

Puget Sound State Commercial Crab Packet



2021-2022 Season

2021-22 Puget Sound Commercial Crab Packet

Summary of Contents

<u>Item</u>	<u>Page</u>
2021 Letter to Commercial Crab Harvesters and Dealers	3
Harvester Information	4
Dealer Information	12
Emergency Regulations <i>to start season</i>	15
Areas Open with Pot Limit Restrictions	26
Areas Closed to Commercial Crabbing	29
Commercial Crab Quick Reporting Form (Dealers)	38
Permanent Regulations	39



State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N Olympia, WA 98501-1091 (360) 902-2222, TDD (360) 902-2207
Main Office Location: Natural Resources Building 1111 Washington Street SE Olympia, WA

October 6, 2021

Dear Puget Sound Commercial Crab Fishers and Dealers:

This letter is to inform you of regulation changes for the 2021-22 commercial Dungeness crab season, which begins October 7, 2021 at 8:00 a.m. It is your responsibility as a Puget Sound Dungeness Crab license owner or wholesale dealer to communicate this important information to the alternate operators and buyers who work for you.

The current permanent fishing rules and provisions and the emergency (temporary) rules are included in this season's commercial packet. The emergency rules replace specific sections of the permanent rules. Both permanent and emergency rules must be read together for a complete understanding of the 2021-22 season regulations. For example, if the permanent rules indicate an area opens on October 1 and the emergency rules list October 7 as the opening date, the area will open on October 7.

Please review the regulatory provisions and the following information carefully before fishing and feel free to contact an agency employee at the contacts listed below if you have questions.

Division of Region 3, Subarea 3-3 into Subareas 3-3 and 3-4

For the 2021-2022 season, Crab Management Region 3, subarea 3-3 has been divided into two new Crab Management Region subareas, 3-3 and 3-4. This subdivision of Crab Management Region 3, subarea 3-3 has been made to accommodate tribal harvest by the Makah. The split between subareas 3-3 and 3-4 has been achieved by creating two subareas (23C East and 23C West) of Marine Fish/Shellfish Catch Reporting Area 23C that must be designated on Fish Receiving Tickets in the field for recording MSFS catch area. A full description of the new Crab Management Region 3 subareas and their constituent MSFS Catch Reporting Areas and subareas are below.

Crab Management Region 3, Subarea 3-3 is comprised of the following MSFS Catch Reporting Areas and subareas:

Subarea 23C-East: Those waters of Puget Sound westerly of a line due north from the Ediz Hook light to the international boundary; and easterly of a line projected due north to Low Point.

Crab Management Region 3, Subarea 3-4 is comprised of the following MSFS Catch Reporting Areas and subareas:

Subarea Area 23C-West: Those waters of Puget Sound westerly of a line due north from Low Point to the international boundary; and easterly of a line projected due north from the mouth of the Sekiu River.

MFSF Catch Reporting Area 29: Those waters of the Strait of Juan de Fuca west of a line projected due north from the mouth of the Sekiu River, and east of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, then to the most westerly point of Cape Flattery.

The following harvester regulations will be implemented this season:

Initial crabbing period and regional crab pot limits

The Puget Sound Commercial Crab Fishery will open Thursday, October 7, 2021 at 8:00 a.m.

Effective 8:00 a.m. October 7, 2021, until further notice it is unlawful for any person to fish for crabs for commercial purposes with the number of pots listed below:

- **35 pots** per license per buoy tag number in **Region 1**,
- **35 pots** per license per buoy tag number in **Region 2E**,
- **50 pots** per license per buoy tag number in **Region 2W**,
- **50 pots** per license per buoy tag number in **Region 3, subarea 3-2**,
- **40 pots** per license per buoy tag number in **Region 3, subarea 3-1**,
- **60 pots** per license per buoy tag number in **Region 3, subarea 3-3**, and
- **Region 3, subarea 3-4 will remained closed** to commercial harvest at this time due to not enough quota being available to open.

Portions of Regions 2W and 3-2 will be opening to commercial harvest this season with the following pot limit restrictions in effect (see below).

Region 2 West

Commercial harvest is limited to 20 pots per license in Port Townsend Bay which consists of those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin. Pot limit restrictions will be lifted after December 31, 2021 and will default to the current pot limits for the surrounding area.

Region 3, subarea 3-2

Commercial harvest is limited to 20 pots per license within the Sequim Bay Special Management Area which consists of all waters of Sequim Bay south of a line true west from Travis Spit to the Miller Peninsula.

Commercial harvest is limited to 20 pots per license within the Discovery Bay Special Management Area which consists of all waters of Discovery Bay south of a line from Diamond Point to Cape George.

The remaining buoy tags per license per region must be onboard the designated vessel and available for immediate inspection in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3.

- Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.
- Region 2 West includes 25B, 25D and 26A-West.
- Region 2 East includes 24A, 24B, 24C, 24D, and 26A-East.
- Region 3, subarea 3-1 includes 23A and 23B.
- Region 3, subarea 3-2 includes 23D, 25A and 25E.
- Region 3, subarea 3-3 includes 23C East.
- Region 3, subarea 3-4 consists of 23C West and 29.

Please see the enclosed map of region and catch area boundaries. Any in-season changes to regional pot limits and information about reopening regions for commercial crabbing will be announced on the website at: <http://wdfw.wa.gov/fishing/commercial/crab/pugetsound/>.

Crab Pot Barging

Setting crab pot gear from a vessel not designated on a crab license (“barging”) will be allowed in Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3.

Barging in Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 will be allowed from 8:00 a.m. on October 7, 2021 until 7:59 a.m. on October 9, 2021 provided that the operator or alternate operator designated on the license is on board the non-designated vessel and prior notice is given to WDFW.

The license owner must send an email to crab.report@dfw.wa.gov with the following information:

- License Owner(s)
- License Number(s)
- Primary Operator
- Alt Operator

- Buoy Brand
- Number of Pots
- Name of Barging Vessel
- Barging Vessel Coast Guard ID # or WN #
- Region or Set Location

Non-commercial Areas Remaining Closed

State commercial crab fishing will remain closed in the following areas until further notice (See WAC 220-340-45500Z and enclosed maps, for a complete description of area boundaries):

Dungeness Bay Non-commercial Area:

Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A previously described as “west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant” now described as the Dungeness Bay Special Management Area which include all waters of Dungeness Bay west of the 123° 6.50’ Longitude line originating from the New Dungeness Light (48° 10.90’N, 123° 6.50’W).

Port Angeles Harbor Non-commercial Area:

That portion of Marine Fish/Shellfish Catch Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock (Port Angeles Harbor) will be closed to commercial crab harvest this season based on recommendations from the Clallam County Department of Health and Human Services.

Limited and Non-Commercial Areas Opening for the 2021-2022 Season

Effective 8:00 a.m. October 7, 2021, *all of the following areas will open to State Commercial crab harvest*. See [WSR 21-20-131](#), enclosed maps, or the [Puget Sound Commercial Crab website](#), for a complete description of area boundaries.

Region 1

Limited Commercial Areas

Birch Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point.

Fidalgo Island: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock.

Deer Harbor: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

Commercial Exclusion Areas

Samish Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.

Westcott and Garrison Bays: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

Birch Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

Chuckanut Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island, thence to Chuckanut Rock, thence to the most southerly tip of Clark's Point.

Blind Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

Fisherman Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

Mud Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.

Padilla Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.

Prevost Harbor: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B, which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.

Judd Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

Region 2 East

Limited Commercial Areas

Sandy Point: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 24C shoreward of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.

Glendale Dock: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green #1 buoy at Possession Point to Possession Point, and west of a line from the green #1 buoy at Possession Point extending northward along the 200-foot depth contour to the Glendale dock

Commercial Exclusion Areas

Rocky Point: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ustalady Point, thence to Brown Point on the northeast corner of Ustalady Bay.

Honeymoon Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

Port Gardner: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline, also known as Port Gardner.

Cornet Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

Region 2 West

Limited Commercial Area

Useless Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W).

Region3, Subarea 3-2

Limited Commercial Area

Discovery Bay, South of Tukey point: Those waters of Discovery Bay, Area 25E south of a line from Contractors Point to Tukey Point.

The permanent regulation regarding all other non-commercial and limited-commercial areas not listed above is found in [WAC 220-340-455](#). Tribal exclusive areas in Lummi Bay, Bellingham

Bay, Port Susan, and the Swinomish Special Management Area remain closed by permanent rule.

Maps showing approximate non-commercial and limited-commercial zone boundaries and descriptions of these areas are enclosed for your convenience. Note that the State commercial fishery is closed in areas designated on the maps as “Special Management Areas”. Non-commercial and limited-commercial zone boundaries and descriptions can also be found on the WDFW website at <https://wdfw.wa.gov/fishing/commercial/crab/pugetsound/maps-charts/>.

Buoy Tags

Buoy tags are being issued as a one-year tag. The permanent regulations addressing the use of buoy tags are included with this letter ([WAC 220-340-430](#), [WAC 220-340-440](#)) and the following process will again be used for obtaining replacement tags:

- Additional tags to replace lost tags will only be issued to the owners or operators of Puget Sound commercial crab fishery licenses. There is a \$1.25 charge for each replacement tag. The charge per fisher, for replacement tags needed during the 2021-22 season, will be billed to those fishers when they purchase tags for the 2021-22 season.
- Due to COVID-19 and the closure of WDFW offices to the public, replacement tags can only be obtained **via mail order only** for the entirety of the 2021-22 season. To request replacement tags please submit your request by calling the WDFW Licensing Division at (360) 902-2464 or email Commercial.Sales@dfw.wa.gov.
- Replacement tags cannot be picked up at headquarters, regional offices, or with enforcement this season.

Harvester Area Declaration Requirements

Puget Sound commercial crab license holders, or their designated alternate operators, will now be required to register which Crab Management Area that gear will be deployed in for each license they hold prior to the opening date. Registrations must also be updated when gear moves from one area to another. This declaration process allows managers to determine expected effort in an area prior to a fishery opening and allows effort to be tracked over the season for improved quota management.

Registrations can be made by registering on the WDFW Puget Sound commercial crabbing webpage or sending an email to crab.report@dfw.wa.gov, detailing the following information:

- (a) Vessel Operator Name
- (b) Vessel Name and Vessel Registration Number
- (c) Permit Number(s) to be Fished
- (d) Crab Management Area to be fished
- (e) Gear Deployment Date

Harvester Stored Crab Reporting Requirements

This season, WDFW crab managers will be tracking the amount of crab that has been harvested and is stored off a vessel for sale at a future date. Crabbers will now be required to follow new harvest reporting and catch labelling requirements. Electronic forms will be available on the Puget Sound commercial crabbing website to complete the required reports.

Labelling

All crab removed from a vessel must be stored in containers **labelled** with the following information.

- (a) date of harvest,
- (b) an estimate of pounds of crab contained,
- (c) either the Marine Fish-Shellfish (MFSF) Catch Reporting Area or the Crab Management Region the catch originated from.

If a fisher does not intend to make a sale of stored crab within 36 hours of offloading, the container must also be labelled with the associated commercial fish and shellfish transportation ticket number.

Stored Crab Reporting

Stored Crab Harvest Report

Commercial harvesters of crab Puget Sound must deliver all crab removed from their vessel to a licensed original receiver within 36 hours of harvest or submit a report of crab retained for delivery at a future date to the Department. Reports must be received within 36 hours of harvest. Reports must be made by online on the [Puget Sound commercial crab reporting website](#) or by e-mail at crab.report@dfw.wa.gov and must contain all of the following information:

- (a) harvester name,
- (b) WDFW issued vessel ID,
- (c) Puget Sound commercial license number,
- (d) date of harvest,
- (e) an estimate of pounds of harvest retained by Crab Management Region or Marine Fish-Shellfish Management and Catch Reporting Area, and
- (f) a commercial fish and shellfish transportation ticket number.

Stored Crab Sale Report

The Department is also requiring harvesters to report of the delivery of crab to an original receiver that were previously retained off-vessel by 10:00 a.m. the day following the delivery. The sale of stored crab can be reported online on the [Puget Sound commercial crab reporting website](#) or by e-mail at crab.report@dfw.wa.gov and must contain all of the following information:

- (a) vessel name,
- (b) harvester name,
- (c) Puget Sound commercial license number,
- (d) date of delivery,
- (e) dealer name
- (f) commercial shellfish transportation ticket number(s) delivered, and
- (g) fish receiving ticket number(s) corresponding to landing.

An example scenario: A fisher may have harvested 400 pounds from Region 1 on a single day and they intend to retain the catch for 3 days prior to making a sale. When the crab are removed from the vessel, each container that holds that days catch must be labelled with the date of harvest, number of pounds in the container and the harvest region. Because the crab will be stored for 3 days, a transportation ticket would also be filled out and each container labelled with the transportation ticket associated with that day's catch. Within 36 hours of removing the crab from the vessel, the fisher would also need to report the stored crab associated with that transportation ticket to the Department via the Puget Sound commercial crab reporting website. When the stored crab are finally delivered, the fisher then reports the sale those crab on the Puget Sound commercial crabbing website, providing the transportation ticket number and Fish Receiving Ticket number along with the harvester and dealer information. A single delivery may include catch held from multiple days and require reporting of multiple transportation tickets.

The electronic reporting form for retention and sale of stored crab can be accessed by scanning QR code below.



[Stored Crab Electronic Reporting Form](#)

If you plan to store crab more than 36 hours during the 2021-2022 season and need a book of transportation tickets, please contact Brad Speidel at (253) 263-5560. Please sure to provide your name and complete mailing address.

The following regulations for crab dealers will be implemented this season:

Quick Reports

Effective 8:00 a.m., October 7, 2021, until further notice, it is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab landed by WDFW licensed Puget Sound commercial crab harvesters to fail to report to the department the previous day's purchases by 10:00 a.m. the day following the purchase. Reports must be made by online at the Puget Sound commercial crab reporting website, by fax to (360) 302-3031, or by e-mail at crab.report@dfw.wa.gov. Reports must include all of the following:

- (a) dealer name,
 - (b) dealer license number,
 - (c) dealer phone number,
 - (d) date of delivery of crab to the original receiver, and
 - (e) the total number of pounds of crab caught by non-treaty fishers by Crab Management Region or Marine Fish-Shellfish Management and Catch Reporting Area.
- WDFW crab managers encourage all buyers to make use of the electronic reporting form available on the Puget Sound commercial crabbing website. Easy access to the electronic Quick Reporting form can be accessed by scanning the code below.



[Electronic Dealing Quick Reporting Form](#)

- For your convenience, an optional FAX reporting form has been included in this packet. An electronic version of this form is available on request. The fish receiving ticket-reporting requirement of [WAC 220-352-340](#) remains in effect.
- Dealers/Buyers can NOT leave voice messages for catch reports.
- According to [WAC 220-352-340](#), it is unlawful for any original receiver of crab to fail to record **ALL** crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, weigh backs and/or reserved as for take home by the harvester must be shown on the fish receiving ticket, but a zero-dollar value may be entered for such crab.

Electronic Fish Tickets – WA-Tix

In Puget Sound, electronic fish tickets will not be required for the 2021/2022 crab season opening in October. The implementation date for this rule is January 1, 2022. However, for the remaining 2021/2022 Puget Sound State commercial crab season, electronic tickets will be rolled out on a **voluntary basis**. Those dealers that decide to transition to the electronic fish ticket system in January will not be required to submit Quick Reports. Following the full transition to mandatory electronic fish tickets, Quick Reports will no longer be required for any Puget Sound crab or shrimp fisheries.

WDFW is currently working on developing an electronic fish receiving ticket application (WA-Tix) for mobile devices (Android, iOS) and desktop computers that will be available to commercial buyers purchasing Puget Sound crab or shrimp beginning January 1, 2022. Dealers already using the PSMFC e-tix application can continue to use it. Puget Sound crab dealers can sign up to receive information and updates on the WA-Tix application and the roll-out of electronic fish tickets by scanning the QR code below.



[WA-Tix Dealer Information Survey](#)

Complete regulations and landings information that pertain to the 2020-21 Puget Sound commercial crab fishery can be found on the WDFW web site.

WDFW web site for the commercial crab fishery:
<http://wdfw.wa.gov/fishing/commercial/crab/pugetsound/>

In the interest of conducting more efficient business practices, this information is also posted in the WDFW website's commercial section. The Puget Sound Commercial crabbing website will be regularly updated with season information, harvest numbers, detailed maps of special harvest zones, and current emergency regulations. If you need a printed copy of this information packet, please call (360) 302-3030 x321 with your request and be sure to leave your name and mailing address.

Have a safe and productive season.

