



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: June 15, 2020

TIME: 5:09 PM

WSR 20-13-066

Agency: Department of Fish and Wildlife (Order 20-111)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: This rule is needed to ensure that anglers retain lingcod seaward of the 120-foot depth restriction line in Marine Area 5 only on days with seasons open for both lingcod and halibut.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-314-03000X; WAC 220-314-03000Y
 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 rule is needed to clarify that in Marine Area 5, lingcod retention is allowed seaward of the 120-foot depth restriction only on days with seasons open for both lingcod and halibut. Without this rule change, anglers might interpret the rule as allowing lingcod retention seaward of the 120-foot depth restriction on days that halibut seasons are open, but lingcod seasons are closed.

This rule is in line with federal action taken by the Pacific Fisheries Management Council, International Pacific Halibut Commission and the interim final rule adopted by the National Marine Fisheries Service. The recreational halibut quota is sufficient to provide for these seasons.

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 2

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: June 15, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective immediately through June 29, 2020, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section. All other provisions of WAC 220-314-030, 220-314-040, and 220-314-010 not addressed herein, and unless otherwise amended, remain in effect:

Catch Record Card Area 5 through 10: Open June 15, 17, 19, 21, 23, 25, 27, 29:

- (a) On season days that are open to both lingcod and halibut fishing in Marine Area 5, it is permissible for halibut anglers to retain lingcod caught while fishing for halibut in waters deeper than 120 feet.
- (b) It is permissible for halibut anglers to retain Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open in Area 5
- (c) 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.
- (d) It is unlawful to land halibut in a port within an area closed to halibut fishing.
- (e) Annual halibut limit is four.
- (f) All other permanent rules remain in effect.

REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-314-03000X Halibut—Seasons—Daily and Possession Limits.

The following section of the Washington Administrative Code is repealed effective June 30, 2020:

WAC 220-314-03000Y Halibut—Seasons—Daily and Possession Limits.

