



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 10-02-055 on 12-31-09;
or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 220-47-302, WAC 220-47-307, WAC 220-47-311, WAC 220-47-401, WAC 220-47-411, WAC 220-47-427, and WAC 220-47-428, Rules for commercial salmon fishing in Puget Sound.

Hearing location(s):
Natural Resources Building
1111 Washington Street, Room 172
Olympia, WA 98504

Submit written comments to:
Name: Rules Coordinator
Address: WDFW Enforcement, 600 Capitol Way, N.,
Olympia, WA 98501-1091

e-mail lori.preuss@dfw.wa.gov
fax (360)-902-2207 by (date) Monday, April 5, 2010

Date: Friday, April 9, 2010 Time: 1:30 p.m. to 2:30 p.m.

Assistance for persons with disabilities: Contact

Susan Yeager by Monday, April 5, 2010

TTY (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after Monday, April 19, 2010
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These rules will incorporate the recommendations of the North of Falcon sub-group of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons supporting proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

Statute being implemented: RCW 77.12.047 and RCW 77.04.020

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **March 01, 2010**

TIME: **4:42 PM**

WSR 10-06-091

DATE
March 1, 1010

NAME (type or print)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Jeromy Jording	1111 Washington Street, Olympia	(360) 902-2171
Implementation....Jim Scott	1111 Washington Street, Olympia	(360) 902-2651
Enforcement.....Chief Bruce Bjork	1111 Washington Street, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Lori Preuss

Address: WDFW Enforcement, 600 Capitol Way, N., Olympia, WA 98501-1091

phone (360) 902-2930

fax (360) 902-2155

e-mail lori.preuss@dfw.wa.gov

No. Explain why no statement was prepared.

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 () _____

e-mail _____

No: Please explain: These proposals do not affect hydraulics.

Small Business Economic Impact Statement

North of Falcon, Puget Sound, 2010

1. Description of the reporting, record keeping, and other compliance requirements of the proposed rule.

These rules will incorporate the recommendations of the North of Falcon sub-group of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Puget Sound.

2. Kinds of professional services that a small business is likely to need in order to comply with such requirements.

None – these rule changes clarify dates for anticipated open periods, areas closed in Puget Sound to commercial harvest methods, and legal gear requirements.

3. Costs of compliance for businesses, including costs of equipment, supplies, labor, and increased administrative costs.

Less than \$5 per business.

4. Will compliance with the rule cause businesses to lose sales or revenue?

No.

5. Cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules, using one or more of the following as a basis for comparing costs:

- 1. Cost per employee;**
- 2. Cost per hour of labor; or**
- 3. Cost per one hundred dollars of sales**

It is unknown how many employees are associated with the ten percent of businesses that are the largest businesses required to comply, as most commercial gillnet fishermen operate as single fishermen. Therefore the cost per hour of labor is also difficult to determine. The less than \$5 cost estimated in No. 3 above cannot be compared with an amount per one hundred dollars of sales, since this is an expected one-time initial cost for commercial fishermen to pay for postage to enter any possible lottery fisheries. Estimating the cost per one hundred dollars of sales would imply that they have ownership of a natural resource and are guaranteed a percentage of catch for which they then sell for profit. This is not the case.

6. Steps taken by the agency to reduce the costs of the rule on small businesses, or reasonable justification for not doing so.

The Department issues an annual pamphlet and mails it out to all license holders to alert them to anticipated open periods, closed areas, and gear requirements.

7. A description of how the agency will involve small businesses in the development of the rule.

The Department co-sponsors the annual North of Falcon process, which is a series of public meetings over a period of several months from February through April that allow constituents to supply input on the rules contained in this filing.

8. A list of industries that will be required to comply with the rule.

All licensed fishers using legal commercial gear types seeking to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

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.

