



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 11-91

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Incorporates 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

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-36-023, 220-40-027, and 220-22-020.
Suspended:

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

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-08-017 on March 30, 2011, and WSR 11-08-032 on April 1, 2011 (date). Describe any changes other than editing from proposed to adopted version: WAC 232-28-620 was withdrawn on April 1, 2011, and filed as WSR 11-08-031. For additional changes, see Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted:
June 22, 2011

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED
DATE: June 22, 2011
TIME: 1:47 PM
WSR 11-14-003

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	3	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	3	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Attachment A

2011 Rules for Commercial Salmon Fishing in Willapa Bay and Grays Harbor

In WAC 220-36-023 and 220-40-027, WDFW amended the proposals to require the release of wild coho, wild Chinook, and chum. Forecasts of wild coho, wild Chinook, and chum are not strong enough to allow significant directed fishing.

In WAC 220-22-020, WDFW amended commercial gillnet boundaries. The North of Falcon/Pacific Fishery Management Council process this year resulted in changes to these boundaries to allow commercial gillnet fishing throughout different times of the season.

The department also withdrew WAC 232-28-620 from this rule proposal. The withdrawal was filed as WSR 11-08-031 on April 1, 2011. This WAC was opened by another filing and not required for this rule proposal.

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)~~) within 3 nautical miles of the Oregon and Washington coasts north of a line projected true west from Tillamook Head (approximate latitude 45.94640 degrees N), westerly of a line projected from the inshore end of the north Columbia River jetty to the knuckle of the south Columbia River jetty, and south of a line projected true west from Leadbetter Point in Washington along latitude 46.63611 degrees N.

(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)~~) within 3 nautical miles of the Washington coast north of Area 1, westerly of a line projected from the southern tip (located at 46.72791 degrees N, 124.05848 degrees W) of the Jacobson Jetty near Washaway Beach due south to Leadbetter Point along longitude 124.05848 degrees W, westerly of a straight line projected from the Point Chehalis light northerly through the Coast Guard lookout tower to the shore near Point Brown, and south of a line projected true west from the Queets River mouth along latitude 47.53856 degrees N.

(3) **Area 2A** shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the (~~(Union Pacific Railroad)~~) Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower (located at 46.97908 degrees N, 123.78317 degrees W) 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)~~) Area 2, southerly of a line ((projected)) running from a fishing boundary marker located at the south end of the eastern jetty at the Ocean Shores Marina, thence to a fishing boundary marker (located at 46.96120 degrees N, 124.05575 degrees W) on Sand Island and thence to the tripod station ((at)) (located at 46.98528 degrees N, 124.01195 degrees W) on 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~~) of Area 2B, westerly of a line crossing the mouth of Grass Creek projected true north and south along longitude 124.01 degrees W, south and west of a line around the mouth of Chenois Creek starting at landfall at latitude 47.02661 degrees N projecting due west to longitude 124.03273 degrees W thence due north to landfall, and southwesterly of a line crossing the mouth of the Humptulips River projected westerly from the promontory located at 47.03236 degrees N, 124.04056 degrees W to landfall westerly of Campbell Slough at 47.04155 degrees N, 124.08274 degrees W.

(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~~) downstream of Area 2A, easterly of Area 2B, 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, 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 (Fl 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 2K** shall include those waters of Willapa Harbor easterly of a line running from the northern tip of Goose Point to the Bay Center Channel light (Fl G 4s 18ft) thence to the western tip of Stony Point, and westerly of the Highway 101 bridges over the Palix and Niawiakum rivers.~~

(8) **Area 2M** shall include those waters of Willapa Harbor lying southeasterly of a line running from Needle Point northwesterly to the Island Sands light (Fl 2+1 G 6s 15ft, located at 46.53860 degrees N, 123.97654 degrees W) thence southerly to Diamond Point, northerly and easterly of a line from Stanley Point to Paradise Point, and downstream and northwesterly of the Highway 101 Bridge over the Naselle River.

(9) **Area 2N** shall include those waters of Willapa Harbor lying south of a line projected due west from the northern tip of Goose Point to landfall on Leadbetter Point along latitude 46.63667 degrees N, northwesterly of a line projected from Needle Point 60 degrees true to landfall north of the North Nemah River at 46.52223 degrees N, 123.89603 degrees W, northerly of Area 2M and a line projected from the Island Sands light thence due west to landfall on the North Beach Peninsula.

