

## Coastal and Puget Sound Shellfish Updates – (Decision)

### TABLE OF CONTENTS

	<b>Page</b>
Summary Sheet.....	1 of 46
Attachment A: Proposed additional revisions .....	4 of 46
CR-102 .....	6 of 46
WAC 220-320-015 Definitions—Shellfish species complexes .....	12 of 46
WAC 220-320-120 Puget Sound Crustacean (crab and shrimp) Special Management Areas .....	13 of 46
WAC 220-330-020 Crab, shrimp, crawfish—Gear and gear-related unlawful acts. General gear requirements.....	17 of 46
WAC 220-340-030 Shellfish harvest logs .....	20 of 46
WAC 220-340-455 Commercial crab fishery—Seasons and areas—Puget Sound.....	24 of 46
WAC 220-340-420 Commercial crab fishery—Unlawful acts.....	28 of 46
WAC 220-340-430 Commercial crab fishery—Gear requirements .....	33 of 46
WAC 220-340-460 Commercial crab fishery—Coastal Dungeness crab logbook requirements. ....	35 of 46
WAC 220-340-510 Commercial ocean spot shrimp pot fishery—Coastal waters .....	36 of 46
WAC 220-340-520 Commercial shrimp pot fishery—Puget Sound.....	38 of 46
WAC 220-352-060 Completion, submission, distribution, and retention of copies of nontreaty fish receiving tickets.....	41 of 46
WAC 220-352-230 Commercial fish and shellfish transportation ticket .....	42 of 46
WAC 220-352-340 Puget Sound crab—Additional reporting requirements .....	43 of 46
WAC 220-360-220 Hagfish pot trial fishery—Season and gear .....	46 of 46



## Summary Sheet

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**Meeting dates:** October 27, 2023

**Agenda item:** Coastal and Puget Sound Shellfish – Decision

**Presenter(s):** Heather Hall, Intergovernmental Ocean Policy Manager  
Aaron Dufault, Puget Sound Shellfish Manager

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### **Background summary:**

In September, staff briefed the Commission on proposed changes to coastal commercial Dungeness crab regulations that support and build on measures already implemented with the intent of reducing the risk of marine life entanglements in coastal Dungeness crab gear pursuant to federal Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) requirements.

Proposed regulations that implement electronic monitoring (EM) for the coastal commercial Dungeness crab fishery and improve gear marking requirements in coastal and Puget Sound fixed gear fisheries are necessary to build a monitoring and adaptive management program that will be necessary to be compliant under the ESA and the MMPA. Line and buoy marking increases gear visibility in marine mammal entanglements and thus improves the ability to attribute entanglements to a specific fishery. EM provides a critically important tool for managing and enforcing time and area restrictions used in the coastal crab fishery such as those used to manage harvest sharing requirements with coastal Treaty Tribes and other area closures such as those that may be needed to manage biotoxin events.

Other proposed changes include modifying existing requirements for reporting landings using electronic fish tickets. In August 2022, the commission adopted rules requiring electronic fish ticket reporting, which allowed the department to implement a new mobile catch reporting application called WaTix. After using this application for a year, we've encountered enforcement challenges we're now addressing with the proposed rule changes. Specifically, making sure an electronic fish ticket is completed at the location of sale.

Other changes that are more administrative in nature include amendments to rules regarding management categories for non-spot shrimp species, buoy tags, shellfish harvest logs, pot limit adjustments for the coastal and/or Puget Sound shellfisheries, among others.

A summary of public comments and how staff have addressed those comments is included along with staff recommendations. The Commission is scheduled to make a final decision on the proposed rule changes at this meeting. Staff have provided their recommendation and if the Commission is in favor of adopting the regulations, staff have drafted motion language for consideration.

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### **Public involvement process used and what you learned:**

WDFW received public comment prior to, during the September Commission meeting and up to the public comment deadline on October 2, 2023. The following is a summary of public comments and staff's response.

WA coastal Dungeness crab fishery participants expressed a range of concerns about the proposed implementation of electronic monitoring (EM). Concerns broadly fell within one of three categories. The first related to the procurement, placement, and operation of an EM

system on a vessel. Fishers suggested that supply chain issues could limit EM system availability, preventing compliance. Others took issue with rule language that specified the placement of EM equipment (a hydraulic sensor). Fishers also expressed concern that the battery draw from an 'always on' EM device would drain a vessel's battery and that EM data could not be used to identify fishery participation. To address procurement, the Washington Department of Fish and Wildlife (WDFW) partnered with the Pacific States Marine Fishery Commission (PSMFC) and Archipelago Marine Research to distribute EM systems to fishery participants and coordinate marine technicians to assist with install. To address placement, WDFW listened to fishers and amended rule language to be more flexible. To address operation concerns, WDFW confirmed that EM systems that meet required specifications do not pose an undue burden on vessel power systems and can be used to identify crab fishing activity.

The second category of concerns raised by fishers pertained to the proposed process for how a vessel secures an EM exemption following an EM system failure. Specifically, fishers expressed that the webform based process of requesting an exemption permit limited access, permits did not provide a long enough exemption period to address issues, and the requirement that fishers submit an activation report when returning to the fishery was cumbersome. Together, fishers argued that these rules could prevent participation during times of peak opportunity. WDFW staff recognized that these could be potential issues for some fishers. WDFW agreed to accept permit requests via text and email when outside of normal business hours, extended the duration of exemption permits to 4-days, and removed the requirement for an activation report when a vessel re-enters the fishery.

The third category of concerns raised by fishers were related to enforcement discretion during EM rule implementation. WDFW staff and enforcement recognize this is a substantial change for the coastal crab fishery. WDFW enforcement has focused on education in the past for significant changes in the fishery and has used discretion in enforcing new regulations. WDFW staff have committed to providing information in multiple formats on how to comply with the new regulations, including the EM Compliance Guide. WDFW staff are also aware there may be unforeseen issues outside of the fisher's control that could lead to EM system failures and have provided an exemption permit process.

A substantial number of the proposed rule changes were housekeeping or administrative in nature and were not commented on. Many of these proposed rule changes have been implemented via emergency regulation in previous fishing seasons, which are now being made permanent. Examples of rules already implemented via emergency regulation include Puget Sound crab buoy tag replacement, shrimp pot limit clarifications, updated depth and area restrictions, and updated area and boundary designations.

Staff have summarized new changes to the proposed rule language to address public input and clarify rule language in Attachment A.

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**Action requested and proposed next steps:**

Staff recommend that the Commission adopt the proposed changes including additional changes recommended based on public input shown in Attachment A.

Staff recommend delaying the effective date for the EM component of the proposed rules until January 1, 2024 and providing direction to the Enforcement Program to use discretion during the first year of the EM program. In addition, given the technical nature of the electronic monitoring and electronic fish ticket regulations, staff recommends delegating authority to the Director to consider and adopt regulatory changes to these rules in the future. Technology is changing rapidly and efficiencies for electronic reporting (EM and electronic fish tickets) may be available for both fishery managers and users. An efficient process for making these

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changes using delegated authority to the Director will streamline the process.

WDFW will send a letter to all coastal and Puget Sound license owners, operators, alternate operators and affected shellfish buyers notifying them of the Commission's actions.

If the proposed changes are adopted, staff will work with EM service providers and conduct additional outreach to coastal and Puget Sound stakeholders this fall and throughout 2024 to ensure electronic monitoring requirements and other proposed rules and are understood prior to implementation.

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**Draft motion language:**

Motion 1:

I move that the Commission adopt the proposed regulatory changes as presented by staff in the CR-102, except for WAC 220-340-420, 220-340-460 and 220-352-060, adopt with the changes shown in Attachment A, and adopt the EM Compliance Guide with changes recommended by staff.

Motion 2:

I move that the Commission adopt a January 1, 2024, effective date for the electronic monitoring component of the proposed changes in WAC 220-340-420 and delegate authority to the Director to consider and adopt future technical changes to electronic monitoring and electronic fish ticket reporting requirements.

Motion 3:

I move that the Commission direct the Enforcement Program to use enforcement discretion and flexibility during the first year that electronic monitoring is required for the coastal commercial Dungeness crab fishery.

