

WAC 220-355-090 Coastal bottomfishing areas and seasons. (1) (a)

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish in violation of any area or time closure or requirement as published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subparts D through F. These federal regulations provide the requirements for commercial groundfish fishing in the Pacific Ocean. There may be additional regulations listed in the Federal Register, and these override the regulations in the C.F.R. if there are any inconsistencies between the two. Chapter 220-355 WAC incorporates the C.F.R. by reference and is based, in part, on the C.F.R. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by the internet at the National Marine Fisheries Service West Coast Region Groundfish page. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(2) (a) It is unlawful to use otter trawl or beam trawl gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 or 60A-2.

(b) Violation of gear requirements under this subsection is punishable pursuant to RCW 77.15.520.

(3) (a) It is unlawful for vessels using trawl gear to take and retain or possess groundfish within the trawl Rockfish Conservation Area (RCA) or Essential Fish Habitat (EFH) zones, except that:

(i) Trawl gear vessels may transit through the trawl RCA or EFH zones with groundfish onboard, as long as the vessel does not fish for any species within the RCA or EFH zone on the same trip; and

(ii) The activity is otherwise authorized under federal regulations.

(b) For purposes of this section, "trawl RCA and EFH zones" means those areas and boundaries defined as "trawl RCA" or "EFH zone" in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subpart D. The C.F.R. lists the requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be enacted and listed in the Federal Register, and these regulations override those in the C.F.R. if there are any inconsistencies between the two.

(c) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(4) (a) It is unlawful for vessels using nontrawl gear to take and retain or possess groundfish within the nontrawl Rockfish Conservation Area (RCA), or to land such fish, except that:

(i) Nontrawl gear vessels may travel through the nontrawl RCA with groundfish onboard as long as the vessel does not fish for any species within the RCA on the same trip; and

(ii) The activity is otherwise authorized under federal regulations.

(b) For purposes of this section, "nontrawl RCA" means those areas and boundaries defined as "nontrawl RCA" in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subparts E and F. The C.F.R. lists the requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be enacted and listed in the Federal Register, and these supersede the federal regulations in the C.F.R. if there are any inconsistencies between the two.

(c) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(5)(a) It is unlawful to use set line gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(6)(a) It is unlawful to use bottomfish pots in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(7)(a) It is unlawful to use commercial jig gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(8)(a) It is unlawful to use bottomfish troll gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-18-037 (Order 17-223), § 220-355-090, filed 8/29/17, effective 9/29/17. 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), amended and recodified as § 220-355-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-040, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 75.08.080. WSR 84-08-014 (Order 84-24), § 220-44-040, filed 3/27/84; WSR 83-10-016 (Order 83-31), § 220-44-040, filed 4/26/83; WSR 82-14-056 (Order 82-72), § 220-44-040, filed 7/1/82; WSR 81-02-053 (Order 81-3), § 220-44-040, filed 1/7/81; WSR 79-03-014 (Order 79-11), § 220-44-040, filed 2/15/79; WSR 78-04-039 (Order 78-11), § 220-44-040, filed 3/20/78.]