Sincerely,

Daniel Sund

Puget Sound Commercial Crustacean Biologist, (360) 302-3672
Port Townsend

Katelyn Bosley

Puget Sound Crustacean Lead, (360) 302-3030 x319
Port Townsend

Brad Speidel

Puget Sound Shellfish Biologist, (253) 263-5560
Port Townsend

cc: Aaron Dufault, Puget Sound Shellfish Manager
WDFW Enforcement

See also:

- Map of Shellfish Management [Regions](#)
- Maps of [Areas Closed to Commercial Crabbing](#)
- Emergency [Regulations](#)
- Permanent Regulations:

- [WAC 220-301-040](#)
- [WAC 220-302-100](#)
- [WAC 220-320-060](#)
- [WAC 220-320-100](#)
- [WAC 220-320-110](#)
- [WAC 220-340-020](#)
- [WAC 220-340-060](#)
- [WAC 220-340-400](#)
- [WAC 220-340-410](#)
- [WAC 220-340-420](#)
- [WAC 220-340-430](#)
- [WAC 220-340-435](#)
- [WAC 220-340-440](#)

- [WAC 220-340-455](#)
- [WAC 220-340-470](#)
- [WAC 220-352-010](#)
- [WAC 220-352-020](#)
- [WAC 220-352-130](#)
- [WAC 220-352-140](#)
- [WAC 220-352-160](#)
- [WAC 220-352-210](#)
- [WAC 220-352-220](#)
- [WAC 220-352-230](#)
- [WAC 220-352-250](#)
- [WAC 220-352-340](#)

INITIAL EMERGENCY REGULATION – FULL TEXT

Order 21-223

NEW SECTION

WAC 220-320-11000A – Puget sound crab management regions.

Notwithstanding the provisions of WAC 220-320-110:

- (1) Crab Management Region 3, subarea 3-3 is defined as all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C-East.
- (2) Crab Management Region 3, subarea 3-4 is defined as all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C-West and 29.

NEW SECTION

WAC 220-340-42000Q Commercial crab fishery—unlawful acts.

Notwithstanding the provisions of WAC 220-340-420:

- (1) Crab Management Region 1 includes Marine Fish-Shellfish (MFSF) Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B. Crab Management Region 2E includes MFSF Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A East. Crab Management Region 2West includes MFSF Catch Reporting Areas 25B, 25D, and 26A West. Crab Management Region 3-1 includes MFSF Catch Reporting Areas 23A and 23B. Crab Management Region 3-2 includes MFSF Catch Reporting Areas 25A, 25E, and 23D. Crab Management Region 3-3 includes MFSF Catch Reporting Areas 23C East, and Crab Management Region 3-4 consists of 23C West and 29.
- (d) Effective 8:00 a.m. October 7, 2021 until 7:59 a.m. October 9, 2021 it is permissible to deploy Dungeness crab pots for commercial purposes in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2, and 3-3 from a vessel not designated on a person’s Puget Sound crab license, provided that the primary or alternate operator designated on the license is on board the non-designated vessel (“barge” vessel), and prior notice has been given as provided below. Crab pots may only be deployed during daylight hours.
- (e) Puget Sound commercial crab license holders that intend to barge must send an email to crab.report@dfw.wa.gov, detailing the following information:
 - i. Name and license number of licensed owner.
 - ii. Name of designated primary operator if different from licensed owner.
 - iii. Name of alternate operator if used to deploy pots from a non-designated vessel.
 - iv. Buoy brand number and number of pots to be deployed from a non-designated vessel.

- v. Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.
 - vi. Region or Set Location
- (2) Effective 8:00 a.m. October 7, 2021, until further notice, all crab removed from a vessel licensed in Puget Sound that are not delivered to an original receiver within 36 hours must be recorded on a commercial fish and shellfish transportation ticket. Separate commercial fish and shellfish transportation tickets must be filled out for each day's harvest stored this way. It is illegal to store crab for more than 10 days in this manner.
 - (3) Effective 8:00 a.m. October 7, 2021, until further notice, all crab that have been removed from a vessel and must be stored in containers labeled with the following:
 - (a) date of harvest,
 - (b) an estimate of pounds of crab contained,
 - (c) either the Marine Fish-Shellfish (MFSF) Catch Reporting Area or the Crab Management Region the catch originated from.
 - (4) Effective 8:00 a.m. October 7, 2021, until further notice, all crab that have been removed from a vessel and are not delivered to an original receiver within 36 hours must be stored in containers labeled with the following:
 - (a) date of harvest,
 - (b) an estimate of pounds of crab contained,
 - (c) either the Marine Fish-Shellfish (MFSF) Catch Reporting Area or the Crab Management Region the catch originated from, and
 - (d) Commercial fish and shellfish transportation ticket number.

NEW SECTION

WAC 220-340-45500Z Commercial crab fishery--Seasons and areas--Puget Sound.

Notwithstanding the provisions of WAC 220-340-450:

- (1) For the purposes of crab harvest allocation, fishing season, and catch reporting, the following Marine Fish-Shellfish Catch Reporting Areas are modified as follows:
 - (a) Catch Area 23C East (23C-E) includes those waters of Puget Sound westerly of a line due north from the Ediz Hook light to the international boundary; and easterly of a line projected due north from Low Point.
 - (b) Catch Area 23C West (23C-W) includes those waters of Puget Sound westerly of a line due north from Low Point to the international boundary; and easterly of a line projected due north from the mouth of the Sekiu River.
- (2) Effective October 7, 2021 at 8:00 a.m. until the date indicated below or until further notice it is permissible to harvest Dungeness crab for commercial purposes.
 - (a) Region 1:
 - i. Marine Fish-Shellfish Catch Areas 21A, 21B, and 22B close to commercial harvest on March 31, 2022 at 11:59 p.m.

- ii. Marine Fish-Shellfish Catch Areas 22A, 20A, and 20 B close to commercial harvest on April 15, 2021 at 11:59 p.m.
 - (b) Region 2 East:
 - i. The Everett Flats Area, defined as that portion of catch area 26AE east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point on the Tulalip reservation, closes to commercial harvest on December 31, 2021 at 11:59 p.m.
 - ii. Crab Management Region 2 East closes to commercial harvest on February 1, 2022 at 11:59 p.m.
 - (c) Region 2 West:
 - Crab Management Region 2-W closes to commercial harvest on February 15, 2022.
 - (d) Region 3:
 - i. Crab Management Region 3-1 closes to commercial harvest on March 31, 2022.
 - ii. Crab Management Region 3-2 closes to commercial harvest on March 31, 2022.
 - iii. Crab Management Region 3-3 closes to commercial harvest on April 15, 2022.
- (3) Effective 8:00 a.m. October 7, 2021, until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 35 pots per license per buoy tag number in Crab Management Regions 1 and 2E.
- (4) Effective 8:00 a.m. October 7, 2021, until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Regions 2 West and 3-2 with the following exceptions:
- (a) Region 2 West:
 - Commercial harvest is limited to 20 pots per license in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin until 11:59 p.m. December 31, 2021.
 - (b) Region 3-2:
 - (i) Commercial harvest is limited to 20 pots per license within the Sequim Bay Special Management Area which consists of all waters of Sequim Bay south of a line true west from Travis Spit to the Miller Peninsula until March 31, 2022.
 - (ii) Commercial harvest is limited to 20 pots per license within the Discovery Bay Special Management Area defined as all waters of Discovery Bay south of a line from Diamond Point to Cape George until March 31, 2022

- (5) Effective 8:00 a.m. October 7, 2021, until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 40 pots per license per buoy tag number in Crab Management Region 3-1.
- (6) Effective 8:00 a.m. October 7, 2021, until further notice, it is unlawful for any person to harvest crabs for commercial purposes with more than 60 pots per license per buoy tag number in Crab Management Region 3-3.
- (7) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection.
- (8) Public Health Closures: effective 8:00 a.m. October 7, 2021, until further notice, the following areas are closed to commercial crab fishing:
 - That portion of Marine Fish/Shellfish Catch Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.
- (9) Closure of areas with not enough commercial share remaining: effective 8:00 a.m. October 7, 2021, until further notice, the following areas are closed to commercial crab fishing: Crab Management Region 3-4.
- (10) Management Plan Tribal Exclusive Closures: effective 8:00 a.m. October 7, 2021, until further notice, the following areas are closed to commercial crab fishing:
 - (a) Region 2 East:
 - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected true north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.
 - (b) Region 3-2:
 - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A previously described as “west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant” now described as the Dungeness Bay Special Management Area which include all waters of Dungeness Bay west of the 123° 6.50’ Longitude line originating from the New Dungeness Light (48° 10.90’N, 123° 6.50’W).
- (11) Repealing Limited Commercial Areas: effective 8:00 a.m. October 7, 2021 until further notice it is permissible to harvest Dungeness crab for commercial purposes from the following areas:
 - (a) Region 1:
 - (i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point.

- (ii) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.
 - (iii) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.
 - (b) Region 2 West:
 - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W).
 - (c) Region 2 East:
 - i. That portion of Marine Fish-Shellfish Management and Catch Reporting Area 24C shoreward of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.
 - ii. That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green #1 buoy at Possession Point to Possession Point, and west of a line from the green #1 buoy at Possession Point extending northward along the 200-foot depth contour to the Glendale dock.
- (12) Repealing commercial exclusion areas: effective 8:00 a.m. October 7, 2021 it is permissible to harvest crab for commercial purposes from the following areas:
- (a) Region 1:
 - i. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.
 - ii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.
 - iii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.
 - iv. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island, thence to Chuckanut Rock, thence to the most southerly tip of Clark's Point.
 - v. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

- vi. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.
 - vii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.
 - viii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.
 - ix. That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B, which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.
 - x. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.
- (b) Region 2 East:
- i. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ustalady Point, thence to Brown Point on the northeast corner of Ustalady Bay.
 - ii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.
 - iii. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline, also known as Port Gardner.
 - iv. Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.
- (c) Region 3-2:
Those waters of Discovery Bay, Area 25E south of a line from Contractors Point to Tukey Point.

NEW SECTION

WAC 220-352-34000I Puget Sound crab--Additional reporting requirements.

Notwithstanding the provisions of WAC 220-352-340,

- (2) Effective 8:00 a.m., October 7, 2021, until further notice, it is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab landed by WDFW licensed Puget Sound commercial crab harvesters to fail to report to the department the previous day's purchases by 10:00 a.m. the day following the purchase. Reports must be made by online at on the Puget Sound commercial crab reporting website, by fax to (360) 302-3031, or by e-mail at crab.report@dfw.wa.gov. Reports must include all of the following:
- (a) dealer name,
 - (b) dealer license number,
 - (c) dealer phone number,
 - (d) date of delivery of crab to the original receiver, and
 - (e) the total number of pounds of crab caught by non-treaty fishers by Crab Management Region or Marine Fish-Shellfish Management and Catch Reporting Area.
- (3) Effective 8:00 a.m., October 7, 2021, until further notice, commercial harvesters of crab in Puget Sound must deliver all crab removed from their vessel to a licensed original receiver within 24 hours or submit a report of crab retained for delivery at a future date to the Department. Reports must be received within 36 hours following an offload. Reports must be made by online on the Puget Sound commercial crab reporting website or by e-mail at crab.report@dfw.wa.gov. Reports must contain all of the following:
- (a) harvester name,
 - (b) WDFW issued vessel ID,
 - (c) Puget Sound commercial license number,
 - (d) date of harvest,
 - (e) an estimate of pounds of harvest retained by Crab Management Region or Marine Fish-Shellfish Management and Catch Reporting Area, and
 - (f) a commercial fish and shellfish transportation ticket number.
- (4) Effective 8:00 a.m., October 7, 2021, until further notice, commercial harvesters of crab in Puget Sound must report the delivery of all crab to an original receiver that were previously retained off-vessel by 10:00 a.m. the day following delivery to an original receiver. Reports must be made by online on the Puget Sound commercial crab reporting website, or by e-mail at crab.report@dfw.wa.gov. Reports must contain all of the following:
- (a) harvester name,
 - (b) WDFW issued vessel ID,
 - (c) Puget Sound commercial license number,
 - (d) date of sale,
 - (e) dealer name,
 - (f) commercial shellfish transportation ticket number(s) delivered, and
 - (g) fish receiving ticket number(s) corresponding to landing date of delivery.

- (5) Effective immediately until further notice, Puget Sound commercial crab license holders, or their designated alternate operators, must register which Crab Management Region that gear will be deployed in for each license they hold prior to the opening date. Registrations must be updated when gear moves between areas. Registrations can be made by registering on the WDFW Puget Sound commercial crabbing webpage or sending an email to crab.report@dfw.wa.gov, detailing the following information:
- (a) Vessel Operator Name
 - (b) Vessel Name and Vessel Registration Number
 - (c) Permit Number(s) to be Fished
 - (d) Crab Management Region to be fished
 - (e) Gear Deployment Date

REPEALER

The following section of Washington Administrative Code is repealed, effective October 7, 2021:
WAC 220-340-45500Y Commercial crab fishery—Seasons and areas—Puget Sound. (21-216)

Reasons for this finding: The provisions of this emergency rule:

WAC 220-320-11000A

- 1) Defines new Crab Management Region 3-4 and changes the boundaries of Crab Management Region 3-3 to accommodate boundaries agreed to in the Region 3 2021-2022 crab management plan.

WAC 220-340-42000Q

- 1) Opens all areas with commercial harvest opportunity in Puget Sound to barging of pots effective October 5th through October 7th. Describes Puget Sound pot barging reporting requirements.
- 2) Requires all crab harvested not delivered to an original receiver to be landed or recorded on a shellfish transportation ticket within 36 hours of harvest. Requires separate transportation tickets to be completed for each days harvest not delivered to an original receiver that is stored off of the fishing vessel. Implements a 10-day restriction on the length of time that crab may be stored off vessel before being delivered to an original receiver.
- 3) Implements a labeling requirement for crab that are stored off vessel.
- 4) Implements a labeling requirement for crab that are stored off vessel and not delivered to an original receiver within 36 hours.

WAC 220-340-45500Z

- 1) Defines subareas east and west of MSFS catch area 23C to align with agreed to boundaries within the Region 3 2021-2022 crab management plan.
- 2) Opens Puget Sound commercial crab harvest in Crab Management Regions 1, 2 East, 2 West, 3-1, 3-2 and 3-3 on October 7, 2021 at 8:00 a.m.. Describes hard closure dates by Crab Management Region.
- 3) Allows deployment of up to 35 pots per license for the commercial harvest of Dungeness crab in Crab Management Regions 1 and 2-East.
- 4) Allows deployment of up to 50 pots per license for the commercial harvest of Dungeness crab in Crab Management Regions 2-West and 3-2.
- 5) Allows deployment of up to 40 pots per license for the commercial harvest of Dungeness crab in Crab Management Regions 3-1.
- 6) Allows deployment of up to 60 pots per license for the commercial harvest of Dungeness crab in Crab Management Regions 3-3.
- 7) Requires undeployed buoy tags to be retained for inspection.
- 8) Closes of Port Angeles Harbor to commercial crab harvest due to public health decrees.
- 9) Closes commercial crab harvest in Crab Management Region 3-4 until further notice, and
- 10) Closes areas to State commercial that have been agreed to in Regional management plans.
- 11) Repeals areas where recreational and tribal harvest has been allowed that State commercial harvest has been historically limited.
- 12) Repeals areas where recreational and tribal harvest has been allowed that State commercial harvest has been historically closed.

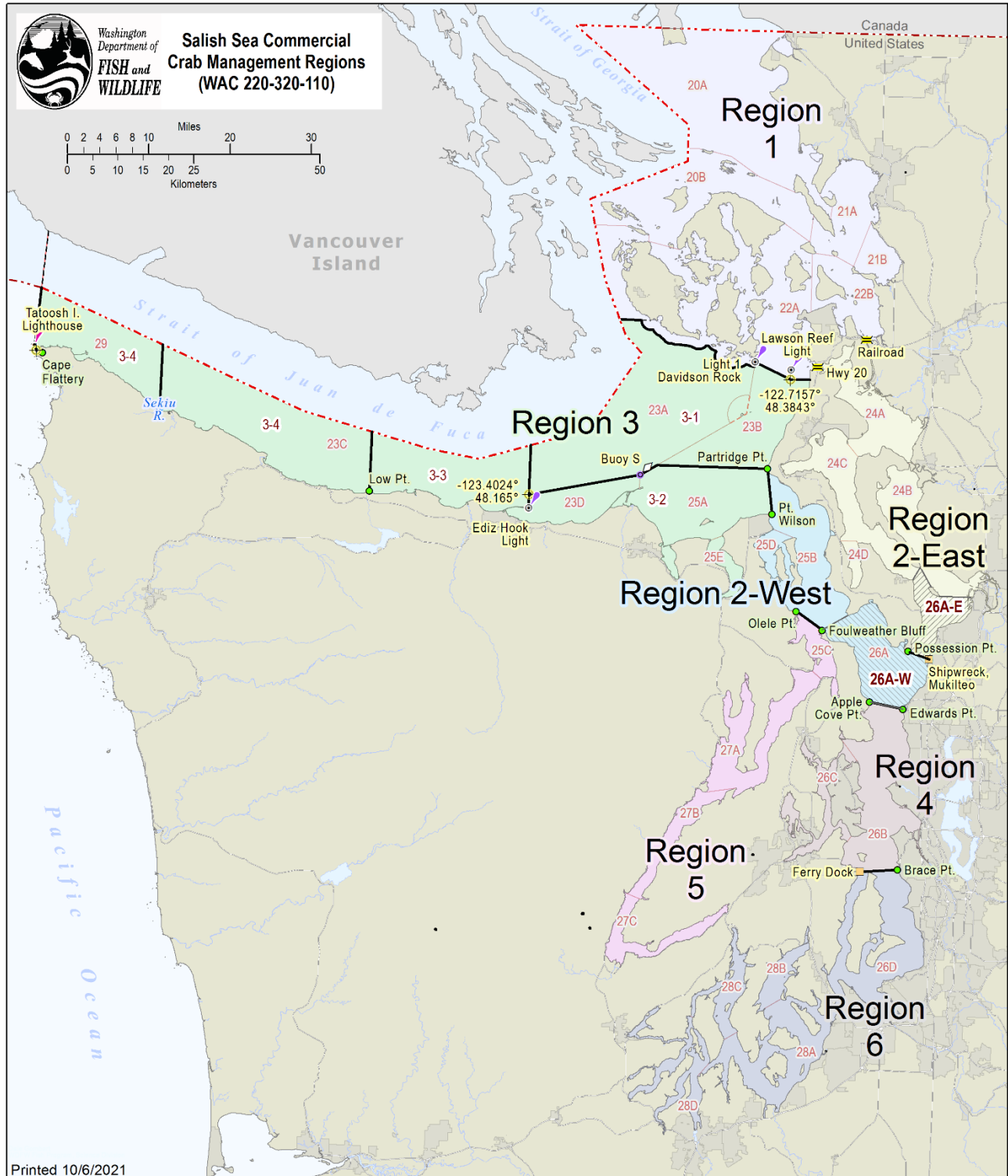
WAC 220-352-34000I

- 1) Clarifies the Puget Sound commercial dealer quick reporting requirements.

