



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 09-108

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: Amend rules for commercial salmon fishing in Puget Sound, including WACs 220-47-302, 220-47-307, 220-47-311, 220-47-325, 220-47-401, 220-47-411, 220-47-427, 220-47-428, and 220-47-500.

Citation of existing rules affected by this order:

Repealed:

Amended: WACs 220-47-302, 220-47-307, 220-47-311, 220-47-325, 220-47-401, 220-47-411, 220-47-427, 220-47-428, and 220-47-500

Suspended:

Statutory authority for adoption: RCWs 77.12.047 and 77.04.020

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-09-137 on April 22, 2009 (date).

Describe any changes other than editing from proposed to adopted version: Last year, the Navy ran over two drift gill nets, resulting in enormous repair expenses to the Naval vessels and ruining the fishermen's nets. So, in WAC 220-47-302(3)(a), we specified that we were talking about drift gill nets, since skiff gill nets pose less a threat to other vessels and require different marking schemes. Also in WAC 220-47-302(3)(a), we limited the color to red on polyform size A-3 buoys, for consistency purposes and at the industry's request. A single buoy color makes it easier for fishermen to comply with the rules, and it facilitates enforcement of the rules. In WAC 220-47-302(3)(b), we changed the size of the polyform buoys that mark the cork line portion of the net to size A-1 buoys. These buoys are more manageable for fishermen.

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: July 9, 2009

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 09, 2009

TIME: 4:22 PM

WSR 09-15-054

(COMPLETE REVERSE SIDE)

**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	<u>9</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>9</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

	New	_____	Amended	<u>9</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

	New	_____	Amended	<u>9</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 WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-302 Puget Sound--Lawful gear--Gill net. (1) It is unlawful to use drift gill net salmon gear in Puget Sound that exceeds 1,800 feet in length or contains meshes of a size less than 5 inches (~~(, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 mesh deep, or contain mesh size less than 5 inches)~~).

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed (~~(300)~~) 600 feet in length (~~(or)~~), 90 meshes in depth, or that contain meshes of a size less than 5 inches, except in Area 9A, where skiff gill nets (~~(may not exceed 600 feet in length, or be)~~) are further restricted by not being more than 60 meshes deep (~~(, or contain mesh size less than 5 inches)~~). It is unlawful to retrieve skiff gill nets by any means except by hand (no hydraulics may be used). It is unlawful to fail to attend to skiff gill nets at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. It is unlawful to set such nets in a circle or to set them in other than a substantially straight line.

(a) It is unlawful to operate any drift gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, two red polyform size A-3 buoys, marking the visible end of the cork line portion of the net. One of the two buoys shall be marked in a visible, legible, and permanent manner with the name and gill-net license number of the fisher.

(b) The cork line portion of the net shall be marked every 50 fathoms of the net with polyform size A-1 buoys.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink salmon fisheries unless said gill net gear is constructed so that the first 20 meshes below the cork line are composed of five-inch mesh, white opaque, minimum 210/30d (#12) diameter, nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear when recovery box(es) are required in areas ((7 or 7A between the dates of September 30 and October 20)) defined under WAC 220-22-030 unless the gill net vessel has aboard and uses said operable recovery box(es) as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or one chamber in each box, if two boxes.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole

measuring between 3/4 inch and 1 inch in diameter. The inlet hole must be centered horizontally across the door or wall of the chamber, and the bottom of the hole must be located 1-3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1-1/2 inches in diameter, with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute, nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and with the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 08-167, filed 7/8/08, effective 8/8/08)

WAC 220-47-307 Closed areas--Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a

point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - (1) That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) Additional coho seasonal closure: Those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - (1) Those waters within 1,000 feet of the mouth of the Quilcene River.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodsport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending Order 08-167, filed 7/8/08, effective 8/8/08)

