



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 14-118

- Immediately upon filing.
- Later (specify) 12:01 a.m. May 22, 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Repealed: WAC 220-56-25500U
 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 has taken the Pacific halibut quota set aside for the northern nearshore area requiring closure of the fishery. The Marine Area 3 and 4 recreational fishery is projected to take the quota remaining in the north coast sub-area by the end of the day May 24. This rule conforms to federal action taken by the National Marine Fisheries Service (NMFS) and the International Pacific Halibut Commission (IPHC). There is insufficient time to adopt permanent rules.

Date adopted: May 20, 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 20, 2014

TIME: 4:29 PM

WSR 14-11-088

**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 220-56-25500V Halibut—Seasons—Daily and possession limits.

Notwithstanding the provisions of WAC 220-56-255, 220-56-250, and 220-56-230, effective 12:01 a.m. May 22, 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 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., 24°15.88'W. long (then connecting to the 40 fathom depth contour in Oregon): Open Mondays through Wednesdays. It is permissible to retain bottomfish while having halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2**: Closed.

(4) **Catch Record Card Area 2 (Northern Nearshore fishery)** – Closed.

(5) **Catch Record Card Areas 3 and 4**: Open through May 24, 2014, Thursday and Saturday 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, lingcod, and Pacific cod may be retained seaward of the 120 feet (20 fathoms) as defined by WAC 220-56-230, on days open to the Pacific halibut fishery in this area.

(6) **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.

(7) **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 may retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days that halibut fishing is open.

(8) **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 may retain lingcod caught while fishing for halibut in waters deeper than 120 feet on days that halibut fishing is open.

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

(10) 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 22, 2014:

WAC 220-56-25500U Halibut—Seasons—Daily and possession limits. (14-112)

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 has taken the Pacific halibut quota set aside for the northern nearshore area requiring closure of the fishery. The Marine Area 3 and 4 recreational fishery is projected to take the quota remaining in the north coast sub-area by the end of the day May 24. This rule conforms to federal action taken by the National Marine Fisheries Service (NMFS) and the International Pacific Halibut Commission (IPHC). There is insufficient time to adopt permanent rules.

(14-118, 5/20/2014)