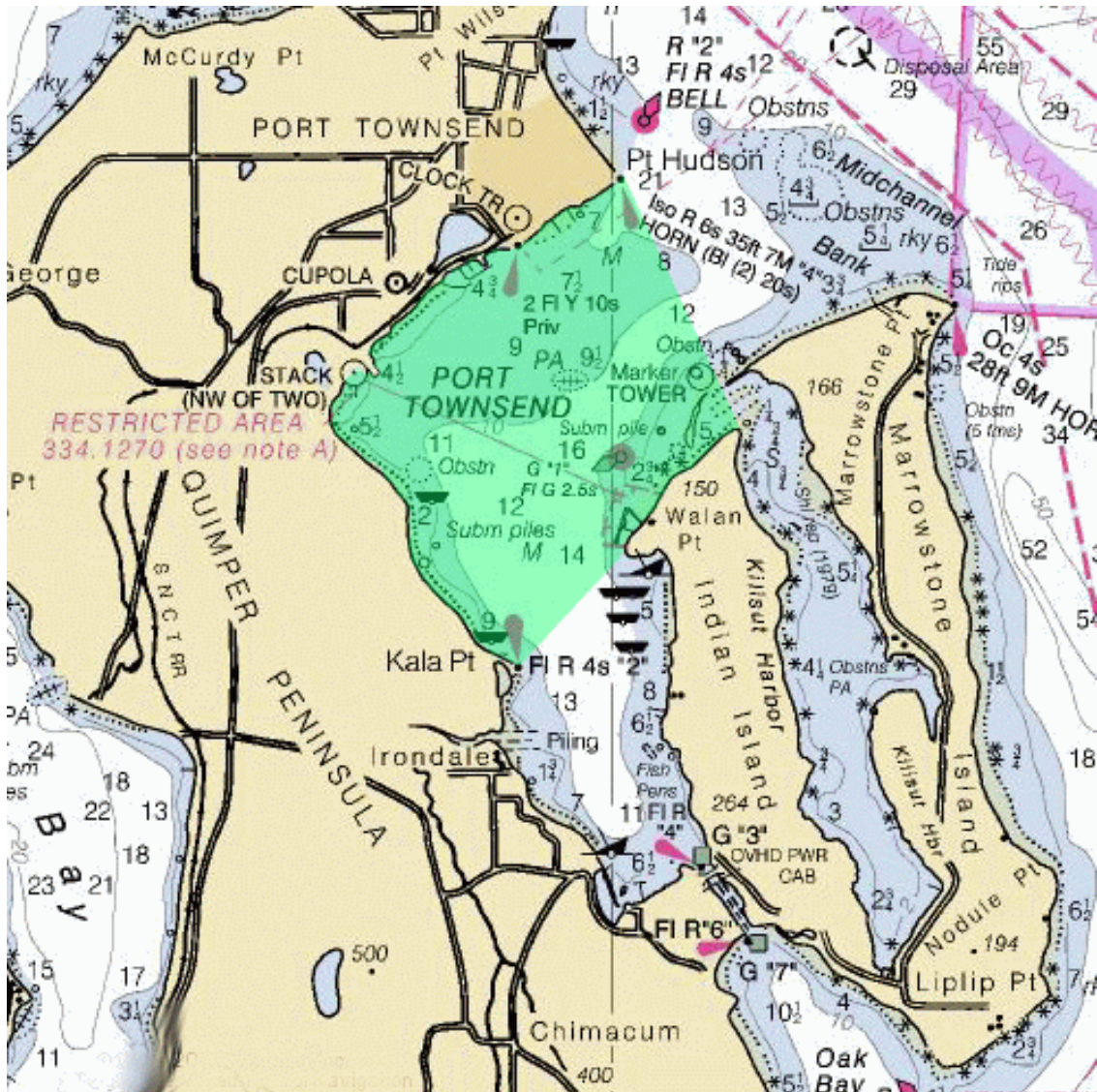
- 2) Implements a Puget Sound “hung crab” harvest report requirement for crab not delivered to an original receiver with 36 hours of harvest.
- 3) Implements a Puget Sound “hung crab” sales report requirement for “hung crab” that have been reported but not landed.
- 4) Implements a registration requirement to for commercial license holders to notify the department which Crab Management Area a license will be fishing in.

There is sufficient allocation available in Regions 1, 2-West, 2-East, 3-1, 3-2, and 3-3 to accommodate this opening. These provisions are in conformity with agreed management plans with applicable tribes. These management plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable Treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules. Further adjustment of season structure may be made pending updated harvest data. **(21-223, 10/5/2021)**

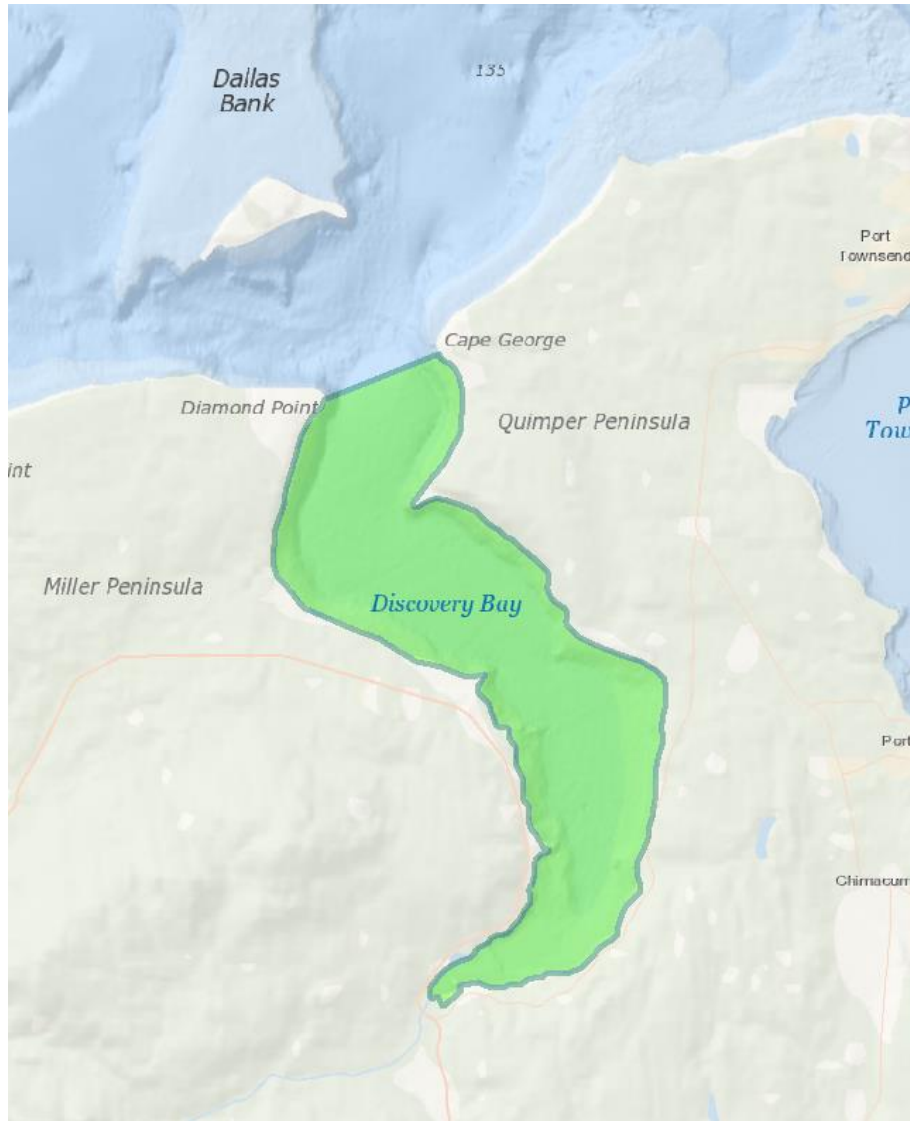
Puget Sound Crab Management Regions and Marine Fish Shellfish Management Catch Areas



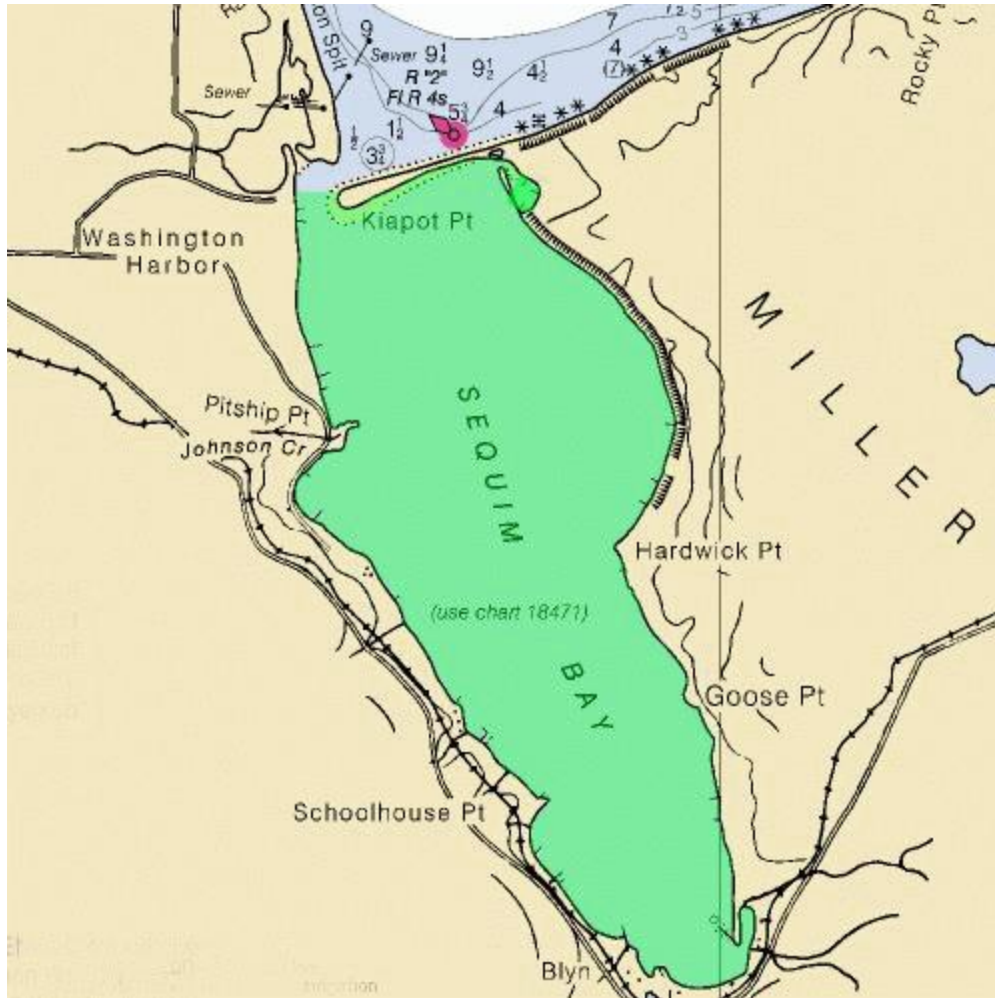
Areas Open with Pot Limit Restrictions



Port Townsend Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin will operate subject to a 20 pot per license limit until 11:59 p.m. December 31, 2021

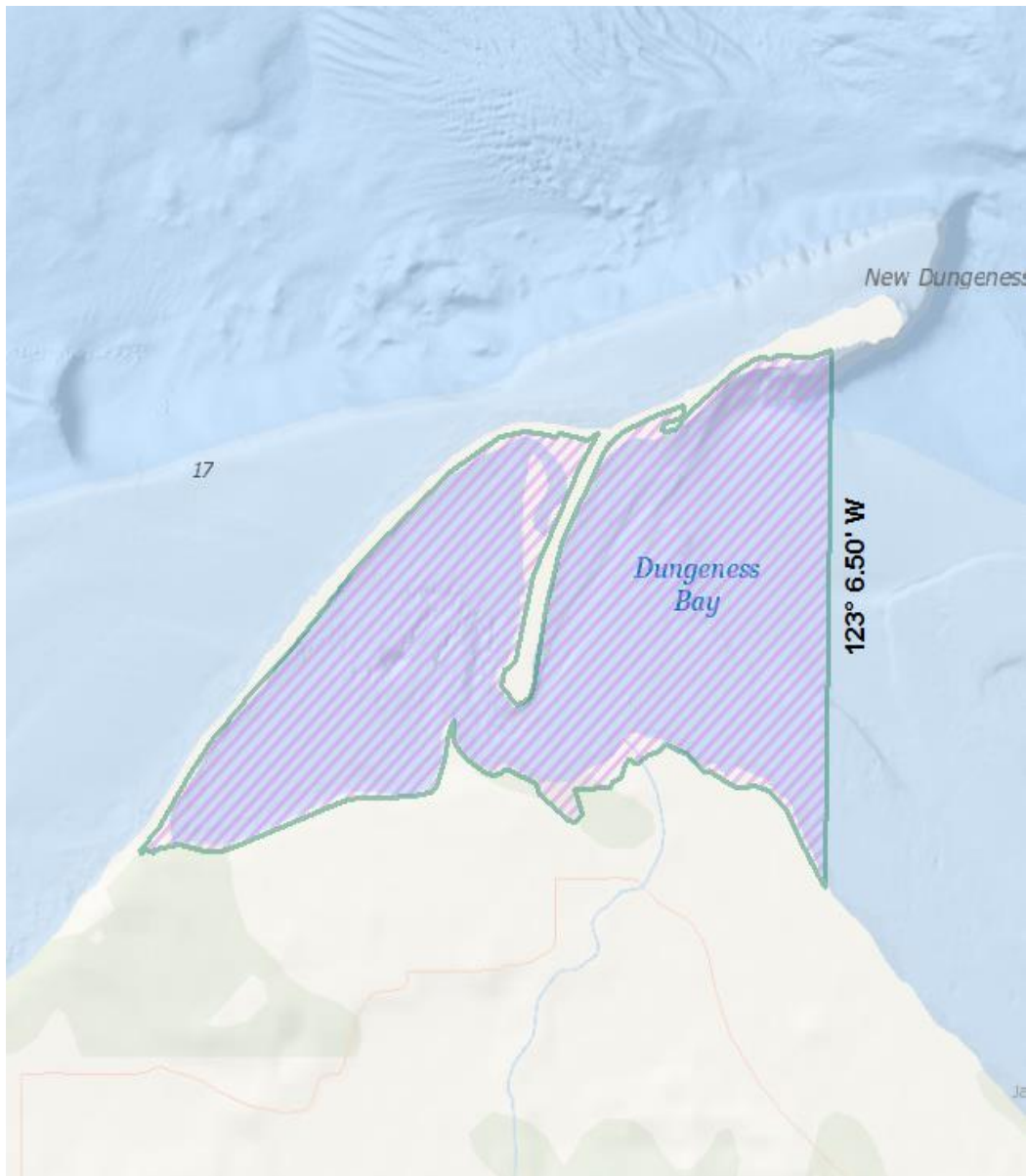


Discovery Bay: Commercial harvest is limited to 20 pots per license within the Discovery Bay Special Management Area defined as all waters of Discovery Bay south of a line from Diamond Point to Cape George until March 31, 2022

