



# 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: March 24, 2023

TIME: 5:33 PM

WSR 23-08-023

**Agency:** Department of Fish and Wildlife (Order 23-25)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) April 6, 2023

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

- Yes  No If Yes, explain:

**Purpose:** This emergency rule:

- 1) Sets 2023 recreational halibut seasons.
- 2) Allows halibut legally retained in Area 5, to be landed in Area 4 on days Area 4 is closed to halibut fishing.

**Citation of rules affected by this order:**

New:  
 Repealed:  
 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 revises state rules to conform to proposed federal regulations. Halibut catch will continue to be closely monitored by WDFW staff; seasons may close earlier if quotas are achieved. Halibut seasons are open only by emergency rule (see WAC 220-314-040 (1)).

Additionally, it is necessary to allow halibut legally retained in Catch Record Card Area 5, to be landed into port within Catch Record Card Area 4, on days when halibut fishing is closed in Area 4. This will support in prosecution of an orderly fishery by avoiding unnecessary Enforcement action. 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Federal statute:	New	_____	Amended	_____	Repealed	_____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 \_\_\_\_

**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 \_\_\_\_

<b>Date Adopted:</b> February 27, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-040, and 220-314-010, effective April 6, 2023, until further notice, 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, including Southern Near Shore Fishery area described in section (2):**

Open May 4, 7, 11, 14, 18, 21, 25; June 1, 4, 8, 11, 15, 18, 22, 25, and 29, 2023.

**(2) Catch Record Card Area 1 Southern Near Shore Fishery;** Those waters shoreward of a lined 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 during dates listed for Catch Record Card Area 1 All Depth Fishery in section (1), and open Mondays, Tuesdays, and Wednesdays, each week, beginning May 8, 2023, until further notice.

**(3) Catch Record Card Area 2 All Depth Fishery, including Northern Near Shore Fishery area:**

Open May 4, 7, 9, 11, 14, 16, 18, 21, 23, 25, and 30; June 15, 18, 22, and 25, 2023.

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

Open May 4, 6, 11, 13, 18, 20, 26, and 28; June 1, 3, 8, 10, 15, 17, 22, 24, and 29.

**(5) Catch Record Card Areas 5 through 10:**

Open April 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30; May 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, and 28; June 1, through June 30, 2023.

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

**(7)** It is unlawful to fish for, retain, possess, or land halibut into a port located within an area that is closed to halibut fishing, except it is lawful to land halibut into a port with Marine Area 4, that were lawfully retained in Marine Area 5.

**(8)** Halibut caught in Canadian waters may be landed into a port located within a marine area that is closed to halibut fishing. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

**(9)** A violation of this section is punishable under RCW 77.15.370 or RCW 77.15.380, depending on the violation.