

Chapter 220-40 WAC

WILLAPA HARBOR

WAC

220-40-015 Willapa Bay—Gilnet gear specifications.
 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.
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 220-40-030 Willapa Bay—Forage fish.
 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon.

220-40-040 Willapa Harbor—Emergencies. [Order 525, filed 5/3/61; Orders 507 and 256, filed 3/1/60.] Repealed by deletion by Order 726, filed 4/24/67.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-40-010 Willapa Harbor—Areas. [Order 1221, § 220-40-010, filed 7/1/75; Order 1133, § 220-40-010, filed 7/19/74; Order 995, § 220-40-010, filed 8/6/72; Order 925, § 220-40-010, filed 6/3/71; Order 864, § 220-40-010, filed 5/12/70; Order 813, § 220-40-010, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 2d and 2e from Order 544, filed 4/3/62; subsections 1, 1a, 2, 2a, 2b, from Orders 341 and 256, filed 3/1/60; subsections 1b, 1c, 1d, from Orders 476 and 256, filed 3/1/60; subsections 2c, 2f from Orders 448 and 256, filed 3/1/60; Orders 448 and 256, filed 3/1/60; Order 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.

220-40-022 Willapa Harbor—Weekly periods. [Statutory Authority: RCW 75.08.080. 87-21-041 (Order 87-161), § 220-40-022, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-022, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-022, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-022, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-022, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-022, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-022, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-022, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-022, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-022, filed 8/18/78; Order 77-71, § 220-40-022, filed 8/18/77; Order 77-44, § 220-40-022, filed 6/3/77; Order 76-73, § 220-40-022, filed 8/16/76; Order 1221, § 220-40-022, filed 7/1/75; Order 1133, § 220-40-022, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-024 Willapa Harbor—Mesh sizes—Gear. [Statutory Authority: RCW 75.08.080. 87-21-041 (Order 87-161), § 220-40-024, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-024, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-024, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-024, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-024, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-024, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-024, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-024, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-024, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-024, filed 8/18/78; Order 77-71, § 220-40-024, filed 8/18/77; Order 76-73, § 220-40-024, filed 8/16/76; Order 1221, § 220-40-024, filed 7/1/75; Order 1133, § 220-40-024, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-025 Willapa Harbor—Closed area. [Statutory Authority: RCW 75.08.080. 79-07-046 (Order 79-43), § 220-40-025, filed 6/22/79; Order 77-44, § 220-40-025, filed 6/3/77; Order 76-73, § 220-40-025, filed 8/16/76; Order 1221, § 220-40-025, filed 7/1/75; Order 1133, § 220-40-025, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-40-026 Salmon—Willapa Bay late summer fishery. [Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-026, filed 7/28/89, effective 8/28/89.] Repealed by 90-18-023 (Order 90-77), filed 8/24/90, effective 9/24/90. Statutory Authority: RCW 75.08.080.

WAC 220-40-015 Willapa Bay—Gilnet gear specifications. It is unlawful to fish for food fish in Willapa Bay for commercial purposes with gillnet gear or to possess food fish taken from those waters with gillnet gear unless:

(1) The gillnet does not exceed 1,500 feet in length along the cork line; and

(2) Except as otherwise provided in this chapter, the mesh size of the gillnet is not less than 5 inches or greater than 6-1/2 inches stretch measure.

[Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-015, filed 7/28/89, effective 8/28/89.]

WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon. It is unlawful to take, fish for, or possess salmon taken for commercial purposes in Willapa Bay fishing areas, with the exception of salmon taken with gillnet gear as provided for in this chapter.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-12-061 (Order 09-108), § 220-40-020, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-020, filed 7/28/89, effective 8/28/89; 86-15-016 (Order 86-55), § 220-40-020, filed 7/10/86; Order 1221, § 220-40-020, filed 7/1/75; Order 1116, § 220-40-020, filed 4/30/74; Order 1049, § 220-40-020, filed 4/11/73; Order 995, § 220-40-020, filed 6/8/72; Order 925, § 220-40-020, filed 6/3/71; Order 864, § 220-40-020, filed 5/12/70; Order 813, § 220-40-020, filed 5/5/69; Order 772-B, filed 4/15/68; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 5 from Orders 341 and 256, filed 3/1/60; subsection 2 from Order 677, filed 3/31/66; Order 569, filed 4/11/63; subsection 6 from Order 679, filed 4/20/66; Orders 341 and 256, filed 3/1/60; subsections 3 and 4 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60.]

