

**Item 5 : WAC Overhaul Technical Rule Changes, Round 3 –
Rule Briefing & Public Hearing**

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“GREEN SHEET”

Meeting: October 5-6, 2012, Commission Meeting

Agenda item: Briefing on Technical WAC amendments and repeal, Round 3 (Structural changes and organizing shellfish and bottomfish rules) – Rule Briefing and Public Hearing

Staff Contact: Mike Cenci, Deputy Chief, Enforcement Program

Presenter(s): Joanna Eide, Administrative Regulations Analyst, Enforcement Program

Background: A WAC overhaul project is currently underway to update, reorganize, and streamline the department’s administrative code. The WAC overhaul project was presented to the Commission during the February 2012 meeting. Changes to rules for clarity, uniformity, adequacy, and accuracy, as well as the repeal of outdated and unnecessary rules, will be done as part of this project. This agenda item is to brief the Commission on the proposed third batch of technical rule changes associated with the WAC Overhaul project. The purpose of the proposal is to update, clarify, reorganize, and restructure numerous bottomfish, commercial shellfish, and recreational shellfish rules. The repeal of some outdated rules is also part of this rule-making proposal.

Policy issues: The proposal is technical in nature and does not involve policy issues, except for one change to recreational razor clam provision making it an infraction, rather than a misdemeanor, to dig for a razor clam and not retain the razor clam as part of the daily limit.

Public involvement process and outcome: A public hearing will be held in conjunction with the Commission Briefing on this rule package. WDFW sent notifications of proposed rule changes to members of the public who expressed an interest in being notified when rule changes are proposed.

Action requested: None.

Draft motion language: N/A

Justification for Commission Action: These proposed rule changes are part of a larger effort to increase the efficiency, understandability, and effectiveness of WDFW’s administrative code. The changes will benefit both the public and department staff.

Communications Plan: A CR-101 and a CR-102 form were filed for public notification and the proposed changes are on the department's current rule making activity page of the department website. Interested parties received notification of proposed rule-making. A public hearing will be held during the October Commission meeting.

Form updated 04/26/2010 - sdy



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- | | |
|---|--|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 12-09-049 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) The subject of this proposed rule-making is updating, reorganizing, clarifying, and streamlining multiple rules dealing with dressed fish definitions, bottomfish, personal use shellfish, and commercial shellfish. This rule making involves repealing outdated rules as well. Several rules from chapters 220-16 WAC, 220-48 WAC, 220-52 WAC, and 220-56 WAC are involved in this rule making. See Attachment A.

Hearing location(s):
Natural Resources Building,
First Floor, Room 172
1111 Washington St. SE
Olympia, WA 98504

Date: October 5, 2012 Time: 8:30 a.m.

Date of intended adoption: On or after November 2, 2012
(Note: This is NOT the effective date)

Submit written comments to:

Name: Joanna Eide
Address: Enforcement Program
600 Capitol Way N., Olympia, WA 98501
E-mail: Joanna.Eide@dfw.wa.gov
Fax: (360)902-2155 by (date) September 19, 2012

Assistance for persons with disabilities: Contact:

Tami Lininger by September 19, 2012
TTY (800) 833-6388 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed rule-making is to streamline, reorganize, and update rules in accordance with the WAC Overhaul Project currently underway. The Washington Department of Fish and Wildlife's (WDFW's) administrative code is in need of updating and consolidation. The agency's RCWs were combined and updated after the department of fisheries and the department of wildlife consolidated, but a consolidation, clean-up, and streamlining of the administrative codes was never done. These changes are part of a larger effort to reorganize and update the agency's administrative code. Anticipated effects are minimal; this project involves merely rewording, clarifying, and reorganizing rules already in existence. See attachment A for a list of rules amended, new rules proposed, and rules repealed as part of this proposal.

Reasons supporting proposal: WDFW needs these changes to increase efficiency, functionality, and clarity of the rules within WDFW's Administrative Code. The changes promote increases in conservation and availability of resources. The proposal is part of WDFW's WAC Overhaul Project to streamline, update, and reorganize WDFW's Administrative Code.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Statute being implemented: RCW 77.12.045, and 77.12.047.

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE
August 22, 2012

NAME (type or print)
Joanna Eide

SIGNATURE

TITLE
Administrative Regulations Analyst

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: August 22, 2012

TIME: 8:36 AM

WSR 12-17-146

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

None.

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Joanna Eide	1111 Washington St. SE, Olympia, WA 98504	(360) 902-2403
Implementation.....	Deputy Chief Mike Cenci	1111 Washington St. SE, Olympia, WA 98504	(360) 902-2938
Enforcement.....	Chief Bruce Bjork	1111 Washington St. SE, Olympia, WA 98504	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This proposed rule-making will not affect small businesses.

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 () _____

e-mail _____

No: Please explain: These proposals do not involve hydraulics.

Attachment "A" to CR-102

Bottomfish and Shellfish Updates

The following rules are amended:

WAC 220-16-330	General definitions--Dressed fish.
WAC 220-48-005	Puget Sound bottomfish--General provisions.
WAC 220-48-015	Beam trawl and otter trawl--Seasons.
WAC 220-48-052	Bottomfish troll--Seasons.
WAC 220-48-061	Drag seines--Gear.
WAC 220-48-071	Bottomfish pots--Gear and seasons.
WAC 220-52-018	Clams--Gear.
WAC 220-52-019	Geoduck clams--Gear and unlawful acts.
WAC 220-52-01901	Geoduck licenses.
WAC 220-52-040	Commercial crab fishery--Lawful and unlawful gear, methods, and other unlawful acts.
WAC 220-52-043	Commercial crab fishery--Additional gear and license use requirements.
WAC 220-52-046	Crab fishery--Seasons and areas.
WAC 220-52-060	Crawfish fishery.
WAC 220-56-315	Crabs, shrimp, crawfish--Unlawful acts.
WAC 220-56-320	Shellfish gear--Unlawful acts.
WAC 220-56-330	Crab--Areas and seasons.
WAC 220-56-335	Crab--Unlawful acts.
WAC 220-56-365	Razor clams--Unlawful acts.

