



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 30, 2020

TIME: 3:32 PM

WSR 20-04-058

Agency: Washington State Department of Fish and Wildlife (20-19)

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) July 1, 2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain:

Purpose: The department makes adjustments to recreational fishing rules to maximize conservation and recreational fishing opportunity. This proposal includes largely clerical changes to shellfish, marine fish, and forage fish recreational fishing regulations, focusing on clarification and simplification.

Citation of rules affected by this order:

New:

Repealed: 220-330-030 Personal-use crab pot gear requirements.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

Amended: 220-315-010 Forage Fish-Lawful gear

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

Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-18-070 on September 03, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

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

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>17</u>	Repealed	<u>9</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: December 13, 2019

Name: Larry M Carpenter

Title: Chair, Fish and Wildlife Commission

Signature:

WAC 220-310-160 Daily limits ((forage fish and) other food fish not otherwise provided for. It is unlawful for any person to retain more than the following quantities ((and sizes of food fish)) taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) ((Forage fish:

~~(a) Catch Record Card Areas 5 through 13: 10 pounds total. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form;~~

~~(b) Catch Record Card Areas 1 through 4, 2.1 (Willapa Bay) and 2.2 (Grays Harbor), excluding sardines and anchovies: 10 pounds total;~~

~~(c) Catch Record Card Areas 1 through 4, 2.1 (Willapa Bay) and 2.2 (Grays Harbor), sardines and anchovies: 25 pounds total;~~

~~(d) The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.~~

~~(2))~~ Shiner perch: Daily limit 15 fish.

~~((3))~~ (2) All other marine food fish not otherwise provided for in this chapter except albacore tuna and all mackerel: Daily limit two fish.

WAC 220-315-010 Forage fish—Lawful gear and limits. (1) It is unlawful to take, fish for, or possess herring, ~~((candlefish—))~~ sand lance~~((+))~~, sardines, anchovies or smelt species for personal use unless an angler takes those species with the following gear:

(a) ~~((Hand))~~ Forage fish dip net gear not exceeding 36 inches across the bag frame with a maximum mesh size of 5/8 inch stretched mesh ~~((size))~~;

(b) Forage fish ~~((jigger))~~ jigging gear with not more than 3 treble or 9 single hooks; or

(c) In Marine Areas 1 through 4, 2.1 (Willapa Bay), and 2.2 (Grays Harbor) it is permissible to take anchovies or sardines using dip net, cast net, ~~((jigger))~~ jigging gear, or by angling.

(2) ~~((It is unlawful to take, fish for, or possess eulachon smelt.~~

~~((3))~~) It is unlawful to use a dip ~~((bag))~~ net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water.

~~((4))~~ (3) It is unlawful to operate a dip ~~((bag))~~ net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time.

~~((5))~~ (4) Only persons with WDFW disability status and a designated harvest companion card may use a hand-operated gate on a dip net while fishing for forage fish.

~~((6))~~ (5) Forage fish ~~((jigger))~~ jigging gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

~~((7))~~ (6) It is unlawful for a fisher to operate cast net gear unless the gear is in ~~((his or her))~~ their immediate control. The fisher must have the retrieval cord in ~~((his or her))~~ their hand at all times when the cast net is deployed. Mesh size for cast nets is limited to 1 inch stretched mesh maximum, and cast nets may be no larger than 10 feet in diameter.

~~((8))~~ (7) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

~~((9))~~ (8) It is unlawful to possess forage fish taken with gear in violation of the provisions of this section. Possession of forage fish while using gear in violation of the provisions of this section is a rebuttable presumption that the forage fish were taken with such gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the forage fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(9) Forage fish limit.

(a) Catch Record Card Areas 5 through 13 and freshwater: 10 pounds total. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form;

(b) Catch Record Card Areas 1 through 4, 2.1 (Willapa Bay) and 2.2 (Grays Harbor), excluding sardines and anchovies: 10 pounds total;

(c) Catch Record Card Areas 1 through 4, 2.1 (Willapa Bay) and 2.2 (Grays Harbor), sardines and anchovies: 25 pounds total;

(d) The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

WAC 220-315-030 Smelt—Areas and seasons. (1) It is unlawful to take, fish for or possess (~~(Columbia River smelt or~~) eulachon (*Thaleichthys pacificus*).

