



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

- 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: Amends rules for commercial salmon fishing in Grays Harbor and Willapa Bay. Includes WAC 220-36-023, Salmon—Grays Harbor fall fishery; WAC 220-40-021, Willapa Bay salmon—Summer fishery; and WAC 220-40-027, Salmon—Willapa Bay fall fishery.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-36-023, 220-40-021, and 220-40-027.
 Suspended:

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

Other authority : N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-05-111 on February 22, 2012 (date).
 Describe any changes other than editing from proposed to adopted version: 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: May 18, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 18, 2012
TIME: 4:23 PM
WSR 12-11-093

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	<u>3</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>3</u>	Repealed	_____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

2012 Rules for Commercial Salmon Fishing in Willapa Bay and Grays Harbor

Changes other than editing from the proposed to the adopted version:

In WAC 220-36-023, WDFW amended the proposal to allow harvest of hatchery origin Chinook in fisheries directed on Chehalis River stocks (catch areas 2A and 2D). However, predicted abundance of chum is not sufficient to allow harvest without significantly constraining the harvest of abundant coho and hatchery origin Chinook.

The expected abundance of Humptulips coho is sufficient to allow harvest of both hatchery and natural origin coho in catch area 2C. The expected encounter of chum is very small, and allowing retention of chum will not constrain Chinook and coho harvest beyond achieving conservation objectives for each of these stocks.

In WAC 220-40-021, WDFW amended the proposal to require the release of chum and wild Chinook, and the agency adjusted the dates for the fisheries to reduce the impact to the sport fishery. Forecasts for chum and wild Chinook returning to Willapa Bay are not of sufficient abundance to allow directed fisheries. Additionally, requiring the release of unmarked Chinook provides additional protection for Chinook stocks originating from the Columbia River that “dip-in” to Willapa Bay.

In WAC 220-40-027, WDFW amended the proposal to require the release of chum and wild Chinook, and the agency modified the season structure and open areas to reduce the interaction between sport and commercial fisheries. Release requirements for chum and wild Chinook reflect 2012 forecasts for chum and wild Chinook returning to Willapa Bay. The numbers of these fish are insufficient to allow directed fisheries.

AMENDATORY SECTION (Amending Order 11-91, filed 6/22/11, effective 7/23/11)

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~~) Gillnet gear may be used to fish for Chinook, coho, chum salmon, and white sturgeon (~~(only according to)~~) as provided for in subsections (6) and (7) of this section and in the times and area identified in 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 ((18)) <u>19</u> through 6:00 p.m. August ((19, 2011)) <u>20,</u> <u>2012;</u>	Area 2C
6:00 p.m. August ((21)) <u>23</u> through 6:00 p.m. August ((22, 2011)) <u>24,</u> <u>2012;</u>	
6:00 p.m. August ((25)) <u>27</u> through 6:00 p.m. August ((26, 2011)) <u>28,</u> <u>2012;</u>	
6:00 p.m. August ((28)) <u>29</u> through 6:00 p.m. August ((29, 2011)) <u>30,</u> <u>2012;</u>	
((6:00 p.m. September 1 through 6:00 p.m. September 2, 2011;))	
6:00 p.m. September ((7)) <u>5</u> through 6:00 p.m. September ((8, 2011)) <u>6,</u> <u>2012;</u>	
((6:00 p.m. September 11 through 6:00 p.m. September 12, 2011;))	
<u>AND</u>	
6:00 p.m. September ((15)) <u>28</u> through 6:00 p.m. September ((16, 2011;)) <u>29, 2012.</u>	
((9:30 a.m. October 24 through 7:30 p.m. October 24, 2011;	
<u>AND</u>	
5:00 a.m. October 25 through 3:00 p.m. October 25, 2011;))	

Time:
~~((9:00))~~ 6:00 a.m. October ((8)) 1
 through ~~((7:00))~~ 6:00 p.m. October
~~((8, 2011))~~ 1, 2012;

~~((7:00))~~ 6:00 a.m. October ((12)) 2
 through ~~((5:00))~~ 6:00 p.m. October
~~((12, 2011))~~ 2, 2012;

~~((AND~~

~~8:30 a.m. October 18 through 6:30~~
~~p.m. October 18, 2011;))~~ 6:00 a.m.
October 12 through 6:00 p.m.
October 12, 2012;

~~AND~~

6:00 a.m. October 14 through 6:00
p.m. October 14, 2012.

~~((8:30))~~ 6:00 a.m. October ((23)) 19
 through ~~((6:30))~~ 6:00 p.m. October
~~((23, 2011))~~ 19, 2012;

6:00 a.m. October 20 through 6:00
p.m. October 20, 2012;

~~AND~~

~~((7:30 a.m.))~~ 6:00 p.m. October
~~((28))~~ 21 through ((4:30)) 6:00 p.m.
 October ~~((28, 2011))~~ 22, 2012.

