



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Washington Department of Fish and Wildlife

**Title of rule and other identifying information:** (Describe Subject) WAC 220-20-010 General Rules—Fish, WAC 220-56-235 Possession Limits –Bottomfish.

### 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**

Name: Scott Bird, Rules Coordinator

Agency: Washington Department of Fish and Wildlife

Address: 600 Capitol Way North, Olympia, WA 98501-1091

**AND RECEIVED BY** (Date) June 20, 2016

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rule change is to clarify Washington Administrative Codes regarding recreational bottomfish and shellfish possession limits. These changes will make it clear that bottomfish and shellfish caught in the Pacific Ocean, and landed into a Washington port are subject to Washington personal use fishing regulations including possession limits. This change is particularly important for areas where management lines include ocean waters adjacent to both Oregon and Washington, where differential fishing regulations may be in place. Through the Pacific Fishery Management Council’s biennial groundfish management process, specific management measures were developed through a public process that included stakeholder input, to regulate groundfish mortality to specific harvest limits for Washington state. Harvest limits and regulations are often different in each. Catch landed into Washington is attributed to Washington’s harvest limits and if regulations allow for landings from a state (such as Oregon) with more liberal limits, Washington could be at risk for exceeding harvest levels that ensure that over harvest is not occurring.

**Reasons supporting proposal:** This rule change conforms to regulations adopted by the PFMC and implemented into federal regulation by the National Marine Fisheries Service. Input from Washington recreational fishermen was gathered during the PFMC public process and during public meetings sponsored by WDFW.

**Statutory authority for adoption:** RCW 77.04.020, 77.12.045, and 77.12.047

**Statute being implemented:** RCW 77.04.020, 77.12.045, and 77.12.047

**Is rule necessary because of a:**

- |                         |   |  |
|-------------------------|---|--|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Federal Court Decision? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If yes, CITATION: CFR Title 50, Part 660

**DATE**  
April 11, 2016

**NAME (TYPE OR PRINT)**  
Scott Bird

**SIGNATURE**  
*Scott Bird*

**TITLE**  
Rules Coordinator

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: April 18, 2016**

**TIME: 4:26 PM**

**WSR 16-09-079**

**Name of proponent:** (person or organization)

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Heather Reed	Montesano, WA	360-249-1202
Implementation....Heather Reed	Montesano, WA	360-249-1202
Enforcement.....Mike Cenci	1111 Washington St., SE, Olympia, WA	360-902-2938

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**WAC 220-20-010 General rules—Fish.** (1) It is unlawful to take, fish for, possess or transport fish, shellfish, or fish or shellfish parts, in or from any waters or land within the jurisdiction of the state of Washington, or from the waters of the Pacific Ocean, except as provided by department rule. Specifically, persons delivering fish or shellfish caught in Pacific Ocean waters into Washington are subject to all Washington personal use fishing, possession, and licensing regulations.

(2) It is unlawful for any person who takes or possesses fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington, or the Pacific Ocean, for any purpose, to fail to submit the fish or shellfish for inspection by authorized department personnel. Violation of this subsection is punishable under RCW 77.15.360((7)) Unlawful interfering in department operations—Penalty.

(3) It is unlawful for the owner or operator of any fishing gear to refuse to submit to inspection of the gear in any manner specified by a fish and wildlife officer. Violation of this subsection is punishable under RCW 77.15.470.

(4) It is unlawful for any person to fish for fish or shellfish while in possession in the field of fish or shellfish that are in violation of the rules for the area fished. This subsection does not apply to vessels in transit. Violation of this subsection is punishable under RCW 77.15.380 or RCW 77.15.550, depending on the circumstances of the violation.

(5) It is unlawful to take, fish for, possess, injure, kill, or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere with the proper operation of a fish protective device in any way. Violation of this subsection is punishable under RCW 77.15.370 or 77.15.380, depending on the circumstances of the violation.

(6) It is unlawful to take or possess any fish or shellfish smaller or larger than the minimum or maximum size limits or in excess of catch or possession limits prescribed by department rule. A person must immediately return to the water any fish or shellfish snagged, hooked, netted or gilled that do not conform to department size requirements or are in excess of catch or possession limits with the least possible injury to the fish or shellfish. Violation of this subsection is a misdemeanor punishable under RCW 77.15.380 or 77.15.550, depending on the circumstances of the violation.

(7) It is unlawful for any person or entity licensed by the department or bringing fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from fish or shellfish. It is also unlawful for any person or entity to fail to relinquish to the department, upon request, any part of a salmon or other fish containing coded-wire tags including, but not limited to, the snouts of salmon with clipped adipose fins.

(8) For the purposes of this section "delivery" means transportation by a private or commercial recreational fishing vessel. Delivery in Washington is complete when, within the state, the vessel anchors, moors, ties to a float or pier, or is placed or attempted to be placed

on a boat trailer. Delivery is also complete if the fish or shellfish are offloaded from the vessel within state waters.

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided, bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4): Limit 12 fish total, except limit 10 fish total east of the Bonilla-Tatoosh line, of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod: 2 fish. Minimum length is 22 inches in Catch Record Card Areas 1 through 4.

(b) Rockfish: 10 fish(~~(. Release all)~~) in aggregate except the possession limit for canary rockfish and yelloweye rockfish is 0. In Marine Area 4 east of the Bonilla-Tatoosh line: 6 fish. Only black or blue rockfish may be retained.

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

(d) Cabezon:

(i) Marine Areas 1 through 3: 2 fish.

(ii) Marine Area 4: 1 fish; the minimum size limit is 18 inches.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card 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 rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue 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

(b) Catch Record Card 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

(c) Catch Record Card 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

(d) Catch Record Card 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)	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(e) It is unlawful to possess lingcod taken by angling that are under 26 inches in length or over 36 inches in length. It is unlawful to possess lingcod taken by spear fishing that are over 36 inches in length.

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

(g) In Catch Record Card 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 rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(h) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.