



# 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: August 27, 2020

TIME: 4:55 PM

WSR 20-18-037

**Agency:** Washington Department of Fish and Wildlife (20-165)

**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:** The purpose of this rule is to open two recreational halibut days in Marine Area 1 and one recreational halibut day in Marine Area 2, in addition to recreational halibut seasons in Marine Areas 1 through 10 already established by WSR 20-15-135. This will also 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 Repealed: WAC 220-314-03000Z; WAC 220-314-03000A  
 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.

As noted in WSR 20-15-135, if catch is slower than anticipated, additional days could be added to the season. This is the case, catch has been slower than anticipated. As of August 23, 2020, a little over 43 percent of catch quota remains available in Marine Area 2, (or 27,313 of 62,896 pounds of quota); and a little over 85 percent of catch quota remains in Marine Area 1, (or 15,305 of 17,950 pounds of quota). The recreational halibut quota is sufficient to provide for these additional days in Marine Area 1 and 2. Halibut catch will continue to be closely monitored by WDFW staff, the season could close earlier if quotas are achieved.

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	2
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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	___

<b>Date Adopted:</b> August 27, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Sussewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-314-03000A Halibut—Seasons—Daily and possession limits.**

Notwithstanding the provisions of WAC 220-314-040, and 220-314-010, effective immediately 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 27, and 30; September 3, 4, 6, 10, 11, 13, 17, 20, 24, and 27, 2020.  
(Thursdays and Sundays, through September 27, 2020 and Fridays September 4 and 11, 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 31; September 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30 2020.  
(Mondays through Wednesdays 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 27, and 30; September 3, 4, 6, 10, 13, 17, 20, 24, and 27, 2020.  
(Thursdays and Sundays through September 27, 2020 and Friday September 4, 2020.)

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

Open August 27, 28, and 29; September 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, and 26, 2020. (Thursdays and Saturdays through September 26, 2020.)

#### **(5) Catch Record Card Area 5 through 10:**

- (a) Open August 27, 28, and 29; September 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, and 26, 2020. (Thursdays through Saturdays, 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.**

## REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 220-314-03000Z Halibut—seasons—Daily and possession limits. (20-139)

The following section of the Washington Administrative Code is repealed effective October 1, 2020:

WAC 220-314-03000A Halibut—seasons—Daily and possession limits. (20-165)