



**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 31, 2018

TIME: 3:03 PM

WSR 18-12-063

Agency: Department of Fish and Wildlife (Order 18-114)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 2, 2018

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- Repealed: WAC 220-314-03000L
- 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 emergency rule is necessary because there remains sufficient quota to allow for another 2 days of halibut fishing in Marine Areas 3-10 without risk of exceeding quota. There is insufficient quota remaining in Marine Area 2 to allow for another day in all depth fishery but there is sufficient quota reserved to open the Nearshore fishery. 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.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 31, 2018	Signature: 
Name: Nate Pamplin for Joe Stohr	
Title: Director	

NEW SECTION

WAC 220-314-03000M Halibut—Seasons—Daily and possession limits.

Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective June 2, 2018 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 (seaward of Nearshore fishery):** 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 until further notice, seven days a week.

(b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2 (outside of Nearshore fishery area):** Closed.

(4) **Catch Record Card Area 2 (Nearshore fishery):** Those waters shoreward from 47°31.70'N. lat., 124°37.03'W. long. to 47°25.67'N. lat., 124°34.79'W. long. to 47°12.82'N. lat., 124°29.12'W. long. to 46°58.00'N. lat., 124°24.24'W. long.:

(a) Open until further notice, seven days a week.

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

(a) Open June 7 and June 9, 2018.

(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 May 9, 2018: 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.

(6) Catch Record Card Area 5 through 10:

(a) Open June 7 and June 9, 2018.

(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 Areas 5 and 6.

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

(8) 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.

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

(10) Annual halibut limit is four.

(11) All other permanent rules remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 2, 2018:
WAC 220-314-03000L Halibut—Seasons—Daily and possession limits. (18-102)