(2) Fishing for smelt species other than (~~(Columbia River smelt or~~) eulachon (*Thaleichthys pacificus*) is permissible year-round on Pacific Ocean beaches (~~(and in all rivers concurrent with a salmon or gamefish opening, except it is unlawful to fish for smelt in the Columbia River and its tributaries)~~).

(3) Fishing for smelt other than (~~(Columbia River smelt or~~) eulachon (*Thaleichthys pacificus*) is open in all rivers, concurrent with a salmon or game fish opening, and year-round in Puget Sound, and the Strait of Juan de Fuca (~~(year-round)~~) except:

(a) (~~(Closed weekly from 10:00 p.m. Tuesday to 6:00 a.m. Friday for all gear types except forage fish jig gear; and)~~) Forage fish dip net is closed from 10:00 p.m. to 6:00 a.m. daily, and closed Wednesdays and Thursdays.

(b) Closed year-round in Catch Record Card Area 12 for all gear types.

(c) Closed year-round in Columbia River and its tributaries for all gear types.

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

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

WAC 220-300-040 Definitions—Bottomfish. The term "bottomfish," unless otherwise provided, is defined as including Pacific cod, Pacific tomcod, Pacific hake, walleye pollock (~~((all species of dabs, sole and flounders (except Pacific halibut)))~~), lingcod (~~((and all other species of greenling))~~), ratfish, sablefish, cabezon, buffalo sculpin, great sculpin, red Irish lord, brown Irish lord, Pacific staghorn sculpin, wolf-eel, giant wry mouth, plainfin midshipman, North Pacific spiny dogfish, (~~((six gill))~~) sixgill shark, (~~((soupfin shark and all other species of))~~) tope shark, and all species of skate, dab, sole, flounder (except Pacific halibut), greenling, shark, rockfish, rat-tail((s)), and (~~((surfperches))~~) surfperch (except shiner perch).

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

WAC 220-300-130 Definition—Forage fish. "Forage fish" is defined as anchovy, herring, sand lance, sardine, and all species of smelt.

WAC 220-300-370 Food fish—Classification. The following species are classified as food fish under RCW 77.12.047 and are subject to the provisions of this title:

Barracuda

Pacific barracuda *Sphyraena argentea*

Cyprinids

Carp *Cyprinus carpio*

~~((Cods and hake))~~ **Codfishes**

Pacific hake or whiting *Merluccius productus*

Walleye pollock *Gadus chalcogrammus*

Pacific Tomcod *Microgadus proximus*

Pacific Cod or true cod *Gadus macrocephalus*

~~((Flounder, sole and halibut))~~ **Flatfishes**

Butter sole or *Isopsetta isolepis*
Bellingham sole

C-O sole ~~((Pleuronichthys))~~
Pleuronichthys coenosus

Dover sole *Microstomus pacificus*

English sole *Parophrys vetulus*

Flathead sole *Hippoglossoides
elassodon*

Pacific halibut *Hippoglossus stenolepis*

Petrale sole *Eopsetta jordani*

Rex sole *Glyptocephalus zachirus*

Northern rock sole *Lepidopsetta polyxystra*

Southern rock sole *Lepidopsetta bilineata*

Pacific sand dab *Citharichthys sordidus*

Sand sole *Psettichthys melanostictus*

Slender sole *Lyopsetta exilis*

Speckled sand dab *Citharichthys stigmaeus*

Starry flounder *Platichthys stellatus*

Turbot or Arrowtooth
flounder *Atheresthes stomias*

All other species of sole
and flounder (Pleuronectiformes)

~~((Giant wrymouth~~ *Delolepsis gigantea*~~))~~

Greenling

Lingcod *Ophiodon elongatus*

Rock greenling *Hexagrammos
supercilius*

Kelp greenling *Hexagrammos
decagrammus*

All other species of
greenling (Hexagrammidae)

Herring and ~~((herring-like))~~ other forage fishes

Northern anchovy *Engraulis mordax*

Pacific sand lance ~~((or
candlefish))~~ *Ammodytes personatus*

Pacific herring	<i>Clupea pallasii</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>

**Mackerels, tunas, and jacks
(((carangids)))**

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

Skates

Longnose skate	<i>Raja rhina</i>
Big skate	<i>Raja binoculata</i>
All other species of skates	(Rajiformes))

