



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 11-03-058 on 01-14-11;
 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 220-47-307, WAC 220-47-311, WAC 220-47-325, 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, Room 682
 1111 Washington Street, SE
 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)-902-2155 by (date) Tuesday, April 15, 2011

Date: Tuesday, April 26, 2011 Time: 10:30 a.m. to 12:00 p.m.

Assistance for persons with disabilities: Contact
 Susan Galloway by April 15, 2011
 at (360) 902-2267 or at TTY at 1-800-833-6388

Date of intended adoption: On or after April 26, 2011
 (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 numbers of fish in commercial salmon fisheries in Puget Sound while protecting species of fish listed as endangered.

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

Statutory authority for adoption: RCW 77.04.020 and 77.12.047

Statute being implemented: RCW 77.04.020 and 77.12.047

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
 March 22, 2011

NAME (type or print)
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: March 22, 2011
 TIME: 1:10 PM

WSR 11-07-090

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

None.

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.....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: 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

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, marine mammals, and sea birds listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Puget Sound. The only record keeping requirements contained in these rules are for reef-net fishermen, in the form of logbooks that are required if the fishermen decide to retain hatchery Chinook salmon during legal openings.

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 \$1 per small business, for return postage costs.

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**

The reef-net and purse-seine commercial fishermen compose the largest 10% of businesses required to comply with these rules. For purse-seines and reef-net boats, crews range from 3 to 6 people, and the cost of labor is generally paid through crew shares. This cost will vary widely, based on an individual vessel's success during a fishery. Because the Department has no authority to set the price of fish, and the price fluctuates greatly with other market factors, these rules shouldn't drive labor costs up or down.

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 every year, which allows constituents to participate in formulating these rules.

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

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

AMENDATORY SECTION (Amending Order 10-137, filed 7/7/10, effective 8/7/10)

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	- 10/10, 10/11, 10/14, 10/15, 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
	7AM - 5PM	- 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13

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

<u>8</u>	<u>6AM -</u> <u>8PM</u>	- <u>8/16, 8/18, 8/22, 8/24</u>
8A:	<u>6AM -</u> <u>8PM</u>	- <u>8/15, 8/17, 8/23, 8/25</u>

AREA	TIME	DATE
	7AM - 7PM	- Limited participation - two boats (9/27, 10/4).
	7AM - 6PM	- ((10/11)) <u>10/10</u>
8D:	7AM - 7PM	- ((9/20, 9/27, 10/4)) <u>9/19, 9/26, 10/3</u>
	7AM - 6PM	- ((10/11, 10/18, 10/25, 10/27, 11/3)) <u>10/10, 10/17, 10/24, 10/26, 11/2</u>
	7AM - 5PM	- ((11/9, 11/11, 11/17)) <u>11/8, 11/10, 11/16</u>
	7AM - 4PM	- ((11/22, 11/24)) <u>11/28, 11/30</u>
<u>10</u>	<u>6AM - 8PM</u>	- <u>Limited participation - four boats (8/22, 8/23, 8/29)</u>
10, 11:	7AM - 6PM	- 10/18, <u>10/24</u> , 10/26, 10/28, 11/1
	7AM - 5PM	- <u>11/7</u> , 11/9, ((11/11)) 11/15
	7AM - 4PM	- ((11/23)) <u>11/22</u>
12, 12B:	7AM - 6PM	- 10/18, <u>10/24</u> , 10/26, 10/28, 11/1
	7AM - 5PM	- <u>11/7</u> , 11/9, ((11/11)) 11/15
12C:	7AM - 5PM	- <u>11/7</u> , 11/9, ((11/11)) 11/15
	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 trail when fishing with purse seine gear. Any time trailing 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. In Areas 12, 12B, and 12C, it is unlawful to take or fish for salmon during any open period with purse seine gear unless purse seine fishers are using a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

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 ~~((23))~~ 22 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, prior to September ~~((5))~~ 4 in Area 7B, and wild coho in Areas 12, 12B, and 12C.

Chum salmon - prior to October 1 in Areas 7 and 7A, and after September 25 in 8A.

