

Chapter 220-355 WAC

COMMERCIAL FISHERIES—BOTTOMFISH AND HALIBUT

WAC

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WAC 220-355-010 Unlawful retention of live bottomfish. It is unlawful to take and preserve bottomfish alive for any commercial purpose, except as otherwise provided by state law or department rule. Violation of this section is a gross misdemeanor punishable under RCW 77.15.550 Violation of 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), recodified as § 220-355-010, 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 12-23-016 (Order 12-267), § 220-48-072, filed 11/9/12, effective 12/10/12.]

WAC 220-355-020 Puget Sound bottomfish—General provisions. (1) It is unlawful to possess English sole less than 12 inches in length taken with commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken with commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with commercial gear year-round in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess lingcod less than 26 inches in length or greater than 36 inches in length taken with commercial gear in all state waters east of the Bonilla-Tatoosh line.

(5) It is unlawful to possess lingcod taken with commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, 25E, and 29.

(6) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-340-720 and 220-340-770.

(7) Incidental catch.

(a) It is permissible to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken under state law and department rule.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except when using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

(8) A vessel trip is completed upon the initiation of transfer of catch from a fishing vessel.

(9) Pacific cod.

(a) It is unlawful to discard Pacific cod taken by commercial fishing gear.

(b) All Pacific cod taken by a commercial gear must be landed at a licensed commercial dealer.

(10) Sablefish.

(a) It is unlawful to take more than 300 pounds of sablefish per vessel trip or more than 600 pounds of sablefish per two-month cumulative limit from open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(b) A two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two-fixed calendar month period. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December.

(11) Sixgill shark. It is unlawful to retain sixgill shark taken with commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(12) Rockfish. It is unlawful to retain any species of rockfish taken with commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(13) Violation of this section is a gross misdemeanor or class C felony, punishable under RCW 77.15.520 or 77.15.550, depending on the gear used or the time and area fished.

[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 § 220-355-020, 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 12-23-016 (Order 12-267), § 220-48-005, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-106 (Order 11-43), § 220-48-005, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 02-08-026 (Order 02-66), § 220-48-005, filed 3/27/02, effective 4/27/02. Statutory Authority: RCW 75.08.080. WSR 98-05-043, § 220-48-005, filed 2/11/98, effective 3/14/98; WSR 94-12-009 (Order 94-23), § 220-48-005, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-48-005, filed 7/14/93, effective 8/14/93; WSR 92-11-011 (Order 92-28), § 220-48-005, filed 5/12/92, effective 6/12/92; WSR 85-08-023 (Order 85-24), § 220-48-005, filed 4/1/85;

WSR 83-24-024 (Order 83-200), § 220-48-005, filed 11/30/83, effective 1/1/84; WSR 82-24-080 (Order 82-215), § 220-48-005, filed 12/1/82, effective 1/1/83; WSR 82-14-056 (Order 82-72), § 220-48-005, filed 7/1/82.]

WAC 220-355-030 Puget Sound bottomfish—Unlawful gear. (1) It is unlawful to fish for or possess bottomfish taken with the following gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas:

- (a) Otter trawl;
- (b) Beam trawl;
- (c) Dogfish set net gear;
- (d) Pacific cod set net gear;
- (e) Set line gear;
- (f) Commercial jig gear; and
- (g) Troll line gear.

(2) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—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), recodified as § 220-355-030, 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 12-23-016 (Order 12-267), § 220-48-015, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-106 (Order 11-43), § 220-48-015, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 01-10-001 (Order 01-58), § 220-48-015, filed 4/18/01, effective 5/19/01; WSR 01-02-060 (Order 00-266), § 220-48-015, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. WSR 98-05-043, § 220-48-015, filed 2/11/98, effective 3/14/98; WSR 97-07-053 (Order 97-52), § 220-48-015, filed 3/17/97, effective 4/17/97; WSR 94-19-001 (Order 94-96), § 220-48-015, filed 9/7/94, effective 10/8/94; WSR 94-12-009 (Order 94-23), § 220-48-015, filed 5/19/94, effective 6/19/94; WSR 91-13-051 (Order 91-39), § 220-48-015, filed 6/14/91, effective 7/15/91; WSR 89-14-010 (Order 89-48), § 220-48-015, filed 6/22/89; WSR 87-04-003 (Order 87-03), § 220-48-015, filed 1/22/87; WSR 85-08-023 (Order 85-24), § 220-48-015, filed 4/1/85; WSR 84-08-014 (Order 84-24), § 220-48-015, filed 3/27/84; WSR 83-24-024 (Order 83-200), § 220-48-015, filed 11/30/83, effective 1/1/84; WSR 83-04-025 (Order 83-04), § 220-48-015, filed 1/27/83; WSR 82-24-080 (Order 82-215), § 220-48-015, filed 12/1/82, effective 1/1/83; WSR 82-14-056 (Order 82-72), § 220-48-015, filed 7/1/82.]

