



# 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 15-173**

- Immediately upon filing.
- Later (specify) June 15, 2015

**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 for the halibut fishery

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

Repealed: WAC 220-56-25500B  
 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: There is sufficient quota set aside for the nearshore recreational Pacific halibut fishery in Marine Area 1 to open the fishery seven days per week until further notice. In addition, opening the nearshore recreational halibut fishery seven days per week following the closure of the all depth fishery will avoid any enforcement issues associated with having the all depth fishery open at the same time that groundfish retention is allowed with halibut on board during the nearshore fishery. This rule conforms to federal action taken by the National Marine Fisheries Service and the International Pacific Halibut Commission. There is insufficient time to adopt permanent rules.

**Date adopted:** June 11, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 11, 2015**

**TIME: 1:50 PM**

**WSR 15-13-066**

**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:**

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

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

Notwithstanding the provisions of WAC 220-56-255, 220-56-250, and 220-56-230, effective June 15, 2015, 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:** Closed
- (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 seven days per week until further notice.
  - (b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.
- (3) **Catch Record Card Area 2:** Closed.
  - (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) It is permissible to take, retain and possess lingcod seaward of the 30 fathom line on any day open to the primary halibut fishery as provided in subsection (2) above.
- (4) **Catch Record Card Areas 3 through 13 - Closed**
- (5) 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.
- (6) Unless otherwise amended, all other permanent rules remain in effect.
- (7) It is unlawful to land halibut in a port within an area closed to halibut fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 15, 2015:

WAC 220-56-25500B Halibut—Seasons—Daily and possession limits. (15-155)

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**EMERGENCY RULE ONLY**

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(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:** There is sufficient quota set aside for the nearshore recreational Pacific halibut fishery in Marine Area 1 to open the fishery seven days per week until further notice. In addition, opening the nearshore recreational halibut fishery seven days per week following the closure of the all depth fishery will avoid any enforcement issues associated with having the all depth fishery open at the same time that groundfish retention is allowed with halibut on board during the nearshore fishery. This rule conforms to federal action taken by the National Marine Fisheries Service and the International Pacific Halibut Commission. There is insufficient time to adopt permanent rules.

**(15-173, 6/11/2015)**