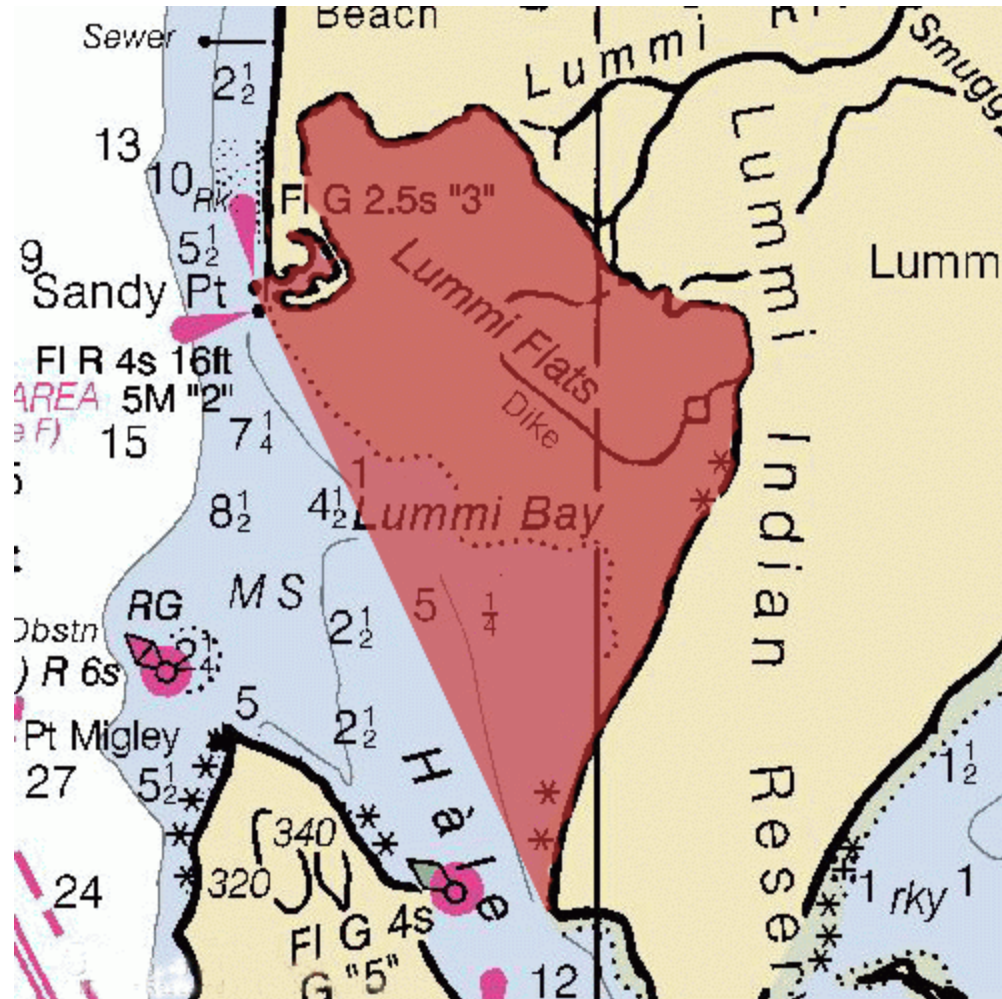


Sequim Bay: Commercial harvest is limited to 20 pots per license within the Discovery Bay Special Management Area defined as all waters of Discovery Bay south of a line from Diamond Point to Cape George until March 31, 2022

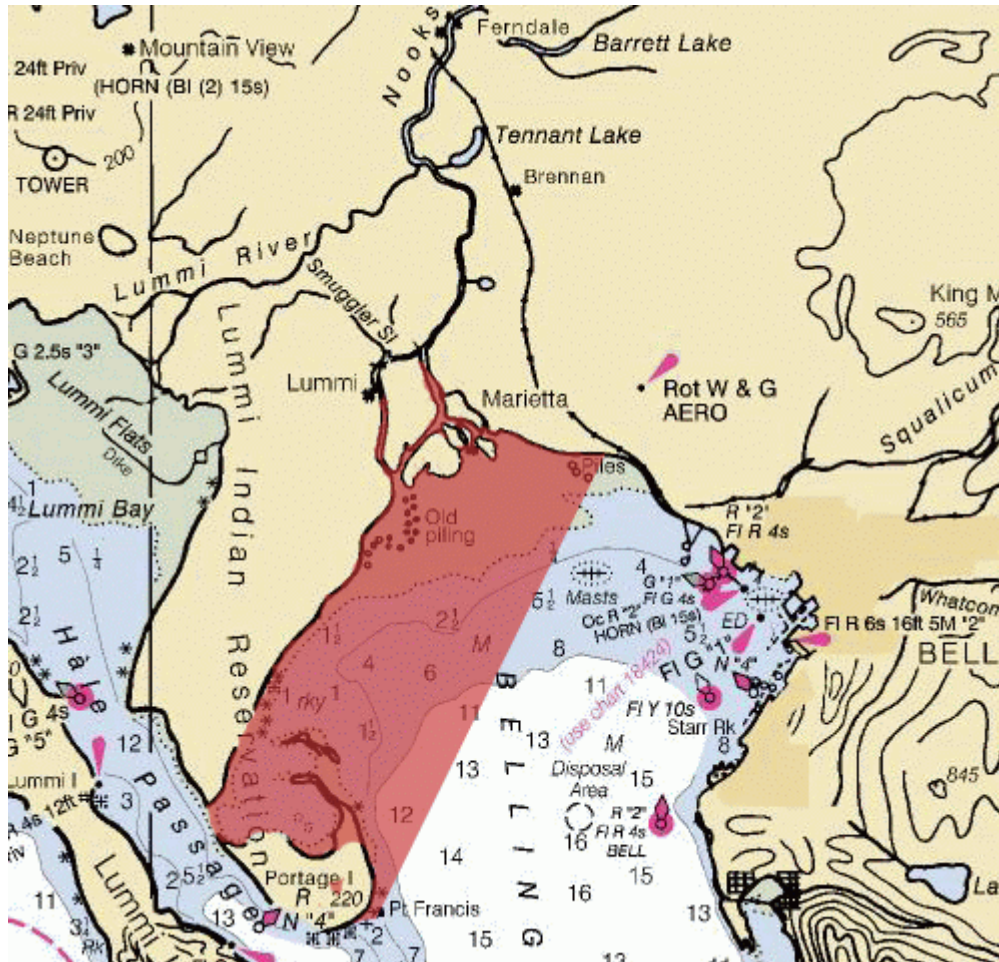
Special Management Areas Closed to Commercial Crabbing



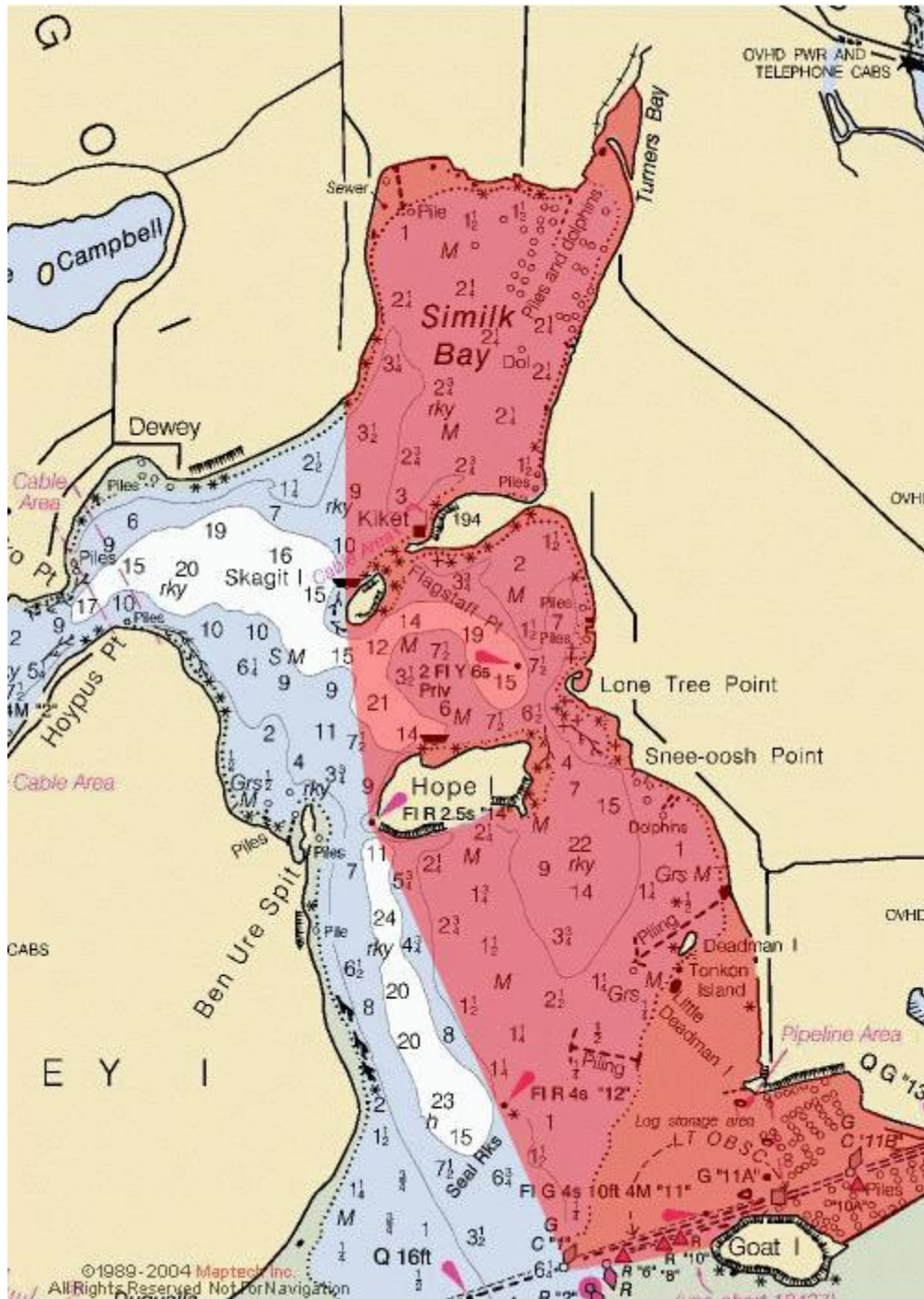
Dungeness Bay Special Management Area: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A previously described as “west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant” now described as the Dungeness Bay Special Management Area which include all waters of Dungeness Bay west of the 123° 6.50' Longitude line originating from the New Dungeness Light (48° 10.90'N, 123° 6.50'W).



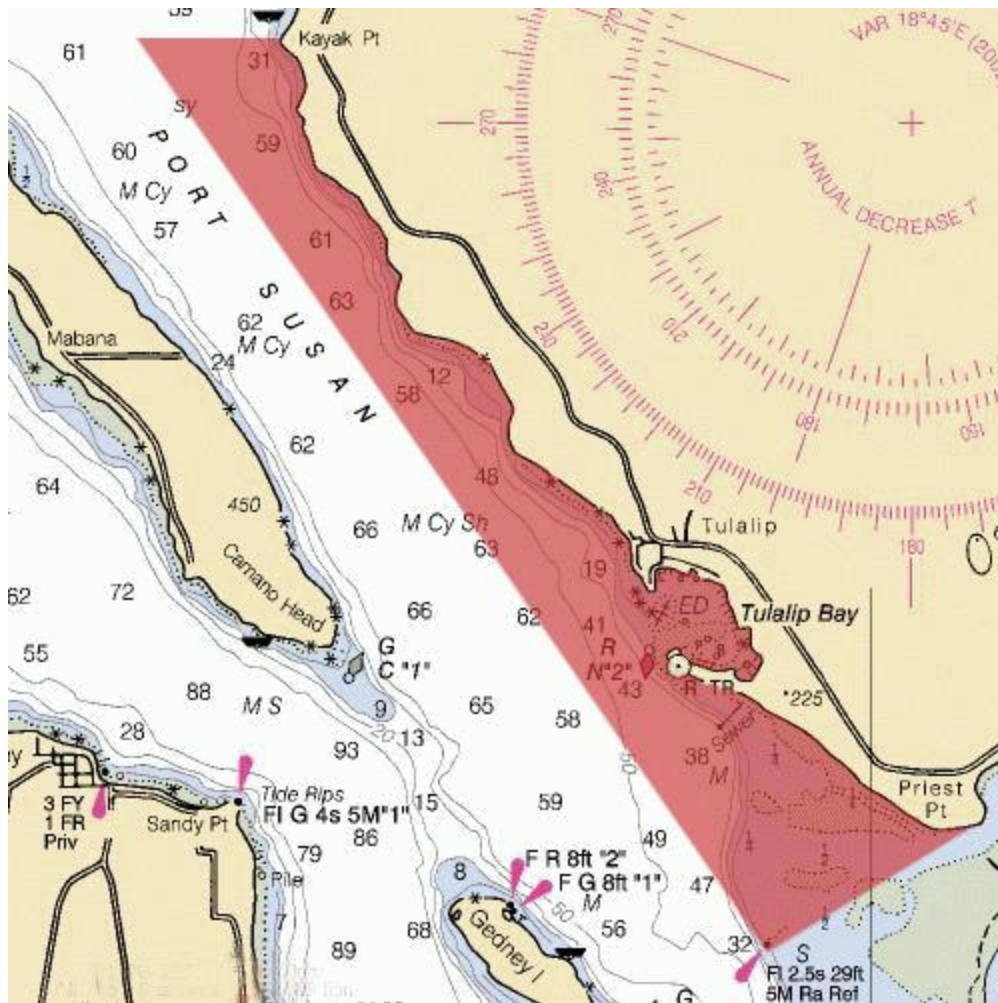
Lummi Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.



Bellingham Bay: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.



N. Skagit/Similk Area: Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected true north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

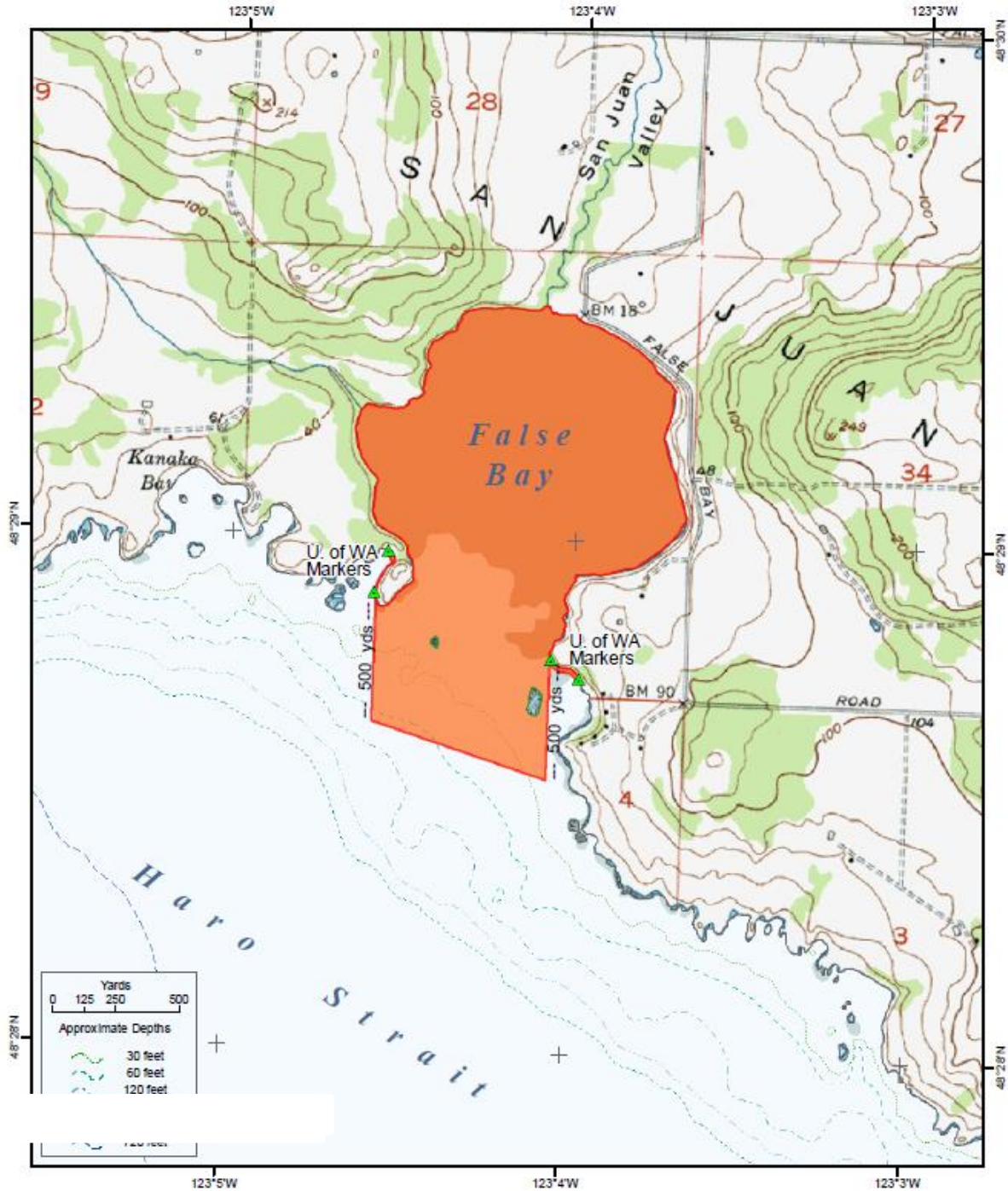


E. Port Susan Area: That portion of Marine Fish/Shellfish Catch Area 24B east of a line projected from the five meter tower (located between Gedney Island and Priest Point) to Barnum Point and south of a line projected west from Kayak Point, and north of a line projected from the five meter tower to Priest Point.

