

WAC 220-305-120 Harvesting of shellfish, food fish or game fish by persons with a disability. (1) Definitions:

(a) "Harvester with a disability" means a person who has been granted a disability designation and who possesses a valid disabled harvester endorsement issued by the department;

(b) "Disabled harvester endorsement" means an endorsement to a license issued by the department to a person who has been granted a disability designation;

(c) "Designated harvester companion" means a designated person who only assists with that physical function the harvester with a disability is unable to perform during his or her recreational activity in the taking of shellfish, food fish, or game fish;

(d) "Designated harvester companion card" means an identification card issued by the department to a harvester with a disability for use by another person in assisting or acting on the behalf of the harvester with a disability while engaging in fishing or harvesting activities.

(2) A designated harvester companion card will be issued to the holder of a disabled harvester endorsement along with the issuance of a harvesting license.

(3) It is unlawful for a harvester with a disability to fail to obtain all licenses, permits and catch record cards prior to fishing.

(4) The designated harvester companion, when accompanied by the harvester with a disability, may assist the harvester with a disability in taking shellfish, game fish and food fish or engage in the taking of shellfish, game fish, and food fish on behalf of the harvester with a disability.

(5) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the harvester with a disability is present and participating in the fishing activity, except:

(a) The harvester with a disability is not required to be present at the location where the designated harvester companion is harvesting shellfish for the harvester with a disability. The harvester with a disability is required to be in the direct line of sight of the designated harvester companion who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the harvester with a disability is required to be within one-quarter mile of the designated harvester companion who is harvesting shellfish for him or her and must have a form of reliable and direct communication.

(6) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the designated harvester companion has a valid equivalent harvesting license issued by Washington state or another state.

(7) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the designated harvester companion is licensed and has the designated harvester companion card on his or her person.

(8) Shellfish, game fish or food fish harvested by a designated harvester companion on behalf of a harvester with a disability becomes part of the harvester with a disability's daily or possession limit, and must be kept separate from the designated harvester companion's daily or possession limit.

(9) It is unlawful for a harvester with a disability to utilize any angling gear other than fly fishing gear during fly fishing only

season, unless the harvester with a disability has been issued a special use permit from the department.

(a) Such person may use alternate casting gear with a casting bubble and monofilament line with no limit on breaking strength; and

(b) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in WAC 220-310-150, apply to both conventional fly fishing and alternate casting gear fly fishing under a special use permit.

(10) A violation of this section is punishable under RCW 77.15.380, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.237, and 77.04.020. WSR 23-11-062, § 220-305-120, filed 5/12/23, effective 6/12/23. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-305-120, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, amended and recodified as § 220-305-120, filed 8/21/17, effective 9/21/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-240, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-065, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-065, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-065, filed 4/2/91, effective 5/3/91; WSR 88-05-002 (Order 88-03), § 220-55-065, filed 2/4/88; WSR 87-09-066 (Order 87-16), § 220-55-065, filed 4/21/87; WSR 80-13-064 (Order 80-123), § 220-55-065, filed 9/17/80; WSR 79-09-021 (Order 79-58), § 220-55-065, filed 8/10/79.]