The following are proposed new rules:

WAC 220-48-072	Unlawful retention of live bottomfish.
WAC 220-52-005	Crab--General unlawful acts.
WAC 220-52-01902	Commercial geoduck harvest--Requirements and unlawful acts.
WAC 220-52-01903	Commercial geoduck harvest--Time and area restrictions.
WAC 220-52-036	Definition--Commercial crab fishing.
WAC 220-52-038	Commercial crab licenses.
WAC 220-52-042	Commercial crab fishery--Buoy tag, pot tag, and buoy requirements.
WAC 220-52-044	Commercial crab fishery--Coastal gear recovery permits.
WAC 220-52-045	Commercial crab fishery--Seasons and areas--Coastal.
WAC 220-52-047	Commercial crab gear--Possession of another's gear and tag tampering.
WAC 220-52-048	Commercial crab fishery--Gear limits--Puget Sound and Marine Fish-Shellfish Managements and Catch reporting Areas.
WAC 220-52-049	Commercial crab fishery--Gear limits--Coastal.
WAC 220-56-317	Personal use shrimp pot gear requirements.
WAC 220-56-318	Personal use crab pot gear requirements.

The following rules are repealed:

WAC 220-16-325	General definitions--Dressed fish length measurement.
WAC 220-48-001	Puget Sound bottomfish gear.
WAC 220-48-019	Roller trawl--Seasons.
WAC 220-48-025	Set net--Pacific cod--Gear.
WAC 220-48-026	Set net--Pacific cod--Seasons.
WAC 220-48-027	Set net--Pacific cod--Logbooks.

WAC 220-48-029	Set net--Dogfish--Seasons.
WAC 220-48-032	Set line--Seasons.
WAC 220-48-041	Commercial jig--Gear.
WAC 220-48-042	Commercial jig--Seasons.
WAC 220-48-051	Bottomfish troll--Seasons.
WAC 220-48-062	Drag seines--Seasons.

AMENDATORY SECTION (Amending Order 817, filed 5/29/69)

WAC 220-16-330 General definitions--Dressed fish. (1) A dressed fish is defined as one from which the viscera or the viscera and head ((has)) have been removed, unless otherwise defined by department rule.

(2) The length of any dressed fish is defined as the shortest distance between the posterior end of the gill opening and the fork of the tail.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-16-325

General definitions--Dressed fish
length measurement.

AMENDATORY SECTION (Amending Order 11-43, filed 3/23/11, effective 4/23/11)

WAC 220-48-005 Puget Sound bottomfish--General provisions.

(1) It is unlawful to possess (~~(any)~~) English sole less than 12 inches in length taken (~~(by any)~~) with commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken (~~(by any)~~) with commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with (~~(any)~~) commercial gear (~~(the entire year)~~) year-round in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess (~~(any)~~) lingcod less than 26 inches in length or greater than 36 inches in length taken (~~(by any)~~) with commercial gear in all state waters east of the Bonilla-Tatoosh line.

(5) It is unlawful to possess lingcod taken (~~(by any)~~) with commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, 25E, and 29.

(6) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-063 and 220-52-066.

(7) Incidental catch.

(a) It is (~~(lawful)~~) permissible to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken under state law and department rule.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except (~~(that it is lawful to retain)~~) octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except when using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

(8) A vessel trip is (~~(defined as having occurred)~~) completed upon the initiation of transfer of catch from a fishing vessel.

(9) Pacific cod.

(a) It is unlawful to discard (~~(any)~~) Pacific cod taken by (~~(any)~~) commercial fishing gear.

(b) All Pacific cod taken by a commercial gear (~~(shall)~~) must be landed at a licensed commercial dealer.

(10) Sablefish.

(a) It is unlawful to take more than 300 pounds of sablefish per vessel trip or more than 600 pounds of sablefish per two-month cumulative limit from open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(b) A two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two-fixed calendar month period. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December.

(11) Sixgill shark. It is unlawful to retain sixgill shark taken ~~((by))~~ with commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(12) Rockfish. It is unlawful to retain any species of rockfish taken ~~((by))~~ with commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(13) Violation of this section is a gross misdemeanor or class C felony, punishable under RCW 77.15.520 or 77.15.550, depending on the gear used or the time and area fished.

AMENDATORY SECTION (Amending Order 11-43, filed 3/23/11, effective 4/23/11)

WAC 220-48-015 ~~((Beam trawl and otter trawl--Seasons--))~~ Puget Sound bottomfish--Unlawful gear. (1) It is unlawful to fish for ~~((and))~~ or possess bottomfish taken with ~~((otter trawl and beam trawl))~~ the following gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas:

(a) Otter trawl;

(b) Beam trawl;

(c) Dogfish set net gear;

(d) Pacific cod set net gear;

(e) Set line gear;

(f) Commercial jig gear; and

(g) Troll line gear.

(2) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-48-052 ~~((Bottomfish troll--Seasons--))~~ Commercial salmon fishing--Retaining Puget Sound bottomfish incidental catch.

~~((1) It is unlawful to fish for or possess bottomfish taken for commercial purposes with bottomfish troll gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.~~

~~(2) It is unlawful to fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license.~~

~~(3) In any waters of Puget Sound it is lawful)) It is permissible to retain bottomfish for commercial purposes ((bottomfish)) taken with commercial salmon gear incidental to a lawful salmon fishery in any waters of Puget Sound, except lingcod during closures provided in WAC 220-48-005.~~

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-48-061 Puget Sound bottomfish--Drag seine(~~s~~ Gear)) requirements and seasons. (1) It is unlawful to operate drag seine or beach seine gear without possessing a valid food fish drag seine fishery license. A violation of this subsection is a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.500 Commercial fishing without a license--Penalty.

(2) It is ((lawful)) unlawful to take, fish for, and possess bottomfish((, unless otherwise provided,)) with drag seine or beach seine gear ((as described below)), unless the gear meets the following requirements:

(a) Seines must ((not)) be ((longer than)) 350 feet or less in length((-)); and

(b) Net mesh must ((not)) be ((smaller than)) 1/2-inch stretch measure or larger.

~~((2) Licensing: A food fish drag seine fishery license is the license required to operate the gear provided for in this section.)) (3) Violation of subsection (2) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.~~

(4) It is unlawful to take, fish for, or possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(a) Areas 28A, 28B, 28C, and 28D - Open January 1 through April 30.

