

Giant Pacific Octopus (Decision)

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Summary

Meeting dates: August 2-3, 2013 Commission Meeting

Agenda item : Giant Pacific Octopus – Briefing and Decision

Presenter(s): Craig Burley, Fish Management Division Manager

Background summary:

The Fish and Wildlife Commission (Commission) received three petitions requesting amendments to sportfishing rules to protect octopuses from recreational harvest.

These petitions were received after a giant Pacific octopus was legally harvested from the waters of a popular dive site at Seacrest Park in West Elliot Bay.

At the December 21, 2012 Commission conference call the Commission directed the department to develop a series of management options, process and a schedule to address protection of the giant Pacific octopus (GPO) in waters of the Puget Sound for consideration and further direction.

At the January 11, 2013 Commission meeting staff provided a briefing addressing:

- Biology and status of GPO in Puget Sound
- Historical harvest of GPO in Puget Sound
- Current sportfishing regulations and legal harvest of GPO at Seacrest Park
- Proposed process and schedule
- Management options to consider for regulatory action

The Commission provided direction to staff to implement the process and schedule presented and to establish an ad hoc advisory group to develop recommendations regarding management options.

At the April 11, 2013 Commission meeting staff provided a briefing on the draft recommendations from the ad hoc advisory group and sought additional guidance on refinements of management options being considered.

The department collected public comment on the following refined options:

Option A: Status Quo – no changes to current regulations

Option B: Marine Preserve – no recreational harvest of all species

- Redondo Beach
- Seacrest Park Coves 1,2 and 3 (excluding fishing pier)

Option C: Marine Preserves – no recreational harvest of giant Pacific octopuses

- Redondo Beach
- Three Tree Point North
- Seacrest Park Coves 1, 2 and 3 (excluding fishing pier)
- Les Davis
- Alki Beach Junk Yard
- Days Island
- Deception Pass

Option D: Puget Sound closure to recreational harvest of giant Pacific octopuses.

A public hearing was held at the June 7, 2013 Commission meeting.

Policy issue(s) you are bringing to the Commission for consideration:

Consideration for adoption of sportfishing regulations for protection of giant Pacific octopuses and other species.

Public involvement process used and what you learned:

The Commission has received three petitions requesting amendments to recreational fishing rules to protect giant pacific octopuses from harvest.

The Director briefed the Commission regarding the incident and the Commission received public testimony at the November 8, 2012 commission meeting.

An ad hoc advisory group has been established to provide recommendations on management options.

Two public workshops were held (Port Townsend, April 23, 2013 and Seattle, April 24, 2013).

The department solicited written public comment through May 31, 2013 via the web based online tool (<http://www.wdfw.wa.gov/fishing/regulations/octopus/>).

Public comment was taken at the June 8, 2013 Commission meeting.

Action requested:

Commission decision regarding sportfishing regulations to manage giant Pacific octopuses in Puget Sound.

Draft motion language:

Option A:

I move to adopt option A to retain the current sportfishing regulations for giant Pacific octopuses in Puget Sound.

Option B:

I move to adopt amendments to:

WAC 220-16-881 Redondo Beach Marine Preserve and

WAC 220-16-883 Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserves as presented.

I also move to adopt amendments to : WAC 220-20-100 Option B as presented to close recreational harvest of all species at Redondo Beach Marine Preserve and at Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserve as presented.

Option C:

I move to adopt:

WAC 220-16-881 Redondo Beach Marine Preserve

WAC 220-16-882 Three Tree Point Marine Preserve

WAC 220-16-883 Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserve
WAC 220-16-884 Les Davis Marine Preserve
WAC 220-16-885 Alki Beach Junk Yard Marine Preserve
WAC 220-16-886 Days Island Marine Preserve
WAC 220-16-997 Deception Pass Marine Preserve as presented.

I also move to adopt amendments to: WAC 220-10-100 Option C as presented to close recreational harvest of giant Pacific octopus at Redondo Beach Marine Preserve, Three Tree Point Marine Preserve, Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserves, Les Davis Marine Preserve, Alki Beach Junk Yard Marine Preserve, Days Island Marine Preserve, and Deception Pass Marine Preserve as presented.

Option D:

I move to adopt amendments to:
WAC 220-56-310 Shellfish – Daily limits and WAC 220-56-390 Squid, octopus to close recreational harvest of giant pacific octopus in marine Areas 4 east of the Bonilla-Tatoosh line and Marine Areas 5-13 as presented.

Justification for Commission action:

This action is justified under RCW 77.12.047

Communications Plan: Agency web site, news releases, ad hoc advisory group, public workshops and Commission public hearing.

Form revised 12/5/12

Giant Pacific Octopus



Photo by Janna Nichols

Craig Burley Fish Management Division Manager, Fish Program
Washington Fish and Wildlife Commission Meeting
August 2, 2013

Presentation

- **Objective: Present draft management options from advisory group process request Commission decision**
- **Background**
- **Process and schedule review**
- **Current management**
- **Management options**
- **Summary of public comment received**
- **Commission discussion**
- **Commission decision**

