



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 10-34

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 fishery has been adopted under emergency rules on an annual basis. This permanent rule will help fishers and processors to plan for the same season each year. The rule will be consistent with the Oregon Department of Fish and Wildlife's rule in concurrent waters of the Columbia River.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-33-030
Suspended:

Statutory authority for adoption: RCW 77.04.020, 77.12.045, 77.12.047

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-01-037 on December 9, 2009 (date).
Describe any changes other than editing from proposed to adopted version: None

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 12, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 15, 2010
TIME: 3:48 PM

WSR 10-07-065

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-030 Shad. It is unlawful to fish for shad in the lower Columbia River for commercial purposes, or to possess shad taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for shad if:

(a) The cork line of the gill net does not exceed (~~(1,500)~~) 900 feet in length (150 fathoms) and has sufficient buoyancy to float the cork line on the surface. Also, the net may not exceed 40 meshes in depth.

(b) The webbing of the gill net is constructed of mesh having a breaking strength of less than 10 pounds. The gill net may be constructed of monofilament webbing or twine.

(c) The mesh size of the gill net is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gill net does not have more than a single web. The gill net web shall be suspended between a single cork line and a single lead line.

(e) The gill net does not have added lines, strings, backwalls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

Fishing periods

(2) The lower Columbia River is (~~(closed)~~) open to commercial shad fishing (~~(, except as provided by emergency rule of the director)~~) in Shad Area 2S from 3:00 p.m. to 10:00 p.m. daily, Monday through Friday (except on the observed Memorial Day holiday), from May 10 through June 20 annually. Shad taken incidentally during an open commercial salmon or sturgeon fishing period may be retained for commercial purposes.

General

(3) As used in this chapter and in emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of Salmon Management and Catch Reporting Area (SMCRA) 1D and 1E that are upstream of a line projected true north and south from the Oregon shore through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore (~~(and to the Oregon shore)~~) (upper boundary of SMCRA 1E).

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light,

thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.