



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 30, 2021

TIME: 11:48 AM

WSR 21-16-069

Agency: Washington Department of Fish and Wildlife (21-130)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

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

Recreational fisheries in Washington are primarily constrained by yelloweye rockfish. Depth restrictions and closed areas have been an effective tool for minimizing encounters with yelloweye rockfish and keeping catch within state specific harvest guidelines (HG). Largely influenced by the federal yelloweye rockfish annual catch limit, regulatory changes focus on reducing the timing when depth restrictions are in place and the need for depth restrictions. The regulatory changes also consider reducing restrictions on the retention of healthy rockfish and flatfish species.

WAC 220-314-010 Bottomfish and halibut – Closed areas

This change would open two yelloweye rockfish conservation areas (YRCAs) located in Marine Area 1, the Westport Offshore YRCA and South Coast YRCA, to fishing for, retaining, and possessing bottomfish and halibut.

WAC 220-314-020 Possession limits – Bottomfish

This change would allow the retention of five flatfish in addition to the nine fish daily bottomfish limit.

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

Regulation changes are necessary to revise depth restrictions in Marine Areas 1 through 4. Federal harvest quotas for yelloweye rockfish in Washington are high enough to allow some relaxation of depth restrictions which would provide access to healthy lingcod resources that are commonly found in areas with yelloweye rockfish.

The 20-fathom depth restriction in Marine Areas 3 and 4, west of the Bonilla-Tatoosh line would be in place each year from June 1 through July 31.

Yellowtail and widow rockfish retention would be allowed seaward of the 120-foot depth restriction in Marine Area 4 east of the Bonilla-Tatoosh line during July and August, and seaward of the 20-fathom depth restriction in Marine Areas 3 and 4 west of the Bonilla-Tatoosh line during the month of July.

In Marine Areas 3 and 4, anglers will be allowed to retain lingcod, sablefish, Pacific cod, bocaccio, silvergray, canary, widow, and yellowtail rockfish

In Marine Area 2, the 30-fathom line would be in place each year from May 1 to May 31.

In Marine Area 1 anglers would be allowed to retain the following bottomfish when halibut is on board: sablefish, Pacific cod, flatfish, yellowtail, widow, canary, redstriped, greenstriped, silvergray, chilipepper, bocaccio, blue and deacon rockfish, as well as lingcod north of the Washington-Oregon.

WAC 220-314-040 Lingcod – Areas and Seasons

A deepwater area in Marine Areas 1 and 2 is closed to lingcod retention; this rule change would allow lingcod retention in this area each year from June 1 through June 15 and from September 1 through September 30.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 220-220-010 Bottomfish and halibut – Closed areas
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

Suspended:

Statutory authority for adoption: RCWs 77.04.020, 77.12.045, and 77.12.047

Other authority: CFR Title 50, Part 660

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-08-093 on April 7, 2021 (date).

Describe any changes other than editing from proposed to adopted version: None. This rule making went through the expedited rule making process which eliminated the need for the agency to hold a public hearing. No objections to this rule making were received.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	4	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___

Other alternative rule making: New ___ Amended ___ Repealed ___

Date Adopted: July 30, 2021

Name: Kelly Susewind

Title: Director, Dept. of Fish and Wildlife

Signature:



AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-314-010 Bottomfish and halibut—Closed areas. (1) It is unlawful to take, fish for, retain, or possess bottomfish or halibut taken for personal use from within the following areas: ~~((a))~~ An eastward-facing C-shaped closed area defined as: Beginning at 48°N, 124°59'W; thence to 48°N, 125°18'W; thence to 48°18'N, 125°18'W; thence to 48°18'N, 124°59'W; thence to 48°11'N, 124°59'W; thence to 48°11'N, 125°11'W; thence to 48°04'N, 125°11'W; thence to 48°04'N, 124°59'W; thence to the point of origin.