Background

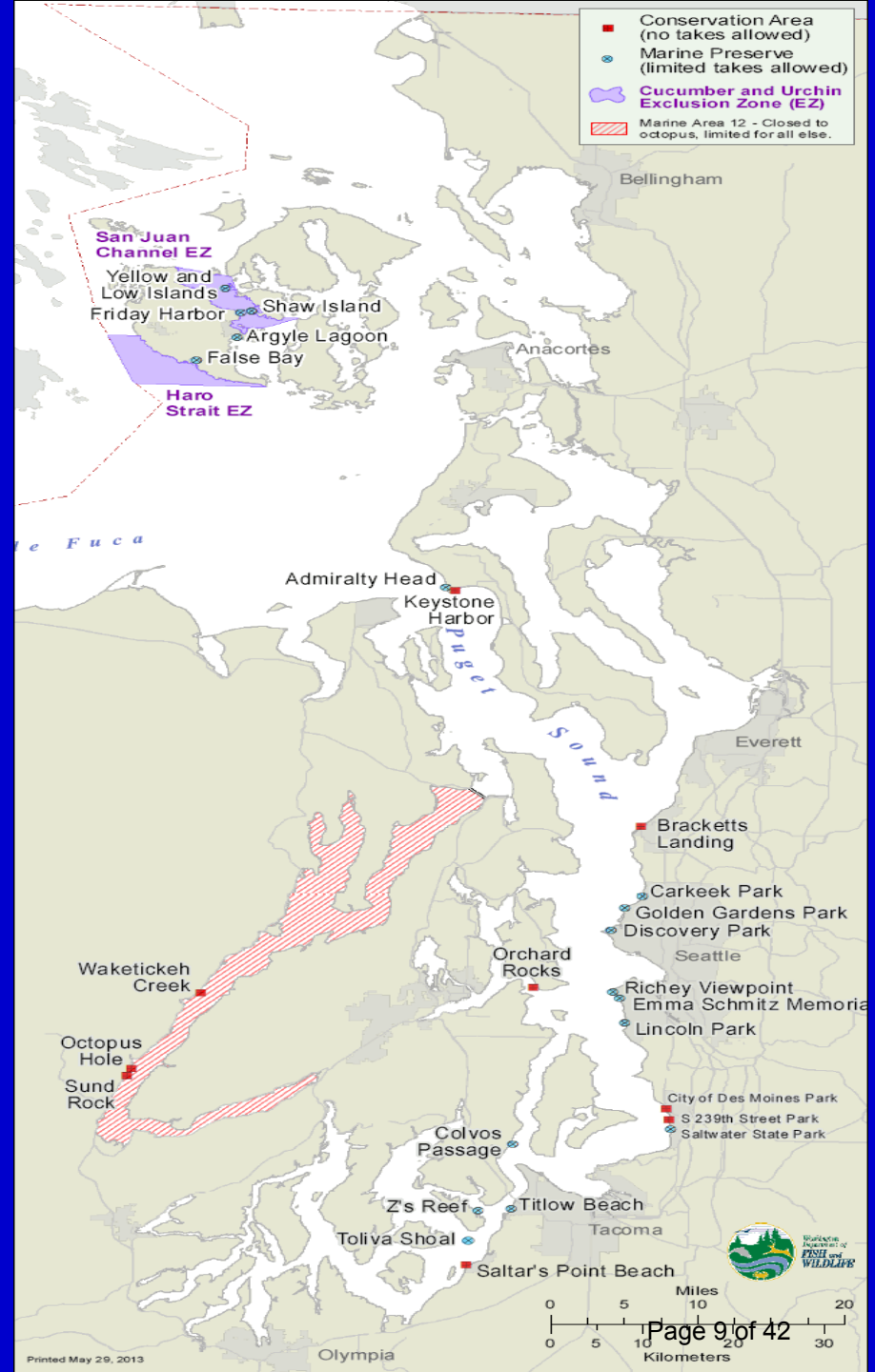
- Biology –
 - Range: California to Alaska and south to Japan
 - Depth: intertidal to 750M
 - Size: Weight range 40 - 100 lbs., average maximum length 15 ft.
 - Lifespan: 3-5 years; Up to 230 day incubation, females lay 20-100K eggs.
- Status –
 - Lack a formal status assessment
 - Biology and harvest management suggests GPOs are healthy in Puget Sound.
- Seacrest Cove Incident –
 - 10/31/12 – Giant Pacific Octopus legally harvested at Seacrest Cove 2
 - 11/8/12 – Director briefed Commission and heard public testimony
 - 12/21/12 – Commission briefing on three petitions to protect GPOs
 - 1/11/13 – Commission directed staff to develop options through public process.

Process and Schedule

- March 2013: Convened GPO advisory group and developed draft options for consideration
- April 12, 2013: Commission briefing on draft options and recommendations
- April 23-24, 2013: Public workshops on draft options for protection of GPO (Port Townsend and Seattle)
- April 15 – May 31st: Collected comments via website
- June 2013: Commission meeting and public testimony on draft options and recommendations
- August 2013: Commission decision on options for protection of GPO in Puget Sound

Current Management

- 9 Conservation Areas
- 16 Marine Preserves
- Hood Canal (MCA 12) closed to GPO and other species
- Harvest – Year-round, daily limit 1; Harvest by hand or instrument that does not penetrate the body; legal to retain if hooked while fishing
- Less than 50 lbs. annually