WAC 220-355-040 Commercial salmon fishing—Retaining Puget Sound bottomfish incidental catch. It is permissible to retain bottomfish for commercial purposes taken with commercial salmon gear incidental to a lawful salmon fishery in any waters of Puget Sound, except lingcod during closures provided in WAC 220-355-020.

[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 § 220-355-040, 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 12-23-016 (Order 12-267), § 220-48-052, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 98-05-043, § 220-48-052, filed 2/11/98, effective 3/14/98; WSR 92-11-011 (Order 92-28), § 220-48-052, filed 5/12/92, effective 6/12/92; WSR 83-24-024 (Order 83-200), § 220-48-052, filed 11/30/83, effective 1/1/84; WSR 82-24-080 (Order 82-215), § 220-48-052, filed 12/1/82, effective 1/1/83; WSR 82-14-056 (Order 82-72), § 220-48-052, filed 7/1/82.]

WAC 220-355-050 Puget Sound bottomfish—Drag seine requirements and seasons. (1) It is unlawful to operate drag seine or beach seine gear without possessing a valid food fish drag seine fishery license. A violation of this subsection is a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.500 Commercial fishing without a license—Penalty.

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(2) It is unlawful to take, fish for, and possess bottomfish with drag seine or beach seine gear, unless the gear meets the following requirements:

- (a) Seines must be 350 feet or less in length; and
- (b) Net mesh must be 1/2-inch stretch measure or larger.

(3) Violation of subsection (2) of this section is a gross misdemeanor, punishable under RCW 77.15.520 Commercial fishing—Unlawful gear or methods—Penalty.

(4) It is unlawful to take, fish for, or possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(a) Areas 28A, 28B, 28C, and 28D - Open January 1 through April 30.

(b) All other areas - Open September 1 through April 30, except that Areas 27A, 27B, 27C, and 29 are closed year-round.

(5) Violation of subsection (4) of this section is either a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.550 Violation of 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), recodified as § 220-355-050, 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 12-23-016 (Order 12-267), § 220-48-061, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-48-061, filed 5/19/94, effective 6/19/94; WSR 82-14-056 (Order 82-72), § 220-48-061, filed 7/1/82.]

WAC 220-355-060 Puget Sound—Bottomfish pots.

(1) It is unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-300-050, except in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

Areas 23C and 29 open only by permit from the director.

(2) Violation of subsection (1) of this section is a gross misdemeanor, punishable under RCW 77.15.550 Violation of commercial fishing area or time—Penalty.

(3) It is unlawful to operate bottomfish pot gear without possessing a valid bottomfish pot license. Violation of this subsection is a gross misdemeanor or class C felony, depending on the circumstances of the violation, punishable under RCW 77.15.500 Commercial fishing without a license—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 § 220-355-060, 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 12-23-016 (Order 12-267), § 220-48-071, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-106 (Order 11-43), § 220-48-071, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 75.08.080. WSR 98-05-043, § 220-48-071, filed 2/11/98, effective 3/14/98; WSR 94-12-009 (Order 94-23), § 220-48-071, filed 5/19/94, effective 6/19/94; WSR 84-08-014 (Order 84-24), § 220-48-071, filed 3/27/84; WSR 82-24-080 (Order 82-215), § 220-48-071, filed 12/1/82, effective 1/1/83; WSR 82-14-056 (Order 82-72), § 220-48-071, filed 7/1/82.]

WAC 220-355-070 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, bot-

tomfish taken for commercial purposes in violation of gear requirements published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subparts D through F. 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 220-355 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 going on the internet to the National Marine Fisheries Service West Coast Region Groundfish page. 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 77.04.020, 77.12.045, and 77.12.047. WSR 17-18-037 (Order 17-223), § 220-355-070, 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 § 220-355-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-030, filed 11/7/07,

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

WAC 220-355-080 Highly migratory species fisheries—Possession and landing requirements—Gear restriction.

(1) It is unlawful to possess, transport through the 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 220-355 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 www.pccouncil.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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-355-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.65.010, 77.12.047, and 77.04.020. WSR 09-01-178 (Order 08-315), § 220-44-035, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-035, filed 11/7/07, effective 12/8/07; WSR 05-17-003 (Order 05-165), § 220-44-035, filed 8/3/05, effective 9/3/05; WSR 02-02-051 (Order 01-288), § 220-44-035, filed 12/27/01, effective 1/27/02.]

