



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 220-56-115, Angling gear – Lawful and unlawful acts.

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

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AND RECEIVED BY (Date) February 20, 2013

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to allow recreational anglers fishing for tuna species in Pacific Ocean waters outside three miles from shore to use multiple rods or lines per angler, so long as anglers possess no other species onboard the vessel. This proposal also clarifies existing language that prohibits fishing for salmon for personal use with hand lines in Puget Sound east of the Sekiu River, and in the waters of Grays Harbor, Willapa Bay and the Columbia River. The proposal makes some minor technical changes, including moving a subsection and renumbering other subsections, to improve clarity of the rule. The proposed rule conforms to federal regulations adopted by the National Marine Fisheries Service.

Reasons supporting proposal: The proposed changes are necessary to ensure state regulations conform to federal regulations. Allowing multiple lines per angler while fishing for albacore maximizes access to the resource in the waters adjacent to Washington state without compromising the health of the albacore population. Changing the language and renumbering the sections relating to salmon fishing clarifies the prohibition on that type of salmon fishing and reduces reader confusion.

Statutory authority for adoption: RCW 34.05.353(1)(b) and (c), 77.04.020, 77.12.045, and 77.12.047.

Statute being implemented: RCW 34.05.353(1)(b) and (c), 77.04.020, 77.12.045, and 77.12.047.

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:
50 C.F.R. §§ 300.60-300.67

DATE
December 18, 2012

NAME (TYPE OR PRINT)
Joanna Eide

SIGNATURE

TITLE
Administrative Regulations Analyst

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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DATE: December 18, 2012
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Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

None.

AMENDATORY SECTION (Amending Order 12-190, filed 8/23/12, effective 9/23/12)

WAC 220-56-115 Angling gear--Lawful and unlawful acts. (1)

It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and 232-28-619.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish(~~(7)~~) or with a hand-operated line without rod or reel, except (~~as follows~~):

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave (~~the~~) a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

~~((b))~~ (c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

~~((c) It is permissible to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole), except that use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.)~~

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all

licensed anglers and juvenile anglers aboard has been retained.

(5) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree--Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree--Penalty.

(6) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree--Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree--Penalty.