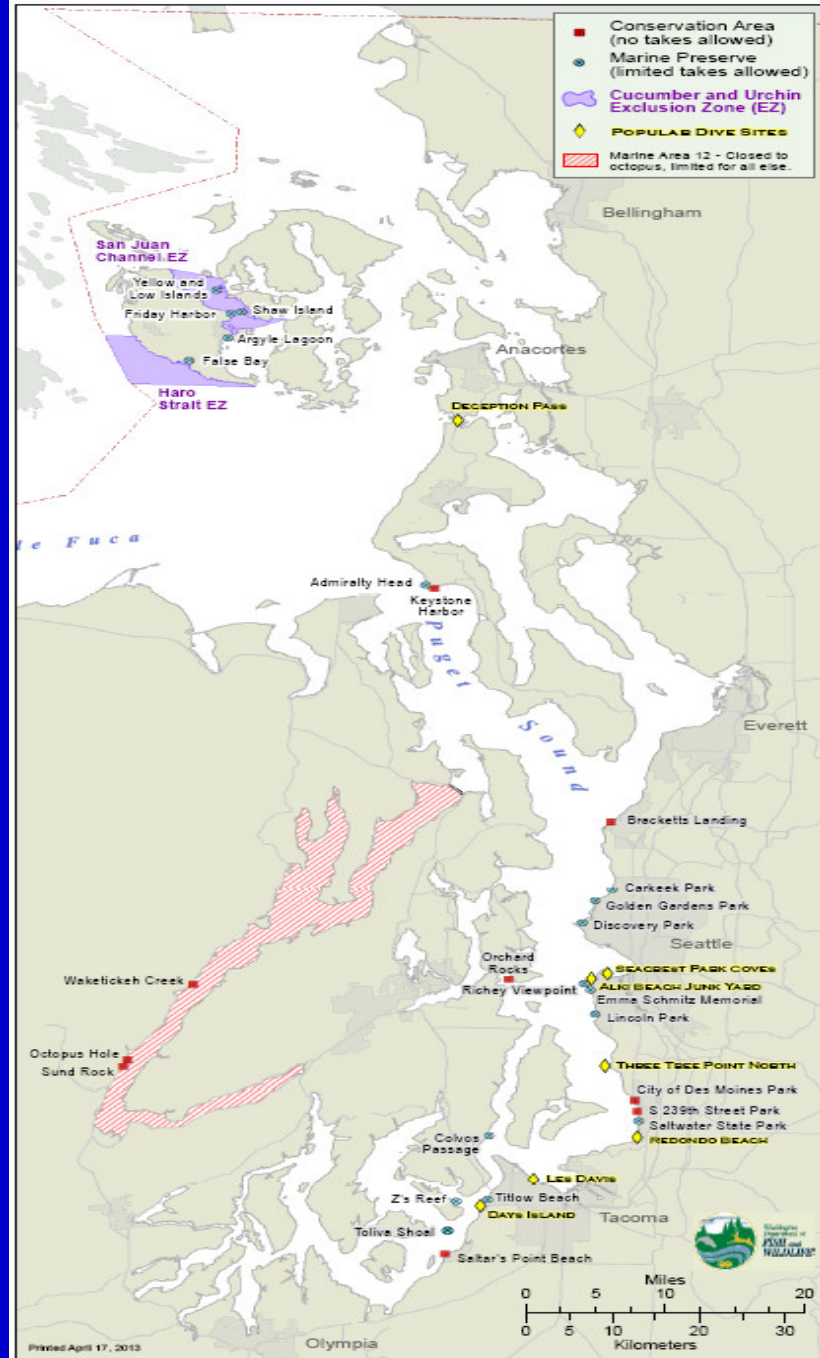


Management Options

- Option A: Status quo – no changes to current regulations.
- Option B: Marine Preserve – no recreational harvest of ALL species
 - Redondo Beach
 - Seacrest Park Coves 1, 2 and 3 (excluding fishing pier)
- Option C: Marine Preserves – no recreational harvest of Giant Pacific Octopuses at popular dive sites in Puget Sound
 - Redondo Beach
 - Three Tree Point
 - Seacrest Park Coves 1, 2 and 3 (excluding fishing pier)
 - Les Davis
 - Alki Beach Junk Yard
 - Days Island
 - Deception Pass
- Option D: Puget Sound closure to recreational harvest of GPO

Management Options

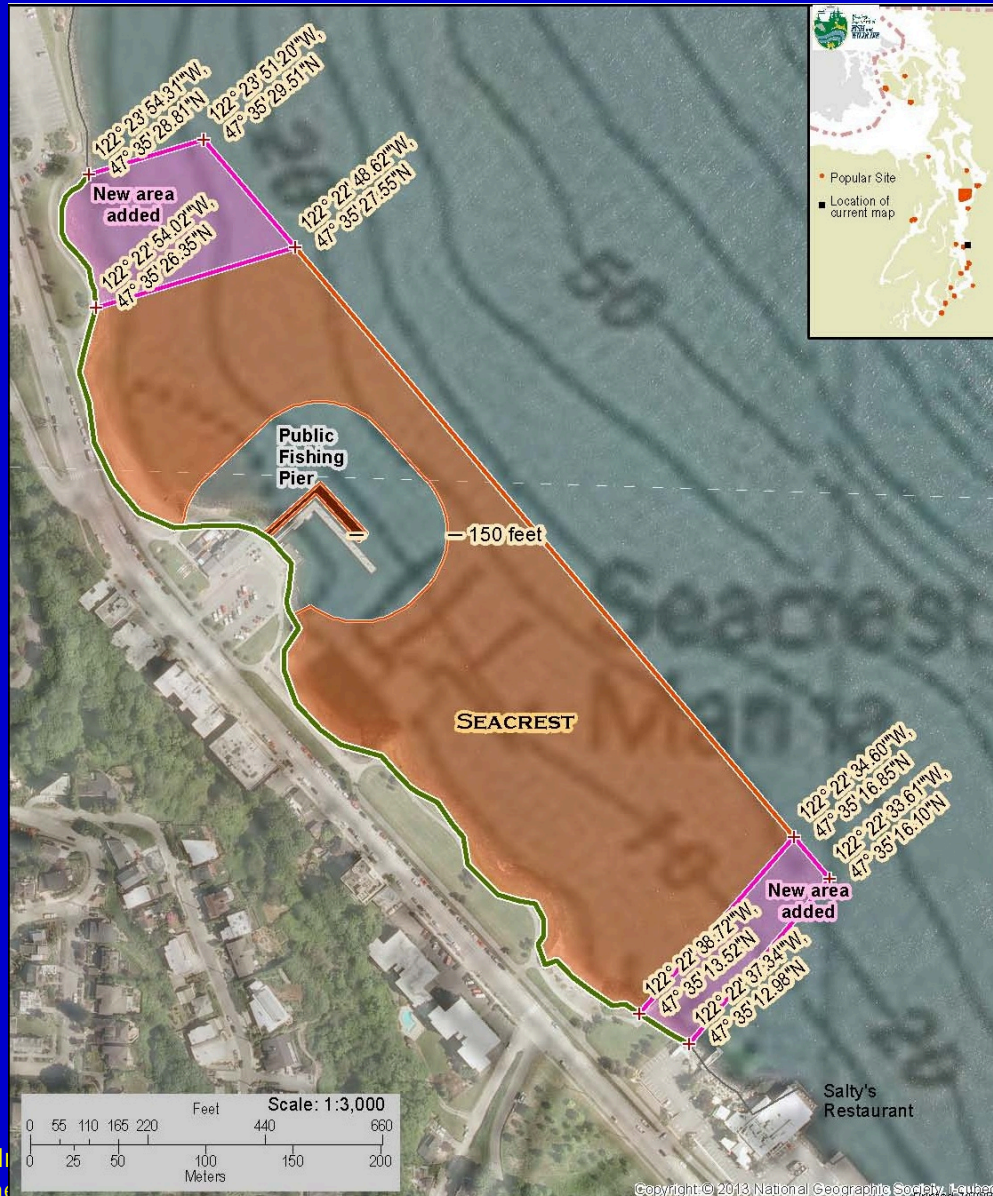
- Yellow diamonds show location of 7 popular dive sites in options B and C



