



# 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 12-01-104 on 12-21-11;  
 or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 220-47-311, 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 175  
 1111 Washington St., SE  
 Olympia, WA 98504

Date: Friday, March 30, 2012 Time: 10:30 to 11:30 a.m.

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](mailto:Lori.preuss@dfw.wa.gov)  
 Fax: (360) 902-2155 by (date) Monday, March 26, 2012

Assistance for persons with disabilities: Contact  
 Tami Lininger by Monday, March 26, 2012  
 TTY: (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after Friday, April 6, 2012  
 (Note: This is NOT the effective date)

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

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

Statutory authority for adoption: RCW 77.04.020, 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  
February 22, 2012

NAME (type or print)  
Lori Preuss

SIGNATURE

TITLE  
Rules Coordinator

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 22, 2012

TIME: 9:25 AM

WSR 12-05-112

**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.....Kendall Henry	1111 Washington Street, Olympia	(360) 902-2717
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: 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](mailto:Lori.preuss@dfw.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

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

## Small Business Economic Impact Statement

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

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

**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. There are no anticipated professional services required to comply.

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

The proposed rules adjust opening and closing dates, except in Area 12A, where the proposed rules allow the use of larger nets at the request of the effected businesses. However, the proposed rules do not require the purchase or use of larger nets. The proposed rules do not require any additional equipment, supplies, labor, or administrative costs. Therefore, there is no additional cost to comply with the proposed rules.

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

The proposed rules do not affect the harvestable numbers of salmon available to non-treaty fleets. Therefore, the proposed rules should not cause any businesses to lose sales or revenue.

**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**

None - The proposed rules do not require any additional equipment, supplies, labor, or administrative costs.

**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 are identical to gear restrictions the Washington Department of Fish and Wildlife (WDFW) has required in past salmon fishery seasons. 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 interacts with and receives 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 allow small businesses 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 previous years' salmon fisheries. Compliance with the rules will not result in the creation or loss of jobs.

AMENDATORY SECTION (Amending Order 11-165, filed 7/22/11, effective 8/22/11)

**WAC 220-47-311 Purse seine--Open periods.** It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM	- 10/10, 10/11, 10/14, 10/15, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3( <del>(11/4, 11/5)</del> )
	7AM - 5PM	- <u>11/4, 11/5</u> , 11/6, 11/7, 11/8, 11/9, 11/10( <del>(11/11, 11/12)</del> )

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	- <del>((8/17, 8/24, 8/31))</del> <u>8/15, 8/22, 8/29</u>
7B:	7AM - 8PM	- <del>((9/7))</del> <u>9/5</u>
	7AM - 7PM	- <u>9/10, 9/12, 9/14</u> ( <del>(9/16)</del> )
	7AM <del>((9/18))</del> <u>9/16</u>	- 6PM ( <del>(10/29)</del> ) <u>10/27</u>
	7AM <del>((10/31))</del> <u>10/29</u>	- 4PM ( <del>(11/4)</del> ) <u>11/2</u>
	7AM <del>((11/7))</del> <u>11/5</u>	- 4PM ( <del>(11/11)</del> ) <u>11/9</u>
	7AM <del>((11/14))</del> <u>11/12</u>	- 4PM ( <del>(11/18)</del> ) <u>11/15</u>
	7AM <del>((11/21))</del> <u>11/19</u>	- 4PM ( <del>(11/25)</del> ) <u>11/23</u>
	8AM <del>((11/28))</del> <u>11/26</u>	- 4PM ( <del>(12/2)</del> ) <u>11/30</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.