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**Justification for Commission action:**

Proposed regulations for EM and gear marking builds an effective and necessary monitoring program. A monitoring program that improves our understanding of marine life entanglements will inform management and improve WDFW's implementation of an adaptive management and risk reduction program necessary to comply with the ESA and MMPA. EM also provides a critically important management tool needed to enforce time and area restrictions used in the coastal crab fishery to manage harvest sharing requirements with coastal Treaty Tribes and to manage other area closures needed to effectively manage commercial shellfish fisheries.

Other proposed changes are needed to improve the enforceability and provide clarity to existing regulations.

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**Proposed additional revisions (shown in red and strikethrough):****WAC 220-340-420 Commercial crab fishery—Unlawful acts.****(12) Electronic monitoring system (EM system)**

(12) (b) (i) (C) A hydraulic pressure sensor must be installed ~~on the main high pressure supply line between the hydraulic pump and the crab block between the crab block and the first fitting from the crab block on the main line~~ of a vessel that controls it such that recorded pressure readings are indicative of ~~show pressure increases during~~ pot hauling activity.

(12) (b) (ii) (A) The following data fields must be provided to the PSMFC whenever a new system is installed, or new data transmissions begin: Vessel coast guard number, ~~state~~ **WDFW** vessel registration number, state of registration, serial number or unique identifier linked to the EM system, EM service provider name, name of the make and model of the EM system, date the system was installed or started transmitting data, date the system was removed or stopped transmitting data.

(12) (b) (iii) Activate the EM system, ~~and~~ **and** submit an EM system activation report to WDFW, ~~and receive confirmation from WDFW that the location and pressure sensor transmissions are being received~~ before the vessel is used to fish in the coastal commercial Dungeness fishery. Commercial crab fishing is defined in WAC 220-340-400. An activation report must be submitted to WDFW under the following circumstances:

(A) Annually before gear is deployed at the start of each coastal commercial Dungeness crab season.

(B) When an EM system is reactivated following a reinstallation.

(C) When there is a change in service provider.

(D) When any changes are made to the information required in the EM activation report.

~~(E) After operating under a temporary exemption permit as described in (b) (v) (A), (B), and (C) of this subsection.~~

(12) (b) (v) (D) To request an exemption permit described in (b) (v) of this subsection, a vessel owner must contact WDFW. For an exemption permit to be valid, a request must be received by WDFW as soon as it is apparent that there is a system failure or emergency or at least 2 hours before a haul out exemption is needed. ~~A vessel will be required to submit an activation report under (b) (iii) of this subsection before returning to fish.~~

**WAC 220-340-460 Commercial crab fishery—Coastal Dungeness crab logbook requirements.**

(2) It is unlawful for any vessel operator engaged in fishing without a fully operational electronic monitoring system to fail to comply with the following method and time frame related to harvest logbook submittal and record keeping:

(a) The department must receive a copy of the completed logbook sheets or electronic fields within ~~((ten days~~ **ten days**) ~~)) 24 hours~~ following any ~~((calendar month in which fishing occurred))~~ landing made by a vessel while fishing for Dungeness crab in the coastal commercial fishery without a fully operational electronic monitoring system. Completed Dungeness crab harvest ~~((logs))~~ logbooks must be ~~((sent))~~ submitted to the ~~((following address:))~~ Washington department of fish and wildlife ~~((, Attention: Coastal Dungeness Crab Manager, 48 Devonshire Rd., Montesano, WA 98563))~~ using a WDFW logbook drop box or the following electronic mail address: coastal.crab.EM@dfw.wa.gov.

**WAC 220-352-060: Completion, submission, distribution, and retention of copies of nontreaty fish receiving tickets**

(3) Original receivers who are required to submit fish receiving tickets using an electronic form under WAC 220-352-035(2) must:

(a) (i) ~~((Submit the ticket within 24 hours of completion of the delivery if required to report electronically under WAC 220-352-035(2))~~ For deliveries completed on a mobile device, original receivers are required to fill out an electronic fish ticket form at the delivery location and submit it immediately following the completion of the delivery of fish or shellfish ~~to the original receiver~~ before leaving the delivery location.



# PROPOSED RULE MAKING

## CR-102 (July 2022) (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: July 26, 2023

TIME: 8:48 AM

WSR 23-16-050

**Agency:** Washington Department of Fish and Wildlife (P2023-10)

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-10-081 on May 2, 2023 ; 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) Amending coastal and Puget Sound recreational and commercial fixed gear fishery and implementing electronic monitoring for the coastal commercial Dungeness crab fishery.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
September 28-30, 2023	8:00 AM	Yakima Convention Center 10 N 8th St Yakima, WA 98901 (in-person and online)	Visit our website at <a href="https://wdfw.wa.gov/about/commission/meetings">https://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267 or email: <a href="mailto:commission@dfw.wa.gov">commission@dfw.wa.gov</a> for instructions on how to join the meeting.

**Date of intended adoption:** October 26-28, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Heather Hall  
 Address: Post Office Box 43200  
 Olympia, Washington 98501  
 Email: [crab-and-shellfish-rulemaking@PublicInput.com](mailto:crab-and-shellfish-rulemaking@PublicInput.com)  
 Fax:  
 Other: Website: <https://publicinput.com/crab-and-shellfish-rulemaking> Phone number for comments: 855-9252801  
 project code: 2872  
 By (date) October 2, 2023

**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](mailto:Title6@dfw.wa.gov)  
 Other:  
 By (date) September 18, 2023

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

The proposed changes to regulations include both non-administrative and administrative amendments. The non-administrative changes are presented first followed by administrative changes. Each of the amended rules and their specific changes are listed below:

**Non-Administrative**

**Installation and Use of Electronic Monitoring (WAC 220-340-420)**

Proposed rule changes would require the installation and use of an electronic monitoring (EM) system on vessels participating in Washington's non-tribal coastal commercial Dungeness crab fishery. The EM system is a tool that enables the collection of more accurate and timely fishing information thereby improving WDFW's ability to ensure fishing is not occurring within closed areas, confirm that participants are not fishing before the opening of the crab season, confirm adherence to license-based or seasonal pot limits, and gather additional information that may aid in identifying instances of gear tampering.



**Coastal Commercial Crab Logbook – Not Required with Operational EM (WAC 220-340-460)**

Proposed rule changes would eliminate the requirement for an operator in the coastal Dungeness crab fishery to maintain a paper logbook when an EM system is installed and fully operational on the vessel. A paper logbook would only be required when an EM system has failed. The effect of this change is to reduce the reporting burden on vessel operators.

**Line Marking in Coastal Dungeness Crab Fishery (WAC 220-340-430)**

Proposed rule changes would specify that line-marking must be sufficient to identify it as being exclusive to the coastal Dungeness crab fishery and that the two 12-inch red marks, an existing line-marking requirement for coastal Dungeness crab fishery participants, be continuous. These proposed changes standardize line markings in the coastal Dungeness crab fishery and clarify that the line itself is to be marked for the full extent of the 12-inch span. These changes advance the intended purpose of line-marking to increase gear visibility in marine mammal entanglements and thus fishery attribution.

**Prohibit Line Marks or Colors Required in Another Fishery (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520; 220-360-220)**

Proposed rule changes would prohibit the use of line marks or color combinations in Washington fixed gear fisheries that are required for other state or federal fisheries. The effect of the proposed rule changes is to disallow fishers that currently do not and are not required to mark the fishing line from the marking line in a manner that is consistent with another fishery and to further support fishery-specific attribution of line in marine mammal entanglements.

**Crab and Shrimp Buoys (WAC 220-330-020)**

Proposed changes would allow buoys to be submerged by a director-issued permit in personal use (i.e., recreational) fisheries.

**Limit Line in Shellfish and Hagfish Fisheries to Amount Needed (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520)**

Proposed rule changes would allow no more than the amount of line required to compensate for tides, currents, and weather in commercial and recreational fisheries for Dungeness crab and shrimp, and commercial hagfish. The change is necessary to standardize and implement fishing best practices consistent with reducing gear entanglements with marine mammals.

**Standardize Crab and Shrimp Pot Buoy Colors (WAC 220-330-020;220-340-430;220-340-520)**

Proposed rule changes would standardize and clarify buoy colors for recreational and commercial crab and shrimp pot gear. These changes standardize that buoys in the Puget Sound and coastal commercial crab fisheries may not be both red and white unless at least 30 percent of the buoy is marked in additional color(s). The proposed rule changes clarify that for commercial shrimp fisheries in Puget Sound, buoy color, already required to be orange, must be *solid* orange and for Puget Sound recreational shrimp pots, already required to be yellow, must be *solid* yellow. These proposed changes are consistent with the intent to support attribution of marine mammal entangled gear to a specific fishery.