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, white sturgeon, and adipose fin-clipped hatchery Chinook salmon:

Time:	Areas:
6:00 p.m. August 12 through	2M, 2N, 2R, 2T, and 2U
11:59 p.m. August 15, 2012.	

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is

legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

Only one net may be fished at a time; other nets must be properly stored.

It is unlawful to use a gillnet to fish for salmon or white sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transit through Willapa Bay.

(b) Mesh size must not exceed nine inches.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(c) All wild (unmarked) Chinook, chum, nonlegal sturgeon, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or an operating recovery box when fishing in Willapa Bay Salmon Management Catch Reporting Areas (SMCRA) 2M, 2N, 2R, 2T, and 2U.

(d) Any steelhead or salmon that is required to be released and is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay. The recovery box must meet the requirements in (a) of this subsection.

(e) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) Retention of any species other than coho salmon, white sturgeon with a fork length measure of not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin, is prohibited.

(6) Report ALL encounters of wild (unmarked) Chinook, green sturgeon, and steelhead (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail. This measurement is referred to as the fork length. All white sturgeon to be retained must have a fork-length measure of no less than 43 inches and no more than 54 inches.

(8) Do NOT remove tags from white sturgeon that are not allowed to be retained. For white sturgeon that can be retained, please submit tags to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563. For white sturgeon not of a legal size and all green sturgeon, obtain available information from tags without removing the tags.

(9) It is unlawful to fish with gillnet gear in Areas 2K, 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

(10) Fishers must take department observers if requested by department staff when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or e-mail. Notice of intent must be given prior to 12:00 p.m. on August 8, 2012.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 12-11-093, § 220-40-021, filed 5/18/12, effective 6/18/12; 10-12-061 (Order 09-108), § 220-40-021, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-40-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-40-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-40-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-40-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-40-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-021, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-021, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-021, filed 8/18/78; Order 77-71, § 220-40-021, filed 8/18/77; Order 77-44, § 220-40-021, filed 6/3/77; Order 76-73, § 220-40-021, filed 8/16/76; Order 1221, § 220-40-021, filed 7/1/75; Order 1133, § 220-40-021, filed 7/19/74.]

WAC 220-40-027 Salmon—Willapa Bay fall fishery.

From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, white sturgeon, and adipose fin-clipped hatchery Chinook:

Time:	Area:
12:00 a.m. August 16 through 6:00 a.m. August 16, 2012;	Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U
6:00 p.m. August 21 through 6:00 a.m. August 22, 2012;	Area 2U
6:00 p.m. August 26 through 6:00 a.m. August 27, 2012;	Area 2N, Area 2R, and Area 2U
AND	
6:00 p.m. August 28 through 6:00 a.m. August 29, 2012;	
6:00 p.m. August 30 through 6:00 a.m. August 31, 2012;	Area 2N and Area 2U
6:00 p.m. September 4 through 6:00 a.m. September 5, 2012;	Area 2N, Area 2R, and Area 2U
AND	
6:00 p.m. September 6 through 6:00 a.m. September 7, 2012;	
6:00 p.m. September 9 through 6:00 a.m. September 10, 2012;	Area 2M, Area 2N, Area 2R, Area 2T, east of a line projected from the eastern most upland at Toke Point (approximately 46° 42' 26"N, 123° 57' 58"W) to Goose Point (approximately 46° 38' 12" N, 123° 57' 31" W) then to the eastern boundary at Range Marker "B" (located at 46° 42' 34" N, 123° 51' 18" W), and
6:00 p.m. September 12 through 6:00 a.m. September 13, 2012;	Area 2U
	Area 2K
6:00 p.m. September 19 through 6:00 p.m. September 20, 2012;	
AND	
6:00 p.m. September 26 through 6:00 p.m. September 27, 2012;	
6:00 p.m. September 15 through 6:00 p.m. October 13, 2012;	Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U
AND	
12:00 p.m. November 6 through 12:00 p.m. November 30, 2012.	

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

Only one net may be fished at a time; other nets must be properly stored.

