



**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 10, 2021

TIME: 2:47 PM

WSR 21-13-036

Agency: Department of Fish and Wildlife (Order 21-88)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 10, 2021

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 emergency rule is to modify recreational Pacific halibut seasons.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-314-03000A
- Amended: WAC 220-312-050
- 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: Prior to the start of the recreational halibut season, additional days were identified that could be opened if recreational catch in Marine Area 2 (Westport) was tracking slower than expected. Those days were June 17, 20, 24, and 27. Quota remaining in the Marine Area 2 quota is sufficient to cover much of the expected catch through June 24th. Similarly, in Marine Area 1 (Ilwaco/Chinook), there is quota remaining to support keeping the all depth and nearshore areas open through June 24th. Washington sport allocation will be used to ensure that the fishery can remain open in these areas through June 24th without exceeding the overall statewide sport allocation. This approach provides some certainty relative to expected fishing days and allows recreational anglers to make plans to participate in the remaining June fishing dates.

The National Marine Fisheries Service has approved these rules for Pacific halibut fisheries. Halibut catch will continue to be closely monitored by WDFW staff, the season could close earlier if quotas are achieved. 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	_____

NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-040, and 220-314-010, June 10 through September 24, 2021, 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 (All depth fishery):

Open June 10, 13, 17, 20, and 24, 2021. (Thursdays and Sundays June 10 through 24.)

(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):

Open June 14, 15, 16, 21, 22, and 23, 2021. (Mondays through Wednesdays through June 23.)

(3) Catch Record Card Area 2:

Open June 17, 20, and 24, 2021. (Thursdays and Sundays June 17 through 24.)

(4) Card Areas 3 and 4:

Open June 10, 12, 17, 19, 24, 26. (Thursdays and Saturdays June 10 through 26, 2021.)

(5) Catch Record Card Areas 5 through 10:

Open June 10, 11, 12, 17, 18, 19, 24, 25, 26. (Thursdays, Fridays, Saturdays, June 10 through 26, 2021.)

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

REPEALER

The following section of Washington Administrative Code is repealed, effective June 10, 2021:

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