

**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 220-310-120 Gaffing and use of other body – penetrating devices – personal use
WAC 220-305-010 General rules – Fish

A. Reasons for adopting the rules:

The 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).

Coastal bottomfish regulations including specific management measures such as seasons, bag limits, size limits, and possession limits are developed through the Council’s 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 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).

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 (i.e., the Columbia River area between Cape Falcon, Oregon and Leadbetter Point, Washington). Catch landed into Washington is attributed to Washington’s harvest limits. However, 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.

For halibut, the rule changes proposed here simply close the recreational halibut fishery until further notice. This language avoids confusion and allows WDFW to implement annual halibut seasons and management measures through emergency rule that reflect public input and conform to federal rules.

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

The text of WAC 220-314-030 was updated to include the allowance to keep lingcod and Pacific cod seaward of 120 feet in Catch Record Card Areas and corrects an omission from the original proposed rule. This change is similar to changes proposed to WAC 220-314-030 for other Catch Record Card Areas that are necessary to adopt permanent rule language for measures that are implemented annually through emergency rule making.

C. 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 June 23, 2017 via email and U.S. mail to recreational stakeholders that are part of the ad hoc bottomfish and halibut advisory group and included the opportunity to provide comments through August 7, 2017. One comment was received via email prior to the public comment deadline. A response to the public comment has been prepared by WDFW staff.

The concern expressed in the public comment was directed at changes to the recreational halibut seasons and the perception that the rule change would change the approach for setting the season and preclude stakeholder input. The WDFW process to engage stakeholders in discussions relative to season setting will not change under these rule changes. Input from recreational anglers on halibut seasons will continue to be heard not only at WDFW sponsored meetings, but throughout the federal season setting process. The changes will simply streamline the permanent regulatory language allowing WDFW to continue to meet with and discuss proposed recreational halibut seasons annually with stakeholders.

Because management of halibut is unique compared to other state and federal resources, background was provided in response to the email to explain that halibut is managed by the International Pacific Halibut Commission (IPHC) rather than the Washington Fish and Wildlife Commission. The IPHC was formed by a convention between the U.S. and Canada, to manage the resource throughout its range from the Bering Sea to northern California. The West Coast is managed as “Area 2A” which is comprised of the waters off Washington, Oregon, and California, including state waters such as the Puget Sound. While the IPHC sets the annual quota for all areas, the Council is the management entity responsible for allocation of the Area 2A quota to different sectors (e.g. recreational, directed commercial) and subareas (e.g. Washington) through the Pacific Halibut Catch Sharing Plan (CSP). The CSP also specifies how seasons will be structured in each of the 2A subareas to keep catch within the federal quotas.

Changes to the CSP are considered by the Council annually, which allows proposed changes to be considered more often than would be accommodated by the state regulatory review process which is on a three-year cycle. Washington stakeholders provide input on recreational halibut seasons through a public forum facilitated by WDFW. Recommendations on season dates and structure that reflect public input are then provided by WDFW to the Council where stakeholders have the additional opportunity to provide comments. Council approved changes to the CSP plan are then forwarded to the IPHC for approval. Once approved by the Council and IPHC, rules are then adopted into federal regulation by the National Marine Fisheries Service. At this point, WDFW adopts state rules that conform with the federal rules.