



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 27, 2024

TIME: 9:42 AM

WSR 24-08-038

Agency: Department of Fish and Wildlife (Order 24-46)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) April 4, 2024

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 2024 recreational halibut seasons.
- 2) Sets annual limit of six halibut.
- 3) Allows halibut legally retained in Area 5, to be landed in Area 4 on days Area 4 is closed to halibut fishing.
- 4) Sets retention rules for lingcod, Pacific cod, and sablefish in waters seaward of 120' in Marine Areas 5 and 6, on days open for halibut.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-314-03000R
 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, this rule 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 on in waters seaward of 120' in Marine Areas 5 and 6, on days open for halibut. This will support in prosecution of an orderly fishery by avoiding unnecessary Enforcement action.

**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	___
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The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: March 27, 2024	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-314-030, and 220-314-010, effective April 4 through June 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 May 2, 5, 7, 9, 12, 14, 16, 19, 21, 23, 26, and 30; June 2, 4, 6, 9, 11, 13, 16, 18, 20, 23, 25, 27, and 30, 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, beginning May 6, 2024, 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 May 2, 5, 7, 9, 12, 14, 16, 19, 21, 23, 28, and 30; June 13, 16, 18, 20, 23, 25, 27, and 30, 2024.

(4) Marine Areas 3 and 4:

(a) Open May 2, 3, 4, 9, 10, 11, 16, 17, 18, 24, 26, 30, and 31; June 1, 2, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, and 30.

(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 April 4 through June 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 lawful to retain Lingcod May 1 through June 15, 2024, caught while angling 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. It is unlawful to retain lingcod in Marine Area 5 prior to May 1 and after June 15, 2024.

- (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.
- (e) It is lawful to retain Pacific cod in Marine Area 6 in waters seaward of the Bottomfish closure as defined in WAC 220-314-010 (2)(a) and waters deeper than 120 feet in the remaining portion of Marine Area 6 on days open for halibut.

(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.

REPEALER

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

WAC 220-314-03000R Halibut—Seasons—Daily and possession limits. (24-29)