

WSR 23-02-065
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-17—Filed January 4, 2023, 8:57 a.m.]

Title of Rule and Other Identifying Information: WAC 220-314-020 Possession limits—Bottomfish.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule change is to amend a rule affecting the coastal recreational bottomfish fishery so that it is consistent with regulations adopted by the Pacific Fishery Management Council (PFMC).

The rule change will prohibit the possession of copper rockfish, quillback rockfish, and vermilion rockfish during May, June, and July in the coastal recreational bottomfish fishery, i.e., in Marine Areas 1 through 4, to reduce total catch consistent with reductions in state-specific harvest guidelines for 2023. The coastal recreational bottomfish fishery season opens the second Saturday in March and closes the third Saturday in October and retention of these species will remain lawful in the other months of the season to support biological data collection needed for scientific population assessments.

Reasons Supporting Proposal: This rule change conforms state regulations to regulations recently adopted by PFMC and implemented into federal regulation by the National Marine Fisheries Service. Stakeholder input from Washington recreational anglers was considered during the PFMC public hearing process and through meetings sponsored by the Washington department of fish and wildlife (WDFW).

Statutory Authority for Adoption: RCW 77.040.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.040.020, 77.12.045, and 77.12.047.

Rule is necessary because of federal law, [no further information provided by agency].

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lorna Wargo, 1111 Washington Street S.E., Olympia, WA, 360-581-5611; and Enforcement: Steve Bear, Police Chief, 1111 Washington Street S.E., Olympia, WA, 360-902-3463.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These changes are consistent with the actions taken by PFMC, which includes an extensive stakeholder proc-

ess. Through the delegation of authority provided by the Washington 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.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lorna Wargo, WDFW, 1111 Washington Street S.E., Olympia, WA, phone 360-581-5611, email Lorna.Wargo@dfw.wa.gov, AND RECEIVED BY March 6, 2023.

January 4, 2023

Chris Fredley

Acting Agency Rules Coordinator

OTS-4231.1

AMENDATORY SECTION (Amending WSR 21-16-069, filed 7/30/21, effective 8/30/21)

WAC 220-314-020 Possession limits—Bottomfish. It is unlawful for any person to fish for or take bottomfish for personal use except within the seasons, daily quantities, and possession limits prescribed as follows:

(1) Coastal areas (Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line):

(a) Bottomfish fishing is open the second Saturday in March through the third Saturday in October, except fishing for surfperch from the shore is allowed year-round.

(b) Limit of surfperch is 12 per person per day. For all other bottomfish, limit is 9 fish total per person per day, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish in aggregate. The possession limit for yelloweye rockfish is 0. In May, June, and July the possession limit for copper rockfish, quillback rockfish, and vermilion rockfish is 0.

(iii) Wolf-eel: 0 fish from Catch Record Card Area 4.

(iv) Cabezon: Marine Areas 1 through 4: 1 fish, no minimum size.

(c) Additional flatfish: In addition to the bottomfish limit in (b) of this subsection, anglers may take 5 flatfish per person, per day, not to be counted towards the bottomfish limit but in addition to it.

(2) Inner Puget Sound (Marine Areas 4 east of the Bonilla-Tatoosh line, and 5 through 13):

(a) Marine Area 4 east of the Bonilla-Tatoosh line: Limit of surfperch is 12 per person per day. For all other bottomfish, 9 fish total, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish. Only black, blue/deacon, yellowtail, and widow rockfish may be retained.

(iii) Wolf-eel: 0 fish.

(iv) Cabezon: 1 fish, no minimum size.

(b) Marine Areas 5 and 6: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except	1 fish May 1 through September 30. Only black or blue/deacon rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue/deacon rockfish may be retained.
in Marine Area 6.	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	2 fish

(c) Marine Area 7: 15 fish total for all species of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pollock	2 fish
Pacific hake	2 fish

(d) Marine Areas 8-1 through 11, and 13: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	0 fish

(e) Marine Area 12: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	0 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut) only in Dabob Bay north of Turner Creek	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(f) The possession limit for lingcod taken by angling gear is 26 to 36 inches in length. For spear fishing, lingcod may not be possessed that exceed 36 inches in length but there is no minimum size limit.