Rockfish

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

Salmon

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

Sculpins

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

Seabass and drums

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

Sharks

Sixgill shark	<i>Hexanchus griseus</i>
((Southern or)) <u>Top</u> shark	<i>Galeorhinus galeus</i>
((Dogfish or)) <u>North</u> <u>Pacific spiny dogfish</u>	<i>Squalus suckleyi</i>
All other species of sharks	(Selachimorpha)

Skates

<u>Longnose skate</u>	<i>Raja rhina</i>
<u>Big skate</u>	<i>Beringraja Binoculata</i>
<u>All other species of skate</u>	(Rajiformes)

Smelts

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

Sturgeons

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

Surfperches

Blue perch or striped seaperch	<i>Embiotoca lateralis</i>
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Kelp perch	<i>Brachyistius frenatus</i>
Redtail surfperch	<i>Amphistichus rhodoterus</i>
Shiner perch	<i>Cymatogaster aggregata</i>
Pile perch	<i>Rhacochilus vacca</i>
Walleye surfperch	<i>Hyperprosopon argenteum</i>
White seaperch	<i>Phanerodon furcatus</i>
All other species of perch	(Embiotocidae)
(Wolf-eel	<i>Anarrhichthys ocellatus</i>)
Hagfishes	
Pacific hagfish	<i>Eptatretus stouti</i>
Black hagfish	<i>Eptatretus deani</i>
Other	
Opah	<i>Lampris guttatus</i>
Swordfish	<i>Xiphias gladius</i>
Striped marlin	<i>Kajikia audax</i>
Dolphinfish	<i>Coryphaena hippurus</i>
<u>Giant wrymouth</u>	<i>Delolepsis gigantea</i>
<u>Pacific pomfret</u>	<i>Brama japonica</i>
<u>Pacific pompano</u>	<i>Peprilus simillimus</i>
<u>Plainfin midshipman</u>	<i>Parichthys notatus</i>
<u>Ratfish</u>	<i>Hydrolagus colliei</i>
<u>Rattails, all species</u>	(Coryphaenoididae)
<u>Sablefish</u>	<i>Anoplopoma fimbria</i>
<u>Wolf-eel</u>	<i>Anarrhichthys ocellatus</i>

WAC 220-330-010 Shellfish—Daily limits, size restrictions, and unlawful acts. It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form. It is unlawful for any one person to take more than the following quantities (~~and sizes of shellfish for personal use in any one day:~~

~~(1) Cockles, borers and clams in the shell, other than)) of shellfish in any one day for personal use, or take or possess shellfish that measure less than the caliper measurement described in this section. Caliper measurement is defined as a linear measurement when both points of a movable caliper are touching the shell of the shellfish. A fixed caliper gauge is the linear distance between points of the caliper gauge or the diameter of a circular gauge.~~

~~(1) **Marine clams:**~~

~~(a) **Clams** (not including razor clams, geoduck clams and horse clams ~~((7))~~):~~

~~(i) Daily limit is 40 clams total, (~~or 10 pounds, whichever is achieved first~~) not to exceed 10 pounds in the shell.~~

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

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

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

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

~~(6) Rock scallops: 6 scallops.~~

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

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

~~(9)) (ii) Minimum size for Manila, native littleneck, butter clams, and cockles is 1 1/2 inches across the widest dimension of the shell.~~

~~(b) **Geoduck clams:**~~

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

~~(ii) It is unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.~~

~~(c) **Horse clams:** Daily limit is first 7 clams dug, regardless of size or condition. Broken clams count towards daily limit. No minimum size limit.~~

~~(d) **Razor clams:** Daily limit is 15 clams. No minimum size limit.~~

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

~~(f) **Relic shells:** No license or permit is required to take or possess up to 5 pounds of relic shells per day. It is unlawful to take or possess more than 5 pounds of relic shells from public tidelands without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from public tidelands.~~

(2) **Crab:**

(a) **General provisions:**

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

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

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

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

(b) **Dungeness crab:**

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

(B) Minimum size limit is 6 inches.

(ii) (A) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River: Daily limit is 12 male crab.

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

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

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

(c) **Red rock crab:**

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

(ii) Minimum size limit is 5 inches.

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

(e) **Tanner crab:**

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

(ii) Minimum size limit is 4 1/2 inches.

