

Commercial Shellfish Regulation Proposals (Decision)

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date: March 17-19, 2022

Agenda item: Puget Sound Commercial Shellfish Rules Updates

Presenter(s): Chris Eardley, Puget Sound Shellfish Policy Coordinator, Aaron Dufault, Puget Sound Shellfish Manager

Background summary: The Department will brief the Commission on proposals to update commercial shellfish rules. Since the last comprehensive updates, we have learned more about the populations we manage; fisheries, harvest practices, and patterns have evolved; newer technologies, ideas, and challenges have emerged; and co-management has evolved. Proposals affect dive fisheries (sea urchin, sea cucumber, scallop); crab; shrimp; crawfish; squid; octopus; and razor clam rules.

Staff recommendation: Staff recommend the adoption as proposed, with one modification: The proposals described in the CR-102 and in the February 18, 2022 Commission Briefing and Public Hearing accidentally transposed the non-spot pot maximum depth restrictions for two shrimp regions. A correction has been made to define the maximum depth restriction for Region 2E as 175 feet and for Region 2W as 150 feet. Additionally, as noted in the February 18 Commission Briefing and Public Hearing, additional changes since the CR-102 are the addition of a requirement to register crab buoy colors with the Department, and to utilize Decimal Degree format rather than Decimal Degree Minutes in the newly-inserted geographical coordinates throughout WAC Chapter 220-340. The crab buoy color registration requirement is extending an existing requirement in the Coastal crab fishery to the Puget Sound fishery. There is substantial overlap between Coastal and Puget Sound commercial crab license ownership and the Puget Sound crab fishery already requires registration of other buoy information, such as buy brand number. The change in geographical coordinate format is a minor administrative change that does not affect the intent of any rules or definitions; the change is simply to provide clarity and an easier-to-use format.

Policy issue(s) and expected outcome: Update rules for implementation in 2022--for improved efficiency and utility for managers and enforcement, flexibility for commercial fishing, alignment with co-management agreements and conservation objectives, to implement tools for emerging issues, and to address housekeeping needs.

Fiscal impacts of agency implementation: No significant fiscal impacts anticipated.

Public involvement process used and what you learned: Many of the proposals have previously been initiated with emergency regulation and are thus familiar to fishers; some were also developed based on fisher proposal or input. Proposals were posted to the agency website on January 5, 2022 following original notice on November 4, 2021. A dedicated user-friendly public input page was developed to view proposals and register comments. Fleets were also engaged via direct email and additional notification of the project and comment opportunity was provided at a January 5, 2022 commercial harvesters meeting. Five public comments were received, only one of which was opposed to a small portion of one proposal; the remainder have been neutral or supportive. An additional direct email went to the Puget Sound commercial crab fleet notifying of the addition of a crab buoy color registration requirement since the CR-102 and no comments were received. A public hearing was held on February 18, 2022 and no public testimony was received.

Action requested and/or proposed next steps: Consider adoption as proposed by staff, with additional proposed modifications as described above.

Draft motion language:

I move to adopt Puget Sound Commercial Shellfish Rules proposals:

Amend WAC sections:

220-320-010—Shellfish—Classification
220-320-110—Puget Sound commercial crab regions
220-320-120—Puget Sound shrimp districts
220-340-020—Shellfish—Unlawful acts—Commercial
220-340-030—Shellfish harvest logs
220-340-060—Commercial shellfish pot gear—Escape mechanism required
220-340-100—Commercial clam fishery—gear
220-340-420—Commercial crab fishery—Unlawful acts
220-340-430—Commercial crab fishery—Gear requirements
220-340-455—Commercial crab Fishery—Seasons and area—Puget Sound
220-340-470—Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas
220-340-520—Commercial shrimp fishery—Puget Sound
220-340-610—Commercial scallop fishery—Puget Sound
220-340-700—Commercial crawfish fishery
220-340-720—Commercial octopus fishery
220-340-730—Commercial sea cucumber fishery
220-340-750—Commercial sea urchin fisheries
220-340-770—Commercial squid fishery
220-352-340—Puget Sound crab—Additional reporting requirements
220-352-355—Puget Sound shrimp—Additional reporting requirements

New WAC sections:

220-320-140—Commercial shrimp geographical management units—Puget Sound
220-340-530—Commercial shrimp trawl fishery—Puget Sound
220-352-355—Puget Sound scallop—Additional reporting requirements

Repeal WAC sections:

220-340-740—Sea cucumber license reduction program

220-340-760—Sea urchin license reduction program

Is there a “second”?

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

Post decision communications plan:

The public will receive notice through a press release, our website, and email. Hard copies will be sent to those who request it.

Form revised 1-20-21

Proposals

Staff contacts for all proposals: Chris Eardley, Aaron Dufault—Puget Sound Shellfish Program

1. Clarify, standardize harvester number display on dive harvest vessels.

Type of Rule Change Proposal

Commercial shellfish rules modification and simplification

Short Description

This proposal seeks to aid enforcement and simplify rules by standardizing vessel harvester number display requirements across all dive fisheries. Modifies existing rule, which refers only to geoduck dive vessels, to apply to all dive fisheries—sea cucumber, sea urchin, and scallop. WAC sections for those fisheries will cross-reference the modified WAC 220-340-020.

Explanation

This proposal seeks to aid enforcement and simplify rules by standardizing vessel harvester number display requirements across all dive fisheries.

WAC

220-340-020 and 220-340-610, 220-340-730, and 220-340-750

Written testimony: None

2. Update scallop rules

Type of Rule Change Proposal

Commercial shellfish rules modification and conservation

Short Description

Proposals include permitting possession for public health testing for biotoxin safety in harvested scallops; referring to sea cucumber and sea urchin closure areas as also closed to scallop harvest for conservation purposes; permitting two divers to be in the water simultaneously for safety purposes, as long as the harvest vessel is designated on both scallop licenses; defining the fishery week to support fishery pacing (use of weekly trip limits), and the creation of a new WAC section for additional scallop reporting requirements—modelled on other fisheries and including descriptions of quick reporting requirements.

Explanation

Proposals seek to support possession for health testing related to biotoxin safety, diver safety, and efficient catch accounting, and to align with conservation objectives. These provisions have been previously initiated via emergency regulation.

WAC

220-340-020 and 220-340-610 and 220-352-355 (proposed new section)

Written testimony: None

3. Update sea cucumber rules

Type of Rule Change Proposal

Commercial shellfish rules modification and conservation

Short Description

Proposals include updating existing list of sea cucumber closure areas to add closed areas at Low Point, Tatoosh Island, and Hale Passage/Wollochet Bay; updating sea cucumber fishery district boundaries; and defining the fishery week for pacing the fishery (use of weekly trip limits).

Explanation

Closure areas serve as reference areas for monitoring of population status and to conserve spawning stock distributed throughout Puget Sound—also aligning with co-management of urchins and sea cucumbers in Puget Sound. Cucumber districts were realigned to account for improved understanding of resource distribution and harvest effort patterns—supporting management of the resource and sharing. These provisions have been previously initiated via emergency regulation.

WAC

220-340-730

Written testimony: 1 comment (neutral)-- Request to allow more than one diver in water harvesting on a single license

4. Update sea urchin rules

Type of Rule Change Proposal

Commercial shellfish rules modification and conservation

Short Description

Proposals include updating existing list of sea urchin closure areas to add closed areas at Low Point, Tatoosh Island, and Hale Passage/Wollochet Bay; adding minimum and maximum size limits; updating sea urchin fishery district boundaries; and defining the fishery week for pacing the fishery (use of weekly trip limits).

Explanation

Closure areas serve as reference areas for monitoring of population status and to conserve spawning stock distributed throughout Puget Sound--aligning with co-management of urchins and sea cucumbers in Puget Sound. Minimum (red urchins and green urchins) and maximum size limits (red urchins) preserve spawning opportunity and protect juvenile habitat (adult spine canopy in red urchins), important conservation measures. Urchin districts were realigned to account for improved understanding of resource distribution and harvest effort patterns—supporting management of the resource and sharing. These provisions have been previously initiated via emergency regulation.

WAC

220-340-750

Written testimony: None

5. Create provisions for crab pot “barging”

Type of Rule Change Proposal

Commercial shellfish rules modification

Short Description

This proposal defines a provision to use vessels not designated on licenses to transport and deploy crab pots—including restricting the practice to the first 48 hours (daylight hours only) following the initial season opening, requiring that the primary or alternate operator designated on the license associated with the barged gear be on board the non-designated vessel, and a requirement to report intent to do so in advance (at least 24 hours).

Explanation

This proposal provides fishers some flexibility for efficiency and safety, by removing the incentive to overload smaller vessels with crab pots while also reducing the need for multiple trips to deploy pots at the start of the fishery. Crab pot barging is currently utilized on the coast, with existing requirements already in WAC, though proposals for Puget Sound regulations differ somewhat. These provisions have been previously initiated via emergency regulation.

WAC

220-340-420

Written testimony: None

6. Define provisions for short-term storage of crab

Type of Rule Change Proposal

Commercial shellfish rules modification and clarification

Short Description

This proposal defines provisions to allow limited short-term storage of crab prior to official landing. Provisions include a maximum of 10 days of storage; a requirement to label containers describing the contents including catch and transportation ticket information; and requirements to quick report crab placed into such storage as well as when crab are eventually delivered to an original receiver. The proposal also clarifies that an existing Transportation Ticket requirement applies to such storage.

Explanation

This proposal seeks to support precise catch accounting and clarity for enforcement, while also providing some flexibility to fleet. These provisions have been previously initiated via emergency regulation.

WAC

220-340-420, 220-352-340

Written testimony: None

7. Update crab buoy requirements

Type of Rule Change Proposal

Commercial shellfish rules modification, clarification, and conservation

Short Description

This proposal requires that undeployed buoy tags be retained on the vessel and available for inspection—an existing common practice already. The proposal also clarifies buoy construction requirements and adds a requirement to register buoy colors with the Department.

Explanation

These proposals support compliance and enforcement, and provide managers with tools for emerging challenges. The addition of a buoy color registration requirement will support identification for enforcing against theft and also understanding whale entanglements. The requirement to register buoy colors with the Department is a proposed change since the submission of the CR-102.

WAC

220-340-430

Written testimony: None

8. Update crab reporting requirements

Type of Rule Change Proposal

Commercial shellfish rules modification and conservation

Short Description

This proposal requires that fishers and alternate operators report intended area of harvest prior to gear deployment and when gear will not be deployed for 72 hours; adds additional data fields to quick report requirements (license number and email address of original receiver), and adds language accommodating electronic reporting.

Explanation

These proposals support improved catch accounting, compliance, and enforcement in the crab fishery. These provisions have been previously initiated via emergency regulation.

WAC

220-352-430

Written testimony: None

9. Updates to crab seasons and areas

Type of Rule Change Proposal

Commercial shellfish rules modification

Short Description

This proposal removes specifically-defined opening and closing dates for the Puget Sound commercial crab fishery, redefines fishing times as one hour before/after sunrise (from 30 minutes), removes obsolete closed and restricted areas descriptions, and updates crab geographical management unit definitions.

Explanation

These proposals provide managers needed flexibility in planning fisheries, support enforcement, and update obsolete provisions. Managers require more flexibility according to variables such as crab shell condition, weather, and co-management needs; currently-described opening and closing dates not always utilized, resulting in use of emergency regulations. Updating fishing times standardizes with other shellfish fisheries, a simplification that benefits enforcement. Some area currently described as closed or restricted to commercial fishing are obsolete—remnants from historic co-manager agreements and preceding the Commission Crab Policy. Geographical crab management units are adjusted over time to support geography-specific management, catch accounting, and sharing; proposed updates also align with co-management agreements. Most of these provisions have been previously initiated via emergency regulation.

WAC

220-340-455, 220-320-110, and 220-320-120

Written testimony: None

10. Update crab pot rules

Type of Rule Change Proposal

Commercial shellfish rules modification and clarification

Short Description

This proposal increases the defined pot limit in some Crustacean Special Management Areas (Port Townsend, Sequim, and Discovery Bay, Port Angeles Harbor) from 10 to 20, defines “other natural fiber” for lawful pot escapement component fibers, allows stacking of three license on a single vessel (from two), and removes ring nets as a listed gear type.

Explanation

These proposals update obsolete provisions and clarify definitions. Existing pot limit definitions pre-date Commission Crab Policy and put the state at a disadvantage in equal sharing with co-managers. Hemp, jute, and sisal all have similar degradation/deactivation times as 100% cotton and this proposal adds definition and aligns with a similar change to recreational rules in 2020. Ring nets are no longer a utilized gear type due to inefficiency and impracticality and removing their reference is a rule simplification, also effected in 2021 coastal crab rulemaking. Proposal also includes increasing the number of licenses permissible for stacking on a single vessel from two to three; this provision aligns with statute (RCW 77.65.100). Pot limit provisions have been previously initiated via emergency regulation.

WAC

220-340-060, 220-340-430, and 220-340-470

Written testimony: None

11. Update buoy & pot requirements for shrimp

Type of Rule Change Proposal

Commercial shellfish rules modification, clarification, and conservation

Short Description

This proposal requires that buoys be marked with the license holder and vessel identification and restores a provision to require that buoys indicate the number of underlying pots on an attached groundline; defines minimum mesh size for spot and non-spot shrimp pots, removes the spot shrimp minimum size requirement, allows limited deployment of spot and non-spot shrimp pots within the same catch area concurrently (some areas), defines non-spot shrimp harvest depth restrictions, and defines maximum pot dimensions.