***Administrative Rule Changes***

**Define a New Management Category for Non-spot Shrimp Species (WAC 220-320-015)**

Proposed rule changes would define a new management “non-spot shrimp” or pandalid complex to include shrimp species other than spot shrimp. The purpose for the change is to eliminate the need to list each non-spot shrimp species individually thereby improving the clarity and brevity of the rule.

**Require Annual Registration of Commercial Crab Buoy Color Schemes (WAC 220-340-430)**

Proposed rule changes would align Puget Sound and coastal commercial Dungeness crab fishery requirements and specify that crab fishery participants must complete buoy registration annually using the WDFW online registration form. Existing rules require the creation and registration of a unique buoy color scheme for each commercial license but do not specify a frequency.

**Buoy Tags in Commercial Dungeness Crab Fisheries (WAC 220-340-430)**

Proposed rule changes would cap the number of buoy tags issued in the Puget Sound commercial crab fishery, limit the number of potential pots deployed to the current maximum pot limit of 100 per license, with no pot replacement. The proposed rule changes also streamline the reporting of derelict gear and issuance of replacement tags for commercial users, reduce waste, and reduce the possibility of issuing of a buoy tag for the wrong fishery.

**Puget Sound Commercial Pot Shrimp (WAC 220-340-520)**

Proposed rule changes would clarify that the pot limit for commercial shrimp pot fisheries in Puget Sound are based on the fishery and gear type and are not per license limit. Additionally, the changes would limit fishing depth and align the rule with revised electronic fish ticket rules.

**Puget Sound Commercial Crab and Shrimp Fishery Boundary Designations (WAC 220-320-120; 220-320-140; 220-340-455; 220-340-530)**

Proposed rule changes would update Puget Sound commercial crab and shrimp fishery boundary designations. The purpose of the changes is to correct outdated boundary designations and add specially designated fishing areas.

**Shellfish Harvest Logs (WAC 220-340-030)**

Proposed rule changes would correct and update logbook reporting requirements for Puget Sound and coastal commercial shellfish fisheries where logs are required by defining some rule elements separately either by fishery or region (i.e., Puget Sound or coast) and by deleting unnecessary requirements. The changes are needed to clarify rule language and align rule language with the implementation of mandatory electronic fish tickets and electronic monitoring.

**Fish Receiving, Transportation Ticket, and Quick Reporting Revisions (WAC 220-352-060; 220-352-230; 220-352-340; 220-340-420)**

Proposed rule changes would describe when and where electronic fish tickets must be submitted to the department, including provisions for when access to cellular broadband is not immediately available when the fish ticket is completed. The proposed changes would clarify applicability of transportation ticket requirements by including "shellfish" in the rule and improve transportation ticket information by requiring the WDFW-issued vessel identification number and date of harvest, clarify transportation ticket requirements for crab removed from the vessel prior to landing in Puget Sound. Proposed rule changes clarify stored crab reporting and timeframe, and sale reporting for stored crab.

**Reasons supporting proposal:** : The adoption of these proposed rules will enhance fishery monitoring and clarify existing rules. Overall, these rule amendments will accomplish conservation objectives, advance achieving orderly fisheries, and improve the enforceability of current rules.

***Non-Administrative***

**Installation and Use of Electronic Monitoring (WAC 220-340-420); Coastal Commercial Crab Logbook – Not Required with Operational EM (WAC 220-340-460)**

The EM system is necessary to ensure fishing is not occurring within closed areas, to monitor adherence to license-based and seasonal pot limits, and to collect spatial and temporal fishing data to inform management of the fishery, including addressing marine mammal interactions, particularly endangered humpback whales.

WDFW co-manages the non-tribal coastal commercial Dungeness crab fishery with the Tribal governments whose usual and accustomed (U&A) fishing grounds are located on the outer coast of Washington state. As a co-manager of the fishery, WDFW must ensure accurate reporting of where and when state-licensed fishermen are fishing, and that non-Tribal fishery participants do not cross into areas that are reserved for Tribal fishing only. WDFW must also implement actions to reduce the entanglement of whales in Dungeness crab fishing gear. The EM system will more accurately identify the locations in which fishing gear is deployed thereby improving data inputs to models that estimate or predict the distribution and likelihood of co-occurrence. With this collected data, WDFW could consider management measures to reduce the amount of gear that could be deployed in areas of concern. Finally, implementation of EM systems will improve WDFW's ability to manage the fishery with respect to biotoxins (particularly domoic acid). With EM systems in place, WDFW would have the ability to manage biotoxin events using area closures to prohibit the fishery in discrete areas affected by biotoxins. Like other area management needs, the EM system ensures fishing around biotoxin restricted areas is enforceable and protects public health.

**Line Marking in Coastal Dungeness Crab Fishery (WAC 220-340-430); Prohibit Line Marks or Colors Required in Another Fishery (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520; 220-360-220); Crab and Shrimp Buoys (WAC 220-330-020); Limit Line in Shellfish and Hagfish Fisheries to Amount Needed (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520); Standardize Crab and Shrimp Pot Buoy Colors (WAC 220-330-020;220-340-520)**

These regulatory changes enhance compliance with the Marine Mammal Protection Act and the Endangered Species Act. Large whales and marine turtles are among those species most affected by fishing gear entanglements, and these animals are federally protected. To address entanglement cases with marine mammals where the entangling gear is visible but cannot be used to confidently confirm the associated fishery, the National Marine Fisheries Service has indicated that lines and buoys marked in a way that is unique to each fishery would aid in achieving compliance with the MMPA and ESA. Marking supports positive attribution of gear to the fishery. Attribution can be improved by prohibiting a fishery from using marks/line colors required in another fishery; other coastal states have implemented or intend to implement a similar rule. These proposed changes to the rules clarify the requirements for unique line marks or buoy colors for Washington fisheries that use line and buoys as part of the gear configuration. These proposed changes also support reducing the amount of fishing line in the water thereby reducing entanglement risk.

**Administrative Rule Changes**

To effectively manage commercial and recreational shellfish fisheries, WDFW utilizes a variety of management measures relating to fishing area, gear, and catch reporting. As part of the proposed rule package, to improve management and enforcement capabilities, WDFW is also proposing administrative rule changes for coastal and Puget Sound recreational and commercial shellfish fisheries.

**Define a New Management Category for Non-spot Shrimp Species (WAC 220-320-015)**

This rule proposal simplifies regulatory language, supporting improved compliance and enforcement.

**Require Annual Registration of Commercial Crab Buoy Color Schemes (WAC 220-340-430)**

The rule change to require annual registration would ensure commercial buoy color schemes remain unique to each license and records are up to date such that lost or entangled gear can be associated with the owner. This rule change improves current buoy color registration practices and incorporates the use of an electronic buoy registration form to ensure that licensed harvesters are compliant with conservation plan requirements. The rule change proposal would also create a data source for enforcement to identify gear with gear owners. The rule change would advance efforts to further improve gear marking and aid in achieving compliance with the MMPA and ESA.

**Buoy Tags in Commercial Dungeness Crab Fisheries (WAC 220-340-430;)**

The proposed rule changes streamline the reporting of derelict gear and issuance of replacement tags for commercial users, reduce waste and costs by limiting the number of replacement tags that can be obtained, and minimizes the possibility of issuing of a buoy tag for use in the wrong fishery.

**Puget Sound Commercial Pot Shrimp (WAC 220-340-520)**

The proposed rule change implements depth restrictions to limit interaction with non-target species in the non-spot shrimp fishery per Puget Sound co-manager shellfish agreements.

**Puget Sound Commercial Crab and Shrimp Fishery Boundary Designations (WAC 220-320-120; 220-320-140; 220-340-455; 220-340-530)**

The proposed rule changes provide improved guidance for commercial harvesters and dealer/buyers, aiding compliance.

**Shellfish Harvest Logs (WAC 220-340-030)**

The proposed rule changes provide improved guidance for commercial harvesters and dealer/buyers, aiding compliance.

