



# 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 17-113**

- Immediately upon filing.
- Later (specify) July 1, 2017

**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 bottomfish

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

Repealed:  
 Amended: WAC 220-310-110, WAC 220-314-020  
 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: This emergency rule is needed to require a descending device to be on board vessels and rigged for deployment when recreational fishing for bottomfish and halibut, and anglers are encouraged to use them when releasing all rockfish. Conservation measures such as reduced bag limits in place for other bottomfish species are not needed to protect the coastal surf perch resource. Descending devices used to release rockfish back to the depth of capture significantly improve the survivability of rockfish that are released. There is insufficient time to adopt permanent rules.

**Date adopted:** June 13, 2017

**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 13, 2017**

**TIME: 2:08 PM**

**WSR 17-13-034**

(COMPLETE REVERSE SIDE)

**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>2</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:**

<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 220-310-11000A Angling gear—lawful and unlawful acts.**

Notwithstanding the provisions of WAC 220-310-110, effective July 1, 2017, until further notice, in Marine Areas 1 through 3 and Marine Area 4 (west of the Bonilla-Tatoosh line) it is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture.

## NEW SECTION

### **WAC 220-314-02000A Possession limits—Bottomfish.**

Notwithstanding the provisions of WAC 220-314-020, effective July 1, 2017, until further notice, in Marine Areas 1 through 3 and Marine Area 4 (west of the Bonilla-Tatoosh line) the daily limit for surfperch is 12.

**Reasons for this finding:** This emergency rule is needed to require a descending device to be on board vessels and rigged for deployment when recreational fishing for bottomfish and halibut, and anglers are encouraged to use them when releasing all rockfish. Conservation measures such as reduced bag limits in place for other bottomfish species are not needed to protect the coastal

surf perch resource. Descending devices used to release rockfish back to the depth of capture significantly improve the survivability of rockfish that are released. There is insufficient time to adopt permanent rules.