

# **2017-2018 Sportfishing Regulation Proposals – (Decision)**

## **TABLE OF CONTENTS**

	<b>Page</b>
Summary Sheet.....	1 of 38
2017-2018 Sportfishing Regulation Proposals.....	3 of 38
CR-102 .....	19 of 38
WAC 220-20-011 Food fish and shellfish taken by another.....	21 of 38
WAC 220-12-010 Food fish—Classification.....	22 of 38
WAC 220-56-115 Angling gear—Lawful and unlawful acts .....	26 of 38
WAC 220-56-310 Shellfish—Daily limits.....	27 of 38
WAC 220-56-315 Personal use crab, shrimp, crawfish—Unlawful acts.....	28 of 38
WAC 220-56-317 Personal use shrimp pot gear requirements .....	29 of 38
WAC 220-56-320 Personal use shellfish gear—Unlawful acts .....	30 of 38
WAC 220-16-265 Geographical definitions.....	32 of 38
WAC 220-56-325 Shrimp—Areas and seasons .....	33 of 38
WAC 220-56-330 Crab—Areas and seasons—Personal use.....	33 of 38
WAC 220-56-335 Crab—Unlawful acts—Personal use .....	34 of 38
WAC 220-56-336 Crawfish, abalone, sea urchins, sea cucumbers, goose barnacles— Areas and seasons, personal use fishery .....	35 of 38
WAC 220-56-355 Clams, oysters, mussels—Unlawful acts .....	35 of 38
WAC 220-56-390 Squid, octopus .....	36 of 38



## Summary

---

<b>Meeting dates:</b>	December 9-10, 2016, Commission Meeting
<b>Agenda item:</b>	2017-2018 Sportfishing Regulation Proposals – Decision
<b>Presenter(s):</b>	Craig Burley, Fish Management Division Manager, Fish Program Rich Childers, Puget Sound Shellfish Manager, Fish Program Dayv Lowry Ph.D., Senior Research Scientist, Fish Program

---

### **Background summary:**

In April 2014 the Commission approved a three year rotating rule cycle where staff and public propose conservation and significant recreation rules that pertain to waters within the Columbia Basin the first year (2014), freshwaters of the Puget Sound and Coastal regions the second year (2015), and marine finfish, forage fish, and shellfish the third year (2016).

Department staff and public were asked to submit rule change proposals for marine finfish, forage fish, and shellfish from mid-March through the end of April for rules that would be effective starting July 2017. Of the 66 proposals submitted, 11 were moved forward for additional review.

Proposals were posted online from August through the end of October to receive written public comment. Public meetings were held in Mill Creek (Aug 29<sup>th</sup>), Port Townsend (Aug 30<sup>th</sup>) and Olympia (Aug 31<sup>st</sup>). A public hearing was held at the November 5 commission meeting.

---

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

Establish rules and regulations for the upcoming 2017-2018 sportfishing season(s) to ensure conservation of the fish and shellfish resource, and provide sustainable recreational fishing opportunities.

---

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

The public (including people who submitted proposals) and our advisory groups were notified about the proposal submittal and proposal comment periods by e-mail, press release, and our website. The proposal comment period additionally included regional public meetings. Directions were provided for those requesting a paper copy. The department website provided instructions, associated documents, a timeline, and the ability to submit and comment on proposals online. Public comment was also received at the November public hearing.

---

### **Action requested:**

Consideration for adoption of the 2017-2018 sportfishing changes as presented by staff.

---

### **Draft motion language:**

Move to adopt permanent amendments to;

- WAC 220-12-010 Foodfish-Classification;
  - WAC 220-20-011 Foodfish and shellfish taken by another;
  - WAC 220-56-115 Angling gear - Lawful and unlawful acts;
  - WAC 220-56-310 Shellfish – Daily limits;
  - WAC 220-56-312 Shellfish – Possession limits;
-

- WAC 220-56-315 Personal use crab, shrimp, crawfish – Unlawful acts;
  - WAC 220-56-317 Personal use shrimp pot gear requirements;
  - WAC 220-56-320 Personal use shellfish gear – Unlawful acts;
  - WAC 220-16-265 Geographical definitions – (Lopes Island shrimp fishing area);
  - WAC 220-56-325 Shrimp – Areas and seasons;
  - WAC 220-56-330 Crab – Areas and seasons – Personal use;
  - WAC 220-56-335 Crab – Unlawful acts – Personal use;
  - WAC 220-56-336 Crawfish, abalone, sea urchins, sea cucumbers, goose barnacles – Areas and seasons, personal use fishery;
  - WAC 220-56-340 General provisions – Clams, cockles mussels – Gear;
  - WAC 220-56-355 Clams, oysters, mussels – Unlawful acts;
  - WAC 220-56-385 Oysters – Unlawful acts;
  - WAC 220-56-390 Squid, octopus;
  - WAC 220-56-400 Abalone;
  - WAC 220-56-405 Sea urchins;
  - WAC 220-56-410 Sea cucumbers;
  - WAC 220-56-415 Goose barnacles;
- As presented by staff.

---

**Justification for Commission action:**

This action is justified under RCW 77.12.047.

---

**Communications Plan:**

The public (including people who submitted proposals) and our advisory groups were notified about the proposal submittal and proposal comment periods by e-mail, press release, and our website. The proposal comment period additionally included regional public meetings. Directions were provided for those requesting a paper copy. The department website provided instructions, associated documents, a timeline, and the ability to submit and comment on proposals online. Public comment was also received at the November Public Hearing.