( <del>8</del> )	<del>6AM - 8PM</del>	- <u>8/22, 8/24, 8/30, 9/4</u> )
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AREA	TIME	DATE
8A:	<del>((6AM-8PM</del>	- <del>8/18, 8/23, 8/25, 8/29))</del>
	7AM - 7PM	- Limited participation - two boats <del>((9/19, 9/26)</del> <u>9/17, 9/24</u> )
8D:	7AM - 7PM	- <del>((9/19, 9/26, 10/3))</del> <u>9/17, 9/24, 10/1</u>
	7AM - 6PM	- <del>((10/10, 10/18, 10/24, 10/26, 11/1))</del> <u>10/8, 10/16, 10/22, 10/24, 10/29</u>
	7AM - 5PM	- <u>11/5, 11/7, ((11/9, 11/15)) 11/13</u>
	7AM - 4PM	- <del>((11/29))</del> <u>11/20</u>
10	<del>((6AM-8PM</del>	- <del>Limited participation - four boats (8/22, 8/24, 8/30))</del>
10, 11:	7AM - 6PM	- <del>((10/18, 10/24, 10/26, 11/1))</del> <u>10/15, 10/23, 10/25, 10/29</u>
	7AM - 5PM	- <del>((11/7, 11/9, 11/15))</del> <u>11/6, 11/8, 11/12</u>
	7AM - 4PM	- <del>((11/22))</del> <u>11/20</u>
12, 12B:	7AM - 6PM	- <del>((10/18, 10/24, 10/26, 11/1))</del> <u>10/15, 10/23, 10/25, 10/29</u>
	7AM - 5PM	- <del>((11/7, 11/9, 11/15))</del> <u>11/6, 11/8, 11/12</u>
12C:	7AM - 5PM	- <del>((11/7, 11/9, 11/15))</del> <u>11/6, 11/8, 11/12</u>
	7AM - 4PM	- <del>((11/21))</del> <u>11/20</u>

Note: 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 ~~((22))~~ 20 in Area 7B.

Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September ~~((4))~~ 2 in Area 7B.

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 11-165, filed 7/22/11, effective 8/22/11)

**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	<del>((10/2-11/13))</del> <u>9/30 - 11/10</u>

(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 the 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 ~~((7))~~ 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending Order 11-165, filed 7/22/11, effective 8/22/11)

**WAC 220-47-411 (~~(Gill net)) Gillnet--Open periods.~~** It is unlawful to take, fish for, or possess salmon taken with (~~(gill net))~~ gillnet 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 ( <del>(gill net))</del> <u>gillnet</u> only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM - 7PM	9/21, 9/22, <del>((9/23))</del> <u>9/24, 9/25, 9/26, 9/27, 9/28, ((9/29, 9/30)) 10/1, 10/2, 10/3, 10/4, 10/5, ((10/6, 10/7)) 10/8, 10/9, 10/10, 10/11, 10/12, ((10/13)) 10/15, 10/16, 10/17, 10/18, 10/19(<del>10/20, 10/21</del>)</u>	5"

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

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

<del>(8:</del>	<u>5AM</u>	=	<del>11PM</del>	<u>8/23, 8/25</u>	5" minimum and 5 1/2" maximum
	<u>5:30AM</u>	=	<del>11PM</del>	<u>8/29, 8/31</u>	5" minimum and 5 1/2" maximum))

Note: In Area 8 it is unlawful to take or fish for pink salmon with drift (~~gill nets~~) gillnets greater than 60\_ mesh maximum depth.

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

AREA	TIME		DATE(S)	MINIMUM MESH
	5PM	-	9AM <del>((10/16, 10/17))</del> 10/14, 10/18, <del>((10/19, 10/20, 10/23, 10/24))</del> 10/21, 10/25, <del>((10/26, 10/27, 10/30, 10/31))</del> 10/28, 11/1( <del>(11/2, 11/3)</del> )	5"
	<del>((7AM</del>	-	<del>9PM</del>	5"))
	<u>5PM</u>	-	<u>9AM 10/18</u>	<u>5"</u>
	<u>10/15</u>	-		
	<u>5PM</u>	-	<u>9AM 10/25</u>	<u>5"</u>
	<u>10/22</u>	-		
	<u>5PM</u>	-	<u>9AM 11/1</u>	<u>5"</u>
	<u>10/29</u>	-		
	<del>((7AM</del>	-	<del>8PM</del>	5"))
		-	10/11, 10/12, 10/18, 10/19, 10/25, 10/26, 11/1, 11/2	
	6AM	-	6PM <del>((11/9, 11/10, 11/16, 11/17))</del> 11/7, 11/8, 11/14, 11/15	6 1/4"
	7AM	-	6PM <del>((11/23, 11/24))</del> 11/21, 11/22	6 1/4"
	6AM	-	4PM <del>((11/11, 11/18))</del> 11/9, 11/16	6 1/4"
	7AM	-	4PM <del>((11/25))</del> 11/23	6 1/4"
9A: Skiff ( <del>(gill net)</del> <u>gillnet</u> only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM <del>((8/21))</del> <u>8/19</u>	-	7PM <del>((10/29))</del> <u>10/27</u>	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.

