

WAC 220-340-610 Commercial scallop fishery—Puget Sound. (1)

Licensing and permits:

(a) It is unlawful to fish for, take, or possess scallops with shellfish dive gear without a valid commercial scallop dive fishery license in possession of the license holder or designated alternate operator, and on board the designated harvest vessel. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(b) It is unlawful to fish for, take, or possess rock or weather-vane scallops for commercial purposes from Puget Sound unless a person first obtains a valid scallop brood stock collection permit issued by the department. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.500, violation of commercial fishing without a license—Penalty, depending on the circumstances of the violation.

(c) It is unlawful to harvest scallops for brood stock or culture purposes in a manner that violates scallop brood stock collection permit provisions. Scallop brood stock collection permit provisions include, but are not limited to, the location, date and time restrictions on harvest, and the species and quantity of scallops the permit holder may take for brood stock or culture purposes. A violation of this subsection is a misdemeanor, punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(2) Harvest areas and seasons.

(a) It is unlawful to take or possess pink or spiny scallops for commercial purposes or for the purposes of public health testing, except during open scallop harvest seasons from open shellfish management areas as provided by emergency rule.

(b) It is unlawful to fish for, take, or possess scallops from the waters permanently closed to sea urchin harvest as defined in WAC 220-340-750, and the waters permanently closed to sea cucumber harvest as defined in WAC 220-340-730.

(c) It is unlawful to fish for or take pink or spiny scallops from official sunset through 5:59 a.m. the following morning.

(3) A violation of subsection (2) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(4) **Size limits:** It is unlawful to take or possess pink or spiny scallops less than two inches in length, measured from the hinge to the outer margin of the shell. A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(5) Shellfish dive gear and harvest vessel restrictions:

(a) It is unlawful to fish for, take, or possess pink or spiny scallops by any means other than by hand with shellfish dive gear. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) It is unlawful to operate a vessel engaged in scallop harvest operations unless the harvester number assigned by the department is properly displayed as provided by department rule (WAC 220-340-020). A violation of this subsection is a misdemeanor punishable under RCW 77.15.540, Unlawful use of a commercial fishery license—Penalty.

(c) It is unlawful for more than one shellfish dive fishery license holder from a harvest vessel to be in the water at any one time

during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel, except that two shellfish dive fishery license holders may be in the water if the harvest vessel is designated on two shellfish dive fishery licenses. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(d) It is unlawful for a vessel engaged in the harvest of pink or spiny scallops to have through-hull fittings for water discharge hoses to be below the surface of the water. Through-hull fittings above the water line must be visible at all times. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(e) It is unlawful to possess a single hose or combination of hoses capable of measuring longer than 30 feet or water jet nozzles on-board a vessel engaged in the commercial pink or spiny scallop fishery. A violation of this subsection is a gross misdemeanor punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(6) **Possession restrictions:** It is unlawful to possess geoduck clams during pink or spiny scallop harvest operations, or possess geoduck clams on a vessel that has pink or spiny scallops on board. A violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty, depending on the circumstances of the violation.

(7) For the purposes of weekly trip limits, the scallop fishery week begins Monday and ends Sunday.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047. WSR 22-08-048, § 220-340-610, filed 3/31/22, effective 5/1/22. 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), amended and recodified as § 220-340-610, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-016 (Order 13-305), § 220-52-069, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-108 (Order 11-42), § 220-52-069, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 00-17-108 (Order 00-153), § 220-52-069, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-069, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-069, filed 7/14/93, effective 8/14/93; WSR 91-10-024 (Order 91-22), § 220-52-069, filed 4/23/91, effective 5/24/91; WSR 87-15-022 (Order 87-69), § 220-52-069, filed 7/8/87; WSR 86-08-056 (Order 86-14), § 220-52-069, filed 3/28/86; WSR 84-08-014 (Order 84-24), § 220-52-069, filed 3/27/84; WSR 82-03-045 (Order 82-6), § 220-52-069, filed 1/19/82; Order 807, § 220-52-069, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060(7).]