---

*Form revised 12/5/12*

# 2017-2018 Sportfishing Regulation Proposals – (Rule Adoption)



December 9, 2016

# TABLE OF CONTENTS

# 1.	Technical changes .....	2
# 2.	Possession of another's food fish or shellfish limit .....	3
# 3.	Define a unit of gear for crab, crawfish, and shrimp .....	4
# 4.	Require buoy of unattended shellfish gear to be marked with the first and last name and permanent mailing address of the person operating the gear .....	5
# 5.	Tanner crab minimum size in Puget Sound .....	7
# 6.	Shrimp pot mesh size.....	8
# 7.	Allow squid harvest in Hood Canal.....	9
# 8.	Restrict heating of oyster shells .....	10
# 9.	Remove bonus limits for eastern softshell clams in Skagit Bay, and for cockles in Willapa Bay .....	12
# 10.	Require descending devices in Puget Sound for bottomfish and halibut.....	13
# 11.	Classify Opah, Swordfish, Striped Marlin, and Dolphinfish as food fish .....	15

# # 1. Technical changes

**Type of Rule Change Proposal**  
Conservation

## Short Description

Corrects Washington Administrative Code language to reflect rule adoptions made by the Commission (technical changes). Formats the language in a clear structure, removes redundant language, etc.

## Explanation

This proposal is a technical fix to provide clearer language reflective of Commission intent, and to streamline the information by reducing redundant presentation of the language in multiple WACs. See Table

Number	Issue	Details
1	Disposition of oyster shells.	<b>Remove redundant language: Language requiring the need to shuck oysters and return shells to the beach can currently be found in two shellfish WACs (220-56-310 and 220-56-385). Proposal removes reference to the need to shuck oysters in WAC 220-56-310.</b>
2	Daily shellfish limits.	<b>Fold language from WAC 220-56-312 into WAC 220-56-310.</b> Shellfish possession and daily limits are found in these two separate WACs; combining them streamlines the information.
3	Consolidating season descriptions.	<b>Combine WACs 220-56-405, 220-56-410, 220-56-400, 220-56-336, 220-56-415 into WAC 220-56-336.</b> Currently abalone, crayfish, sea urchins, sea cucumbers, and goose barnacles each have their own WAC describing seasons; combining this information into a single WAC reduces redundancy and simplifies rules.
4	Defining shellfish "possession limit".	<b>Amend WAC 220-56-312 (shellfish possession limits) to align with WAC 220-56-100, thus applying only one shellfish daily limit in fresh form while in the field or in transit.</b> This provides a consistent definition of "possession limit".
5	Recreational shrimp fisheries by emergency rule only.	<b>Modify rules for recreational shrimp fishing in Puget Sound to close fishing except when opened by emergency rule.</b> Management is based on abundance and in-season management; there can be significant changes year to year due to tides, quota changes, and catch overages the previous year.
6	Describing bivalve rules.	<b>Combine three bivalve WACs into one.</b> Merging WACs 220-56-340 and 220-56-385 into 220-56-355 consolidates information on unlawful bivalve acts, making it more efficient to find this information.
7	"Due West" vs "True West".	<b>Replace "due west" with "true west" in WAC 220-56-330.</b> Enforcement has communicated "true west" is more enforceable than "due west" for technical reasons.
8	Marine Area descriptions for shrimp subareas.	<b>Add descriptions of the three Marine Area 7 shrimp subareas: Marine Areas 7 East, 7 South and 7 West, into WAC 220-56-325.</b> The three subareas have significantly different quotas and seasons. Previously, we have described the subareas by emergency rule.
9	Updating taxonomy.	<b>Updated taxonomy in WAC 220-12-210: (1)</b> "skates" will be referred to by their entire order (Rajiformes) to include intended families recently redefined (Rajidae and Arhynchobatidae); <b>(2)</b> sharks will be referred to by their superorder Selachimorpha, to be inclusive of all species as intended; <b>(3)</b> updates and corrections to several scientific names.

## Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

## Public Hearing (0 comments)

## Modificaitons:

None

## Staff Recommendation:

Adopt as presented

## # 2. Possession of another's food fish or shellfish limit

### Type of Rule Change Proposal

Recreational

### Short Description

This rule proposal would make it unlawful to possess food fish or shellfish taken during the open season by another while in the field or in transit unless it is accompanied by a statement which shows the name, address, fishing or other license or permit number and signature of the taker, the date, and county or Marine Area where taken.

### Explanation

This rule will provide the ability to track food fish and shellfish recreationally harvested and possessed by another while in the field or in transit.

### Written Testimony (4 comments)

Support (0): No Comments

Oppose (3): Comment includes:

- I do not support this change. This is more for us to do and a complete waste of time.
- I'm not in favor of rule proposal #3. Making it unlawful to possess food fish or shellfish taken during the open season by another while in the field or in transit unless it is accompanied by a written statement just adds an extra step to complicate our lives. Those who are fishing without a license are likely to get around this anyway, by keeping a written statement at hand.
- This is extremely unpractical and I'd be surprised if it is constitutional. I suppose you've thought this through, but if I take my extended family fishing, legally harvest fish or shellfish, dock my boat, and then gift some of my catch to my unlicensed mother who takes it home, it seems unlikely that the state can (a) legally pull my mother over as she drives home (for no other reason than because they suspect she has fish that I harvested); (b) force my mother to disclose where she obtained her fish; and (c) confiscate fish that I gifted to her at the marina. Even if you can do (a)-(c), this rule is going to lead to thousands upon thousands of unintended and uncorrected violations every year. Is that the kind of reg we want or need? Is this really a serious problem for WDFW, or at least serious enough to justify the enforcement headache that this will present?

General (1): Comment include:

- No change enforcement is already busy making a tv show busting people for parking violations

### . Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented



## # 3. Define a unit of gear for crab, crawfish, and shrimp

### Type of Rule Change Proposal

Recreational

### Short Description

Clarifies regulations regarding the definition of a unit of gear when fishing for crab, crawfish, and shrimp to include the use of angling gear or a castable device.