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 10-137, filed 7/7/10, effective 8/7/10)

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	((9/12)) 9/26 - 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: 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 10-137, filed 7/7/10, effective 8/7/10)

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, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM - 7PM	9/19, 9/20, 9/21, 9/22, 9/23, ((9/24)) 9/26, 9/27, 9/28, 9/29, 9/30, ((10/1)) 10/3, 10/4, 10/5, 10/6, 10/7, ((10/8)) 10/10, 10/11, 10/12, 10/13, ((10/14, 10/15)) 10/17, 10/18, 10/19, 10/20, 10/21 ((10/22))	5"

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	10/10, 10/11, 10/14, 10/15	6 1/4"
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AREA	TIME		DATE(S)	MINIMUM MESH
	7AM	-	Midnight 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	6 1/4"

Note: In Areas 7 and 7A after September 26 but prior to October 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:	7PM	-	8AM NIGHTLY ((8/15 , 8/17 , 8/18 , 8/22 , 8/24 , 8/25 , 8/29 , 8/31 , 9/1)) <u>8/14</u> , <u>8/16</u> , <u>8/17</u> , <u>8/21</u> , <u>8/23</u> , <u>8/24</u> , <u>8/28</u> , <u>8/30</u> , <u>8/31</u>	7"
7B:	7AM	-	7 AM the day following <u>9/4</u> , <u>9/5</u> , <u>9/6</u> , ((9/7)) <u>9/8</u> , ((9/9)) <u>9/11</u> , <u>9/12</u> , <u>9/13</u> , ((9/14 , 9/16)) <u>9/15</u>	5"
	7AM ((9/19)) <u>9/18</u>	-	Midnight ((10/23)) <u>10/22</u>	5"
	12:01AM ((10/24)) <u>10/23</u>	-	Midnight ((10/30)) <u>10/29</u>	6 1/4"
	7AM ((11/1)) <u>10/31</u>	-	4PM ((11/5)) <u>11/4</u>	6 1/4"
	6AM ((11/8)) <u>11/7</u>	-	4PM ((11/12)) <u>11/11</u>	6 1/4"
	6AM ((11/15)) <u>11/14</u>	-	4PM ((11/19)) <u>11/18</u>	6 1/4"
	7AM ((11/22)) <u>11/21</u>	-	4PM ((11/26)) <u>11/25</u>	6 1/4"
	8AM ((11/29)) <u>11/28</u>	-	4PM ((12/3)) <u>12/2</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 4:00 PM on the first Friday in December.

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

AREA	TIME		DATE(S)	MINIMUM MESH
9A: Skiff gill net only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM <u>9/21</u>	-	7PM <u>10/29</u> ((8/22 through 10/30 daily))	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.

<u>10</u>	<u>6AM</u>	<u>:</u>	<u>10PM</u>	<u>Limited participation - four boats</u> <u>(8/23, 8/25, 8/30)</u>	<u>5" minimum and 5 1/2 "</u> <u>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:	5PM	-	9AM	NIGHTLY ((10/19, 10/24, 11/2)) <u>10/16, 10/27, 10/30</u>	6 1/4"
	5PM	-	8AM	NIGHTLY ((10/27)) <u>10/25</u>	6 1/4"
	4PM	-	8AM	NIGHTLY ((11/7)) <u>11/8, 11/10,</u> ((11/16)) <u>11/13</u>	6 1/4"
	3PM	-	8AM	NIGHTLY ((11/21)) <u>11/20</u>	6 1/4"
	4PM	-	Midnight	NIGHTLY ((10/20, 11/3, 11/17, 11/24)) <u>10/19, 11/2, 11/16, 11/23</u>	6 1/4"
12A: Skiff gill net only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM	Dates determined per agreement with tribal comanagers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gill net gear.	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	<u>10/17, 10/19, ((10/21)) 10/25, 10/27,</u> <u>10/31, 11/2(((11/4)))</u>	6 1/4"
	6AM	-	6PM	11/8, 11/10, <u>11/14, 11/16(((11/18)))</u>	6 1/4"
12C:	6AM	-	6PM	11/8, 11/10, <u>11/14, 11/16(((11/18)))</u>	6 1/4"
	7AM	-	6PM	11/22, ((11/25)) <u>11/24</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 10-137, filed 7/7/10, effective 8/7/10)

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 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~~) will work with the advisory board, per RCW 77.70.160(1), to establish criteria by which applicants would qualify to enter the pool. 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 10-137, filed 7/7/10, effective 8/7/10)

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>8/22</u> , 8/23, 8/24, 8/25, 8/26, <u>8/29</u> , 8/30, 8/31, 9/1, 9/2, <u>9/5</u> , 9/6, 9/7, 9/8, 9/9, <u>9/12</u> , 9/13, 9/14, 9/15, 9/16, <u>9/19</u> , 9/20, 9/21, 9/22, 9/23, <u>9/26</u> , 9/27, 9/28, 9/29, 9/30
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.

AMENDATORY SECTION (Amending Order 10-137, filed 7/7/10, effective 8/7/10)

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 - 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.

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))~~ the southernmost point of Area 8D, that point which begins from a line projected 225° from the pilings at Old Bower's Resort to a point 2,000 feet offshore, 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 220-47-325 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 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 brailing bunt, 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.