

Quilcene and Dabob Bay Flatfish Sportrules – (Decision)

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Summary

Meeting dates: June 12, 2015

Agenda item: Quilcene and Dabob Bay Flatfish Sportrules – (Briefing and Public Hearing)

Presenter(s): Craig Burley, Fish Management Division Manager
Dayv Lowry, Ph.D., Research Scientist, Fish Program

Background summary: The Fish and Wildlife Commission (Commission) received a petition to Open fishing for bottomfish in the Northern Hood Canal region and Dabob Bay.

At the October 17, 2014 Fish and Wildlife Commission conference call the Commission directed staff to initiate rulemaking to consider allowing bottomfish fishing for selected species in waters shallower than 120 feet in Quilcene Bay and Dabob Bay north of a true east line from Point Whitney to the Toandos Peninsula (Figure 1).

The entrance to Hood Canal is shallow (150') and then the canal deepens to about 600'. This sill at the entrance restricts the flow of water in and out of the canal. Freshwater inflow from rivers coupled with poor water exchange can result in a highly stratified water column. These conditions together with the addition of nutrients into the canal from upland sources results in persistent low dissolved oxygen conditions in a substantial portion of the Canal.

In 2002, 2003 and 2004 low dissolved oxygen caused large fish and shellfish kills in Hood Canal. The Fish and Wildlife Commission adopted permanent fishing regulations in August 2004 to close commercial and recreational fisheries to eliminate harvest mortality and provide additional protection from mortality and stress created by low dissolved oxygen conditions. Since the fishing closure has been in place additional low dissolved oxygen events have occurred in 2006 and 2010 resulting in large fish and shellfish kills.

Scientific trawl data show that fish densities in the northern and southern portions of Hood Canal exhibit similar low densities indicating that northern Hood Canal may be providing a refuge for bottomfish that may move to the north as a temporary response to an acute stressor. The northern canal may also provide a source of bottomfish to repopulate southern Hood Canal after low dissolved oxygen events. The trawl data also show that fish densities in the canal are chronically low (compared to densities in the 1960s) and are comparable to current densities elsewhere in Puget Sound, with the possible exception of flatfish species. Having been closed to bottomfish harvest for a decade, the expectation is that Hood Canal populations of bottomfish species should exhibit increased densities as a result of decreased harvest mortality.

Given the status of the bottomfish resources in Hood Canal, Department staff believe there is an opportunity to provide recreational fisheries for flounder, sole and other flatfish – except halibut – in Quilcene Bay and the northern portion of Dabob Bay while continuing to provide conservation measures to address low dissolved oxygen conditions in Hood Canal.

Department staff will brief the Fish and Wildlife Commission on public comments received and request commission action on proposed regulations.

Policy issue(s) you are bringing to the Commission for consideration:

Consideration for adoption of Sportfishing regulations for flatfish Quilcene and Dabob Bay.

Public involvement process used and what you learned:

The department solicited written public comment through March 31, 2015 via the web based online tool at: <http://wdfw.wa.gov/fishing/regulations/flatfish/>.

A public meeting was held on March 19th in Port Townsend to gather public comment on the proposal.

Public testimony was taken at this Commission meeting.

Action requested:

Commission decision regarding Sportfishing regulations options for flatfish species in Quilcene and Dabob Bay (Figure 2).

Draft motion language:

Option A:

I move to adopt:

WAC 220-56-230 Bottomfish and halibut – Closed areas; and

WAC 220-56-235 Possession limits – Bottomfish

As presented.

Option B:

I move to adopt:

WAC 220-56-230 Bottomfish and halibut – Closed areas; and

WAC 220-56-235 Possession limits – Bottomfish

As presented in Option B.

Justification for Commission action:

This action is justified under RCS 77.12.047

Communications Plan: Agency web site, news release and a public meeting and public hearing.

