

WAC 220-356-040 Coastal sardine purse seine fishery—Harvest, landing, and reporting requirements—Gear. (1) **Licensing, harvest, and reporting requirements.** It is unlawful for persons fishing under a Washington sardine purse seine fishery license or temporary annual fishery permit to fail to:

(a) Carry an observer onboard for any sardine fishing trip if requested by the department;

(b) Surrender up to five hundred sardines per vessel per trip if requested by department samplers for biological information; and

(c) Complete a department-issued logbook each month in which fishing activity occurs, and submit it to the department by the 15th day of the following month.

(2) **Possession, transport, and seasons.**

(a) It is unlawful to possess, transport through the waters of the state, or deliver into any Washington port, Pacific sardine (*Sardinops sagax*) or other coastal pelagic species taken in violation of gear requirements and other rules published in Title 50, Part 660, Subpart I of the Code of Federal Regulations (C.F.R.). These federal regulations govern commercial fishing for coastal pelagic species in the Exclusive Economic Zone off the coasts of Washington, Oregon, and California. Where the federal regulations refer to the fishery management area, that area is interpreted to include Washington state waters coterminous with the Exclusive Economic Zone. Updates to the federal regulations are published in the Federal Register. Discrepancies or errors between the C.F.R. and Federal Register will be resolved in favor of the Federal Register. This chapter incorporates the C.F.R. by reference and is based, in part, on the C.F.R. A copy of the federal rules may be obtained by contacting the department of fish and wildlife rules coordinator at 360-902-2403, or going to the U.S. Government Printing Office's GPO Access web site (www.gpoaccess.gov). State regulations that are more restrictive than the federal regulations will prevail.

(b) It is unlawful to fish for or possess Pacific sardine taken with any gear from coastal waters except during the coastal sardine fishery season open to purse seine fishing each year from April 1st through December 31st.

(c) It is unlawful to take Pacific sardine in state waters except for the incidental take authorized by the coastal baitfish regulations.

(d) It is unlawful to retain any species that is taken incidental to sardine, except for anchovy, mackerel, and market squid (*Logligo opalescens*).

(e) It is unlawful to retain mackerel (*Scombridae*) or jacks (*Carangidae*) taken incidental to a lawful sardine fishery that in combination exceeds forty-five percent of the weight of the total landing.

(f) It is unlawful to fail to release any salmon encircled in the purse seine prior to completion of the set or to land or retain salmon on the fishing vessel.

(g) It is unlawful to transfer sardine catch from one fishing vessel to another.

(3) **Landing and delivery.**

(a) It is unlawful to fail to have legal purse seine gear as defined by department rule aboard a vessel making a sardine landing.

(b) It is unlawful to fail to deliver sardine landings to a processing facility located on shore.

(c) It is unlawful to land fish at more than one processing facility and to fail to offload all fish onboard the vessel once the delivery commences at the time of landing.

(d) It is unlawful to deliver more than fifteen percent cumulative weight of sardines for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait used during the sardine fishery season.

(4) A violation of the reporting requirements provided in this section is punishable under RCW 77.15.630 Commercial fish, shellfish harvest or delivery—Failure to report—Penalty.

(5) A violation of the gear requirements provided in this section is punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(6) A violation of the harvest or landing requirements provided in this section is punishable under RCW 77.15.550 Violation of a commercial fishing area or time—Penalty.

[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 § 220-356-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 14-11-028 (Order 14-107), § 220-44-095, filed 5/13/14, effective 6/13/14. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 10-02-003 (Order 09-167), § 220-44-095, filed 12/23/09, effective 1/23/10.]