### Explanation

Currently the definition of a unit of gear when fishing for crab, shrimp and crawfish means one ring net or one shellfish pot. A number of alternative gear types exist on the market for harvesting these species including the use of a fishing pole and casting a trap or tangle type device. This proposed regulation change will clarify that these types of devices for catching crab, shrimp and crawfish count as one unit of gear.

### Written Testimony (3 comments)

Support (2): Comment includes:

- The proposed rule, if implemented, would remove potential incidents/confrontations amongst fishers (or between fishers and enforcement officers) where a fisher might be accused of illegal "two-poling", when in fact the fisher is legally fishing with 1-2 rods for shellfish and plus one other rod for fish.
- I'm in favor of proposal #4; it basically just updates the definition of a unit of gear to keep up with the times.

Oppose (0): No Comments

General (1): Comment include:

- The number of pots that "trap" crab should still be limited to 2 pots per fisher, but two additional devices like rings should be allowed because the crab can freely move off the trap. This would give the fisher an opportunity to have more ability to cover more area when searching for crab in a body of water they are less familiar with. I fished the entire season (2016) including the extra days in Hood Canal in January and February and was not ever checked by the Enforcement Officers. My point is that no matter how many devices we are allowed, it is on the fishers honesty, the so called "Honor System" that determines how many crabs are retained, not enforcement by the under staffed WDF&W officers.

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented

## # 4. Require buoy of unattended shellfish gear to be marked with the first and last name and permanent mailing address of the person operating the gear

### Type of Rule Change Proposal

Conservation

### Short Description

Unattended shellfish gear must be marked with a buoy that lists the first and last name and permanent mailing address of the person operating the gear.

### Explanation

This rule change clarifies the description and definition of who is legally allowed to operate and tend shellfish gear and enhances the ability to enforce shellfish gear regulations.

### Written Testimony (8 comments)

Support (2): Comment includes:

- agree because my gear is marked per the requirement
- Makes sense

Oppose (4): Comment includes:

- I'm not in favor of this rule. I don't want other fishermen to be able to follow me to my buoy and find out exactly where I live and show up at my front door. I would prefer to write my name and phone number on the buoy.
- I have a large family and we share our crab and shrimp pots, including the bouys. Since we only have enough gear for ONE of us to fish at a time, we list our last name and address on our bouys. Forcing each family to buy full sets of bouys seems extravagant and unnecessary. I understand the problem for enforcement but I also don't think that WDFW agents ever stop and take names off of bouy sets in order to enforce the limits on number of pots. Even if they did, a last name and address should be sufficient for enforcement. If you can't produce enough licenses on a boat for the last name on the bouys, you get written up, period.
- Gear marked with a buoy that lists the first and last name and permanent mailing address of the person operating the gear does not provide the description and definition of who is legally allowed to operate and tend shellfish gear. It seems the only true description and definition of who is legally allowed to operate and tend shellfish gear is the fishing or other license or permit number issued to that person through WDFW. So why not included the fishing or other license or permit number be added to the marking of the buoy which would enhances the ability to enforce shellfish gear regulations.
- I disagree with this proposal. Over the years people share pots with family members and friends. There is plenty of room on the Buoy two write 2 or 3 names. I would allow (3) names on the pot and as long as one of those people are on board the boat while the pot is being pulled it should be legal. Thank you

General (2): Comment include:

- Why? We have a system now that works. If they don't include their phone number and the pot is found to bad. WDFW does not enforce anything for crab pots now. People steal them, take crab from pots that are not theirs so why change? Write tickets and start enforcing the rules we have.

The rules need to clarify a minimum age that a person should be to obtain a crab catch record card. I have my grand-children poses a CRC when they are 8 years old. The rules also need to clarify assisting retrieving a pot. I use an electric puller and assist my grand-children in lifting the pot into the boat. With today's pot sizes, sometimes these pot weight 60-80 pounds.

**Public Hearing (0 comments)**

**Modificaitons:**

None

**Staff Recommendation:**

Based on public comment received, do not adopt.

## # 5. Tanner crab minimum size in Puget Sound

### Type of Rule Change Proposal

Recreational

### Short Description

This change is intended to implement a 4 1/2 inch minimum size limit for any Tanner crabs that are retained during an open personal use crab fishery.

### Explanation

This rule will protect Tanner crab in Puget Sound by allowing the majority of females and over 50 percent of the males to spawn prior to harvest.

### Written Testimony (2 comments)

Support (2): Comment includes:

- I support the proposal. I have a suggestion for WDFW. Consider allowing larger volume top loader pots for tanner crab as they do in Alaska recreational fishery.
- Sounds good

Oppose (0): No Comments

General (0): No Comments

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented

## # 6. Shrimp pot mesh size

### Type of Rule Change Proposal

Recreational

### Short Description

Allow 1/2 inch mesh size for shrimp pots inside 20 fathoms year round in Marine Areas 1-3 and Marine Area 4 west of the Bonilla-Tatoosh Line. This proposal would allow opportunity to harvest coonstripe shrimp and require the release of spot shrimp.

### Explanation

The change in mesh size as proposed here, inside 20 fathoms in coastal waters only, should provide sport fishers added opportunity.

### Written Testimony (1 comments)

Support (1): Comment includes:

- Good change

Oppose (0): No Comments

General (0): No Comments

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented

## # 7. Allow squid harvest in Hood Canal

### Type of Rule Change Proposal

Recreational

### Short Description

Allow squid harvest year round, including Humboldt squid in Hood Canal.