Form revised 12/5/12

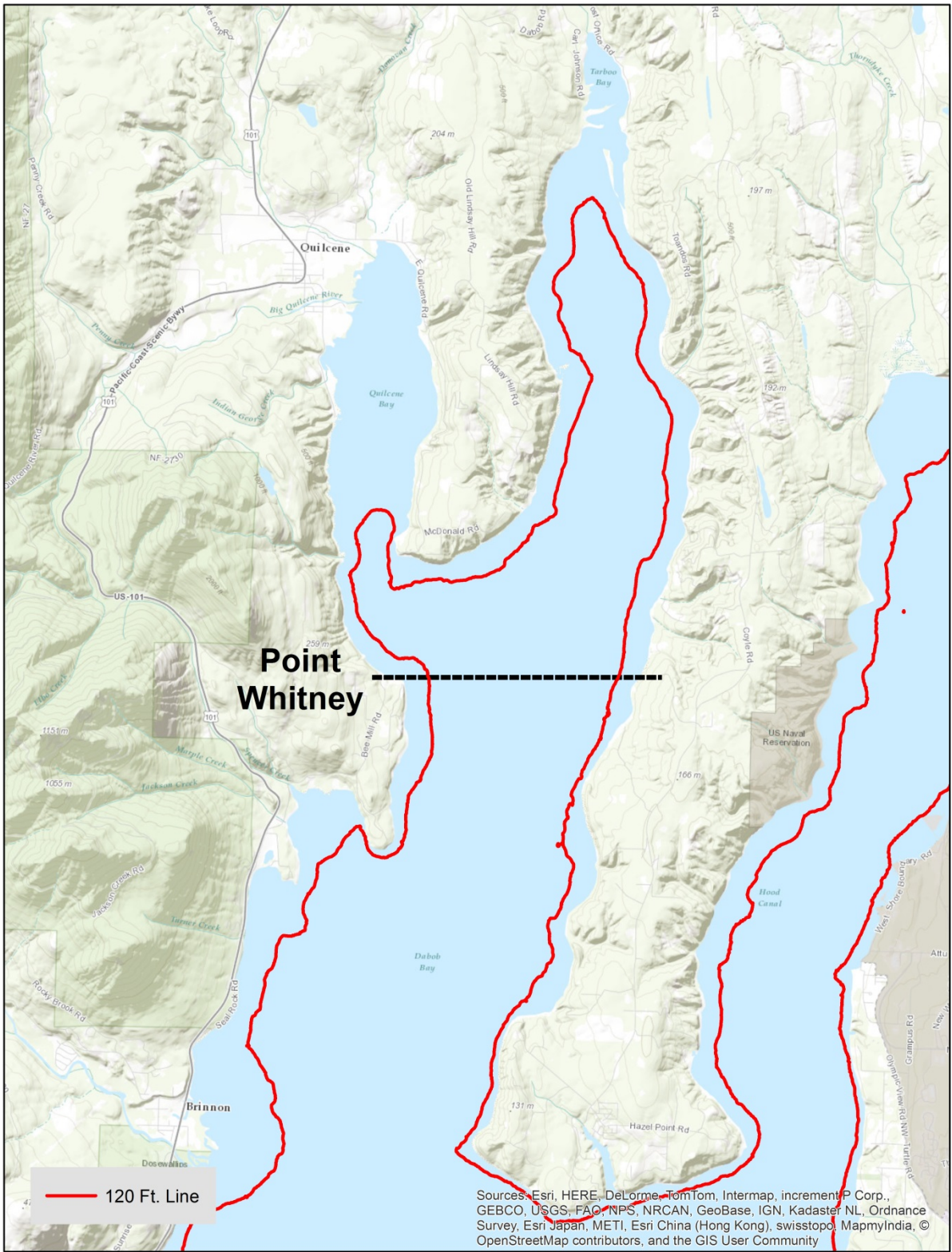


Figure 1. Quilcene and Dabob Bays with 120 ft. depth contour in red and proposed southern boundary line (dashed line).

