



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 220-22-020, Coast, Willapa Bay, Grays Harbor Salmon Management and Catch Reporting Areas;
 WAC 220-36-023, Salmon—Grays Harbor fall fishery;
 WAC 220-40-027, Salmon—Willapa Bay fall fishery; and
 WAC 232-28-620, Coastal salmon—Saltwater seasons and daily limits.

Hearing location(s):

Natural Resources Building, Room 175
 1111 Washington Street, SE
 Olympia, WA 98504

Date: Tuesday, May 10, 2011 Time: 1:00 - 2:00 p.m.

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) Monday, May 2, 2011

Assistance for persons with disabilities: Contact

Susan Galloway by May 2, 2011

at (360) 902-2267 or at TTY at 1-800-833-6388

Date of intended adoption: On or after Tuesday, May 10, 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 Willapa Bay and Grays Harbor 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 Willapa Bay and Grays Harbor.

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? 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 30, 2011

TIME: 2:15 PM

WSR 11-08-017

DATE
March 30, 3011

NAME (type or print)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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.....Barbara McClellan	1111 Washington Street, Olympia	(360) 249-1213
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 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 Willapa Bay and Grays Harbor.

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 that are closed in Grays Harbor and Willapa Bay to commercial harvest methods, and legal gear requirements.

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

No costs of compliance are anticipated. Harvest methods, open areas, and open dates in these rules are similar to those in previous years.

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.**

There are no anticipated costs of compliance.

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 mailer 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 each year, and which allows 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 Grays Harbor and Willapa Bay.

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-22-020 Coast, Willapa Harbor, Grays Harbor Salmon Management and Catch Reporting Areas. (1) **Area 1** shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) **Area 2** shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) **Area 2A** shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

(4) **Area 2B** shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis light, located 123 feet above mean high water at Westport, through the Coast Guard look out tower to the shore near Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) **Area 2C** shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) **Area 2D** shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod

station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 Bridge on Johns River.

(7) **Area 2G** shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 305° true to the Island Sands light approximately 2 miles south of Riddle Spit light No. 10 and thence true west to the North Beach Peninsula, (~~westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point~~) northwesterly of a line projected from Needle Point, northeasterly to Lynn Point and thence approximately 60° true to landfall at 46° 31' 18.6342" N latitude, -123° 53' 45.438" W longitude, outside and westerly of a line projected from Stony Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the north shore of the Willapa River through Willapa River light number 33 to the south shore, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater light on a line 171° true, to Leadbetter Point.

(8) **Area 2H** shall include those waters of Willapa Harbor and the Willapa River estuary easterly of Area 2G and downstream from a line projected true north from the Standard Oil dock in South Bend to the opposite shore of the Willapa River.

(9) **Area 2J** shall include those waters of Willapa Harbor lying southerly and westerly of a line projected from Diamond Point to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) **Area 2K** shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) **Area 2M** shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

(12) **Area 3** shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and

southerly of a line projected true west from Cape Alava.

(13) **Area 4** shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(14) **Area 4A** shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 09-108, filed 5/27/10, effective 6/27/10)

WAC 232-28-620 Coastal salmon--Saltwater seasons and daily limits. It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-56-180, and for the species designated in this section. An area is open when a daily limit is provided:

(1) **Catch Record Card Area 1:**

(a) May 1 through June 11 - Closed.

(b) June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July 1 through September 30 - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(d) October 1 through April 30 - Closed.

(e) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

(2) **Catch Record Card Area 2:**

(a) May 1 through June 11 - Closed.

(b) June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July 4 through September 19 - Open Sundays through Thursdays only. Daily limit 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September 20 through April 30 - Closed.

(e) Closed to salmon fishing August 1 through September 19 in the Grays Harbor Control Zone described in WAC 220-56-195(11).

(3) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through July 3 - Closed.

(b) July 4 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31 - Daily limit of six salmon, not more than three of which may be adult salmon. Release chum(~~and wild coho~~) and wild Chinook.

(d) February 1 through April 30 - Closed.

