

**Concise Explanatory Statement (CES)
Amending Possession Limits for Recreational Bottomfish and Shellfish**

Rules amended as part of this rule making:

WAC 220-20-010 General Rules - Fish
WAC 220-56-235 Possession Limits - Bottomfish

A. Reasons for adopting the rule:

The purpose of this rule change is to clarify Washington Administrative Codes regarding recreational bottomfish and shellfish possession limits. The 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.

Coastal bottomfish regulations including specific management measures such as bag limits, size limits, and possession limits are developed through the Pacific Fishery Management Council's (Council) biennial 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 harvest 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).

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 (e.g. the Columbia River area between Cape Falcon, Oregon and Leadbetter Point, Washington). Catch landed into Washington is attributed to Washington's harvest limits and if regulations allow for landings from a state (such as Oregon) where there may be more liberal harvest limits, Washington could be at risk for exceeding harvest levels that ensure that over harvest is not occurring.

B. Difference between the text of the proposed rules and the text of the rules as adopted:

There is no difference between the text of the proposed rules and the text of the rules as adopted.

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

In addition to information updates to the WDFW Rule Making web page, a letter describing the rule change proposal was emailed on May 6, 2016 to recreational stakeholders that are part of the ad hoc coastal bottomfish and halibut advisory group and included the opportunity to provide comments through June 20, 2016. Four comments were received via email prior to the public comment deadline. Response to the public comments were provided by WDFW staff.

The primary concern was that this rule change would affect the ability of anglers from Washington State to fish for salmon and halibut in Canada and land into a Washington port. It was explained that this rule change would not apply to salmon or halibut caught in Canada and landed into Washington as those provisions are covered in WAC 220-56-156 which would not be changed by this process.

Further, some background relative to the federal management process through the Pacific Council and how catch is accounted for in areas where differential regulations may be in place such as the area at the Washington – Oregon border was necessary to explain the need for these changes. Without these changes, Washington would not be able to ensure that harvest in the Washington recreational groundfish fishery is in line with management measures and harvest limits established in federal regulation.

An additional explanation was provided to spell out that changes were needed to clarify the regulatory language in WAC 220-20-010 and WAC 220-56-235 in order to provide consistency with what is already in place in WAC 220-55-210 (4) which specifies that, “Any game fish, food fish, unclassified fish, or shellfish landed into Washington must conform with current rules in effect for the point of landing including, but not limited to, daily limits, possession limits, size restrictions, and sex restrictions.”