



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 09-10-069; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR 09-16-145
- Continuance of WSR

Title of rule and other identifying information: WAC 232-16-800 Johnson/Debay's Slough Game Reserve

Hearing location(s):
Natural Resources Building, Room 172
1111 Washington St, SE
Olympia WA 98504

Date: November 6-7, 2009 Time: 8:30 a.m.

Submit written comments to:
Name: Wildlife Program, Commission Meeting Public Comments
Address: 600 Capitol Way North, Olympia WA 98501-1091

e-mail wildthing@dfw.wa.gov
fax (360) 902-2162 by **October 12, 2009**

Assistance for persons with disabilities:
Contact Susan Yeager by November 2, 2009
TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: November 6-7, 2009
(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The amendment is intended to establish the reserve boundary as it was originally intended to be established in 1997.

Reasons supporting proposal:
The current reserve boundary proposal would exclude a private parcel from being incorporated into the reserve. The modified proposal will incorporate that private land into reserve status, as was intended in 1997.

Statutory authority for adoption: RCW 77.12.047; 77.12.020;
77.12.570; 77.12.210; 77.12.040; 77.12.010

Statute being implemented: RCW 77.12.047; 77.12.020;
77.12.570; 77.12.210; 77.12.040; 77.12.010

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **September 23, 2009**

TIME: **10:06 AM**

WSR 09-19-147

DATE
September 23, 2009

NAME (type or print)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The original CR-102 filing and rule proposal was based on the exclusion of a land parcel that the Washington Department of Fish and Wildlife thought would be available for sale to the State and therefore would not need to be included in the Reserve boundaries. Since this initial filing, the private landowner entered into a sales agreement with another private individual, and the parcel is no longer available for State purchase. Therefore, it is recommended that the parcel be included within the Reserve boundaries in order to keep the Reserve intact as was initially intended in 1997.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dave Brittell	1111 Washington St., SE Olympia, WA 98504	(360) 902-2504
Implementation....Dave Brittell	1111 Washington St., SE Olympia, WA 98504	(360) 902-2504
Enforcement.....Bruce Bjork	1111 Washington St., SE Olympia, WA 98504	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This proposal does not affect small business or commercial operators.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: These proposals do not affect hydraulics.

AMENDATORY SECTION (Amending Order 08-197, filed 8/13/08, effective 9/13/08)

WAC 232-16-800 Johnson/Debay's Slough Game Reserve. In Skagit County, beginning at the intersection of Francis Road and Debay's (~~Slough~~) Isle Road; then south and west along Francis Road (3090 feet) to white corner marker; then north (1265 feet) to the middle of Debay's Slough (white corner marker); then westerly (2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island; then northerly (1485 feet) to the south bank of the Skagit River (white corner marker); then easterly (~~((2200))~~ 3750 feet) along the south bank of the Skagit River to fence line (white corner marker); then south along fence line (~~((150))~~ 855 feet) to corner post; then (~~southeast 1050 feet to fence line; then~~) east (~~((1090 feet))~~) along fence line (435 feet) to fence intersection; then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet) to south shoreline of Debay's Slough (white corner marker); then easterly and southerly along the west shoreline of Debay's Slough (1770 feet) to the south side of Debay's (~~Slough~~) Isle Road (white corner marker); then east along the south side of Debay's (~~Slough~~) Isle Road to the intersection of Francis Road and the point of beginning.