



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 13-26

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes No If Yes, explain:

Purpose: The Pacific halibut fishery is jointly managed by the Washington Department of Fish and Wildlife (WDFW), the National Marine Fisheries Service, and the International Pacific Halibut Commission. The purpose of this proposal is to adopt and incorporate 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.

Having state regulations that conform to regulations adopted by the International Pacific Halibut Commission and implemented into federal regulation by the National Marine Fisheries Service provides consistency for stakeholders and strengthens WDFW's Enforcement staff's ability to enforce regulations pertaining to commercial Pacific halibut fishing.

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

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

Other authority : 50 C.F.R. §§ 300.60-300.67

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 13-01-082 on December 18, 2012 (date).

Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____

Address: _____ fax () _____

e-mail _____

Date adopted: February 28, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 28, 2013

TIME: 11:48 AM

WSR 13-06-029

**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:

Federal statute:	New	<u>1</u>	Amended		Repealed	_____
Federal rules or standards:	New	<u>1</u>	Amended		Repealed	_____
Recently enacted state statutes:	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	_____
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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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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.

(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.