

Chapter 220-44 WAC

COASTAL WATERS—MARINE FISH

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-44-010	Coastal waters—Areas. [Order 726, § 4 (part), filed 4/24/67; subsections 1 and 3 from Orders 355 and 256, filed 3/1/60; subsection 2 from Order 605, filed 4/21/64; Orders 355 and 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.
220-44-025	Coastal waters—Special closures. [Order 813, § 220-44-025, filed 5/5/69.] Repealed by Order 1116, filed 4/30/74.
220-44-027	Coastal waters—Quillayute River—Indian fishery. [Order 1049, § 220-44-027, filed 4/11/73; Order 995, § 220-44-027, filed 6/8/72; Order 925, § 220-44-027, filed 6/3/71; Order 866, § 220-44-027, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.
220-44-029	Coastal waters—Hoh River—Indian fishery. [Order 1049, § 220-44-029, filed 4/11/73; Order 925, § 220-44-029, filed 6/3/71; Order 866, § 220-44-029, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.
220-44-060	Commercial jig logbook required. [Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-44-060, filed 3/27/84.] Repealed by 87-04-033 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.
220-44-070	Bottomfish troll logbook required. [Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-44-070, filed 3/27/84.] Repealed by 87-04-033 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.

WAC 220-44-020 Ocean forage fish. (1) It is unlawful to fish for or possess smelt, anchovy, candlefish, herring, or sardine taken for commercial purposes from offshore waters, except as provided for in this section.

General

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

(3) A violation of subsection (1) or (2) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Smelt Licensing

(4) A smelt dip bag net fishery license is required to operate hand net gear 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

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

Gear

(6) It is unlawful to fish for or possess smelt taken for commercial purposes except by hand net gear not 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.

Incidental catch

(7) It is permissible to retain only anchovy and candlefish taken incidental to a lawful smelt fishery.

Anchovy and Candlefish Licensing

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

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

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

(11) A violation of subsections (8) through (10) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Landing limitations

(12) 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.

(13) 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.

(14) A violation of subsection (12) or (13) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Gear

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

(16) It is unlawful to fish for or possess candlefish or anchovy with purse seine or lampara gear if the cork line exceeds 1,400 feet in length.

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

(18) A violation of subsections (15) through (17) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Incidental catch

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

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

(21) It is permissible to retain shad incidental to a lawful anchovy or candlefish fishery.

(22) A violation of subsection (19) or (20) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

Herring

Licensing and permit

(23) It is unlawful to fish for or to possess herring taken for commercial purposes except as authorized by permit issued by the director. A violation of this subsection is punishable under section 14, chapter 333, Laws of 2009 (SHB 1778).

(24) Herring dip bag net, herring drag seine, herring gill-net, herring lampara, or herring purse seine are the limited entry licenses required for a permittee to fish for or to retain herring. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

[Statutory Authority: RCW 77.12.047, 10-06-095 (Order 10-33), § 220-44-020, filed 3/2/10, effective 4/2/10; 07-23-002 (Order 07-279), § 220-44-020, filed 11/7/07, effective 12/8/07; 01-07-016 (Order 01-36), § 220-44-020, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-44-020, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-44-020, filed 3/27/84; 79-06-085 (Order 79-38), § 220-44-020, filed 6/4/79; 78-10-046 (Order 78-83), § 220-44-020, filed 9/20/78; 78-05-067 and 78-06-002 (Order 78-20), § 220-44-020, filed 4/27/78 and 5/4/78; 78-04-039 (Order 78-11), § 220-44-020, filed 3/20/78; Order 77-14, § 220-44-020, filed 4/15/77; Order 1221, § 220-44-020, filed 7/1/75; Order 813, § 220-44-020, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsection 1 from Order 547, filed 7/5/62; Orders 384 and 256, filed 3/1/60; subsection 2 from Orders 448 and 256, filed 3/1/60; subsection 3 from Orders 397 and 256, filed 3/1/60; subsections 4 and 5 from Orders 355 and 256, filed 3/1/60; subsection 6 from Orders 406 and 256, filed 3/1/60.]

