



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 04, 2025

TIME: 9:50 AM

WSR 25-12-111

Agency: Washington Department of Fish and Wildlife (WDFW) P2024-18

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 24-23-010 November 18, 2024; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Amend WAC 220-353-080 to provide more detailed information about scheduling and testing commercial fishing gear.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
Monday July 14 th , 2025	9:00am	Zoom meeting: https://us06web.zoom.us/join/register/WN__qHHypyXTkyezyiO71jKPg	To sign up to comment at the meeting, please fill out this form by no later than 11:59pm on July 12 th , 2025 https://forms.office.com/g/iFcsYMATz4?origin=lprLink

Date of intended adoption: July 14, 2025 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Agency Rules Coordinator

Address PO Box 43200 Olympia, WA 98501

Email 2025commercialgearcr102@publicinput.com

Fax

Other 2025commercialgearcr102@publicinput.com or to leave voice comments, please call 855-925-2801 and enter code 11552

Beginning (date and time) Wednesday 6/4/2025 at 12pm

By (date and time) Monday 07/14/2025 at 11:59pm

Assistance for persons with disabilities:

Contact VI/ADA Compliance Coordinator

Phone 360-902-2349

Fax

TTY 711

Email Title6@dfw.wa.gov

Other

<https://wdfw.wa.gov/accessibility/requestsaccomodation>

By (date) 7/7/2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule proposal clarifies the requirements for commercial boat owners to notify the department's Enforcement Program about scheduling and testing commercial fishing gear.

Reasons supporting proposal: Currently, there is not sufficient information in the rule on how to contact and schedule the testing of commercial fishing gear and to ensure officer availability for testing. The lack of detail in the current rule may lead to noncompliance in fishing gear requirements in the local commercial fishing industry.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.045, 77.12.047

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.045, 77.12.047

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

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

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Lt. Erik Olson	1111 Washington St. SE Olympia, WA 98501	206-922-3414
Implementation	Lt. Erik Olson	1111 Washington St. SE Olympia, WA 98501	206-922-3414
Enforcement	Chief Steve Bear	1111 Washington St. SE Olympia, WA 98501	360-902-2605

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

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
TTY
Email
Other

☒ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- ☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- ☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- ☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- ☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name

Address

Phone

Fax

TTY

Email .

Other

Date: June 4, 2025

Name: Scott Bird

Title: Rules Coordinator

Signature:

Scott Bird

WAC 220-353-080 Testing commercial fishing gear. (1) It is unlawful to test commercial fishing gear, except as follows:

(a) Bellingham Bay - (~~Inside~~) East and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances, in waters 10 fathoms and deeper.

(b) Boundary Bay - North of a line from Birch Point to Point Roberts, and south of the international boundary, in waters 10 fathoms and deeper during times not under control of the Pacific Salmon Commission.

(c) San Juan Channel - Within a 1-mile radius of Point Caution during times not under control of the Pacific Salmon Commission.

(d) Port Angeles - Inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - Within a 2-mile radius of the entrance to Everett breakwater, in waters 10 fathoms and deeper.

(f) Central Puget Sound - Between lines from Meadow Point to Point Monroe, and Skiff Point to West Point, in waters 50 fathoms and deeper.

(g) East Pass - Between lines from Point Robinson true east to the mainland, and from Dash Point to Point Piner, in waters 50 fathoms and deeper.

(h) Port Townsend - Westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point, in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes, exclusive of setting and retrieving time.

(j) All testing must only occur between 8:00 a.m. and 4:00 p.m.

(k) Cod ends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks may be used with jig or troll gear.

(l) All incidentally caught fish and shellfish must be returned to the waters immediately. It is unlawful to retain fish or shellfish aboard the vessel at any time during a gear test operation.

(2) It is unlawful for any person conducting gear testing operations to fail to notify fish and wildlife enforcement in Olympia (~~at 360-902-2936 prior to testing~~). All notification shall occur at least 48 hours in advance and not more than 96 hours (four days) prior to testing activities. The individual shall choose one of the following options to report the gear testing: The individual can call the department at 360-902-2936, choose option 1 and speak to an enforcement program representative, or leave a voice mail message, or email the department at WILDCOMM@dfw.wa.gov.

Whichever option is chosen, the individual must provide their name and the point of contact, phone number for the point of contact, location where the testing will be conducted, date and approximate time of testing, and either their vessel's registration number or name.

(3) Violation of this section is punishable under RCW 77.15.520, 77.15.550, or 77.15.580, depending on the circumstances of the violation.