(10) **Area 2P** shall include those waters of Willapa Harbor lying inside and southerly of a line projected from Diamond Point westerly through Marker 2 (Fl R 4s 15ft, located at 46.50165 degrees N, 124.02382 degrees W) at the Nahcotta Boat Basin (RF#2) thence southerly to the north end of the boat basin jetty, and northerly of a line projected true west from High Point (approximate latitude 47.40951 degrees N) to landfall on the North

Beach Peninsula.

(11) **Area 2R** shall include those waters of Willapa Harbor lying westerly and southerly of Areas 2M and 2N, and northerly of a line projected from Diamond Point westerly through Marker 2 at the Nahcotta Boat Basin to landfall on the North Beach Peninsula.

(12) **Area 2T** shall include those waters of Willapa Harbor easterly of Area 2, northerly of Areas 2K and 2N, west of a line projecting true north and south through Range Marker "B" (located at 46.70938 degrees N, 123.85501 degrees W), southerly of a line running true west and east through a North River Channel marker located at 46.73510 degrees N, 123.911906 degrees W, and easterly of a line projected true north from Marker 3 (located at 46.70725 degrees N, 123.96608 degrees W) at the Tokeland Boat basin to landfall east of the Cedar River.

(13) **Area 2U** shall include those waters of Willapa Harbor and the Willapa River estuary easterly of Area 2T, downstream and westerly from the Hwy 101 Bridge in Raymond, and excluding all waters of the South Fork Willapa River above a line at its mouth projected from the Weyerhauser chimney (located at 46.68927 degrees N, 123.74121 degrees W) southwesterly at a right angle to the thread of the stream to the opposite shore.

(14) **Area 3** shall include those waters ((of District 1 northerly of a line projected true west from the Queets River mouth and southerly)) within 3 nautical miles of the Washington coast north of Area 2 and south of a line projected true west from Cape Alava along latitude 48.16667 degrees N.

((+13)) (15) **Area 4** shall include those waters ((of District 1 northerly of a line projected true west from Cape Alava)) within 3 nautical miles of the Washington coast north of Area 3, westerly of a line((s)) projected from the northern tip of Portage Head to the southern tip of Waatch Point, and ((from)) westerly of the Bonilla-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 (WAC 220-16-490).

((+14)) (16) **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 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 31 through 6:00 p.m. September 1, 2010;	Area 2C
6:00 p.m. September 2 through 6:00 a.m. September 4, 2010;	
6:00 p.m. September 6 through 6:00 a.m. September 8, 2010;	
6:00 p.m. September 9 through 6:00 p.m. September 11, 2010;	
6:00 p.m. September 22 through 6:00 p.m. September 23, 2010;	
AND	
6:00 p.m. September 27 through 6:00 p.m. September 28, 2010;	
7:00 a.m. October 8 through 7:00 p.m. October 8, 2010;	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 through 7:30 p.m. October 14, 2010.	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.))
<u>6:00 p.m. August 18 through 6:00 p.m. August 19, 2011;</u>	<u>Area 2C</u>
<u>6:00 p.m. August 21 through 6:00 p.m. August 22, 2011;</u>	
<u>6:00 p.m. August 25 through 6:00 p.m. August 26, 2011;</u>	

Time:

6:00 p.m. August 28 through 6:00 p.m. August 29, 2011;
6:00 p.m. September 1 through 6:00 p.m. September 2, 2011;
6:00 p.m. September 7 through 6:00 p.m. September 8, 2011;
6:00 p.m. September 11 through 6:00 p.m. September 12, 2011;
6:00 p.m. September 15 through 6:00 p.m. September 16, 2011;
9:30 a.m. October 24 through 7:30 p.m. October 24, 2011;

AND

5:00 a.m. October 25 through 3:00 p.m. October 25, 2011.
9:00 a.m. October 8 through 7:00 p.m. October 8, 2011;

7:00 a.m. October 12 through 5:00 p.m. October 12, 2011;

AND

8:30 a.m. October 18 through 6:30 p.m. October 18, 2011;

8:30 a.m. October 23 through 6:30 p.m. October 23, 2011;

AND

7:30 a.m. October 28 through 4:30 p.m. October 28, 2011.

Areas:

Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary 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

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," located on the south shore of Grays Harbor, then to the eastern boundary of Area 2D at the Highway 101 Bridge.

Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary 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

Area 2D.

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) From August 16 through September 30, 2011: In Area 2C, mesh size must not exceed seven and one-half inch minimum to nine-inch maximum (~~(mesh)~~).

From October 1 through October 22, 2011: 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 the bottom. Strings may only be used to secure breakaway panels.