WAC 220-44-030 Coastal bottomfish gear. (1)(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state ports, bottomfish taken for commercial purposes in violation of gear requirements published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subpart G. This subpart provides requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be listed in the Federal Register, and these override the C.F.R. if there are any inconsistencies. Prior to using coastal bottomfish gear, a person must consult both the Federal Register and the C.F.R.. This chapter, chapter 220-44 WAC, adopts the federal regulations imposed by the C.F.R. and the Federal Register, and it

incorporates those regulations by reference. 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 contacting Lori Preuss at 360-902-2930, or going on the internet at www.pcouncil.org. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520.

(2) Otter trawl and beam trawl.

(a) It is unlawful to use, operate, or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches anywhere in the net.

(b) It is unlawful to use or operate any bottom roller or bobbin trawl having meshes less than 4.5 inches anywhere in the net. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(c) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches anywhere in the net. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweep lines, including the bottom leg of the bridle, must be bare.

(d) It is unlawful to use or operate a pelagic trawl net unless bare rope or webbing with an individual mesh size no smaller than 16 inches completely encircles the net immediately behind the footrope or headrope for at least 20 feet. A band of mesh may encircle the net under transfer cables, or lifting or splitting straps (chokers), but the band must be: Over riblines and restraining straps; of the same mesh size, and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(e) It is unlawful to use or operate a trawl net that has chafing gear encircling more than 50 percent of the circumference of any bottom, roller, bobbin, or pelagic trawl, except as specified in (d) of this subsection. No section of chafing gear may be longer than 50 meshes of the body of the net to which it is attached. Except at the corners, the terminal end of each section of chafing gear must not be connected to the net. Chafing gear must be attached outside any rib lines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(f) It is unlawful to use double-wall cod ends in any trawl gear.

(g) Licensing: A food fish trawl, non-Puget Sound fishery license is the license required to operate the gear provided for in this section. Additionally, a federal limited entry permit is required in Areas 59A-1, 59A-2, 59B, 60A-1, and 60A-2, and that portion of Area 58B within the Exclusive Economic Zone.

(h) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

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

(3) Set lines.

(a) It is unlawful for the operator of set lines to leave such gear unattended, unless the following requirements are met:

(i) Gear must be marked with a buoy. The buoy must have affixed to it in a visible and legible manner a department-approved and registered buoy brand issued to the

licensee. Set lines must also be marked at the surface at each terminal end with a pole and flag, light, and radar reflector.

(ii) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(iii) Set lines must be attended to no less than every seven days.

(b) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

(c) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(4) Bottomfish pots.

(a) It is unlawful for the operator of bottomfish pots to leave such gear unattended, unless the following requirements are met:

(i) Gear must be marked with a buoy. The buoy must have affixed to it, in a visible and legible manner, a department-approved and registered buoy brand issued to the licensee.

(ii) Bottomfish pots laid on a ground line must be marked at the surface with a pole and a flag, light, and radar reflector at each terminal end.

(iii) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(iv) Bottomfish pots must be attended to no less than every seven days.

(b) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

(c) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(5) Commercial jig gear.

(a) Licensing: A bottomfish jig fishery license is the license required to operate the gear provided for in this section.

(b) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(6) Troll lines.

(a) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

(b) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

[Statutory Authority: RCW 77.12.047, 07-23-002 (Order 07-279), § 220-44-030, filed 11/7/07, effective 12/8/07; 01-02-060 (Order 00-266), § 220-44-030, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-44-030, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-030, filed 5/9/96, effective 6/9/96; 94-12-009 (Order 94-23), § 220-44-030, filed 5/19/94, effective 6/19/94; 92-07-008 (Order 92-07), § 220-44-030, filed 3/6/92, effective 4/16/92; 88-22-033 (Order 88-157), § 220-44-030, filed 10/27/88; Statutory Authority: RCW 75.08.080, 88-22-033 (Order 88-157), § 220-44-030, filed 10/27/88; 84-08-014 (Order 84-24), § 220-44-030, filed 3/27/84; 82-14-056 (Order 82-72), § 220-44-030, filed 7/1/82; 82-03-045 (Order 82-6), § 220-44-030, filed 1/19/82; 81-02-053 (Order 81-3), § 220-44-030, filed 1/7/81; 79-03-014 (Order 79-11), § 220-44-030, filed 2/15/79; 78-04-039 (Order 78-11), § 220-44-030, filed 3/20/78.]