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.]

WAC 220-355-100 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, Subparts D through F. 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 220-355 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 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 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 77.04.020, 77.12.045, and 77.12.047. WSR 17-18-037 (Order 17-223), § 220-355-100, 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 § 220-355-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-050, filed 11/7/07, effective 12/8/07; WSR 03-05-078 (Order 03-31), § 220-44-050, filed 2/18/03, effective 3/21/03; WSR 02-02-051 (Order 01-288), § 220-44-050, filed 12/27/01, effective 1/27/02; WSR 01-13-002 (Order 01-103), § 220-44-050, filed 6/6/01, effective 7/7/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-033 (Order 00-124), § 220-44-050, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080. WSR 98-15-033 (Order 98-121), § 220-44-050, filed 7/7/98, effective 8/7/98; WSR 98-05-043, § 220-44-050, filed 2/11/98, effective 3/14/98; WSR 96-11-055 (Order 96-43), § 220-44-050, filed 5/9/96, effective 6/9/96; WSR 95-08-069 (Order 95-29), § 220-44-050, filed 4/4/95, effective 5/5/95; WSR 94-13-077 (Order 94-51), § 220-44-050, filed 6/10/94, effective 7/11/94; WSR 93-07-093 (Order 93-16), § 220-44-050, filed 3/22/93, effective 4/22/93; WSR 92-07-008 (Order 92-07), § 220-44-050, filed 3/6/92, effective 4/16/92; WSR 91-07-050 (Order 91-12), § 220-44-050, filed 3/18/91, effective 4/18/91; WSR 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. WSR 89-14-069 (Order 89-54), § 220-44-050, filed 6/30/89; WSR 89-06-030 (Order 89-07), § 220-44-050, filed 2/24/89; WSR 88-14-020 (Order 88-42), § 220-44-050, filed 6/28/88. Statutory Authority: RCW 75.08.080. WSR 87-07-042 (Order 87-17), § 220-44-050, filed 3/16/87; WSR 86-12-027 (Order 86-39), § 220-44-050, filed 5/28/86. Statutory Authority: RCW 75.08.070 and 75.08.080. WSR 85-07-022 (Order 85-17), § 220-44-050, filed 3/13/85. Statutory Authority: RCW 75.08.080. WSR 84-08-014 (Order 84-24), § 220-44-050, filed 3/27/84; WSR 83-17-030 (Order 83-88), § 220-44-050, filed 8/10/83; WSR 83-10-016 (Order 83-31), § 220-44-050, filed 4/26/83.]

WAC 220-355-110 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-355-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-080, filed 11/7/07, effective 12/8/07.]

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

WAC 220-355-120 Bottomfish—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 landing; 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-355-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-44-090, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-44-090, filed 5/19/94, effective 6/19/94.]

WAC 220-355-130 Commercial Pacific halibut fishery—Seasons, gear, possession, and landing requirements. (1) The commercial Pacific halibut fishery is jointly managed by the Washington department of fish and wildlife (WDFW), the National Marine Fisheries Service (NMFS), and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations (C.F.R.) 50 C.F.R. § 300, Subpart E provide federal requirements for this fishery

including, but not limited to, the time, place, and manner of taking Pacific halibut. This section adopts the federal regulations on Pacific halibut imposed by 50 C.F.R. § 300, Subpart E and the Federal Register, and it incorporates those federal regulations by reference. A copy of the federal regulations may be obtained by contacting the department at 360-902-2200, or accessing a copy online at the National Marine Fisheries Service West Coast Region Pacific Halibut page.

(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state port Pacific halibut taken for commercial purposes in violation of the requirements published in 50 C.F.R. § 300, Subpart E.

(b) Where the federal regulations refer to the fishery management area, that area is extended to include Washington state waters adjacent to the Exclusive Economic Zone.

(c) If state rules are more restrictive than federal regulations, the Washington Administrative Code takes precedence over the federal regulations.

(d) Additional regulations on Pacific halibut may be listed in the Federal Register. Other regulations on Pacific halibut in the Federal Register take precedence over the Pacific halibut fishery regulations in 50 C.F.R. § 300.60-300.67 if the regulations conflict. The department recommends that a person consult the Federal Register and the C.F.R. prior to participating in the commercial Pacific halibut fishery.

(2) Violation of reporting requirements under this section is punishable under RCW 77.15.280.

(3) Violation of possession requirements under this section is punishable under RCW 77.15.550.

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

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-18-037 (Order 17-223), § 220-355-130, 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), recodified as § 220-355-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R. § 300.60-300.67. WSR 13-06-029 (Order 13-26), § 220-20-130, filed 2/28/13, effective 3/31/13.]