Explanation

These proposals support enforcement, update obsolete provisions, simplify regulations, and offer flexibility for fishers. Proposed buoy marking requirements support enforcement—in ensuring compliance with pot limits, area rules, and depth restrictions, as well as providing useful information in the retrieval of derelict gear. The provision to identify the number of pots attached to an underlying groundline was an existing provision accidentally lost during recent historical re-codification and this proposal restores that provision. Minimum mesh size is a more efficient means of instituting a minimum size limit for shrimp as well as helping to reduce handling stress and mortality on shrimp hauled to the surface; this also makes the existing spot shrimp minimum size limit obsolete. Allowing some limited deployment of spot and non-spot shrimp pots in one specific, large Catch Area (but not within smaller Sub-areas) provides some flexibility and efficiency for fishers to transport and deploy one type of pot (spot or non-spot) while travelling to haul the other; this proposal does not permit concurrent harvest of spot shrimp and non-spot shrimp—only the deployment of pots. Instituting depth restrictions for non-spot shrimp pots segregates non-spot shrimp fishing from depths spot shrimp typically inhabit—minimizing interaction. Defining pot dimensions provides standards and clarity for fishers. Many of these provisions have been previously initiated with emergency regulations.

WAC

220-340-520

Written testimony: Comments: 1 (opposed to requirement to label buoys with number of underlying pots): Concerned maintaining accurate pot count on buoy markings is challenging, suggests considering alternatives.

12. Updates to shrimp areas

Type of Rule Change Proposal

Commercial shellfish rules modification and clarification

Short Description

This proposal updates definitions of shrimp geographical management areas.

Explanation

This proposal supports catch accounting, area-specific management needs, sharing with co-managers, and aligns with co-management agreements. The boundaries of some areas have been adjusted over time, and there are also differences between pot fishery and trawl fishery management areas—requiring updates to definitions. The proposal also redefines existing Shrimp Districts concept as Crustacean Special Management Areas--adding to existing definitions and accommodating special management areas useful to both shrimp and crab fishery regulation. These areas often span more than one Catch Area or other designation, making unique definitions helpful. Examples of usefulness include ease of opening/closing, instituting separate pot limits, and generally preserving recreational priority per Commission policy. This proposal also makes permanent time-area restrictions for the trawl fishery previously effected via emergency regulations. Per co-management agreement and to reduce impacts to non-target species, this proposal is to exclude trawl fishing in some areas (Catch Areas 21B, 22B, and a portion of 20A) year-round, while others (portions of 20A, 21A, 22A) may not open until after a specified date (ranging from June 15-July 31 depending on area) to protect molting crab. This proposal also adds a provision to open some areas earlier pending the results of a test fishery demonstrating low bycatch concern to offer some flexibility and advise management.

WAC

220-320-120, 220-340-520, 220-340-530 (new section)

Written testimony: Comments: (1) Supportive of creating new WAC section for trawl fishery, describes concerns with habitat/bycatch impacts of trawl fishery and suggests excluding trawl from SJI and Bellingham Bay.

13. Updates to shrimp reporting requirements

Type of Rule Change Proposal

Commercial shellfish rules modification and clarification

Short Description

This proposal updates definitions of shrimp geographical management areas.

Explanation

This proposal supports improved catch accounting and enforcement by requiring that fishers/alternate operators report their intended area of harvest, target species, and quantity of gear prior to deployment; adding required quick reporting fields; and adding language accommodating electronic reporting.

WAC

220-340-520, 220-352-355, 220-340-030

Written testimony: None

14. Updates to razor clam gear rules

Type of Rule Change Proposal

Commercial shellfish rules modification and conservation

Short Description

This proposal updates obsolete gear regulations by removing pick, mattock, and fork as legal gear implements and adding clam tube as lawful gear types.

Explanation

Pick, mattock, and fork are not gear types used in the commercial fishery due to impracticality; some of these gear types also damage clams. Harvesters instead use shovels the addition of clam tubes provides another gear option. This proposal was developed with support from industry and aligns with recreational gear rules adopted in 2020.

WAC

220-340-100

Written testimony: None

15. Updates to crawfish rules

Type of Rule Change Proposal

Commercial shellfish rules modification

Short Description

This proposal requires that buoys be marked to indicate the number of underlying pots on an attached groundline and clarifies buoy construction requirements.

Explanation

This proposal aligns with other pot fisheries (shrimp and crab) and supports enforcement.

WAC

220-340-700

Written testimony: None

16. Updates to squid rules

Type of Rule Change Proposal

Commercial shellfish rules modification, simplification, and conservation

Short Description

This proposal removes drag seine as a lawful gear type, updates maximum lighting power requirements to accommodate use of LED technology, and offers a simplification to the existing shoreline setback requirement.

Explanation

Drag seines are proposed to be removed as a lawful gear type due to concerns regarding bycatch and habitat impacts—and to align with co-management agreement. Fishers use lights to attract squid and lights commonly used now make use of LED technology. Existing rules define a maximum power for lighting, but not for now-utilized LED technology. Existing rules define a shoreline setback as “It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.” This proposal removes the reference to “incorporated city or town,” since it is not always clear to fishers; the proposal also has the added benefit of segregating commercial and recreational fishing, which typically occurs near shore. Some of these provisions have been previously initiated via emergency regulation.

WAC

220-340-700

Written testimony: None

17. Update harvest logbook requirements

Type of Rule Change Proposal

Commercial shellfish rules modification, simplification, and clerical changes

Short Description

This proposal updates harvest logbook requirements to reflect current mailing addresses, clarifying language, and adding new required fields to shrimp, sea urchin, and Puget Sound squid logbooks.

Explanation

This proposal supports harvest management by updating obsolete provisions, adding clarifying language, and making clerical changes. New required fields for shrimp include operator name, license number, buoy brand, contact, gear descriptions, fishing area, catch information, and date requirements; for urchins include species; and for squid include location description and lighting information. Some of these provisions have been previously initiated via emergency regulation.

WAC

220-340-030

Written testimony: Comments: 1 (neutral): Requests shrimp logbooks be available in carbon-copy booklet

18. Technical/clerical “housekeeping” changes

Type of Rule Change Proposal

Commercial shellfish rules modification, simplification, and clerical changes

Short Description

This proposal provides minor updates throughout the chapter to format, streamline, and update language; reorganize chapters to improve structure; removes obsolete sections; and improves geographical descriptions.

Explanation

See table, below

WAC

Throughout WAC sections 220-320, 340, and 220-352 (see p.2 for complete list of WACs)

Written testimony: None

List of technical/clerical changes		
Number	Issue	Details
1	Create separate WAC section for shrimp trawl fishery	Proposed new section is 220-340-530; trawl and pot fisheries are managed differently; this improves structure and utility for managers and other users
2	Create separate WAC section for shrimp geographical management unit definitions	Improves organization and utility for managers and other users and standardizes with what already exists for crab area definitions; moves area definitions from 220-340-520 to new 220-320-140
3	Update shellfish classifications	Updates species names to reflect latest accepted taxonomy and convention (WAC 220-320-020)
4	Eliminates obsolete license buyback sections for sea cucumber and sea urchin	WAC 220-340-740 and 220-340-750: These programs expired and are not longer relevant (buyback was completed)
5	Move all geographical management units for crab into one WAC section	Move Catch Area modifications from WAC 220-340-455 to 220-320-110 for improved organization and utility for managers and other users
6	Correct lake references in crawfish WAC	Remove Lake Aldwell, which no longer exists following removal of Elwha dams; strike reference to Anderson Lake under Clallam County (it is in Jefferson County)
7	Clarify language in octopus WAC	Restructure language in WAC 220-340-720 to more clearly communicate intent of rule regarding take of octopus
8	Update reference to sea cucumber license	Update license reference in sea cucumber WAC to refer to fishery-specific license, which now exists
9	Update reference to sea urchin license	Update license reference in sea urchin WAC to refer to fishery-specific license, which now exists
10	Update reference to scallop license	Update license reference in scallop WAC to refer to fishery-specific license, which now exists
11	Improve clarity of geographical reference language throughout WAC chapter	Adds geographical coordinates to landmark descriptions and minor edits to make descriptions of area boundaries clearer
12	Improve clarity and efficiency of language throughout WAC chapter	Minor edits to improve clarity of, and streamline language throughout WAC chapter; also standardize format throughout (use of bold sub-headers, format for how numbers are written); update WAC cross-references
13	Separate Puget Sound squid from Coastal squid in logbook rules	Since there are differences between coastal and Puget Sound squid management, the general "squid" section in the harvest logbooks WAC (220-340-030) is split into separate "Puget Sound" and "Coastal" subsections
14	Update contact information in reporting WACs	Update email and text message addresses for quick reports for several fisheries, refer to electronic reporting tools
15	Remove obsolete date reference	WAC 220-340-430(6)(b)(i)



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 05, 2022

TIME: 8:54 AM

WSR 22-02-065

Agency: Washington Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-22-110 ; or

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

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

Proposal is exempt under RCW _____.

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

The Department is amending several regulations in WAC chapters 220-320, 220-340, and 220-352 that pertain to commercial crab, shrimp, sea cucumber, sea urchin, scallop, squid, and razor clam fisheries, including:

Amended WAC sections:

220-320-010—Shellfish—Classification

220-320-110—Puget Sound commercial crab regions

220-320-120—Puget Sound shrimp districts

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

220-340-030—Shellfish harvest logs

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

220-340-100—Commercial clam fishery—gear

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

220-340-430—Commercial crab fishery—Gear requirements

220-340-455—Commercial crab Fishery—Seasons and area—Puget Sound

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

220-340-520—Commercial shrimp fishery—Puget Sound

220-340-610—Commercial scallop fishery—Puget Sound

220-340-700—Commercial crawfish fishery

220-340-720—Commercial octopus fishery

220-340-730—Commercial sea cucumber fishery

220-340-750—Commercial sea urchin fisheries

220-340-770—Commercial squid fishery

220-352-340—Puget Sound crab—Additional reporting requirements

220-352-355—Puget Sound shrimp—Additional reporting requirements

New WAC sections:

220-320-140—Commercial shrimp geographical management units—Puget Sound

220-340-530—Commercial shrimp trawl fishery—Puget Sound

220-352-355—Puget Sound scallop—Additional reporting requirements

Repealed WAC sections:

220-340-740—Sea cucumber license reduction program

220-340-760—Sea urchin license reduction program

Hearing location(s):

Date:

Time:

Location: (be specific)

Comment:

February 17-19, 2022	8:00 a.m.	Webinar	This meeting of the Fish and Wildlife Commission will take place by webinar. See https://wdfw.wa.gov/about/commission or contact the Commission office at (360) 902-2267 or commission@dfw.wa.gov for instructions on how to join the meeting.
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Date of intended adoption: No earlier than March 8, 2022. (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Kelly Henderson
Address: P.O. Box 43200, Olympia, WA 98504
Email: 2022CommercialShellfish102@PublicInput.com
Fax:
Other: Website: <https://publicinput.com/2022CommercialShellfish102>; Phone: 855-925-2801, project code: 6429
By (date) February 20, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator
Phone: 360-902-2349
Fax:
TTY: 1-800-833-6388 OR 711
Email: Title6@dfw.wa.gov
Other:
By (date) February 20, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

220-320-010
This proposal updates shellfish taxonomic and common name descriptions according to present scientifically accepted conventions.

220-320-110
This proposal defines Puget Sound commercial crab management regions, sub-regions, and sub-areas used in harvest allocation, fishing season, and catch reporting.

220-320-120
This proposal updates this WAC section to accommodate current “special management areas” for both Puget Sound crab and shrimp. Special management area designations support managing according to Commission policies and special biological considerations like differing molt timing.

220-320-140
This proposal defines Puget Sound commercial shrimp management regions, sub-regions, and sub-areas used in harvest allocation, fishing season, and catch reporting.

220-340-020
This proposal clarifies that vessel signage display requirements apply to all dive fisheries and clarifies sign requirements.

220-340-030
This proposal including housekeeping updates to mailing addresses for harvest logs, and adds additional reporting requirements for Puget Sound squid and shrimp harvest logs.

220-340-060
Defines “other natural fiber” types permitted for escape cord construction.

220-340-100
Defines permissible gear types and requirements in the commercial razor clam fishery.

220-340-420
This proposal for the Puget Sound crab fishery establishes crab pot barging requirements, as well as defines requirements related to short-term storage of live crab prior to delivery to original receiver and updates language to reflect gear types used in the fishery.

220-340-430
This proposal requires all remaining, undeployed Puget Sound crab buoy tags to be retained on the vessel and available for inspection and clarifies buoy construction requirements.

220-340-455
This proposal updates description of Puget Sound commercial crab season—including extending the length of the fishing day, removing hard dates for annual crab season, and removing obsolete commercial exclusion areas.

220-340-470
Proposals here include allowing up to three (from two) licenses to be “stacked” on a single vessel and increases pot limits in some areas for Puget Sound crab.

220-340-520
This proposal reshapes this section to include only Puget Sound commercial shrimp pot fishery rules, clarifies shrimp buoy marking requirements, describes pot construction requirements, defines spatial harvest restrictions and requirements.

220-340-530
A new section is proposed to include only the Puget Sound commercial shrimp trawl fishery. This proposal moves existing rules from WAC 220-340-520 and defines spatial harvest restrictions and requirements, depth restrictions, and temporal harvest restrictions and requirements.

220-340-610

This commercial scallop section is updated to reflect now-existing scallop fishery license, adds requirements related to possession for public health testing, permits a second diver in the water for safety purposes, references area closures and vessel marking requirements, and defines the fishing week for management purposes.

220-340-700

This proposal clarifies crawfish buoy marking and construction requirements.

220-340-720

This is a housekeeping change to clarify existing language for commercial octopus.

220-340-730

Sea cucumber: Clarifies licensing requirement, updates list and descriptions of closed areas, clarifies vessel marking requirements, and defines the fishing week for management purposes.

220-340-750

Sea urchin: Clarifies licensing requirement, updates list and descriptions of closed areas, clarifies vessel marking requirements, defines size limits, and defines the fishing week for management purposes.

220-340-770

This proposal for Puget Sound commercial squid removes drag seines as a lawful gear type, clarifies net mesh requirements, and simplifies existing area restrictions.

