

**Concise Explanatory Statement (CES)
Free Fishing Weekend**

Rules amended as part of this rulemaking:

WAC 220-220-230.

Rules repealed as part of this rulemaking:

None.

Rules created as part of this rulemaking:

None.

1. Background/Summary of Project:

The Department of Fish and Wildlife has found that certain fisheries are substantively impacted as a result of Free Fishing Weekend. These impacts result in reduced harvest opportunity for licensed anglers and shellfish harvester because of unreported, unlawful, and/or unaccounted harvest of fish and shellfish as well as significant increases in harvest of intertidal clams and oysters from many beaches in western Washington.

2. Reasons for adopting the rule:

Adoption of the rule was needed to address conservation concerns related to species for which season are set based on availability of the resource for harvest. The ability to enforce regulations and to account for harvest is of paramount importance to ensure conservation needs are met and to provide for future opportunities.

Differences between the text of the proposed rule and the text of the rule as adopted:

None.

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

In total two comments were received during the rule-making comment period, and neither was supportive of the rule change. However, both did underscore the challenges people may have with understanding and adherence to current rules and the reasons the Department of Fish and Wildlife has identified as the need for the change.

Both comments asserted that the proposal would discourage people from beginning/returning to fishing and shell fishing. However, species requiring a catch record card most commonly require the participant to fish from a boat and have specialized gear which in itself could present a deterrent to engaging in the fishery. Further, some fisheries like for Dungeness crab in Puget Sound are not open on free fishing weekend. With regard to the harvest of intertidal

shellfish, the conservation concerns to be addressed by the rule outweigh the any nominal impacts to recruitment or retention.

One comment asserted that current creel accounting practices would minimize concerns about catch record accounting. However, experience shows that those participating on free fishing weekend likely have far less understanding or familiarity with regulation, the need for conservation, and/or the ability to identify species to ensure they are lawfully harvesting. This includes catch record card requirements and the need to obtain catch record cards to record catch. Additionally, and specific to shellfish in Puget Sound, the commenter indicated that the tides on free fishing weekend may not even be suitable for shellfish harvest, when in reality the tides which occur during the first half of June are more often that not, the lowest daytime tides of the year which entices those seeking to harvest intertidal clams and oysters.

The one commenter also suggested that the department suspend all rules, fines, citations, and limits on free fishing weekend. This suggestion would exacerbate the problems the rule is meant to address, and illustrates the need for the rule.