WAC 220-44-035 Highly migratory species fisheries—Possession and landing requirements—Gear restriction. (1) It is unlawful to possess, transport through the

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waters of the state, or land into any Washington port, highly migratory species taken in violation of any permit or data collection requirements as published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subpart K. These federal regulations provide the requirements for highly migratory species fisheries 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 220-44 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 contacting Lori Preuss at 360-902-2930, or the internet at www.pcouncil.org. State regulations may apply that are more restrictive than federal regulations.

(2) Except as authorized under the federal rules referenced in this subsection, it is unlawful to use drift gillnet gear in state and offshore waters west of the Bonilla-Tatoosh line, north of the Washington-Oregon boundary, and south of the United States-Canada boundary.

(3) Violation of reporting requirements under this section is punishable pursuant to RCW 77.15.280.

(4) Violation of gear requirements under this section is punishable pursuant to RCW 77.15.520.

[Statutory Authority: RCW 77.65.010, 77.12.047, and 77.04.020, 09-01-178 (Order 08-315), § 220-44-035, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 77.12.047, 07-23-002 (Order 07-279), § 220-44-035, filed 11/7/07, effective 12/8/07; 05-17-003 (Order 05-165), § 220-44-035, filed 8/3/05, effective 9/3/05; 02-02-051 (Order 01-288), § 220-44-035, filed 12/27/01, effective 1/27/02.]

WAC 220-44-040 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, Subpart G. 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 220-44 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 contacting Lori Preuss at 360-902-2930, or the internet at www.pcouncil.org. 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 600, Subpart G. 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 600, Subpart G. 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 77.12.047, 07-23-002 (Order 07-279), § 220-44-040, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-040, filed 3/27/84; 83-10-016 (Order 83-31), § 220-44-040, filed 4/26/83; 82-14-056 (Order 82-72), § 220-44-040, filed 7/1/82; 81-02-053 (Order 81-3), § 220-44-040, filed 1/7/81; 79-03-014 (Order 79-11), § 220-44-040, filed 2/15/79; 78-04-039 (Order 78-11), § 220-44-040, filed 3/20/78.]

WAC 220-44-050 Coastal bottomfish catch limits.

(1)(a) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port, bottomfish taken in excess of the amounts or less than the minimum or maximum sizes, or in violation of any of the possession, landing, or sorting requirements published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subpart G. These federal regulations provide 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. Therefore, persons must consult these federal regulations, which chapter 220-44 WAC incorporates by reference and is based on, in part. 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 contacting Lori Preuss at 360-902-2930, or the internet at www.pcouncil.org. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(2)(a) It is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.550.

(3)(a) It is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed ten thousand pounds.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(4)(a) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by NMFS through the department, unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(5)(a) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean

north of the Washington-Oregon boundary and south of the United States-Canada boundary. It is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(6)(a) It is unlawful to take salmon incidental to any lawful bottomfish fishery.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(7)(a) It is unlawful to retain sturgeon species, other than white sturgeon, taken incidental to any lawful bottomfish fishery. White sturgeon may be taken as long as the fisher complies with minimum and maximum size restrictions for commercial fisheries.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(8)(a) It is unlawful to retain any species of shellfish taken incidental to any lawful bottomfish fishery, except that it is lawful to retain octopus and squid.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