(4) **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of 2 salmon. Release (~~chum and~~) Chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon, not more than

four of which may be adult salmon.

(5) **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line) - Closed.**

(6) **Catch Record Card Area 3:**

(a) May 1 through June 11 - Closed.

(b) June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July 1 through September 19 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September 20 through April 30 - Closed.

(e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude also open September 26 through October 11 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(7) **Catch Record Card Area 4:**

(a) May 1 through June 11 - Closed.

(b) June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook. Waters east of a true north-south line through Sail Rock closed.

(c) July 1 through September 19 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1. Release chum salmon beginning August 1.

(d) September 20 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 09-108, filed 5/27/10, effective 6/27/10)

WAC 220-36-023 Salmon--Grays Harbor fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gill net gear may be used to fish for salmon and white sturgeon only according to the chart below. All nonlegal sturgeon, all steelhead, and all other species including Chinook, coho, chum and white sturgeon must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
6:00 p.m. August ((34)) <u>30</u> through 6:00 p.m. ((September 1, 2010)) <u>August 31, 2011;</u>	Area 2C
6:00 p.m. September ((2)) <u>1</u> through 6:00 a.m. September ((4)) <u>3</u> , ((2010)) <u>2011;</u>	
6:00 p.m. September ((6)) <u>5</u> through 6:00 a.m. September ((8)) <u>7</u> , ((2010)) <u>2011;</u>	
6:00 p.m. September ((9)) <u>8</u> through 6:00 p.m. September ((11)) <u>10</u> , ((2010)) <u>2011;</u>	
6:00 p.m. September ((22)) <u>21</u> through 6:00 p.m. September ((23)) <u>22</u> , ((2010)) <u>2011;</u>	
AND	
6:00 p.m. September ((27)) <u>26</u> through 6:00 p.m. September ((28)) <u>27</u> , ((2010)) <u>2011.</u>	
7:00 a.m. October ((8)) <u>7</u> through 7:00 p.m. October ((8)) <u>7</u> , ((2010)) <u>2011;</u>	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen, to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.
AND	
7:30 a.m. October ((14)) <u>13</u> through 7:30 p.m. October ((14)) <u>13</u> , ((2010)) <u>2011.</u>	That portion of Area 2D lying easterly of a north-south line from the confluence of the Hoquiam and Chehalis rivers to Renney Island, then easterly to Range Marker G, then to the eastern boundary of Area 2D at the Highway 101 Bridge.

Gear

(2) Gill net gear restrictions: All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is $3/8$ (0.375) inches or greater.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Grays Harbor.

(b) In Area 2C, mesh size must not exceed nine-inch maximum mesh.

In Areas 2A and 2D, mesh size must not exceed six-inch maximum mesh. Nets may be no more than fifty-five meshes deep. Nets must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(c) Entire nets must be single mesh size. Only one net may be fished at a time; other nets must be properly stored.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(e) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2D, and 2C. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(f) All wild (unmarked) coho, nonlegal sturgeon, (~~chum,~~) and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Area 2C.

All wild (unmarked) Chinook, nonlegal sturgeon, (~~chum,~~) and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing Areas 2A and 2D.

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

(h) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(4) Fishers must take department observers if requested by department staff when participating in these openings. Pursuant to WAC 220-69-240, fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or e-mail. Notice of intent must be given prior to 12:00 p.m. on August (~~20~~) 19, (~~2010~~) 2011, for the openings in Area 2C and prior to 12:00 p.m. (~~October 1, 2010~~) September 30, 2011, for the openings in Area 2A and 2D.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited to protect this federally listed stock.