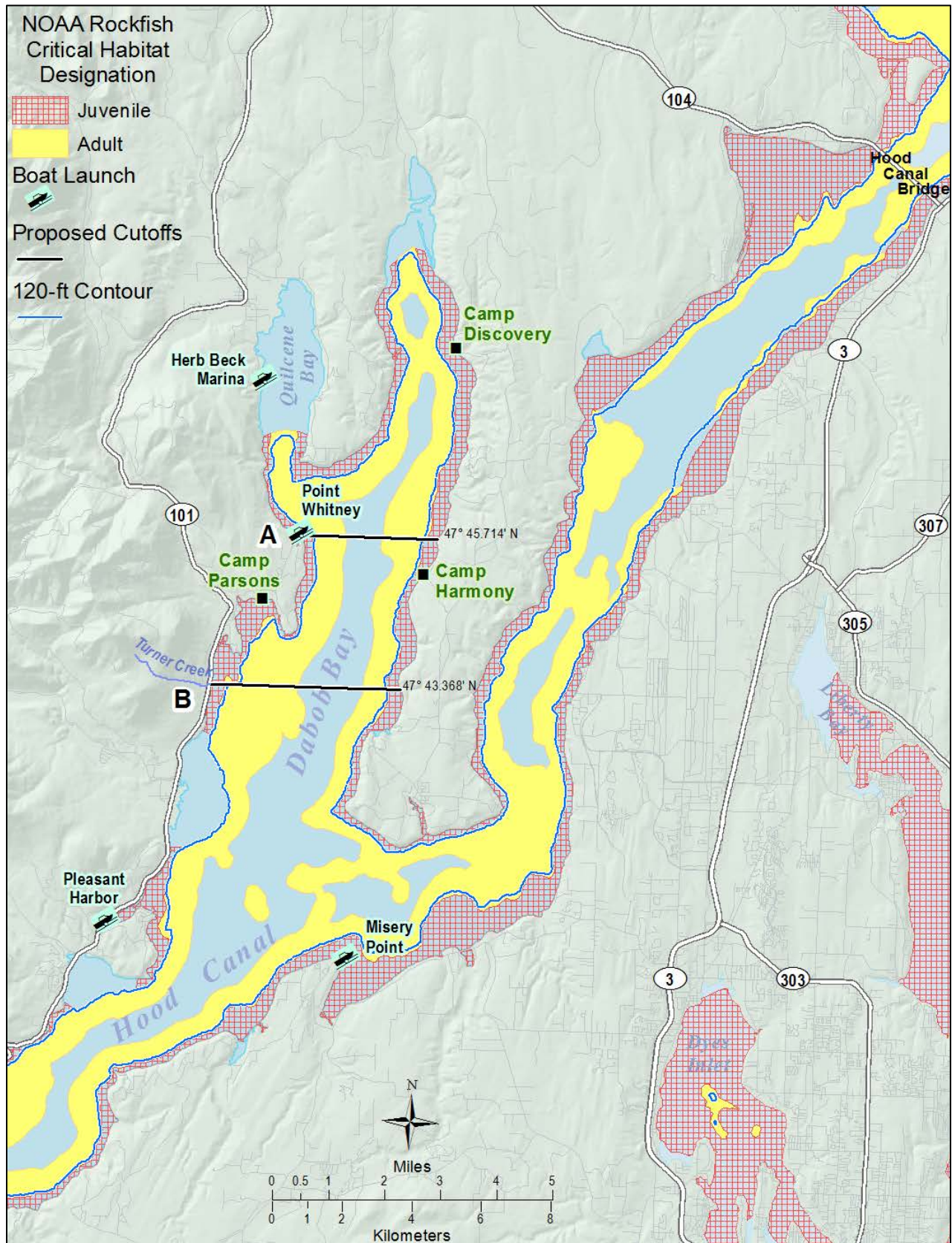


Figure 2. Quilcene and Dabob Bays with 120 ft. depth contour in blue, critical rockfish habitat in yellow (adult) and red hatching (juvenile), and two proposed fishery boundary lines. Option B, extending due east from the mouth of Turner Creek, is the preferred option to maximize safe access opportunities.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-21-160 on 10/22/14;
 or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
 WAC 220-56-230, Bottomfish and halibut -- closed areas; and
 WAC 220-56-235, Possession limits – Bottomfish.

Hearing location(s):
 Capital Events Center
 6005 Tye Drive SW
 Tumwater, WA 98512

Date: April 9-10, 2015 Time: 8:30 a.m.