220-340-740

This section is being proposed for repeal, as the sea cucumber license reduction program has expired.

220-340-760

This section is being proposed for repeal, as the sea urchin license reduction program has expired.

220-352-340

Establishes new Puget Sound crab reporting requirements—including pre-fishing registration, updated quick reporting requirements and reporting requirements for the short-term storage of crab.

220-352-355

Creates a new section to describe additional reporting requirements related to commercial scallops—including describing quick reporting requirements.

Housekeeping changes, such as adding geographical coordinates to support clarity in spatial references, improving the clarity of language, correcting errors, and re-organizing WAC structure for simplification are also proposed throughout many of the listed WAC sections.

Reasons supporting proposal: The department is considering updates to commercial shellfish rules—including sea cucumber, sea urchin, octopus, crawfish, scallop, coastal razor clam, and Puget Sound shrimp, crab, and squid. The proposed changes address conservation objectives in several fisheries, update out of date fisheries management provisions, and clarify some requirements that already exist. Many of the changes are also to support co-management objectives and many are to make permanent rules previously articulated with emergency regulations. Housekeeping changes, such as adding geographical coordinates to support clarity in spatial references, improving the clarity of language, correcting errors, and re-organizing WAC structure for simplification are also proposed throughout many of the listed WAC sections.

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.055 and 77.12.047

Statute being implemented: RCW 77.04.012, 77.04.020, 77.04.055 and 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

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

Name of proponent: (person or organization) Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Chris Eardley	375 Hudson St., Port Townsend, WA 98368	360-302-0302
Implementation:	Kelly Cunningham	1111 Washington Street SE Olympia WA 98501	360-902-2325

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

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

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

Is a cost-benefit analysis required under RCW 34.05.328?

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

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

No: Please explain: This rule proposal does not require a cost benefit analysis per RCW 34.05.328(5)(a).

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

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

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

Citation and description:

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

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

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

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

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary: .

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

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

No Briefly summarize the agency's analysis showing how costs were calculated.

Many proposals are housekeeping changes, clarification of existing language or requirements, or are updates to definitions that do not represent substantive changes to rules or regulations in and of themselves. Many proposals are also minor, and which do not represent additional costs, such as retaining unused crab buoy tags or clarifying what is meant by the term "natural fiber" for pot rot cord. There are also a number of proposals that involve codifying standards and conditions under which fishing already occurs, such as gear definitions in

the shrimp pot fishery, updating echinoderm closure areas, or codifying depth restrictions in the shrimp trawl fishery. Substantive proposals have been discussed with affected fleets over time and some were developed following requests from fishers. Proposals are expected to be supported by affected fleets. Importantly, many of the proposals describe new options available to fishers, such as added flexibility in deploying gear, short-term storage of catch, and considerations to improve safety. We've added the specific conditions for using these options and this provides notification benefits to the affected stakeholders. Also included are proposals to simplify regulations, provide easier and more efficient reporting options, and remove obsolete barriers like no-longer relevant closure areas. This rulemaking package includes many benefits to fishing stakeholders as well as the agency's management of shellfish resources.

220-320-010, 220-320-110, 220-320-120, 220-320-140

These proposals involve updating species taxonomic descriptions and area definitions and do not include any substantive rule changes in and of themselves.

220-340-020, 220-340-430, 220-340-700

These proposals clarify existing requirements, add minor buoy-related marking requirements, or codify existing accepted standards and do not represent additional costs.

220-340-030

This proposal includes housekeeping updates to mailing addresses for harvest logs, and adds additional reporting fields to some log forms. This codifies standards that have already been used by the agency and the affected fleets and involve simply recording a few extra pieces of information, thus not representing more than minor additional cost.

220-340-060

Clarifies an existing, vague definition to provide more direction and does not represent additional cost.

220-340-100

This proposal removes the use of three implements which in practice are impractical and have never really been used by industry. The change also adds the option of using a more practical implement in the clam tube. Since this change does not require participants to change gear from what they currently use it does not represent a significant cost to industry. The option to use a clam tube was proposed by diggers at an industry meeting back in 2018. Clam tubes can be acquired for less than \$100—minimal cost.

220-340-420, 220-340-470, 220-352-340

These proposals include housekeeping clarifications, streamline reporting methods, add reporting requirements, and support additional, optional, flexibility in operating within the Puget Sound crab fishery. They involve clarifying existing requirements and defining the terms under which new options (barging of crab pots, clarified terms on short-term storage of crab, stacking of an additional license on a vessel) can occur (the conditions are required, but the choice to use the options described are not); any slight additional costs associated with negligible additional time to report to or communicate with the agency are far outweighed by the benefits to users of these options. Further, the changes also provide new electronic means of reporting, which makes it easier. Finally, this proposal supports more precise management of quota by the agency, which reduces the risk of exceedances, and thus helps to avoid reductions in subsequent seasons. This proposal is thus a benefit to the commercial crab fishery, rather than representing additional costs.

220-340-455

This proposal adds flexibility for managers to execute commercial crab seasons and also benefits the commercial fishery by removing obsolete provisions that needlessly restricted the fishery. It is thus a benefit to the fishery and does not represent additional cost.

220-340-520

This proposal codifies standards that are already being used by the agency and the industry and under which the industry has already been operating for some time; there are also a number of minor housekeeping changes. This proposal thus does not represent any new or additional costs. Additionally, this proposal supports additional, optional, flexibility in operating within the Puget Sound shrimp fishery and is thus a benefit to the commercial shrimp fishery, rather than representing additional costs.

220-340-530

This proposal codifies standards that are already being used by the agency and the industry and under which the industry has already been operating for some time; there are also a number of minor housekeeping changes. This proposal thus does not represent any new or additional costs.

220-340-610, 220-352-355

These proposals contain housekeeping changes, codify conditions under which the fishery has already been operating, and add optional flexibility that supports diver safety. Thus, these proposals do not come at additional costs and also benefit the industry.

220-340-720, 220-340-740, 220-340-760

These are housekeeping changes that do not represent additional costs.

220-340-730, 220-340-750

These proposals contain housekeeping changes and codify conditions under which the fishery has already been operating. Thus, these proposals do not come at new/additional costs. The provisions described here have also been discussed with the industry extensively and have support from the industry.

220-340-770

These proposals contain housekeeping changes and codify conditions under which the fishery has already been operating. Thus, this proposal does not come at additional costs. It also simplifies area restrictions, thus representing benefit to the industry.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

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

Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

Date: 12/22/21

Name: Annie Szvetecz

Title: Agency Rules Coordinator

Signature:



WAC 220-320-010 Shellfish—Classification. The following species are classified as shellfish under RCW 77.12.047 and are subject to the provisions of this title:

Mussel

Blue mussel	<i>Mytilus trossulus</i>
California mussel	<i>Mytilus californianus</i>
Mediterranean mussel	<i>Mytilus galloprovincialis</i>

Scallops

Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weathervane scallop	<i>Patinopecten caurinus</i>

Clams

All macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus ((giganteus)) gigantea</i>
((Common)) Nuttall's/Heart cockle	<i>Clinocardium nuttallii</i>
Geoduck	<i>Panopea ((abrupta)) <u>generosa</u></i>
Horse or Gaper clam	<i>Tresus nuttallii,</i> <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	((Venerupis)) <i>Ruditapes (Venerupis) philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native littleneck clam	<i>Leukoma staminea</i>
Varnish clam	<i>Nuttallia obscurata</i>
All other marine clams existing in Washington in a wild state	

Oysters

All oysters	(Ostreidae)
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Squid

All squid	(Sepiolida ((or Teuthida)) , <u>Loliginidae, or</u> <u>Ommastrephidae</u>)
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Octopus

Octopus	<i>Enteroctopus ((dofleini)) dofleini</i>
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Barnacles

Goose barnacle	<i>Pollicipes polymerus</i>
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Shrimp

((Coonstripe)) Dock shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Ghost or sand shrimp	<i>Neotrypaea spp.</i>

Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus eous</i>
Sidestripe shrimp	<i>Pandalus (Pandalopsis) dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>

Crab

Dungeness ((or Pacific)) crab	<i>Metacarcinus (Cancer) magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
King and box crab	<i>Lopholithodes spp.</i>
Blue king crab	<i>Paralithodes platypus</i>
Red king crab	<i>Paralithodes camtschaticus</i>
Golden king crab	<i>Lithodes aequispinus</i>

Crawfish

Crawfish	<i>Pacifastacus sp.</i>
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Sea cucumber

California sea cucumber	((Parastichopus)) <i>Apostichopus californicus</i>
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Sea urchin

Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Mesocentrotus</i> (Strongylocentrotus) <i>franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

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

WAC 220-320-120 Puget Sound ((shrimp districts)) Crustacean (crab and shrimp) Special Management Areas. The following areas shall be defined as Puget Sound ((Shrimp Districts)) Crustacean (crab and shrimp) Special Management Areas (CSMA):

(1) Discovery Bay:

(a) Crustacean Special Management Area: All waters of Marine Fish-Shellfish Management and Catch Reporting Area 25E - Discovery Bay south of a line from Diamond Point (48°05.667'N, 122°54.913'W) to Cape George (48°06.205'N, 122°53.084'W).

(b) Shrimp District((---)): All waters Catch Area 25E and those waters of Catch Area 25A south of a line from McCurdy Point (48°08.148'N, 122°50.243'W) on the Quimper Peninsula to the northern tip of Protection Island (48°07.962'N, 122°55.707'W), then to Rocky Point (48°05.781'N, 122°58.523'W) on the Miller Peninsula ((, and including all waters of Discovery Bay)).

(2) Dungeness Bay CSMA: All waters of Dungeness Bay west of the 123°06.6' longitude line originating from the New Dungeness Light (48°10.905'N, 123°06.616'W) extending southward to the cul-de-sac at the end of 3 Crabs Road on the mainland (48°09.054'N, 123°07.270'W).

(3) Everett Flats CSMA: That portion of Catch Area 26A-E east (see WAC 220-320-110) of a line from western edge of Howarth Park (47°57.715'N, 122°14.643'W) due north to the southern tip of Gedney (Hat) Island (48°00.289'N, 122°18.359'W) and that portion of 24B east of a line from the northern tip of Gedney (Hat) Island (48°01.292'N, 122°19.645'W) to Camano Head (48°03.421'N, 122°21.478'W) and south of a line drawn from Camano Head to Hermosa Point (48°03.718'N, 122°17.610'W) on the Tulalip reservation.

~~((2) Hood Canal Shrimp District — All waters of Hood Canal south of the Hood Canal Floating Bridge.))~~ (4) Port Angeles Harbor CSMA: That portion of Marine Fish-Shellfish Catch Area 23D west of a line from the Ediz Hook Light (48°08.401'N, 123°24.148'W) to the site of the ITT Rayonier Dock (48°07.015'N, 123°24.496'W).

(5) Port Townsend Bay CSMA: 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 (48°5.119'N, 122°43.816'W), thence to Kala Point (48°03.448'N, 122°46.043'W) and thence following the shoreline to the point of origin.

(6) Sequim Bay CSMA: All waters of Sequim Bay south of Travis Spit and a line west from the western tip of Travis Spit (Klapot Point) to the dock at the Pacific Northwest National Laboratory (48°04.757'N, 123°02.713'W).

NEW SECTION

WAC 220-320-140 Commercial shrimp geographical management units —Puget Sound. Puget Sound commercial shrimp harvest management utilizes a hierarchy of geographical management units consisting of region, subregion, Marine Fish-Shellfish Management and Catch Reporting Area (catch area), and subarea. This section defines these units.

(1) The following areas are defined as Puget Sound Shrimp Management Regions and subregions:

(a) Region 1 - Trawl fishery: All waters of Catch Areas 20A, 20B, 21A, 21B, 22B, and 22A;

Region 1 - Pot fishery: All waters of Catch Areas 20A, 20B, 21A, 21B, 22B, and Catch Area 22A, except the southwesterly portion of Catch Area 22A south of a line due west from Lime Kiln Point Light (48°30.954'N, 123°09.150'W) on San Juan Island to the International Boundary, then south of the shoreline of San Juan Island from Lime Kiln Point Light to Cattle Point (48°27.006'N, 122°57.818'W), then south of a line from Cattle Point to Davis Point on Lopez Island, and south of the shoreline of Lopez Island from Davis Point (48°27.351'N, 122°56.129'W) to Point Colville (48°25.301'N, 122°48.786'W; see (d) of this subsection Region 3).

(i) Subregion 1A: All waters of Catch Area 20B west of a line from Point Doughty (48°42.702'N, 122°56.953'W) on Orcas Island to the bell buoy (48°45.891'N, 123°00.869'W) at the International Boundary and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island (48°35.848'N, 123°00.470'W), west of a line projected from the number 4 marker (48°31.339'N, 122°55.040'W) at the entrance to Fisherman Bay to the southern tip of Shaw Island (48°32.793'N, 122°56.924'W), and north of

a line due west from Lime Kiln Point Light (48°30.954'N, 123°09.150'W) on San Juan Island to the International Boundary.

(ii) Subregion 1B: All waters of Catch Area 20B east of a line from Point Doughty (48°42.702'N, 122°56.953'W) on Orcas Island to the bell buoy at the International Boundary (48°45.891'N, 123°00.869'W), and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island (48°35.848'N, 123°00.470'W), east of a line projected from the number 4 marker (48°31.339'N, 122°55.040'W) at the entrance to Fisherman Bay to the southern tip of Shaw Island (48°32.793'N, 122°56.924'W), and east of a line projected true south from Point Colville (48°25.301'N, 122°48.786'W), and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48°36.583'N, 122°39.433'W) to Carter Point (48°38.423'N, 122°36.525'W) at the southern tip of Lummi Island.

(iii) Subregion 1C: All waters of Catch Areas 20A, 21B, 22B, and those waters of Catch Area 21A not included in Subregion 1B.

