



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: July 21, 2020

TIME: 12:36 PM

WSR 20-15-135

Agency: Washington Department of Fish and Wildlife (20-139)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 6, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this rule is to open recreational halibut seasons in Marine Areas 1 through 10 and to align sport fishing rules with federal rules adopted by the National Marine Fisheries Service.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-314-03000Z
- Amended: WAC 220-314-030
- 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.

Reasons for this finding: Under the Halibut Convention Act, the National Marine Fisheries Service has the authority to promulgate regulations for domestic halibut regulations and the states are required to conform. Therefore, this rule conforms to the National Marine Fisheries Service's final rule, which is consistent with the actions taken by the Pacific Fishery Management Council and the International Pacific Halibut Commission.

The recreational halibut quota is sufficient to provide for these seasons. Halibut catch will be closely monitored by WDFW staff, the season could close earlier if quotas are achieved. **Conversely, if catch is slower than anticipated, it is possible that additional days could be added to the season.** In Marine Areas 1 and 2, proposed additional days include, Friday, August 28; Friday, September 4; and Friday, September 11. No recreational halibut fishing days will be open beyond September 30.

The immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

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	___
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The number of sections adopted on the agency's own initiative:


New	<u>1</u>	Amended	___	Repealed	1
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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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: July 21, 2020	Signature: 
Name: Kelly Sussewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of -WAC 220-314-040, and 220-314-010, effective August 6 through September 30, 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 220-314-040, and 220-314-010, including Yelloweye Rockfish Conservation Areas (YRCA), not addressed herein, remain in effect unless otherwise amended by emergency rule:

(1) Catch Record Card Area 1:

- (a) Open August 6, 13, 16, 20, 23, 27, and 30; September 3, 6, 10, 13, 17, 20, 24, and 27, 2020. (Thursday, August 6, then Thursdays and Sundays, beginning August 13 through September 27, 2020.)
- (b) Lingcod can be retained when halibut are on board, during the halibut season north of the Washington-Oregon border.

(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., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon):

- (a) Open August 10, 11, 12, 17, 18, 19, 24, 25, 26, and 31; September 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30 2020. (Mondays through Wednesdays, beginning August 10 through September 30, 2020.)
- (b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) Catch Record Card Area 2:

Open August 6, 9, 13, 16, 20, 23, 27, and 30; September 3, 6, 10, 13, 17, 20, 24, and 27, 2020. (Thursday, August 6, then Thursdays and Sundays, beginning August 13 through September 27, 2020.)

(4) Card Areas 3 and 4:

Open August 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, and 29; September 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, and 26, 2020. (Thursdays through Saturdays beginning August 6 through September 26, 2020.)

(5) Catch Record Card Area 5 through 10:

- (a) Open August 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, and 29; September 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, and 26, 2020. (Thursdays through Saturdays beginning August 6 through September 26, 2020.)
- (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.

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

R E P E A L E R

The following section of the Washington Administrative Code is repealed October 1, 2020:
WAC 220-314-03000Z Halibut—seasons—Daily and possession limits. (19-139)