



# 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 18, 2025

TIME: 10:19 AM

WSR 25-13-113

**Agency:** Washington Department of Fish and Wildlife (WDFW) P2025-05

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 25-03-134 ; 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) 2025 WSDOT Ferry Terminal Rule

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
Tuesday August 5, 2025	4:00 pm	Online or in person: Zoom link for online attendance: <a href="https://us06web.zoom.us/webinar/register/WN_wYA0kBypQMazNXK-Rn9rZA">https://us06web.zoom.us/webinar/register/WN_wYA0kBypQMazNXK-Rn9rZA</a> Address for in person: 16018 Mill Creek Boulevard Mill Creek, WA 98012-1541	To sign up to submit verbal comment at the hearing, fill out this form <a href="https://publicinput.com/2025ferryterminalpublichearing">https://publicinput.com/2025ferryterminalpublichearing</a> before 4pm on August 4, 2025

**Date of intended adoption:** August 6, 2025 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name Rules Coordinator

Address PO Box 43200, Olympia, WA 98504

Email 2025ferryterminalcr102@publicinput.com

Fax

Other <https://publicinput.com/2025ferryterminalcr102> or call 855-925-2801 project code 11523

Beginning (date and time) 12pm of June 18, 2025

By (date and time) 11:59pm of August 5, 2025

**Assistance for persons with disabilities:**

Contact

Phone

Fax

TTY

Email

Other

By (date) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department seeks to create a new rule to prohibit recreational or commercial crabbing or shrimping using pot gear or commercial gillnetting or purse seine fishing near Washington state department of transportation (WSDOT) ferry terminals in the Puget Sound.

**Reasons supporting proposal:** This rule is needed to improve safety for the public and ferry workers and reduce economic impact in the State of Washington. Recreational and commercial shrimp and crab pot gear along with purse seine and gillnetting gear set near ferry terminals managed by the WSDOT in the Puget Sound is known to cause damage to state ferries' resulting in significant maintenance and repair costs as well as significantly inconveniencing the public due to damage that is avoidable. Implementation of closed fishing areas described in this rule will aid State Ferries to avoid fishing gear and operate safely. The department convened a public meeting about this proposed rule on March 4, 2025 where a representative from the WSDOT ferry division documented the described damage to ferry boats caused by fishing gear.

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

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 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)**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Lt. Erik Olson	1111 Washington Street SE, Olympia WA 98501	206-459-5166
Implementation	Lt. Erik Olson	1111 Washington Street SE, Olympia WA 98501	206-459-5166
Enforcement	Chief Steve Bear	1111 Washington Street SE, Olympia WA 98501	360-902-2373

**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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 18, 2025

**Name:** Scott Bird

**Title:** Agency Rule Coordinator

**Signature:**

*Scott Bird*

NEW SECTION

**WAC 220-305-085 Closed areas—WSDOT ferry terminals.** (1) It is unlawful for any vessel to engage in any recreational crabbing or shrimping or commercial crabbing, shrimping, gillnetting or purse seine fishing within a rectangular-shaped closure area that extends 100 yards to either side of each end of any Washington state-managed ferry terminal and extending 400 yards in a straight line into the water from the end of each terminal.

Except for the Coupeville ferry terminal whose closure area shall extend 800 yards in a straight line into the water from the end of the terminal.

(2) In addition to the definition of a "terminal" in RCW 79.105.060(21) and for the purpose of this rule, the end of the terminal is the point of interchange where the ferry docks to load and unload passengers.

(3) It is unlawful for vessel operators engaged in fishing to violate the provisions of 33 C.F.R. Section 165.1301.

(4) For recreational fishers, a violation of this section is an infraction punishable under RCW 77.15.160. For commercial fishers, a violation of this section is a gross misdemeanor under RCW 77.15.550.