**Fish Receiving, Transportation Ticket, and Quick Reporting Revisions (WAC 220-352-060; 220-352-230; 220-352-340; 220-340-420)**

The proposed rule changes provide improved guidance for commercial harvesters and dealer/buyers, aiding compliance.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047

**Statute being implemented:** RCWs 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047

**Is rule necessary because of a:**

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

If yes, CITATION:

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

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Lorna Wargo	1111 Washington St. SE, Olympia, WA	360.581.5611
Implementation:	Coast – Matt George; Puget Sound – Katelyn Bosley	Coastal – 48 Devonshire Road, Montesano, WA 98563; Puget Sound – 375 Hudson St, Port Townsend, WA 98368	360.249.4648; 360.302.3030
Enforcement:	Chief Steve Bear	1111 Washington St. SE, Olympia, WA	360.902.2373

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes  No

If yes, insert statement here:

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

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

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

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

No: Please explain: Under RCW 34.05.328 (5), a cost-benefit analysis is not required for this rule as DFW is not implementing RCW 77.55 with this rule

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions: Check one.**

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:  
An evaluation by WDFW determined that the rule requirement of the EM system is the only element that would result in costs to businesses. The other elements of the rule package are not expected to result in costs to businesses. Therefore, this evaluation of whether the proposed rule is likely to result in more than minor costs is focused on the EM system requirement of the rule proposal. Based on a range of annual revenues in the coastal Dungeness crab fishery, the analysis estimates a minor cost threshold of between \$450 and \$1,500 for affected businesses. The likely cost of complying with the proposed rule ranges from \$1,830 to \$2,045. As the businesses in the coastal commercial Dungeness crab fishery are almost exclusively small businesses (fewer than 50 employees), this analysis finds that the proposed rule would have a disproportionate cost impact on small businesses. The Department has provided significant opportunities for stakeholder input during the development of the proposed rulemaking in over a period of four years. Based on stakeholder input, potential mitigation options to defray the costs to small businesses were identified. These include the cessation of the logbook requirements, allowing flexibility in the type of the EM unit purchased, coordinating EM unit purchases to take advantage of bulk pricing, and allowing fishermen to revert to use of paper logbooks in cases of EM system malfunction.

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

Name: Lorna Wargo  
Address: 1111 Washington St. SE, Olympia, WA  
Phone: 360.581.5611  
Fax:  
TTY:  
Email: Lorna.Wargo@dfw.wa.gov  
Other:

**Date:** 7/26/2023

**Name:** Scott Bird

**Title:** Agency Rules Coordinator

**Signature:**



NEW SECTION

**WAC 220-320-015 Definitions—Shellfish species complexes.** "Non-spot shrimp" are defined as a species complex composed of the following species of pandalid shrimp classified in WAC 220-320-010: Dock shrimp (*Pandalus danae*), coonstripe shrimp (*Pandalus hypsinotus*), humpy shrimp (*Pandalus goniurus*), Ocean pink shrimp (*Pandalus jordani*), pink shrimp (*Pandalus eous*), and side stripe shrimp (*Pandalus (Pandalopsis) dispar*).

AMENDATORY SECTION (Amending WSR 22-08-048, filed 3/31/22, effective 5/1/22)

**WAC 220-320-120 Puget Sound Crustacean (crab and shrimp) Special Management Areas.** The following areas shall be defined as Puget Sound 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 (48.0945°, -122.9152°) to Cape George (48.1034°, -122.8847°).

(b) Shrimp District: All waters of Catch Area 25E and those waters of Catch Area 25A south of a line from McCurdy Point (48.1358°, -122.8374°) on the Quimper Peninsula to the northern tip of Protection Island (48.1327°, -122.9285°), then to Rocky Point (48.0964°, -122.9754°) on the Miller Peninsula.

(2) Dungeness Bay CSMA: All waters of Dungeness Bay west of the (~~(-123.1010°)~~) -123.1103° (123°06.6') longitude line originating from the New Dungeness Light (48.1818°, -123.1103°) (~~(extending southward to the cul-de-sac at the end of 3 Crabs Road on the mainland (48.1509°, -123.1212°))~~)).

(3) Everett Flats CSMA: That portion of Catch Area 26A-E (see WAC 220-320-110) east of a line from western edge of Howarth Park (47.9619°, -122.2441°) true north to the southern tip of Gedney (Hat) Island (48.0048°, -122.3060°) and that portion of 24B east of a line from the northern tip of Gedney (Hat) Island (48.0215°, -122.3274°) to Camano Head (48.0570°, -122.3580°) and south of a line drawn from Camano Head to Hermosa Point (48.0620°, -122.2935°) on the Tulalip reservation.

(4) Port Angeles Harbor CSMA: That portion of Marine Fish-Shellfish Catch Area 23D west of a line from the Ediz Hook Light (48.1400°, -123.4025°) to the site of the ITT Rayonier Dock (48.1169°, -123.4083°).

(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 (48.0853°, -122.7303°), thence to Kala Point (48.0575°, -122.7674°) 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 (48.0793°, -123.0452°).

AMENDATORY SECTION (Amending WSR 22-08-048, filed 3/31/22, effective 5/1/22)

**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 true west from Lime Kiln Point Light (48.5159°, -123.1525°) 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 (48.4501°, -122.9636°), then south of a line from Cattle Point to Davis Point (48.4559°, -122.9355°) on Lopez Island, and south of the shoreline of Lopez Island from Davis Point to Point Colville (48.4217°, -122.8131°; see (d) of this subsection—Region 3).

(i) Subregion 1A: All waters of Catch Area 20B west of a line from Point Doughty (48.7117°, -122.9492°) on Orcas Island to the bell buoy (48.7649°, -123.0145°) 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 (48.5975°, -123.0078°), west of a line projected from the number 4 marker (48.5223°, -122.9173°) at the entrance to Fisherman Bay to the southern tip of Shaw Island (48.5466°, -122.9487°), and north of a line true west from Lime Kiln Point Light (48.5159°, -123.1525°) on San Juan Island to the International Boundary.

(ii) Subregion 1B: All waters of Catch Area 20B east of a line from Point Doughty (48.7117°, -122.9492°) on Orcas Island to the bell buoy at the International Boundary (48.7649°, -123.0145°), and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island (48.5975°, -123.0078°), east of a line projected from the number 4 marker (48.5223°, -122.9173°) at the entrance to Fisherman Bay to the southern tip of Shaw Island (48.5466°, -122.9487°), and east of a line projected true south from Point Colville (48.4217°, -122.8131°), and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) 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 2-East (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 2-West (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 true west from Lime Kiln Point Light (48.5159°, -123.1525°) 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 (48.4501°, -122.9636°), then south of a line from Cattle Point to Davis Point (48.4559°, -122.9355°) on Lopez Island, and south of the shoreline of Lopez Island from Davis Point to Point Colville (48.4217°, -122.8131°).



(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 true west from Lime Kiln Point Light (48.5159°, -123.1525°) 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 (48.4501°, -122.9636°), then south of a line from Cattle Point to Davis Point on Lopez Island (48.4559°, -122.9355°), and south of the shoreline of Lopez Island from Davis Point to Point Colville (48.4217°, -122.8131°) 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 -122.9500° (122°57'W) longitude and north of 48.3750° (48°22.5'N) latitude.

(ii) Subarea 23A-W (west): All waters of Catch Area 23A west of -122.9500° (122°57'W) longitude and north of 48.3750° (48°22.5'N) latitude.

(iii) Subarea 23A-C (central): All waters of Catch Area 23 south of 48.3750° (48°22.5'N) latitude and east of a line projected 335° true from the New Dungeness Lighthouse (48.1818°, -123.1103°).

(iv) Subarea 23A-S (south): All waters of Catch Area 23A west of a line projected 335° true from the New Dungeness Lighthouse (48.1818°, -123.1103°).

(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 (47.9061°, -122.3846°) on Whidbey Island to the shipwreck located 0.8 nautical miles north of Picnic Point (47.8931°, -122.3286°) 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 (47.9061°, -122.3846°) on Whidbey Island to the shipwreck located 0.8 nautical miles north of Picnic Point (47.8931°, -122.3286°) 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 (47.6619°, -122.4348°) to Alki Point (47.5763°, -122.4199°).

(ii) Subarea 26B-2: All waters easterly of a line projected from West Point (47.6619°, -122.4348°) to Alki Point (47.5763°, -122.4199°).

(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 (48.1818°, -123.1103°) 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 (48.1818°, -123.1103°) to the International Boundary.