WAC 220-47-311 Purse seine--Open periods. It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
((7, 7A:	7AM - 7PM	- 10/10)
<u>7, 7A:</u>	7AM - 6PM	- ((10/15)) <u>10/12, 10/13,</u> <u>10/16, 10/17, 10/18, 10/19,</u> <u>10/20, 10/21, 10/22, 10/23,</u> <u>10/24, 10/25, 10/26, 10/27,</u> <u>10/28, 10/29, 10/30, 10/31</u>
	7AM - 5PM	- <u>11/1, 11/2, 11/3, 11/4,</u> <u>11/5, 11/6, 11/7, 11/8,</u> <u>11/9, 11/10, 11/11, 11/12,</u> <u>11/13, 11/14</u>

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

7B, 7C:	6AM - ((8PM)) <u>9PM</u>	- ((8/20, 8/27, 9/3)) <u>8/12</u>
	<u>6AM - 8PM</u>	- <u>8/19, 8/26, 9/2</u>
7B:	7AM - 8PM	- ((9/10)) <u>9/9</u>
	7AM - 7PM	- ((9/15)) <u>9/14, 9/16, 9/18</u>
	7AM ((9/21)) <u>9/20</u>	- 6PM ((11/4)) <u>10/31</u>
	7AM ((11/3)) <u>11/2</u>	- 4PM ((11/7)) <u>11/6</u>
	7AM ((11/10)) <u>11/9</u>	- 4PM ((11/14)) <u>11/13</u>
	7AM ((11/17)) <u>11/16</u>	- 4PM ((11/21)) <u>11/20</u>

AREA	TIME	DATE
	7AM ((11/24)) <u>11/23</u>	- 4PM ((11/28)) <u>11/27</u>
	8AM ((12/1)) <u>11/30</u>	- 4PM ((12/5)) <u>11/4</u>
Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.		
8:	((7AM-5PM)) <u>6AM</u> - <u>8PM</u>	- ((11/4, 11/11, 11/18)) <u>8/17,</u> <u>8/19, 8/25, 8/27</u>
	((7AM-4PM	= 11/25))
8A:	((7AM-7PM)) <u>6AM</u> - <u>8PM</u>	- ((Limited participation - two boats (9/29, 10/6))) <u>8/18, 8/20, 8/24, 8/26</u>
	7AM - ((6PM)) <u>7PM</u>	- ((10/13, 10/20, 10/27, 10/29)) <u>Limited participation - two boats (9/28, 10/5).</u>
	7AM - ((5PM)) <u>6PM</u>	- ((11/5, 11/11,)) <u>11/13</u> ((11/19)))
	((7AM-4PM	= 11/24, 11/26))
8D:	7AM - 7PM	- ((9/22, 9/29, 10/6)) <u>9/21,</u> <u>9/28, 10/5</u>
	7AM - 6PM	- ((10/13, 10/20, 10/27, 10/29)) <u>10/12, 10/19,</u> <u>10/26, 10/28</u>
	7AM - 5PM	- ((11/5, 11/11, 11/13, 11/19)) <u>11/4, 11/10, 11/12,</u> <u>11/18</u>
	7AM - 4PM	- ((11/24, 11/26)) <u>11/23,</u> <u>11/25</u>
10((11)):	((7AM-6PM)) <u>6AM</u> - <u>8PM</u>	- ((10/20, 10/27, 10/29)) <u>Limited participation - two boats (8/25, 8/27, 8/31).</u>
<u>10, 11:</u>	<u>7AM - 6PM</u>	= <u>10/20, 10/26, 10/28</u>
	7AM - 5PM	- <u>11/3, ((11/10, 11/12))</u> <u>11/9,</u> <u>11/11, 11/17</u>
	7AM - 4PM	- ((11/24)) <u>11/23</u>
<u>Note: In Area 10 during any open period occurring from 8/25 through 8/31 it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f). During limited participation fisheries it is unlawful for vessels to take or fish for salmon with department observers on board.</u>		
12, 12B:	7AM - 6PM ((use of recovery box required))	- <u>10/20, ((10/27, 10/29))</u> <u>10/26, 10/28</u>
	7AM - 5PM	- <u>11/3, ((11/10, 11/12))</u> <u>11/9,</u> <u>11/11, 11/17</u>
((Note: In Areas 12 and 12B, it is unlawful to take or fish for salmon during any open period occurring from 10/19 through 11/1 with purse seine gear unless purse seine fishers are using a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).))		
12C:	7AM - 5PM	- ((11/10)) <u>11/9, 11/17</u>
	7AM - 4PM	- ((11/24)) <u>11/23</u>