(b) Region 2E: All waters of Catch Areas 24A, 24B, 24C, 24D, and Subarea 26A-E (east; subareas defined in subsections (2) and (3) of this section).

(c) Region 2W: Waters of Catch Areas 25B, 25C, 25D, and Subarea 26A-W (west).

(d) Region 3 - Trawl fishery: All waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

Region 3 - Pot fishery: All waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, 29, and the southwesterly portion of Catch Area 22A south of a line due west from Lime Kiln Point Light (48°30.954'N, 123°09.150'W) on San Juan Island to the International Boundary, then south of the shoreline of San Juan Island from Lime Kiln Point Light to Cattle Point (48°27.006'N, 122°57.818'W), then south of a line from Cattle Point to Davis Point (48°27.351'N, 122°56.129'W) on Lopez Island, and south of the shoreline of Lopez Island from Davis Point to Point Colville (48°25.301'N, 122°48.786'W).

(e) Region 4: All waters of Catch Area 26C and 26B, which is divided into Subareas 26B-1 and 26B-2 (subareas defined in subsection (2) of this section).

(f) Region 5: All waters of Catch Areas 27A, 27B, and 27C.

(g) Region 6: All waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.

(2) **The following areas are defined as Puget Sound Commercial Shrimp Subareas, shrimp pot harvest:** For purposes of Puget Sound shrimp pot harvest allocation, fishing season, and catch reporting, catch areas (WAC 220-301-040) are modified as follows:

(a) That portion of Catch Area 22A south of a line due west from Lime Kiln Point Light (48°30.954'N, 123°09.150'W) on San Juan Island to the International Boundary, then south of the shores of San Juan Island from Lime Kiln Point Light to Cattle Point, then south of a line from Cattle Point (48°27.006'N, 122°57.818'W) to Davis Point on Lopez Island (48°27.351'N, 122°56.129'W), and south of the shoreline of Lopez Island from Davis Point to Point Colville (48°25.301'N, 122°48.786'W) shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into four subareas:

(i) Subarea 23A-E (east): All waters of Catch Area 23A east of 122°57'W longitude and north of 48°22.5'N latitude.

(ii) Subarea 23A-W (west): All waters of Catch Area 23A west of 122°57'W longitude and north of 48°22.5'N latitude.

(iii) Subarea 23A-C (central): All waters of Catch Area 23 south of 48°22.5'N latitude and east of a line projected 335° true from the New Dungeness Lighthouse (48°10.905'N, 123°6.616'W).

(iv) Subarea 23A-S (south): All waters of Catch Area 23A west of a line projected 335° true from the New Dungeness Lighthouse (48°10.905'N, 123°6.616'W).

(c) Catch Area 26A is divided into two subareas:

(i) Subarea 26A-E (east): All waters of Catch Area 26A north and east of a line projected 110° true from the southern tip of Possession Point (47°54.364'N, 122°23.078'W) on Whidbey Island to the shipwreck located 0.8 nautical miles north of Picnic Point (47°53.585'N, 122°19.713'W) on the opposite shore.

(ii) Subarea 26A-W (west): All waters of Catch Area 26A south and west of a line projected 110° true from the southern tip of Possession Point (47°54.364'N, 122°23.078'W) on Whidbey Island to the shipwreck located 0.8 nautical miles north of Picnic Point (47°53.585'N, 122°19.713'W) on the opposite shore.

(d) Catch Area 26B is divided into two subareas:

(i) Subarea 26B-1: All waters of Catch Area 26B westerly of a line projected from West Point (47°39.712'N, 122°26.090'W) to Alki Point (47°34.575'N, 122°25.194'W).

(ii) Subarea 26B-2: All waters easterly of a line projected from West Point (47°39.712'N, 122°26.090'W) to Alki Point (47°34.575'N, 122°25.194'W).

(3) **The following areas are defined as Puget Sound Shrimp Subareas, shrimp trawl harvest:** For the purpose of Puget Sound shrimp trawl harvest allocation and catch reporting, catch areas (WAC 220-301-040) are modified as follows:

(a) Trawl Subarea 23A East: That portion of Catch Area 23A, east of a line projected true north from the New Dungeness Lighthouse (48°10.905'N, 123°6.616'W) to the International Boundary.

(b) Trawl Subarea 23A West: That portion of Catch Area 23A, west of a line projected true north from the New Dungeness Lighthouse (48°10.905'N, 123°6.616'W) to the International Boundary.

(4) In shrimp Subregions 1A, 1B, and 1C, all catch must be reported by catch area and subregion combined (for example 22a-1a).

WAC 220-320-110 ((Puget sound crab management regions.)) Commercial crab geographical management units—Puget Sound. ((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.)~~

For purposes of crab harvest management, Puget Sound commercial crab uses a hierarchy of geographical management units consisting of region, subregion, Marine Fish-Shellfish Management and Catch Reporting Area (catch area), and subarea. This section defines these units.

(1) The following areas are defined as Puget Sound Crab Management Regions and Subregions:

(a) Region 1 - (North Puget Sound): All waters of Catch Areas 20A, 20B, 21A, 21B, 22A, and 22B (see WAC 220-301-040).

(b) Region 2-East (2-E) - (Eastern Central Puget Sound): All waters of Catch Areas 24A, 24B, 24C, 24D, and Subarea 26A-E (subareas defined in subsection (2) of this section).

(c) Region 2-West (2-W) - (Western Central Puget Sound): All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and Subarea 26A-W.

(d) Region 3: All waters within Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

(i) Subregion 3-1 - (Eastern Strait of Juan de Fuca): All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.

(ii) Subregion 3-2 - (Southeastern Strait of Juan de Fuca): All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.

(iii) Subregion 3-3 - (Central Strait of Juan de Fuca): All waters of Subarea 23C-East.

(iv) Subregion 3-4 - (Western Strait of Juan de Fuca): All waters of Subarea 23C-West and Catch Area 29.

(e) Region 4 - (Southern Central Puget Sound): All waters of Catch Areas 26B and 26C.

(f) Region 5 - (Hood Canal): All waters of Catch Areas 25C, 27A, 27B, and 27C.

(g) Region 6 - (South Puget Sound): All waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.

(2) **The following areas are defined as Puget Sound Commercial Crab Subareas:** For purposes of Puget Sound Crab harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas; WAC 220-301-040) are modified as follows:

(a) Catch Area 23C is divided into two subareas:

(i) Crab Subarea 23C-East (23C-E): All waters of Puget Sound westerly of a line true north from Ediz Hook Light (48°08.401'N, 123°24.148'W) to the International Boundary; and easterly of a line projected true north from Low Point (48°9.648'N, 123°49.608'W).

(ii) Crab Subarea 23C-West (23C-W): All waters of Puget Sound westerly of a line true north from Low Point (48°9.648'N, 123°49.608'W) to the International Boundary; and easterly of a line projected true north from the mouth of the Sekiu River (48°17.268'N, 124°23.723'W).

(b) Catch Area 26A is divided into two crab subareas:

(i) Crab Subarea 26A-East (26A-E): All waters of Puget Sound south of a line from Sandy Point (on Whidbey Island; 48°2.051'N, 122°22.583'W) to Camano Head (48°3.421'N, 122°21.478'W) and from Camano Head to the northern tip of Gedney (Hat) Island (48°01.292'N, 122°19.645'W), and from the southern tip of Gedney (Hat) Island (48°00.289'N, 122°18.359'W) east to the mainland (to near the northern end of the Everett 10th St. Marina, 48°00.288'N, 122°13.312'W), and north and east of a line that extends from Possession Point (47°54.364'N, 122°23.078'W) to the shipwreck located 0.8 nautical miles north of Picnic Point (47°53.585'N, 122°19.713'W) on the opposite shore.

(ii) Crab Subarea 26A-West (26A-W): All waters of Puget Sound south and east of a line from Foulweather Bluff (47°56.354'N, 122°36.836'W) to Double Bluff (47°58.059'N, 122°32.759'W), and northerly of a line from Apple Cove Point (47°48.874'N, 122°29.006'W) to Point Edwards (47°48.162'N, 122°23.659'W), and south and west of a line that extends from Possession Point (47°54.364'N, 122°23.078'W) to the shipwreck located 0.8 nautical miles north of Picnic Point (47°53.585'N, 122°19.713'W).

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

WAC 220-340-020 Shellfish—Unlawful acts—Commercial. (1) It is unlawful to take oysters or clams for commercial purposes from tide-lands reserved for public use unless authorized by a permit issued by the director.

(2) ~~((a))~~ It is unlawful to take shellfish for commercial purposes from state oyster reserves without permission of the director ~~((of fisheries))~~.

~~((b))~~ Licensing: An oyster reserve fishery license is the license required to take shellfish for commercial purposes from state oyster reserves.

(3) All geoduck, sea cucumber, sea urchin, scallop, and mechanical clam harvester vessels shall be issued ~~((an identification))~~ a harvester number. ~~((It is unlawful to fail to place))~~ This number must be placed in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not have a fixed roof. The numbers ~~((shall))~~ must be black on a white background ~~((and shall be not less than)),~~ at least 18 inches high, and ~~((of proportionate width))~~ of a stroke width of 1/6 the height of the characters.

(4) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the registered clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the registered clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the registered clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

(5) ~~((a))~~ It is unlawful to fish for or possess ghost or mud shrimp taken for commercial purposes unless authorized by a permit issued by the director.

~~((b))~~ Licensing: A burrowing shrimp fishery license is the license required to take ghost or mud shrimp for commercial purposes.

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

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

WAC 220-340-030 Shellfish harvest logs. (1) Logbook requirement: It is unlawful for any vessel operator engaged in the commercial harvest of crawfish, sea cucumber, sea urchin, scallop, shrimp ~~((other than ocean pink shrimp))~~, or squid to fail to obtain and accurately and completely maintain the appropriate harvest log available from the Washington department of fish and wildlife. It is unlawful for any li-

cense holder engaged in commercial sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately and completely maintain the appropriate harvest log available from the Washington department of fish and wildlife.

(2) **Logbook maintenance:** It is unlawful for any harvest vessel operator or license holder engaged in harvest as described in subsection (1) of this section, to fail to maintain the required harvest log: Aboard the vessel; at the harvest site; when crawfish, sea cucumbers, sea urchins, shrimp (~~((other than ocean pink shrimp))~~), squid, scallops, clams, or sand shrimp are aboard during transit of a harvest vessel(~~(+)~~), or are in possession of the license holder.

(3) **Logbook submission and retention:** It is unlawful for the vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to submit harvest logs for inspection upon request by department of fish and wildlife officers or authorized employees.

(4) It is unlawful for any vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to comply with the following methods of logbook submittal and time frames related to harvest logbook submittal:

(a) Within (~~(ten)~~) 10 days following any calendar month in which fishing occurred, required completed harvest logs must be received by the department; however, vessel operators or license holders may submit logs directly to authorized department employees.

(b) Vessel operators or license holders responsible for submitting logs to the department, as described in subsection (1) of this section, must maintain a copy of all submitted logs for a period of three years following the harvest activity. Copies of harvest logs, which are required to be maintained, must be available for inspection upon request by department of fish and wildlife officers and authorized employees.

(c) Original harvest logs must be maintained and submitted in ascending consecutive order of log serial number.

(5) It is unlawful for any vessel operator or license holder, engaged in harvest as described in subsection (1) of this section, to fail to send completed harvest logs to the appropriate following mailing address, except as provided for in subsection (4)(a) of this section.

For Puget Sound Shrimp Harvest Logbooks:

ATTN: PUGET SOUND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(Point Whitney Shellfish Laboratory~~
~~1000 Point Whitney Road~~
~~Brinnon, WA 98320-9799.)~~)
375 Hudson St.
Port Townsend, WA 98368.

For Coastal Shrimp Harvest Logbooks:

ATTN: COASTAL SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

For Crawfish Harvest Logbooks:

ATTN: FISH PROGRAM - CRAWFISH HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(600 Capitol Way North)~~)

P.O. Box 43150
Olympia, WA ((98501-1091)) 98504-3150.

For Sea Urchin and Sea Cucumber Harvest Logbooks:

ATTN: FISH PROGRAM - SEA URCHIN/SEA CUCUMBER HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(600 Capitol Way North)~~)

P.O. Box 43150
Olympia, WA ((98501-1091)) 98504-3150.

For Clam (harvest with mechanical digging devices) Harvest Logbooks:

ATTN: FISH PROGRAM - GEODUCK HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(600 Capitol Way North)~~)

P.O. Box 43150
Olympia, WA ((98501-1091)) 98504-3150.

For Scallop Harvest Logbooks:

ATTN: FISH PROGRAM - SCALLOP HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(600 Capitol Way North)~~)

P.O. Box 43150
Olympia, WA ((98501-1091)) 98504-3150.

For Squid (Coastal waters) Harvest Logbooks:

ATTN: FISH PROGRAM - COASTAL SQUID HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(600 Capitol Way North)~~)

P.O. Box 43150
Olympia, WA ((98501-1091)) 98504-3150.

For Squid (Puget Sound waters) Harvest Logbooks:

ATTN: PUGET SOUND SQUID HARVEST MANAGER
Washington Department of Fish and Wildlife
375 Hudson St.
Port Townsend, WA 98368.

For Coastal Sand Shrimp Harvest Logbooks:

ATTN: COASTAL SAND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
P.O. Box 190
Ocean Park, WA 98640-0190.

For Puget Sound Sand Shrimp Harvest Logbooks:

ATTN: PUGET SOUND SAND SHRIMP HARVEST MANAGER
Washington Department of Fish and Wildlife
(~~(P.O. Box 1100~~
~~LaConner, WA 98257.)~~)
375 Hudson St.
Port Townsend, WA 98368.