Marine Preserves Closed to Commercial Crabbing Year-Round



False Bay Marine Preserve WAC 220-16-440(1)

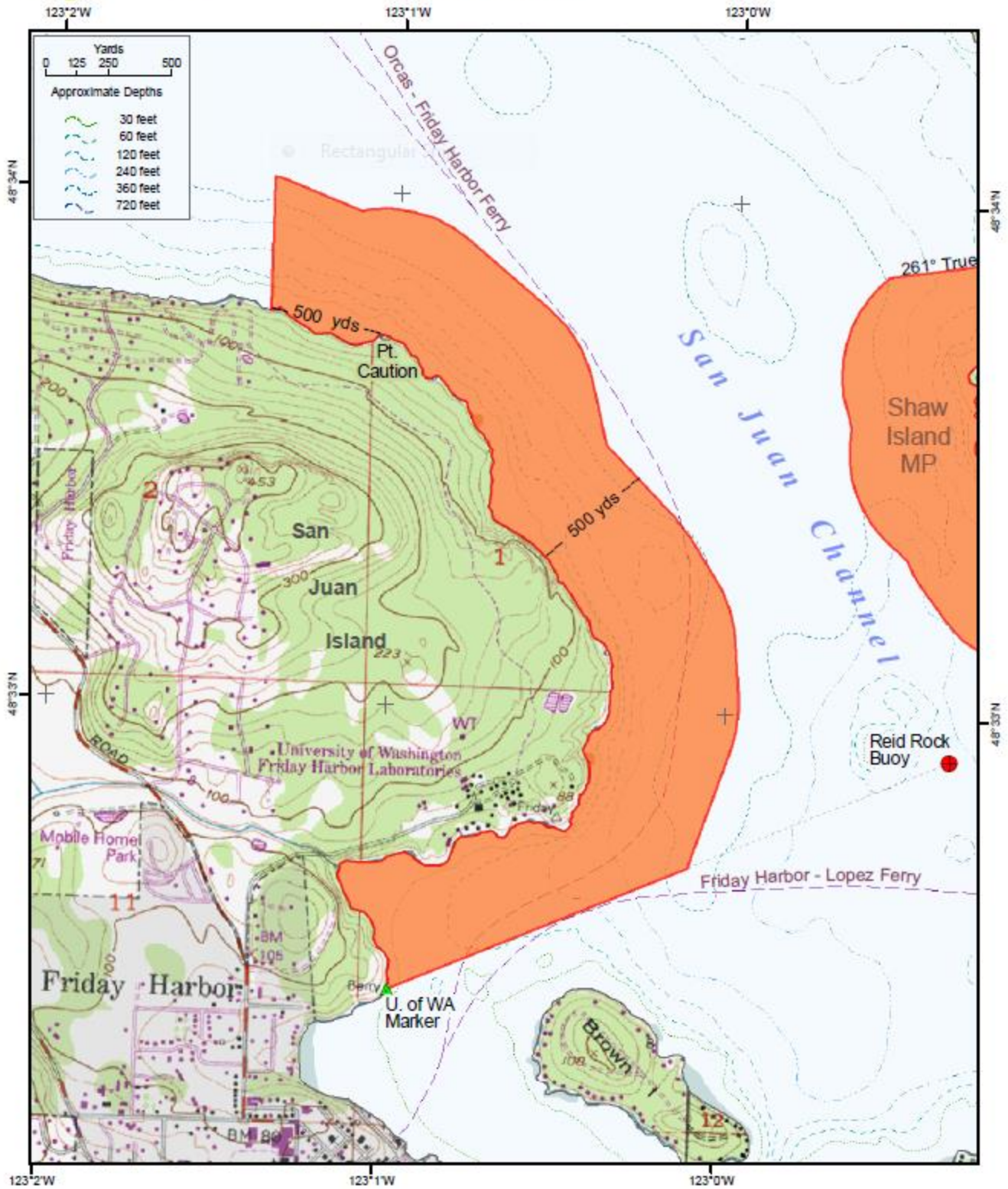




Washington
Department of
**FISH and
WILDLIFE**

Friday Harbor Marine Preserve

WAC 220-16-440(2)

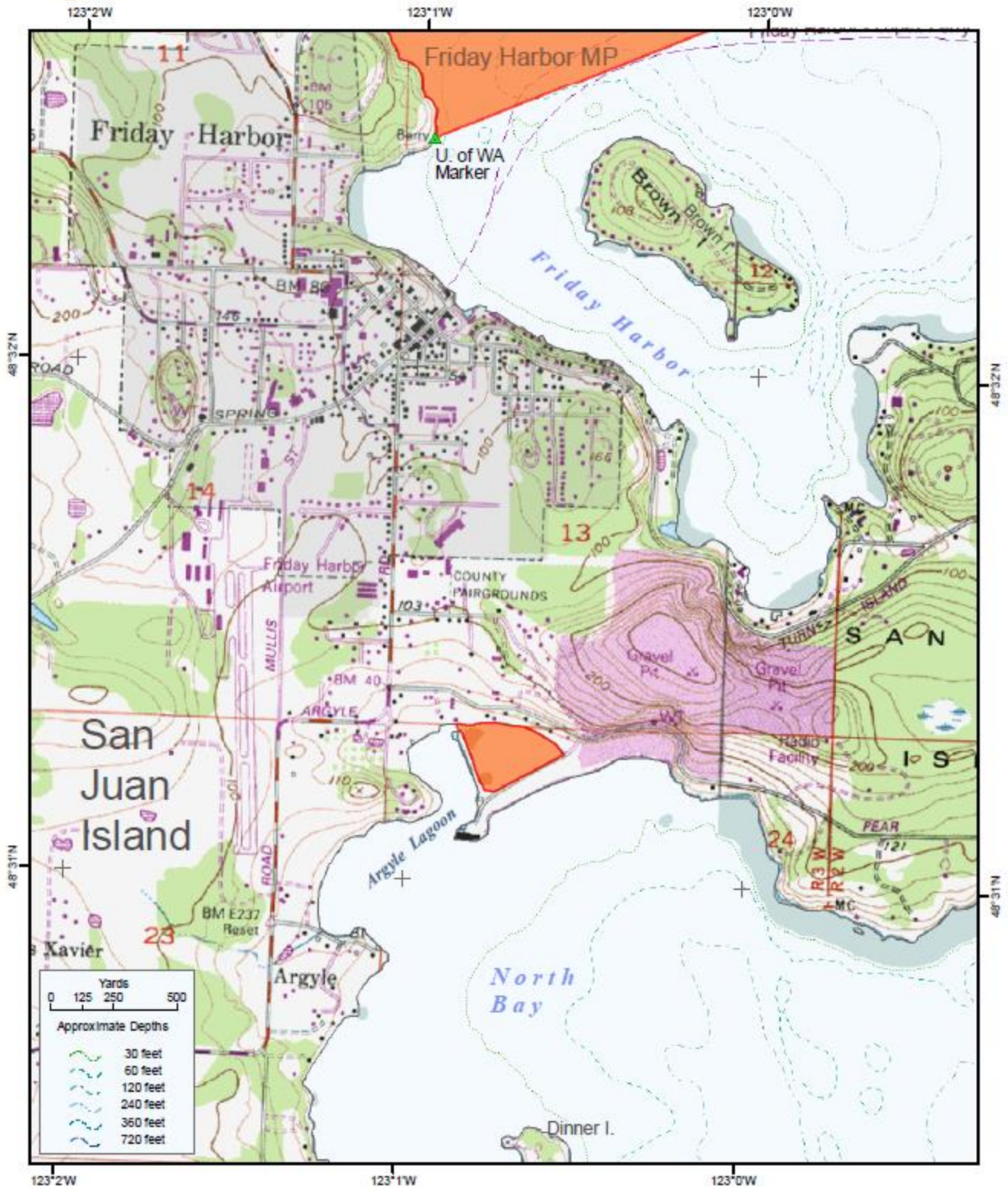




Washington
Department of
**FISH and
WILDLIFE**

Argyle Lagoon Marine Preserve

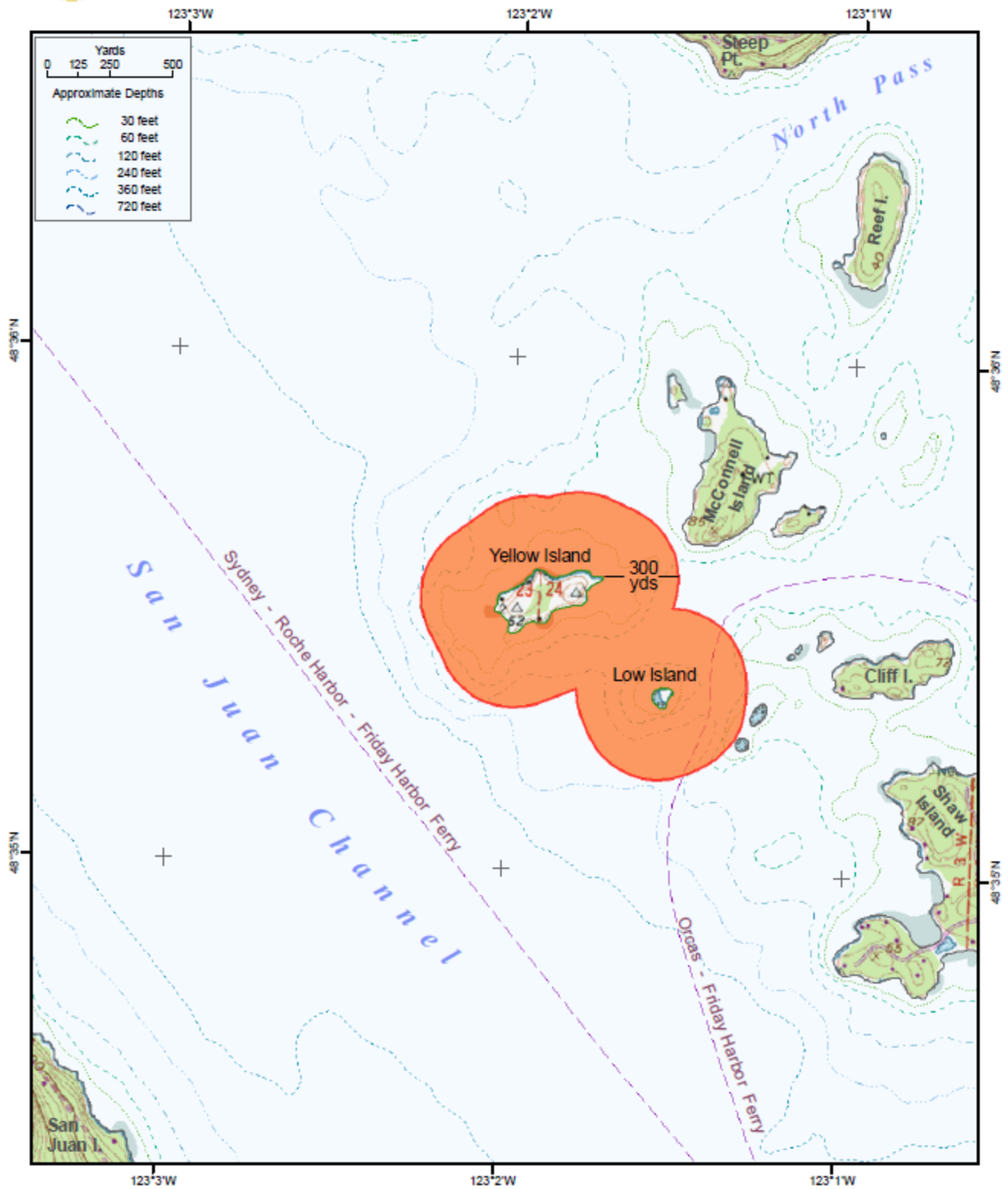
WAC 220-16-440(3)





Yellow and Low Islands Marine Preserve

WAC 220-16-440(4)





State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N Olympia, WA 98501-1091 (360) 902-2222, TDD (360) 902-2207

Main Office Location: Natural Resources Building 1111 Washington Street SE Olympia, WA

Commercial Dungeness Crab Quick Reporting Form

Fax to WDFW Port Townsend Office at: (360) 302-3031

You can also send a PDF of this form to: crab.report@dfw.wa.gov

Dealer Name: _____

Date: _____

Dealer ID Number: _____

Phone: _____

Pounds Purchased:

Region 1 (Catch Areas 20A, 20B, 21A, 21B, 22A, and 22B) **TOTAL** _____

Region 2E (Catch Areas 24A, 24B, 24C, 24D, and 26AE) **TOTAL** _____

Region 2W (Catch Areas 25B, 25D, and 26AW) **TOTAL** _____

Region 3-1 (Catch Areas 23A and 23B) **TOTAL** _____

Region 3-2 (Catch Areas 23D, 25A, and 25E) **TOTAL** _____

Region 3-3 (Catch Areas 23C and 29) **TOTAL** _____

PERMANENT REGULATIONS

WAC 220-301-040 Marine Fish-Shellfish Management and Catch Reporting Areas, Puget Sound.

(1) **Area 20A** shall include those waters of Puget Sound north 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 and from the westernmost point of Patos Island due east to the international boundary; and west of a line from Point Francis through the marker north of Inati Bay, Lummi Island to Lummi Island.

(2) **Area 20B** shall include those waters of Puget Sound southerly of Area 20A, westerly of a line from Lummi Island through Lummi Rocks to the northernmost tip of Sinclair Island, and northerly of a line from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island and a line which runs from Steep Point on Orcas Island to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Speiden Island and from the western tip of Speiden Island true west to the international boundary.

(3) **Area 21A** shall include those waters of Puget Sound southerly and easterly of Areas 20A and 20B, and westerly of a line from William Point to Governor's Point, and northerly of a line from William Point to the southernmost tip of Vendovi Island to the Sinclair Island light.

(4) **Area 21B** shall include those waters of Puget Sound easterly of and adjacent to Area 21A.

(5) **Area 22A** shall include those waters of Puget Sound south of Area 20B, westerly of 122° 40' W between Sinclair Island and Fidalgo Island and the Deception Pass Bridge; northerly of a line due east from the international boundary to a point 1 nautical mile from Pile Point, San Juan Island, thence southeasterly along a line 1 nautical mile from the southern shores of San Juan Island and Lopez Island to Davidson Rock near Point Colville, then easterly to a point one nautical mile south of the buoy at Lawson Reef and than due east to Whidbey Island.

(6) **Area 22B** shall include those waters of Puget Sound south of Area 21A, east of 22A, and north of the railroad bridges at Swinomish Channel.

(7) **Area 23A** shall include those waters of Puget Sound southerly of Area 22A; westerly and northerly of a line described as follows: A line segment from Davidson Rock near Point Colville, Lopez Island to a point 2 nautical miles from the Smith Island light thence continuing westerly and southerly 2 nautical miles from the Smith Island light until the line intersects with a line between Smith Island light and the vessel traffic service buoy north of Dungeness Spit, thence to the vessel traffic service buoy, thence southerly and westerly to a point 1 1/2 nautical miles north of the Ediz Hook light thence north to the international boundary.

(8) **Area 23B** shall include those waters of Puget Sound southerly of Area 22A; easterly of 23A; and northerly of a line due west from Partridge Point, Whidbey Island to its intersection with Area 23A.

(9) **Area 23C** shall include those waters of Puget Sound westerly of Area 23A and a line due north from the Ediz Hook light to the international boundary; and easterly of a line projected due north from the mouth of the Sekiu River.

(10) **Area 23D** shall include those waters of Puget Sound southerly of Area 23A and easterly of Area 23C and westerly of a line from the Dungeness light to the vessel traffic service buoy north of Dungeness light.

(11) **Area 24A** shall include those waters of Saratoga Passage and Skagit Bay east of a line between Polnell Point and Rocky Point, Camano Island; south of Area 22B; and east of Area 22A, and north of the Highway 532 Bridge between Camano Island and the mainland.

(12) **Area 24B** shall include those waters of Port Susan south of Area 24A and north of a line from Camano Head on Camano Island to the north tip of Gedney Island and from the southern tip of Gedney Island east to the mainland.

(13) **Area 24C** shall include those waters of Saratoga Passage west of Area 24A; north of a line projected due west of Hackney Island; and northwest of a line from Sandy Point, Whidbey Island to Camano Head, Camano Island.

(14) **Area 24D** shall include Holmes Harbor south of a line projected due west from Hackney Island to Whidbey Island.