(b) All other areas - Open September 1 through April 30, except that Areas 27A, 27B, 27C, and 29 are closed year-round.

(5) Violation of subsection (4) of this section is either a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.550 Violation of commercial fishing area or time--Penalty.

AMENDATORY SECTION (Amending Order 11-43, filed 3/23/11, effective 4/23/11)

WAC 220-48-071 Puget Sound--Bottomfish pots(~~--Gear and seasons~~). (1) It is unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, except in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

Areas 23C and 29 open only by permit from the director.

(2) (~~Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section~~) Violation of subsection (1) of this section is a gross misdemeanor, punishable under RCW 77.15.550 Violation of commercial fishing area or time--Penalty.

(3) It is unlawful to operate bottomfish pot gear without possessing a valid bottomfish pot license. Violation of this subsection is a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.500 Commercial fishing without a license--Penalty.

NEW SECTION

WAC 220-48-072 Unlawful retention of live bottomfish. It is unlawful to take and preserve bottomfish alive for any commercial purpose. Violation of this section is a gross misdemeanor punishable under RCW 77.15.550 Violation of commercial fishing area or time--Penalty.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-48-001	Puget Sound bottomfish gear.
WAC 220-48-019	Roller trawl--Seasons.
WAC 220-48-025	Set net--Pacific cod--Gear.
WAC 220-48-026	Set net--Pacific cod--Seasons.
WAC 220-48-027	Set net--Pacific cod--Logbooks.
WAC 220-48-029	Set net--Dogfish--Seasons.
WAC 220-48-032	Set line--Seasons.
WAC 220-48-041	Commercial jig--Gear.
WAC 220-48-042	Commercial jig--Seasons.
WAC 220-48-051	Troll lines--Bottomfish--Gear.
WAC 220-48-062	Drag seines--Seasons.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-315 Personal use crab((s)), shrimp, crawfish-- Unlawful acts. (1) It is unlawful to take and possess crab((s)), shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, ~~((and))~~ or any hand-operated instrument that will not penetrate the shell. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.380 or 77.15.382 depending on the circumstances of the violation.

(2) It is unlawful to set, fish, or pull more than ~~((two))~~ 2 units of gear at any one time except:

(a) In Puget Sound waters it is unlawful to set, fish, or pull at any one time more than ~~((two))~~ 2 units of crab gear and ~~((two))~~ 2 additional units of shrimp gear.

(b) It is unlawful for the operator of any boat from which shrimp pots are set, fished, or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than ~~((four))~~ 4 shrimp pots.

(c) ~~((In the Columbia River))~~ It is unlawful to set, fish, or pull more than ~~((three))~~ 3 units of crab gear in the Columbia River.

(d) ~~((In fresh water))~~ It is ~~((lawful))~~ permissible to use up to ~~((five))~~ 5 units of gear to fish for crawfish in fresh water.

(3) 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. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.382 Unlawful use of shellfish gear for personal use purposes--Penalty.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit, issued by the director, authorizing ~~((such))~~ that activity ~~((issued by the director, and)).~~ It is unlawful to fail to comply with all provisions of ~~((such))~~ the permit authorizing the salvage of gear from Hood Canal. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.382 Unlawful use of shellfish gear for personal use purposes--Penalty.

(5) ~~((It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.~~

~~((6))~~ It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand. Violation of this subsection is a

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

~~((7) One unit of gear is equivalent to one ring net or one shellfish pot.))~~ (6) It is unlawful to have more than one unit of unattended gear attached to a buoy line or to fail to have a separate buoy for each unit of gear. One unit of gear means one ring net or one shellfish pot. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.382 Unlawful use of shellfish gear for personal use purposes--Penalty.

~~((8))~~ (7) In waters open only on certain days or certain hours during the day, except for the night closure set out in subsection (9) of this section, it is unlawful to fail to remove gear from the water when fishing for shellfish is not allowed~~((7 and))~~. It is also unlawful to fail to remove gear from the water by one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously, except for the night closure set out in subsection (9) of this section, gear may be left in the water during the night closure. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty.

~~((9))~~ (8) It is unlawful to set or pull shellfish pots, ring nets or star traps from a vessel in Catch Record Card Areas 1-13 from one hour after official sunset to one hour before official sunrise. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty.

~~((10) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.))~~

NEW SECTION

WAC 220-56-317 Personal use shrimp pot gear requirements.

(1) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

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

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

(b) The entire top, bottom, and sides of the shrimp pot must be constructed of mesh material, except the entrance tunnels must have the minimum mesh opening size specified in subsection (2)(c) of this section.

(c) The minimum mesh size for shrimp pots is one inch, defined as a mesh that a 7/8 inch square peg will pass through each mesh opening. Flexible (web) mesh pots must have an opening with a mesh size of a minimum of 1-3/4 inch stretch measure.

June 1 through October 15, Area 4 east of the Bonilla-Tatoosh

line, and Areas 5 through 13:

(i) 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.

(ii) 1/2-inch mesh is defined as mesh that a 3/8-inch square peg will pass through each mesh opening, except for flexible (web) mesh pots where the opening must be a minimum of 1-1/8 inch stretch measure.

(d) All entrance tunnels must open into the pot from the side.

(e) The sum of the maximum widths of all entrance tunnels must not exceed half of the perimeter of the bottom of the pot.

NEW SECTION

WAC 220-56-318 Personal use crab pot gear requirements. (1) 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.

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

(3) 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:

(a) The gear is equipped with 2 or more escape rings located in the upper half of the pot; and

(b) 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.

(4) It is unlawful to use mesh size for crab pots smaller than 1.5 inches.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-320 Personal use shellfish gear--Unlawful acts.