<del>((10</del>	<u>5AM</u>	-	<u>11PM</u>	Limited participation – four boats <del>(8/23, 8/25)</del>	4 1/2" minimum and 5 1/2" maximum
	<u>5:30AM</u>	-	<u>11PM</u>	Limited participation – four boats <del>(8/30)</del>	4 1/2" minimum and 5 1/2" maximum))

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)~~ gillnet) web enters the water, until the (~~(gill net)~~ gillnet) 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 10/16, <del>((10/27))</del> 10/21, 10/30	6 1/4"
	5PM	-	8AM	NIGHTLY <del>((10/25))</del> 10/24	6 1/4"
	4PM	-	8AM	NIGHTLY <del>((11/8, 11/10))</del> 11/4, 11/7, 11/13	6 1/4"
	3PM	-	8AM	NIGHTLY <del>((11/20))</del> 11/18	6 1/4"
	4PM	-	Midnight	NIGHTLY <del>((10/19, 11/2, 11/16, 11/23))</del> 10/17, 10/31, 11/14, 11/21	6 1/4"
12A: Skiff ( <del>(gill net)</del> <u>gillnet</u> only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM	Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of ( <del>(gill net)</del> <u>gillnet</u> ) gear.	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff (~~(gill net)~~ gillnet) 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	<del>((10/17, 10/19, 10/25, 10/27, 10/31, 11/2))</del> 10/16, 10/18, 10/22, 10/24, 10/30, 11/1	6 1/4"
	6AM	-	6PM	<del>((11/8, 11/10, 11/14, 11/16))</del> 11/5, 11/7, 11/13, 11/15	6 1/4"
12C:	6AM	-	6PM	<del>((11/8, 11/10, 11/14, 11/16))</del> 11/5, 11/7, 11/13, 11/15	6 1/4"
	7AM	-	6PM	<del>((11/22, 11/24))</del> 11/18, 11/19, 11/21	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
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 11-165, filed 7/22/11, effective 8/22/11)

**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 will work with the advisory board, per RCW 77.70.160(1), to establish criteria by which applicants (~~would~~) will qualify to enter the pool. The pool established by this drawing will be maintained to replace any permit(s) which (~~may be~~) are 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~~) is 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~~) voided, and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool.

(c) The department may require permit holders to show 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(~~7~~) in the fishery but violate conditions of a salmon beach seine experimental permit(~~7~~) will have (~~the~~) their 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)) 990 feet in length or ((100)) 200 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 11-165, filed 7/22/11, effective 8/22/11)

**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	8/20, 8/21, 8/22, 8/23, 8/24, ((8/25, 8/26)) 8/27, 8/28, 8/29, 8/30, 8/31, ((9/1, 9/2)) 9/3, 9/4, 9/5, 9/6, 9/7, ((9/8, 9/9)) 9/10, 9/11, 9/12, 9/13, 9/14, ((9/15, 9/16)) 9/17, 9/18, 9/19, 9/20, 9/21, ((9/22, 9/23)) 9/24, 9/25, 9/26, 9/27, 9/28((9/29, 9/30))
12H:	7AM - 7PM	November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

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