(6) It is unlawful for (~~vessel operators engaged in commercial harvest of shrimp (other than Puget Sound shrimp or sand shrimp) or crawfish with shellfish pot or ring net gear~~) any harvest vessel operator or license holder engaged in harvest as described in subsection (1) of this section to fail to permanently and legibly record in ink the following information within the following time frames:

(a) Shrimp (other than Puget Sound shrimp or sand shrimp) or crawfish with shellfish pot or ring net gear:

(i) Before leaving the catch area where harvest occurred, record the vessel Washington department of fish and wildlife boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location; and

~~((b))~~ (ii) Immediately after delivery of shellfish to an original receiver, record the weight of all shellfish.

~~((7) It is unlawful for vessel operators engaged in commercial harvest of shrimp (other than ocean pink shrimp))~~ (b) Shrimp with beam trawl or shrimp trawl gear(~~, to fail to permanently and legibly record in ink onto the department-supplied harvest log, the following information within the following time frames~~):

~~((a))~~ (i) Before commencing a new tow or prior to leaving the site where the catch was taken, record the vessel identity, current date of fishing activity, location fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area fished, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, tow speed, duration of tow, and estimated weight of shrimp of each species caught for each tow.

~~((b))~~ (ii) Immediately after delivery of shrimp to an original receiver, or before leaving the last catch site of the day if the operator holds a wholesale fish dealer's license and is the original receiver, record the fish receiving ticket serial number.

~~((8) It is unlawful for vessel operators engaged in commercial harvest of sea urchins or sea cucumbers to fail to permanently and legibly record in ink the following information within the following time frames)~~ (c) Sea urchins and sea cucumbers:

~~((a))~~ (i) Before leaving the harvest site, record the vessel identity, date, Marine Fish-Shellfish Catch Reporting Area fished, location fished, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second, and the approximate weight in pounds of sea urchins or sea cucumbers harvested.

~~((b))~~ (ii) Upon landing or delivery to an original receiver, the exact species and weight of sea urchins, as recorded on the shellfish receiving ticket, must be recorded.

~~((e))~~ (iii) Upon landing or delivery to an original receiver, the exact weight of sea cucumbers, as recorded on the shellfish receiving ticket, and whether or not prelanded processing occurred ("whole-live" or "split-drained"), must be recorded.

~~((9) It is unlawful for license holders engaged in commercial harvest of clams with mechanical digging devices to fail to permanently and legibly record in ink the following information within the following time frames)~~ (d) Clams, with mechanical digging devices:

~~((a))~~ (i) Before the end of each day's fishing and departure from the harvest grounds, record the vessel identity if a harvest vessel is used in harvest operation, exact location by latitude and longitude to the nearest thousandths of a minute (recorded in WGS 84 datum), and date of harvest.

~~((b))~~ (ii) Weight by each clam species in pounds upon landing or delivery to an original receiver.

~~((e))~~ (iii) Weight in pounds of each clam species caught and returned to the harvest grounds.

~~((10) It is unlawful for vessel operators engaged in commercial harvest of scallops to fail to permanently and legibly record in ink the following information within the following time frames)~~ (e) Scallops:

~~((a))~~ (i) Before leaving the location where the catch was taken, record the vessel identity, date, location, and duration of har-

vest and estimated weight in pounds and species of scallops caught for each tow or dive hour.

~~((b))~~ (ii) Upon landing or delivery to an original receiver, the exact weight in pounds, as recorded on the shellfish receiving ticket, and species of harvested scallops.

~~((11) It is unlawful for vessel operators engaged in commercial harvest of)~~ (f) **Squid**, except when taken incidental to any other lawful fishery(~~(, to fail to permanently and legibly record in ink the following information within the following time frames)~~):

~~((a))~~ (i) Coastal:

(A) Before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel's Washington department of fish and wildlife boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned.

~~((b))~~ (B) Weight in pounds of squid upon landing or delivery to an original receiver.

~~((12) It is unlawful for license holders engaged in commercial harvest of)~~ (ii) Puget Sound:

(A) Before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel's Washington department of fish and wildlife boat registration number, gear type, catch area, location (nearest landmark, bay, or GPS coordinates), starting and ending time of fishing, total vessel wattage or lumens of attracting lights, and numbers of other species caught and returned.

(B) Weight in pounds of squid upon landing or delivery to an original receiver.

(g) **Sand shrimp**, except when taken incidental to other lawful fishery(~~(, to fail to permanently and legibly record in ink the following information within the following time frames)~~):

~~((a))~~ (i) Prior to leaving the harvest site, the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens).

~~((b))~~ (ii) At the time of delivery to an original receiver, total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

~~((13) It is unlawful for vessel operators engaged in commercial harvest of)~~ (h) **Shrimp (other than sand shrimp)**, using shellfish pot gear in Puget Sound(~~(, to fail to permanently and legibly record in ink onto the department supplied harvest logs, the following information within the following time frames)~~):

~~((a))~~ (i) Prior to leaving the harvest site, the name of vessel operator, license number, the vessel's Washington department of fish and wildlife boat registration number, buoy brand, date, phone number, pot mesh size, pull date, groundline length, number of pots pulled, ((pot mesh size,)) depth fished, soak time, gear location (including latitude and longitude to the nearest hundredth of a minute), Shrimp Management Unit fished (region, subregion, catch area, subarea), species targeted, ((and)) sorted catch estimates, weight(s) in pounds of catch, and shellfish receiving ticket number. A separate weight for each species caught and retained must be recorded. ~~((When single pots are fished an entry is required for each pot site. When two or more pots are fished on a common ground line the catch site must be recorded at the location of the last pot on the ground line that is pulled.))~~ Any time that gear is deployed the location must be recor-

ded. For pots deployed on a ground line both the start and end locations must be provided.

~~((b))~~ (ii) Immediately after delivery of shrimp to an original receiver, or before leaving the last catch site of the day if the operator holds a wholesale fish dealer's license or limited fish seller endorsement and is the original receiver, record the fish receiving ticket serial number.

~~((14))~~ ~~It is unlawful for vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear to fail to report their daily catch by telephone before leaving the last catch site fished each day, in the following manner:~~

~~(a) For harvest in Shrimp Management Areas 1A, 1B, 1C, or 2, reports must be made to the voice recorder at the La Conner district office: 360-446-4345 ext 245.~~

~~(b) For harvest in Shrimp Management Areas 3, 4, or 6, reports must be made to the voice recorder at the Point Whitney shellfish laboratory: 360-796-4601 ext 800.~~

~~(c) All reports must specify the fisher's name, estimated total number of pounds of each shrimp species in possession, number of pots fished, number of pot pulls (pots multiplied by pulls), the Marine Fish-Shellfish Management and Catch Reporting Area where shrimp were harvested, and the port or name of vessel where the catch will be landed or sold.~~

~~(15))~~ (7) Violation of this section as it relates to failing to report required information or failing to submit log books is punishable under RCW 77.15.280 reporting of fish or wildlife harvest. Violation of this section as it relates to knowingly providing false or misleading information is punishable under RCW 77.15.270, providing false information.

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

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))~~, 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. It is permissible to use a single strand of cotton twine or ~~((other natural fiber))~~ hemp, jute, or sisal 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))~~, hemp, jute, or sisal no larger than thread size 120. The single strand of ~~((cotton))~~ twine or fiber may not be wrapped multiple times or doubled in any way when lacing or sewing the wire mesh closed. The opening must be loca-

ted within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

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

WAC 220-340-100 Commercial clam fishery—Gear. It is unlawful to take, dig for, or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except:

(1) Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of the department of fish and wildlife (DFW), subject to the following conditions:

(a) All mechanical devices used to take or harvest shellfish must be approved by the director of DFW.

(b) A separate permit is required for each device used to take or harvest shellfish, and the permit must be attached to the specific unit the permit applies to at all times.

(c) All clams taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(d) The holder of a permit to take shellfish from tidelands by mechanical means must limit operations to privately owned or leased land.

(e) Taking clams that lie in or on the substrate under navigable water below the level of mean lower low water by any mechanical device is prohibited except as authorized by the director of DFW.

(i) Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices must confine their operations to substrate-leased from the Washington department of natural resources, subject to the approval of the director of DFW.

(ii) It is unlawful to harvest shellfish that lie in or on the substrate of the Pacific Ocean westward from the western shores of the state in waters less than ((2)) two fathoms deep at mean lower low water. The director of DFW may reserve all or portions of the substrate in waters more than ((2)) two fathoms deep and prevent the taking of shellfish in any quantity from those reserves.

(f) Noncompliance with any part of this section or with special requirements of individual permits results in immediate cancellation and/or subsequent nonrenewal of all permits held by the operator.

(g) Applications for permits to use mechanical clam digging devices must be made on the forms provided by DFW, and permits must be in the operator's possession before digging commences.

(h) All permits to take or harvest shellfish by mechanical means expire on December 31 of the year of issue.

(i) All mechanical clam harvesting machines must have approved instrumentation that provides deck readout of water pressure.

(j) All clam harvest machines operating on intertidal grounds where less than 10 percent of the substrate material is above 500 mi-

crons in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately 25 percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

(k) Clam harvest machines operating in fine substrate material where less than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of ((3)) three feet (overall) and the maximum pump volume as specified by DFW, commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

(l) Clam harvest machines operating in coarser substrate material where more than 10 percent of the substrate material is above 500 microns in size, must have a maximum harvest head width of ((4)) four feet (overall) and a maximum pump volume as specified by DFW, commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

(m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they must furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator will thereafter modify the machine (install a sealed pressure relief valve) as specified by DFW to conform with values set forth in this section. Thereafter, it is illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine must be included in the DFW's clam harvest permit.

(n) All clam harvest machines must be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement officers.

(o) Each mechanical clam harvester must have controls arranged and situated near the operator to allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

(p) Licensing: A hardshell clam mechanical harvester fishery license is required to operate the mechanical harvester gear provided for in this section. For more information on or to apply for a hardshell clam mechanical harvester fishery license, visit department offices, call the WDFW license division at 360-902-2500, or visit the department website at www.wdfw.wa.gov.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit by means of water pumps and nozzles.

(4) It is unlawful to take, dig for and possess razor clams taken for commercial purposes from any of the tidelands in the state of Washington except by hand, shovels, cylindrical cans, tubes or hinged digging devices operated by hand. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of four inches and the elliptical can/tube having a minimum dimension of four inches long and three inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of four inches at the bottom.

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~~) It is unlawful to fish for, take, or possess crab for commercial purposes except during open commercial crab harvest seasons and from open commercial crab management units as set by emergency rule. Commercial crab fishing will be open from one hour before sunrise to ((30 minutes)) one hour after sunset during open seasons, 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 northwesterly 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)) fisheries regulated by the department:~~

~~(a) ((Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D-)) Crab Management Regions 4, 5, and 6 (WAC 220-320-110).~~

~~(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 Light No. 2 (48°47.207'N, 122°42.745'W) to Gooseberry Point (48°43.945'N, 122°40.367'W).~~

~~(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)) off the southeast portion of Point Francis (48°41.84'N, 122°36.44'W) to ((the pilings at)) Stevie's Point (0.2 miles northwest of the point where the Lehigh Cement pipeline meets the shoreline; 48°46.09'N, 122°31.69'W).~~

~~(d) 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 (48°24.787'N, 122°34.886'W) and extending south to the most westerly tip of Hope Island (48°23.754'N, 122°34.725'W), thence southeast to Seal Rocks (48°22.424'N, 122°33.806'W), thence southeast to the green can buoy (Buoy No. 5; 48°21.7821'N, 122°33.061'W) at the mouth of Swinomish Channel, thence easterly to the ((west side)) western tip of Goat Island (48°21.780'N, 122°32.316'W).~~

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point (48°01.929'N, 122°13.641'W) to the five-meter tower (48°00.937'N, 122°16.243'W) between Gedney Island and Priest Point, thence north-westerly on a line between the five-meter tower and Barnum Point (48°11.608'N, 122°27.747'W) to the intersection (48°08.117'N, 122°23.991'W) with a line projected true west from Kayak Point (48°08.104'N, 122°22.068'W), 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.)) the Dungeness Bay Crustacean Special Management Area (WAC 220-320-120).~~

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

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 or three 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 per-license limits prescribed in each of the following (~~Marine Fish-Shellfish Management and Catch Reporting Areas~~) shellfish management units.

(a) (~~(10)~~) Twenty pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E(~~(7)~~).

(b) (~~(10)~~) Twenty pots in all waters of (~~Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula;~~) the Sequim Bay Crustacean Special Management Area (WAC 220-320-120).

(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)~~) Twenty pots in all waters of the Port Townsend Bay Crustacean Special Management Area (WAC 220-320-120).

(d) (~~(10)~~) Twenty 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.~~) the Port Angeles Harbor Crustacean Special Management Area (WAC 220-320-120).

(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.

AMENDATORY SECTION (Amending WSR 17-22-100, filed 10/30/17, effective 1/1/18)

WAC 220-340-520 Commercial shrimp pot fishery—Puget Sound.

License

(1) It is unlawful to take, fish for, land, or deliver shrimp taken for commercial purposes with pot gear from Puget Sound waters without a valid Puget Sound shrimp pot license.

A Puget Sound shrimp pot license (~~or a Puget Sound shrimp trawl license~~) will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget

Sound shrimp pot licenses (~~and Puget Sound shrimp trawl licenses~~) may designate a single alternate operator per license.

Pot Gear and area

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule(~~(+)~~).

~~((a))~~ (3) Gear restrictions (~~(-i))~~ in all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

~~((ii))~~ (4) Buoy requirements, in all areas:

~~((A))~~ (a) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

~~((B))~~ (b) Buoys must be marked with the clear identification of the license holder and the vessel designated on the Puget Sound shrimp pot license.

(c) When two or more shrimp pots are attached to a common ground line, the number and type of pots (spot shrimp or nonspot shrimp pot) so attached must be clearly labeled on the required buoy.

(d) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

~~((C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.~~

~~(D))~~ (5) Pot requirements, in all areas:

(a) A shrimp pot may not exceed a maximum of 153-inch bottom perimeter and a maximum of 24-inch height.

