus outside of a lawful shellfish pot fishery. It is unlawful to take octopus using chemical irritants or by any instrument which will penetrate or mutilate the body, except that it is permissible to retain octopus taken while angling with hook and line gear during a lawful hook and line fishery.

(11) A violation of this subsection is punishable under RCW 77.15.160, 77.15.380, or 77.15.370, depending on the circumstances of the violation. 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.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 17-18-004 (Order 17-214), § 220-330-120,

filed 8/24/17, effective 9/24/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-330-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 17-01-085 (Order 16-322), § 220-56-355, filed 12/16/16, effective 1/16/17. Statutory Authority: RCW 77.12.047. WSR 02-17-019 (Order 02-193), § 220-56-355, filed 8/9/02, effective 9/9/02; WSR 02-08-048 (Order 02-53), § 220-56-355, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-355, filed 3/19/97, effective 5/1/97; WSR 89-07-060 (Order 89-12), § 220-56-355, filed 3/16/89; WSR 88-10-013 (Order 88-15), § 220-56-355, filed 4/26/88; WSR 80-03-064 (Order 80-12), § 220-56-355, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-330-150 Oysters and clams on private tidelands—Personal use. (1) (~~(WAC 220-330-120 through 220-330-140 shall)~~) Clam (other than razor clam) and oyster provisions of this chapter do not apply to private tideland owners or lessees of state tidelands or immediate

~~family members taking or possessing oysters, clams, ((cockles, borers)) and mussels for personal use from their own tidelands or leased state tidelands.~~

(1) Provisions of this chapter do not apply where oysters, clams (excluding razor clams), or mussels, are taken or possessed for personal use only, by private tideland owners and lessees and immediate family members of the owners or lessees of state tidelands, from their own private tidelands.

~~_(2) This section ((shall)) does not apply to razor clams.~~

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-330-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-14-069, § 220-56-382, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-382, filed 3/31/93, effective 5/1/93; WSR 86-09-020 (Order 86-08), § 220-56-382, filed 4/9/86; WSR 80-13-064 (Order 80-123), § 220-56-382, filed 9/17/80.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-330-030

Personal-use crab pot gear requirements.

WAC 220-330-050	Crab—Unlawful acts—Personal use.
WAC 220-330-060	Personal-use shrimp pot gear requirements.
WAC 220-330-080	Shrimp containers.
WAC 220-330-100	Personal-use crab, shrimp, crawfish—Unlawful acts.
WAC 220-330-130	Oysters and scallops—Gear.
WAC 220-330-180	Squid, octopus.