



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Washington Department of Fish and Wildlife

**Title of rule and other identifying information:** (Describe Subject) WAC 220-56-255 Halibut—Seasons—Daily and Possession limits

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING, AND THEY MUST BE SENT TO**

**Name:** Lori Preuss, Rules Coordinator

**Agency:** Washington Department of Fish and Wildlife

**Address:** 600 Capitol Way North, Olympia, WA 98501-1091

**AND RECEIVED BY** August 2, 2010

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to change the state's recreational halibut fishery area boundaries to make them consistent with federal boundaries. The federal boundaries are listed in Code of Federal Regulations (CFR) Title 50, Part 300. This rule amendment will redefine the boundary of the northern near-shore area in Marine Catch Area 2 so that it follows the 30-fathom line. This will simplify the rule for fishermen and agency enforcement.

**Reasons supporting proposal:** This proposal was discussed during public meetings of the Pacific Fisheries Management Council (PFMC). The change was approved by PFMC and the International Halibut Commission.

**Statutory authority for adoption:** RCW 77.04.020, 77.12.045, and 77.12.047

**Statute being implemented:** RCW 77.04.020, 77.12.045, and 77.12.047

**Is rule necessary because of a:**

- |                         |   |  |
|-------------------------|---|--|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Federal Court Decision? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If yes, CITATION:  
CFR Title 50, Part 330

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 27, 2010**

**TIME: 3:18 PM**

**WSR 10-12-065**

**DATE** May 27, 2010

**NAME (TYPE OR PRINT)**

Lori Preuss

**SIGNATURE**

**TITLE**

Rules Coordinator

(COMPLETE REVERSE SIDE)

**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.....	Heather Reed	48 Devonshire Rd., Montesano, WA	(360) 249-4628
Implementation....	Michele Culver	48 Devonshire Rd., Montesano, WA	(360) 249-4628
Enforcement.....	Chief Bruce Bjork	1111 Washington St., SE, Olympia, WA	(360) 902-2929

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

None.

AMENDATORY SECTION (Amending Order 09-107, filed 6/22/09, effective 7/23/09)

**WAC 220-56-255 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) Catch Record Card Area 1: Open on the first Thursday in May or May 1, if May 1 is a Friday or Saturday, through the third Saturday in July, from 12:01 a.m. each Thursday through 11:59 p.m. each Saturday. The fishery will reopen on the first Friday in August through September 30, from 12:01 a.m. each Friday through 11:59 p.m. each Sunday. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except sablefish or Pacific cod, if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) The northern near shore fishery takes place in those waters from ((47°25.00'N.)) 47°31.70'N. lat. south to 46°58.00'N. lat. and east of ((124°30.00'W. long.)) 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.

Open on the first Sunday in May through September 30 on days that all other waters in Area 2 are open, as specified in (b)(ii) of this subsection, and from 12:01 a.m. each Thursday through 11:59 p.m. each Sunday.

(ii) All other waters in Area 2 - Open on the first Sunday in May through the third Sunday in May from 12:01 a.m. through 11:59 p.m. each Sunday, and from 12:01 a.m. through 11:59 p.m. each Tuesday. Beginning on the third Sunday in May through September 30, the halibut fishery will be open from 12:01 a.m. through 11:59 p.m. each Sunday.

(iii) From March 15((7)) through June 15, it is unlawful to fish for or possess bottomfish seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain sablefish and Pacific cod from May 1 through June 15 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) Catch Record Card Areas 3 and 4 - Open the first Thursday between May 9 and May 15 of each year through September 30, from 12:01 a.m. through 11:59 p.m. each Thursday, and from 12:01 a.m. through 11:59 p.m. each Saturday. 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 May 21 through September 30, on days and times closed to halibut fishing:

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) Catch Record Card Area 5 - Open the Thursday before Memorial Day through September 30, except closed to fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(e) Catch Record Card Areas 6 through 13 - Open May 1 through September 30, except closed to fishing for halibut beginning at 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-56-156 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 220-56-156 for rules on Canadian-origin halibut possession.

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