~~((b) The "Westport Offshore Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°54.30'N, 124°53.40'W; thence to 46°54.30'N, 124°51.00'W; thence to 46°53.30'N, 124°51.00'W; thence to 46°53.30'N, 124°53.40'W, thence to the point of origin.~~

~~(c) The "South Coast Recreational YRCA" closed area, defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 46°58.00'N, 124°48.00'W; thence to 46°55.00'N, 124°48.00'W; thence to 46°55.00'N, 124°49.00'W; thence to 46°58.00'N, 124°49.00'W; thence to the point of origin.))~~

(2) In Marine Area 4 east of the westernmost point of Cape Flattery and Marine Area 5 through 13, it is unlawful to take, fish for, retain, or possess bottomfish taken for personal use except from within the following areas:

(a) In Marine Area 4 east of the westernmost point of Cape Flattery, Marine Area 5, and Marine Area 6 west of the easternmost point of Dungeness Spit: Waters inside of an area approximating 120 feet (20 fathoms) described by following the coordinates: 124°44.20'W, 48°23.90'N; 124°40.00'W, 48°24.10'N; 124°36.46'W, 48°23.61'N; 124°21.24'W, 48°17.71'N; 124°14.43'W, 48°15.96'N; 124°02.02'W, 48°11.91'N; 123°34.51'W, 48°09.93'N; 123°31.13'W, 48°11.02'N; 123°24.13'W, 48°08.53'N; 123°06.02'W, 48°11.45'N; 123°06.02'W, 48°08.22'N.

(b) In the remaining portion of Marine Area 6, and Marine Areas 7 through 11 and 13: Waters shallower than 120 feet (20 fathoms).

(c) In Marine Area 12 north of a true east line from the mouth of Turner Creek to the Toandos Peninsula: Waters shallower than 120 feet (20 fathoms).

(3) It is unlawful to take, fish for, retain, or possess rockfish taken for personal use from Marine Areas 6 through 13.

AMENDATORY SECTION (Amending WSR 20-04-058, filed 1/30/20, effective 7/1/20)

WAC 220-314-020 Possession limits—Bottomfish. It is unlawful for any person to fish for or take bottomfish for personal use except within the seasons, daily quantities, and possession limits prescribed as follows:

(1) Coastal areas (Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line):

(a) Bottomfish fishing is open the second Saturday in March through the third Saturday in October, except fishing for surfperch from the shore is allowed year-round.

(b) Limit of surfperch is 12 per person per day. For all other bottomfish, limit is 9 fish total per person per day, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish in aggregate. The possession limit for yelloweye rockfish is 0.

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

(iv) Cabezon: Marine Areas 1 through 4: 1 fish, no minimum size.

(c) Additional flatfish: In addition to the bottomfish limit in (b) of this subsection, anglers may take ((3)) 5 flatfish per person, per day, not to be counted towards the bottomfish limit but in addition to it.

(2) Inner Puget Sound (Marine Areas 4 east of the Bonilla-Tatoosh line, and 5 through 13):

(a) Marine Area 4 east of the Bonilla-Tatoosh line: Limit of surfperch is 12 per person per day. For all other bottomfish, 9 fish total, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish. Only black, blue/deacon, yellowtail, and widow rockfish may be retained.

(iii) Wolf-eel: 0 fish.

(iv) Cabezon: 1 fish, no minimum size.

(b) Marine 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/deacon rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue/deacon 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

(c) Marine 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

(d) Marine 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

(e) Marine 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) only in Dabob Bay north of Turner Creek	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(f) The possession limit for lingcod taken by angling gear is 26 to 36 inches in length. For spear fishing, lingcod may not be possessed that exceed 36 inches in length but there is no minimum size limit.

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

(h) In Marine 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/deacon rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Marine Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

(3) The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form.

(4) Unless otherwise provided, bottomfish fishing is open the entire year.

(5) Daily limits include bottomfish caught in adjacent areas bordering other states, such as Oregon.

(6) It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks.

AMENDATORY SECTION (Amending WSR 20-04-058, filed 1/30/20, effective 7/1/20)

WAC 220-314-030 Halibut—Seasons—Daily and possession limits.

(1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Marine Area 1: Closed except as provided by emergency rule. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except flatfish, sablefish, Pacific cod, yellowtail rockfish, widow rockfish, canary rockfish, redstriped rockfish, greenstriped rockfish, silvergray rockfish, chilipepper, bocaccio, blue/deacon rockfish, and lingcod north of the Washington-Oregon border if the vessel has brought halibut into port or landed halibut.

