

WSR 24-15-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-129—Filed July 19, 2024, 10:09 a.m., effective July 19, 2024, 10:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to open late season recreational halibut fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-314-03000S; 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 revises state rules to conform to proposed federal regulations. Halibut catch will continue to be closely monitored by the Washington department of fish and wildlife staff; seasons may close earlier if quotas are achieved. Halibut seasons are open only by emergency rule (see WAC 220-314-040(1)).

Additionally, this rule 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; and set retention rules for lingcod, Pacific cod, and sable fish in waters seaward of 120' in Marine Areas 5 and 6 on days open for halibut. This will support an orderly fishery by avoiding unnecessary enforcement action. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 19, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-314-03000T Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, and 220-314-010, effective immediately, through September 30, 2024, 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 WAC 220-314-010, including Yelloweye Rockfish Conservation Areas (YRCA), not addressed herein, remain in effect unless otherwise amended by emergency rule:

(1) Marine Area 1 All Depth Fishery, including Southern Near Shore Fishery area described in section (2):

Open August 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31; September 1, 2, 3, 5, 8, 10, 12, 15, 17, 19, 22, 24, 26, and 29, 2024.

(2) Marine 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 Marine Area 1 All Depth Fishery in section (1), and open Mondays, Tuesdays, and Wednesdays, each week, immediately, 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) Marine Area 2 All Depth Fishery, including Northern Near Shore Fishery area:

Open August 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31; September 1, 2, 3, 5, 8, 10, 12, 15, 17, 19, 22, 24, 26, and 29, 2024.

(4) Marine Areas 3 and 4:

(a) Open August 16 through September 30, 2024.

(b) It is lawful to retain sablefish caught while in angling in MA 4 east of the Bonilla-Tatoosh line in waters seaward of the Bottomfish closure as defined in WAC 220-314-010 (2)(a) on days open for halibut.

(5) Marine Areas 5 through 10:

(a) Open August 16 through September 30, 2024.

(b) It is lawful to retain Pacific cod in Marine Area 5 in waters seaward of the Bottomfish closure as defined in WAC 220-314-010 (2)(a) on days open for halibut.

(c) It is unlawful to retain lingcod in Marine Area 5.

(d) It is lawful to retain Sablefish caught while angling in Marine Area 5 in waters seaward of the Bottomfish closure as defined in WAC 220-313-101 (2)(a) on days open for halibut. The Sablefish daily limit in Marine Area 5 is 2.

(6) Marine 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 within 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) The annual limit is six halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

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

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 220-314-03000S Halibut—Seasons—Daily and possession
limits. (24-46)