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

(c) 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.

(d) Spot shrimp may only be harvested using pots with a minimum mesh size of one inch. Mesh size of one inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.

(e) Nonspot shrimp may only be harvested using pots with a minimum mesh size 1/2 inch. Mesh of 1/2 inch is defined as a mesh that a 3/8 inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be at a minimum 1 1/8 inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.

(6) Harvest restrictions, all areas:

(a) It is unlawful to set or pull shrimp pot gear from one hour after official sunset to one hour before official sunrise.

~~((b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.~~

~~(c) Area restrictions:~~

~~(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.~~

~~(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.~~

~~(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule and authorized by a permit issued by the director.~~

~~(a) Gear restrictions — Beam trawl gear only. Otter trawl gear may not be used.~~

~~(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.~~

~~(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.~~

~~(b) It is unlawful to retain spot shrimp.~~

~~(c) Area restrictions:~~

~~(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.~~

~~(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.~~

~~(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.~~

~~(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.~~

~~(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:~~

~~(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.~~

~~(ii) Closed in waters shallower than 20 fathoms.~~

~~(g) It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.~~

~~(h) It is unlawful to fish for, retain, land or deliver shrimp taken with trawl gear without a valid Puget Sound shrimp trawl fishery permit.~~

~~(i) It is unlawful to take, retain, land, or deliver any shrimp taken with trawl gear without complying with all provisions of a Puget Sound shrimp trawl fishery permit.~~

~~(j) A violation of this subsection is punishable under RCW 77.15.750.~~

(4)) (b) It is unlawful to deploy spot shrimp pots and nonspot shrimp pots concurrently within the same Catch Reporting Area, with the following exceptions:

(i) Spot and nonspot shrimp pots may be concurrently deployed in Catch Area 23A but not within the same subarea (23A-E, 23A-W, 23A-C, or 23A-S) concurrently.

(ii) Nonspot pots may be deployed within Sequim Bay SSMA (WAC 220-320-120) concurrently with spot shrimp pots deployed in the remaining portion of Catch Area 25A outside of Sequim Bay SSMA.

(iii) All shrimp harvested must be landed and recorded on a shellfish receiving ticket before subsequent harvest may occur.

(c) Each fisher or alternate operator is required to report their intended catch area of harvest, target species (spot or nonspot), and

an estimate of total pounds that are being targeted prior to the deployment of any shrimp gear by email or text message to shrimp.report@dfw.wa.gov, or by using the Puget Sound commercial shrimp reporting website.

(d) It is unlawful to harvest nonspot and spot shrimp in the same day.

(e) It is unlawful to harvest shrimp in more than one catch area per day, except for concurrent pot deployment described in (b) of this subsection.

(f) Shrimp nonspot pot harvest restrictions:

(i) Harvest of nonspot shrimp is not permitted deeper than 150 feet in Shrimp Management Area 2E.

(ii) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Region 2W.

Reporting

(7) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a wholesale fish buyer, or if transferred at sea, without transfer to a wholesale fish buyer. A fisher who is a wholesale fish buyer or a limited fish seller may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(~~5~~) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas) are modified as follows:

(~~a~~) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(~~b~~) Catch Area 23A is divided into four subareas:

(~~i~~) 23A-E (east) is those waters of Catch Area 23A east of 122°57'W. Long. and north of 48°22.5'N. Lat.

(~~ii~~) 23A-W (west) is those waters of Catch Area 23A west of 122°57'W. Long. and north of 48°22.5'N. Lat.

(~~iii~~) 23A-C (central) is those waters of Catch Area 23 south of 48°22.5'N. Lat. and east of a line projected 335° true from the Dungeness lighthouse.

(~~iv~~) 23A-S (south) is those waters of Catch Area 23A west of a line projected 335° true from the Dungeness lighthouse.

(~~c~~) Catch Area 26A is divided into two subareas:

(~~i~~) 26A-E (east) is those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(~~ii~~) 26A-W (west) is those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(~~d~~) Catch Area 26B is divided into two subareas:

(~~i~~) 26B-1 is those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point.

(~~ii~~) 26B-2 is those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line

~~projected true north from the Dungeness lighthouse. 23A West is that portion of Catch Area 23A, west of the line described herein.~~

~~(7) The following areas are defined as Puget Sound Shrimp Management Areas:~~

~~(a) Shrimp Management Area 1A: Waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.~~

~~(b) Shrimp Management Area 1B: Waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.~~

~~(c) Shrimp Management Area 1C: Waters of Catch Areas 20A, 21B, 22B, and waters of Catch Area 21A not included in Management Area 1B.~~

~~(d) Shrimp Management Area 2E: Waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).~~

~~(e) Shrimp Management Area 2W: Waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).~~

~~(f) Shrimp Management Area 3: Waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.~~

~~(g) Shrimp Management Area 4: Waters of Catch Areas 26B and 26C.~~

~~(h) Shrimp Management Area 5: Waters of Catch Areas 27A, 27B, and 27C.~~

~~(i) Shrimp Management Area 6: Waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.~~

~~(8) In Shrimp Management Areas 1A, 1B and 1C, all catch must be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, 1C-20A, 1C-21A, 1C-21B, or 1C-22B.)~~

NEW SECTION

WAC 220-340-530 Commercial shrimp trawl fishery—Puget Sound.

License

(1) It is unlawful to take, fish for, land, or deliver shrimp taken for commercial purposes with trawl gear from Puget Sound waters without a valid Puget Sound shrimp trawl license and a shrimp trawl permit, issued annually by the director, and without complying with all provisions of a Puget Sound shrimp trawl fishery permit.

A Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

Trawl gear and area

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule and authorized by a permit issued by the director.

It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to retain spot shrimp with trawl gear.

(4) Gear restrictions - Beam trawl gear is the only lawful trawl gear type permitted for Puget Sound. Use of otter trawl gear or other trawl gear types is unlawful.

(a) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(b) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A (trawl Catch Area 23A; WAC 220-320-140), 23B, 23C, 25A, and 29 is 60 feet.

(5) Area restrictions:

(a) Catch Areas 21B, 22B, and those waters of Catch Area 20A north and east of a line from Point Roberts Light (48°58.298'N, 123°05.027'W) to Sandy Point on the Lummi Reservation (48°47.193'N, 122°42.328'W) are closed year round.

(b) Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48°58.298'N, 123°05.027'W) to Sandy Point on the Lummi Reservation (48°47.193'N, 122°42.328'W) are closed through July 31st.

(c) Catch Area 21A is closed year round, except that those waters north and west of a line from the southern tip of Sinclair Island (48°36.583'N, 122°39.433'W) to Carter Point (48°38.423'N, 122°36.525'W) on Lummi Island are closed through June 30th.

(d) In Catch Area 22A:

(i) Shrimp trawl fishing is closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island (48°30.385'N, 122°50.211'W) from the season opening through July 9th, except as described in (f) of this subsection.

(ii) Shrimp trawl fishing is closed that portion east of a line projected along 122.47°W longitude (east of Blakely Island) and west of a line projected along 122.43°W longitude (west of Cypress Island) in Rosario Strait from the season opening through June 15th, except as described in (f) of this subsection.

(e) Subregion 1B (Catch Areas 20B and 22A) is closed through June 15th, except as described in (f) of this subsection.

(f) The following areas may open on the described dates and remain open from that date contingent upon the results of department-approved observer sampling to evaluate bycatch. Bycatch parameters must be satisfied for the fishery to remain open earlier than the dates described in (d) and (e) of this subsection.

(i) In Catch Area 22A, in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island (48°30.385'N, 122°50.211'W): May 1st.

(ii) That portion of Catch Area 22A east of a line projected along 122.47°W longitude (east of Blakely Island) and west of a line projected along 122.43°W longitude (west of Cypress Island) in Rosario Strait: May 1st.

(iii) Subregion 1B (Catch Areas 20B and 22A): May 16th.

(iv) Trawl fishers seeking to open before the dates described in (d) and (e) of this subsection must coordinate with the department to arrange a department-approved bycatch observation plan prior to commencing fishing.

(g) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(h) It is unlawful to fish for shrimp with beam trawl gear shallower than 120 feet in Catch Area 20A.

(i) A violation of this section is punishable under RCW 77.15.750.

Landing and reporting

(6) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed fish buyer, or if transferred at sea, without transfer to a licensed fish buyer. A fisher who is a licensed fish buyer or a limited fish seller may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(7) Harvesters must also comply with reporting provisions of WAC 220-340-030.

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

WAC 220-340-610 Commercial scallop fishery—Puget Sound. (1)

Licensing and permits:

(a) It is unlawful to fish for, take, or possess scallops with shellfish dive gear without a valid ~~((shellfish))~~ commercial scallop dive fishery license in possession of the license holder or designated alternate operator, and on board the designated harvest vessel. A violation of this subsection 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.

(b) It is unlawful to fish for, take, or possess rock or weather-vane scallops for commercial purposes from Puget Sound unless a person first obtains a valid scallop brood stock collection permit issued by the department. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, violation of commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(c) It is unlawful to harvest scallops for brood stock or culture purposes in a manner that violates scallop brood stock collection permit provisions. Scallop brood stock collection permit provisions include, but are not limited to, the location, date and time restrictions on harvest, and the species and quantity of scallops the permit holder may take for brood stock or culture purposes. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(2) Harvest areas and seasons.

(a) It is unlawful to take or possess pink or spiny scallops for commercial purposes or for the purposes of public health testing, except during open scallop harvest seasons from open shellfish management areas as provided by emergency rule.

(b) It is unlawful to fish for, take, or possess scallops from the ~~((closed))~~ waters ~~((in Sea Urchin Districts 1, 2, 5, and 7))~~ permanently closed to sea urchin harvest as defined in WAC 220-340-750,

and the waters permanently closed to sea cucumber harvest as defined in WAC 220-340-730.

(c) It is unlawful to fish for or take pink or spiny scallops from official sunset through 5:59 a.m. the following morning.

(3) A violation of subsection (2) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(4) **Size limits:** It is unlawful to take or possess pink or spiny scallops less than ((2)) two inches in length, measured from the hinge to the outer margin of the shell. A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(5) **Shellfish dive gear and harvest vessel restrictions:**

(a) It is unlawful to fish for, take, or possess pink or spiny scallops by any means other than by hand with shellfish dive gear. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful to operate a vessel engaged in scallop harvest operations unless the ((vessel registration)) harvester number assigned by the department is properly displayed as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license—Penalty.

(c) It is unlawful for more than one ((diver)) shellfish dive fishery license holder from a harvest vessel to be in the water at any one time during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel, except that two shellfish dive fishery license holders may be in the water if the harvest vessel is designated on two shellfish dive fishery licenses. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful for a vessel engaged in the harvest of pink or spiny scallops to have through-hull fittings for water discharge hoses to be below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than ((thirty)) 30 feet or water jet nozzles onboard a vessel engaged in the commercial pink or spiny scallop fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(6) **Possession restrictions:** It is unlawful to possess geoduck clams during pink or spiny scallop harvest operations, or possess geoduck clams on a vessel that has pink or spiny scallops on board. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(7) For the purposes of weekly trip limits, the scallop fishery week begins Monday and ends Sunday.

WAC 220-340-700 Commercial crawfish fishery. (1) Licensing: A shellfish pot fishery license is required to operate the gear provided for in this section. An application for a shellfish pot fishery license is available at the offices of the department, by calling the WDFW license division at 360-902-2500, or on the department website at www.wdfw.wa.gov.

(2) Commercial crawfish season: The first Monday in May through October 31, except: In Washington waters of the Columbia River downstream from the mouth of the Walla Walla River, it is permissible to take crawfish from April 1 through October 31.

(3) Commercial crawfish size and sex restrictions:

(a) Crawfish must be (~~(3-1/4)~~) 3 1/4 inches or more in length from the tip of the rostrum (nose) to the tip of the tail .

(b) All undersize crawfish and female crawfish with eggs or young attached to the abdomen must be immediately returned unharmed to the waters from which taken. Fishers must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed from the shellfish pot and prior to lifting additional pots from the water.

(4) Commercial crawfish gear, fishing areas, and pot number restrictions:

(a) It is unlawful to take crawfish for commercial purposes with gear other than shellfish pots.

(b) The department determines the maximum number of pots permitted in any given body of water. Once the permitted maximum number of pots for any given body of water is reached, no further permits may be issued for that area. Permits are issued on a first-come, first-served basis consistent with all other regulations concerning issuance of commercial crawfish harvest permits.

(c) It is unlawful for a person to fish more than 400 pots at one time in the commercial crawfish fishery.

(d) Buoys must consist of durable material that will remain floating on the surface with five pounds attached; bleach or anti-freeze bottles or other containers may not be used as floats.

(e) When two or more pots are attached to a common ground line, the number of pots attached must be clearly labeled on the required buoy.

(f) Crawfish gear also subject to provisions of WAC 220-353-020.

