



# 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 220-20-130 Commercial Pacific halibut fishery – Seasons, gear, possession, and landing requirements.

### 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**

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**AND RECEIVED BY** (Date) February 20, 2013

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Pacific halibut fishery is jointly managed by the Washington Department of Fish and Wildlife, the National Marine Fisheries Service, and the International Pacific Halibut Commission. The purpose of this proposal is to adopt the federal regulations on Pacific halibut imposed by the Code of Federal Regulations (C.F.R.) in 50 C.F.R. §§ 300.60-300.67 and the Federal Register, and incorporate those federal regulations by reference.

**Reasons supporting proposal:** State regulations that conform to regulations adopted by the International Pacific Halibut Commission and implemented into federal regulation by the National Marine Fisheries Service provide consistency for stakeholders and strengthen the department's ability to enforce regulations pertaining to commercial Pacific halibut fishing.

**Statutory authority for adoption:** RCW 34.05.353(1)(b) and (c), 77.04.020, 77.12.045, and 77.12.047.

**Statute being implemented:** RCW 34.05.353(1)(b) and (c), 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:  
50 C.F.R. §§ 300.60-300.67

**DATE**  
December 18, 2012

**NAME (TYPE OR PRINT)**  
Joanna Eide

**SIGNATURE**

**TITLE**  
Administrative Regulations Analyst

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 18, 2012**

**TIME: 3:34 PM**

**WSR 13-01-082**

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

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Drafting.....	Heather Reed	48 Devonshire Road, Montesano, WA	(360) 249-4628
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Enforcement.....	Chief Bruce Bjork	1111 Washington St., SE, Olympia, WA	(360) 902-2373

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

None.

NEW SECTION

**WAC 220-20-130 Commercial Pacific halibut fishery--Seasons, gear, possession, and landing requirements.** (1) The commercial Pacific halibut fishery is jointly managed by the Washington department of fish and wildlife (WDFW), the National Marine Fisheries Service (NMFS), and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations (C.F.R.) 50 C.F.R. § 300.60-300.67 and related appendices in Subpart E provide federal requirements for this fishery including, but not limited to, the time, place, and manner of taking Pacific halibut. This section adopts the federal regulations on Pacific halibut imposed by 50 C.F.R. § 300.60-300.67 and the Federal Register, and it incorporates those federal regulations by reference. A copy of the federal regulations may be obtained by contacting the department at 360-902-2200, or accessing a copy on-line at [www.pcouncil.org](http://www.pcouncil.org).

(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state port Pacific halibut taken for commercial purposes in violation of the requirements published in 50 C.F.R. § 300.60-300.67, Subpart E.

(b) Where the federal regulations refer to the fishery management area, that area is extended to include Washington state waters adjacent to the Exclusive Economic Zone.

(c) If state rules are more restrictive than federal regulations, the Washington Administrative Code takes precedence over the federal regulations.

(d) Additional regulations on Pacific halibut may be listed in the Federal Register. Other regulations on Pacific halibut in the Federal Register take precedence over the Pacific halibut fishery regulations in 50 C.F.R. § 300.60-300.67 if the regulations conflict. The department recommends that a person consult the Federal Register and the C.F.R. prior to participating in the commercial Pacific halibut fishery.

(2) Violation of reporting requirements under this section is punishable under RCW 77.15.280.

(3) Violation of possession requirements under this section is punishable under RCW 77.15.550.

(4) Violation of gear requirements under this section is punishable under RCW 77.15.520.