(g) In Marine Areas 5 through 11, and 13, the minimum size limit for cabezon is 18 inches. All cabezon must be released in Marine Areas 5 through 11, and 13, from December 1 through April 30.

(h) In Marine Area 5, the daily limit for rockfish is the first legal rockfish caught, except that west of Slip Point, the daily limit for rockfish is the first three legal rockfish caught. Only black or blue/deacon rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Marine Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

(3) The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form.

(4) Unless otherwise provided, bottomfish fishing is open the entire year.

(5) Daily limits include bottomfish caught in adjacent areas bordering other states, such as Oregon.

(6) It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and C.F.R. Title 50, Part 660. WSR 21-16-069 (Order 21-130), § 220-314-020, filed 7/30/21, effective 8/30/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055. WSR 20-04-058 (Order 20-19), § 220-314-020, filed 1/30/20, effective 7/1/20. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and C.F.R. Title 50, Part 660. WSR 19-16-001 (Order 19-150), § 220-314-020, filed 7/24/19, effective 8/24/19; WSR 18-23-070 (Order 18-302), § 220-314-020, filed 11/16/18, effective 12/17/18; WSR 17-17-045, § 220-314-020, filed 8/10/17, effective 9/10/17. 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), re-codified as § 220-314-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and C.F.R. Title 50, Part 660. WSR 16-17-017 (Order 16-200), § 220-56-235, filed 8/5/16, effective 9/5/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 15-15-012 (Order 15-199), § 220-56-235, filed 7/2/15, effective 8/2/15. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-19-007 (Order 13-221), § 220-56-235, filed 9/5/13, effective 10/6/13; WSR 12-05-082 (Order 12-17), § 220-56-235, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.04.020,

77.12.045, 77.12.047, and C.F.R. Title 50, Part 660. WSR 11-15-003 (Order 11-142), § 220-56-235, filed 7/6/11, effective 8/6/11. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and 50 C.F.R., Parts 223 and 224. WSR 11-07-107 (Order 11-30), § 220-56-235, filed 3/23/11, effective 4/23/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-235, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.047 and 77.65.200. WSR 07-12-080, § 220-56-235, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 77.12.047. WSR 04-17-098 (Order 04-218), § 220-56-235, filed 8/17/04, effective 9/17/04; WSR 04-07-009 (Order 04-39), § 220-56-235, filed 3/4/04, effective 5/1/04; WSR 03-16-100 (Order 03-178), § 220-56-235, filed 8/6/03, effective 9/6/03; WSR 03-05-057 (Order 03-24), § 220-56-235, filed 2/14/03, effective 5/1/03; WSR 02-09-001 (Order 02-53A), § 220-56-235, filed 4/3/02, effective 5/4/02; WSR 01-06-036 (Order 01-24), § 220-56-235, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. WSR 00-17-016 (Order 00-139), § 220-56-235, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-235, filed 3/29/00, effective 5/1/00; WSR 99-15-081 (Order 99-102), § 220-56-235, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. WSR 98-15-032 (Order 98-119), § 220-56-235, filed 7/7/98, effective 8/7/98; WSR 97-07-078 (Order 97-53), § 220-56-235, filed 3/19/97, effective 5/1/97; WSR 96-05-004 (Order 96-13), § 220-56-235, filed 2/9/96, effective 5/1/96; WSR 95-04-066 (Order 95-10), § 220-56-235, filed 1/30/95, effective 5/1/95; WSR 94-14-069, § 220-56-235, filed 7/1/94, effective 8/1/94; WSR 93-08-034 (Order 93-20), § 220-56-235, filed 3/31/93, effective 5/1/93; WSR 92-11-012 (Order 92-19), § 220-56-235, filed 5/12/92, effective 6/12/92; WSR 91-08-054 (Order 91-13), § 220-56-235, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-235, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-235, filed 3/16/89; WSR 88-10-013 (Order 88-15), § 220-56-235, filed 4/26/88; WSR 85-09-017 (Order 85-20), § 220-56-235, filed 4/9/85; WSR 84-09-026 (Order 84-22), § 220-56-235, filed 4/11/84; WSR 83-07-043 (Order 83-16), § 220-56-235, filed 3/17/83; WSR 80-07-017 (Order 80-45), § 220-56-235, filed 6/11/80; WSR 80-03-064 (Order 80-12), § 220-56-235, filed 2/27/80, effective 4/1/80.]