(1) (~~It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy.~~) It is unlawful to violate the following provisions regarding unattended shellfish gear:

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

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

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

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

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

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

~~((b) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.~~

~~(c) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.~~

~~(d) 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.~~

~~(2) It is unlawful for the maximum perimeter of any shrimp pot to exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.~~

~~(3) 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 such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter in all waters except in the Columbia River the escape ring minimum size is 4 inches inside diameter. It is unlawful to use mesh size for crab pots less than 1-1/2 inches.~~

~~(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear unless such gear meets the following requirements:~~

~~(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.~~

~~(b) The minimum mesh size for shrimp pots is one inch, defined as a mesh that a 7/8-inch square peg will pass through each mesh opening except for flexible (web) mesh pots where the opening must be a minimum of one and three-quarters inch stretch measure except:~~

~~June 1 through October 15, Area 4 east of the Bonilla-Tatoosh line, and Areas 5 through 13: In any Marine Area of portion thereof that is closed for spot shrimp but open for coonstripe and pink shrimp, the minimum mesh size for shrimp pots is one-half inch, defined as a mesh that a 3/8 inch square peg will pass through each mesh opening except for flexible (web) mesh pots where the opening must be a minimum of one and one-eighth inch stretch~~

~~measure.~~

~~(c) All entrance tunnels must open into the pot from the side.~~

~~(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.~~

~~(5))~~ (2) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

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

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

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

~~((6))~~ (3) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times.

~~((7) It is unlawful to fish for crab using shellfish pot gear greater in volume than thirteen cubic feet.~~

~~(8))~~ (4) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160, except failure to use untreated cotton twine as provided for in subsection ~~((5))~~ (2) of this section ~~((remains))~~ is a misdemeanor punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty.

~~((9))~~ (5) It is unlawful to possess shellfish taken with gear in violation of the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with ~~((such))~~ that gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree--Penalty.

AMENDATORY SECTION (Amending Order 06-197, filed 8/10/06, effective 9/10/06)

WAC 220-52-019 Geoduck clams--Requirements, gear and unlawful acts. (1) It is unlawful to ~~((take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.~~

~~(2)(a) Only))~~ use any gear other than a manually operated water jet~~((, the))~~ with a nozzle ~~((of which shall not exceed))~~ 5/8 of an inch or less inside ~~((diameter may be used))~~ to commercially harvest geoducks ~~((clams. Use of any other gear requires)), unless a permit to use other gear is first obtained from the director.~~

~~((b))~~ (2) It is unlawful ~~((in the commercial harvest of geoducks))~~ for through-hull fittings for water discharge hoses connected to ~~((the))~~ harvest gear to be below the water's surface ~~((of the water))~~ in the commercial harvest of geoducks. ~~((Any))~~ Through-hull fittings connected to ~~((the))~~ harvest gear ~~((which is))~~ above the water's surface ~~((of the water))~~ must be visible at all times.

~~((3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.~~

~~(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.~~

~~(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during harvest and must be reported under a department of natural resources harvest agreement.~~

~~(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.~~

~~(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.~~

~~(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:~~

~~(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;~~

~~(b) A map of the geoduck tract or harvest area and complete~~

~~tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;~~

~~(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and~~

~~(d) A geoduck fishery license as described in WAC 220-52-01901.~~

~~(9) It is unlawful to process geoducks on board any harvest vessel.~~

~~(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.~~

~~(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below mean lower low water (0.0 ft.).~~

~~(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart F.)~~

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-01901 Commercial geoduck harvest license((s)).

(1) ~~((A))~~ It is unlawful to commercially harvest geoducks unless the harvester possesses a valid, director-issued geoduck fishery license ((issued by the director is required for the commercial harvest of geoduck clams. Geoduck fishery licenses were previously called "geoduck validations)). ~~((B))~~

A geoduck fishery license card is a "license card" under WAC 220-69-270.

(2) Only persons holding current geoduck harvest agreements from the department of natural resources or their agents may apply for geoduck fishery licenses. An application for a geoduck fishery license must be fully completed on a form provided by the department ~~((, must be complete,))~~ and ~~((must be))~~ accompanied by a copy of the geoduck harvest agreement for which the license is sought.

(3) Each geoduck fishery license authorizes the use of two water jets or other units of geoduck harvest gear. Commercial geoduck harvesting gear must meet the requirements of WAC 220-52-019 ~~((2)). A geoduck fishery license card is a "license card" under WAC 220-69-270))~~.

(4) Holders of geoduck fishery licenses must comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established

under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq. Some of these regulations appear at 29 C.F.R. Part 1910, Subpart T.

(a) The director may suspend or revoke a geoduck license used in violation of commercial diving safety regulations, including 29 C.F.R. Part 1910, Subpart T, adopted under the Occupational Safety and Health Act of 1970. The procedures of chapter 34.05 RCW apply to ~~((such))~~ these suspensions or revocations.

(b) If there is a substantial probability that a violation of commercial diving safety regulations could result in death or serious physical harm to a person ~~((engaged in))~~ harvesting geoducks ~~((clams))~~, the director may immediately suspend the license ~~((immediately))~~ until the violation ~~((has been))~~ is corrected. If the violator fails to correct the violation within ten days of notice of the violation, the director may revoke the violator's geoduck license. The director ~~((shall))~~ may not revoke a geoduck license if the holder of the harvesting agreement corrects the violation within ten days of receiving written notice of the violation.

NEW SECTION

WAC 220-52-01902 Commercial geoduck harvest--Requirements and unlawful acts. (1) It is unlawful to take, fish for, or possess geoduck clams taken for commercial purposes from the substrate of any Washington state waters except as provided by RCW 77.60.070 and department rule.

(2) It is unlawful to engage in geoduck harvesting operations unless the following documents are onboard the geoduck harvesting vessel:

(a) A copy of the department of natural resources (DNR) geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by DNR for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(3) It is unlawful for more than two divers from any one harvest vessel to be in the water at any one time.

(4) It is unlawful to process geoduck clams on board any harvest vessel.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck aboard a geoduck harvest vessel, except when the geoduck is incidentally damaged during harvest. Geoduck damage sustained incidental to harvest must be reported under a DNR

harvest agreement.

(6) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(7) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a DNR harvest agreement.

(8) Violation of this section is punishable by RCW 77.15.520, 77.15.540, or 77.15.550, depending on the circumstances of the violation.

NEW SECTION

WAC 220-52-01903 Commercial geoduck harvest--Time and area restrictions. (1) It is unlawful to harvest geoducks for commercial purposes during the following time and day restrictions:

(a) Between one-half hour before official sunset or 7:00 p.m., whichever is earlier, and 7:00 a.m.