(4) The following areas are defined as shrimp beam trawl harvest areas of special designation:

(a) South Lopez Sound is defined as those waters of Lopez Sound within Subregion 1B that are south of a line projected true east-west from the northern tip of Trump Island (48.5064°, -122.8369°).

(b) Rosario Box is defined as that portion of Catch Area 22A within Subregion 1B that are east of a line projected along -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° longitude (west of Cypress Island) in Rosario Strait.

(c) Lummi-Sinclair Triangle is defined as those waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) on Lummi Island.

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

**WAC 220-330-020 Crab, shrimp, crawfish—Gear and gear-related unlawful acts. General gear requirements:**

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

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

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

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

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

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

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

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

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

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

(c) Buoys must remain visible on the surface at all times, except during extreme tidal conditions, or unless otherwise authorized under a permit issued by the director.

(d) Fishers shall use only the amount of line reasonably necessary to compensate for tides, currents, and weather.

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

~~((e))~~ (f) It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.

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

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

or, punishable under RCW 77.15.382 Unlawful use of shellfish gear for personal-use purposes—Penalty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Shrimp pot minimum mesh size:

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

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

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

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

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

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

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

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

**WAC 220-340-030 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, 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 license 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, 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) Completed harvest logs for crawfish, coastal ocean pink shrimp, sea cucumber, sea urchin, scallop, Puget Sound shrimp pot and trawl, and squid must be received by the department within 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 the 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 Pot and Trawl Harvest Logbooks:**

ATTN: PUGET SOUND SHRIMP HARVEST MANAGER  
Washington Department of Fish and Wildlife  
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  
P.O. Box 43150  
Olympia, WA 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  
P.O. Box 43150  
Olympia, WA 98504-3150.

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

ATTN: FISH PROGRAM - GEODUCK HARVEST MANAGER  
Washington Department of Fish and Wildlife  
P.O. Box 43150  
Olympia, WA 98504-3150.

**For Scallop Harvest Logbooks:**

ATTN: FISH PROGRAM - SCALLOP HARVEST MANAGER  
Washington Department of Fish and Wildlife  
P.O. Box 43150  
Olympia, WA 98504-3150.

**For Squid (Coastal waters) Harvest Logbooks:**

ATTN: FISH PROGRAM - COASTAL SQUID HARVEST MANAGER  
Washington Department of Fish and Wildlife  
P.O. Box 43150  
Olympia, WA 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  
375 Hudson St.  
Port Townsend, WA 98368.

(6) 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 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 gear:~~) Crawfish:

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

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

(b) (~~(Shrimp with beam trawl or shrimp trawl gear:)~~) **Puget Sound shrimp trawl gear:**

(i) Before commencing a new tow or prior to leaving the site where the catch was taken, record the vessel (~~(identity)~~) name, 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.

(ii) Immediately after delivery of shrimp to an original receiver(~~(7)~~) or (~~(before leaving the last catch site of the day)~~) the submission of a fish receiving ticket, if the operator holds a wholesale fish dealer's license and is the original receiver, record the fish receiving ticket (~~(serial)~~) number.

(c) **Coastal shrimp trawl gear:**

(i) Before commencing a new tow, record the vessel name, current date of fishing activity, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, duration of tow, estimated weight of shrimp of each species not retained for each tow, and estimated weight of shrimp of each species caught for each tow.

(ii) Immediately after delivery of shrimp to an original receiver or the submission of a fish receiving ticket, if the operator holds a wholesale fish dealer's license and is the original receiver, record the fish receiving ticket number.

(d) **Sea urchins and sea cucumbers:**

(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.

(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.

(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.

(~~(d)~~) (e) **Clams, with mechanical digging devices:**

(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.

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

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

(~~(e)~~) (f) **Scallops:**

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



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

(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.

~~((f))~~ (g) Squid, except when taken incidental to any other lawful fishery:

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

(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))~~ (h) Sand shrimp (Puget Sound and coastal), except when taken incidental to other lawful fishery:

(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).

(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.

~~((h) Shrimp (other than sand shrimp), using shellfish pot gear in Puget Sound:)~~ (i) Puget Sound shrimp pot:

(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, 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, sorted catch estimates, and weight(s) in pounds of catch (~~(, and shellfish receiving ticket number)~~). A separate weight for each species caught and retained must be recorded. Any time that gear is deployed the location must be recorded. For pots deployed on a ~~((ground line both))~~ ground line, the start ~~((and end))~~ location ~~((s))~~ for each string must be provided.

(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.

(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 22-08-048, filed 3/31/22, effective 5/1/22)

**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) 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 one hour after sunset during open seasons, except as provided below.

(2) The following areas are closed to commercial crab fisheries regulated by the department:

(a) 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 Sandy Point Light No. 2 (48.7868°, -122.7124°) to Gooseberry Point (48.7324°, -122.6728°).

(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 off the southeast portion of Point Francis (48.6973°, -122.6073°) to the old pilings at Stevie's Point (~~((0.2 miles north-west of the point where the Lehigh Cement pipeline meets the shoreline; 48.7682°, -122.5282°))~~) (48.7765°, -122.5523°).

(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 (48.4131°, -122.5814°) and extending south to the most westerly tip of Hope Island (48.3959°, -122.5788°), thence southeast to Seal Rocks (48.3737°, -122.5634°), thence southeast to the green can buoy (Buoy No. 5; 48.3630°, -122.5510°) at the mouth of Swinomish Channel, thence easterly to the western tip of Goat Island (48.3630°, -122.5386°).

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point (48.0322°, -122.2274°) to the five-meter tower (48.0156°, -122.2707°) between Gedney (Hat) Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point (48.1935°, -122.4625°) to the intersection (48.1353°, -122.3999°) with a line projected true west from Kayak Point (48.1351°, -122.3678°), thence east to shore.

(f) Those waters of the Dungeness Bay Crustacean Special Management Area (WAC 220-320-120).

AMENDATORY SECTION (Amending WSR 22-08-048, filed 3/31/22, effective 5/1/22)

**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 restrictions

(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 (48.9716°, -123.0838°) to Sandy Point Light, at the Lummi Reservation (48.7868°, -122.7124°) are closed year round.~~

(b)) Depth restrictions - It is unlawful to fish for shrimp with beam trawl gear in waters shallower than the following:

(a) 100 feet in Puget Sound.

(b) 120 feet in Catch Area 20A.

(6) Closed areas - It is unlawful to fish for shrimp with beam trawl gear year-round in the following areas:

(a) Catch Area 21A except those waters of the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4).

(b) Catch Areas 21B, 22B, and those waters of Catch Area 20A north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light, at the Lummi Reservation (48.7868°, -122.7124°).

(c) Subregion 1A, as defined in WAC 220-320-140 (1)(a)(i).

(d) Discovery Bay Shrimp District, as defined in WAC 220-320-120

(1)(b).

(e) Sequim Bay CSMA, as defined in WAC 220-320-120(6).

(f) Catch Area 23D.

(7) Area restrictions - The following areas are closed from the season opening through the dates described in the following paragraphs.

(a) Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°) 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 (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) on Lummi Island)) (b) Those waters of the Lummi-Sinclair Triangle, as defined in WAC 220-320-140 (4) (c) 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 (48.5064°, -122.8369°) 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 -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° 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)) (c) Those waters of South Lopez Sound, as defined in WAC 220-320-140 (4) (a), are closed through July 9th.~~

~~(d) All waters of subregion 1B, with the exception of South Lopez Sound and the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4), are closed through June 15th, except as described in (e) of this subsection.~~

~~(e) 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 date((s)) 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 (48.5064°, -122.8369°): May 1st.~~

~~(ii) That portion of Catch Area 22A east of a line projected along -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° longitude (west of Cypress Island) in Rosario Strait:)) Those waters of the subregion 1B, except South Lopez Sound and the Lummi-Sinclair Triangle, as defined in WAC 220-320-140(4) may open as early as May 1st.~~

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

~~(iv)) (ii) Trawl fishers seeking to open before the date((s)) 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.)~~

**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) **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;

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

(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](mailto: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 off-vessel prior to delivery to an original receiver, except under the following conditions:

(a) It is unlawful to store crab, off-vessel or on-vessel, for more than 10 days (~~(prior to)~~) without making a 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) Fisher name;

(ii) WDFW-issued vessel ID number;

(iii) Puget Sound commercial crab license number;

(iv) Date of harvest;

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

~~(iii) Either the))~~ (v) The quantity of pounds of crab retained by Crab Management Region or by Marine Fish-Shellfish (MFSF) Catch Reporting Area ((or the Crab Management Region from which the catch originated));

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

(12) **Electronic monitoring system (EM system)** is defined as a vessel monitoring system that automatically determines a vessel's position, records individual pot retrieval via a hydraulic pressure reading, and transmits this information to an EM system service provider. The service provider receives the transmission and provides automated data access to the Pacific States Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications where it is available to WDFW for management and enforcement.