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed 600 feet in length, 90 meshes in depth, or that contain meshes of a size less than 5 inches, except in Area 9A, where skiff gill nets are further restricted by not being more than 60 meshes deep. 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 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 09-108, filed 7/9/09, effective 8/9/09)

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 McGlinn 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 09-108, filed 7/9/09, effective 8/9/09)

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 - 6PM	- <u>10/11</u> , 10/12, 10/13, <u>10/14</u> , <u>10/15</u> , 10/16, 10/17, 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)
	7AM - 5PM	- <u>10/31</u> , 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)

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

AREA	TIME	DATE
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:	6AM-8PM	= 8/17, 8/19, 8/25, 8/27
8A:	6AM-8PM	= 8/18, 8/20, 8/24, 8/26)
<u>8A:</u>	7AM - 7PM	- Limited participation - two boats (((9/28, 10/5)) <u>9/27, 10/4</u>).
	7AM - 6PM	- ((11/13)) <u>10/12</u>
8D:	7AM - 7PM	- ((9/21, 9/28, 10/5)) <u>9/20, 9/27, 10/4</u>
	7AM - 6PM	- ((10/12, 10/19, 10/26, 10/28)) <u>10/11, 10/18, 10/25, 10/27</u>
	7AM - 5PM	- ((11/4, 11/10, 11/12, 11/18)) <u>11/3, 11/9, 11/11, 11/17</u>
	7AM - 4PM	- ((11/23, 11/25)) <u>11/22, 11/24</u>
((10:	6AM-8PM	= Limited participation - two boats (8/25, 8/27, 8/31:))
10, 11:	7AM - 6PM	- ((10/20:)) <u>10/18, 10/26, 10/28</u>
	7AM - 5PM	- ((11/3:)) <u>11/1, 11/9, 11/11, 11/15</u>
	7AM - 4PM	- ((11/23)) <u>11/22</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.))		
12, 12B:	7AM - 6PM	- ((10/20:)) <u>10/18, 10/26, 10/28</u>
	7AM - 5PM	- ((11/3:)) <u>11/1, 11/9, 11/11, 11/15</u>
12C:	7AM - 5PM	- 11/9, ((11/17)) <u>11/15</u>
	7AM - 4PM	- ((11/23)) <u>11/22</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 ~~((25))~~ 23 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, prior to September ~~((6))~~ 5 in Area 7B ~~((, 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 09-108, filed 7/9/09, effective 8/9/09)

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	((9/13-11/14)) 9/12 - 11/13

(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 09-108, filed 7/9/09, effective 8/9/09)

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	<u>9/20</u> , 9/21, 9/22, 9/23, 9/24, ((9/25,)) <u>9/27</u> , 9/28, 9/29, 9/30, 10/1, ((10/2,)) <u>10/4</u> , 10/5, 10/6, 10/7, 10/8, ((10/9,)) <u>10/11</u> , 10/12, 10/13, 10/14, 10/15, ((10/16,)) <u>10/18</u> , 10/19, 10/20, 10/21, 10/22 ((10/23))	5 1/2"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum 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	<u>10/11</u> , 10/12, 10/13, <u>10/14</u> , <u>10/15</u> , 10/16 ((10/17))	6 1/4"
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AREA	TIME		DATE(S)	MINIMUM MESH
	7AM	-	Midnight <u>10/17, 10/18, 10/19, 10/20, 10/21,</u> <u>10/22, 10/23, 10/24, 10/25, 10/26,</u> <u>10/27, 10/28, 10/29, 10/30, 10/31,</u> <u>11/1, 11/2, 11/3, 11/4, 11/5, 11/6,</u> <u>11/7, 11/8, 11/9, 11/10, 11/11, 11/12,</u> <u>11/13(11/14)</u>	6 1/4"