(b) It is unlawful for a geoduck harvest vessel to be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m.

(c) It is unlawful to take or fish for geoducks on Sundays or on state holidays as defined by the office of financial management.

(2) It is unlawful to take or fish for geoducks for commercial purposes outside the tract or harvest area designated in the department of natural resources harvest agreement required by WAC 220-52-01901 and 220-52-01902.

(3) It is unlawful to harvest geoducks in areas deeper than 70 feet below mean lower low water (0.0 ft.).

(4) It is unlawful to possess geoducks taken in violation of this section.

(5) Violation of this section is a misdemeanor or class C felony punishable by RCW 77.15.550, depending on the circumstances of the violation or the value of the shellfish taken.

NEW SECTION

WAC 220-52-005 Crab--General unlawful acts. (1) It is unlawful to take or possess soft-shelled crab for any purpose. Violation of this subsection is punishable under RCW 77.15.160 or 77.15.550, depending on whether the crab was taken for personal use or commercial purposes.

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

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

NEW SECTION

WAC 220-52-036 Definition--Commercial crab fishing. "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crab for commercial purposes, and includes the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

NEW SECTION

WAC 220-52-038 Commercial crab licenses. (1) It is unlawful to take, fish for, land, or deliver crab for commercial purposes in Washington or coastal waters unless the person has the license required by statute or department rule, or if the person is a properly designated alternative operator to a valid license.

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

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

(c) To use ring nets instead of or in addition to pots, a

licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license as provided in RCW 77.65.130.

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

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

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

AMENDATORY SECTION (Amending Order 09-183, filed 8/31/09, effective 10/1/09)

WAC 220-52-040 Commercial crab fishery--(~~Lawful and unlawful gear, methods, and other~~) 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 (~~shall~~) must not have crab on board.** It is unlawful for any person to possess any (~~quantity of~~) crab on board a vessel geared or equipped with commercial net fishing gear while fishing with the net gear for commercial purposes or while (~~there are~~) commercial quantities of food fish or shellfish are on board. Violation of this (~~section~~) subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550(1), (~~violation of commercial fishing area or time. However, if such crab are taken or possessed in amounts that constitute a violation of commercial fishing area or time in the first degree, the violation is punishable under RCW 77.15.550(2))~~) depending on the

quantity of crab taken or possessed.

~~((2))~~ **(5) Area must be open to commercial crabbing.**
~~((Except when acting lawfully under the authority of a valid permit as provided in (a) and (c) of this subsection,))~~ It is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crab((s)) for commercial purposes in any area or ((at any)) time ((when the location)) that is not open for commercial crabbing by ((permanent rule or emergency)) rule of the department, except when acting lawfully under the authority of a valid gear recovery permit as provided in WAC 220-52-045.

(6) Violation of ((this section)) subsection (5) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550((1), violation of commercial fishing area or time), or a gross misdemeanor punishable under RCW 77.15.522 depending on the circumstances of the violation. ((However, if such crab are taken or possessed in amounts that constitute a violation of commercial fishing area or time in the first degree, the violation is punishable under RCW 77.15.550(2)).

~~(a) Following the close of a commercial crab season, an emergency coastal crab gear recovery permit may be granted by the director or his or her designee. These emergency permits will be considered on a case-by-case basis to allow crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful season opening. Crab fishers must notify and apply to the department's enforcement program for such emergency permits within twenty-four hours prior to the close of the commercial crab season.~~

~~(b) It is unlawful to fail to follow the provisions of an emergency coastal crab gear recovery permit. Violation of this section is punishable under ESHB 1516.~~

~~(c) Fifteen days after the close of the primary coastal commercial crab season, a coastal crab gear recovery permit may be granted by the director or his or her designee for licensed coastal Dungeness crab fishers to recover crab pots belonging to state licensed fishers that remain in the ocean.~~

~~(d) It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit. Violation of this section is punishable under ESHB 1516.~~

(3) Crabs must be male and 6-1/4 inches across the back. ~~It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:~~

~~(a) Any female Dungeness crabs; or~~

~~(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back of the crab's shell immediately in front of the shell's tips. Violation of this section is punishable under RCW 77.15.550 (1)(c).~~

(4) Each person and each Puget Sound license is limited to 100 pots. ~~It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district if he or she is using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply~~

~~to each license. However, this shall not preclude a person who holds two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130. Violation of this section is punishable under RCW 77.15.520.~~

~~(5) **Additional area gear limits.** It is unlawful for any person to use, maintain, operate, or control crab pots or ring nets in excess of the limits prescribed in each of the following Marine Fish-Shellfish Management and Catch Reporting Areas. Violation of this section is punishable under RCW 77.15.520.~~

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

~~(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula;~~

~~(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek, and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay; and~~

~~(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.~~

~~(6) **Groundline gear is unlawful.** It is unlawful to attach or connect a crab pot or ring net to another crab pot or ring net by a common groundline or any other means that connects crab pots together. Violation of this section is punishable under RCW 77.15.520.~~

~~(7) **Crab buoy and pot tagging requirements.**~~

~~(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 and pot tag that meet the requirements of this subsection except as provided for in (b) of this subsection. Violation of this section is punishable under RCW 77.15.520.~~

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

~~(c) Coastal crab pot tags: Each shellfish pot used in the coastal Dungeness crab fishery must bear a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person.~~

~~(d) Puget Sound crab pot tags: In Puget Sound, all crab pots must have a durable, nonbiodegradable tag securely attached to the pot and permanently and legibly marked with the license owner's name or license number, and telephone number. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with state law.~~

~~(e) Crab buoy tags: The department will issue 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. Only department-issued crab buoy tags may be used, and each crab pot is required to have a buoy tag.