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October ~~((26))~~ 25 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, ~~((and))~~ prior to September ~~((7))~~ 6 in Area 7B ~~((, and wild coho in Areas 12,~~

12B, and 12C)), and during September in those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point.

Chum salmon - prior to October 1 in Areas 7 and 7A.

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 08-167, filed 7/8/08, effective 8/8/08)

WAC 220-47-325 Purse seine--Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to do so directly into the hold. All salmon must be landed onto the deck or sorting tray or table of the harvesting vessel with the hold hatch cover(s) closed until all salmon that cannot be retained are released; and additionally:

(2) In Areas 7 and 7A, and prior to (~~September 14~~) the Fraser Panel relinquishing management control in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water, unless otherwise provided for in this section.

(3) The brailer must be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag must be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web must be of soft knotless construction, and the mesh size cannot exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand-held dip nets must be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fish may be brought on board without using a brailer or dip net as specified in this section if the number of fish in the net is small enough that the crew can hand-pull the bunt onto the vessel without the use of hydraulic or mechanical assistance.

(6) In order for fishers to participate in openings where brailing is required, fishers must use a recovery box and operate the box in compliance with the provisions of WAC 220-47-301 (7) (a) through (f). It is unlawful to fail to do so.

AMENDATORY SECTION (Amending Order 08-167, filed 7/8/08, effective 8/8/08)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7, 7A	5AM - 9PM Daily	((9/14-11/15)) 9/13 - 11/14

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Jeromy Jording, Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia WA, 98501-1091.

(4) All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 08-167, filed 7/8/08, effective 8/8/08)

WAC 220-47-411 Gill net--Open periods. It is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gill net only.	7AM - 7PM	9/21, 9/22, 9/23, 9/24, 9/25, ((9/26)) 9/28, 9/29, 9/30, 10/1, 10/2, ((10/3)) 10/5, 10/6, 10/7, 10/8, 10/9, ((10/10)) 10/12, 10/13, 10/14, 10/15, 10/16, ((10/17)) 10/19, 10/20, 10/21, 10/22, 10/23((-10/24))	5 1/2"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum (~~and 5 1/2-inch maximum~~) mesh in the skiff gill net fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight; use of recovery box required	((10/10, 10/15)) 10/12, 10/13, 10/16, 10/17	6 1/4"
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AREA	TIME		DATE(S)	MINIMUM MESH
	7AM	-	Midnight <u>10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13, 11/14</u>	6 1/4"

Note: In Areas 7 and 7A after September 28 but prior to October (~~(+9)~~) 18, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

7B, 7C:	8PM	-	7AM	NIGHTLY 8/10	7"
	7PM	-	8AM	NIGHTLY (((8/18, 8/19, 8/21))) <u>8/17, 8/18, 8/20, 8/24, 8/25, ((8/26, 8/28)) 8/27, 8/31, 9/1, ((9/2, 9/4)) 9/3</u>	7"
7B:	12:01AM	-	Midnight	((9/7, 9/9, 9/11, 9/14, 9/16, 9/18)) <u>9/6, 9/8, 9/10, 9/13, 9/15, 9/17</u>	5"
	7AM ((9/21)) <u>9/20</u>	-	Midnight ((10/25)) <u>10/24</u>		5"
	12:01AM ((10/26)) <u>10/25</u>	-	Midnight (((11/1))) <u>10/31</u>		6 1/4"
	7AM ((11/3)) <u>11/2</u>	-	4PM (((11/7))) <u>11/6</u>		6 1/4"
	7AM ((11/10)) <u>11/9</u>	-	4PM (((11/14))) <u>11/13</u>		6 1/4"
	7AM ((11/17)) <u>11/16</u>	-	4PM (((11/21))) <u>11/20</u>		6 1/4"
	7AM ((11/24)) <u>11/23</u>	-	4PM (((11/28))) <u>11/27</u>		6 1/4"
	8AM ((12/1)) <u>11/30</u>	-	4PM (((12/5))) <u>12/4</u>		6 1/4"

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 6:00 PM on the first Friday in December.