(b) Marine Area 2:

(i) The northern near shore fishery takes place in those waters from 47°31.70'N. lat. south to 46°58.00'N. lat. and east of a boundary line approximating the 30 fathom depth contour as defined by the following coordinates:

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°58.00'N. lat., 124°24.24'W. long.

Closed except as provided by emergency rule.

(ii) All other waters in Area 2 - Closed except as provided by emergency rule.

(iii) From (~~the second Saturday in March~~) May 1 through May 31, it is unlawful to fish for or possess lingcod, seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain lingcod on days open during the primary halibut season as described in (b)(ii) of this subsection, seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below:

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°52.94'N. lat., 124°22.58'W. long.
46°44.18'N. lat., 124°18.00'W. long.
46°38.17'N. lat., 124°15.88'W. long.

(c) Marine Areas 3 and 4 west of Bonilla-Tatoosh line - Closed except as provided by emergency rule. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward-facing C-shaped closed area defined as: Beginning at 48°18'N. lat., 125°18'W. long.; thence to 48°18'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 124°59'W. long.;

thence to 48°00'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 125°18'W. long.; thence to the point of origin.

It is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from June 1 through (~~Labor Day~~) July 31 except, on days and times open to halibut fishing, it is permissible to retain lingcod, sablefish, bocaccio, silvergray rockfish, canary rockfish, widow rockfish, yellowtail rockfish, and Pacific cod. The retention of yellowtail rockfish and widow rockfish is permitted seaward of the line approximating 20 fathoms (~~on days open to the recreational salmon fishery~~) during the month(~~s~~) of July (~~and August~~):

48°23.9'N. lat., 124°44.2'W. long.

48°23.6'N. lat., 124°44.9'W. long.

48°18.6'N. lat., 124°43.6'W. long.

48°18.6'N. lat., 124°48.2'W. long.

48°10.0'N. lat., 124°48.8'W. long.

48°02.4'N. lat., 124°49.3'W. long.

47°37.6'N. lat., 124°34.3'W. long.

47°31.7'N. lat., 124°32.4'W. long.

(d) Marine Area 4 east of the Bonilla-Tatoosh line, closed except as provided by emergency rule. It is unlawful to fish for or possess bottomfish seaward of a line approximating 120 feet except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of 120 feet as defined by WAC 220-314-010. The retention of yellowtail rockfish and widow rockfish is permitted seaward of the line approximating 120 feet (~~on days open to the recreational salmon fishery~~) during the months of July and August.

(e) Marine Areas 5 through 11, and 13 - On days that the halibut fishery is open, it is lawful to fish for, retain, and possess lingcod and Pacific cod seaward of 120 feet in Marine Area 5. Closed except as provided by emergency rule.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

(4) The annual limit is four halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(5) It is unlawful to fish for, retain, possess, or land halibut into a port located within an area that is closed to halibut fishing. This does not include halibut caught in Canadian waters. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

(6) A violation of this section is punishable under RCW 77.15.370 or 77.15.380, depending on the violation.

WAC 220-314-040 Lingcod—Areas and seasons. It is unlawful to take, fish for, or possess lingcod for personal use except during the following seasons and areas:

(1) Coastal area:

(a) Marine Areas 1 through 4: From the second Saturday in March, through the third Saturday in October.

(b) It is unlawful to fish for, retain, or possess lingcod in Marine Area 1 seaward of a line extending from 46°38.17'N. lat., 124°21.00'W. long. to 46°33.00'N. lat., 124°21.00'W. long. when lingcod is open, except that lingcod may be taken, retained and possessed seaward of the line from June 1 through June 15 and September 1 through September 30.

(c) It is unlawful to fish for, retain, or possess lingcod in Marine Area 2 seaward of a line extending from 47°31.70'N. lat., 124°45.00'W. long. south to 46°38.17'N. lat., 124°30.00'W. long. when lingcod is open, except that lingcod may be taken, retained and possessed seaward of the line on days open during the primary halibut season and from June 1 through June 15 and September 1 through September ~~(15)~~ 30.

(2) Marine Areas 5 through 11, and 13: May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

(3) Marine Area 12: Closed year-round.