~~(f) Puget Sound replacement crab buoy tags: Additional tags to replace lost tags will only be issued 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 shall state the number of buoy tags lost, the location and date where the lost gear or tags were last observed, and the presumed cause of the loss.~~

~~(g) Coastal replacement crab buoy tags: Coastal crab license holders with a 300-pot limit will be able to replace up to fifteen lost tags by January 15th, up to a total of thirty lost tags by February 15th, and up to a total of forty-five lost tags after March 15th of each season. Coastal crab license holders with a 500-pot limit will be able to replace up to twenty-five lost tags by January 15th, up to a total of fifty lost tags by February 15th, and up to a total of seventy-five lost tags after March 15th of each season. In the case of extraordinary loss of crab pot gear, the department may, on a case-by-case basis, issue replacement tags in excess of the amount set out in this subsection. Replacement buoy tags for the coastal crab fishery will only be issued after a signed affidavit is received by the department.~~

~~(8) **No person can possess or use gear with another person's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except under the following circumstances:~~

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

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

~~(c) Violation of this section is punishable under ESHB 1516.~~

~~(9) **No person can tamper with pot tags.** It is unlawful for any person to remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots. However, persons operating under a valid coastal gear recovery permit or emergency gear recovery permit, issued by the department and who adheres to the permit's provisions may possess crab pots or buoys bearing the tags of another license holder. Violation of this section is punishable under RCW 77.15.180 (3) (b).~~

~~(10) **When it is unlawful to buy or land crab from the ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken~~

~~from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel that has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and that are properly licensed for commercial crab fishing if no Dungeness crabs are on board. Authorized department personnel will perform inspections not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.~~

~~(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.~~

~~(12) **Coastal crab pot limit.**~~

~~(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a crab pot limit has been assigned to the Dungeness crab coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.~~

~~(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.~~

~~(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy crab pots unless the person is in possession of valid documentation issued by the department that specifies the crab pot limit assigned to the license.~~

~~(13) **Determination of coastal crab pot limits.**~~

~~(a) The number of crab pots assigned to a Washington Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon, and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, which show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.~~

~~(b) The following criteria shall be used to determine and assign a crab pot limit to a Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:~~

~~(i) The three "qualifying coastal Dungeness crab seasons" are~~

from December 1, 1996, through September 15, 1997; from December 1, 1997, through September 15, 1998; and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds of crab or more.

~~(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a crab pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a crab pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A crab pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one coastal crab pot limit.~~

~~(14) Appeals of coastal crab pot limits. An appeal of a crab pot limit by a coastal commercial license holder shall be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.~~

~~(15)) (7) When it is unlawful to buy or land crab from the ocean without a crab vessel inspection. It is unlawful for any fisher, wholesale dealer, or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel that has not been issued a Washington crab vessel inspection certificate during the first 30 days following the opening of a coastal crab season.~~

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

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

~~(i) Are properly licensed commercial crab fishing; and~~

~~(ii) Contain no Dungeness crab on board the vessel.~~

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

~~(9) **Coastal - Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license ((to be used)) to deploy crab pot gear~~

except ~~((as prescribed below))~~ under the following conditions:

~~(a) ((Such a vessel may not carry on board more than 250 crab pots at any one time.~~

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

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

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

(10) Violation of ((this section)) 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.

~~((16) Coastal crab buoys -- Registration and use of buoy brands and colors.~~

~~(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one state license shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph. Violation of this section is punishable under RCW 77.15.520.~~

~~(b) 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. Violation of this section is punishable under RCW 77.15.520.)~~

NEW SECTION

WAC 220-52-042 Commercial crab fishery--Buoy tag, pot tag, and buoy requirements. (1) Buoy tag and pot tag required.

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without an attached buoy tag and pot tag that meet the requirements of this section, except as provided by (b) of this subsection. 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 220-52-045 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.

(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. Violation of this subsection is punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

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

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

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

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

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

(e) Replacement crab buoy tags.

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

(ii) Coastal: The department only issues replacement buoy tags for the coastal crab fishery after a signed affidavit is received by the department from the owner of a coastal commercial crab fishery license.

(A) Coastal crab license holders with a 300-pot limit may replace up to 15 lost tags by January 15th, up to a total of 30 lost tags by February 15th, and up to a total of 45 lost tags after March 15th of each season.

(B) Coastal crab license holders with a 500-pot limit may replace up to 25 lost tags by January 15th, up to a total of 50 lost tags by February 15th, and up to a total of 75 lost tags after March 15th of each season.

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

(4) Violation of subsection (3) of this section is a gross

misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

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

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

(b) No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of 30 percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white. Red and white colors are reserved for personal use crab gear as described in WAC 220-56-320.

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

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

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

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

AMENDATORY SECTION (Amending Order 06-200, filed 8/10/06, effective 9/10/06)

WAC 220-52-043 Commercial crab fishery--(~~Additional gear and license use~~) Shellfish pot requirements. (1) **Commercial gear limited to pots and ring nets.** It (~~shall be~~) is unlawful to take or fish for crab(~~s~~) for commercial purposes except with shellfish pots and ring nets.

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

(a) Pot gear must have (~~not less than two~~) 2 or more escape rings or ports (~~not less than 4-1/4 inches inside diameter.~~);

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

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

~~(3) ((Commercial crab gear buoy tag requirements.~~

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

~~(b) In Puget Sound all crab buoys must have the buoy tag issued to the license owner by the department attached to the outermost end of the buoy line.~~

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

~~(4) Puget Sound - Description of lawful buoys. All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).~~

~~(5) Commercial crab license requirements. In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 77.65.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 77.65.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 77.65.130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 77.65 and 77.70 RCW.~~

~~(6)) Maximum size for commercial crab pots. It is unlawful to ((commercially fish)) use a crab pot greater than ((thirteen)) 13 cubic feet in volume ((used)) to fish for or take Dungeness crab from state or offshore waters for commercial purposes.~~

~~((7) 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 crab fishing.)) (4) Groundline gear is~~

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

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

NEW SECTION

WAC 220-52-044 Commercial crab fishery--Coastal gear recovery permits. (1) **Emergency coastal crab gear recovery permit.** Emergency permits are granted on a case-by-case basis to allow crab fishers to recover shellfish pots that were irretrievable at the end of the lawful season opening due to extreme weather conditions. The director or director's designee may grant an emergency coastal crab gear permit once a commercial crab season is closed. Crab fishers must notify and apply to the department's enforcement program for such emergency permits within 24 hours prior to the close of the commercial crab season.

(2) **Coastal crab gear recovery permit.** 15 days after the close of the primary coastal commercial crab season, the director or director's designee may grant a coastal crab gear recovery permit for licensed coastal Dungeness crab fishers to recover crab pots that remain in the ocean and belong to state licensed fishers.

