



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 14-63

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The purpose of this proposal is to amend the state's rules designating tideland areas infested with Japanese oyster drills to protect un-infested tidelands from the transfer of shellfish harboring oyster drills or oyster drill eggs. Technical changes are also made to ensure rule accuracy.

Reasons supporting proposal: This rule change proposal was discussed during the Fish and Wildlife Commission meeting and public hearing on February 7, 2014. The proposed changes were adopted by the Commission during the Commission conference call on March 14, 2014. The changes will help perpetuate shellfish resources by minimizing the chances of Japanese oyster drills spreading to un-infested areas through shellfish transfers. Additionally, WAC language must be clear and accurate. The technical changes made in this rulemaking accomplish these goals.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-72-011
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 13-20-133 on October 2, 2013 (date).
Describe any changes other than editing from proposed to adopted version:

There were no changes from the proposed to the adopted version.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: March 14, 2014

NAME (TYPE OR PRINT)
Miranda Wecker

SIGNATURE

Miranda Wecker

TITLE
Chair, Washington Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 18, 2014

TIME: 1:38 PM

WSR 14-07-092

**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 | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

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 | _____ |

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

48°46'32" N. Lat.

122°40'00" W. Long.; thence to

48°45'55" N. Lat.

122°40'00" W. Long.; thence to

48°45'55" N. Lat.

122°39'12" W. Long.; then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from the east shore at 122°41'00" W. Long. true south to 47°21'00" N. Lat., then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting near the DuPont Dock on the east shore at 47°07'00" N. Lat. and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by a line projected from the western most point at Musqueti Point true west to the mainland.

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of a line projected from:

47°33'15" N. Lat.

123°01'42" W. Long.; thence to

47°32'54" N. Lat.

123°01'06" W. Long.; thence to

47°32'54" N. Lat.

123°01'48" W. Long.; thence to

47°31'00" N. Lat.

((~~123°01'54"~~)) 123°01'48" W. Long.; then true west to shore.

(e) Dosewallips Delta—inside and westerly of lines projected from:

47°41'03" N. Lat.

((~~122°53'45"~~)) 122°53'57.5" W. Long.; thence to

47°41'03" N. Lat.

122°52'24" W. Long.; thence to

((~~47°42'20.6"~~)) 47°42'43.5" N. Lat.

122°52'24" W. Long.; thence to

((~~47°42'20.6"~~)) 47°42'43.5" N. Lat.

((~~122°52'39"~~)) 122°53'10" W. Long.

(f) Point Whitney (including all portions of seawater ponds, lagoon, and shellfish cultivation facilities)—inside and (~~westerly~~) southerly of lines projected from:

((~~47°45'43.7"~~)) 47°45'43" N. Lat.

((~~122°51'02"~~)) 122°51'4.7" W. Long.; thence to

((~~45°45'56"~~)) 47°45'52" N. Lat.

((~~122°51'02"~~)) 122°51'4.7" W. Long.; thence to

((~~45°45'56"~~)) 47°45'52" N. Lat.

((~~122°51'12"~~)) 122°51'18" W. Long.; thence to

47°45'45" N. Lat.

((~~122°51'12"~~)) 122°51'18" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

47°38'46" N. Lat.

122°54'08" W. Long.; thence to

47°37'55" N. Lat.

122°56'25" W. Long.

(16) Henderson Inlet-South Bay-inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

(17) Birch Bay-inside and bounded by a line projected from:

48°53'59" N. Lat.

122°46'33.9" W. Long.; thence northeasterly along the shoreline to

48°54'37.7" N. Lat.

122°45'7.65" W. Long.; thence to

48°54'56" N. Lat.

122°45'31" W. Long.; thence to

48°54'10" N. Lat.

122°46'53.54" W. Long.