

**Concise Explanatory Statement (CES)
Amending Recreational Bottomfish and Halibut Rules**

Rules amended as part of this rule making:

WAC 220-314-020 Possession Limits - Bottomfish
WAC 220-314-030 Halibut – Seasons – Daily and possession limits
WAC 220-314-040 Lingcod – Areas and Seasons
WAC 220-220-150 Oregon license reciprocity

Reasons for adopting the rules:

The overarching purpose of this rule change is to adopt Washington Administrative Code for recreational bottomfish and halibut fisheries that are consistent with regulations adopted by the Pacific Fishery Management Council (Council). 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 rulemaking

Coastal bottomfish regulations, including specific management measures such as seasons, bag limits, size limits, and possession limits are developed through the Council’s groundfish management process. The Council process includes stakeholder input, which is facilitated for Washington stakeholders by the Washington Department of Fish and Wildlife (WDFW). Management measures are analyzed to regulate bottomfish catch so that catch meets, but does not exceed, specific harvest limits established in federal regulation for Washington State. Harvest limits and regulations are often different in each state managed by the Council (Washington, Oregon and California).

WAC 220-314-020 Possession limits – Bottomfish

Three changes would revise sub-limits and for bottomfish that are part of the aggregate daily bottomfish bag limit and remove the minimum size limit for cabezon.

Canary rockfish: Remove the canary rockfish sublimit

The west coast canary rockfish population has rebuilt sufficiently to allow the retention of canary rockfish as part of the daily aggregate bottomfish limit. In recent years, WDFW has revised restrictions on canary rockfish retention in a conservative manner after being a prohibited species in recreational fisheries for many years. In 2017, retention of up to two canary rockfish was allowed in some areas of the coast with retention expanded to two canary rockfish in all marine areas in 2018. The federal harvest quota for canary rockfish in Washington recreational fisheries is 47.1 mt in 2019 and 44.3 mt in 2020, well below the 2018 catch of 4.6 mt. Removing the canary rockfish sublimit will give anglers additional opportunity to target and retain canary rockfish without risk of exceeding federal harvest quota.

Cabezon: Reduce the cabezon sublimit to 1 in all coastal marine areas and remove the 18-inch size limit in Marine Area 4

Currently the cabezon sublimit is two fish per day in Marine Areas 1 – 3 and one fish per day in Marine Area 4. This rule change would revise the cabezon sublimit so that it is one fish per day in all marine areas, which streamline regulations in coastal marine areas and simplifies rules for recreational anglers.

There is currently an 18-inch minimum size limit for cabezon in Marine Area 4. Removing the size limit will allow anglers to keep the first cabezon they catch regardless of size and could reduce the amount of discarded fish. Similar to the change to the sublimit, removing the minimum size limit in Marine Area 4 will align with regulations in coastal Marine Areas 1-3 and simplify regulations for recreational anglers.

Flatfish: allow 3 flatfish in addition to the 9 daily bottomfish limit

This rule change is necessary to clarify current regulations so that it is clear that anglers can keep 3 flatfish (except Pacific halibut) per day that do not count toward their nine bottomfish daily aggregate limit but, that are in addition to it. The proposed rule change language better aligns with what is described in federal regulations.

WAC 220-314-030 Halibut – Seasons – Daily and possession limits

Regulation changes are necessary to revise depth restrictions in Marine Area 2 through 4. Depth restrictions are in place to reduce encounters with rebuilding yelloweye rockfish. The most recent stock assessment showed that yelloweye rockfish are rebuilding at faster pace than previously thought. As a result, federal harvest quotas for yelloweye rockfish in Washington are significantly higher for 2019 and 2020 compared to recent years. Increased yelloweye rockfish harvest quotas allow some relaxation of depth restrictions and provide access to healthy lingcod resources that are commonly associated with yelloweye rockfish for recreational anglers.

Marine Area 3 and 4: Revise regulations relative to the 20 fathom depth restriction
Currently anglers are restricted from fishing for, or retaining, bottomfish seaward of 20-fathoms from May 9 through Labor Day in Marine Areas 3 and 4. This rule change would revise the depth restriction so that is in place from June 1 through Labor Day. In addition, the proposed rule changes would allow anglers to keep yellowtail and widow rockfish seaward of the 20-fathom depth restriction in the months of July and August on days open to the recreational salmon fishery. This change provides additional fishing opportunity for Washington recreational anglers to harvest healthy rockfish populations in a way that does not risk exceeding federal harvest quotas for rebuilding stocks like yelloweye rockfish.

Marine Area 2: Revise regulations relative to the 30 fathom depth restriction
Current regulations prohibit bottomfish retention seaward of 30 fathoms from March 15 through June 15; this rule change would revise the dates that the 30-fathom depth restriction is in place from the second Saturday in March through May 31. In addition, proposed rule changes would clarify that the 30-fathom depth restriction would be specific to lingcod rather than all bottomfish. These changes provide additional opportunity for recreational anglers to target lingcod in deep-water areas and streamline the regulations by implementing the start of the 30-fathom depth restriction so it is the same as the opening day of the recreational bottomfish and lingcod season.

WAC 220-314-040 Lingcod – Areas and Seasons

This rule change would open the lingcod season in Marine Area 4, west of the Bonilla-Tatoosh line from the second Saturday in March through the third Saturday in October. This aligns the opening of the lingcod season in this area with the opening of the recreational bottomfish and lingcod season in the other coastal management areas (Marine Areas 1-3). This change streamlines regulations in coastal marine areas and provides additional fishing opportunity for Washington recreational anglers to target lingcod approximately one month earlier than the current season opening in April.

Proposed rule changes would allow lingcod retention when halibut is onboard a vessel in Marine Area 1 north of the Washington border on all days open to the recreational halibut fishery, rather than just during the month of May as described in the current rule.

In Marine Area 2, current regulations prohibit lingcod retention in a deepwater closed area (with some exceptions). This rule change would allow lingcod retention in this deepwater area from June 1 through June 15 and from September 1 through September 15. Other revisions to the current rule language would provide regulatory clarity by describing that the deepwater lingcod closures in Marine Areas 1 and 2 are in effect when lingcod is open, rather than year round.

WAC 220-220-150 Oregon license reciprocity

In 2018, changes to WAC 220-314-030 were implemented to reflect a new four fish annual limit for the recreational halibut fishery approved through the Pacific Fishery Management Council. The proposed change to WAC 220-220-150 expands the current rule language to include annual limits and improves the clarity and intent of the rule.

A. Difference between the text of the proposed rules and the text of the rules as adopted: None

B. Summary of comments and WDFW response and consideration for the comments:

In addition to informational updates to the WDFW Rule Making web page, a letter describing the rule change proposal was sent on May 17, 2019 via email and U.S. mail to recreational stakeholders that are part of the ad hoc bottomfish advisory group and included the opportunity to provide comments through July 2, 2019. No comments were received.