



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 14-112

- Immediately upon filing.
- Later (specify) 12:01 a.m. May 19, 2014

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 fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-56-25500T
 Amended: WAC 220-56-255
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, 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: The Marine Area 2 recreational halibut fishery is projected to have taken the Pacific halibut quota set aside for the primary season by the end of the day May 18, 2014. A separate quota set aside is sufficient to continue to allow halibut fishing seven days per week in the northern nearshore area. This rule conforms to federal action taken by the National Marine Fisheries Service. There is insufficient time to adopt permanent rules.

Date adopted: May 15, 2014

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 15, 2014

TIME: 3:36 PM

WSR 14-11-047

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 220-56-25500U Halibut—Seasons—Daily and possession limits.

Notwithstanding the provisions of WAC 220-56-255, 220-56-250, and 220-56-230, effective May 19, 2014, 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** – Open until further notice. Thursdays through Sundays. It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod when halibut are on board.

(2) **Catch Record Card Area 1 (Nearshore fishery)** Those waters 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). Open until further notice, Mondays through Wednesdays. It is permissible to retain bottomfish while having halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2** – Open through May 18, 2014, Sundays and Tuesdays only. See (a) and (b) below for additional details.

(a) **Catch Record Card Area 2 (Northern Nearshore fishery)** Those waters from 47°31.70'N. latitude south to 46°58.00'N latitude and east of a line approximating the 30 fathom depth contour as defined by the following coordinates, open seven days per week until further notice:

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

47 ° 58.00 N. lat, 124 ° 24.24 W. long

(b) Lingcod may be taken, retained and possessed seaward of the 30 fathom line on any day open to the primary halibut fishery as described in (2) above.

(4) **Catch Record Card Areas 3 and 4** – Open through May 24, 2014, Thursdays and Saturdays only. 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.

(a) 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, lingcod, sablefish and Pacific cod can be retained 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.

(b) 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 areas, lingcod, and Pacific cod can be retained seaward of the 120 feet (20 fathoms) as defined by WAC 220-56-230.

(5) **Catch Record Card Area 5** – Open May 22 through May 25, 2014, Thursday through Sunday. Open May 29 through May 31, 2014, Thursday through Saturday and open Saturday June 7, 2014. Halibut anglers are allowed to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open.

(6) **Catch Record Card Areas 6 and 7** – Open May 22 through May 25, 2014, Thursday through Sunday. Open May 29 through May 31, 2014, Thursday through Saturday and open Saturday June 7, 2014. Halibut anglers are allowed to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days that halibut fishing is open.

(7) **Catch Record Card Areas 8 through 10** - Open May 22 through May 25, 2014, Thursday through Sunday. Open May 29 through May 31, 2014, Thursday through Saturday and open Saturday June 7, 2014. Halibut anglers are allowed to retain lingcod caught while fishing for halibut in waters deeper than 120 feet on days that halibut fishing is open.

(8) **Catch Record Card Areas 11, 12, and 13** – Closed.

(9) 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.

(10) It is unlawful to land halibut into a port closed to halibut.

(11) All other permanent rules remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 19, 2014:

WAC 220-56-25500T Halibut—Seasons—Daily and possession limits. (14-75)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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, 2011, 2012 or 2013 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: The Marine Area 2 recreational halibut fishery is projected to have taken the Pacific halibut quota set aside for the primary season by the end of the day May 18, 2014. A separate quota set aside is sufficient to continue to allow halibut fishing seven days per week in the northern nearshore area. This rule conforms to federal action taken by the National Marine Fisheries Service. There is insufficient time to adopt permanent rules.

(14-112, 5/15/2014)

