



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 20, 2019

TIME: 4:26 PM

WSR 19-11-102

**Agency:** Department of Fish and Wildlife (Order 19-107)

**Effective date of rule:**

**Emergency Rules**

- 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 recreational halibut rules.

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

New:  
 Repealed: WAC 220-314-03000R  
 Amended: WAC 220-314-030  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

**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.

**Reasons for this finding:** This rule is needed to add additional fishing days to the 2019 halibut season for some areas. This rule is in line with federal action taken by the Pacific Fisheries Management Council, International Pacific Halibut Commission and the interim final rule adopted by the National Marine Fisheries Service.

The 2019 sport halibut quota approved by the International Pacific Halibut Commission in January 2019 is approximately 25 percent higher than 2018. The higher quota, combined with lower catch in Marine Areas 5-10 during the early season, allows for more sport halibut fishing days than were anticipated when the season dates were set last fall. To maximize sport fishing opportunity in this area, six additional fishing days will be added. In addition, another fishing day on Thursday, June 6, will be opened for recreational halibut fishing in Marine Area 2.

The recreational halibut quota is sufficient to provide for these seasons. There is insufficient time to adopt permanent rules.

**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	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____

Recently enacted state statutes: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency’s own initiative:**

New 1 Amended \_\_\_\_ Repealed 1

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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 \_\_\_\_

**Date Adopted:** May 20, 2019

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-314-03000S Halibut—Seasons—Daily and possession limits.**

Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

#### **(1) Catch Record Card Area 1:**

- (a) Open Friday, May 24 and Sunday, May 26.
- (b) It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish, Pacific Cod, or flat fish species when halibut are on board.
- (c) Lingcod can be retained when halibut are on board, during the halibut season north of the Washington-Oregon border.

#### **(2) Catch Record Card Area 1 (Nearshore fishery);** Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 124°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon):

- (a) Open immediately until further notice, Mondays through Wednesdays.
- (b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

#### **(3) Catch Record Card Area 2:** Open Friday, May 24 and Thursday, June 6.

- (a) Immediately through May 31, it is unlawful to fish for or possess lingcod, seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain lingcod on days open during the primary halibut season 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.

#### **(4) Card Areas 3 and 4:**

- (a) Open Friday, May 24; Sunday, May 26; Thursday, June 6; Saturday, June 8; Thursday, June 20; Saturday, June 22
- (b) The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18' N., 125°18' W.; thence to  
48°18'N., 124°59'W.; thence to  
48°11'N., 124°59'W.; thence to  
48°11'N., 125°11'W., thence to  
48°04'N., 125°11'W.; thence to  
48°04'N., 124°59'W.; thence to  
48°N., 124°59'W.; thence to  
48°N., 125°18'W.; thence to point of origin.

(c) In Marine Areas 3 and 4 (west of the Bonille-Tatoosh Line); effective June 1: it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour except, on days open to the Pacific halibut fishery in these areas, it is permissible to retain lingcod, sablefish and Pacific cod seaward of the 20 fathom depth contour as defined by the following coordinates:

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) In Marine Area 4 (east of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating 120-feet (20 fathoms), except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of the 120 feet (20 fathoms) as defined by WAC 220-314-010.

**(5) Catch Record Card Area 5 through 10:**

- (a) Open Friday, May 24; Sunday, May 26; Thursday, May 30; Saturday, June 1; Thursday, June 6; Saturday, June 8; Thursday, June 13; Saturday, June 15; Thursday, June 20; Thursday June 27; Saturday, June 22; and, Saturday, June 29.
- (b) It is permissible for halibut anglers to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open in Area 5.

**(6) Catch Record Card Areas 11, 12 and 13: Closed.**

(7) Daily limit one halibut, no minimum size limit. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

(8) It is unlawful to land halibut in a port within an area closed to halibut fishing.

(9) Annual halibut limit is four.

(10) All other permanent rules remain in effect.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-312-03000R Halibut—seasons—Daily and possession limits. (19-68)