AMENDATORY SECTION (Amending Order 09-108, filed 5/27/10, effective 6/27/10)

WAC 220-40-027 Salmon--Willapa Bay fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gill net gear may be used to fish for salmon and white sturgeon only as shown below. All nonlegal sturgeon, all steelhead, and all other species including Chinook, coho, chum and white sturgeon, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

Time:	Area:
6:00 p.m. August ((15)) <u>14</u> through 6:00 p.m. August ((16)) <u>15</u> , ((2010)) <u>2011</u> .	Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, except: Closed Waters Area (Net Free Zone): That portion of SMCRA 2G lying within the following boundary lines, Western Boundary: Those waters east of a line drawn from the most waterward exposed end of the jetty at Toke Point (46°42.446'N, 123°57.973'W) to Willapa Marker 2 (46°41.529'N, 123°57.973'W) then 180 degrees true to Goose Point (46°38.184'N, 123°57.584'W). Eastern boundary that includes those waters west of a North-South line through Marker 29. Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M .

Time:

6:00 p.m. September ((22))
21 through 6:00 p.m.
September ((23)) 22,
((2010)) 2011;

AND

6:00 p.m. September ((27))
26 through 6:00 p.m.
September ((28)) 27,
((2010)) 2011.

6:00 p.m. September ((12))
11 through 5:59 p.m.
September ((15)) 14,
((2010)) 2011.

Area:

Area 2K

Areas 2G east of a line
projected true south from
the most waterward
exposed end of the rock
jetty located near
Washaway Beach, except:

**Closed Waters Area (Net
Free Zone):** That portion
of the SMCRA 2G lying
within the following
boundary lines, Western
Boundary: Those waters
east of a line drawn from
the most waterward
exposed end of the jetty at
Toke Point (46°42.446'N,
123°57.973'W) to Willapa
Marker 2 (46°41.529'N,
123°57.973'W) then 180
degrees true to Goose
Point (46°38.184'N,
123°57.584'W). Eastern
boundary that includes
those waters west of a
North-South line (180
degrees true) through
Range Marker "B"
(46°42.564'N,
123°51.3'W) between
Channel Markers 26 and
28.

Area 2H west of Willapa
Channel Marker 40, **Area
2J** north of a true east-west
line drawn through the
North Entrance Marker to
the Nahcotta Boat Basin
(RF #2), and **Area 2M**.

<p>Time:</p> <p>6:00 p.m. September ((15)) <u>14</u> through 6:00 p.m. September ((22)) <u>21</u>, ((2010)) <u>2011</u>.</p>	<p>Area:</p> <p>Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.</p>
<p>6:01 p.m. September ((22)) <u>21</u> through 6:00 p.m. September ((30)) <u>29</u>, ((2010)) <u>2011</u>.</p>	<p>Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.</p>
<p>6:00 p.m. ((October 1, 2010)) <u>September 30</u>, through 6:00 p.m. October ((2)) <u>1</u>, ((2010)) <u>2011</u>.</p>	<p>Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.</p>
<p>12:00 p.m. November ((6)) <u>5</u> through 12:00 p.m. November 30, ((2010)) <u>2011</u>.</p>	<p>Areas 2G, 2H, 2J, and 2M.</p>

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

Gear:

- (3) Gill net gear restrictions - All areas:
- (a) Drift gill net gear only. It is unlawful to use set net

gear. It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Willapa Bay.

(b) From August 16 through August 31, (~~2010~~) 2011: Mesh size must not exceed six-inch minimum mesh to nine-inch maximum mesh.

(c) From September 1 through 6:00 p.m. September 22, (~~2010~~) 2011: Mesh size must not exceed six-inch maximum mesh.

(d) From 6:01 p.m. September 22 through October 15, (~~2010~~) 2011: Mesh size must not exceed six and one-half inch maximum mesh.

(e) From November (~~6~~) 5 through November 30, (~~2010~~) 2011: Mesh size must not exceed nine-inch minimum mesh.

(f) Only one net may be fished at a time; other nets must be properly stored.

(g) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(h) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(i) From August 16 through September 30, (~~2010~~) 2011, all wild (unmarked) coho, wild (unmarked) Chinook, nonlegal sturgeon and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

From October 1 through October 15, (~~2010~~) 2011, all wild (unmarked) coho, nonlegal sturgeon, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

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

(k) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other:

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

(6) It is unlawful to fish for salmon with gill net gear in Areas 2G, 2H, 2J, 2K, and 2M unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.