### Explanation

In 2004 the Department closed fishing for a number of species in Hood Canal due to low dissolved oxygen (DO) levels. This widespread closure included squid and was intended to address conservation concerns associated with the impacts low DO was having on some marine species. A 2004 study on market squid population abundance, production, and distribution in California highlighted the role of environmental forcing on the population dynamics of this resource (Reis et al. 2004). In this study El Niño and resulting warming water temperatures were found to negatively impact the abundance of adult squid and the production of offspring. The decline in squid abundance was attributed to behavioral responses to environmental conditions effecting presence in the nearshore. Squid are migratory and capable of occupying various levels in the water column and therefore have the ability to move from an area if desirable conditions are not encountered. In addition, being that environmental conditions can affect offspring production, a concern from low DO concentrations would be on the viability of any deposited squid egg masses. Market squid are capable of spawning multiple times and have a short lifespan of roughly a year. As a result, populations tend to fluctuate, which can allow for recovery from years of low production (Reis et al. 2004). Therefore, Department staff recommends moving forward with this proposal for further public comment.

### Written Testimony (2 comments)

Support (1): Comment includes:

- Good opportunity.

Oppose (1): Comment includes:

- I would not allow harvest of squid in the Hood Canal. Squid are eaten by salmon and our salmon are having a hard time finding food. We should be protecting any food that our salmon eat.

General (0): No Comments

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented

## # 8. Restrict heating of oyster shells

### Type of Rule Change Proposal

Conservation

### Short Description

Restrict harvesters from cooking oysters in the shell and/or opening oysters through the addition of heat.

### Explanation

There is a growing number of people that are interested in cooking oysters in the shell on the beach after harvesting. Oyster shells often have young oysters attached on the outside of the shell that produce future oysters for harvest. Heating the shells kills the young oysters and reduces the amount of oysters available for harvest in future years.

### Written Testimony (9 comments)

Support (1): Comment includes:

- I support this change.

Oppose (2): Comment includes:

- I am against this proposal. For over 50 years our family has cooked oysters in the shell at family get together's and beach picnics..There is no shortage of oysters and I don't believe this proposal is necessary. It seems as though your looking for another trivial law to harass and site people.
- I'm not in favor of proposal #9, to restrict heating of oyster shells. To reduce the risk of illness from vibrio, oysters that are harvested should be cooked before eating. If they are not cooked in the shell on the beach, they will likely be taken home in the shell and cooked; either way the young oysters that are living on the shell will likely not survive. If oyster species are threatened or endangered, then they should be protected by limiting the allowable amount of harvest and the length of the open season. But as long as it's open to harvest, I feel we should have the freedom to cook them on the beach.

General (6): Comment includes:

- There needs to be an exception for those that own the shellfish on their own beach. We own the tide lands and bbq oysters on a normal basis. We also take care of those same tidelands. We can sell the oysters if we wish and remove the shells. What would be the difference. Bbq oysters from the beach has been something we have done for 40 years as they r our oysters and our beach is as healthy as they get because we take care of it. More regulation on private property is not going to help our oyster beds.
- What?? I thought all oysters had to be shucked on the beach for that very reason. If that is not the case, it should be. Suggest you rewrite the proposal to that end.
- Only when tribal and nontribal commercial fishermen do not take oysters off of the beach
- I was under the impression that you were required to shuck the oyster at the same time and area it is being harvested? I personally do not understand the rule as it is widely known that oysters are mostly unable to reproduce in the wild due to the higher salinity in the ocean. Most oyster company's source and purchase oyster seed from distributors. The pacific oyster is not native anyways so what is the point? All of the oysters that are located in our area (excluding olympia's) are farmed and planted. This rule requiring shucking at the harvest site should be done away with.
- Wow really I could take them home but can't eat them at the beach!! Seriously just raise oysters with the money the sportsman in this state spend, so basically get my dollars out of the general fund
- The number of people cooking oysters on the beach is low enough that the effects on the population are near zero. The effects on recruitment of heating your 15 shells makes little difference even to the localized population. This practice allows the public the opportunity to prepare oysters in a traditional manner if they are willing to put the work in to transport their cooking devices. If this is outlawed, the only people that will be able to prepare oysters in a traditional manner are those that own private

tidelands. Yet another loss for the public and a further bifurcation of common public benefits vs private benefits. This sounds like enforcement making an issue of a non-issue.

**Public Hearing (0 comments)**

**Modificaitons:**

None

**Staff Recommendation:**

Based on public comment received, do not adopt.



## # 9. Remove bonus limits for eastern softshell clams in Skagit Bay, and for cockles in Willapa Bay

### Type of Rule Change Proposal

Recreational

### Short Description

Remove bonus limits for eastern softshell clams in Skagit Bay, and for cockles in Willapa Bay.

### Explanation

Current populations no longer warrant continued bonus limit for cockles in Willapa Bay and for Eastern softshell clams in Skagit Bay. At both locations, continued advertisement of bonus limits provides false opportunity.

### Written Testimony (1 comments)

Support (1): Comment includes:

- Good policy

Oppose (0): No Comments

General (0): No Comments

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented

## # 10. Require descending devices in Puget Sound for bottomfish and halibut

### Type of Rule Change Proposal

Conservation

### Short Description

Require a descending device be onboard the fishing vessel and rigged for deployment when fishing for bottomfish or halibut in waters east of the Bonilla-Tatoosh Line.

### Explanation

Washington is home to many species of rockfish (family Sebastidae). Populations of some species are healthy but others, such as yelloweye, canary and bocaccio, are suffering and have been listed under the Endangered Species Act (canary and yelloweye as Threatened, bocaccio as Endangered). Within Puget Sound, WDFW has implemented recreational depth and area restrictions, and closed commercial fisheries that target rockfish or have a high potential to encounter them as bycatch. Barotrauma is physical damage to body tissues caused by changes in air pressure and affects rockfish caught in deep water and brought to the surface. Rapid ascent through the water column expands the gases in the swim bladder. Fish that are caught then released with inflated swim bladders cannot descend through the water column and typically float around until they die or are consumed by predators/scavengers. Rockfish conservation can be improved by employing a decompression or descending device. Survival from injuries caused by barotrauma can be greatly improved by returning rockfish to the depth of capture before release. More information regarding the use of descending devices can be found at <http://wdfw.wa.gov/fishing/bottomfish/rockfish/mortality.html>.

