

**WSR 23-11-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-66—Filed May 5, 2023, 8:33 a.m., effective May 5, 2023, 8:33 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to allow bottom-fish retention during the southern nearshore halibut fishery when halibut are onboard a vessel.

Citation of Rules Affected by this Order: Repealing WAC 220-314-03000M; and amending WAC 220-314-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This emergency rule is necessary to clarify that bottomfish, otherwise legal to retain, may be retained and landed with halibut onboard a vessel during the southern nearshore fishery except on days the all depth fishery is open.

This rule also brings forward halibut seasons and rules set in WSR 23-08-023, filed March 24, 2023.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 5, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-030, and 220-314-010, effective immediately, 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 220-314-030, 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 May 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):

(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, beginning May 8, 2023, until further notice.

(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 May 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 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 May 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.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-314-03000M Halibut—Seasons—Daily and possession limits. (23-25)