(3) **Crawfish:**

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

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

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

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

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

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

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

(7) **Oysters:**

(a) Daily limit is 18 oysters.

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

(c) Oysters taken for personal use must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which original was taken. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(8) **Scallops:**

(a) Rock scallops:

(i) Daily limit is 6 scallops.

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

(b) Pink and spiny scallops:

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

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

(c) Weathervane scallops:

(i) Daily limits is 12 scallops.

(ii) Minimum size limit is 4 inches.

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

(10) Sea urchins:

(a) Red sea urchins:

(i) Daily limit is 18 red sea urchins.

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

(b) Purple sea urchins:

(i) Daily limit is 18 purple sea urchins.

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

(c) Green sea urchins:

(i) Daily limit is 18 green sea urchins.

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

(11) Shrimp:

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

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

(10) Pinto abalone: Closed statewide.

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

(12) Sea cucumbers: 25 sea cucumbers.

(13) Red sea urchins: 18 sea urchins.

(14) Purple sea urchins: 18 sea urchins.

(15) Green sea urchins: 36 sea urchins.

(16) Dungeness crab:

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

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

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

(17) Red rock crab: 6 crab.

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

- ~~(19) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.~~
- ~~(20) Ghost and mud shrimp: 10 dozen.~~
- ~~(21) King and box crab: Closed statewide.~~
- ~~(22) Tanner crab: 6 crab).~~
- (ii) Shrimp heads may be removed, but after May 31 must be retained in the field until ashore and finished fishing for the day.
- (c) Ghost and mud shrimp: Daily limit is 120 shrimp.
- (12) Squid:
 - (a) Humboldt squid: 1 squid. No minimum size limit.
 - (b) All other species of squid: Daily limit is 10 pounds or 5 quarts of squid. No minimum size limit.

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

WAC 220-330-020 ((Personal-use shellfish gear Unlawful acts.))
Crab, shrimp, crawfish—Gear and gear-related unlawful acts. ((~~1~~) It is unlawful to violate the following provisions regarding unattended shellfish gear:

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

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

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

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

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

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

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

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

~~(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.~~

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

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

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

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

General gear requirements:

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

(2) It is unlawful to set, fish, or pull more than 2 units of gear per person per day, unless otherwise provided in this subsection. A unit of gear is defined as a hand dip net, shellfish pot, ring net or any other instrument used to capture crab, shrimp, or crawfish. A violation of this subsection is punishable under RCW 77.15.160, 77.15.380, or 77.15.370, depending on the circumstances of the violation.

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

(b) In Marine Areas 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13, it is unlawful for the operator of any boat from which shrimp pots are set, fished, or pulled to have on board or to fish more than 4 shrimp pots.

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

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

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

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

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

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

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

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

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

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

for each unit of gear. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.382 Unlawful use of shellfish gear for personal-use purposes—Penalty.

(5) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.180 Unlawful interference with fishing or hunting gear—Penalty.

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

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

(b) An opening in the pot mesh no less than 3 inches by 5 inches which is laced or sewn closed with untreated, 100 percent cotton twine, hemp, jute, or sisal no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

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

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

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

(8) **Gear setting and retrieval:**

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

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

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

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

(9) **Crab pot gear requirements:**

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

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

(c) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless the gear is equipped with 2 or more escape rings located in the upper half of the pot and escape rings are 4 1/4 inches inside diameter or larger, except in the Columbia River where escape ring minimum size is 4 inches inside diameter.

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

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

(10) **Shrimp pot gear requirements:**

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

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

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

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

(iii) Shrimp pot minimum mesh size:

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

(B) May 1 through October 15, Marine Area 4 east of the Bonilla-Tatoosh line, and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13, the minimum mesh size for shrimp pots is 1 inch, with the following exception: June 1 through October 15, in any Marine Area or portion thereof that is closed for spot shrimp but open for coonstripe and pink shrimp, the minimum mesh size for shrimp pots is 1/2 inch.

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

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

(iv) Entrance tunnels to shrimp pots may be constructed of any size mesh material. All entrance tunnels must open into the pot from the side. The sum of the maximum widths of all entrance tunnel openings must not exceed half of the perimeter of the bottom of the pot.

