

## UPDATE ON DISCUSSIONS OVER STATE-FEDERAL JURISDICTION AND COOPERATION OF THE WASHINGTON RECREATIONAL FISHERY

In November, WDFW and the NMFS West Coast Region agreed that more discussion would benefit the Council’s consideration of the conservation and management need of five species—Blue Rockfish, Cabezon, China Rockfish, Copper Rockfish, and Kelp Greenling—caught in the Washington recreational fishery. For ease of reference, we refer to these five as “species in question” below. We appreciate the willingness of NMFS to continue discussions.

We begin by highlighting that Washington’s recreational fishery is a single management unit. This is key to understanding WDFW’s perspective. It is not just a state fishery or just a federal fishery. It is both. State and federal jurisdiction and cooperation are needed to manage it comprehensively. If the Council were to follow the 25 percent threshold and recommend that the species in question be removed from the FMP, this fundamental fact would not change. We are concerned that analysis to date has not evaluated how coordination would be affected or could possibly be weakened.

As [in September](#), we remain concerned that the emphasis has been on individual stocks without due consideration given to fisheries and the connections between them.<sup>1</sup> We are concerned that some have been left with the impression that the 25 percent criterion identifies distinct fisheries that can or should be managed separately. This is not the case for the Washington recreational fishery. The species in question are not major targets for anglers. Instead, they tend to be caught on trips that target more popular species like Black Rockfish and Lingcod. Figure 1 shows this has been the case on over 95 percent of trips except in the pandemic year of 2020 where it dipped just below that mark for Cabezon and Blue Rockfish.<sup>2</sup> Only a small percentage of trips—just 3.5 percent on average over 2021-2025—caught just the species in question without also catching one or more species for which FMP management is not in question.

Also as in September, we continue to believe that it is very reasonable for the Council to seek transboundary cooperation from the states. WDFW has chosen to follow the FMP’s goals in state waters because transboundary management is most comprehensive and effective. Such cooperation is encouraged through the National Standard 3 Guidelines. Even absent such cooperation, those guidelines recommend that the Council understand the effect its regulations

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<sup>1</sup> While [the focus](#) of this report is on the unity of management of the Washington recreational fishery, we are also concerned about losing sight of the connections, both biological and technical (i.e. multispecies, multisector), to other fisheries like the Oregon recreational fishery and other fishery sectors that catch the same species.

<sup>2</sup> The 3.5 percent average refers to the “Any of the 5” panel in Figure 1.

have on fishing in state waters and vice versa.<sup>3</sup> It is a highly sensible recommendation and one the Council could not ignore when rebuilding canary and yelloweye.

Of note, it is the Council's role to recommend which stocks and fisheries are in need of conservation and management, not WDFW's and not NMFS' alone. We encourage the Council to consider holding off on making any final recommendations until broader understanding of state and federal roles and responsibilities can be achieved. The next phase of the stock definitions effort, where delegation of management functions to the states will be considered, should bring more light to such roles and responsibilities and could better identify where adjustments to them might be necessary or beneficial for achieving the Council's and WDFW's stewardship mandates.

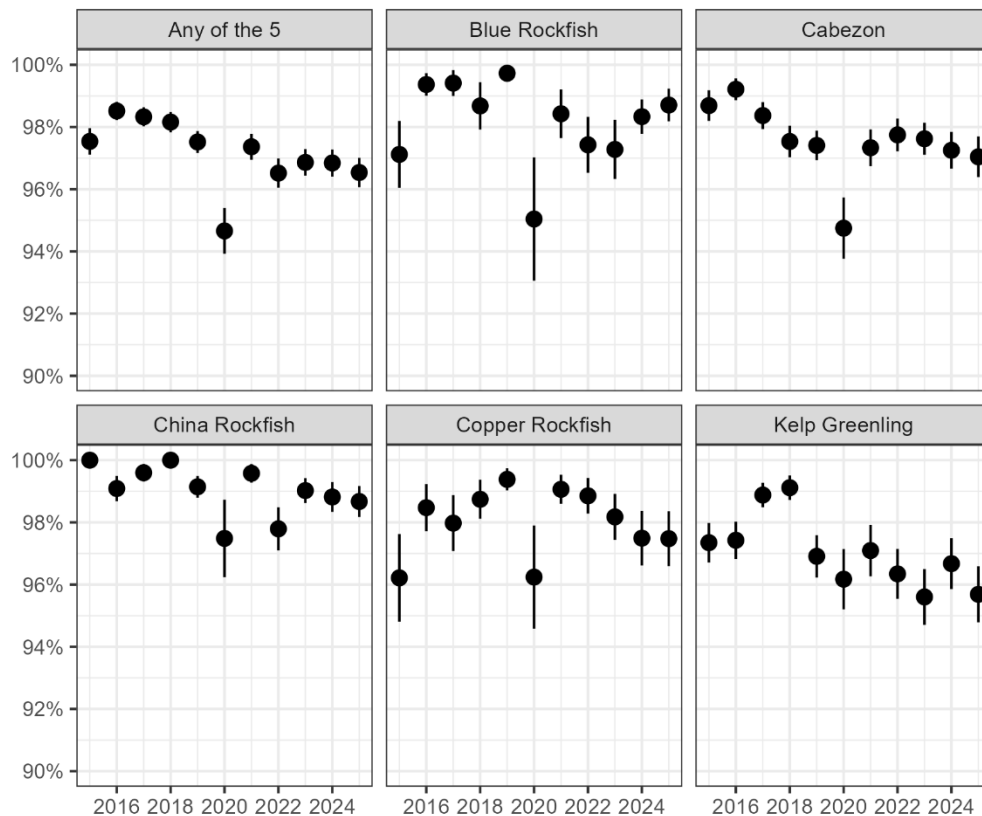


Figure 1. Percentage of trips that caught the stock listed at the top of each panel and one or more stocks that meet the 25 percent or greater catch in federal waters criterion. Points represent the annual mean, shown with one standard error intervals, calculated across bottomfish, halibut, and salmon trip types in WDFW Marine Areas 1, 2, 3, and 4A from the Ocean Sampling Program interview data. The “Any of the 5” panel considers trips that caught any of, including more than one of, the five whereas the other panels consider only trips that caught that specific species.

<sup>3</sup> [50 CFR 600.320\(e\)\(3\)](#).