[Statutory Authority: RCW 77.12.047, 07-23-002 (Order 07-279), § 220-44-050, filed 11/7/07, effective 12/8/07; 03-05-078 (Order 03-31), § 220-44-050, filed 2/18/03, effective 3/21/03; 02-02-051 (Order 01-288), § 220-44-050, filed 12/27/01, effective 1/27/02; 01-13-002 (Order 01-103), § 220-44-050, filed 6/6/01, effective 7/7/01. Statutory Authority: 2000 c 107 § 7. 00-16-033 (Order 00-124), § 220-44-050, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080, 98-15-033 (Order 98-121), § 220-44-050, filed 7/7/98, effective 8/7/98; 98-05-043, § 220-44-050, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-050, filed 5/9/96, effective 6/9/96; 95-08-069 (Order 95-29), § 220-44-050, filed 4/4/95, effective 5/5/95; 94-13-077 (Order 94-51), § 220-44-050, filed 6/10/94, effective 7/11/94; 93-07-093 (Order 93-16), § 220-44-050, filed 3/22/93, effective 4/22/93; 92-07-008 (Order 97-07), § 220-44-050, filed 3/6/92, effective 4/16/92; 91-07-050 (Order 91-12), § 220-44-050, filed 3/18/91, effective 4/18/91; 90-13-108 (Order 90-26), § 220-44-050, filed 6/21/90, effective 7/22/90. Statutory Authority: RCW 75.08.070 and 75.08.080, 89-14-069 (Order 89-54), § 220-44-050, filed 6/30/89; 89-06-030 (Order 89-07), § 220-44-050, filed 2/24/89; 88-14-020 (Order 88-42), § 220-44-050, filed 6/28/88. Statutory Authority: RCW 75.08.080, 87-07-042 (Order 87-17), § 220-44-050, filed 3/16/87; 86-12-027 (Order 86-39), § 220-44-050, filed 5/28/86. Statutory Authority: RCW 75.08.070 and 75.08.080, 85-07-022 (Order 85-17), § 220-44-050, filed 3/13/85. Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-050, filed 3/27/84; 83-17-030 (Order 83-88), § 220-44-050, filed 8/10/83; 83-10-016 (Order 83-31), § 220-44-050, filed 4/26/83.]

WAC 220-44-080 Otter trawl logbook required. (1) It is unlawful for any vessel operator engaged in commercial otter trawl fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63, or possessing groundfish taken with such gear from those areas, to fail to obtain and accurately maintain the appropriate logbook.

(2) It is unlawful for the operator of the harvest vessel to fail to keep the logbook aboard the vessel while the vessel is engaged in groundfish fishing or has groundfish onboard.

(3) It is unlawful for the vessel operator to fail to submit harvest logs for inspection upon request by fish and wildlife officers and/or authorized department employees.

(4) It is unlawful for any vessel operator engaged in groundfish fishing to fail to comply with the following methods and time frames of logbook submittal:

(a) Vessel operators responsible for submitting logs to the department must maintain a copy of all submitted logs for up to three years after the fishing activity ended. The copies must verify that logs sent by mail were received by the department, except that operators submitting logs directly to authorized department employees must record the name and date of the contact on the fisherman's copy of the log. The operators must maintain these copies for up to three years after the fishing activity ended.

(b) The department's copies of completed log sheets must be submitted to the department for each month in which fishing activity occurs. The department's copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of the commercial fishing activity, whichever occurs first.

(5) It is unlawful for vessel operators engaged in commercial groundfish fishing or possessing groundfish to fail to permanently and legibly record in ink the following information within the following time constraints:

(a) For each vessel trip, the operator shall record the vessel name and registration number, crew size, departure and return date and time, and buyers of fish landed.

(b) For each trawl tow conducted, the vessel operator shall record the month and day, time gear was set and retrieved, latitude and longitude fished, depth at which most fish were caught, net type, target species, and estimated weight of fish species retained. Species or species groups with trip or cumulative limits must be identified separately and cannot be recorded in combination with other species.

(6) Violation of this section is a misdemeanor, punishable under RCW 77.15.280.

[Statutory Authority: RCW 77.12.047, 07-23-002 (Order 07-279), § 220-44-080, filed 11/7/07, effective 12/8/07. Statutory Authority: 2000 c 107 § 7. 00-16-033 (Order 00-124), § 220-44-080, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-44-080, filed 2/11/98, effective 3/14/98; 85-08-023 (Order 85-24), § 220-44-080, filed 4/1/85.]