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

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

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

WAC 220-330-040 Crab—Areas and seasons (~~(—Personal use)~~). (1)

It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

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

(b) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island (48° 43.038'N, 122° 43.127'W), through the navigation buoy just east of Matia Island (48° 44.610'N, 122° 48.961'W), thence to the buoy at Clements Reef (48° 46.659'N, 122° 53.481'W), thence to the easternmost point of Patos Island (48° 47.123'N, 122° 56.441'W), thence running along the northern shore of Patos Island to the westernmost point of Patos Island (48° 47.355'N, 122° 58.308'W), thence true west to the international boundary and south of a line that extends south-southwest from Point Francis on Portage Island (48° 41.627'N, 122° 37.013'W), through the marker just north of Inati Bay on Lummi Island (48° 40.467'N, 122° 37.234'W) to Lummi Island (48° 40.331'N, 122° 37.262'W): Open 7:00 a.m., July 15 through September 30, Thursday through Monday of each week.

(c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island (~~((through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island))~~) (48° 43.038'N, 122° 43.127'W), through the navigation buoy just east of Matia Island (48° 44.610'N, 122° 48.961'W), thence to the buoy at Clements Reef (48° 46.659'N, 122° 53.481'W), thence to the easternmost point of Patos Island (48° 47.123'N, 122° 56.441'W), thence running along the northern shore of Patos Island to the westernmost point of Patos Island (48° 47.355'N, 122° 58.308'W), thence true west to the international boundary and south of a line that extends south-southwest from Point Francis on Portage Island (48° 41.627'N, 122° 37.013'W), through the marker just north of Inati Bay on Lummi Island (48° 40.467'N, 122° 37.234'W) to Lummi Island (48° 40.331'N, 122° 37.262'W): Open 7:00 a.m. August 15 through September 30, Thursday through Monday of each week.

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

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

(4) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the (~~((Burlington Northern))~~)

railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

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

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

WAC 220-330-070 Shrimp—Areas and seasons. It is unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

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

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

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

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

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

~~((2) Sea urchins: It is lawful to fish for sea urchins for personal use the entire year. It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.~~

~~(3) Sea cucumbers: It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Marine Area 12. It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.~~

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

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

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

(48° 32.146'N, 122° 59.033'W) west of a line from Neck Point on Shaw Island (48° 35.233'N, 123° 0.744'W) to Steep Point on Orcas Island (48° 36.559'N, 123° 1.387'W) and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48° 37.348'N, 123° 6.450'W).

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

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

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

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

(f) Those waters of Eagle Harbor west of a line projected from Wing Point (47° 37.241'N, 122° 29.535'W) to Eagle Harbor Creosote Light Number 1 (47° 36.975'N, 122° 29.792'W), then projected true west to the shore on Bainbridge Island (47° 36.975'N, 122° 29.977'W).

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

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

(3) **Goose barnacles:**

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

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

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

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

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

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

(b) **Three Tree Point.** Three Tree Point is defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 27.108'N, 122° 22.811'W; then northwesterly to 47°

27.255'N, 122° 22.948'W; then northeasterly to 47° 27.425'N, 122° 22.617'W; then returning to shore at 47° 27.278'N, 122° 22.461'W.

(c) **Alki Beach Seacrest Coves 1, 2, and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bedlands, and tidelands within the area described by a line starting from shore at 47° 35.216'N, 122° 22.622'W; then northeasterly and offshore to 47° 35.268'N, 122° 22.560'W; then northwesterly to 47° 35.492'N, 122° 23.87'W; then returning to shore at 47° 35.480'N, 122° 23.905'W. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

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

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

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

(g) **Deception Pass.** Deception Pass is defined as the waters, bedlands, and tidelands east of a line starting at 48° 24.134'N, 122° 39.801'W; and north to 48° 25.169'N, 122° 40.343'W; then east to 48° 25.269'N, 122° 40.161'W; proceeding to 48° 24.925'N, 122° 39.845'W; and west of a line starting at 48° 24.492'N, 122° 36.904'W; and north to 48° 24.815'N, 122° 36.912'W.

