



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

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>11-03-058</u> on 01-14-11;	<input type="checkbox"/> Original Notice
or	<input checked="" type="checkbox"/> Supplemental Notice to WSR <u>11-07-090</u>
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Continuance of WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

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

Hearing location(s):
Natural Resources Building, Room 682
1111 Washington St., SE
Olympia, WA 98504

Date: Tuesday, July 5, 2011 Time: 10:30 a.m. to 12:00 p.m.

Date of intended adoption: On or after July 5, 2011
(Note: This is NOT the effective date)

Submit written comments to:
Name: Rules Coordinator
Address:
WDFW Enforcement, 600 Capitol Way No., Olympia, WA
98501-1091
E-mail: Lori.preuss@dfw.wa.gov
Fax: (360) 902-2155 by (date) June 21, 2011

Assistance for persons with disabilities: Contact
Susan Galloway by June 21, 2011
at (360) 902-2267 or at TTY at 1-800-833-6388

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal reflects changes from the rules as proposed in WSR 11-07-090, filed on March 22, 2011. These changes are based on 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. For a summary of the changes contained in this proposal, see Attachment A.

Reasons supporting proposal: To reflect the recommendations of tribes and stakeholders, and to protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory authority for adoption: RCW 77.04.020, 77.12.045, and 77.12.047

Statute being implemented: RCW 77.04.020, 77.12.045, 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
May 18, 2011

NAME (type or print)
Lori Preuss

SIGNATURE *Lori Preuss*

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **May 18, 2011**

TIME: **2:48 PM**

WSR **11-12-002**

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 St, SE, Olympia	(360) 902-2171
Implementation.....Jim Scott	1111 Washington St, SE, Olympia	(360) 902-2651
Enforcement.....Bruce Bjork	1111 Washington St, SE, 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 No., 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.

ATTACHMENT A

North of Falcon Puget Sound Commercial Salmon Fisheries, 2011

Closures:

Hale's Pass Area of 7B will be closed in September for conservation of Thompson River coho, per Pacific Salmon Treaty requirements.

The Snohomish River mouth closure will be modified during pink fishing season per industry request to allow for a reduction of gear crowding.

The Shilshole Bay closure will be expanded during pink season to reduce commercial and recreational conflict.

Area 10 will close east of a line from Alki Point to Fourmile Rock per request of the Muckleshoot Tribe and to meet obligations under *U.S. v Washington*, 1974.

Season Structural Changes:

For purse seine gear, WAC 220-47-311, changes include:

Areas 7 & 7A, per tribal agreement;

Area 8, to move pink fishing back a week per industry request and tribal agreement;

Area 8A, to separate pink fishing into three weeks per industry request and tribal agreement;

Area 8D, to modify the schedule for accommodations with tribal schedules; and

Area 10, to allow for days of pink fishing to overlap with other areas per industry request.

All other changes are housekeeping items that were included in the previous filing in WSR 11-07-090.

For reef net gear, WAC 220-47-401, changes were made to Areas 7 & 7A, as the Fraser Panel will not be relinquishing regulatory control of these areas until 10/01/2011.

For gill net gear, WAC 220-47-411, changes include:

Area 6D, per Endangered Species Act requirements for when fisheries may open per federally approved management plans;

Areas 7 & 7A per tribal agreement;

Area 7B, to allow additional time during coho season per industry request and tribal agreement;

Area 8, to move pink fishing back a week and adjust open hours per industry request and tribal agreement;

Area 8A, to separate pink fishing into three weeks and adjust open hours per industry request and tribal agreement;

Area 8D, to increase openings and adjust the schedule for accommodations with tribal schedules; and

Area 10, to allow for days of pink fishing to overlap with other areas, adjust open hours during

pink fishing, and impose mesh size restrictions during pink fishing per industry request. All other changes are housekeeping items that were included in the previous filing in WSR 11-07-090.

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.

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

These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. License holders selected to participate in the Area 10 pink salmon limited-participation fishery will be required to purchase an additional permit prior to fishing, to allow for a department observer to be on-board the licensed vessel to complete work associated with biological data collection, consistent with WAC 220-47-500.

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

The changes proposed by these rules that carry potential compliance costs include (a) gear restrictions and (b) additional permit fees required for participation in the Area 10 pink salmon fishery.

- (a) These rules would impose several gear restrictions during pink salmon fisheries. WAC 220-47-311 requires that purse seine vessels use a brailer or brailing bunt, and a recovery box in compliance with WAC 220-47-301 (7)(a) through (f), when participating in the Area 10 pink salmon fishery. WAC 220-47-411 specifies gill net mesh requirements of 5" minimum and 5 ½" maximum for pink salmon fisheries in Catch Areas 8 and 8A. The section also specifies a maximum net depth of 60 meshes when fishing for pink salmon in Catch Area 8. For pink salmon fisheries in Catch Area 10, this section specifies 4 ½" minimum and 5 ½" maximum mesh requirements, as well as short net soak times and use of a recovery box meeting the same standards required for purse seines above.