(3) It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit. Violation of this section is a misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit--Penalty.

NEW SECTION

WAC 220-52-045 Commercial crab fishery--Seasons and areas--Coastal. The open times and areas for coastal commercial crab fishing are as follows:

(1) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is permissible to set baited crab gear beginning at 8:00 a.m. November 28.

(2) The department may delay opening of the coastal crab fishery due to softshell crab conditions. If the department delays a season due to softshell crab conditions, the following provisions will apply:

(a) After consultation with the Oregon department of fish and wildlife, the director may establish a softshell crab demarcation line, by emergency rule.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area where the season opening is delayed due to softshell crab for the first 30 days following the opening of the area if the vessel was employed in the coastal crab fishery during the previous 45 days.

(c) It is unlawful for fishers to set crab gear in any area where the season opening is delayed, except that gear may be set as allowed by emergency rule. Emergency rules will allow setting 64 hours in advance of the delayed season opening time.

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

AMENDATORY SECTION (Amending Order 07-285, filed 11/20/07, effective 12/21/07)

WAC 220-52-046 Commercial crab fishery--Seasons and areas--Puget Sound. (~~("Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.)~~)

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

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

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

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

the shipwreck located (~~(-8)~~) 0.8 nautical miles north of Picnic Point.

(b) Catch Area 26A-W (~~(shall)~~) includes those waters of Puget Sound south and east of a line from Foulweather Bluff to Double Bluff, and northerly of a line from Apple Cove Point to Point Edwards, and south and west of a line that extends from Possession Point to the shipwreck located (~~(-8)~~) 0.8 nautical miles north of Picnic Point.

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

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

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

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

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

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

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

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

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

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

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy

Point and the entrance to the marina at Langley are closed October 1 through October 15.

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

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

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

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

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

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

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

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

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

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

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

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

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

thence to Chuckanut Rock, thence to the most southerly tip of Clark's Point.

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

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

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

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

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

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

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

~~((6) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:~~

~~(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.~~

~~(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.~~

~~(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.~~

~~(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California without the licenses or permits required to commercially fish for Dungeness crab within the state waters of Oregon or California. Washington coastal Dungeness crab~~

~~permits are valid only in Washington state waters, the Columbia River, Willapa Bay, Grays Harbor, and the Pacific Ocean in federal waters north of the Washington/Oregon border (46°15'00"N. Lat.), extending 200 nautical miles westward.)~~

NEW SECTION

WAC 220-52-047 Commercial crab gear--Possession of another's gear and tag tampering. (1) **Possession of gear bearing another's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot bearing a tag identifying the pot as belonging to another person, or any buoy not bearing tags issued by the department to the person possessing them, except:

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

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

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

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

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

NEW SECTION

WAC 220-52-048 Commercial crab fishery--Gear limits--Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas. (1) **Puget Sound licensing district commercial shellfish gear limit.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district if he or she is using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit

applies to each license. This subsection does not preclude a person who holds two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 77.65.130. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

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

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E;

(b) 10 pots in all water of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula;

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek, and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay; and

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Roynier Dock.

(3) Violation of subsection (2) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

NEW SECTION

WAC 220-52-049 Commercial crab fishery--Gear limits--Coastal.

(1) Coastal crab pot limit.

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless the person's Dungeness crab coastal fishery license or the equivalent Oregon or California Dungeness crab fishery license is assigned a crab pot limit. Violation of this subsection is punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

(c) It is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots

assigned to that license. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.530 Unlawful use of a nondesignated vessel--Penalty.

(d) It is unlawful for a person to take or fish for Dungeness crab or to deploy crab pots unless the person is in possession of valid documentation issued by the department that specifies the crab pot limit assigned to the license. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.540 Unlawful use of a commercial fishery license--Penalty.

(2) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (Catch Area 60B) with more than 200 shellfish pots in the aggregate. It is unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing--Unlawful gear or methods--Penalty.

(3) **Determination of coastal crab pot limits.**

(a) The number of crab pots assigned to a Washington Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license is based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon, and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, which show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria is used to determine and assign a crab pot limit to a Dungeness crab coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997; from December 1, 1997, through September 15, 1998; and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license determines the crab pot limit for that license. A crab pot limit of 300 will be assigned to a license with landings totaling up to 35,999 pounds and a crab pot limit of 500 will be assigned to a license with landings totaling 36,000 pounds of crab or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a crab pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon department of fish and wildlife and/or the California department of fish and game.

(iii) Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a

qualifying season may be combined for purposes of assigning a crab pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A crab pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license will be assigned more than one coastal crab pot limit.

(4) **Appeals of coastal crab pot limits.** An appeal of a crab pot limit by a coastal commercial license holder must be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department will remain in effect until such time as the appeal process is concluded.

AMENDATORY SECTION (Amending Order 06-08, filed 1/22/06, effective 2/22/06)

WAC 220-52-018 Commercial clam~~(s--)~~ fishery--Gear. It ~~((shall be))~~ is unlawful to take, dig for, or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except:

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

(a) ~~((Any or all types of))~~ All mechanical devices used ~~((in the taking))~~ to take or ~~((harvesting of))~~ harvest shellfish must be approved by the director of ~~((fisheries))~~ DFW.

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

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

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

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

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

~~((The harvesting of))~~ (ii) It is unlawful to harvest shellfish ~~((from bottoms))~~ that lie in or on the substrate of the Pacific Ocean westward from the western shores of the state ~~((shall not be carried out))~~ in waters less than ~~((two))~~ 2 fathoms deep at mean lower low water. ~~((In said waters more than two fathoms deep))~~ The director of ~~((fisheries))~~ DFW may reserve all or ~~((certain areas thereof))~~ portions of the substrate in waters more than 2 fathoms deep and prevent the taking of shellfish in any quantity from ~~((such))~~ those reserves ~~((established on the ocean bottoms))~~.

(f) Noncompliance with any part of ~~((these regulations))~~ this section or with special requirements of individual permits ~~((will))~~ results in immediate cancellation ~~((of))~~ and/or subsequent

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nonrenewal of all permits held by the operator.

