

WSR 25-12-111  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 24-18—Filed June 4, 2025, 9:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-23-010 on November 18, 2024.

Title of Rule and Other Identifying Information: Amend WAC 220-353-080 to provide more detailed information about scheduling and testing commercial fishing gear.

Hearing Location(s): On Monday, July 14, 2025, at 9:00 a.m., via Zoom meeting at [https://us06web.zoom.us/webinar/register/WN\\_qHHypyXTkyezyiO71jKpg](https://us06web.zoom.us/webinar/register/WN_qHHypyXTkyezyiO71jKpg). To sign up to comment at the meeting, please fill out this form by no later than 11:59 p.m. on July 12, 2025, at <https://forms.office.com/g/iFcsYMATz4?origin=lprLink>.

Date of Intended Adoption: July 14, 2025.

Submit Written Comments to: Rules Coordinator, P.O. Box 43200, Olympia, WA 98501, email [2025commercialgearcr102@publicinput.com](mailto:2025commercialgearcr102@publicinput.com), 855-925-2801, enter code 11552, beginning Wednesday, June 4, 2025, at 12:00 p.m., by Monday, July 14, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact [Title] VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov), <https://wdfw.wa.gov/accessibility/requestsaccomodation>, by July 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 of fish and wildlife's (department) 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 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: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lieutenant Erik Olson, 1111 Washington Street S.E., Olympia, WA 98501, 206-922-3414; Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2605.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

June 4, 2025

**RDS-6428.1**

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**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.