(a) The department has published a compliance guide for the EM system which provides additional information and instructions to follow in complying with this regulation and is incorporated by reference herein. The guide can be obtained by contacting the EM program manager: 48 Devonshire Road, Montesano, WA 98563; phone: 360-249-4628; email: coastal.crab.EM@dfw.wa.gov or wdfw.wa.gov/fishing/commercial/crab/coastal.

(b) It is unlawful for the operator of a vessel designated to a coastal Dungeness crab license that is used to commercial fish for coastal Dungeness crab as defined by WAC 220-340-400 to fail to:

(i) Obtain an EM system that is capable of recording and transmitting vessel location and hydraulic pressure readings and have it installed on board the vessel designated to the coastal Dungeness crab license. The operating requirements for the EM system are as follows:

(A) The EM system must accurately record the vessel's position at least once every minute.

(B) The EM system must transmit the vessel location data to the service provider at least once every hour.

(C) A hydraulic pressure sensor must be installed between the crab block and the first fitting from the crab block on the main line of a vessel that controls it such that recorded pressure readings are indicative of pot hauling activity.

(D) The hydraulic pressure sensor must accurately record a pressure reading at least once every 10 seconds.

(E) The EM system must transmit hydraulic pressure sensor readings at least once every hour.

(F) If the EM system can determine when a vessel is moored, the EM system may automatically decrease the position and hydraulic pressure recording rate to at least once every hour.

(G) The EM system must be able to store vessel position and hydraulic pressure data in the event of service coverage interruption. Once service is restored, the system must transmit stored data to the service provider.

(H) The EM system must include a feedback mechanism to indicate to the vessel operator that the system is operational.

(ii) Arrange for an EM system service provider to receive and relay transmissions to Pacific States Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications.

(A) The following data fields must be provided to the PSMFC whenever a new system is installed, or new data transmissions begin: Vessel coast guard number, state vessel registration number, state of registration, serial number or unique identifier linked to the EM system, EM service provider name, name of the make and model of the EM



system, date the system was installed or started transmitting data, date the system was removed or stopped transmitting data.

(B) The following data fields must be recorded by the EM system and relayed to the PSMFC every hour: Serial number or unique identifier linked to the EM system, date, time, latitude, longitude, pressure reading from sensor, speed, vessel name.

(iii) Activate the EM system, submit an EM system activation report to WDFW, and receive confirmation from WDFW that the location and pressure sensor transmissions are being received before the vessel is used to fish in the coastal commercial Dungeness fishery. Commercial crab fishing is defined in WAC 220-340-400. An activation report must be submitted to WDFW under the following circumstances:

(A) Annually before gear is deployed at the start of each coastal commercial Dungeness crab season.

(B) When an EM system is reactivated following a reinstallation.

(C) When there is a change in service provider.

(D) When any changes are made to the information required in the EM activation report.

(E) After operating under a temporary exemption permit as described in (b) (v) (A), (B), and (C) of this subsection.

(iv) Operate and maintain the EM system in good working order continuously, 24 hours a day when a vessel is fishing for coastal commercial crab, as defined in WAC 220-340-400, in the Washington coastal commercial Dungeness crab fishery unless the vessel is operating under an exemption provided under (b) (v) (A), (B), (C), or (b) (vi) (A) or (B) of this subsection.

(v) Request and secure an EM exemption permit when there is an interruption in the EM system function and comply with the requirements of this subsection and the terms of the EM exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempt from this requirement if a valid WDFW EM exemption permit is received from WDFW. An exemption is only authorized for the period specified on the permit. The exemption permits are as follows:

(A) EM system failure exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempt from EM system requirements in situations due to an EM system failure, or hydraulic pressure sensor failure by obtaining an EM system failure exemption permit. In the event a system failure exemption permit is granted by WDFW, the operator of the vessel must submit a harvest logbook per WAC 220-340-460 and use electronic navigational equipment (including, but not limited to, chart plotters, hand-held global positioning systems, etc.) to record a track line of the vessel's movements while commercial crab fishing, and track line information must be made available to WDFW officers or authorized employees immediately upon request and retained for 30 days. Requests for multiple exemption permits for a single vessel within a season will be reviewed and approved at the discretion of WDFW.

(B) Haul out exemption permit. Vessels required to operate and maintain an EM system under (b) of this subsection may be temporarily exempted from EM requirements when it is anticipated that a vessel's EM system will be inoperable due to removing the vessel from the water for less than 14 days and coastal commercial Dungeness crab gear will remain lawfully deployed by obtaining a "Haul Out Exemption Permit" from WDFW.

(C) Emergency exemption permit: Vessels required to operate and maintain an EM system under (b) of this subsection may be exempt from

EM requirements in emergency situations rendering the vessel's EM system inoperable for less than 14 days including, but not limited to, fire, flooding, or extensive physical damage to critical areas of the vessel by obtaining an emergency exemption permit from WDFW.

(D) To request an exemption permit described in (b)(v) of this subsection, a vessel owner must contact WDFW. For an exemption permit to be valid, a request must be received by WDFW as soon as it is apparent that there is a system failure or emergency or at least 2 hours before a haul out exemption is needed. A vessel will be required to submit an activation report under (b)(iii) of this subsection before returning to fish.

(vi) Submit a long-term departure exemption report. A vessel that is required to operate and maintain an EM system under (b) of this subsection may be exempt from this requirement if a long-term departure exemption report is submitted to WDFW in compliance with all the conditions described in (b)(vi)(A), (B), or (C) of this subsection. The basis for a long-term departure exemption report are as follows:

(A) Suspension of fishing operations. Vessels required to operate and maintain an EM system under (b) of this subsection may be exempted from EM system requirements when the vessel has concluded fishing for coastal commercial Dungeness crab for the current season or has suspended fishing operations such that all commercial gear is removed from waters open to the coastal Dungeness crab fishery.

(B) Emergency. Vessels required to operate and maintain an EM system under (b) of this subsection may be exempted from EM system requirements in emergency situations rendering the vessel's EM system inoperable for more than 14 days including, but not limited to, fire, flooding, or extensive physical damage to critical areas of the vessel, and the vessel will not resume fishing for coastal commercial Dungeness crab for the remainder of the current season.

(C) Long-term departure reports must be received by WDFW no later than 24 hours after a vessel has concluded fishing for the season.

(vii) Contact WDFW immediately if transmission of position and pressure sensor readings have been interrupted and no more than 24 hours after being notified by WDFW that position and pressure sensor readings are not being received, by notifying the EM program manager, phone: 360-249-4628, or email [coastal.crab.EM@dfw.wa.gov](mailto:coastal.crab.EM@dfw.wa.gov).

(viii) Make the EM system available for inspection by WDFW enforcement personnel, USCG personnel, or any authorized employee upon request.

(ix) Ensure that the EM system or signal is not interfered with, tampered with, disabled, or destroyed and is operated and maintained according to the EM system provider instructions.

(x) Pay all charges levied by the service provider as necessary to ensure continuous operation of the EM system.

(13) Violation of subsection (12) of this section is a gross misdemeanor punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

**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, except if authorized by permit issued by the director, 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, except under the following conditions: The holder or alternate operator of a Puget Sound crab license has declared, as permitted under (f) of this subsection, that deployed tags have been lost and are unrecoverable, under penalty of perjury, and

has been granted permission by the department to use undeployed buoy tags as a replacement.

(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.))~~ Puget Sound commercial crab license holders are required to request permission to use undeployed buoy tags in the event deployed buoy tags are lost and are unrecoverable. Requests to use undeployed buoy tags 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. Requests must be made using a department provided electronic form.

(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 Puget Sound or coastal 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.

(d) It is unlawful for any coastal or Puget Sound commercial 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. The license holder, or alternate operator, must register the buoy brand and buoy color(s) to be used with the license each crab season using the WDFW online registration form. In the event that a license is transferred to another vessel or owner in the same season, the license holder must reregister the buoy brand and buoy color(s) to be used with the license for the remainder of that crab season. A license holder may register only one unique buoy brand and one unique 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)~~) any 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) 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 exclusively 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 no less than 12 continuous inches of red in at least two places. At a minimum, 12 continuous 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.