WAC 220-44-090 Far offshore fishery. (1)(a) It is unlawful for any fisher to transport through the waters of the state, or to land in any Washington state port, bottomfish taken outside the Exclusive Economic Zone (more than 200 miles offshore), except that any fisher may transport bottomfish through the waters of the state or land bottomfish taken without the Exclusive Economic Zone, provided:

(i) The fisher has, at least 48 hours prior to participating in the far offshore fishery, notified the department either by writing to the Washington Department of Fish and Wildlife, 48A Devonshire Road, Montesano, WA 98563; or telephoning the department during regular business hours, Monday through Friday, at 360-586-6129. The fisher must provide the following information: Vessel name and official number; anticipated fishing dates; anticipated port of landing;

(ii) The fisher makes the vessel available for a hold inspection, if required to do so by the department, prior to departure for the far offshore fishery; and

(iii) The fisher notifies the department at least 24 hours prior to landing bottomfish at any Washington state port. The fisher must provide the following information: Port of land-

ing; estimated date and time of landing; estimated species composition, and weight of fish aboard.

(b) Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(2)(a) It is unlawful for any fisher to fish within, or to land fish taken from within, the Exclusive Economic Zone during any trip for which a declaration to participate in the far offshore fishery has been made.

(b) Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(3)(a) Fishers participating in the far offshore fishery are required to be properly licensed in order to land bottomfish into a Washington state port.

(b) Violation of catch restrictions is punishable pursuant to RCW 77.15.550.

(4) This section does not apply to bottomfish that have been previously landed in another state, territory, or country; does not apply to delivery by vessels other than the catcher vessel; and does not apply to bottomfish taken in Canadian territorial waters.

[Statutory Authority: RCW 77.12.047, 07-23-002 (Order 07-279), § 220-44-090, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-44-090, filed 5/19/94, effective 6/19/94.]

WAC 220-44-095 Coastal sardine purse seine fishery—Harvest, landing, and reporting requirements—Gear.

(1)(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 Lori Preuss at 360-902-2930, 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) The coastal sardine fishery season is open to purse seine fishing each year only from April 1st through December 31st. It is unlawful to take Pacific sardine in state waters except for the incidental take authorized by the coastal bait-fish regulations.

(c) It is unlawful to retain any species that is taken incidental to sardine, except for anchovy, mackerel, and market squid (*Logligo opalescens*). Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

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

(e) It is unlawful to fail to have legal purse seine gear aboard the vessel making a sardine landing.

(f) It is unlawful to fail to deliver sardine landings to a shore-side processing facility.

(g) Once a delivery has commenced at a processing plant, all fish on board the vessel must be offloaded at that plant.

(h) 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.

(2) License owners must designate a vessel upon issuance or renewal of the license and must be identified as either the vessel owner or primary license operator.

(3) Persons fishing under a Washington sardine purse seine fishery license or temporary annual fishery permit must:

(a) Carry an observer on board 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.

(4) Violation of reporting requirements under this section is punishable pursuant to RCW 77.15.280.

(5) Violation of gear, harvest, or landing requirements under this section is punishable pursuant to RCW 77.15.520.

[Statutory Authority: RCW 77.12.047 and 77.04.020, 10-02-003 (Order 09-167), § 220-44-095, filed 12/23/09, effective 1/23/10.]

WAC 220-44-100 Bottomfish caught during research.

(1) Vessels engaged in chartered research for the National Marine Fisheries Service (NMFS) or the International Pacific Halibut Commission (IPHC) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel.

(2) Vessels that have been compensated for research work by NMFS or IPHC with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel.

(3) Any bottomfish landed during authorized NMFS or IPHC research or under the authority of a compensating EFP for past-chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit.

(4) Bottomfish landed under the authority of NMFS or IPHC research work or an EFP-compensating research with fish must be clearly marked "NMFS Compensation Trip" or "IPHC Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use.

(5) The NMFS or IPHC scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS or IPHC research. If the fish are landed under the authority of an EFP

as payment for research work, the EFP number must be listed in the dealer's use space.

[Statutory Authority: RCW 77.12.047. 07-23-002 (Order 07-279), § 220-44-100, filed 11/7/07, effective 12/8/07.]