



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 10-13-121 on 6/22/10;
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 _____
 Continuance of WSR _____

Title of rule and other identifying information: WAC 220-56-330 Crab--Areas and seasons.

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

Date: December 3-4, 2010 Time: 8:30 a.m.

Date of intended adoption: On or after February 4, 2011
(Note: This is NOT the effective date)

Submit written comments to:
Name: Lori Preuss, Rules Coordinator
Address: 600 Capitol Way, N.
Olympia WA 98501-1091

E-mail: Lori.Preuss@dfw.wa.gov
Fax: (360) 902-2155 by December 4, 2010

Assistance for persons with disabilities:
Contact: Susan Yeager by: November 25, 2010
TTY: (360) 902-2207 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Changes the opening days for recreational crab in Puget Sound waters (Marine Areas 4-13) from Wednesday through Saturday to Thursday through Sunday, and opens the recreational fishery in Marine Areas 4-13 seven days per week beginning the second Saturday in October through December 31.

Reasons supporting proposal: To align the recreational crab rules with the Washington Fish and Wildlife Commission's new policy allowing more recreational crabbing opportunity in Puget Sound.

Statutory authority for adoption: RCW 77.04.012, 77.12.045, and 77.12.047.

Statute being implemented: RCW 77.04.012, 77.12.045, and 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:

DATE
October 20, 2010

NAME (type or print)
Lori Preuss

SIGNATURE *Lori Preuss*

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **October 20, 2010**
TIME: **10:01 AM**

WSR 10-21-102

(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) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Rich Childers	1111 Washington St., Olympia	(360) 586-1498
Implementation....	James Scott	1111 Washington St., Olympia	(360) 902-2736
Enforcement.....	Chief Bruce Bjork	1111 Washington St., Olympia	(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.

No. Explain why no statement was prepared.
These proposals modify only recreational fishing regulations.

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 involve hydraulics.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-56-330 Crab--Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 8-1, 8-2, 9, 10, 11, 12, and 13(---): Open 7:00 a.m., ((June 18 through the last day in February)) July 1 through Labor Day, Thursday through Monday of each week; and open the second Saturday in October through December 31, seven days per week.

(b) Those waters of ((Area 6, those waters of)) Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary(;; westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point, and waters of Areas 8-1, 8-2, 9, 10, 11 and 12 --)) and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m. ((July 1 through September 3, open only Wednesday through Saturday of each week and open Sunday, September 5 and Monday, September 6.

(c) Those contiguous waters of Marine Area 7 north, south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island (southeast Hale Pass, Bellingham Bay, Samish Bay, Padilla Bay, eastern waters of Bellingham Channel, Guemes Channel and Fidalgo Bay) - Open 7:00 a.m. July 16 through September 30, and open only Wednesday through Saturday except also open Sunday, September (5) and Monday, September 6), July 15 through September 30, Thursday through Monday of each week; and open the second Saturday in October through December 31, seven days per week.

~~((d))~~ (c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on

Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island(==): Open 7:00 a.m. August ~~((17))~~ 15 through September 30, ~~((and open only Wednesday))~~ Thursday through ~~((Saturday))~~ Monday of each week ~~((except also open Sunday, September 5 and Monday, September 6))~~; and open the second Saturday in October through December 31, seven days per week.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period from December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.