From October 23 through October 31, 2011: In Areas 2A and 2D mesh size must not exceed six and one-half inch maximum.

From October 24 through October 31, 2011: In Area 2C mesh size must not exceed nine-inch maximum.

(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)~~) 2C, and (~~(2E)~~) 2D. 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) Releases:

(i) 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.

(ii) 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, 2010))~~ 14, 2011, for ~~((the openings in Area 2C and prior to 12:00 p.m. October 1, 2010, for the openings in Area 2A and 2D))~~ August and September openings and prior to 12:00 p.m. on October 18 for the October openings in Area 2C. Notice of intent must be given prior to 12:00 p.m. October 4, 2011, for the openings in Areas 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)).

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

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 through 6:00 p.m. August 16, 2010.	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
through 6:00 p.m.
September 23, 2010;
~~AND~~
6:00 p.m. September 27
through 6:00 p.m.
September 28, 2010;
6:00 p.m. September 12
through 5:59 p.m.
September 15, 2010.

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**.

Time:

6:00 p.m. September 15
through 6:00 p.m.
September 22, 2010:

6:01 p.m. September 22
through 6:00 p.m.
September 30, 2010:

6:00 p.m. October 1, 2010;
through 6:00 p.m. October
2, 2010:

12:00 p.m. November 6
through 12:00 p.m.
November 30, 2010:

6:00 p.m. August 29
through 6:00 a.m. August
30, 2011;

AND

6:00 p.m. August 31
through 6:00 a.m.
September 1, 2011.

6:00 p.m. September 6
through 6:00 a.m.
September 7, 2011;

AND

Area:

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**:

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**:

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**:

Areas 2G, 2H, 2J, and
2M.))

Area 2N and Area 2U

Area 2N, Area 2R, and
Area 2U

Time:	Area:
<u>6:00 p.m. September 8</u> <u>through 6:00 a.m.</u> <u>September 9, 2011.</u>	
<u>6:00 p.m. September 13</u> <u>through 6:00 p.m.</u> <u>September 22, 2011.</u>	<u>Area 2M, Area 2N, Area</u> <u>2R, Area 2T, and Area</u> <u>2U</u>
<u>6:00 p.m. September 21</u> <u>through 6:00 p.m.</u> <u>September 22, 2011;</u>	<u>Area 2K</u>
<u>AND</u>	
<u>6:00 p.m. September 28</u> <u>through 6:00 p.m.</u> <u>September 29, 2011.</u>	
<u>6:00 p.m. September 24</u> <u>through 6:00 p.m.</u> <u>September 30, 2011;</u>	<u>Area 2M, Area 2N, Area</u> <u>2R, Area 2T, and Area</u> <u>2U</u>
<u>6:00 p.m. October 2</u> <u>through 6:00 p.m. October</u> <u>7, 2011;</u>	
<u>6:00 p.m. October 10</u> <u>through 6:00 p.m. October</u> <u>14, 2011;</u>	
<u>AND</u>	
<u>12:00 p.m. November 6</u> <u>through 12:00 p.m.</u> <u>November 30, 2011.</u>	

~~((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))~~ (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 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~~) September 12, 2011: Mesh size must not exceed (~~six-inch minimum mesh to~~) nine-inch maximum mesh.

(c) From September (~~17~~) 13 through (~~6:00 p.m.~~) September (~~22, 2010~~) 23, 2011: Mesh size must not exceed six-inch maximum mesh.

(d) From (~~6:01 p.m.~~) September (~~22~~) 24 through October (~~15, 2010~~) 31, 2011: Mesh size must not exceed six and one-half inch maximum mesh.

(e) From November 6 through November 30, (~~2010~~) 2011: Mesh size must not exceed nine-inch minimum mesh, except from 6:00 p.m. November 11 through 6:00 p.m. November 19, 2011 (coho directed), there are two alternatives:

(i) Use six and one-half inch maximum mesh; or

(ii) Use nine-inch minimum mesh.

Only one net of either six and one-half inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing.

(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~~) 2K, 2M, 2N, 2R, 2T, and 2U from August 16 through October 31, 2011. 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)) 2K, 2M, 2N, 2R, 2T, and 2U.

From October 1 through October ((15, 2010)) 31, 2011, all wild (unmarked) ((~~coho~~)) Chinook, chum, 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)) 2K, 2M, 2N, 2R, 2T, and 2U.

From November 6 through November 30, 2011, all 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 when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U.

(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)) (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.

((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,) (4) The retention of green sturgeon is prohibited((; to protect this federally listed stock)).

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