All of the gear restrictions and permit fees proposed by the rules apply to pink salmon fisheries, and are identical to gear restrictions the Department has proposed in recent years for pink salmon fisheries. Because pink salmon return to Puget Sound only in odd years, these rules are consistently implemented in odd years, when pink salmon fisheries are scheduled. Businesses should be accustomed to these gear restrictions, and vessels that have participated in pink salmon fisheries in recent years have already purchased equipment that meets the requirements. The only change from recent year pink salmon season rules is a decrease in the minimum mesh size allowed in Area 10 gillnet fisheries for pink salmon. The new minimum of 4.5" allows, but does not require, the use of nets with smaller mesh than was allowed in past seasons, so there is no additional cost of compliance with this change.

Although WDFW does not consider the pink salmon fishery gear restrictions new requirements since they have been imposed in recent odd years when pink salmon fisheries were scheduled,

WDFW estimates the cost of compliance with these requirements as follows. For purse seine license holders, the purchase cost of a brailer as required for use in the Area 10 fishery is estimated at \$2,000. For purse seine and gill net license holders, the cost of construction of a recovery box meeting the legal requirements is estimated at \$1,250. For gill net license holders participating in pink fisheries, the cost of a net meeting the mesh size requirements is estimated to be \$4,500.

- (b) License holders participating in the Area 10 limited-participation pink salmon fishery will be required to purchase an additional permit for a fee of \$250 for each day they participate in the fishery. This fee will apply to each of the 8 license holders (4 gill net and 4 purse seine) that are selected for the duration of the season, a maximum of three fishing days per license holder. The additional permit fee required for the Area 10 pink salmon fishery has also been required in recent past seasons, and is necessary to provide in-season monitoring of the fishery, to insure that allowable bycatch levels of Puget Sound Chinook salmon are not exceeded.

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

The proposed rules are necessary in order to provide the opportunity to catch harvestable pink salmon, thereby effectively increasing the harvestable numbers of salmon available to non-treaty fleets. Therefore, the proposed rules should not cause any businesses to lose sales or revenue but will likely increase sales and revenue relative to opportunities for the non-treaty fleets absent compliance with the rules.

5. Cost of compliance for small businesses compared with the 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 only metric available to the department for identifying the largest ten percent of businesses, or for use in a cost comparison for small and large businesses, is the ex-vessel value of salmon sold by each Puget Sound salmon commercial license in recent years. This ex-vessel value is used as a surrogate for sales in this analysis, but it is an underestimate of total sales, since the majority of the businesses affected have additional revenue from other fisheries and related ventures. In addition, this analysis assumes that all license holders will be required to purchase equipment described above in (3). The majority of license holders already own gear that meets the requirements, and will not be required to purchase new gear. These two factors combined mean that the cost of compliance per one hundred dollars of sales will be overestimated for small and large businesses. Also note that each individual license was treated as a business for this analysis, although some businesses own more than one license.

There were approximately 274 Puget Sound salmon licenses that participated in at least one Puget Sound fishery in 2009 or 2010. The cost of compliance will vary between license types, but the average cost per license is approximately \$4,730, assuming that all license holders will be required to spend the amounts described above in (3). For the 10% of licenses with the highest ex-vessel sales values for 2009 and 2010 combined, the average ex-vessel value per year was \$134,182. This means that the cost of compliance per \$100 of ex-vessel value would be \$3.53. Most businesses affected by these rules qualify as small businesses, so an average cost of compliance for all

businesses was calculated for comparison. The average ex-vessel value per year for all licenses for 2009 and 2010 was \$27,107, meaning the average cost of compliance would be \$17.45 per \$100 of ex-vessel value. Again, both of these estimates of cost of compliance are believed to be overestimates, for the reasons described above.

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

Most businesses affected by these rules are small businesses. As indicated above, all of the gear restrictions proposed by the rules apply to pink salmon fisheries, and are identical to gear restrictions the Department has required in past pink salmon fishery seasons. By imposing similar requirements every other year, it is likely that commercial fishers will already have the gear needed to comply with the regulations, and therefore the gear restrictions will not impose new costs on small businesses.

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

As in previous years, WDFW interacted with and received input from affected businesses through the North of Falcon process, which is a series of public meetings occurring from February through April each year. These meetings allowed constituents to participate in formulating these rules.

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

All licensed fishers attempting to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound will be required to comply with these rules.

9. An estimate of the number of jobs that will be created or lost as a result of compliance with the proposed rule.

As explained above, these rules impose similar requirements used in the past for odd-year pink salmon fisheries. Compliance with the rules will not result in the creation or loss of jobs.