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

WAC 220-330-120 Clams, oysters, mussels, scallops, sea urchins, sea cucumbers, squid, octopus—Gear and gear-related unlawful acts. ((1)) It is unlawful to take, dig for ((and)), fish for, or possess clams ((excluding razor clams), cockles, and mussels taken for personal use except), oysters, mussels, scallops, sea urchins, sea cucumbers, squid, or octopus for personal use, except using gear outlined in the following subsections:

(1) **Clams** (excluding razor clams and geoducks): By hand or with hand-operated forks, picks, mattocks, rakes and shovels. ((Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to take, dig for and possess razor clams taken for personal use except))

(2) **Razor clams:** By hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter.

The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom. ((Violation of this subsection is an infraction, punishable under RCW 77.15.160.

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

~~(4) In the field each digger, including holders of razor clam disability permits, must have his or her daily limit in a separate container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.~~

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

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

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

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

~~(9) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell.~~

~~(10) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.~~

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

(3) Geoducks:

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

(b) It is unlawful for any person digging clams, other than razor clams, for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to its approximate original condition by the clam diggers immediately after harvest.

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

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

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

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

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

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

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

(11) A violation of this subsection is punishable under RCW 77.15.160, 77.15.380, or 77.15.370, depending on the circumstances of the violation. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with such gear.

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

WAC 220-330-150 Oysters and clams on private tidelands—Personal use. ~~((1) WAC 220-330-120 through 220-330-140 shall not apply to private tideland owners or lessees of state tidelands or immediate family members taking or possessing oysters, clams, cockles, borers and mussels for personal use from their own tidelands or leased state tidelands.~~

~~(2) This section shall not apply to razor clams.)~~ Provisions of this chapter do not apply where oysters, clams (excluding razor clams), or mussels, are taken or possessed for personal use only, by private tideland owners and lessees and immediate family members of the owners or lessees of state tidelands, from their own private tidelands.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-330-030 Personal-use crab pot gear requirements.

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

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~~) or crab parts without also retaining the back shell (carapace) of each crab.

(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.~~)

WAC 220-314-020 Possession limits—Bottomfish. It is unlawful for any person to fish for or take bottomfish for personal use except within the seasons, daily quantities, and possession limits prescribed as follows:

(1) Coastal areas (~~((Catch Record Card))~~) Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line):

(a) Bottomfish fishing is open the second Saturday in March through the third Saturday in October, except fishing for surfperch from the shore is allowed year-round.

(b) Limit of surfperch is 12 per person per day. For all other bottomfish, limit is 9 fish total per person per day, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish in aggregate. The possession limit for yelloweye rockfish is 0.

(iii) Wolf-eel: 0 fish from Catch Record Card Area 4.

(iv) Cabezon: Marine Areas 1 through 4: 1 fish, no minimum size.

(c) Additional flatfish: In addition to the bottomfish limit in (b) of this subsection, anglers may take 3 flatfish per person, per day, not to be counted towards the bottomfish limit but in addition to it.

(2) Inner Puget Sound (~~((Catch Record Card))~~) Marine Areas 4 east of the Bonilla-Tatoosh line, and 5 through 13):

(a) (~~((Catch Record Card))~~) Marine Area 4 east of the Bonilla-Tatoosh line: Limit ((10)) of surfperch is 12 per person per day. For all other bottomfish, 9 fish total, which may include no more than:

(i) Lingcod: 2 fish, no minimum length (~~((of 22 inches))~~).

(ii) Rockfish: (~~((6))~~) 7 fish. Only black (~~((or))~~), blue/deacon, yellowtail, and widow rockfish may be retained.

(iii) Wolf-eel: 0 fish.

(iv) Cabezon: 1 fish (~~((the))~~), no minimum size (~~((limit is 18 inches))~~).

(b) (~~((Catch Record Card))~~) Marine Areas 5 and 6: 15 fish total for all species and species groups of bottomfish, which may include no more than:

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

Pacific hake 2 fish

(c) (~~Catch Record Card~~) Marine Area 7: 15 fish total for all species of bottomfish, which may include no more than:

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

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

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

(e) (~~Catch Record Card~~) Marine Area 12: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	0 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut) <u>only in Dabob Bay north of Turner Creek</u>	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(f) The possession limit for lingcod taken by angling gear is 26 to 36 inches in length. For spear fishing, lingcod may not be possessed that exceed 36 inches in length but there is no minimum size limit.

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

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

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

(3) The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form.

(4) Unless otherwise provided, bottomfish fishing is open the entire year.

(5) Daily limits include bottomfish caught in adjacent areas bordering other states, such as Oregon.

