



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

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

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 10-52**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend commercial fishing regulations

**Citation of existing rules affected by this order:**

Repealed: WAC 220-56-23500W  
 Amended: WAC 220-56-235  
 Suspended:

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

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: These rules were adopted by the Fish and Wildlife Commission at their February 4, 2011, meeting and are necessary to protect bottomfish resources in the area east of the Bonilla-Tatoosh line while allowing harvest of healthy stocks of bottomfish. A permanent rule for bottomfish retention limits east of the Bonilla-Tatoosh line was filed with an effective date of April 24, 2011. The date should have been May 1, 2011, to correspond to the advertised date of implementation.

**Date adopted:** April 6, 2011

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: April 06, 2011**

**TIME: 2:41 PM**

**WSR 11-09-002**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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 in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

ORDER NO. 11-52

NEW SECTION

**WAC 220-56-23500X Possession limits—Bottomfish.**

Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice, it is unlawful for any person to take in any day more than the following quantities of bottomfish in waters of Marine Areas 1, 2, 3 and 4:

(1) 12 bottomfish species per day. The 12 fish in the aggregate limit of all species and species groups of bottomfish may include no more than 2 cabezon per person per day in addition to current daily sub limits for rockfish (10) and lingcod (2).

(2) Effective April 24 through April 30, 2011, east of the Bonilla-Tatoosh line - 15 fish in the aggregate.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-23500W Possession limits—Bottomfish. (11-15)

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( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

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