



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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-20-076 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) WAC 220-33-030, Shad

Hearing location(s): Natural Resources Building ~ First Floor, Room 172
1111 Washington St. SE
Olympia, Washington 98504

Date: February 5 - 6, 2010 Time: 8:30 a.m.

Date of intended adoption: March 12, 2010
(Note: This is NOT the effective date)

Submit written comments to:

Name: Rules Coordinator
Address: 600 Capitol Way No., Olympia, WA 98501-1091
E-mail: Lori.Preuss@dfw.wa.gov
Fax: (360) 902-2155 By (date) January 30, 2010

Assistance for persons with disabilities: Contact

Susan Yeager by January 30, 2010

TTY (360) 902-2207 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal will make the Columbia River shad fishery a permanent season, eliminating the need for annual emergency regulations to be implemented.

Reasons supporting proposal: The fishery has been adopted under emergency rules on an annual basis. This proposal will help fishers and processors to plan for same season each year. The rule will be consistent with the Oregon Department of Fish and Wildlife's rule in concurrent waters of the Columbia River.

Statutory authority for adoption: 77.12.047

Statute being implemented: 77.12.047

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: December 07, 2009

TIME: 4:16 PM

WSR 10-01-037

DATE
December 7, 2010

NAME (type or print)
Lori Preuss

SIGNATURE
Lori Preuss

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Cindy LeFleur	2108 Grand Blvd Vancouver, WA 98661	(360) 906-6708
Implementation	Jim Scott	1111 Washington Street, SE, Olympia, WA 98504	(360) 902-2651
Enforcement.....	Chief Bruce Bjork	1111 Washington Street, 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.

The proposed changes do not impose any additional burdens or costs on fishers or dealers participating in commercial shad fisheries.

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: This proposal does not involve hydraulics.

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-030 Shad. It is unlawful to fish for shad in the lower Columbia River for commercial purposes, or to possess shad taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for shad if:

(a) The cork line of the gill net does not exceed (~~(1,500)~~) 900 feet in length (150 fathoms) and has sufficient buoyancy to float the cork line on the surface. Also, the net may not exceed 40 meshes in depth.

(b) The webbing of the gill net is constructed of mesh having a breaking strength of less than 10 pounds. The gill net may be constructed of monofilament webbing or twine.

(c) The mesh size of the gill net is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gill net does not have more than a single web. The gill net web shall be suspended between a single cork line and a single lead line.

(e) The gill net does not have added lines, strings, backwalls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

Fishing periods

(2) The lower Columbia River is (~~(closed)~~) open to commercial shad fishing (~~(, except as provided by emergency rule of the director)~~) in Shad Area 2S from 3:00 p.m. to 10:00 p.m. daily, Monday through Friday (except on the observed Memorial Day holiday), from May 10 through June 20 annually. Shad taken incidentally during an open commercial salmon or sturgeon fishing period may be retained for commercial purposes.

General

(3) As used in this chapter and in emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of Salmon Management and Catch Reporting Area (SMCRA) 1D and 1E that are upstream of a line projected true north and south from the Oregon shore through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore (~~(and to the Oregon shore)~~) (upper boundary of SMCRA 1E).

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light,

thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.