(6) It is unlawful to fish for, retain, or possess sixgill, seven-gill, or thresher sharks.

WAC 220-314-030 Halibut—Seasons—Daily and possession limits.

(1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) (~~Catch Record Card~~) Marine Area 1: Closed except as provided by emergency rule. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except flatfish, sablefish, Pacific cod, and lingcod north of the Washington-Oregon border if the vessel has brought halibut into port or landed halibut.

(b) (~~Catch Record Card~~) Marine Area 2:

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

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°58.00'N. lat., 124°24.24'W. long.

Closed except as provided by emergency rule.

(ii) All other waters in Area 2 - Closed except as provided by emergency rule.

(iii) From the second Saturday in March through May 31, it is unlawful to fish for or possess lingcod, seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain lingcod on days open during the primary halibut season as described in (b)(ii) of this subsection, seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below:

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°52.94'N. lat., 124°22.58'W. long.
46°44.18'N. lat., 124°18.00'W. long.
46°38.17'N. lat., 124°15.88'W. long.

(c) (~~Catch Record Card~~) Marine Areas 3 and 4 west of Bonilla-Tatoosh line - Closed except as provided by emergency rule. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

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

It is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from June 1 through Labor Day except, on days and times open to halibut fishing, it is permissible to retain lingcod, sablefish, and Pacific cod. The retention of yellowtail rockfish and

widow rockfish is permitted seaward of the line approximating 20 fathoms on days open to the recreational salmon fishery during the months of July and August:

- 48°23.9'N. lat., 124°44.2'W. long.
- 48°23.6'N. lat., 124°44.9'W. long.
- 48°18.6'N. lat., 124°43.6'W. long.
- 48°18.6'N. lat., 124°48.2'W. long.
- 48°10.0'N. lat., 124°48.8'W. long.
- 48°02.4'N. lat., 124°49.3'W. long.
- 47°37.6'N. lat., 124°34.3'W. long.
- 47°31.7'N. lat., 124°32.4'W. long.

(d) (~~Catch Record Card~~) Marine Area 4 east of the Bonilla-Ta-toosh line, closed except as provided by emergency rule. It is unlawful to fish for or possess bottomfish seaward of a line approximating 120 feet except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of 120 feet as defined by WAC 220-314-010. The retention of yellowtail rockfish and widow rockfish is permitted seaward of the line approximating 120 feet on days open to the recreational salmon fishery during the months of July and August.

(e) (~~Catch Record Card~~) Marine Areas 5 through 11, and 13 - On days that the halibut fishery is open, it is lawful to fish for, retain, and possess lingcod and Pacific cod seaward of 120 feet in (~~Catch Record Card~~) Marine Area 5. Closed except as provided by emergency rule.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

(4) The annual limit is four halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(5) It is unlawful to fish for, retain, possess, or land halibut into a port located within an area that is closed to halibut fishing. This does not include halibut caught in Canadian waters. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

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

WAC 220-314-040 Lingcod—Areas and seasons. It is unlawful to take, fish for, or possess lingcod for personal use except during the following seasons and areas:

(1) Coastal area:

(a) (~~Catch Record Card~~) Marine Areas 1 through (~~3 and 4 west of the Bonilla-Tatoosh line~~) 4: From the second Saturday in March, through the third Saturday in October (~~7 and~~).

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

~~(c)~~) It is unlawful to fish for, retain, or possess lingcod in (~~Catch Record Card~~) Marine Area 1 seaward of a line extending from 46°38.17'N. lat., 124°21.00'W. long. to 46°33.00'N. lat., 124°21.00'W. long. when lingcod is open.

(~~(d)~~) (c) It is unlawful to fish for, retain, or possess lingcod in (~~Catch Record Card~~) Marine Area 2 seaward of a line extending from 47°31.70'N. lat., 124°45.00'W. long. south to 46°38.17'N. lat., 124°30.00'W. long. when lingcod is open, except that lingcod may be taken, retained and possessed seaward of the line on days open during the primary halibut season and from June 1 through June 15 and September 1 through September 15.

(2) (~~Catch Record Card~~) Marine Areas 5 through 11, and 13: May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

(3) Marine Area 12: Closed year-round.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-300-300 Geographical definitions—District 1.

WAC 220-300-310 Geographical definitions—District 2.