



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 24, 2023

TIME: 11:33 AM

WSR 23-16-039

Agency: Department of Fish and Wildlife (Order 23-135)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 17, 2023

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 open recreational halibut seasons in Catch Record Card areas 1 through 10 and to increase the annual limit for halibut to 6 fish.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-314-03000P
- 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 is necessary to add open dates to the all depth halibut fisheries in Catch Record Card areas 1 through 10, and to increase the annual limit to 6 fish. To date, catch rates indicate there is sufficient quota to allow for these additional openings. Additional openings and increased annual limit will help utilize the Washington quota. This rule is also needed to conform with proposed federal rules.

This rule also brings forward seasons and rules set in WSR 23-08-023, filed March 24, WSR 23-11-013, filed May 5, and WSR 23-12-054, filed June 1, 2023.

Halibut catch will continue to be closely monitored by WDFW staff and may close earlier if quotas are achieved. Halibut seasons are open only by emergency rule (see WAC 220 314 040 (1)).

**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 1

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: July 24, 2023
Name: Kelly Susewind
Title: Director

Signature:


NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-030, and 220-314-010, effective August 17, through September 30, 2023, 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, 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 August 26 and 27, and September 8, 9, and 22, 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):

(a) Open during dates listed for Catch Record Card Area 1 All Depth Fishery in section (1), and open Mondays, Tuesdays, and Wednesdays, each week, through September 27, 2023.

(b) Bottomfish, otherwise legal to retain, may be retained and landed when a vessel has landed or brought halibut into port on days when only the Southern Near Shore Fishery is open for halibut retention, but not on days when the All Depth halibut fishery is open as listed in section (1).

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

Open August 26 and 27, and September 8, 9, and 22, 2023.

(4) Card Record Areas 3 and 4:

Open 7 days per week, from August 17 through September 30.

(5) Catch Record Card Areas 5 through 10:

Open 7 days per week, from August 17 through September 30.

(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) The annual limit is six halibut taken from state or offshore waters.

(9) 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.

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

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:
WAC 220-314-03000P Halibut—Seasons—Daily and possession limits. (23-87)