(15) **Area 25A** shall include those waters of Puget Sound south of Areas 23A and 23B; east of Area 23D; north of a line projected from Diamond Point to Cape George, and westerly of a line projected from Point Partridge on Whidbey Island to Point Wilson.

(16) **Area 25B** shall include those waters of Admiralty Inlet east of Area 25A; northeast of a line projected from Point Hudson to Marrowstone Point; and north of a line projected from Olele Point to Foulweather Bluff continuing to Double Bluff on Whidbey Island.

(17) **Area 25C** shall include those waters of Hood Canal south of Area 25B and north of the Hood Canal Floating Bridge.

(18) **Area 25D** shall include those waters of Port Townsend Bay southwest of Area 25B.

(19) **Area 25E** shall include those waters of Discovery Bay south of Area 25A.

(20) **Area 26A** shall include those waters of Puget Sound south of Areas 24B, 24C, and 25B and northerly of a line from Apple Cove Point to Point Edwards.

(21) **Area 26B** shall include those waters of Puget Sound south of Area 26A, and east of a line from Point Monroe, Bainbridge Island to the mouth of Miller Bay, and east of a line from Beans Point on Bainbridge Island to Orchard Point, and northerly of a line from the ferry dock at Point Southworth to Brace Point.

(22) **Area 26C** shall include those waters of Puget Sound westerly and adjacent to Area 26B.

(23) **Area 26D** shall include those waters of Puget Sound southerly of Area 26B and northerly of the Tacoma Narrows Bridge.

(24) **Area 27A** shall include those waters of Hood Canal southerly of the Hood Canal Floating Bridge and northerly of a line from Misery Point to Quatsap Point.

(25) **Area 27B** shall include those waters of Hood Canal south of Area 27A and north of a line from Lilliwaup Creek to Dewatto.

(26) **Area 27C** shall include those waters of Hood Canal south of Area 27B.

(27) **Area 28A** shall include those waters of Puget Sound southerly and westerly of the Tacoma Narrows Bridge, south of a line projected from Penrose Point to Green Point in Carr Inlet, south of a line projected from Point Wilson to Whiteman Cove in Case Inlet, and east of a line projected from Brisco Point to Dofflemeyer Point.

(28) **Area 28B** shall include all waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

(29) **Area 28C** shall include those waters of Case Inlet and Pickering Passage north of a line projected from Wilson Point to Whiteman Cove, and north of the highway bridge from the west side of Hartstene Island.

(30) **Area 28D** shall include those waters west of Area 28A and south of Area 28C.

(31) **Area 29** shall include those waters of the Strait of Juan de Fuca west of Area 23C and east of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, then to the most westerly point of Cape Flattery.

(32) This WAC will not apply to hardshell clams, oysters, or geoducks.

[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 § 220-301-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [75.08.080](#). WSR 83-24-024 (Order 83-200), § 220-22-400, filed 11/30/83, effective 1/1/84; WSR 82-24-080 (Order 82-215), § 220-22-400, filed 12/1/82, effective 1/1/83; WSR 78-05-018 (Order 78-16), § 220-22-400, filed 4/13/78; Order 76-148, § 220-22-400, filed 12/2/76.]

WAC 220-302-100 San Juan Islands Marine Preserve Area.

The following tidal and submerged lands are included within the definition of the "San Juan Islands Marine Preserve Area":

(1) False Bay: The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula.

(2) Friday Harbor: Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards west of Point Caution, thence 500 yards offshore, thence south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100 feet north of the north entrance of the floating breakwater of the Port of Friday Harbor and projected towards Reid Rock Buoy, thence along said line to shore on San Juan Island.

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

(4) Yellow and Low Islands: All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.

(5) Shaw Island: Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hicks Bay, 122 degrees, 58 minutes, 15 seconds west longitude, thence due south 500 yards, thence north and west at a distance of 500 yards from shore to the intersection with a line projected 261 degrees true from a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, thence along said line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of said line.

[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 § 220-302-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.040](#) and [75.08.080](#). WSR 98-06-031, § 220-16-440, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW [75.08.080](#). WSR 90-06-026, § 220-16-440, filed 2/28/90, effective 3/31/90.]

WAC 220-320-060 General provisions—Shellfish.

(1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC [220-320-030](#). A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(5) "Shellfish" includes all bodily parts but does not include five pounds or less of relic shells of classified shellfish or relic shells of unclassified freshwater and marine invertebrates. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from tidelands.

[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 § 220-320-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 06-23-114 (Order 06-289), § 220-20-025, filed 11/17/06, effective 12/18/06; WSR 02-23-002 (Order 02-278), § 220-20-025, filed 11/6/02, effective 12/7/02; WSR 02-08-048 (Order 02-53), § 220-20-025, filed 3/29/02, effective 5/1/02; WSR 00-17-106 (Order 00-149), § 220-20-025, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW [75.08.080](#). WSR 00-01-095 (Order 99-213), § 220-20-025, filed 12/15/99, effective 1/15/00; WSR 98-15-031 (Order 98-120), § 220-20-025, filed 7/7/98, effective 8/7/98; WSR 95-23-020 (Order 95-166), § 220-20-025, filed 11/8/95, effective 12/9/95; WSR 94-12-009 (Order 94-23), § 220-20-025, filed 5/19/94, effective 6/19/94; WSR 90-06-045 (Order 90-15), § 220-20-025, filed 3/1/90, effective 4/1/90; WSR 80-13-064 (Order 80-123), § 220-20-025, filed 9/17/80; Order 1179, § 220-20-025, filed 11/19/74; Order 990, § 220-20-025, filed 5/11/72; Order 810, § 220-20-025, filed 4/17/69.]

WAC 220-320-100 Crab—General unlawful acts.

(1) It is unlawful to take or possess soft-shelled crab for any purpose. Violation of this subsection is punishable under RCW [77.15.160](#) or [77.15.550](#), depending on whether the crab was taken for personal use or commercial purposes.

(2) It is unlawful for any person to take or possess any female Dungeness crab for any purpose. All female Dungeness crab caught must be released immediately. Violation of this subsection is punishable under RCW [77.15.380](#) or [77.15.550](#), depending on whether the crab was taken for personal use or commercial purposes.

(3) It is unlawful to use bleach or antifreeze bottles or any other container as a float for gear used in recreational or commercial crab harvesting. Violation of this subsection is punishable under RCW [77.15.382](#) or [77.15.520](#), depending on whether the crab was taken for personal use or commercial purposes.

[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 § 220-320-100, 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), § 220-52-005, filed 11/9/12, effective 12/10/12.]

WAC 220-320-110 Puget sound crab management regions.

The following areas are defined as Puget Sound Crab Management Regions:

- (1) Crab Management Region 1 - (North Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.
- (2) Crab Management Region 2-East - (Eastern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E (see WAC [220-340-455](#)).
- (3) Crab Management Region 2-West - (Western Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A-W (see WAC [220-340-455](#)).
- (4) Crab Management Region 3, subarea 3-1 - (Eastern Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.
- (5) Crab Management Region 3, subarea 3-2 - (Central Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.
- (6) Crab Management Region 3, subarea 3-3 - (Western Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.
- (7) Crab Management Region 4 - (Southern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C.
- (8) Crab Management Region 5 - (Hood Canal). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25C, 27A, 27B, and 27C.
- (9) Crab Management Region 6 - (South Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

[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 § 220-320-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 06-01-013 (Order 05-275), § 220-16-260, filed 12/9/05, effective 1/9/06; WSR 01-03-016 (Order 00-271), § 220-16-260, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-260, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-340-020 Shellfish—Unlawful acts—Commercial.

(Items 1-5 do not apply to the crab fishery)

- (6) It is unlawful to set any shellfish pot gear such that the pot is not covered by water at all tide levels.

[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 § 220-340-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [75.08.080](#). WSR 94-12-009 (Order 94-23), § 220-52-010, filed 5/19/94, effective 6/19/94; WSR 88-12-025 (Order 88-28), § 220-52-010, filed 5/25/88, effective 8/22/88. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-52-010, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 84-08-014 (Order 84-24), § 220-52-010, filed 3/27/84; Order 77-145, § 220-52-010, filed 12/13/77; Order 1258, § 220-52-010, filed 8/25/75; Order 857, § 220-52-010, filed 12/11/69; Order 807, § 220-52-010, filed 1/2/69, effective 2/1/69; subsections 1, 3-5, Orders 414, 256, filed 3/1/60; subsection 2, Orders 443, 256, filed 3/1/60.]

WAC 220-340-060 Commercial shellfish pot gear—Escape mechanism required.

It is unlawful to fish for or possess crab, shrimp, or crawfish taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine or other natural fiber no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken. It is permissible to use a single strand of cotton twine or other natural fiber tied together at the ends so that it can be looped between the tie down straps and the lid hook to connect them together.

(2) Providing an opening in the pot mesh no less than three inches by five inches and laced or sewn closed with one single strand of untreated cotton twine or other natural fiber no larger than thread size 120. The single strand of cotton may not be wrapped multiple times or doubled in any way when lacing or sewing the wire mesh closed. 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.

[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 § 220-340-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#) and [77.12.047](#). WSR 11-09-072 (Order 11-72), § 220-52-035, filed 4/19/11, effective 5/20/11. Statutory Authority: RCW [77.12.047](#). WSR 06-07-044 (Order 06-38), § 220-52-035, filed 3/9/06, effective 4/9/06; WSR 03-16-097 (Order 03-180), § 220-52-035, filed 8/6/03, effective 9/6/03. Statutory Authority: RCW [75.08.080](#). WSR 87-23-006 (Order 87-187), § 220-52-035, filed 11/6/87.]

WAC 220-340-400 Definition—Commercial crab fishing.

"Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crab for commercial purposes, and includes the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

[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 § 220-340-400, 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), § 220-52-036, filed 11/9/12, effective 12/10/12.]

WAC 220-340-410 Commercial crab licenses.

(1) It is unlawful to take, fish for, land, or deliver crab for commercial purposes in Washington or coastal waters unless the person has the license required by statute or department rule, or if the person is a properly designated alternative operator to a valid license.

(a) For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW [77.65.130](#).

(b) For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW [77.65.130](#).

(c) To use ring nets instead of or in addition to pots, a licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license as provided in RCW [77.65.130](#).

(d) Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators are provided in and controlled by chapters [77.65](#) and [77.70](#) RCW.

(2) It is unlawful to fish for or possess Dungeness crab or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California without the licenses or permits required to commercially fish for Dungeness crab within the state waters of Oregon or California. Washington coastal Dungeness crab permits are valid only in Washington state waters, the Columbia River, Willapa Bay, Grays Harbor, and the Pacific Ocean in federal waters north of the Washington/Oregon border (46°15'00"N. Lat.), extending 200 nautical miles westward.

(3) Violation of this section is a gross misdemeanor or a class C felony under RCW [77.15.500](#) Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

[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 § 220-340-410, 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), § 220-52-038, filed 11/9/12, effective 12/10/12.]

WAC 220-340-420 Commercial crab fishery—Unlawful acts.

(1) **Crab size and sex restrictions.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crab; or

(b) Any male Dungeness crab measuring less than 6-1/4 inches, caliper measurement, at the widest part of the shell immediately in front of the points (tips).

(2) Violation of subsection (1) of this section is a gross misdemeanor or class C felony depending on the value of fish or shellfish taken, possessed, or delivered, punishable under RCW [77.15.550](#) (1)(c).

(3) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any commercial crab fishing.

(4) **Net fishing boats must not have crab on board.** It is unlawful for any person to possess any crab on board a vessel geared or equipped with commercial net fishing gear while fishing with the net gear for commercial purposes or while commercial quantities of food fish or shellfish are on board.

Violation of this subsection is a gross misdemeanor or class C felony punishable under RCW [77.15.550](#)(1), depending on the quantity of crab taken or possessed.

(5) **Area must be open to commercial crabbing.** It is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crab for commercial purposes in any area or time that is not open for commercial crabbing by rule of the department, except when acting lawfully under the authority of a valid gear recovery permit as provided in WAC [220-340-450](#).

(6) Violation of subsection (5) of this section is a gross misdemeanor or class C felony punishable under RCW [77.15.550](#), or a gross misdemeanor punishable under RCW [77.15.522](#) depending on the circumstances of the violation.

(7) **When it is unlawful to buy or land crab from the ocean without a crab vessel inspection.** It is unlawful for any fisher, wholesale dealer, or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel that has not been issued a Washington crab vessel inspection certificate during the first 30 days following the opening of a coastal crab season.

(a) Authorized department personnel will perform inspections for Washington crab vessel inspection certificates no earlier than 12 hours prior to the opening of the coastal crab season and during the following 30-day period.

(b) A Washington crab vessel inspection certificate may be issued to vessels made available for inspection at a Washington coastal port that:

- (i) Are properly licensed commercial crab fishing; and
- (ii) Contain no Dungeness crab on board the vessel.

(8) Violation of subsection (7) of this section is a gross misdemeanor, punishable under RCW [77.15.550](#) (1)(a) Violation of commercial fishing area or time—Penalty.

(9) **Coastal - Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license to deploy crab pot gear except under the following conditions:

(a) The vessel deploys pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;

(b) The undesignated vessel carries no more than 250 crab pots at any one time; and

(c) The primary or alternate operator of the crab pot gear named on the license associated with the gear is on board the undesignated vessel while the gear is being deployed.

(10) Violation of subsection (9) of this section is a gross misdemeanor or class C felony punishable under RCW [77.15.500](#) Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

[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 § 220-340-420, 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), § 220-52-040, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW [77.12.047](#) and [77.04.020](#). WSR 09-18-075 (Order 09-183), § 220-52-040, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW [77.12.047](#). WSR 07-23-090 (Order 07-285), § 220-52-040, filed 11/20/07, effective 12/21/07; WSR 05-21-068 (Order 05-246), § 220-52-040, filed 10/14/05, effective 11/14/05; WSR 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; WSR 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; WSR 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; WSR 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW [75.08.080](#). WSR 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; WSR 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; WSR 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; WSR 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; WSR 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; WSR 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; WSR 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; WSR 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; WSR 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; WSR 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; subsection 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

WAC 220-340-430 Commercial crab fishery—Buoy tag, pot tag, and buoy requirements.

- (1) **Buoy tag and pot tag required.**

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without an attached buoy tag and pot tag that meet the requirements of this section, except as provided by (b) and (c) of this subsection. A violation of this subsection is punishable under RCW [77.15.520](#), Commercial fishing—Unlawful gear or methods—Penalty.

(b) Persons operating under a valid coastal gear recovery permit as provided in WAC [220-340-440](#) may possess crab pots or buoys missing tags or bearing the tags of another license holder, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW [77.15.750](#) Unlawful use of a department permit—Penalty.

(c) Persons operating under a valid coastal gear transport permit as provided in WAC [220-340-440](#) may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW [77.15.750](#) Unlawful use of a department permit—Penalty.

(2) **Commercial crab fishery pot tag requirements:** Each shellfish pot used in the commercial crab fishery must have a durable, nonbiodegradable tag securely attached to the pot that is permanently and legibly marked with the license owner's name or license number and telephone number. If the tag information is illegible, or the tag is lost for any reason, the pot is not in compliance with state law. A violation of this subsection is punishable under RCW [77.15.520](#), Commercial fishing—Unlawful gear or methods—Penalty.

(3) **Commercial crab fishery buoy tag requirements.**

(a) The department issues crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license.

(b) In coastal waters each crab pot must have the department-issued buoy tag securely attached to the first buoy on the crab pot buoy line (the buoy closest to the crab pot), and the buoy tag must be attached to the end of the first buoy, at the end away from the crab pot buoy line.

(c) In Puget Sound, all crab buoys must have the department-issued buoy tag attached to the outermost end of the buoy line.

(d) If there is more than one buoy attached to a pot, only one buoy tag is required.

(e) Replacement crab buoy tags.

(i) Puget Sound: The department only issues additional tags to replace lost tags to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration, under penalty of perjury, in the presence of an authorized department employee. The declaration must state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss.

(ii) Coastal: The department only issues replacement buoy tags for the coastal crab fishery beginning March 1 and after a signed affidavit is received by an authorized department employee. The affidavit must be signed by the primary or alternate operator fishing the commercial crab gear and state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss.

(A) Coastal crab license holders with a 300-pot limit may replace lost tags according to the following schedule:

(I) Period 1, up to 10 tags.

(II) Period 2, 5 additional tags with no more than 15 tags total issued through the end of Period 2.

(B) Coastal crab license holders with a 500-pot limit may replace lost tags according to the following schedule:

(I) Period 1, up to 15 tags.

(II) Period 2, 10 additional tags with no more than 25 tags total issued through the end of Period 2.

(C) Replacement tag periods are defined as follows:

(I) Period 1: March 1 through April 30.

(II) Period 2: May 1 through June 30. No replacement tags will be issued for the current season after July 1.

(D) In the case of extraordinary loss of crab pot gear, the department may issue replacement tags in excess of the amount listed in this subsection on a case-by-case basis.

(4) A violation of subsection (3) of this section is a gross misdemeanor, punishable under RCW [77.15.520](#), Commercial fishing—Unlawful gear or methods—Penalty.