8:	((7AM)) <u>6AM</u>	-	((7PM)) <u>10PM</u>	((11/3, 11/5, 11/7, 11/10, 11/12, 11/14, 11/17, 11/19, 11/21)) <u>8/18, 8/20, 8/24, 8/26</u>	((6-1/4")) <u>5" minimum and 5 1/2" maximum</u>
	((7AM))	-	6PM	11/24, 11/26, 11/28	6-1/4"))

Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gill nets greater than 60 mesh maximum depth.

8A:	((6PM)) <u>6AM</u>	-	((8AM)) <u>10PM</u>	((NIGHTLY 10/7)) <u>8/17, 8/19, 8/25, 8/27</u>	5" <u>minimum and 5 1/2" maximum</u>
	((7AM))	-	8PM	10/14, 10/16	5"
	7AM	-	4PM	10/17	5"))
	((8AM)) <u>6PM</u>	-	((8PM)) <u>8AM</u>	((10/21, 10/23, 10/28, 10/30)) <u>NIGHTLY 10/6</u>	((6-1/4")) <u>5"</u>
	((8AM)) <u>7AM</u>	-	((4PM)) <u>6PM</u>	((10/24, 10/31)) <u>10/12, 10/14</u>	((6-1/4")) <u>5"</u>
	((7AM))	-	7PM	11/4, 11/6, 11/10, 11/12, 11/18, 11/20	6-1/4"
	7AM	-	6PM	11/25, 11/27	6-1/4"
	7AM	-	4PM	11/7, 11/14, 11/21, 11/28	6-1/4"))
8D:	6PM	-	8AM	NIGHTLY ((9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9)) <u>9/20, 9/27, 10/4</u>	5"
	7AM	-	((8PM)) <u>9PM</u>	((10/16)) <u>9/22, 9/23, 9/29, 9/30, 9/6, 9/7</u>	5"
	7AM	-	((4PM)) <u>8PM</u>	((10/17)) <u>10/15, 10/22, 10/29</u>	5"
	((8AM))	-	8PM	10/23	5"

AREA	TIME		DATE(S)	MINIMUM MESH	
	8AM	-	4PM	10/24	5"
	8AM	-	8PM	10/30	6 1/4"
	8AM	-	4PM	10/31	6 1/4")
	<u>7AM</u>	-	<u>4PM</u>	<u>10/16, 10/23, 10/30</u>	5"
	7AM	-	7PM	((11/6, 11/13, 11/)) <u>11/11, 11/19</u>	6 1/4"
	7AM	-	6PM	((11/27)) <u>11/26</u>	6 1/4"
	7AM	-	4PM	((11/7, 11/14, 11/21, 11/28)) <u>11/13, 11/20, 11/27</u>	6 1/4"
9A: <u>Skiff gill net only.</u>	((7PM)) <u>7AM</u>	-	((7AM)) <u>7PM</u>	((NIGHTLY 8/26, 8/27, 8/28)) <u>8/24, 8/25, 8/26</u>	5"
	6AM ((8/31)) <u>8/30</u>	-	8PM ((11/1)) <u>10/31</u>		5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish. Legal gear defined in WAC 220-47-302.