Submit written comments to:

Name: Joanna Eide – Rules Coordinator
 Address: 600 Capitol Way North
 Olympia, WA 98501-1091
 E-mail: Rules.Coordinator@dfw.wa.gov
 Fax: (360) 902-2155 by (date) April 3, 2015

Assistance for persons with disabilities: Contact
Tami Lininger by March 27, 2015
 (360) 902-2207 or TTY at 1-800-833-6388

Date of intended adoption: On or after April 17, 2015
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposed rule change will allow a fishery for flatfish species in the portion of Quilcene and Dabob Bays north of a line projected due east from Whitney Point to the Toandos Peninsula. Fishing will only be allowed in waters shallower than 120 feet deep.

Reasons supporting proposal: To allow limited increases to recreational fishing opportunity in areas where such effort will have negligible impact on ESA-listed rockfish and other species of concern.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.055, 77.04.045, 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **March 04, 2015**

TIME: **9:41 AM**

WSR **15-06-063**

DATE
 March 4, 2015

NAME (type or print)
 Joanna Eide

SIGNATURE

TITLE
 Rules Coordinator

(COMPLETE REVERSE SIDE)

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

This rule proposal will receive a public hearing at the April 9-10, 2015, Fish and Wildlife Commission public meeting. More information on the agenda for the meeting, including the public hearing and briefing on this proposal, is available at <http://wdfw.wa.gov/commission/meetings/2015/index.html>.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dayv Lowry	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2717
Implementation..... Jim Scott	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2651
Enforcement..... Steven Crown	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:
Phone:
Fax:
E-mail:

No. Explain why no statement was prepared.

This rule proposal only addresses recreational fishing opportunities and does not impact small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No: Please explain: This rule proposal does not involve hydraulics.

WAC 220-56-230 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.

~~((d) Marine Area 12.))~~

(2) In Marine Area 4 east of the westernmost point of Cape Flattery~~((7))~~ and Marine Area 5 through ~~((11 and))~~ 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 Whitney Point 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 ~~((--11 and))~~ through 13.

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided, bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4): Limit 12 fish total, except limit 10 fish total east of the Bonilla-Tatoosh line, of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod: 2 fish. Minimum length is 22 inches in Catch Record Card Areas 1 through 4.

(b) Rockfish: 10 fish. Release all canary and yelloweye rockfish. In Marine Area 4 east of the Bonilla-Tatoosh line: 6 fish. Only black or blue rockfish may be retained.

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

(d) Cabezon:

(i) Marine Areas 1 through 3: 2 fish.

(ii) Marine Area 4: 1 fish; the minimum size limit is 18 inches.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card 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 rockfish may be retained.
in Marine Area 5 west of Slip Point	3 fish. Only black or blue 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

(b) Catch Record Card 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

(c) Catch Record Card 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

(d) Catch Record Card Area 12: (~~Closed~~) 15 fish total for all species and species groups of bottomfish, which may include no more than:

<u>Rockfish</u>	<u>0 fish</u>
<u>Surfperch</u>	<u>0 fish</u>
<u>Pacific cod</u>	<u>0 fish</u>
<u>Pollock</u>	<u>0 fish</u>
<u>Flatfish (except halibut)</u>	<u>15 fish</u>
<u>Lingcod</u>	<u>0 fish</u>
<u>Wolf-eel</u>	<u>0 fish</u>
<u>Cabezon</u>	<u>0 fish</u>
<u>Pacific hake</u>	<u>0 fish</u>

(e) It is unlawful to possess lingcod taken by angling that are under 26 inches in length or over 36 inches in length. It is unlawful to possess lingcod taken by spear fishing that are over 36 inches in length.

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

(g) In Catch Record Card 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 rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(h) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

Option B

WAC 220-56-230 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.

~~(d) Marine Area 12.~~

(2) In Marine Area 4 east of the westernmost point of Cape Flat-
tery, and Marine Area 5 through ~~11 and~~ 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 Flat-
tery, 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
- 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 ft (20 fathoms).

(3) It is unlawful to take, fish for, retain, or possess rockfish taken for personal use from Marine Areas 6 - ~~11 and~~ 13.

[Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-56-230, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 09-14-010 (Order 09-107), § 220-56-230, filed 6/22/09, effective 7/23/09. Statutory Authority: RCW 77.12.047. WSR 03-05-057 (Order 03-24), § 220-56-230, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080. WSR 90-06-026, § 220-56-230, filed 2/28/90, effective 3/31/90.]