### Written Testimony (8 comments)

Support (5): Comment includes:

- The goal of this proposal is one I have supported and I will continue to do so. However, I am not convinced that requiring all boats involved in bottom fishing anywhere in Puget Sound is an appropriate tool for several reasons. Per the linked WDFW webpage the issue of barotrauma starts at depths of 60 feet of water (FOW). The effects of barotrauma increase with depth beyond 60 FOW. Therefore, the proposed rule will impose a requirement for a descender device to be aboard and ready for use even if bottom fishing is occurring in less than 60 FOW. So what's the problem? Lots of folks fish from small rowboats in waters less than 60 FOW for bottom fish such as sole and perch and especially young fishers for whom that nearshore fishery is their first solo outing. Is it reasonable and appropriate to require a descender device be on board and ready for use under those circumstances? Are we going to unnecessarily be setting up those fishers for an unfortunate law enforcement officer experience?
- Good tool to have in the boat. But another expense for recreational fishermen
- I support the requirement for a descending device onboard while fishing for halibut and bottomfish in Puget Sound east of the Bonilla-Tatoosh line.
- Yes this rule is fine. The recreational fisherman will pay the price of WDFW allowing over fishing by commercial bottom draggers. WDFW allowed them into Puget Sound and destroyed that fishery, and now the straights, next the ocean. We pay the price. Nice job!
- I'm in favor of adopting this rule, so long as it remains okay to make your own descending device using inexpensive materials. I've read about the techniques used to descend fish to the depth caught, and this is a simple step that will help to ensure longevity of endangered and threatened species of fish, and allow continued fishing for other bottomfish.

Oppose (1): Comment includes:

- I recommend that this proposal be suspended pending concurrent review and comments of NOAA's recently released draft Rockfish Recovery Plan in Puget Sound. I do support applying the descender

device requirement for all WA salt water fisheries deeper than 120 feet with the caveat that there be a quid pro quo of increased deep water fisheries opportunity.

General (2): Comment include:

- As written here this proposal is too vague. What is meant by a descending device? It gives too much discretion to enforcement officers.
- Well here we go again, enforce the current rules. Charters call these floaters and don't send them down now they leave them up top for the birds so why change something that is not enforced. Waste of time and money. Enforcement is the answer not more rules that will get broken and never enforced.

**Public Hearing (0 comments)**

**Modificaitons:**

None

**Staff Recommendation:**

Adopt as presented

## # 11. Classify Opah, Swordfish, Striped Marlin, and Dolphinfish as food fish

### Type of Rule Change Proposal

Recreational

### Short Description

Classify *Lampris guttatus* (opah), *Xiphias gladius* (swordfish), *Kajikia audax* (striped marlin), and *Coryphaena hippurus* (dolphinfish) as "food fish".

### Explanation

These species are currently "unclassified", and thus not permitted to retain. These highly migratory species may be caught incidentally during other fisheries and allowing retention is not a conservation concern. Classifying them as a food fish, and allowing a daily catch limit of two per angler, will allow for retention while not promoting a target fishery for the species.

### Written Testimony (3 comments)

Support (3): Comment includes:

- I totally agree with the proposal. The ability to possess 2 fish will have no biological impact on these pelagic fish because so few will be caught. The important issue is to prevent a directed Commercial Fishery on these species.
- Good policy.
- I'm in favor of classifying Opah, Swordfish, Striped Marlin, and Dolphinfish as food fish so they can be retained if caught.

Oppose (0): No Comments

General (0): No Comments

### Public Hearing (0 comments)

### Modificaitons:

None

### Staff Recommendation:

Adopt as presented



# 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 16-06-076 on February 26, 2016 ; 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 \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

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

The department must amend recreational fishing rules to meet conservation objectives and provide fishing opportunities within those conservation objectives. The department is considering changes to the recreational fishing rules in saltwater areas of Washington State. The department may consider additional recreational fishing rule changes if necessary.

**Hearing location(s):**  
 Fish and Wildlife Commission Meeting  
 Natural Resources Building, Room 172  
 1111 Washington St., SE  
 Olympia, WA 98501

Date: November 4-5 Time: 8:00 am

**Date of intended adoption:** On or after November 4, 2016  
 (Note: This is **NOT** the effective date)

**Submit written comments to:**  
 Name: Scott Bird WDFW Rules Coordinator  
 Address: 600 Capitol Way N  
 Olympia, WA 98501-1091  
 e-mail Rules.Coordinator@dfw.wa.gov  
 fax (360)902-2155 \_\_\_\_\_ by (date) October 28, 2016

**Assistance for persons with disabilities:** Contact  
Dolores Noyes by October 28, 2016  
 TTY (360)902-2207 or (360) 902-2349

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department makes adjustments to recreational fishing rules annually to maximize conservation and recreational-fishing opportunity. This proposal includes changes to marine recreational fishing regulations, focusing on the Puget Sound and Coast. The department also proposes technical changes to clarify, correct, and update language as part of this rule making. This proposal will create WAC 220-20-011: "Food fish and shellfish taken by another. It is unlawful to possess food fish or shellfish taken during the open season by another fisher unless it is accompanied by a statement which shows the name, address, fishing license or document number and signature of the taker, and the date, county or Marine Area where taken."

This proposal will delete the following WACs, as they become redundant: 220-56-312, 220-56-400, 220-56-405, 220-56-410, 220-56-415, 220-56-340 and 220-56-385.

