



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: WAC 220-52-068 Scallop fishery – Coastal waters.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.12.047, RCW 77.04.020, and RCW 77.12.045

Reasons why rules on this subject may be needed and what they might accomplish: State laws and rules can be more restrictive than their federal counterparts, but not less restrictive. WAC 220-50-068 requires the use of scallop dredge gear to harvest scallops in the coastal fishery. This conflicts with National Marine Fisheries Service regulation, 50 C.F.R. Part 660.306, prohibiting the use of dredge gear in groundfish essential fish habitat (EFH). Specifically, dredge gear is prohibited from high tide out to 200 miles, which coincides with where groundfish EFH occurs. The Department wants to amend WAC 220-50-068 to make it consistent with federal rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Lori Preuss, WDFW Enforcement, 600 Capitol Way, N., Olympia, WA 98501-1091.
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Contact by November 23, 2009. Expected proposal filing on or after December 2, 2009.

DATE
September 30, 2009

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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