It is unlawful to use a gillnet to fish for salmon and/or white sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Willapa Bay.

(b) From August 16 through September 13, 2012: Mesh size must not exceed nine-inch maximum mesh.

(c) From September 15 through October 31, 2012: Mesh size must not exceed six and one-half inch maximum mesh.

(d) From November 6 through November 30, 2012: Mesh size must be nine-inch minimum mesh, except that from 6:00 p.m. November 11 through 6:00 p.m. November 19, 2012 (coho directed), there are two alternatives:

(i) Use six and one-half inch maximum mesh; or

(ii) Use nine-inch minimum mesh.

Only one net of either six and one-half inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing.

Other:

(3) Recovery boxes and soak time:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U from August 16 through October 31, 2012. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From August 16 through October 31, 2012, soak time must not exceed 45 minutes. Soak time is defined as the time

elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(c) From August 16 through October 31, 2012, all chum, nonlegal sturgeon, all steelhead, and wild (unmarked) Chinook must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U.

From November 6 through November 30, 2012, all chum, all nonlegal sturgeon, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(d) Any steelhead or salmon required to be released and is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay. The recovery box must meet the requirements in (a) of this subsection.

(e) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) Retention of any species other than coho salmon, white sturgeon with fork length measure not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

(6) Report ALL encounters of green sturgeon, steelhead, and wild (unmarked) Chinook (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail. This measurement is referred to as the fork length. All white sturgeon to be retained must have a fork length measure of no less than 43 inches and no more than 54 inches.

(8) Do NOT remove tags from white sturgeon that are not allowed to be retained. For white sturgeon that can be retained, please submit tags to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563. For white sturgeon not of a legal size and all green sturgeon, obtain available information from tags without removing tags.

(9) It is unlawful to fish with gillnet gear in Areas 2K, 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession a department-issued certification card.

(10) Fishers must take department observers if requested by department staff when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or e-mail. Notice of intent must be given prior to 12:00 p.m. on August 15, 2012.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 12-11-093, § 220-40-027, filed 5/18/12, effective 6/18/12; 11-14-003 (Order 11-

91), § 220-40-027, filed 6/22/11, effective 7/23/11; 10-12-061 (Order 09-108), § 220-40-027, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047 and 77.04.020. 09-16-125 (Order 09-109), § 220-40-027, filed 8/4/09, effective 9/4/09; 08-15-003 (Order 08-166), § 220-40-027, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 77.04.020, 77.12.047, and 77.65.200. 07-17-010, § 220-40-027, filed 8/3/07, effective 9/3/07. Statutory Authority: RCW 77.12.047. 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

WAC 220-40-030 Willapa Bay—Forage fish. (1) It is unlawful to fish for or possess anchovy, candlefish, herring, sardine, or smelt taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except as provided for in this section.

General

(2) It is unlawful to fish for or possess salmon or sturgeon taken with purse seine or lampara gear.

(3) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) It is unlawful to fail to immediately return to the water, unharmed, all species of fish other than herring, anchovy, candlefish, and sardine taken in the operation of purse seine, lampara, dip bag net, or hand net gears.

(5) A violation of subsections (1) through (4) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty; and RCW 77.15.550 Violation of commercial fishing area or time—Penalty.

Anchovy and candlefish Licensing

(6) A baitfish purse seine fishery license is required to operate purse seine gear for anchovy and candlefish as provided for in this section.

(7) A baitfish lampara fishery license is required to operate lampara gear for anchovy and candlefish as provided for in this section.

(8) A smelt dip bag license is required to operate dip bag net gear for anchovy and candlefish as provided for in this section.

(9) A violation of subsections (6) through (8) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period

(10) It is unlawful to fish for or possess anchovy, candlefish, sardine, or smelt with the use of purse seine or lampara

gear during any time, except January 1 through January 31, and March 16 through December 31, of any calendar year.

(11) Dip bag net gear may be used for anchovy and candlefish at all times.

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

Landing limitations

(13) It is unlawful to deliver anchovy, in excess of fifteen percent of the total landing weight, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products.

(14) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(15) A violation of subsection (13) or (14) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear

(16) It is unlawful to fish for anchovy or candlefish with purse seine or lampara gear with mesh size less than one-half inch stretch measure.