Edits are made to the following WACs: 220-12-010; 220-16-265; 220-56-115; 220-56-310; 220-56-315; 220-56-317; 220-56-320; 220-56-325; 220-56-330; 220-56-335; 220-56-336; 220-56-355; 220-56-390

**Reasons supporting proposal:** The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data and public feedback. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

**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:

**DATE** September 21, 2016

**NAME** (type or print)  
Scott Bird

**SIGNATURE** *Scott Bird*

**TITLE** Rules Coordinator

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** September 19, 2016

**TIME:** 10:01 AM

**WSR 16-19-059**

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

None

**Name of proponent:** (person or organization)

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Valerie Tribble	600 Capital Way N Olympia, WA 98501-1091	(360)902-2339
Implementation.... Valerie Tribble	600 Capital Way N Olympia, WA 98501-1091	(360)902-2339
Enforcement..... Chief Chris Anderson	600 Capital Way N Olympia, WA 98501-1091	(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. There is no evidence that these rule changes will have any impact on small business

**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: No hydraulics are involved in these rule changes.

NEW SECTION

**WAC 220-20-011 Food fish and shellfish taken by another.** It is unlawful to possess food fish or shellfish taken during the open season by another fisher unless it is accompanied by a statement which shows the name, address, fishing license or document number and signature of the taker, and the date, county or marine area where taken.

**WAC 220-12-010 Food fish—Classification.** The following species are classified as food fish under RCW 77.12.047 and are subject to the provisions of this title:

**Barracuda**

Pacific barracuda *Sphyaena argentea*

**Cyprinids**

Carp *Cyprinus carpio*

**Cods and hake**

Pacific hake or whiting *Merluccius productus*

Walleye pollock (~~*Theragra chalcogrammus*~~)  
*Gadus chalcogrammus*

Pacific Tomcod *Microgadus proximus*

Pacific Cod or true cod (~~*Gadus macrocephalus*~~)  
*Gadus macrocephalus*

**Flounder, sole and halibut**

Butter sole or Bellingham sole *Isopsetta isolepis*

C-O sole *Pleuronichtys coenosus*

Dover sole *Microstomus pacificus*

English sole *Parophrys vetulus*

Flathead sole *Hippoglossoides elassodon*

Pacific halibut *Hippoglossus stenolepis*

Petrale sole *Eopsetta jordani*

Rex sole *Glyptocephalus zachirus*

Northern rock sole *Lepidopsetta polyxystra*

Southern rock sole *Lepidopsetta bilineata*

Pacific sand dab *Citharichthys sordidus*

Sand sole *Psettichthys melanostictus*

Slender sole *Lyopsetta exilis*

Speckled sand dab *Citharichthys stigmaeus*

Starry flounder *Platichthys stellatus*

Turbot or Arrowtooth flounder *Atheresthes stomias*

All other species of sole and flounder (Pleuronectiformes)

Giant wrymouth *Delolepis gigantea*

**Greenling**

Lingcod *Ophiodon elongatus*

Rock greenling *Hexagrammos superciliosus*

Kelp greenling *Hexagrammos decagrammus*

All other species of greenling (Hexagrammidae)

**Herring and herring-like fishes**

Northern anchovy *Engraulis mordax*

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



Pacific herring	<i>Clupea</i> ( <del><i>harengus pallasii</i></del> ) <i>pallasii</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>
<b>Mackerels, tunas and jacks (carangids)</b>	
Pacific bonito	<i>Sarda chiliensis</i>
Pacific mackerel	<i>Scomber japonicus</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Monterey Spanish mackerel	<i>Scomberomorus concolor</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>
Yellowtail	<i>Seriola dorsalis</i>
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Skipjack tuna	<i>Euthynnus pelamis</i>
Yellowfin tuna	<i>Thunnus albacares</i>
All other species of tunas and mackerels	(Scombridae)
Pacific pomfret	<i>Brama japonica</i>
Pacific pompano	<i>Peprilus simillimus</i>
Plainfin midshipman	<i>Parichthys notatus</i>
Ratfish	<i>Hydrolagus colliei</i>
Rattails, all species	(Coryphaenoididae)
<b>Skates</b>	
Longnose skate	<i>Raja rhina</i>
Big skate	<i>Raja binoculata</i>
All other species of skates	( <del>(Rajidae))</del> ( <u>Rajiformes</u> )
<b>Rockfish</b>	
Bocaccio	<i>Sebastes paucispinis</i>
Black rockfish	<i>Sebastes melanops</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Copper rockfish	<i>Sebastes caurinus</i>
Greenstriped rockfish	<i>Sebastes elongatus</i>
Canary rockfish	<i>Sebastes pinniger</i>
Pacific Ocean perch	<i>Sebastes alutus</i>
Yelloweye or rasphead rockfish	<i>Sebastes ruberrimus</i>
Rosefish or splitnose rockfish	<i>Sebastes diploproa</i> <i>Sebastes brevispinis</i>
Silvergray rockfish	<i>Sebastes maliger</i>
Quillback rockfish	<i>Sebastes flavidus</i>
Yellowtail rockfish	(Scorpaenidae)
All other species of rockfish	
Sablefish	<i>Anoplopoma fimbria</i>
<b>Salmon</b>	
Chinook or King salmon (except in its landlocked form as defined in WAC 232-12-018)	<i>Oncorhynchus tshawytscha</i>
Chum or dog salmon	<i>Oncorhynchus keta</i>