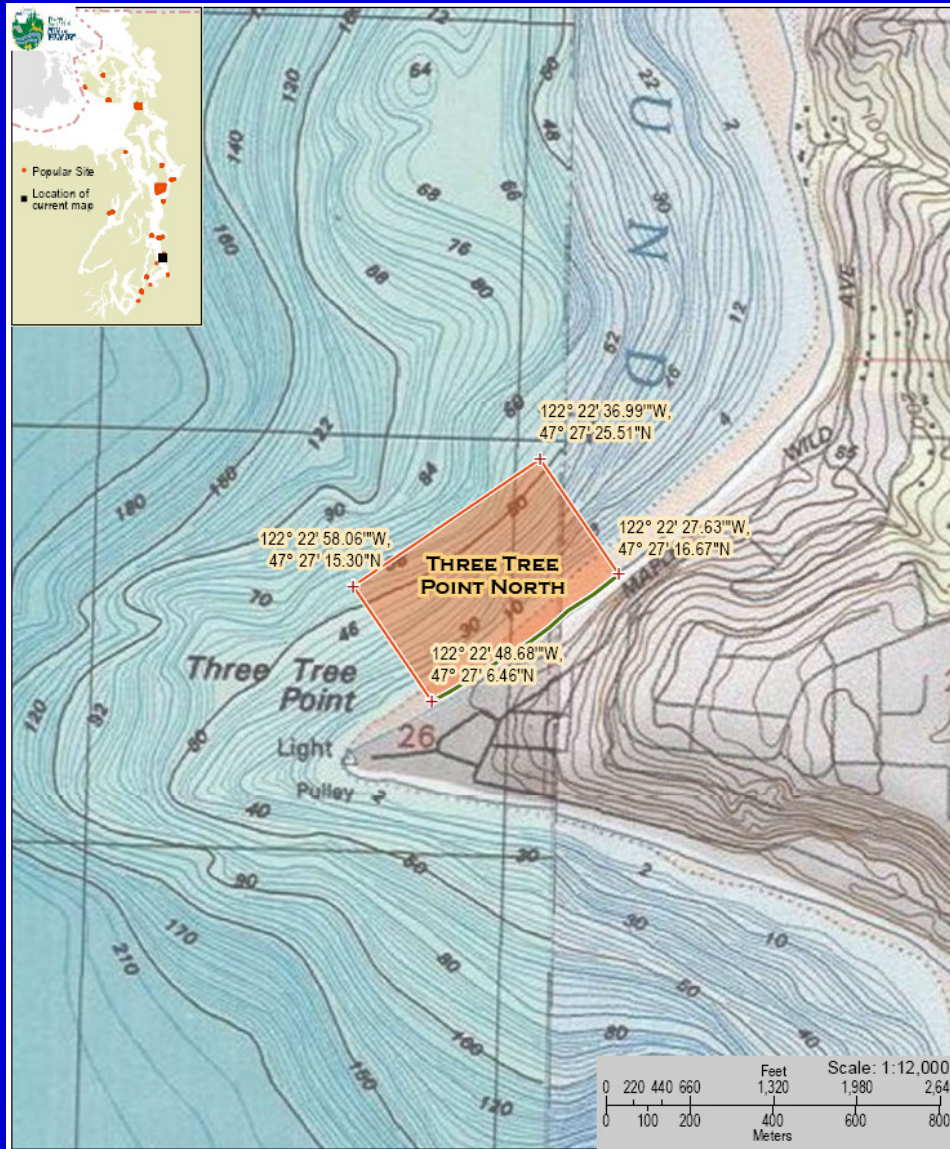
Redondo Beach



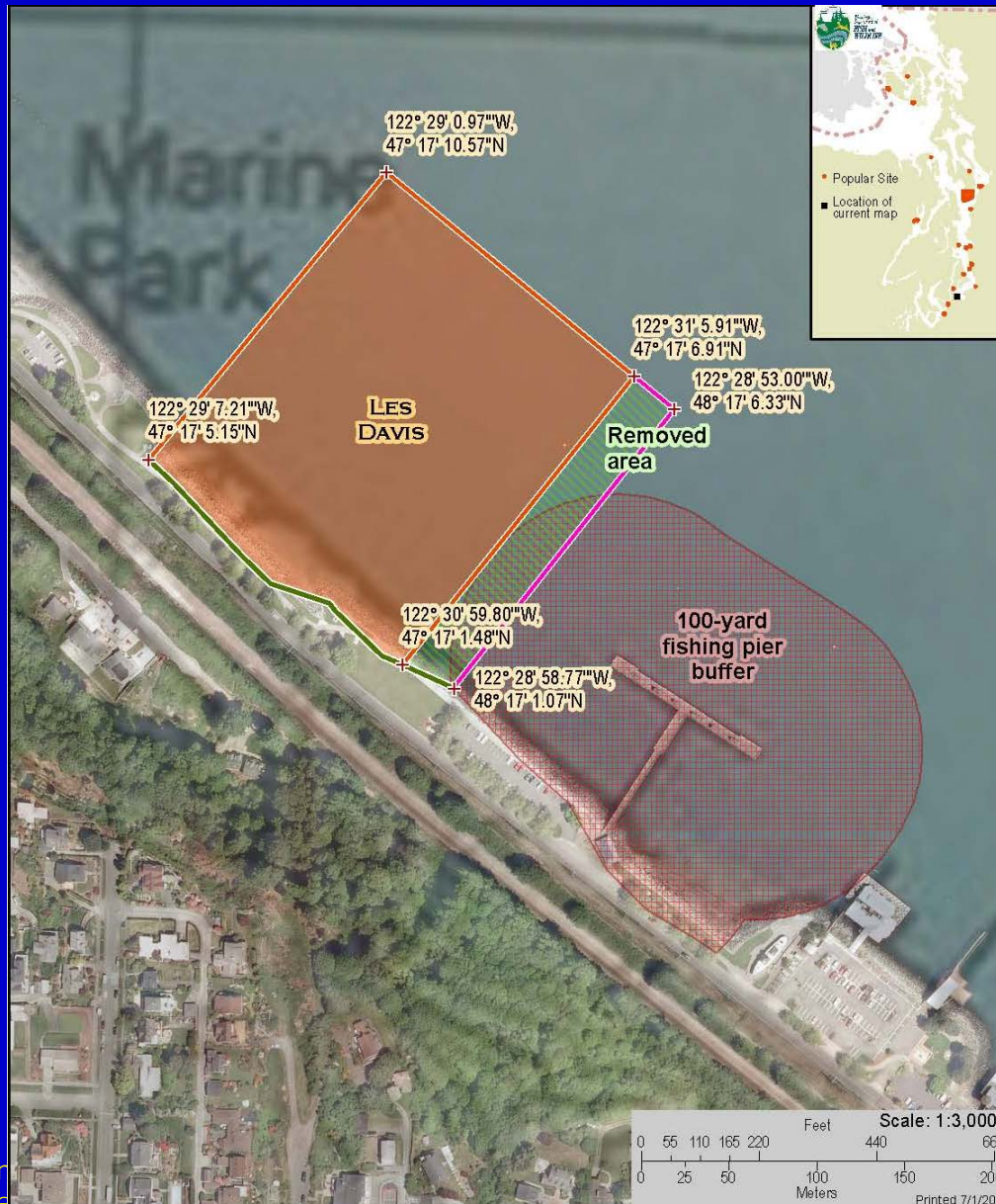
Seacrest Park covers 1, 2 and 3



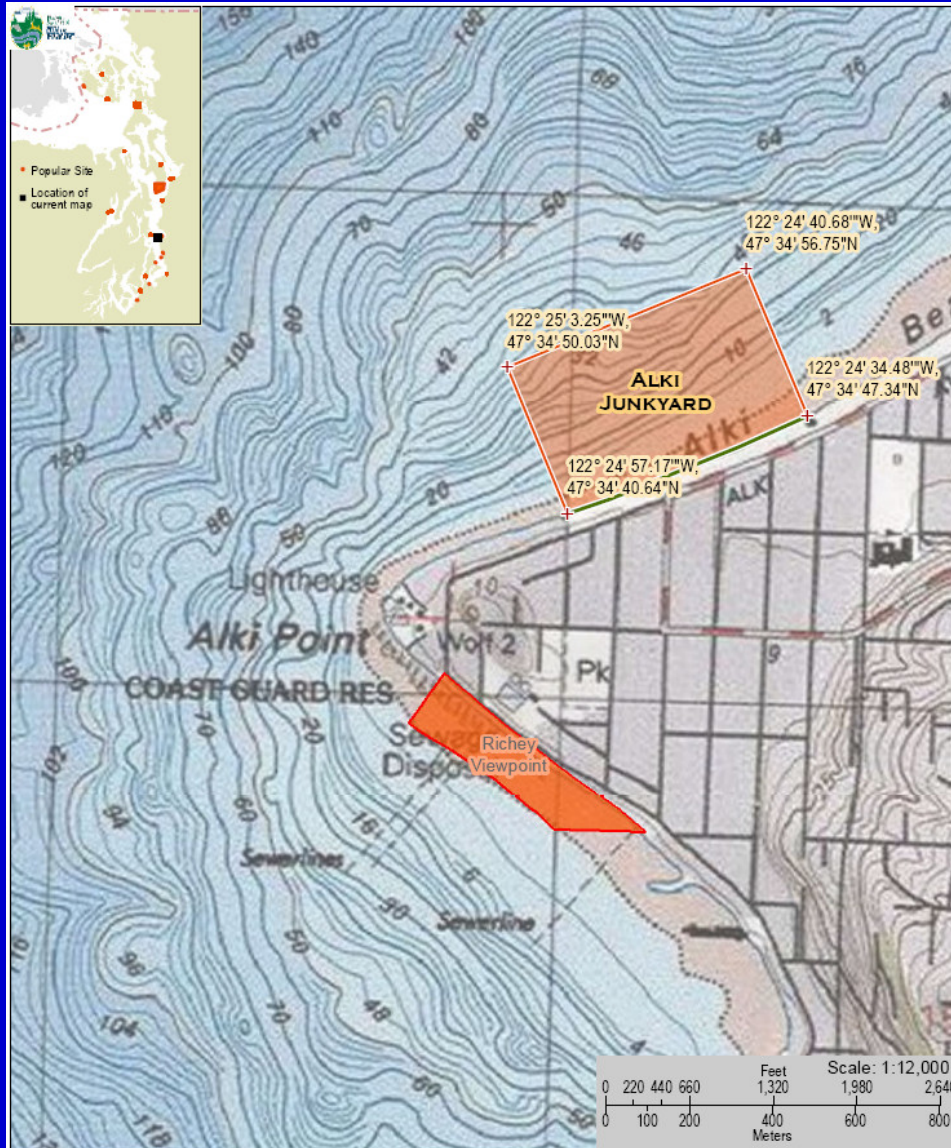
Three Tree Point



Les Davis



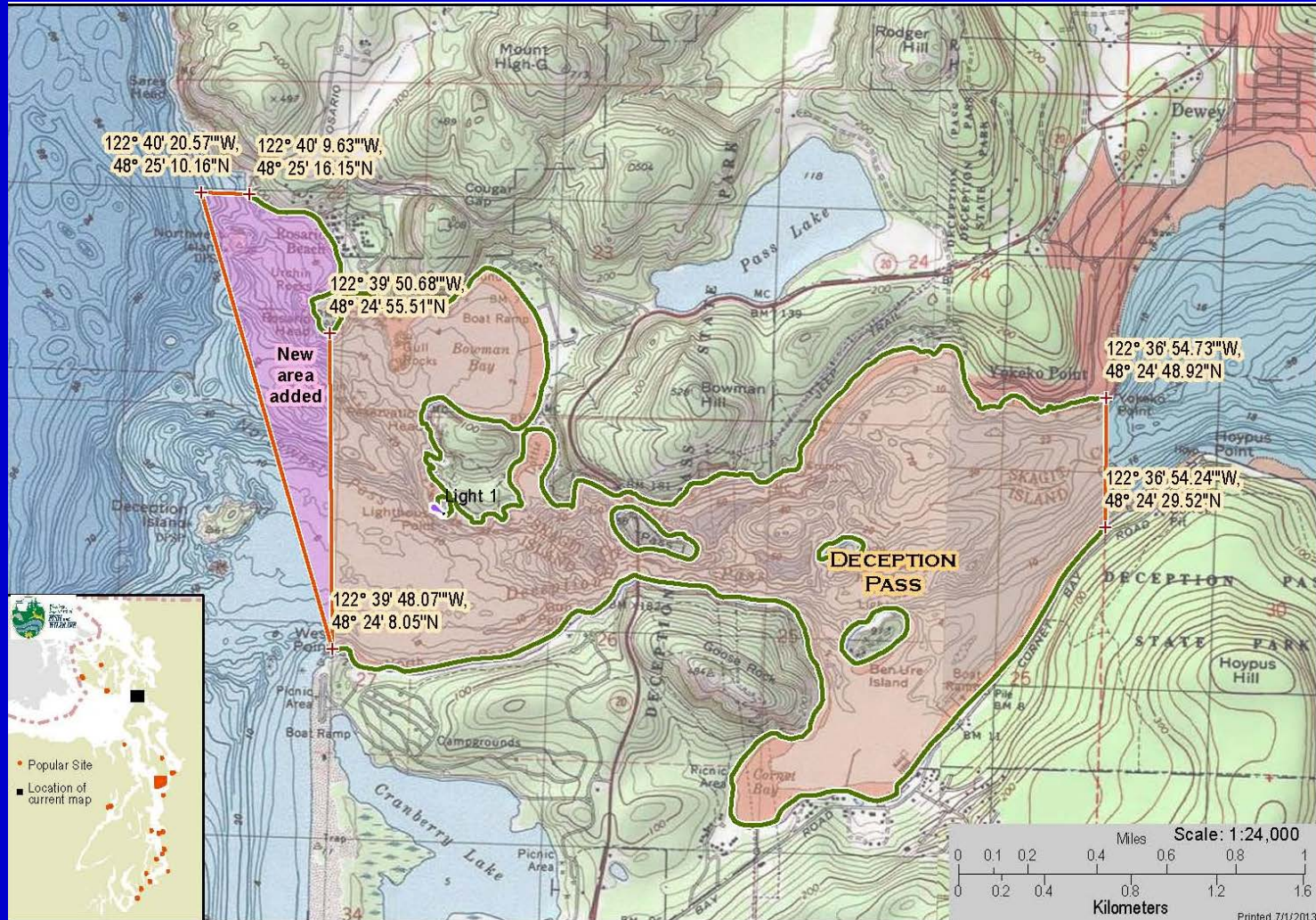
Alki Beach Junk Yard



Days Island



Deception Pass



Comments Received

Over 400 Comments received

Percentage of comments supporting option

Option A – 14%

Option B – 6%

Option C – 31%

Option D – 49%

Comments on Option A Status Quo

- Support
 - Yes, should be managed according to abundance and harvest levels
 - Consider outreach to dive community for voluntary protection
- Oppose
 - Some level of protection is needed, rules must be same for everyone
 - Needs additional protection for viewing opportunities