(g) It is unlawful to fish for crawfish for commercial purposes in the following waters:

Clallam

(~~(Anderson Lake)~~)
Crescent Lake

Clark

Battleground Lake

Cowlitz

Merrill Lake

Grant

Deep Lake

Potholes Res.
Coulee Lake
Soap Lakes
Sun Lakes

Grays Harbor

Sylvia Lake

Island

Cranberry Lake

Jefferson

Anderson Lake

King

Cedar Lake
Elbow Lake
Green Lake
Green River
Margaret Lake
Sammamish Lake
Sammamish River
Sammamish Slough
Walsh Lake

Kittitas

Easton Lake

Klickitat

Horsethief Lake
Roland Lake

Lewis

Mineral Lake

Okanogan

Alta Lake
Buffalo Lake
Campbell Lake
Conconully Lake
Conconully Res.
Crawfish Lake
Omak Lake
Osoyoos Lake
Pearrygin Lake

Pacific

Middle Nemah River
North Nemah River
Smith Creek

Pend Oreille

Browns Lake (on Brown Cr)
Calispell Lake
Cooks Lake
Conklin Lake
Davis Lake

Half Moon Lake
Mystic Lake
No Name Lake
Shearer Lake
Vanee Lake

Pierce

Clear Lake
Spanaway Lake
Steilacoom Lake
Wapato Lake

Skagit

Beaver Lake
Caskey Lake
Cranberry Lake
Everett Lake
Minkler Lake
Pass Lake
Sixteen Lake
Whistle Lake

Skamania

Goose Lake
Mosquito Lake
South Prairie Lake
Stump (Tunnel) Lake

Snohomish

Ballinger Lake
Chaplain Lake
Flowing Lake
Goodwin Lake
Ki Lake
Martha Lake
Pass Lake
Roesiger Lake
Serene Lake
Shoecraft Lake
Silver Lake
Stevens Lake
Stickney Lake
Storm Lake

Thurston

Deep Lake
Hicks Lake
Long Lake
Patterson Lake
Summit Lake
Ward Lake

Whatcom

Budd Lake
Bug Lake
Caine Lake
Fishtrap Creek

Johnson Creek
 Padden Lake
 Toad or Emerald Lake

((e)) (h) It is unlawful to fish for crawfish within 1/4 mile of the shoreline of developed parks.

((f)) (i) It is permissible for an individual fisherman to fish for crawfish for commercial use in the waters set out below with up to the number of pots shown.

Name of Lake, River, or Slough	County	Max. Pots Allowed
Alder Lake (Res.)	Pierce/Thurston	200
(Aldwell Lake (Res.))	Clallam	100)
Alkali Lake	Grant	100
Bachelor Slough	Clark	100
Baker Lake	Whatcom	200
Banks Lake	Grant	200
Big Lake	Skagit	200
Black Lake	Thurston	200
Blue Lake	Grant	200
Bonaparte Lake	Okanogan	100
Buckmire Slough	Clark	100
Camas Slough	Clark	100
Campbell Lake	Skagit	100
Cassidy Lake	Snohomish	100
Cavanaugh Lake	Skagit	200
Chehalis River	Lewis/Grays Harbor	100
Chelan Lake	Chelan	200
Clear Lake	Skagit	100
Coal Creek Slough	Cowlitz	100
Columbia River	Clark, Cowlitz, etc.	200
Copalis River	Grays Harbor, etc.	100
Cowlitz River	Clark, Cowlitz, etc.	100
Curlew Lake	Ferry	200
Cushman Lake #1	Clark	100
Deep River	Wahkiakum	100
Deschutes River	Thurston	100
Diablo Lake	Whatcom	200
Drano Lake	Skamania	100
Elochoman River	Wahkiakum	100
Erie Lake	Skagit	100
Evergreen Reservoir	Grant	100
Fisher Island Slough	Cowlitz	100
Goose Lake (upper)	Grant	100
Grays River	Pacific	100
Harts Lake	Pierce	100
Hoquiam River	Grays Harbor	100
Humptulips River	Grays Harbor	100
John's River	Grays Harbor	100
Kapowsin Lake	Pierce	200
Kalama River	Cowlitz, etc.	100
Klickitat	Klickitat	100
Lackamas Lake (Res.)	Clark	100
Lake River	Clark	100
Lawrence Lake	Thurston	100
Lenore Lake	Grant	200
Lewis River	Clark/Cowlitz	100

Name of Lake, River, or Slough	County	Max. Pots Allowed
Loomis Lake	Pacific	100
Mayfield Lake	Lewis	200
McIntosh Lake	Thurston	100
McMurray Lake	Skagit	100
Merwin Lake	Clark/Cowlitz	200
Moses Lake	Grant	200
Naselle River	Pacific, etc.	100
Nisqually River	Pierce, etc.	100
Nooksack River	Whatcom	100
North River	Grays Harbor	100
Palmer Lake	Okanogan	100
Patterson Lake (Res.)	Okanogan	100
Portage Bay	King	100
Rattlesnake Lake	King	100
Ross Lake (Res.)	Whatcom	200
Salmon Lake	Okanogan	100
Satsop River	Grays Harbor	100
Shannon Lake (Res.)	Skagit	200
Sidley Lake	Okanogan	100
Silver Lake	Pierce	100
Silver Lake	Cowlitz	200
Skagit River	Skagit/Whatcom	200
Skamokawa River	Wahkiakum	100
Snake River	Franklin/Walla Walla	200
Snohomish River	Snohomish	100
St. Clair Lake	Thurston	100
Swift Lake (Res.)	Skamania	200
Terrell Lake	Whatcom	100
Toutle River	Cowlitz	100
Union Lake	King	200
Vancouver Lake	Clark	200
Warden Lake	Grant	100
Washington Lake	King	200
Washougal River	Clark/Skamania	100
Whitestone Lake	Okanogan	100
Willapa River	Pacific	100
Wiser Lake	Whatcom	100
Wind River	Cowlitz	100
Wishkah River	Grays Harbor	100
Woodland Slough	Clark	100
Wynoochee River	Grays Harbor	100
Yakima River	Kittitas	100
Yale Lake (Res.)	Clark/Cowlitz	200

~~((g))~~ (j) Commercial crawfish harvest permits will be issued to limit the number of crawfish pots permissible per fisherman per body of water in suitable crawfish harvest sites not listed in subsections (4) (d) and (e) of this section as follows:

- (i) Under 20 acres - No commercial harvest.
- (ii) 20 acres to 100 acres - 50 pots.
- (iii) 101 acres to 400 acres - 100 pots.
- (iv) Over 400 acres - 200 pots.

~~((h))~~ (k) Permits may be issued only in waters where fishing will not conflict with high density residential or recreational areas.

No permit will be issued where developed parks encompass more than 1/2 of the water shoreline.

(5) It is unlawful to discard any crawfish bait into the waters of the state.

(6) This section does not apply to the commercial culture of crawfish at a registered aquatic farm.

(7) It is unlawful to fish for or possess crawfish taken for commercial purposes in violation of this section. Violation of this section is punishable under RCW 77.15.500, 77.15.520, 77.15.522, or 77.15.540, depending on the circumstances of the violation.

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

WAC 220-340-720 Commercial octopus fishery. (1) It ((shall be)) is unlawful to possess octopus for commercial purposes except octopus taken incidentally to any lawful bottom fish or shellfish fishery((~~except that it shall be unlawful for divers to take octopus for commercial purposes except as authorized by permit issued by the director for display or scientific purposes~~)).

(2) It is unlawful to take or possess octopus for display or scientific purposes, except as authorized by permit issued by the director.

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

WAC 220-340-730 Commercial sea cucumber fishery. (1) **Licensing:** It is unlawful to fish for, take, or possess sea cucumbers ((~~with shellfish dive gear~~)) without a valid ((~~shellfish~~)) commercial sea cucumber dive fishery license and license holder or designated alternate operator on board the designated harvest vessel. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

(2) **Harvest areas and seasons:**

(a) It is unlawful to fish for, take, or possess sea cucumbers for commercial purposes, except during open sea cucumber harvest seasons and from open sea cucumber districts as provided by emergency rule. It is unlawful to fish for, take, or possess sea cucumbers for commercial purposes from closed areas defined in this section.

(b) It is unlawful to fish for or take sea cucumbers from official sunset to 5:59 a.m. the following morning.

(c) A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) **Sea cucumber districts defined:**

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B((~~and 23B~~)) outside of the following closed areas:

(i) ~~San Juan Channel ((and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island))~~ Closed Area: 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); 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); west of a line from Neck Point on Shaw Island (48°35.233'N, 123°00.744'W) to Steep Point on Orcas Island (48°36.559'N, 123°01.387'W); and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48°37.348'N, 123°06.450'W).

(ii) Haro Strait Closed Area: North of a line projected ((due)) true west from the southernmost point of Cattle Point on San Juan Island to the international border (closed area includes those waters of Areas 22A and 23A that fall north of this line) and south of a line projected ((due)) true west from a point ((one-quarter)) (48°31.202'N, 123°09.162'W) 1/4 mile north of Lime Kiln Light (48°30.954'N, 123°09.150'W) on San Juan Island to the international border.

(b) Sea Cucumber District ((2)) 2-1 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, ((25A, 25B, 25C, 25D, 25E,)) and 29 outside of the following closed areas:

(i) Low Point Closed Area: Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of longitude 123°48.3'W, east of longitude 123°52.7'W, and south of the international border;

(ii) Tatoosh Island Closed Area: Those waters within 1/4 mile of Tatoosh Island;

(iii) Haro Strait Closed Area: Those waters of Haro Strait within Area 23A north of a line projected true west from the southernmost point of Cattle Point on San Juan Island to the international border (this closed area also includes those waters of Area 22A described in (a)(ii) of this subsection).

(c) Sea Cucumber District 2-2 is defined as the waters of Marine Fish Shellfish Management and Catch Reporting Areas 23B, 25A, 25B, 25C, 25D, and 25E.

((e)) (d) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Eagle Harbor Closed Area: 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 ((, — then)) (47°36.975'N, 122°29.792'W), thence projected ((due)) true west to shore on Bainbridge Island (47°36.975'N).

(ii) Sinclair Inlet Closed Area: Those 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)) Kitsap Transit foot ferry terminal in Annapolis (47°32.868'N, 122°36.973'W).

((d)) (e) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

((e)) (f) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D outside of the following closed area: Hale Passage/Wollochet Bay Closed Area: The waters of Hale Passage and Wollochet Bay within the following lines: West of a line projected true south from the shoreline near Point Fosdick at 122°35'W longitude to 47°14'N latitude, and thence projected true west to the shoreline of Fox Island (47°14'N), and east of a line projected true south from the shoreline near Green Point at 122°41'W longitude to 47°16.5'N latitude, and thence projected true east to the shoreline of Fox Island (47°16.5'N).

(4) **Shellfish dive gear and harvest vessel restrictions:**

(a) It is unlawful to fish for, take, or possess sea cucumbers taken for commercial purposes by any means other than by hand with shellfish dive gear. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful to operate a vessel engaged in commercial sea cucumber harvest operations unless the ((vessel registration)) harvester number assigned by the department is properly displayed on the vessel as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license.

(c) It is unlawful for more than one diver from a harvest vessel to be in the water at any one time during sea cucumber harvest operations or when commercial quantities of sea cucumbers are aboard, except that two divers from a harvest vessel may be in the water at one time if the vessel is designated on two sea cucumber dive fishery licenses. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful for a vessel engaged in the harvest of sea cucumbers to have through-hull fittings for water discharge hoses below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than ((thirty)) 30 feet or water jet nozzles onboard a vessel engaged in the commercial sea cucumber fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(5) **Possession restrictions:** It is unlawful to possess geoduck clams during commercial sea cucumber harvest operations, or possess geoduck clams on a vessel that has sea cucumbers on board. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(6) For the purposes of weekly trip limits, the sea cucumber fishery week begins Monday and ends Sunday.

WAC 220-340-750 Commercial sea urchin fisheries. (1) Licensing:

It is unlawful to fish for, take, or possess sea urchins for commercial purposes ~~((with shellfish dive gear))~~ without a valid ~~((shellfish))~~ commercial sea urchin dive fishery license and license holder or designated alternate operator on board the designated harvest vessel. A violation of this subsection 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.

(2) Harvest areas, seasons, and size restrictions:

(a) It is unlawful to fish for, take, or possess sea urchins for commercial purposes except during open sea urchin harvest seasons ~~((and))~~ and from open sea urchin districts ~~((, and within the size restrictions))~~ as set by emergency rule. It is unlawful to fish for, take, or possess sea urchins for commercial purposes from closed areas defined in this section.

(b) It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2 1/4 inches; or red sea urchins measuring less than 3 1/4 inches or greater than five inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

~~((b))~~ (c) It is unlawful to fish for or take sea urchins from official sunset through 5:59 a.m. the following morning.

~~((e))~~ (d) It is unlawful to harvest or possess sea urchins taken from less than ~~((ten))~~ 10 feet below mean lower low water.

~~((d))~~ (e) It is unlawful to process sea urchins aboard the harvest vessel.

~~((e))~~ (f) It is unlawful to take sea urchins for commercial use for purposes other than human consumption.

(3) A violation of subsection (2) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(4) Sea urchin districts defined:

(a) Sea Urchin District 1 ~~((Northern))~~ San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, ~~((and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island))~~ 21A, 21B, 22A, and 22B outside the following closed areas:

(i) San Juan Channel Closed Area: 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); 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); west of a line from Neck Point on Shaw Island (48°35.233'N, 123°00.744'W) to Steep Point on Orcas Island (48°36.559'N, 123°01.387'W); and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island (48°37.348'N, 123°06.450'W).

(ii) Haro Strait Closed Area: North of a line projected true west from the southernmost point of Cattle Point on San Juan Island to the international border (closed area includes those waters of 22A and 23A that fall north of this line) and south of a line projected true west from a point (48°31.202'N, 123°09.162'W) 1/4 mile north of Lime Kiln Light (48°30.954'N, 123°09.150'W) on San Juan Island to the international border.

(b) Sea Urchin District 2 (~~((Southern San Juan Islands and Port Townsend))~~) (Admiralty Inlet) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas ~~((22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:~~

~~(i) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.~~

~~(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island)) 23B, 25A, and 25B.~~

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23D, and 23C east of a line projected true north from ((Low Point, along 123°49'30" W. longitude, and Area 23D)) the shoreline near Low Point at 123°48.3'W longitude to the international border at 123°48.3'W longitude.

The following area, comprising portions of Sea Urchin Districts 3 and 4, is a closed area: (Low Point Closed Area) 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 at 123°52.7'W longitude, 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.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point, along ~~((123°49'30" W.))~~ 123°52.7'W longitude, and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock; 48°19.905'N, 124°29.427'W).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock; 48°19.905'N, 124°29.427'W) and Areas ~~((59A))~~ 59A-1, 59A-2, and 59B. Within Sea Urchin District 5, waters within ((one-quarter)) 1/4 mile of Tatoosh Island are closed to the harvest of sea urchins at all times (Tatoosh Island Closed Area).