(17) It is unlawful to fish with purse seine or lampara gear if the cork line exceeds 900 feet in length, except: From June 1 through October 31, it is permissible to use gear in which the cork line does not exceed 1,400 feet in length.

(18) It is unlawful to fish for or possess anchovy or candlefish with dip bag net gear that exceeds 18 square feet.

(19) A violation of subsections (16) through (18) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Incidental catch

(20) It is unlawful to retain sardines taken incidental to a lawful anchovy or candlefish fishery that exceeds twenty percent of the weight of the total landing.

(21) It is unlawful to retain smelt or herring incidental to a lawful anchovy or candlefish fishery if the individual or combined weight of smelt and/or herring exceeds five percent of the total landing.

(22) A violation of subsection (20) or (21) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Herring Licensing

(23) A herring/lampara limited entry license is required to operate lampara gear for herring as provided for in this section.

(24) A herring dip bag net limited entry license is required to operate dip bag net gear for herring as provided for in this section.

(25) A violation of subsection (23) or (24) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period

(26) It is unlawful to fish for or possess herring with lampara gear during any time except January 1 through January 31, and March 16 through December 31, of any calendar year.

(27) Dip bag net gear may be used for herring at all times.

(28) A violation of subsection (26) or (27) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Incidental catch

(29) It is unlawful to retain anchovy, candlefish, smelt, or sardine incidental to a lawful herring fishery if the individual or combined weight of anchovy, candlefish, smelt, or sardine exceeds five percent of the total landing. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear

(30) It is unlawful to fish for and possess herring taken for commercial purposes with lampara gear with a cork line that exceeds 1,400 feet in length and a mesh size less than one-half inch stretch measure.

(31) It is unlawful to fish with dip bag net gear that exceeds 18 square feet.

(32) A violation of subsection (30) or (31) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Sardine Licensing

(33) A smelt dip bag net fishery license is required to operate dip bag net gear for sardine as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period

(34) Dip bag net gear may be used for sardine at all times.

Gear

(35) It is unlawful to fish with dip bag net gear that exceeds 18 square feet. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Smelt Licensing

(36) A smelt dip bag net fishery license is required to operate dip bag net gear for smelt as provided for in this section. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing period

(37) It is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear

(38) It is unlawful to take, fish for, and possess smelt taken with hand dip nets exceeding 72 inches maximum frame width. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-40-030, filed 3/2/10, effective 4/2/10; 03-05-062 (Order 03-26), § 220-40-030, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-40-030, filed 11/8/95, effective 12/9/95; 91-08-054 (Order 91-13), § 220-40-030, filed 4/2/91, effective 5/3/91; 85-06-033 (Order 85-14), § 220-40-030, filed 3/1/85; 84-15-008 (Order 84-66), § 220-40-030, filed 7/6/84; 84-08-014 (Order 84-24), § 220-40-030, filed 3/27/84; 80-09-072 (Order 80-69), § 220-40-030, filed 7/18/80; 79-05-007 (Order 79-20), § 220-40-030, filed 4/11/79; Order 77-14, § 220-40-030, filed 4/15/77; Order 76-148, § 220-40-030, filed 12/2/76; Order 76-26, § 220-40-030, filed 1:45 p.m., 4/20/76; Order 925, § 220-40-030, filed 6/3/71; Order 864, § 220-40-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1, 2, 3 from Order 679, filed 4/20/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 2/1/60; subsection 4 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Orders 448 and 256, filed 3/1/60; subsection 5 from Order 544, filed 4/3/62; Orders 448 and 256, filed 3/1/60; subsections 6, 8, 9 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60; subsection 7 from Orders 346 and 256, filed 3/1/60.]

WAC 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times and with such gear as provided by emergency rule of the director, and subject to the provisions of this section:

It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

[Statutory Authority: RCW 77.12.047, 07-21-128 (Order 07-266), § 220-40-031, filed 10/23/07, effective 11/23/07. Statutory Authority: RCW 75.08.080, 91-08-054 (Order 91-13), § 220-40-031, filed 4/2/91, effective 5/3/91; 90-18-023 (Order 90-77), § 220-40-031, filed 8/24/90, effective 9/24/90; 85-06-033 (Order 85-14), § 220-40-031, filed 3/1/85.]