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

**WAC 220-340-460 Commercial crab fishery—Coastal Dungeness crab logbook requirements.** (1) It is unlawful for any vessel operator engaged in fishing for Dungeness crab in the coastal commercial fishery without a fully operational electronic monitoring system to fail to have in possession, and to complete a department-issued paper or a department-approved electronic logbook for all fishing activity occurring in Grays Harbor, Willapa Bay, the Columbia River, or the Pacific Ocean waters for all crab deliveries to a Washington port. Fully operational means the electronic monitoring system is collecting, storing, and transmitting data per WAC 220-340-420(12). For the purposes of this section, "delivery" is defined as provided in RCW 77.65.210.

(2) It is unlawful for any vessel operator engaged in fishing without a fully operational electronic monitoring system to fail to comply with the following method and time frame related to harvest logbook submittal and record keeping:

(a) The department must receive a copy of the completed logbook sheets or electronic fields within (~~(ten days)~~) 24 hours following any (~~(calendar month in which fishing occurred)~~) landing made by a vessel while fishing for Dungeness crab in the coastal commercial fishery without a fully operational electronic monitoring system. Completed Dungeness crab harvest (~~(logs)~~) logbooks must be (~~(sent)~~) submitted to the (~~(following address:)~~) Washington department of fish and wildlife (~~(, Attention: Coastal Dungeness Crab Manager, 48 Devonshire Rd., Montesano, WA 98563)~~) using a WDFW logbook drop box or the following electronic mail address: coastal.crab.EM@dfw.wa.gov.

(b) Vessel operators engaged in fishing for Dungeness crab in the coastal commercial fishery and without a fully operational electronic monitoring system must complete a logbook entry for each day fished prior to offloading. Vessel operators responsible for submitting

((logs)) harvest logbooks to the department must maintain a copy of all submitted ((logs)) harvest logbooks for no less than three years after the fishing activity ended.

(c) Vessel operators can obtain paper logbooks by contacting the department's coastal Dungeness crab manager at 360-249-4628 or at coastal.crab.EM@dfw.wa.gov.

(3) A violation of this section is an infraction, punishable under RCW 77.15.160.

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

**WAC 220-340-510 Commercial ocean spot shrimp pot fishery—Coastal waters.** It is unlawful to fish for, possess, or deliver ocean spot shrimp (*Pandalus platyceros*) taken for commercial purposes from state waters west of the Bonilla-Tatoosh line, or from offshore waters, except as provided for in this section:

**License and area**

(1) It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from state waters west of the Bonilla-Tatoosh line, or from offshore waters, unless the fisher has a valid Washington-coastal spot shrimp pot fishery license. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

(2) It is unlawful to fish for or possess spot shrimp or to set spot shrimp gear in waters of the Pacific Ocean adjacent to the state of Oregon without the licenses or permits required to commercially fish for spot shrimp within the state waters of Oregon. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**Season**

(3) It is unlawful to fish for, take, or possess spot shrimp on board a commercial fishing vessel, except from March 15 through September 15 of each year. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(4) The total allowable catch of spot shrimp taken from waters west of the Bonilla-Tatoosh line and from offshore waters during a calendar year is 200,000 pounds round weight. Of this 200,000 pounds round weight, no more than 100,000 pounds can be taken south of 47 degrees 04.00' N. latitude, and no more than 100,000 pounds can be taken north of 47 degrees 04.00' N. latitude.

**Gear**

(5) It is unlawful to fish with spot shrimp pot gear for commercial purposes if the pots exceed a maximum 153-inch bottom perimeter and a maximum 24-inch height. It is unlawful to possess spot shrimp taken with spot shrimp pot gear that exceeds a maximum 153-inch bottom perimeter and a maximum 24-inch height.

(a) Shrimp pot gear must be constructed with net webbing or rigid mesh. At least 50 percent of the net webbing or mesh covering the

sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(b) Pot gear is required to have an escape mechanism as provided for in WAC 220-340-060.

(c) Set line end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector, and operating light, and marked with the clear identification of the license holder and the vessel designated on the coastal spot shrimp pot license.

(d) Fishers shall use only the amount of line reasonably necessary to compensate for tides, currents, and weather.

(6) It is unlawful to fish for spot shrimp for commercial purposes with more than a maximum of 500 pots. It is unlawful to possess spot shrimp taken for commercial purposes with more than a maximum of 500 pots.

(7) It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.

(8) A violation of subsection (5) or (6) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

#### **Incidental catch**

~~((8))~~ (9) It is unlawful for persons fishing in any coastal spot shrimp fishery to deliver spot shrimp while having on board the fishing vessel any bottomfish taken in the coastal bottomfish fishery under WAC 220-355-100.

~~((9))~~ (10) It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except octopus, squid, or up to 50 pounds round weight of other shrimp species taken incidentally with spot shrimp pot gear.

~~((10))~~ (11) A violation of subsection ~~((8))~~ (9) or ~~((9))~~ (10) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

#### **Harvest logs**

~~((11))~~ (12) It is unlawful for any spot shrimp pot fishery license holder or vessel operator engaged in fishing for spot shrimp in the coastal commercial spot shrimp fishery to fail to complete a department-issued harvest log for all fishing activity in state or offshore waters.

~~((12))~~ (13) It is unlawful for any vessel operator engaged in fishing for spot shrimp for commercial purposes to fail to comply with the following method and time frame related to harvest log submittal and recordkeeping:

(a) Completed harvest logs must be submitted so that the department receives them within ~~((ten))~~ 10 days following any calendar month in which fishing occurred. Washington-coastal spot shrimp pot license holders can submit the completed harvest logs to a WDFW employee upon request, or mail the completed harvest logs to Washington Department of Fish and Wildlife, Attention: Coastal Spot Shrimp Manager, 48 Devonshire Rd., Montesano, WA 98563.

(b) Washington-coastal spot shrimp pot license holders or vessel operators engaged in fishing for spot shrimp in the coastal commercial

fishery must complete a harvest log entry for each day fished, prior to offloading the spot shrimp. Washington-coastal spot shrimp pot license holders must maintain a copy of all submitted harvest log entries for no less than three years after the fishing activity ended.

(c) Washington-coastal spot shrimp pot license holders or vessel operators can obtain a harvest logbook by contacting the department's coastal spot shrimp manager at 360-249-4628.

~~((13))~~ (14) A violation of subsection ~~((11))~~ (12) or ~~((12))~~ (13) of this section is a misdemeanor, punishable under RCW 77.15.280, Reporting of fish or wildlife harvest—Rules violation—Penalty.

#### **Permit**

~~((14))~~ (15) It is unlawful to fish for, retain, land, or deliver spot shrimp taken with pot gear for commercial purposes without a valid coastal spot shrimp pot fishery permit.

~~((15))~~ (16) It is unlawful to take, retain, land, or deliver any spot shrimp taken with pot gear without complying with all provisions of a coastal spot shrimp pot fishery permit.

~~((16))~~ (17) A violation of subsection ~~((14))~~ (15) or ~~((15))~~ (16) of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

AMENDATORY SECTION (Amending WSR 22-08-048, filed 3/31/22, effective 5/1/22)

### **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 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 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.

(3) ~~((Gear restrictions in all areas, maximum 100 pots per fisher))~~ In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in subsection (5)(d) of this section, and a maximum of 100 nonspot shrimp pots, as defined in subsection (5)(e) of this section, except for dual licensees as provided for in RCW 77.70.410.

(4) Buoy requirements, in all areas:

(a) Buoys must be solid 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) 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) Fishers shall use only the amount of line reasonably necessary to compensate for tides, currents, and weather. The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(e) It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.

(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) ((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 CSMA (WAC 220-320-120) concurrently with spot shrimp pots deployed in the remaining portion of Catch Area 25A outside of Sequim Bay CSMA.~~

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

(e)) Each fisher or alternate operator is required to report their intended catch area of harvest, target species (spot or non-spot), 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](mailto:shrimp.report@dfw.wa.gov), or by using the Puget Sound commercial shrimp reporting website.

~~((d))~~ (c) 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))~~ (d) Nonspot shrimp pot harvest restrictions:

(i) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Shrimp Management ((Area)) Region 2E.