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times ~~((-))~~:

(i) Eagle Harbor Closed Area: 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))~~ thence projected ~~((due))~~ true west to the shore on Bainbridge Island (47°36.975'N).

(ii) ~~((The))~~ Sinclair Inlet Closed Area: Those 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))~~ Kitsap Transit foot ferry terminal in Annapolis (47°32.868'N, 122°36.973'W).

(iii) Hale Passage/Wollochet Bay Closed Area: The waters of Hale Passage and Wollochet Bay within the following lines: West of a line projected true south from the shoreline near Point Fosdick at 122°35'W longitude to 47°14'N latitude, and thence projected true west to the shoreline of Fox Island (47°14'N), and east of a line projected true south from the shoreline near Green Point at 122°41'W longitude to 47°16.5'N latitude, and thence projected true east to the shoreline of Fox Island (47°16.5'N).

(5) **Shellfish dive gear and harvest vessel restrictions:**

(a) It is unlawful to fish for, take, or possess sea urchins by any means other than with ~~((hand-held))~~ handheld tools that do not penetrate the shell.

(b) It is unlawful for more than one diver from a harvest vessel to be in the water at any one time during sea urchin harvest operations or when commercial quantities of sea urchins are onboard, except that two divers may be in the water if the harvest vessel is designated on two sea urchin dive fishery licenses.

(c) It is unlawful for a vessel engaged in the harvest of sea urchins to have through-hull fittings for water discharge hoses below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than ~~((thirty))~~ 30 feet or water jet nozzles onboard a vessel engaged in the commercial sea urchin fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to operate a vessel engaged in sea urchin harvest operations unless the ~~((vessel registration))~~ harvester number assigned by the department is properly displayed as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license—Penalty.

(6) **Possession restrictions**: It is unlawful to possess geoduck clams during commercial sea urchin harvest operations, or possess geoduck clams on a vessel that has sea urchins onboard. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(7) For the purposes of weekly trip limits, the sea urchin fishery week begins Monday and ends Sunday.

WAC 220-340-770 Commercial squid fishery. (1) It is lawful at any time to take or fish for squid for commercial purposes with (~~drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure,~~) dip bag net, brail, and squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish except octopus, and squid eggs caught while fishing for squid must be returned to the water immediately. It is lawful to retain for commercial purposes squid taken incidental to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts), or equivalent when measured in lumens. Lights of 200 watts (or equivalent when measured in lumens) or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline (~~(of an incorporated city or town)~~).

(5) Licensing: A squid fishery license is the license required to operate the gear provided for in this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-340-740 Sea cucumber license reduction program.
- WAC 220-340-760 Sea urchin license reduction program.

WAC 220-352-335 Puget Sound shrimp—Additional reporting requirements.

Harvesters, pot fishery

(1) License registration: Each fisher or alternate operator is required to report their intended catch area of harvest, target species (spot or nonspot), and the quantity of pounds that are being targeted prior to the deployment of any shrimp gear. Reports must be submitted via email or text to shrimp.report@dfw.wa.gov or via an electronic reporting system provided by the agency.

(2) Quick reports: Daily catch must be reported to the department by 10:00 a.m. the day after the shrimp are harvested. Reports must be submitted via email or text to shrimp.report@dfw.wa.gov or via an electronic reporting system provided by the agency. Daily catch reports must include the following information as it is recorded on the fish receiving ticket:

(a) Fisher name, buyer name, and date of sale;

(b) Quantity of pounds landed per shrimp species;

(c) Catch area and date of harvest; and

(d) The entire alphanumeric fish ticket number, including the alphabetic prefix.

(e) A fisher who is the wholesale fish buyer or limited fish seller (the original receiver) may submit a quick report per provisions of this subsection to satisfy the requirements of this subsection.

Original Receivers

~~((1))~~ (3) Any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested with pot or trawl gear must record on the shellfish receiving ticket the appropriate catch area based on the location of harvest and the boundary definitions specified in WAC ~~((220-340-520))~~ 220-320-140.

~~((2))~~ (4) Quick reports: Any person originally receiving or purchasing shrimp, other than ghost shrimp, taken from Puget Sound by trawl gear or pot gear must report to the department the previous day's purchases by 10:00 a.m. the following morning.

(a) Reports must be sent ~~((by fax to 360-302-3031 or))~~ by text message or email to ~~((shrimpreport@dfw.wa.gov))~~ shrimp.report@dfw.wa.gov, or by an electronic reporting form approved by the department.

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

(i) The wholesale fish buyer name ~~((r))~~ and number;

(ii) Fisher name ~~((r and))~~;

(iii) Date of sale;

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

~~(iii) The total number))~~ (iv) The entire alphanumeric fish ticket number, including the alphabetic prefix;

(v) The quantity of pounds delivered per shrimp species ~~((r~~

~~(3) Alternative reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035(3)).); and~~

(vi) The Shrimp Region (WAC 220-320-140) and Marine Fish-Shellfish Management and Catch Reporting Area (WAC 220-301-050) from which the shrimp was harvested.

(c) Receivers who complete and submit an electronic fish receiving ticket form, which is also received by the department, per the provisions of WAC 220-352-035 are exempted from the requirements of this subsection.

AMENDATORY SECTION (Amending WSR 18-11-052, filed 5/10/18, effective 6/10/18)

WAC 220-352-340 Puget Sound crab—Additional reporting requirements. (1) **License registration:** Puget Sound commercial crab license holders, or their designated alternate operators, must register which Crab Management Region to which gear will be deployed for each license they hold prior to the fishery opening date.

(a) Registrations must be updated when gear moves between areas.

(b) The department must be notified if gear is not going to be deployed for a period of 72 hours or longer.

(c) Registrations must be made by registering via the WDFW Puget Sound commercial crabbing web page or via email or text to crab.report@dfw.wa.gov.

(d) Reports must include the following information:

(i) Vessel operator name;

(ii) Vessel name and vessel registration number;

(iii) Permit number(s) to be fished;

(iv) Crab Management Region to be fished;

(v) Gear deployment date.

(2) **Quick reports:** Any person originally receiving or purchasing Dungeness crab taken from Puget Sound by nontreaty fishers must report to the department the previous day's purchases by 10:00 a.m. the following day.

(a) Reports must be sent ~~((to the Mill Creek Regional Office by fax to 425-338-1066, or))~~ by email or text message to ~~((crabreport@dfw.wa.gov))~~ crab.report@dfw.wa.gov, or by using the Puget Sound commercial crab reporting website.

(b) For crab originally received or purchased by a licensed fish buyer, reports must include, for each fish receiving ticket ((submitted)) completed by a licensed fish buyer:

(i) The name and department-issued license number of the wholesale fish buyer or limited fish seller;

(ii) The phone number or email address of the wholesale fish buyer or limited fish seller;

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

(iv) The ((total number)) quantity of pounds of crab delivered, by Crab Management Region (WAC 220-320-110) or by Marine Fish-Shellfish Management and Catch Reporting Area (WAC 220-301-040).

~~((2) Alternative reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035(3)).))~~ (c) Receivers who complete and submit an electronic fish receiving ticket form, which is also received by the department, per the provisions of WAC 220-352-035 are exempted from the requirements of this subsection.

(3) **Shellfish transportation tickets:** If crab are transported from a vessel prior to completing a fish receiving ticket and not delivered to an original receiver by 5:00 p.m. on the day following the day of harvest, the fisher must complete and submit a commercial fish and shellfish transportation ticket per the provisions of WAC 220-352-230 and submit a transported crab quick report to the department.

(a) "Transported" is intended to include crab stored beyond 5:00 p.m. on the day following the day of harvest and prior to delivery to an original receiver.

(b) Separate commercial fish and shellfish transportation tickets must be filled out for each day's harvest that is not delivered to a licensed fish buyer by 5:00 p.m. on the day following the day of harvest.

(4) **Transported crab quick reports:** Transported crab quick reports must be submitted by the fisher and received by the department by 10:00 a.m. the day following the day crab are offloaded from the vessel for storage. Reports must be made online using the Puget Sound commercial crab reporting website or by email or text to crab.report@dfw.wa.gov. Reports must include:

(a) The name of the fisher who caught the crab;

(b) The date of harvest of the crab;

(c) Puget Sound commercial license number of the fisher who caught the crab;

(d) The vessel ID from which the crab were harvested;

(e) The number of containers used to store the crab;

(f) The approximate weight of the crab retained;

(g) Catch Reporting Area of crab harvested;

(h) The quantity of pounds of crab retained by Crab Management Region or by Marine Fish-Shellfish Management Area; and

(i) Shellfish transportation ticket number(s).

(5) **Delivery of crab previously retained beyond 5:00 p.m. on the day following the day of harvest (transported crab):** Commercial harvesters of crab in Puget Sound must report the delivery to an original receiver of all transported crab by 10:00 a.m. the day following delivery to an original receiver. Reports must be made using the department-provided electronic forms on the Puget Sound commercial crab reporting website, or by email or text to crab.report@dfw.wa.gov. Reports must contain:

(a) Fisher 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) associated with the delivered crab; and

(g) Fish receiving ticket number(s) corresponding to landing date of delivery.

NEW SECTION

WAC 220-352-355 Puget Sound scallop—Additional reporting requirements. (1) Any wholesale dealer acting in the capacity of an

original receiver and receiving scallops from nontreaty fishers must report to the department each day's purchases by 10:00 a.m. the following day.

(a) Reports must be made by text message or email to scallopreport@dfw.wa.gov.

(b) Reports must include, for each ticket prepared:

(i) The licensed fish buyer name, fisher name, date of landing, and the name of the port of landings;

(ii) The entire alphanumeric fish ticket number, including the alphabetic prefix;

(iii) The quantity of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area; and

(iv) The number of pounds that will be transported to a Washington department of health approved wet storage facility, the location of the approved wet storage facility, and the name of the operator of the wet storage facility.

(2) Alternative reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035).

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 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 or wholesale fish 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)) **Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal or Puget Sound fishery license to deploy crab pot gear except under the following conditions:~~

~~(a) **Coastal**~~

~~(i) The vessel deploys pot gear only during the 73-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;~~

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

~~((e)) (iii) 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.~~

~~(b) **Puget Sound**~~

~~(i) The vessel deploys pot gear only during the 48-hour period immediately following the initial season opening date and time;~~

~~(ii) The primary or alternate operator designated on the license associated with the barged gear is on board the nondesignated vessel ("barge" vessel) while the gear is being deployed; and~~

~~(iii) The Puget Sound commercial crab license holder who owns the gear intended for barging has provided notice to the department via email at crab.report@dfw.wa.gov at least 24 hours in advance of the fishery opening date. Notice must include the following information:~~

~~(A) Name and license number(s) of the owner of the gear being barged;~~

~~(B) Name of the designated primary operator, if different from the licensed owner;~~

~~(C) Name of the alternate operator, if used to deploy pots from a nondesignated vessel;~~

~~(D) Buoy brand number and number of pots to be deployed from a nondesignated vessel;~~

~~(E) Name and identification numbers (WN and/or Coast Guard) of the nondesignated vessel;~~

~~(F) Puget Sound Crab Management Region or set location.~~

~~(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.~~

~~(11) **Storing crab prior to delivery to an original receiver, Puget Sound.** It is unlawful for a Puget Sound commercial crab license holder to store crab prior to delivery to an original receiver, except under the following conditions:~~

~~(a) It is unlawful to store crab for more than 10 days prior to delivery to an original receiver.~~

~~(b) All crab that have been removed from a vessel and are not immediately delivered to an original receiver must be stored in containers labeled with the following:~~

~~(i) Date of harvest;~~

~~(ii) An estimate of pounds of crab contained;~~

~~(iii) Either the Marine Fish-Shellfish (MFSF) Catch Reporting Area or the Crab Management Region from which the catch originated;~~

~~(iv) Containers used for storing crab removed from a vessel and not delivered to an original receiver by 5:00 p.m. of the day follow-~~

ing the day of harvest must additionally be labeled with the commercial fish and shellfish transportation ticket number(s).

(c) Storage of crab is subject to the reporting requirements described in WAC 220-352-340.

AMENDATORY SECTION (Amending WSR 21-24-031, filed 11/22/21, effective 1/1/22)

**WAC 220-340-430 Commercial crab fishery—Gear 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, except if authorized by permit issued by the director, 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) All remaining, undeployed buoy tags per license per region must be onboard the designated vessel and available for immediate inspection by the department.

(f) 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 in the case of extraordinary loss or on a case-by-case basis. Replacement buoy tags will not be issued in excess of the license holder's permanent pot limit.

(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, unless otherwise authorized by permit issued by the director.

(b) It is unlawful to use bleach, antifreeze or detergent bottles, paint cans, or any other container as a buoy. The line attaching a buoy to shellfish gear must be weighted sufficiently to prevent the excess line from floating on the water's surface.

(c) 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.

~~((e))~~ (d) 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, unless otherwise authorized by permit issued from the director.

(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) **Coastal commercial crab fishery line requirements.**

(a) All crab pots used in the coastal Dungeness crab fishery shall be set up to use only the amount of line reasonably necessary to compensate for tides, currents, and weather.

(b) (i) ~~((Beginning December 1, 2020,))~~ It is unlawful for a coastal Dungeness crab fishery license holder to use line that connects the main buoy to the crab pot that is not marked sufficiently to identify it as gear used in the Washington coastal Dungeness crab fishery.

(ii) For each shellfish pot used in the Washington coastal commercial Dungeness crab fishery and rigged with line, that line must be marked with 12 inches of red in at least two places. At a minimum, 12 inches of line must be marked in red, no more than one fathom from the main buoy and no more than one fathom from the pot.

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