Comments on Option B

New Marine Preserve at Two Sites

- Support
 - Too little is known to allow a directed dive fishery
 - There is a lack of protection for the GPO and marine life
- Oppose
 - Resource appears to be in good shape
 - It is too broad and is not needed

Comments on Option C

New Marine Preserve at 7 Sites

- Support
 - Protection for octopuses is needed at popular dive sites
- Oppose
 - Many of the most popular shore dive sites are already no-take

Comments on Option D

Puget Sound Closure to Harvest of GPO

- Support
 - GPOs draw divers from outside our region providing dollars to economy
- Oppose
 - We already have a number of no take areas
 - No scientific basis for doing this

Questions



Photo by Janna Nichols



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

Preproposal Statement of Inquiry was filed as WSR 12-18-008 on 8/23/12
and WSR 13-06-063 on 3/5/13; or

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

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

Original Notice

Supplemental Notice to WSR 13-02-094

Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 220-56-235, Possession limits – Bottomfish;
WAC 220-56-310, Shellfish – Daily limits;
WAC 220-56-390, Squid, octopus;
WAC 220-20-100, General provisions – Marine protected areas; and
New sections in chapter 220-16 WAC, including 220-16-881 through 220-16-887.

Hearing location(s):

Natural Resources Building, Room 172
1111 Washington St., SE
Olympia, WA 98504

Date: June 7-8, 2013 Time: 8:30 a.m.

Submit written comments to:

Name: Lori Preuss, Rules Coordinator
Address: 600 Capitol Way N., Olympia, WA 98501-1091
e-mail Lori.Preuss@dfw.wa.gov
fax (360) 902-2155 by (date) May 31, 2013

Assistance for persons with disabilities: Contact

Tami Lininger by May 31, 2013

TTY (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after August 2, 2013

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal contains options for recreational octopus-harvest rules, including changing harvest seasons and/or locations; abolishing octopus harvest; creating new octopus-harvest rules; and making no changes to existing octopus rules. It also contains changes to WAC 220-56-235, Possession limits – Bottomfish, relating to cabezon, shark, lingcod, and rockfish.

The Washington Fish and Wildlife Commission held a public hearing on the cabezon rules in February 2013. However, the Commission delayed adopting the rules to allow additional public comment. Those rules, as well as rules for shark, lingcod and rockfish, were included in WSR 13-02-094. Notice of forthcoming changes to the octopus rules was filed as WSR 13-06-063.

Reasons supporting proposal: The Commission directed the department to consider changes to octopus harvest rules based on recommendations from the Giant Pacific Octopus Advisory Group. Changes to the harvest rules for octopus, cabezon, shark, lingcod, and rockfish are needed for species conservation and are based on department data, public feedback, and changes in fish and shellfish populations. The department makes similar adjustments annually to maximize conservation and recreational-fishing opportunity.

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

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION: Yes No

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **May 01, 2013**

TIME: **11:12 AM**

WSR 13-10-083

DATE

May 1, 2013

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Administrative Regulations Analyst

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.....	Charmane Ashbrook	1111 Washington Street, Olympia	(360) 902-2672
Implementation....	Jim Scott	1111 Washington Street, Olympia	(360) 902-2736
Enforcement.....	Bruce Bjork	1111 Washington Street, Olympia	(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.

The proposed rule amendments do not affect small business and do not directly regulate small business. The rules apply to recreational fishers.

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 affect hydraulics.

Option B

AMENDATORY SECTION (Amending Order 09-27, filed 2/25/09, effective 5/1/09)

WAC 220-20-100 General provisions--Marine protected areas.

(1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring and Yellow and Low Island Preserve is closed to the taking of food fish.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that

it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

(g) The Saltwater State Park Marine Preserve is closed to all recreational harvest.

(h) The Redondo Beach Marine Preserve is closed to all recreational harvest.

(i) The Alki Beach Seacrest Coves 1, 2, and 3 Marine Preserve is closed to all recreational harvest.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-20-100, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 07-16-056, § 220-20-100, filed

7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047.
07-05-051 (Order 07-22), § 220-20-100, filed 2/16/07, effective
3/19/07; 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05,
effective 5/8/05; 02-08-048 (Order 02-53), § 220-20-100, filed
3/29/02, effective 5/1/02.]

Option C

AMENDATORY SECTION (Amending Order 09-27, filed 2/25/09, effective 5/1/09)

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(g) The Saltwater State Park Marine Preserve is closed to all recreational harvest.

(h) The Redondo Beach Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(i) The Three Tree Point Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(j) The Alki Beach Seacrest Coves 1, 2, and 3 Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(k) The Les Davis Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(l) The Alki Beach Junk Yard Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(m) The Days Island Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

(n) The Deception Pass Marine Preserve is closed to all recreational harvest of giant Pacific octopus.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 220-20-100, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 07-16-056, § 220-20-100, filed 7/26/07, effective 8/26/07. Statutory Authority: RCW 77.12.047. 07-05-051 (Order 07-22), § 220-20-100, filed 2/16/07, effective 3/19/07; 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

Option D

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-56-310 Shellfish--Daily limits. It is unlawful for any one person to take (~~((in any one day for personal use))~~) more than the following quantities and sizes of shellfish for personal use in any one day:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams (~~((in the aggregate))~~) total, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance(~~(—)~~): Diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) In Willapa Bay(~~(—)~~): Diggers may additionally retain up to (~~((twenty four))~~) 24 cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 6 scallops.