(ii) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Shrimp Management Subregion 1A.

(iii) Harvest of nonspot shrimp is not permitted deeper than 175 feet in Catch Area 23A including the corresponding shrimp subareas (23A-E, 23A-W, 23A-S, 23A-C).

(iv) Harvest of nonspot shrimp is not permitted deeper than 150 feet in Shrimp Management 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.)~~

**WAC 220-352-060 Completion, submission, distribution, and retention of copies of nontreaty fish receiving tickets.** (1) Original receivers must complete state of Washington nontreaty fish receiving tickets by recording the delivery amount using the appropriate weight or quantity measure for all fish or shellfish at the conclusion of the offload and prior to the fish or shellfish being processed or transported away from the delivery site.

(2) Fish receiving tickets paper forms must be made out in quadruplicate (four copies) at the time of delivery of fish or shellfish. Original receivers must use fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued. Original receivers reporting using paper forms must:

(a) Mail the state copy (green) of the fish receiving ticket to the department of fish and wildlife (department), except for original receivers who submit a fish receiving ticket in portable document format (PDF) to satisfy quick reporting requirements for salmon and sturgeon under WAC 220-352-315, 220-352-320, 220-352-325 and 220-352-330. The department must receive the state copy no later than the sixth working day after the day the original receiver completes the fish ticket.

(b) Retain the dealer copies (white and yellow) of the fish receiving ticket for his or her records.

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

(3) Original receivers who are required to submit fish receiving tickets using an electronic form under WAC 220-352-035(2) must:

(a) (i) ~~((Submit the ticket within 24 hours of completion of the delivery if required to report electronically under WAC 220-352-035(2))~~ For deliveries completed on a mobile device, original receivers are required to fill out an electronic fish ticket form at the delivery location and submit it immediately following the completion of the delivery of fish or shellfish to the original receiver before leaving the delivery location.

In the event of a cellular or broadband outage or lack of service at the delivery site, the original receiver must submit the ticket immediately upon regaining access to a cellular or broadband connection following the completion of the delivery.

(ii) For deliveries of fish and shellfish made to original receivers using a nonmobile device or desktop electronic fish ticket form, the original receiver must submit the ticket within 24 hours after the delivery is completed except:

~~((iii))~~ For deliveries ((made by vessels fishing and delivering under a) of coastal Dungeness crab ((license)), the original receiver must submit the ticket by the close of the next business day after the delivery is ((completed)) complete.

(b) Submit the ticket in compliance with the timely reporting conditions set forth in the electronic fish receiving ticket reporting agreement if reporting voluntarily under WAC 220-352-035(3).

(4) Original receivers who submit fish receiving tickets using an electronic form must print and retain a copy of the completed electronic fish receiving ticket for three years unless:

(a) The fish receiving ticket is signed electronically under WAC 220-352-140 (4)(c) and an electronic copy of the signed and completed

fish receiving ticket is available to the department including WDFW officers upon request for a minimum of three years; or

(b) An alternative fish ticket retention requirement is specified in the electronic fish receiving ticket agreement governing the voluntary reporting of the delivery.

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

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

(1) If fish or shellfish are transported from a vessel or catch site (if the fishery does not require a vessel) prior to completing a fish receiving ticket, the fisher must complete a commercial fish and shellfish transportation ticket as required by this section. The transportation ticket must accompany the fish or shellfish until the fish receiving ticket is completed. The purpose of this rule is to ensure catch accountability when fish or shellfish are transported by the fisher or his or her designee before a fish receiving ticket is required to be completed. Fish receiving ticket requirements under this chapter are still in effect.

(2) The fisher must complete the department provided transportation ticket with the following information:

(a) The name of the fisher who caught the fish or shellfish.

(b) The fisher's (~~vessel registration~~) WDFW-issued vessel ID number.

(c) The signature of the fisher or additional operator.

(d) The name of the transporter.

(e) The catch area where the fish or shellfish were caught.

(f) The species of fish or shellfish being transported.

(g) The individual number or approximate pounds of fish or shellfish being transported, as required under WAC 220-352-040.

(h) The date(s) the fish or shellfish were harvested.

(3) In cases where the fisher does not deliver the fish or shellfish to an original receiver within twenty-four hours after offloading, the fisher must send a copy of the completed transportation ticket to the department. The completed ticket must arrive within the sixth working day. Once the fisher delivers the fish or shellfish to the original receiver, a copy of the transportation ticket must be attached or the ticket number must be written on the fish receiving ticket.

(4) In cases where an agent of the fisher delivers fish or shellfish with a transportation ticket to the original receiver, the original receiver must mail the transportation ticket, together with the state copy of the fish receiving ticket as required in WAC 220-352-060, 220-352-090, and 220-352-130. If the commercial fisher delivers and signs the fish receiving ticket, only the fish receiving ticket must be mailed in, and the transportation ticket is not required to be submitted with it.

Transportation tickets completed for deliveries reported using electronic fish receiving ticket forms should be attached to the printed and signed copy of the form, as required by WAC 220-352-140(5).

(5) Any person transporting commercially taken fish or shellfish or commercial quantities of fish or shellfish must provide a transpor-

tation ticket for inspection upon demand by a fish and wildlife officer.

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

(a) Fish and shellfish purchased at retail, provided the purchaser has, in his or her possession, a sales receipt documenting the purchase;

(b) Fish or shellfish for which a fish receiving ticket has been completed and a copy of the fish receiving ticket is in the possession of the person transporting;

(c) Fish or shellfish being transported by the department;

(d) Hatchery carcass sales;

(e) Private sector cultured aquatic products in transport;

(f) Fish or shellfish being transported on a completed Oregon transportation ticket, provided that the fish were caught in the concurrent waters of the Columbia River and were landed on Washington's shore; and

(g) Fish or shellfish being transported in the catching vessel, provided that the vessel is not being transported or towed over land.

AMENDATORY SECTION (Amending WSR 22-08-048, filed 3/31/22, effective 5/1/22)

**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](mailto:crab.report@dfw.wa.gov).

(d) Reports must include the following information:

(i) Vessel operator name;

(ii) Vessel name and WDFW-issued vessel (~~((registration))~~) ID 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 by email or text message to [crab.report@dfw.wa.gov](mailto: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 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 landing of crab; and

(iv) The 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).

(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 off, but in close proximity to, a vessel with Puget Sound commercial crab license beyond 5:00 p.m. on the day following the day of harvest and prior to delivery to an original receiver.

(b) ~~((Separate))~~ "Stored" is intended to include crab removed from, and stored in close proximity to, a vessel with a Puget Sound commercial crab license prior to delivery to an original receiver up until 5:00 p.m. the day following the day of harvest.

~~(c) 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 must be recorded separately on a commercial fish and shellfish transportation ticket(s) ((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) **Stored or transported crab quick reports:** Stored or 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 off-loaded from the vessel ~~((for storage))~~. Reports must be made ~~((online))~~ 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](mailto:crab.report@dfw.wa.gov). Reports must include:

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

~~(b) ((The))~~ WDFW-issued vessel ID number;

~~(c)~~ Puget Sound commercial crab license number;

~~(d)~~ 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))~~ (e) The quantity of pounds of crab retained by Crab Management Region or by Marine Fish-Shellfish ((Management)) Catch Reporting Area; ~~((and~~

~~(i))~~ (f) 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):))~~ Sale of stored or transported crab quick report: Commercial harvesters of crab in Puget Sound must report ~~((the delivery to an original receiver of all transported crab))~~ to the department the delivery of stored or

transported crab to an original receiver. Reports are due by 10:00 a.m. the day following the 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 number;
- (c) Puget Sound commercial crab 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.

**WAC 220-360-220 Hagfish pot trial fishery—Season and gear.** It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

- (1) Season - Open year-round to hagfish pot gear only.
- (2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.
- (3) Gear restrictions:
  - (a) Maximum of 100 hagfish pots per permit. Pots may be fished individually or on a common ground line.
  - (b) Hagfish pot gear requirements:
    - (i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.
    - (ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.
  - (c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end marker buoys must display the number of pots on the ground line.

It is unlawful to use gear that has one or more line marks or to use multicolor line consistent with requirements for any other state or federally managed commercial fishery operating in the U.S. West Coast Exclusive Economic Zone, or in the state waters of Washington, Oregon, or California.