Pink or humpback	<i>Oncorhynchus gorbuscha</i>
Coho or silver (except in its landlocked form as defined in WAC 232-12-018)	<i>Oncorhynchus kisutch</i>
Sockeye or blue back	<i>Oncorhynchus nerka</i>
Masu	<i>Oncorhynchus masu</i>
Atlantic salmon (except in its landlocked form)	<i>Salmo salar</i>
<b>Sculpins</b>	
Brown Irish lord	<i>Hemilepidotus spinosus</i>
Buffalo sculpin	<i>Enophrys bison</i>
Cabezon	<i>Scorpaenichthys marmoratus</i>
Great sculpin	<i>Myoxocephalus polyacanthocephalus</i>
Pacific Staghorn sculpin	<i>Leptocottus armatus</i>
Red Irish lord	<i>Hemilepidotus hemilepidotus</i>
<b>Seabass and drums</b>	
White seabass	<i>Cynoscion nobilis</i>
All other seabass and drums	(Sciaenidae and Serranidae)
<b>Sharks</b>	
Sixgill shark	<i>Hexanchus griseus</i>
Soufjin <u>or tope</u> shark	<i>Galeorhinus ((<del>zyopterus</del>)) galeus</i>
Dogfish or spiny dogfish	<i>Squalus ((<del>aenanthias</del>)) suckleyi</i>
All other species of sharks	(( <del>(Squaliformes and Hexanchiformes))</del> (Selachimorpha))
<b>Smelts</b>	
Eulachon or Columbia River smelt	<i>Thaleichthys pacificus</i>
Longfin smelt	<i>Spirinchus ((<del>dilatatus</del>)) thaleichthys</i>
Surf smelt	<i>Hypomesus pretiosus</i>
All other species of smelt	(Osmeridae)
<b>Sturgeons</b>	
Green sturgeon	<i>Acipenser medirostris</i>
White sturgeon	<i>Acipenser transmontanus</i>
<b>Surfperches</b>	
Blue perch or striped seaperch	<i>Embiotoca lateralis</i>
Kelp perch	<i>Brachyistius frenatus</i>
Redtail surfperch	<i>Amphistichus rhodoterus</i>
Shiner perch	<i>Cymatogaster aggregata</i>
Pile perch	<i>Rhacochilus vacca</i>
Walleye surfperch	<i>Hyperprosopon argenteum</i>
White seaperch	<i>Phanerodon furcatus</i>
All other species of perch	(Embiotocidae)
Wolf-eel	<i>Anarrhichthys ocellatus</i>
<b>Hagfishes</b>	
Pacific hagfish	<i>Eptatretus stouti</i>

Black hagfish

*Eptatretus deani*

**WAC 220-56-115 Angling gear—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and 220-310-175 through 220-310-200.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, (~~12~~) and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel, except:

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) In Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13: It is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture.

(6) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

~~((6))~~ (7) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or 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 WSR 13-19-007, filed 9/5/13, effective 10/6/13)

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form. It is unlawful for any one person to take more than the following quantities and sizes of shellfish for personal use in any one day:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams 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 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 25 pounds, maximum 200 spot shrimp as part of the 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) Pinto abalone: Closed statewide.

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

(12) Sea cucumbers: 25 sea cucumbers.

(13) Red sea urchins: 18 sea urchins.

(14) Purple sea urchins: 18 sea urchins.

(15) Green sea urchins: 36 sea urchins.

(16) Dungeness crab:

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

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

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

(17) Red rock crab: 6 crab.

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

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

(20) Ghost and mud shrimp: 10 dozen.

(21) King and box crab: Closed statewide.

(22) Tanner crab: 6 crab.

AMENDATORY SECTION (Amending WSR 14-01-056, filed 12/12/13, effective 1/12/14)

**WAC 220-56-315 Personal use crab, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crab, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, or any hand-operated instrument that will not penetrate the shell. A 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 2 units of gear per person at any one time, unless otherwise provided in this subsection. A unit of gear is defined as a hand dip net, shellfish pot, ring net or any other instrument used to capture crab, shrimp, or crawfish. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

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

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

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

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

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.382, 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, unless the person first obtains a permit issued by the director, authorizing that activity. A

violation is punishable under RCW 77.15.180, Unlawful interference with fishing or hunting gear—Penalty. It is unlawful to fail to comply with all provisions of a permit authorizing the salvage of gear from Hood Canal. A violation of this subsection is RCW 77.15.750, Unlawful use of a department permit—Penalty.

(5) 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. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

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

(7) In waters open only on certain days or certain hours during the day, except for those waters affected by the night closure set out in subsection (8) of this section, it is unlawful to fail to remove gear from the water if fishing for shellfish is not allowed. It is also unlawful to fail to remove gear from the water within one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously, except for those waters affected by the night closure set out in subsection (8) of this section, gear may be left in the water during a night closure. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

(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. A violation of this subsection is punishable under RCW 77.15.160, Infractions, or RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

**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 (no liners allowed), except the entrance tunnels must have the minimum mesh opening size specified in subsection (2)((+e)) (g) 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 open-~~

ing. 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.) 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 half of the perimeter of the bottom of the pot.

(e) Half-inch mesh is defined as mesh that a 3/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material); flexible (web) mesh pots must have mesh size openings that are a minimum of 1-1/8 inch stretch measure.

(f) One inch mesh is defined as a mesh that a 7/8-inch square peg will pass through each mesh opening (except for the entrance tunnels which can be any size mesh material); flexible (web) mesh pots must have mesh size openings that are a minimum of 1-3/4 inch stretch measure.

(g) The minimum mesh size for shrimp pots is:

(i) Year-round, Marine Areas 1-3 and 4 west of the Bonilla-Tatoosh line:

(A) Shoreward of 20 fathoms, the minimum mesh size for shrimp pots is 1/2-inch.

(B) Seaward of 20 fathoms, the minimum mesh size for shrimp pots is 1 inch.

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

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

**WAC 220-56-320 Personal use shellfish gear—Unlawful acts. (1)**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**WAC 220-16-265 Geographical definitions—((Lopez Island shrimp fishing area)) Marine Area 7 shrimp fishing subareas.** ((~~"Lopez Island shrimp fish area" shall include those waters of Puget Sound lying inside and southerly of a line projected from Spencer Spit on Lopez Island to Fauntleroy Point on Decatur Island and a line projected from Decatur Light across Lopez Pass to the nearest point of Lopez Island.~~)) (1) Marine Area 7 South: The portion of Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then south of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then south of a line projected due west from Lime Kiln Point light to the international boundary.

