

WSR 21-07-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-31—Filed March 9, 2021, 11:27 a.m., effective March 13, 2021]

Effective Date of Rule: March 13, 2021.

Purpose: The Washington department of fish and wildlife (WDFW) is enacting these rules to conform to federal regulations as these rules have been adopted by the National Marine Fisheries Service.

Citation of Rules Affected by this Order: Amending WAC 220-314-010, 220-314-020, 220-314-030, and 220-314-040.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These changes are consistent with actions taken by the Pacific Fishery Management Council (PFMC), which includes an extensive stakeholder process. Through the delegation of authority provided by the fish and wildlife commission to the director, WDFW regulatory changes for consistency with PFMC actions may be approved by the director via expedited rule making.

Recreational fisheries in Washington are primarily constrained by yelloweye rockfish. Depth restrictions have been an effective tool for minimizing encounters and keeping catch within state specific harvest guidelines (HG). Largely influenced by the federal yelloweye rockfish annual catch limit, regulatory changes focus on the timing and need for depth and area restrictions. The regulatory changes also consider reducing restrictions on the retention of healthy rockfish species and take an additional incremental step toward the relaxation of depth and area closures that began in 2019 and 2020.

WAC 220-314-040 Bottomfish and halibut—Closed areas, this change would open the Westport Offshore Recreational YRCA and the South Coast Recreational YRCA to fishing for, retaining, and possessing bottomfish or halibut.

WAC 220-314-020 Possession limits—Bottomfish, this change would allow five flatfish in addition to the nine daily bottomfish limit.

WAC 220-314-030 Halibut—Seasons—Daily and possession limits, regulation changes are necessary to revise depth restrictions in Marine Area 1 through 4. Federal harvest quotas for yelloweye rockfish in Washington for 2021 and 2022 are sufficient to allow relaxation of depth restrictions and provides access to healthy lingcod resources that are commonly associated with yelloweye rockfish. The 20-fathom depth restriction in Marine Areas 3 and 4 west of the Bonilla-Tatoosh line would be in place from June 1 through July 31. Yellowtail and widow rockfish retention is allowed seaward of the one-hundred twenty foot depth restriction in July and August in Marine Area 4 east of the Bonilla-Tatoosh line and would be allowed seaward of the twenty fathom depth restriction in Marine Areas 3 and 4 west of the Bonilla-Tatoosh line in the month of July.

In Marine Area 2, the 30-fathom line would be in place from May 1 to May 31.

In Marine Area 1 anglers would be allowed to retain the following bottomfish when halibut is on board: Sablefish, Pacific cod, flatfish, yellowtail, widow, canary, redstriped, greenstriped, silvergray, chilipepper, bocaccio, blue and deacon rockfish, as well as lingcod north of the Washington-Oregon [border].

In Marine Areas 3 and 4, anglers will be allowed to retain lingcod, sablefish, Pacific cod, bocaccio, silvergray, canary, widow, and yellowtail rockfish.

WAC 220-314-040 Lingcod—Areas and seasons, a deepwater closed area is in place in Marine Area 1; this rule change would allow lingcod retention in this deepwater area from June 1 through June 15.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 9, 2021.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-314-01000A Bottomfish and halibut—Closed areas. Effective March 13, 2021, until further notice the "Westport Offshore Recreational YRCA" and the "South Coast Recreational YRCA" shall be open to fishing for, retaining and possessing bottomfish or halibut and shall follow the rules, seasons and daily limits of the adjacent waters of Marine Area 2. All other provisions of WAC 220-314-010 not addressed herein, or unless otherwise amended by emergency rule, remain in effect.

(1) The "Westport Offshore Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°54.30'N, 124°53.40'W; thence to 46°54.30'N, 124°51.00'W; thence to 46°53.30'N, 124°51.00'W; thence to 46°53.30'N, 124°53.40'W, thence to the point of origin.

(2) The "South Coast Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°58.00'N, 124°48.00'W; thence to 46°55.00'N, 124°48.00'W; thence to 46°55.00'N, 124°49.00'W; thence to 46°58.00'N, 124°49.00'W; thence to the point of origin.

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NEW SECTION

WAC 220-314-02000H Possession limits—Bottomfish. Effective March 13, 2021, until further notice, in addition to the bottomfish limit in WAC 220-314-020 subsection (1)(b), in Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line, anglers may take 5 flatfish per person, per day, not counted towards the bottomfish limit but in addition to it.

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NEW SECTION

WAC 220-314-03000D Halibut—Seasons—Daily and possession limits. Effective March 13, 2021, until further notice the following provisions of WAC 220-314-030, regarding bottomfish seasons and retention during open halibut seasons and coastal fathom restrictions shall be modified as described below. All other provisions of WC 220-314-030 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Yellowtail and widow rockfish retention is permitted seaward of the 120-foot depth restriction from July 1, 2021, until further notice, in Marine area 4 east of the Bonilla-Tatoosh line.

(2) Yellowtail and widow rockfish retention is permitted seaward of the 20-fathom depth restriction line from July 1, 2021, until further notice, in Marine are 4 west of the Bonilla-Tatoosh line.

(3) In Marine Areas 3 and 4 west of the Bonilla-Tatoosh line it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from June 1, 2021, until further notice, except on days and times open to halibut fishing, it is permissible to retain lingcod, sablefish, Pacific cod, bocaccio, silvergray, canary, widow, and yellowtail rockfish:

48°23.9'N. lat., 124°44.2'W. long.

48°23.6'N. lat., 124°44.9'W. long.

48°18.6'N. lat., 124°43.6'W. long.

48°18.6'N. lat., 124°48.2'W. long.

48°10.0'N. lat., 124°48.8'W. long.

48°02.4'N. lat., 124°49.3'W. long.

47°37.6'N. lat., 124°34.3'W. long.

47°31.7'N. lat., 124°32.4'W. long.

(4) From May 1 through May 31, 2021, in Marine Area 2, it is unlawful to fish for or possess lingcod, seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain lingcod on days open during the primary halibut season:

47°31.70'N. lat., 124°37.03'W. long.

47°25.67'N. lat., 124°34.79'W. long.

47°12.82'N. lat., 124°29.12'W. long.

46°52.94'N. lat., 124°22.58'W. long.

46°44.18'N. lat., 124°18.00'W. long.

46°38.17'N. lat., 124°15.88'W. long.

(5) In Marine Area 1 it is unlawful during any vessel trip to bring into port or land bottomfish, except sablefish, Pacific cod, flatfish, yellowtail, widow, canary, redstriped, greenstriped, silver-gray, chilipepper, bocaccio, blue and deacon rockfish, as well as lingcod north of the Washington-Oregon border if the vessel has brought halibut into port or landed halibut.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-314-04000B Lingcod—Areas and seasons. Effective March 13, 2021, until further notice the following provisions of WAC 220-314-040, regarding lingcod seasons and retention in the Marine Area 1 deepwater lingcod closure area. All other provisions of WC 220-314-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

It is unlawful to fish for, retain, or possess lingcod in Marine Area 1 seaward of a line extending from 46°38.17'N. lat., 124°21.00'W. long. to 46°33.00'N. lat., 124°21.00'W. long. when lingcod is open, except that lingcod may be taken, retained and possessed seaward of the line from June 1 through June 15, 2021.

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Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.