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.

Additional coho seasonal closure: During the month of September, closed to gill nets in the 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. Nontreaty purse seiners fishing in this area must release coho.

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

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

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

Area 8A - (1) ~~Those waters easterly of a line projected from ((Mission Point to Buoy C1, excluding the waters of))~~ 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, except when open for pink fisheries.

(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.

(3) Adjusted pink seasonal closure: Those waters easterly of a line projected from the southernmost point of Area 8D, the point of 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, and 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 pink seasonal closure: The area east inside of the line originating from West Point and extending west to the closest midchannel buoy, thence true through Point Wells until reaching latitude 47°44'500"N, thence extending directly east to the shoreline.

(4) Additional coho and chum 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 Hoodspout 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 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, <u>10/16, 10/17,</u> 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5(11/6)
	7AM - 5PM	-	<u>11/6</u> , 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>8/22, 8/24, 8/30, 9/1</u>
----------	----------------------------	---	------------------------------

AREA	TIME	DATE
8A:	<u>6AM - 8PM</u>	- <u>8/18, 8/23, 8/25, 8/29</u>
	7AM - 7PM	- Limited participation - two boats (((9/27, 10/4))) <u>9/19, 9/26</u>
	((7AM - 6PM	- 10/11))
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, 10/18, 10/24, 10/26, 11/1</u>
	7AM - 5PM	- ((11/9, 11/11, 11/17)) <u>11/7, 11/9, 11/15</u>
	7AM - 4PM	- ((11/22, 11/24)) <u>11/29</u>
<u>10</u>	<u>6AM - 8PM</u>	- <u>Limited participation - four boats (8/22, 8/24, 8/30)</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>11/21</u>

Note: ~~((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).))~~ In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt 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 without department observers on board.

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, and 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 at all times 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) <u>10/2</u> - 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	9/21, 9/22, 9/23, (9/24) <u>9/26</u> , 9/27, 9/28, 9/29, 9/30, (10/1) <u>10/3</u> , 10/4, 10/5, 10/6, 10/7, (10/8) <u>10/10</u> , 10/11, 10/12, 10/13, (10/14, 10/15) <u>10/17</u> , 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"
--------	--	----------------------------	--------

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

Note: In Areas 7 and 7A after (~~September 26~~) October 9 but prior to October (~~17~~) 16, 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, 8/17, 8/21, 8/22, 8/23, 8/24,</u> <u>8/28, 8/30, 8/31</u>	7"
7B:	7AM	-	7 AM the day following <u>9/4, 9/5, 9/6, 9/7, 9/8, (9/9) 9/11,</u> <u>9/12, 9/13, 9/14, (9/16) 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>5AM</u>	-	<u>11PM</u>	<u>8/23, 8/25</u>	<u>5" minimum and 5 1/2"</u> <u>maximum</u>
	<u>5:30AM</u>	-	<u>11PM</u>	<u>8/29, 8/31</u>	<u>5" minimum and 5 1/2"</u> <u>maximum</u>

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

AREA	TIME		DATE(S)	MINIMUM MESH	
	7AM	-	8PM	<u>10/11, 10/12, ((10/13, 10/21, 10/28, 11/4)) 10/18, 10/19, 10/25, 10/26, 11/1, 11/2</u>	5"
	(7AM	-	4PM	10/22, 10/29, 11/5	5")
	6AM	-	6PM	((11/10, 11/18)) <u>11/9, 11/10, 11/16, 11/17</u>	6 1/4"
	7AM	-	6PM	((11/25)) <u>11/23, 11/24</u>	6 1/4"
	6AM	-	4PM	((11/12, 11/19)) <u>11/11, 11/18</u>	6 1/4"
	7AM	-	4PM	((11/26)) <u>11/25</u>	6 1/4"
9A: Skiff gill net only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	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>5AM</u>	-	<u>11PM</u>	<u>Limited participation - four boats (8/23, 8/25)</u>	<u>4 1/2" minimum and 5 1/2" maximum</u>
	<u>5:30AM</u>	-	<u>11PM</u>	<u>Limited participation - four boats (8/30)</u>	<u>4 1/2" minimum and 5 1/2" maximum</u>

Note: In Area 10 during August or September openings 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). During all limited participation fisheries it is unlawful for vessels to take or fish for salmon without department observers on board.

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, ((11/16)) 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, 10/31, 11/2((11/4))</u>	6 1/4"
	6AM	-	6PM	<u>11/8, 11/10, 11/14, 11/16((11/18))</u>	6 1/4"
12C:	6AM	-	6PM	<u>11/8, 11/10, 11/14, 11/16((11/18))</u>	6 1/4"
	7AM	-	6PM	<u>11/22, ((11/25)) 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.