<u>10</u>	<u>6AM</u>	-	<u>10PM</u>	<u>Limited participation - two boats (8/24, 8/25, 8/31)</u>	<u>5" minimum and 5 1/2" maximum</u>
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Note: In Area 10 during September coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

10, 11:	((4PM)) <u>5PM</u>	-	((7AM)) <u>9AM</u>	NIGHTLY ((10/19, 10/28, 11/2)) <u>10/18, 10/29</u>	6 1/4"
	5PM	-	((9AM)) <u>8AM</u>	NIGHTLY ((10/30)) <u>10/21</u>	6 1/4"
	((3PM)) <u>4PM</u>	-	((7AM)) <u>8AM</u>	NIGHTLY ((11/9, 11/16)) <u>11/1, 11/10, 11/12, 11/15</u>	6 1/4"
	((2PM)) <u>3PM</u>	-	((7AM)) <u>8AM</u>	NIGHTLY ((11/23)) <u>11/22</u>	6 1/4"
	4PM	-	Midnight	NIGHTLY ((10/22, 11/5, 11/13, 11/19, 11/26)) <u>10/21, 11/4, 11/18, 11/25</u>	6 1/4"
12A: Skiff gill net only.	7AM	-	7PM	((9/2, 9/9, 9/16, 9/23, 9/30)) <u>9/1, 9/8, 9/15, 9/22, 9/31</u>	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum (~~and 5 1/2-inch maximum~~) mesh in the skiff gill net fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	((8AM)) <u>7AM</u>	-	8PM	((10/22, 10/23, 10/28, 10/30)) <u>10/19, 10/21, 10/27, 10/29</u>	6 1/4"
	7AM	-	7PM	((11/5, 11/6, 11/11, 11/13, 11/19, 11/20)) <u>11/2, 11/4, 11/10, 11/12, 11/16, 11/18</u>	6 1/4"
12C:	7AM	-	7PM	((11/11, 11/13, 11/18, 11/20)) <u>11/10, 11/12, 11/16, 11/18</u>	6 1/4"
	7AM	-	6PM	((11/25, 11/27)) <u>11/24, 11/26</u>	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-427 Puget Sound--Beach seine--Emerging commercial

fishery--Eligibility--Lawful gear. (1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue (~~five~~) two salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit being aboard the designated vessel in the open fishery (~~area two days each week during the open fishing period~~).

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be void and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a salmon beach seine experimental permit, will have the permit voided and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive (~~, or, at the direction of federal or state officials, submitted for broodstock purposes~~).

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

AMENDATORY SECTION (Amending Order 05-166, filed 8/3/05, effective 9/3/05)

WAC 220-47-428 Beach seine--Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas: ((Closed.))

<u>AREA</u>	<u>TIME</u>		<u>DATE(S)</u>
<u>12A:</u>	<u>7AM</u>	: <u>7PM</u>	<u>8/24, 8/25, 8/31, 9/1, 9/7, 9/8,</u> <u>9/14, 9/15, 9/21, 9/22, 9/28,</u> <u>9/29</u>
<u>12H:</u>	<u>7AM</u>	: <u>7PM</u>	<u>November (dates determined per</u> <u>agreement with tribal</u> <u>comanagers in-season if</u> <u>harvestable surplus of salmon</u> <u>remain).</u>

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

AMENDATORY SECTION (Amending Order 92-47, filed 7/20/92, effective 8/20/92)

WAC 220-47-500 Limited participation salmon net fisheries.

(1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest or compromises other specific management objectives, the director may authorize a limited participation fishery in extreme terminal fishing areas in order to provide additional opportunities for net fisheries where they might not otherwise exist. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run size data, fisheries necessary to provide biological information, or in cases where:

(a) Other specific management objectives have been stated for the species and area in question; or

(b) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and

(c) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Only one listing is allowed per license. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message

phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gill net fishers and a priority list for purse seine fishers. Priority registers will be available for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns, biological data collection needs, or specific management objectives dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

Agreement to participate in an authorized limited participation fisheries will require a department observer on board a participating vessel. An additional permit may be required by a participating vessel to allow for a department observer to complete work associated with biological data collection needs meeting specific management objectives.

(6) Examples of specific management objectives include but are not limited to:

- (a) Reducing levels of incidental catch of wild salmon stocks;
- (b) Reducing incidental catch of nontarget salmon species originating from regions other than the fishing area; or
- (c) Specific recreational emphasis action.