Note: In Areas 7 and 7A after September (~~28~~) 26 but prior to October (~~18~~) 17, 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) <u>8/9</u>	7"
	7PM	-	8AM	NIGHTLY <u>8/16, 8/17, (8/18, 8/20,)</u> <u>8/19, 8/23, 8/24, (8/25, 8/27,) 8/26,</u> <u>8/30, 8/31, (9/1, 9/3) 9/2</u>	7"
7B:	((12:01)) <u>7 AM</u>	-	(Midnight) <u>7 AM the day following</u>	((9/6, 9/8, 9/10, 9/13, 9/15, 9/17)) <u>9/5, 9/7, 9/9, 9/12, 9/14, 9/16</u>	5"
	7AM ((9/20)) <u>9/19</u>	-	Midnight ((10/24)) <u>10/23</u>		5"
	12:01AM ((10/25)) <u>10/24</u>	-	Midnight ((10/31)) <u>10/30</u>		6 1/4"
	7AM ((11/2)) <u>11/1</u>	-	4PM ((11/6)) <u>11/5</u>		6 1/4"
	7AM ((11/9)) <u>11/8</u>	-	4PM ((11/13)) <u>11/12</u>		6 1/4"
	7AM ((11/16)) <u>11/15</u>	-	4PM ((11/20)) <u>11/19</u>		6 1/4"
	7AM ((11/23)) <u>11/22</u>	-	4PM ((11/27)) <u>11/26</u>		6 1/4"
	8AM ((11/30)) <u>11/29</u>	-	4PM ((12/4)) <u>12/3</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 Squilicum 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:	6AM	-	10PM	8/18, 8/20, 8/24, 8/26	5" minimum and 5 1/2" maximum
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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:	6AM	-	10PM	8/17, 8/19, 8/25, 8/27	5" minimum and 5 1/2" maximum))
<u>8A:</u>	6PM	-	8AM	NIGHTLY ((10/6)) <u>10/5</u>	5"
	7AM	-	6PM	((10/12, 10/14)) <u>10/11, 10/13</u>	5"
8D:	6PM	-	8AM	NIGHTLY ((9/20, 9/27, 10/4)) <u>9/19,</u> <u>9/26, 10/3</u>	5"
	7AM	-	9PM	<u>9/20, 9/21, 9/22, 9/23, 9/27, 9/28,</u> <u>9/29, 9/30, (9/6, 9/7) 10/4, 10/5,</u> <u>10/6, 10/7</u>	5"
	7AM	-	8PM	((10/15, 10/22, 10/29)) <u>10/11, 10/12,</u> <u>10/13, 10/14, 10/21, 10/28</u>	5"
	7AM	-	4PM	((10/16, 10/23, 10/30)) <u>10/22, 10/29</u>	5"
	7AM	-	7PM	((11/11, 11/19)) <u>11/4, 11/10, 11/18</u>	6 1/4"
	7AM	-	6PM	((11/26)) <u>11/25</u>	6 1/4"
	7AM	-	4PM	((11/13, 11/20, 11/27)) <u>11/5, 11/12,</u> <u>11/19</u>	6 1/4"
9A: Skiff gill net only.	7AM <u>9/22</u>	-	7PM <u>10/30</u>	((8/24, 8/25, 8/26))	5"

AREA	TIME		DATE(S)	MINIMUM MESH
	(6AM 8/30	-	8PM-10/31	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.

((10	6AM	-	10PM	Limited participation - two boats (8/24, 8/25, 8/31)	5" minimum and 5 1/2" maximum
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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:	5PM	-	9AM	NIGHTLY (((10/18, 10/29))) <u>10/19</u>	6 1/4"
	5PM	-	8AM	NIGHTLY (((10/21))) <u>10/24, 10/26</u>	6 1/4"
	4PM	-	8AM	NIGHTLY (((11/1, 11/10, 11/12, 11/15))) <u>11/2, 11/4, 11/9, 11/16</u>	6 1/4"
	3PM	-	8AM	NIGHTLY (((11/22))) <u>11/21</u>	6 1/4"
	4PM	-	Midnight	NIGHTLY (((10/21, 11/4, 11/18, 11/25))) <u>10/20, 11/3, 11/17, 11/24</u>	6 1/4"
((12A: Skiff gill net only:	7AM	-	7PM	<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 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:	7AM	-	8PM	10/19, (((10/21,))) <u>10/20, 10/25,</u> <u>10/27((=10/29))</u>	6 1/4"
	7AM	-	7PM	11/2, (((11/4, 11/10, 11/12,))) <u>11/3,</u> <u>11/8, 11/9, 11/16, ((11/18)) 11/17</u>	6 1/4"
12C:	7AM	-	7PM	<u>11/8, 11/10, ((11/12,)) 11/16, 11/18</u>	6 1/4"
	7AM	-	6PM	((11/24, 11/26)) <u>11/23, 11/25</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 09-108, filed 7/9/09, effective 8/9/09)

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 (~~((two))~~) four 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.

(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.

(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 09-108, filed 7/9/09, effective 8/9/09)

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:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	<u>8/23</u> , 8/24, 8/25, <u>8/26</u> , <u>8/30</u> , 8/31, 9/1, <u>9/2</u> , <u>9/6</u> , 9/7, 9/8, <u>9/9</u> , <u>9/13</u> , 9/14, 9/15, <u>9/16</u> , <u>9/20</u> , 9/21, 9/22, <u>9/23</u> , <u>9/27</u> , 9/28, 9/29, <u>9/30</u>
12H:	7AM - 7PM	November (dates determined per agreement with tribal comanagers in-season if harvestable surplus of salmon remain).

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