(5) **Commercial crab fishery buoy requirements.**

(a) All buoys attached to commercial crab gear must consist of a durable material and remain floating on the water's surface when 5 pounds of weight is attached.

(b) No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of 30 percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white. Red and white colors are reserved for personal use crab gear as described in WAC [220-330-020](#).

(c) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder may register only one unique buoy brand and one buoy color scheme with the department per license. Persons holding more than one state license must register buoy color(s) for each license that are distinctly different. The buoy color(s) will be shown in a color photograph.

(i) All buoys fished under a single license must be marked in a uniform manner with one buoy brand number registered by the license holder with the department and be of identical color or color combinations.

(ii) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

(6) Violation of subsection (5) of this section is a gross misdemeanor, punishable under RCW [77.15.520](#), Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW [77.04.012](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 17-17-104 (Order 17-207), § 220-340-430, filed 8/18/17, effective 9/18/17. 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), amended and recodified as § 220-340-430, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.020](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 15-03-091 (Order 15-01), § 220-52-042, filed 1/21/15, effective 2/21/15. 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), § 220-52-042, filed 11/9/12, effective 12/10/12.]

WAC 220-340-435 Commercial crab fishery—Shellfish pot requirements.

(1) **Commercial gear limited to pots and ring nets.** It is unlawful to take or fish for crab for commercial purposes except with shellfish pots and ring nets.

(2) **Commercial gear escape rings and ports defined.** It is unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless the gear meets the following requirements:

(a) Pot gear must have 2 or more escape rings or ports;

(b) Escape rings or ports must be 4-1/4 inches inside diameter or larger; and

(c) Escape rings or ports must be located in the upper half of the trap.

(3) **Maximum size for commercial crab pots.** It is unlawful to use a crab pot greater than 13 cubic feet in volume to fish for or take Dungeness crab from state or offshore waters for commercial purposes.

(4) **Groundline gear is unlawful.** It is unlawful to attach or connect a crab pot or ring net to another crab pot or ring net by a common groundline or any other means that connects crab pots together.

(5) **Penalty.** Violation of this section is a gross misdemeanor, punishable under RCW [77.15.520](#) Commercial fishing—Unlawful gear or methods—Penalty, or RCW [77.15.522](#) Unlawful use of shellfish gear for commercial purposes—Penalty, whichever is applicable depending on the circumstances of the violation.

[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 § 220-340-435, 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), § 220-52-043, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW [77.12.047](#). WSR 06-17-058 (Order 06-200), § 220-52-043, filed 8/10/06, effective 9/10/06; WSR 06-01-013 (Order 05-275), § 220-52-043, filed 12/9/05, effective 1/9/06; WSR 05-21-068 (Order 05-246), § 220-52-043, filed 10/14/05, effective 11/14/05; WSR 01-18-005 (Order 01-180), § 220-52-043, filed 8/22/01, effective 9/22/01; WSR 00-18-005 (Order 00-164), § 220-52-043, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW [75.08.080](#). WSR 98-19-012 (Order 98-185), § 220-52-043, filed 9/4/98, effective 10/5/98; WSR 94-12-009 (Order 94-23), § 220-52-043, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-043, filed 7/14/93, effective 8/14/93; WSR 84-08-014 (Order 84-24), § 220-52-043, filed 3/27/84; WSR 79-02-053 (Order 79-6), § 220-52-043, filed 1/30/79; Order 77-145, § 220-52-043, filed 12/13/77; Order 1179, § 220-52-043, filed 11/19/74; Order 807, § 220-52-043, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040(1).]

WAC 220-340-440 Commercial crab gear—Possession of another's gear and tag tampering.

(1) **Possession of gear bearing another's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot bearing a tag identifying the pot as belonging to another person, or any buoy not bearing tags issued by the department to the person possessing them, except:

(a) An alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(b) Persons operating under a valid coastal gear recovery permit issued by the department may possess crab pots or buoys bearing the tags of another license holder, provided the permittee adheres to provisions of the permit.

(c) Persons operating under a valid coastal gear transport permit issued by the department may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit.

(2) Violation of subsection (1) of this section is punishable under RCW [77.15.520](#), [77.15.522](#), [77.15.750](#), or [77.70.500](#), depending on the circumstances of the violation.

(3) **Pot tag or buoy tag tampering.** It is unlawful for any person to remove, damage, or otherwise tamper with crab buoy or pot tags not issued to that person, except: A person may possess the buoy tags or pot tags of another when the person is operating under a valid coastal gear recovery permit or emergency gear recovery permit issued by the department, and adheres to the permit's provisions.

(4) Violation of subsection (3) of this section is a gross misdemeanor punishable under RCW [77.15.180](#) Unlawful interference with fishing or hunting gear—Penalty.

[Statutory Authority: RCW [77.04.012](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 17-17-104 (Order 17-207), § 220-340-440, filed 8/18/17, effective 9/18/17. 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 § 220-340-440, 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), § 220-52-047, filed 11/9/12, effective 12/10/12.]

WAC 220-340-455 Commercial crab fishery—Seasons and areas—Puget Sound.

The open times and areas for commercial crab fishing in Puget Sound are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th from 30 minutes before sunrise to 30 minutes after sunset, except as provided below.

(2) For purposes of crab harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (Catch Areas) are modified as follows:

(a) Catch Area 26A-E includes those waters of Puget Sound south of a line from Sandy Point (on Whidbey Island) to Camano Head and from Camano Head to the north tip of Gedney Island, and from the southern tip of Gedney Island east to the mainland, and north and east of a line that extends from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

(b) Catch Area 26A-W includes those waters of Puget Sound south and east of a line from Foulweather Bluff to Double Bluff, and northerly of a line from Apple Cove Point to Point Edwards, and south and west of a line that extends from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

(3) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(4) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point, are closed October 1 through October 31 and March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 15.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed from October 1 through October 15.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the easternmost oil dock are closed October 1 through October 31, and March 1 through April 15, of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green No. 1 buoy at Possession Point to Possession Point and west of a line from the green No. 1 buoy at Possession Point northward along the 200-foot depth contour to the Glendale Dock, are closed October 1 through October 15.

(5) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ustalady Point, thence to Brown Point on the northeast corner of Ustalady Bay.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island, thence to Chuckanut Rock, thence to the most southerly tip of Clark's Point.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

(n) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B, which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.

(o) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

[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 § 220-340-455, 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), § 220-52-046, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW [77.12.047](#). WSR 07-23-090 (Order 07-285), § 220-52-046, filed 11/20/07, effective 12/21/07; WSR 06-08-064 (Order 06-58), § 220-52-046, filed 3/31/06, effective 5/1/06; WSR 06-01-013 (Order 05-275), § 220-52-046, filed 12/9/05, effective 1/9/06; WSR 01-11-009 (Order 01-74), § 220-52-046, filed 5/3/01, effective 6/3/01. Statutory Authority: RCW [75.08.080](#). WSR 99-10-062 (Order 99-59), § 220-52-046, filed 5/3/99, effective 6/3/99; WSR 98-19-012 (Order 98-185), § 220-52-046, filed 9/4/98, effective 10/5/98; WSR 98-05-043, § 220-52-046, filed 2/11/98, effective 3/14/98; WSR 97-08-052 (Order 97-55), § 220-52-046, filed 3/31/97, effective 5/1/97; WSR 94-12-009 (Order 94-23), § 220-52-046, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-046, filed 7/14/93, effective 8/14/93; WSR 91-10-024 (Order 91-22), § 220-52-046, filed 4/23/91, effective 5/24/91; WSR 87-05-038 (Order 87-08), § 220-52-046, filed 2/18/87; WSR 85-01-010 (Order 84-214), § 220-52-046, filed 12/7/84; WSR 84-08-014 (Order 84-24), § 220-52-046, filed 3/27/84; WSR 83-01-026 (Order 82-221), § 220-52-046, filed 12/8/82; WSR 80-13-064 (Order 80-123), § 220-52-046, filed 9/17/80; Order 76-152, § 220-52-046, filed 12/17/76; Order 1179, § 220-52-046, filed 11/19/74; Order 1112, § 220-52-046, filed 4/15/74; Order 1057, § 220-52-046, filed 5/22/73; Order 920, § 220-52-046, filed 5/13/71; Order 807, § 220-52-046, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040 (2), (3), (4) and (9).]

WAC 220-340-470 Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas.

(1) **Puget Sound licensing district commercial shellfish gear limit.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district if he or she is using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit applies to each license. This subsection does not preclude a person who holds two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW [77.65.130](#). Violation of this subsection is a gross misdemeanor, punishable under RCW [77.15.520](#) Commercial fishing—Unlawful gear or methods—Penalty.

(2) **Marine Fish-Shellfish Management and Catch Reporting Areas gear limits.** It is unlawful for any person to use, maintain, operate, or control crab pots or ring nets in excess of the limits prescribed in each of the following Marine Fish-Shellfish Management and Catch Reporting Areas.

- (a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E;
 - (b) 10 pots in all water of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula;
 - (c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek, and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay; and
 - (d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Roynier [Rayonier] Dock.
- (3) Violation of subsection (2) of this section is a gross misdemeanor, punishable under RCW [77.15.520](#) Commercial fishing—Unlawful gear or methods—Penalty.

[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 § 220-340-470, 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), § 220-52-048, filed 11/9/12, effective 12/10/12.]

WAC 220-352-010 Fish receiving ticket definitions.

The following definitions apply to this chapter:

- (1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale fish dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.
- (2) A broker who takes physical possession of fish or shellfish is an original receiver and must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish that have entered the state from another state, territory, or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.
- (3) "Department" means the Washington Department of Fish and Wildlife, Fish Program - Commercial Harvest Data Team, 600 Capitol Way North, Olympia, Washington 98501-1091.
- (4) "Delivery" means arrival at a place or port and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.
- (5) "Electronic fish receiving ticket" means the groundfish catch reporting system described in 50 C.F.R., Part 660 that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.
- (6) "Fish" means food fish classified under WAC [220-12-010](#) and game fish taken by treaty fishers and sold commercially.
- (7) "Fish buyer" or "buyer" means a person who receives fish or shellfish and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who directly receives fish or shellfish taken by a commercial fisher, or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is

acting as an agent for a wholesale fish dealer is required to have a fish buyer's license issued by the department.

(8) "Fish receiving ticket" means a document produced by the department for commercial catch accounting purposes and includes nontreaty fish receiving tickets, such as Puget Sound salmon, troll, marine, utility, and shellfish receiving tickets; treaty Indian fish receiving tickets; and treaty Indian shellfish receiving tickets.

(9) "Fisher" means a person engaged in commercial fishing activities.

(10) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

(11) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

(12) "Nontreaty" means all entities not qualified by definition as "treaty."

(13) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a buyer.

(14) "Processed" means preparing and preserving and requires a wholesale fish dealer's license. Preserving includes treating with heat, including smoking and kippering. Cooked crab is processed. Preserving also includes freezing fish and shellfish.

(15) "Shellfish" means shellfish classified under WAC [220-12-020](#).

(16) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes who harvest fish or shellfish in Washington pursuant to an Indian treaty, whether such harvest is on or off reservation.

(17) "Wholesale fish dealer" or "dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale fish dealer must be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale fish dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce, or from a person who is not a wholesale fish dealer, is required to have a wholesale fish dealer's license.

(18) "Working day" means Monday through Friday, exclusive of a Washington state or federal holiday.

[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 § 220-352-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-210, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 14-02-013 (Order 13-304), § 220-69-210, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW [77.04.020](#), [77.12.045](#), [77.12.047](#), and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-210, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW [77.12.047](#). WSR 04-17-096 (Order 04-210), § 220-69-210,

filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-210, filed 12/20/99, effective 1/20/00; Order 76-153, § 220-69-210, filed 12/17/76.]

WAC 220-352-020 When state of Washington fish receiving tickets are required.

(1) State of Washington fish receiving tickets are required for:

- (a) Fresh fish and shellfish delivered in the state of Washington, including deliveries not purchased by a dealer, which shall be recorded as weigh-back or take-home fish or shellfish.
- (b) Fresh fish and shellfish previously delivered in another state, territory or country, and transported into the state of Washington to an original receiver.
- (c) Frozen fish or shellfish not previously delivered in another state, territory, or country, and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product.
- (d) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket.
- (e) Forage fish transferred at sea to another vessel.
- (f) Forage fish caught for use as bait by the catching vessel and not transferred to another vessel or an original receiver.

(2) It is unlawful to fail to complete a fish receiving ticket when one is required.

Violation of this section is punishable under RCW [77.15.630](#).

[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 § 220-352-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 07-23-001 (Order 07-278), § 220-69-215, filed 11/7/07, effective 12/8/07; WSR 04-17-096 (Order 04-210), § 220-69-215, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 85-11-020 (Order 85-43), § 220-69-215, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-215, filed 12/2/83; Order 76-153, § 220-69-215, filed 12/17/76.]

WAC 220-352-030 When state of Washington fish receiving tickets are not required.

State of Washington fish receiving tickets are not required for:

(1) Purchase or delivery of fish or shellfish from a wholesale dealer or holder of a direct retail endorsement, provided the dealer or holder has previously prepared a fish receiving ticket. For such purchase or delivery, it is unlawful for the person taking possession of the fish or shellfish to fail to obtain the name, address, dealer number, or direct retail endorsement number, together with sales receipt documents sufficient to show the quantity of fish or shellfish and date of transaction, and retain this information with the fish or shellfish.

(a) Violation of this subsection by a wholesale dealer is a gross misdemeanor, punishable under RCW [77.15.640](#).

(b) Violation of this subsection by a retail fish seller is a misdemeanor, punishable under RCW [77.15.568](#).

(2) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(3) Private sector cultured aquatic products.

(4) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

(5) Any importation of fish that are not classified food fish under WAC [220-300-370](#) or importation of shellfish that are not classified shellfish under WAC [220-370-010](#).

[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 § 220-352-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 04-17-096 (Order 04-210), § 220-69-220, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-220, filed 12/20/99, effective 1/20/00; WSR 94-01-001, § 220-69-220, filed 12/1/93, effective 1/1/94; WSR 90-03-068 (Order 90-05), § 220-69-220, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-220, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 83-24-049 (Order 83-203), § 220-69-220, filed 12/2/83; WSR 78-03-031 (Order 78-7), § 220-69-220, filed 2/17/78; Order 76-153, § 220-69-220, filed 12/17/76.]

WAC 220-352-130 Distribution of copies of shellfish receiving ticket.

(1) State of Washington shellfish receiving tickets must be made out in quintuplicate (five copies) at the time of delivery of shellfish. It is unlawful for the original receiver to fail to distribute the fish receiving ticket copies as follows:

(a)(i) For shellfish other than geoduck clams from department of natural resources (DNR) geoduck tracts, the original receiver must mail the state copies (green and pink) to the department of fish and wildlife (department). The department must receive the state copies no later than the sixth working day after the day the original receiver completes the ticket.

(ii) For geoduck clams from DNR tracts, the original receiver must mail one state copy (green) to the department. The department must receive its copy no later than the sixth working day after the day the original receiver completes the ticket. The original receiver must give the other state copy (pink) to DNR at the time of weigh-out, unless otherwise directed by DNR.

(b) The original receiver must retain the dealer copies (white and yellow) for his or her records.

(c) The deliverer must retain the fisher's copy (gold) for his or her records.

(2) A violation of this section is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

[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 § 220-352-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 14-02-013 (Order 13-304), § 220-69-26401, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW [77.12.047](#) and [77.04.020](#). WSR 08-21-023 (Order 08-261), § 220-69-26401, filed 10/6/08, effective 11/6/08. Statutory Authority: RCW [77.12.047](#). WSR 05-05-026 (Order 05-16), § 220-69-26401, filed 2/10/05, effective 3/13/05; WSR 04-17-096 (Order 04-210), § 220-69-26401, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-26401, filed 12/20/99, effective 1/20/00; WSR 91-05-015 (Order 91-07), § 220-69-26401, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-26401, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 83-24-049 (Order 83-203), § 220-69-26401, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-26401, filed 5/2/80.]

WAC 220-352-140 Signatures—Fish receiving tickets.

(1) It is unlawful for the deliverer or original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(2) It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket to certify that all entries on the ticket are accurate and correct. It is unlawful for the original receiver of treaty food fish or shellfish to fail to sign the completed treaty Indian fish receiving ticket.

(3) It is unlawful for the deliverer or original receiver of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW [77.15.630](#).

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW [77.15.630](#).

(4) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the agent has first obtained an alternate operator's license for the fishing vessel operated by the fisherman.

(5) If the receiver receives the fish or shellfish by any method other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and together with the transportation ticket. The receiver shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.

[Statutory Authority: RCW [77.04.012](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), [77.12.150](#), [77.12.240](#), [77.12.800](#), [77.32.090](#), and [77.32.155](#). WSR 17-12-105 (Order 17-112), § 220-352-140, filed 6/6/17, effective 7/7/17. 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 § 220-352-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-274, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW [77.04.020](#), [77.12.045](#), [77.12.047](#), and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-274, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW [77.12.047](#). WSR 04-17-096 (Order 04-210), § 220-69-274, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-274, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 85-11-020 (Order 85-43), § 220-69-274, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-274, filed 12/2/83; Order 76-153, § 220-69-274, filed 12/17/76.]

