

WSR 23-07-087
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-43—Filed March 15, 2023, 11:35 a.m., effective April 15, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule change is to allow commercial landings of dressed rockfish for vessels that obtain a director's permit to do so. To ensure accurate data collection for stock assessments, fish are currently required to be landed into Washington ports in the whole (also known as "round") condition, unless specifically exempted in regulation. This rule would expand the list of exempted species/species groups to include rockfishes, again as authorized by permit of the director.

Participants in the federal fixed gear sablefish fishery off Washington, as well as the salmon troll fishery, have expressed interest in the ability to land their incidentally caught rockfish in the dressed condition (i.e., gilled and gutted with the head attached) to preserve their marketability and reduce discarding early in the trip due to spoilage. Rockfish are an important contribution to overall revenue, and this rule change would allow more fishers to sell a larger percentage of their catch and to better sell their rockfish in direct-to-consumer markets. Buyers have also commented that, with this rule change, they expect to be able to sell more of the rockfish they receive from fishers.

Citation of Rules Affected by this Order: Amending WAC 220-353-050 Possession of food fish and shellfish—Identification—Commercial.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, 77.04.055, and 77.12.047.

Adopted under notice filed as WSR 23-04-094 on January 31, 2023.

A final cost-benefit analysis is available by contacting Corey Niles, 1111 Washington Street S.E., Olympia, WA 98501, phone 360-902-2733, email Corey.Niles@dfw.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 14, 2023.

Kelly Susewind
Director

OTS-4308.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-353-050 Possession of food fish and shellfish—Identification—Commercial. (1) It is unlawful to possess any food fish or shellfish in a condition where the species, length, weight, or sex cannot be determined if a species, species group or category, length, weight, or sex limit is prescribed for that species on a vessel engaging in commercial fishing or that has commercially caught fish aboard, except:

(a) It is permissible to possess fish or shellfish legally taken for commercial purposes, landed, and properly accounted for on a completed fish receiving ticket;

(b) It is permissible to possess, transport through the waters of the state, or land dressed sablefish;

(c) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed salmon caught during a legal commercial salmon troll fishery, provided that frozen dressed Chinook salmon are 21 1/2 inches or more in length and frozen dressed coho salmon are 12 inches or more in length, measured from the midpoint of the clavicle arch to the fork of the tail;

(d) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed halibut if allowed by International Pacific Halibut Commission (IPHC) rules and such fish meet any IPHC size requirements so long as halibut is landed with the heads still attached; (~~and~~)

(e) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed lingcod when taken during a lawful commercial fishery; and

(f) It is permissible to possess, transport through the waters of the Pacific Ocean, or land dressed rockfish if authorized by a permit issued by the director and in accordance with the permit's terms and conditions.

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

(3) "Dressed fish" is defined as provided in WAC 220-350-050.

[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 § 220-353-050, 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 13-03-153 (Order 13-16), § 220-20-121, filed 1/23/13, effective 2/23/13.]