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

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

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

(j) All clam harvest machines operating on intertidal grounds where less than ~~((ten))~~ 10 percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately ~~((twenty-five))~~ 25 percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

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

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

(m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they ~~((shall))~~ must furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator ~~((shall))~~ will thereafter modify the machine (install a sealed pressure relief valve) as specified by ~~((the department of fisheries))~~ DFW to conform with values set forth in ~~((either WAC 220-52-018 (11) or (12) of))~~ this section. Thereafter, it ~~((shall be))~~ is illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine ~~((shall))~~ must be included in the ~~((department of fisheries'))~~ DFW's clam harvest permit.

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

(o) Each mechanical clam harvester must have controls ~~((so))~~ arranged and situated near the operator ~~((which will))~~ to allow the

operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

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

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

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

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-060 Commercial crawfish fishery. ~~((It is unlawful to fish for or possess crawfish taken for commercial purposes except as provided for in this section:~~

~~(1) General crawfish provisions:~~

~~(a) Crawfish may not be taken for commercial purposes with gear other than shellfish pots and no person may fish more than 400 pots.~~

~~(b) The open season for commercial crawfish fishing is)~~ (1) Licensing: A shellfish pot fishery license is required to operate the gear provided for in this section. An application for a shellfish pot fishery license is available at the offices of the department, by calling the WDFW license division at 360-902-2500, or on the department web site at www.wdfw.wa.gov.

(2) Commercial crawfish season: The first Monday in May through October 31, except:

In Washington waters of the Columbia River downstream from the mouth of the Walla Walla River, it is permissible to take crawfish ~~((may be taken))~~ from April 1 through October 31.

~~((c) The minimum commercial)~~ (3) Commercial crawfish size and sex restrictions:

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

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

~~((d) Fishermen may not discard into any water of the state any crawfish bait.~~

~~(e) Crawfish fishing is not allowed within 1/4 mile of the shoreline of developed parks.~~

~~(f) The provisions of this section do not apply to the commercial culture of crawfish at a registered aquatic farm.~~

~~(2)) (4) Commercial crawfish gear, fishing areas, and pot number restrictions:~~

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

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

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

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

Clallam

Anderson Lake
Crescent Lake

Clark

Battleground Lake

Cowlitz

Merrill Lake

Grant

Deep Lake
Potholes Res.
Coulee Lake
Soap Lakes
Sun Lakes

Grays Harbor

Sylvia Lake

Island

Cranberry Lake

Jefferson

Anderson Lake

King

Cedar Lake
Elbow Lake
Green Lake

Green River
Margaret Lake
Sammamish Lake
Sammamish River
Sammamish Slough
Walsh Lake

Kittitas

Easton Lake

Klickitat

Horsethief Lake
Roland Lake

Lewis

Mineral Lake

Okanogan

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

Pacific

Middle Nemah River
North Nemah River
Smith Creek

Pend Oreille

Browns Lake (on Brown Cr)
Calispell Lake
Cooks Lake
Conklin Lake
Davis Lake
Half Moon Lake
Mystic Lake
No Name Lake
Shearer Lake
Vanee Lake

Pierce

Clear Lake
Spanaway Lake
Steilacoom Lake
Wapato Lake

Skagit

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

Skamania

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

Snohomish

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

Thurston

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

Whatcom

Budd Lake
Bug Lake
Caine Lake
Fishtrap Creek
Johnson Creek
Padden Lake
Toad or Emerald Lake

~~((3))~~ (e) It is unlawful to fish for crawfish within 1/4 mile of the shoreline of developed parks.

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

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

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

~~((4))~~ (g) Commercial crawfish harvest permits will be issued to ~~((prescribe))~~ limit the number of ~~((allowable))~~ crawfish pots permissible per fisherman per body of water in suitable crawfish harvest sites not listed in subsections ~~((2))~~ (4)(d) and ~~((3))~~ (e) of this section as follows:

~~((a))~~ (i) Under 20 acres - No commercial harvest.

~~((b))~~ (ii) 20 acres to 100 acres - 50 pots.

~~((c))~~ (iii) 101 acres to 400 acres - 100 pots.

~~((d))~~ (iv) Over 400 acres - 200 pots.

~~((e))~~ (h) Permits ~~((will))~~ may be issued only in waters where fishing will not conflict with high density residential or recreational areas ~~((, and))~~. No permit will be issued where developed parks encompass more than ~~((one-half))~~ 1/2 of the water

shoreline.

~~((f) The department of fisheries shall fix the maximum number of pots to be permitted in any given body of water. Once the permitted maximum number of pots for any given body of water has been reached, no further permits will be issued. Permits will be issued on a first-come, first-serve basis consistent with all other regulations concerning issuance of commercial crawfish harvest permits.~~

~~(5) Licensing: A shellfish pot fishery license is the license required to operate the gear provided for in this section.)~~ (5) It is unlawful to discard any crawfish bait into the waters of the state.

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

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

AMENDATORY SECTION (Amending Order 11-29, filed 4/11/11, effective 5/12/11)

WAC 220-56-330 Crab--Areas and seasons--Personal use. (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

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

(b) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m., July 15 through September 30, Thursday through Monday of each week.

(c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m. August 15 through September 30, Thursday through Monday of each week.

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

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

(4) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

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

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 220-56-335 Crab--Unlawful acts--Personal use. (1) It is unlawful for any person to take or possess (~~((for personal use))~~) any female Dungeness crab(~~((s))~~) for personal use.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use (~~((which measure))~~) measuring less than the following (~~((sizes))~~) caliper measurements:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) - 6 1/4 inch minimum size.

(b) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters except when fishing from the north jetty of the Columbia River, Grays Harbor, Willapa Bay - 6 inch minimum size.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crab(~~((s))~~) taken for personal use that measure less than (~~((five))~~) 5 inches. Either sex may be retained.

(4) All crab measurements (~~((shall))~~) must be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(5) It is unlawful to possess in the field any crab or crab parts (~~((thereof))~~) without also retaining the back shell.

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

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-365 Razor clams--Unlawful acts. (1) It is unlawful to return any razor clams to the beach or water regardless of size or condition, and all razor clams taken for personal use must be retained by the digger as a part of his or her daily limit.

(2) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane, or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257.

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