WAC 220-352-160 Fish receiving ticket accountability.

(1) Only current state of Washington fish receiving tickets may be used.

(2) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(3) It is unlawful:

(a) To fail to use fish receiving ticket books and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver;

(b) To transfer fish receiving tickets or ticket books from one original receiver to another original receiver without written permission from the department;

(c) For any purchaser or receiver terminating business to fail to notify the department in writing and to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business;

(d) To fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, must be submitted to the department accompanying, and in sequence with, other fish receiving tickets;

(e) To fail to account for all lost, destroyed, or otherwise missing fish receiving tickets in writing to the department;

(f) To transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement;

(g) For any person who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement to have fish receiving tickets in his or her possession; and

(h) For a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies of a completed fish receiving ticket at the dealer's or holder's regular place of business for three years after the date of use of the fish ticket.

(4) A violation of this section is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

[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 § 220-352-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 14-02-013 (Order 13-304), § 220-69-280, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW [77.12.047](#). WSR 07-04-030, § 220-69-280, filed 1/29/07, effective 3/1/07; WSR 04-17-096 (Order 04-210), § 220-69-280, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-280, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-280, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 85-11-020 (Order 85-43), § 220-69-280, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-280, filed 12/2/83; WSR 82-17-040 (Order 82-105), § 220-69-280, filed 8/13/82; WSR 80-05-093 (Order 80-27), § 220-69-280, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-280, filed 2/17/78; Order 76-153, § 220-69-280, filed 12/17/76.]

WAC 220-352-180 Duties of commercial purchasers and receivers.

(1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

(a) Be a licensed wholesale fish dealer or fish buyer; and

(b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

(i) The original receiver must record each delivery on a separate fish receiving ticket; and

(ii) The original receiver must prepare a fish receiving ticket for purchases of fish or shellfish from fishers who are also fish dealers if the fisher/dealer has not previously completed a fish receiving ticket and provided a copy of the fish receiving ticket or the ticket number as proof.

(2) Failure to be licensed under subsection (1) of this section is punishable under RCW [77.15.620](#). Failure to properly prepare a fish receiving ticket is punishable under RCW [77.15.630](#).

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

(4) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish that are unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for those fish or shellfish.

(5) Any employee of a licensed wholesale dealer who is authorized to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer the buyers are operating under is responsible for the accuracy and legibility of all documents initiated in its name.

(6) This section does not apply to purchases or receipts made by individuals or consumers at retail.

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken by the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 if such persons are in compliance with the provisions of WAC [220-352-050\(5\)](#) and:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site;

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the department no later than twenty-four hours after the date the fish are received; and

(c) Electronically submit any amendments made to the mandatory information required under WAC [220-352-120](#) after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

(a) The term "completed" means that scale weights have been recorded for all delivered fish; and

(b) The term "submitted" means that all mandatory information required under WAC [220-352-120](#) has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

(a) It is unlawful for any person receiving forage fish or mackerel to fail to report the forage fish or mackerel on fish receiving tickets initiated and completed on the day the forage fish or mackerel are delivered.

(i) Herring must also be reported on herring harvest logs.

(ii) The harvested amount of forage fish or mackerel must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel.

(iii) An estimate of herring, candlefish, anchovy, sardine or mackerel caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery or coastal mackerel fishery, it is unlawful to purchase, per sardine or mackerel fishery vessel, more than fifteen percent cumulative weight of sardine or mackerel for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine or mackerel fishery season. Sardine and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery or in the mackerel purse seine fishery, it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(10) Geoduck: It is unlawful for any person receiving geoduck, whether or not the receiver holds a license as required under Title [77 RCW](#), to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck from the harvesting vessel onto the shore. This fish receiving ticket must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery.

(11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish

receiving tickets based on the location of harvest and the boundary definitions specified in WAC [220-340-520](#).

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC [220-340-520](#).

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC [220-340-520](#).

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC [220-340-520](#).

(12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

(b) Reports must be made by fax at 360-796-0108 or by text message or email at shrimpreport@dfw.wa.gov.

(c) Reports must include, for each fish receiving ticket prepared:

(i) The buyer name, fisher name, and date of sale;

(ii) The fish receiving ticket number, including the first alphanumeric letter;

(iii) The total number of pounds caught per shrimp species; and

(iv) The Marine Fish-Shellfish Management and Catch Reporting Area where the shrimp was harvested.

(13) Puget Sound crab:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken from Puget Sound by nontreaty fishers to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day.

(b) Reports must be made to the Mill Creek Regional Office by fax at 425-338-1066, or by email at crabreport@dfw.wa.gov.

(c) Reports must include:

(i) The dealer's name;

(ii) The dealer's phone number;

(iii) The date of delivery of crab to the original receiver; and

(iv) The total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC [220-354-090](#):

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The dealer or DRE holder name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via email at psfishtickets@dfw.wa.gov; or via phone at 1- [866-791-1279](tel:866-791-1279). In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via email at trollfishtickets@dfw.wa.gov; or via phone at 1- [866-791-1279](tel:866-791-1279).

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used:

(A) The total number of days fished;

(B) The gear used;

(C) The catch area fished; and

(D) The species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-249-1229; email at harborfishtickets@dfw.wa.gov; or phone at 1- [866-791-1280](tel:866-791-1280).

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a DRE holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery.

(A) The department establishes the time frame for submitting reports at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery occurs in conjunction with the adoption of the fishery through the Columbia River Compact.

(B) Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or [360-906-6777](tel:360-906-6777); via email at crfishtickets@dfw.wa.gov; or via phone at 1- [866-791-1281](tel:866-791-1281).

(e) Faxing or reporting electronically in portable document format (PDF) a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the quick reporting requirement.

(15) Sea urchins and sea cucumbers:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day.

(i) Wholesale dealers must report by:

(A) Fax at 360-902-2943;

(B) Toll-free telephone at 866-207-8223; or

(C) Text message or email at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(ii) For red sea urchins, the report must specify the number of pounds received from each sea urchin district.

(iii) For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area.

(iv) For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained."

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken and the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(16) A violation of the documentation or reporting requirements in this section is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

[Statutory Authority: RCW [77.04.012](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), [77.12.150](#), [77.12.240](#), [77.12.800](#), [77.32.090](#), and [77.32.155](#). WSR 17-12-105 (Order 17-112), § 220-352-180, filed 6/6/17, effective 7/7/17.

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 § 220-352-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-

240, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 16-14-046, § 220-69-240, filed 6/28/16, effective 7/29/16; WSR 14-02-013 (Order 13-304), § 220-69-240, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW [77.04.020](#), [77.12.045](#), [77.12.047](#), and 50 C.F.R. 660. WSR 12-04-028 and 12-05-009 (Order 12-09 and 12-09A), § 220-69-240, filed 1/26/12 and 2/3/12, effective 2/26/12 and 3/5/12. Statutory Authority: RCW [77.12.047](#). WSR 10-06-095 (Order 10-33), § 220-69-240, filed 3/2/10, effective 4/2/10; WSR 07-23-001 (Order 07-278), § 220-69-240, filed 11/7/07, effective 12/8/07; WSR 07-04-030, § 220-69-240, filed 1/29/07, effective 3/1/07; WSR 06-08-078 (Order 06-59), § 220-69-240, filed 4/3/06, effective 5/4/06; WSR 06-01-013 (Order 05-275), § 220-69-240, filed 12/9/05, effective 1/9/06; WSR 04-17-096 (Order 04-210), § 220-69-240, filed 8/17/04, effective 9/17/04; WSR 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; WSR 03-05-064 (Order 03-28), § 220-69-240, filed 2/18/03, effective 3/21/03; WSR 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; WSR 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; WSR 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; WSR 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; WSR 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

WAC 220-352-190 Duties of commercial fishers.

(1) It is unlawful for a fisher who does not possess a valid wholesale dealer's license or a direct retail endorsement to:

- (a) Sell fish or shellfish to a consumer, restaurant, or other retail outlet;
- (b) Donate fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization; and
- (c) Place, or attempt to place, into interstate commerce any fish or shellfish previously landed in Washington state, or caught or harvested from the territorial waters of Washington state.

(2) A violation of subsection (1) of this section is punishable under RCW [77.15.620](#), Engaging in fish dealing activity—Unlicensed—Penalty.

(3) It is unlawful for fishers engaging in activities described in subsection (1) of this section to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in the fisher's own name for each delivery of fish or shellfish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon delivery. A violation of this subsection is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

(4) It is unlawful for a fisher selling at retail to fail to complete the appropriate fish receiving ticket before offering fish or shellfish for retail sale, except a fisher may complete a fish receiving ticket with an estimated number or weight if the fisher offers the fish or shellfish for sale directly off the catcher vessel. After the retail activity is completed, the fisher who completed a fish receiving ticket with an estimated number or weight of fish or shellfish is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish sold at retail. A violation of this subsection is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

(5) It is unlawful for a fisher offering fish or shellfish for retail sale to fail to maintain a sequentially numbered receipt book. The fisher must give each purchaser of fish or shellfish a receipt showing the number, weight, and value of fish or shellfish sold to that purchaser. The receipt book must contain a duplicate copy of the receipt given to the purchaser that remains with the receipt book. The fisher must retain the duplicate receipts for one year.

A violation of this subsection is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

(6)(a) In the commercial geoduck fishery, it is unlawful for a vessel operator designated by the geoduck tract holder to fail to be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard.

(b) For each day's harvest of geoducks from each tract, it is unlawful for the designated operator to fail to completely, legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(i) Enter in the "dealer's use" column the number of cages of geoducks harvested;

(ii) Write the harvest vessel name, its Washington department of fish and wildlife identification number, and the date across the top of the fish receiving ticket directly below the tear strip; and

(iii) Sign the fish receiving ticket as the fisher.

(7) A violation of subsection (6) of this section is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

(8)(a) It is unlawful for operators of commercial fishing vessels catching forage fish for the purposes of using them as bait to fail to accurately report those harvests on a state of Washington fish receiving ticket along with the target fish or shellfish when those fish or shellfish are delivered to an original receiver.

(b) A violation of this subsection is a gross misdemeanor, punishable under RCW [77.15.630](#).

(9)(a) It is unlawful for an operator of a commercial fishing vessel to allow the distribution or transfer of forage fish for monetary consideration from the nets or other holding devices under his or her control to anyone other than a licensed wholesale fish dealer unless the operator of the commercial fishing vessel:

(i) Possesses a wholesale fish dealers license; and

(ii) Completes a fish receiving ticket for those transfers.

(b) A violation of this subsection is punishable under RCW [77.15.630](#), Unlawful fish and shellfish catch accounting—Penalty.

[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 § 220-352-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#). WSR 14-02-013 (Order 13-304), § 220-69-241, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW [77.12.047](#). WSR 07-23-001 (Order 07-278), § 220-69-241, filed 11/7/07, effective 12/8/07; WSR 04-17-096 (Order 04-210), § 220-69-241, filed 8/17/04, effective 9/17/04; WSR 04-05-028 (Order 04-20), § 220-69-241, filed 2/10/04, effective 3/12/04; WSR 03-05-059 (Order 03-32), § 220-69-241, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-241, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-241, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 83-24-049 (Order 83-203), § 220-69-241, filed 12/2/83; WSR 81-11-006 (Order 81-31), § 220-69-241, filed 5/11/81; WSR 81-03-032 (Order 81-6), § 220-69-241, filed 1/13/81; Order 76-153, § 220-69-241, filed 12/17/76.]

WAC 220-352-210 License cards.

Upon lawful application, a commercial fishery license in the form of a license card will be issued by the department. The license card will be designed for use with an approved mechanical imprinting device. The license card will contain the licensee's name; license type and gear code; license year; license number. Upon designating a vessel the license card will additionally contain the vessel name for documented vessels; the state registration number for undocumented vessels if state registration is

required; the department vessel registration number for vessels for which neither documentation nor state registration is required; the primary operator and date of birth; up to two alternate operators and date of birth for each.

[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 § 220-352-210, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 04-17-096 (Order 04-210), § 220-69-270, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 94-01-001, § 220-69-270, filed 12/1/93, effective 1/1/94; WSR 83-24-049 (Order 83-203), § 220-69-270, filed 12/2/83; Order 76-153, § 220-69-270, filed 12/17/76.]

WAC 220-352-220 Dealer and buyer plates.

(1) Upon lawful application for a wholesale dealer's license, a dealer's plate will be issued by the department for any receiver acting as or intending to act as an original receiver. The receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and department dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the department for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, department dealer number, buyer name, and department buyer number.

[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 § 220-352-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-271, filed 12/20/99, effective 1/20/00; WSR 80-05-093 (Order 80-27), § 220-69-271, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-271, filed 2/17/78; Order 76-153, § 220-69-271, filed 12/17/76.]

WAC 220-352-230 Commercial food fish and shellfish transportation ticket.

(1) Except as provided in subsection (6) of this section, it is unlawful for commercial fishers or their designees, who are neither wholesale dealers nor holders of a direct retail endorsement, to fail to complete a commercial food fish and shellfish transportation ticket as required by this section. These tickets must be completed prior to transporting fish or shellfish harvested for commercial purposes or in commercial quantities. For a fishery that does not require a vessel, a transportation ticket must be completed prior to leaving the catch site. The purpose of this rule is to ensure catch accountability when fish or shellfish are transported by the fisherman or his or her designee from the catching vessel to an original receiver. Fish receiving ticket requirements under this chapter are still in effect. A violation of this subsection or subsection (2) of this section is punishable as a gross misdemeanor under RCW [77.15.290](#).

(2) A transportation ticket must contain all of the following information and space for that information:

- (a) The name of the fisherman who caught the fish;
- (b) The fisherman's vessel registration number;
- (c) The signature of the fisherman or additional operator;
- (d) The name of the transporter;
- (e) The signature of the transporter;

- (f) The catch area where the food fish or shellfish were caught;
- (g) The species of food fish or shellfish being transported; and
- (h) The number or approximate pounds of food fish or shellfish being transported.

(3) It is unlawful for an original receiver or someone acting in the capacity of an original receiver to fail to mail the transportation ticket, together with the state copy of the fish receiving ticket as required in WAC [220-352-060](#), [220-352-090](#), and [220-352-130](#), when the person delivering the fish or shellfish does not sign the fish receiving ticket as required in WAC [220-352-140](#). If the commercial fisher signs the fish receiving ticket, only the fish receiving ticket must be mailed in, and the transportation ticket is not required to be submitted with it. Violation of this section is a gross misdemeanor, punishable under RCW [77.15.640](#).

(4) It is unlawful to fail to keep the transportation ticket with the fish or shellfish until a fish receiving ticket is completed. Violation of this subsection is a gross misdemeanor under RCW [77.15.290](#).

(5) It is unlawful for any person transporting commercially taken fish or shellfish or commercial quantities of fish or shellfish to fail to provide a transportation ticket for inspection upon demand by a fish and wildlife officer. Violation of this subsection is a gross misdemeanor under RCW [77.15.290](#).

(6) The provisions of this section do not apply to:

- (a) Food fish and shellfish purchased at retail, provided the purchaser has, in his or her possession, a sales receipt documenting the purchase;
- (b) Food fish or shellfish for which a fish receiving ticket has been completed and a copy of the fish receiving ticket is in the possession of the person transporting;
- (c) Food fish or shellfish being transported by the department;
- (d) Hatchery carcass sales;
- (e) Private sector cultured aquatic products in transport;
- (f) Food fish being transported on a completed Oregon transportation ticket, provided that the fish were caught in the concurrent waters of the Columbia River and were landed on Washington's shore; and
- (g) Fish or shellfish being transported in the catching vessel, provided that the vessel is not being transported or towed over land.

[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 § 220-352-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#) and [77.04.020](#). WSR 08-21-023 (Order 08-261), § 220-69-300, filed 10/6/08, effective 11/6/08. Statutory Authority: RCW [77.12.047](#). WSR 04-17-096 (Order 04-210), § 220-69-300, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW [75.08.080](#). WSR 00-01-145 (Order 99-221), § 220-69-300, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW [75.08.080](#) and [75.58.040](#). WSR 86-19-043 (Order 86-102), § 220-69-300, filed 9/12/86. Statutory Authority: RCW [75.08.080](#). WSR 85-11-021 (Order 85-44), § 220-69-300, filed 5/10/85.]

WAC 220-352-250 Sale under a direct retail endorsement.

It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of

product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC [220-352-180](#), is required to comply with the quick reporting requirement.

(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing.

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to [360-902-2936](#), fax to 902-2155, or email to enforcement-web@dfw.wa.gov.

(6) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of this section are punishable under RCW [77.15.640](#), Wholesale fish buying and dealing—Rules violations.

[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 § 220-352-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW [77.12.047](#). WSR 04-08-025 (Order 04-63), § 220-20-080, filed 3/29/04, effective 4/29/04; WSR 03-05-059 (Order 03-32), § 220-20-080, filed 2/18/03, effective 3/21/03.]