(2) Marine Area 7 West: The portion of Marine Area 7 north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary, then west of a line from the bell buoy at the international boundary to Point Doughty on Orcas Island, then west of a line projected true north and south from the western tip of Crane Island, then west of a line projected from the southern tip of Shaw Island to the number 2 buoy at the entrance to Fisherman Bay.

(3) Marine Area 7 East: The portion of Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, then east of a line projected true north and south from the western tip of Crane Island, then east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary.

AMENDATORY SECTION (Amending WSR 07-05-051, filed 2/16/07, effective 3/19/07)

**WAC 220-56-325 Shrimp—Areas and seasons.** It is unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

~~(1) ((Discovery Bay Shrimp District and Marine Areas 8, 9, 10 and 11—Open 7:00 a.m. through 3:00 p.m., beginning the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week except it is lawful for divers to take shrimp by hand or hand-held device from 7:00 p.m. until midnight on any open day in May in Marine Area 8-2;~~

~~(2) Hood Canal Shrimp District—Open 9:00 a.m. through 1:00 p.m., the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week;~~

~~(3) Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7 and 13, except for Shrimp Districts—Open 7:00 a.m. the first Saturday in May through May 31 and open daily except open only Wednesday through Saturday in Marine Area 7.~~

~~(4) Beginning June 1 through October 15 in Marine Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, shrimp fishing is open daily except closed in Area 10 and the shrimp districts at all times. Unlawful to retain spot shrimp.~~

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

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

AMENDATORY SECTION (Amending WSR 12-23-016, filed 11/9/12, effective 12/10/12)

**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)) true 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~~) true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: 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 WSR 12-23-016, filed 11/9/12, effective 12/10/12)

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

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use measuring less than the following 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 taken for personal use that measure less than 5 inches. Either sex may be retained.

(4) It is unlawful to take or possess any tanner crab taken for personal use that measure less than 4 1/2 inches. Either sex may be retained.

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

~~((+5))~~ (6) It is unlawful to possess in the field any crab or crab parts without also retaining the back shell.

((+6)) (7) 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 WSR 97-07-078, filed 3/19/97, effective 5/1/97)

**WAC 220-56-336 Crawfish, abalone, sea urchins, sea cucumbers, goose barnacles—Areas and seasons, personal use fishery.** ((The open season for crawfish is the first Monday in May through October 31.))

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

(2) Abalone: It is unlawful to fish for or possess abalone taken for personal use the entire year.

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

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

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

AMENDATORY SECTION (Amending WSR 02-17-019, filed 8/9/02, effective 9/9/02)

**WAC 220-56-355 Clams, oysters, mussels—Unlawful acts.** (1) It is unlawful to take, dig for and possess clams (excluding razor clams), cockles, and mussels taken for personal use except by hand or with hand-operated forks, picks, mattocks, rakes and shovels. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to take, dig for and possess razor clams taken for personal use except by hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

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

(4) In the field each digger, including holders of razor clam disability permits, must have his or her daily limit in a separate

container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

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

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

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

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

(9) Opening or shucking oysters by heating the shell or cooking oysters in the shell is unlawful.

(10) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell except minimum size 1-1/4 inches if taken from public tidelands on the west side of Quilcene Bay north of the county boat ramp.

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

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

AMENDATORY SECTION (Amending WSR 13-19-007, filed 9/5/13, effective 10/6/13)

**WAC 220-56-390 Squid, octopus.** (1)(a) Squid daily limit: For squid other than Humboldt squid, the daily limit is 10 pounds or 5 quarts. For Humboldt squid, the daily limit is 5 squid.

(b) 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.

(c) It is permissible to take, fish for or possess squid the entire year(~~, except closed year round in Catch Record Card Area 12~~)).

(2)(a) The octopus daily limit is 1.

(b) It is unlawful to take octopus except by hand or by any instrument which will not penetrate or mutilate the body, except that it

is permissible to retain octopus taken while angling with hook and line gear.

(c) It is unlawful to take octopus in the following areas:

(i) Marine Area 12;

(ii) **Redondo Beach.** Redondo Beach 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.

(iii) **Three Tree Point.** Three Tree Point 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.

(iv) **Alki Beach Seacrest Coves 1, 2 and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'37.34"W, 47°35'12.98"N; then northeasterly and offshore to 122°22'33.61"W, 47°35'16.10"N; then northwesterly to 122°23'51.20"W, 47°35'29.51"N; then returning to shore at 122°23'54.31"W, 47°35'28.81"N. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

(v) **Les Davis.** Les Davis 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; then northeasterly to 122°29'0.97"W, 47°17'10.57"N; then southeasterly to 122°31'05.91"W, 47°17'06.91"N; then returning to shore at 122°30'59.80"W, 47°17'01.48"N.

(vi) **Alki Beach Junk Yard.** Alki Beach Junk Yard 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.

(vii) **Days Island.** Days Island 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°14'41.73"N; then returning to shore at 122°34'40.74"W, 47°14'41.73"N.

(viii) **Deception Pass.** Deception Pass 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°40'20.57"W, 48°25'10.16"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.

(3) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. If a person violates any provision of this section but has not yet harvested squid or octopus, the violation is an infraction punishable under RCW 77.15.160. 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |  |
|----------------|--|
| WAC 220-56-312 | Shellfish—Possession limits.                     |
| WAC 220-56-340 | General provisions—Clams, cockles, mussels—Gear. |
| WAC 220-56-385 | Oysters—Unlawful acts.                           |
| WAC 220-56-400 | Abalone.   |
| WAC 220-56-405 | Sea urchins.                                     |
| WAC 220-56-410 | Sea cucumbers.                                   |
| WAC 220-56-415 | Goose barnacles.                                 |