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

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

(9) Shrimp:

(a) In Areas 1 ~~(-)~~ through 3 and Area 4 west of the Bonilla-Tatoosh line ~~(—)~~: Total weight ~~((10))~~ 25 pounds, maximum ~~((80))~~ 200 spot shrimp as part of the ~~((10))~~ 25-pound limit.

(b) In Area 4 east of the Bonilla-Tatoosh line and Areas 5 ~~(—)~~ through 13 ~~(—)~~: First Saturday in May through May 31, daily limit 80 shrimp ~~(-)~~; during all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.

(10) Octopus:

(a) Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line: 1 octopus.

(b) Marine Areas 4 east of the Bonilla-Tatoosh line, 5 through 13: Closed.

(11) Pinto abalone: Closed statewide.

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

(13) Squid other than Humboldt squid: 10 pounds or 5 quarts. In addition a person may retain up to 5 Humboldt squid per day.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crab ~~(s)~~:

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

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

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

(19) Red rock crab((s)): 6 crab((s)).

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

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

(24) Tanner crab((s)): 6 crab((s)).

[Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 220-56-310, filed 3/19/10, effective 5/1/10; 08-07-003, § 220-56-310, filed 3/5/08, effective 4/5/08; 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-310,

filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

Option D

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

WAC 220-56-390 Squid, octopus. (1) It is lawful to take, fish for or possess squid (~~(and octopus)~~) the entire year except closed year-round in Catch Record Card Area 12.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It is unlawful to take octopus in Marine Areas 4 east of the Bonilla-Tatoosh line through 13.

(4) It is unlawful to take octopus in Marine Areas 1, 2, 3 and 4 west of the Bonilla-Tatoosh line except by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

~~((+4))~~ (5) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. Possession of squid or octopus while using gear in violation of the provisions of this section is a rebuttable presumption that the squid or octopus

were taken with such gear. Possession of such squid or octopus is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty, unless the squid or octopus are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree--Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-390, filed 4/11/06, effective 5/12/06; 04-17-098 (Order 04-218), § 220-56-390, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-390, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-390, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-390, filed 3/31/93, effective 5/1/93; 83-07-043 (Order 83-16), § 220-56-390, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-390, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-390, filed 2/27/80, effective 4/1/80.]

NEW SECTION

WAC 220-16-881 Redondo Beach Marine Preserve. "Redondo Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°19'27.69"W, 47°20'55.64"N; then northwesterly to 122°19'30.77"W, 47°20'56.82"N; then to 122°19'33.84"W, 47°20'57.31"N; then northeasterly to 122°19'29.78"W, 47°21'02.32"N; then returning to shore at 122°19'25.27"W, 47°21'00.64"N.

[]

NEW SECTION

WAC 220-16-882 Three Tree Point Marine Preserve. "Three Tree Point Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'48.68"W, 47°27'06.46"N; then northwesterly to 122°22'58.06"W, 47°27'15.30"N; then northeasterly to 122°22'36.99"W, 47°27'25.51"N; then returning to shore at 122°22'27.63"W, 47°27'16.67"N.

[]

NEW SECTION

WAC 220-16-883 Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserve. "Alki Beach Seacrest Coves 1, 2 and 3 Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'~~38.7237.34~~"W, 47°35'~~13.5212.98~~"N; then northeasterly and offshore to 122°22'~~34.6033.61~~"W, 47°35'~~16.8510~~"N; then northwesterly to 122°~~22'48.6223'51.20~~"W, 47°35'~~27.5529.51~~"N; then returning to shore at 122°~~22'54.0223'54.31~~"W, 47°35'~~26.3528.81~~"N. The preserve does not include waters within 150 feet of the Seacrest Public Fishing Pier as demarcated at the surface with buoys and on the sea floor by a perimeter line.

[]

NEW SECTION

WAC 220-16-884 Les Davis Marine Preserve. "Les Davis Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°29'07.21"W, 47°17'05.15"N; the northeasterly to 122°29'0.97"W, 47°17'10.57"N; then southeasterly to 122°~~28'53.00~~31'05.91"W, 47°17'~~6.33~~06.91"N; then returning to shore at 122°~~28'58.77~~30'59.80"W, 47°17'~~1.07~~01.48"N.

[]

NEW SECTION

WAC 220-16-885 Alki Beach Junk Yard Marine Preserve. "Alki Beach Junk Yard Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°24'57.17"W, 47°34'40.64"N; then northwesterly to 122°25'03.25"W, 47°34'50.03"N; then northeasterly to 122°24'40.68"W, 47°34'56.75"N; then returning to shore at 122°24'34.48"W, 47°34'47.34"N.

[]

NEW SECTION

WAC 220-16-886 Days Island Marine Preserve. "Days Island Marine Preserve" is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°33'49.16"W, 47°14'07.49"N; then west to 122°34'01.41"W, 47°14'07.58"N; then north to 122°34'0.78"W, 47°14'~~38.3741.73~~"N; then returning to shore at 122°~~33'47.2234'40.74~~"W, 47°14'~~38.2141.73~~"N.

[]

NEW SECTION

WAC 220-16-887 Deception Pass Marine Preserve. "Deception Pass Marine Preserve" is defined as the waters, bed lands, and tidelands east of a line starting at 122°39'48.07"W, 48°24'08.05"N and north to 122°39'~~50.6840'20.57~~"W, 48°~~24'55.5125'10.16~~"N; then east to 122°40'09.63"W, 48°25'16.15"N proceeding to 122°39'50.68"W, ~~48°24'55.51~~"N and west of a line starting at 122°36'54.24"W, 48°24'29.52"N; and north to 122°36'54.73"W, 48°24'48.92"N.