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))~~ Gillnet gear restrictions: All areas:
- (a) Drift ~~((gill net))~~ gillnet 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))~~ gillnet to fish for salmon or white sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line ~~((, provided that))~~. It is ~~((lawful))~~ permissible to have a ~~((gill net))~~ gillnet 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))~~ 2012: In Area 2C, mesh size must not exceed ~~((seven))~~ eight and one-half inch ~~((minimum to nine-inch))~~ maximum.
- (c) From October 1 through October ~~((22, 2011))~~ 31, 2012: In

Areas 2A and 2D, mesh size must not exceed (~~six-inch~~) six and one-half inch maximum. 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) Only one net may be fished at a time; other nets must be properly stored.~~

~~(d))~~

Other:

(3) Recovery boxes and soak times:

(a) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the (~~(gill net))~~ gillnet web is deployed into the water until the (~~(gill net))~~ gillnet web is fully retrieved from the water.

(~~(e)~~) (b) Any steelhead or salmon that is required to be released and is bleeding or lethargic must be placed in a recovery box prior to being released to the river/bay. The recovery box must meet the requirements in (d) of this subsection.

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

(d) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A(~~(, 2C,))~~) and 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, 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 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 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))~~ (4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

~~((4))~~ (5) 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 ((14, 2011, for August and September openings and prior to 12:00 p.m. on October 18 for the October)) 15, 2012, for openings in Area 2C. Notice of intent must be given prior to 12:00 p.m. ((October 4, 2011)) on September 26, 2012, for ((the)) openings in Areas 2A and 2D.

~~((5) The))~~ (6) Retention of ((green sturgeon)) any species other than Chinook, coho, and chum, and white sturgeon with a fork length measure of not less than 43 inches and not more than 54 inches, is prohibited in Area 2C.

~~((6))~~ (7) Retention of any species other than coho salmon, white sturgeon with a fork length measure of not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin, is prohibited in Areas 2A and 2D from October 1 through October 20, 2012. Retention of any species other than coho, chum, white sturgeon with a fork length measure of not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin, is prohibited in Areas 2A and 2D from October 21 through October 24, 2012.

(8) Report ALL encounters of green sturgeon, steelhead, and wild (unmarked) Chinook (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(9) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail. This measurement is referred to as the fork length. All white sturgeon to be retained must have a fork length measure of no less than 43 inches and no more than 54 inches.

(10) Do NOT remove tags from white sturgeon that are not allowed to be retained. For white sturgeon that can be retained, please submit tags to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563. For white sturgeon not of a legal size and all green sturgeon, obtain

available information from tags without removing the tags.

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

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

WAC 220-40-021 Willapa Bay salmon--Summer fishery. From July 5 through August 15, 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) Gillnet gear may be used to fish for coho salmon, white sturgeon, and adipose fin-clipped hatchery Chinook salmon:

<u>Time:</u>	<u>Areas:</u>
<u>6:00 p.m. August 12 through 11:59 p.m. August 15, 2012.</u>	<u>2M, 2N, 2R, 2T, and 2U</u>

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet 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.

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

It is unlawful to use a gillnet to fish for salmon or white sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transit through Willapa Bay.

(b) Mesh size must not exceed nine inches.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U. 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.

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

(c) All wild (unmarked) 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 an operating recovery box when fishing in Willapa Bay Salmon Management Catch Reporting Areas (SMCRA) 2M, 2N, 2R, 2T, and 2U.

(d) Any steelhead or salmon that is required to be released and is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay. The recovery box must meet the requirements in (a) of this subsection.

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

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

(5) Retention of any species other than coho salmon, white sturgeon with a fork length measure of not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin, is prohibited.

(6) Report ALL encounters of wild (unmarked) Chinook, green sturgeon, and steelhead (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail. This measurement is referred to as the fork length. All white sturgeon to be retained must have a fork-length measure of no less than 43 inches and no more than 54 inches.

(8) Do NOT remove tags from white sturgeon that are not allowed to be retained. For white sturgeon that can be retained, please submit tags to the Washington Department of Fish and Wildlife, 48

Devonshire Rd., Montesano, WA 98563. For white sturgeon not of a legal size and all green sturgeon, obtain available information from tags without removing the tags.

(9) It is unlawful to fish with gillnet gear in Areas 2K, 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

(10) Fishers must take department observers if requested by department staff when participating in these openings. 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 8, 2012.

AMENDATORY SECTION (Amending Order 11-91, filed 6/22/11, effective 7/23/11)

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)) Gillnet 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)) coho salmon, white sturgeon, and adipose fin-clipped hatchery Chinook:

Time:	Area:
<u>12:00 a.m. August 16 through 6:00 a.m. August 16, 2012;</u>	<u>Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U</u>
<u>6:00 p.m. August ((29)) 21 through 6:00 a.m. August ((30, 2011)) 22, 2012;</u> <u>((AND))</u>	<u>((Area 2N and)) Area 2U</u>
<u>6:00 p.m. August ((31)) 26 through 6:00 a.m. ((September 1, 2011)) August 27, 2012;</u> <u>AND</u>	<u>Area 2N, Area 2R, and Area 2U</u>
<u>6:00 p.m. ((September 6)) August 28 through 6:00 a.m. ((September 7, 2011)) August 29, 2012;</u> <u>((AND))</u>	<u>((Area 2N, Area 2R, and Area 2U))</u>

<p>Time:</p> <p><u>6:00 p.m. August 30 through 6:00 a.m. August 31, 2012;</u></p> <p><u>6:00 p.m. September ((8)) 4 through 6:00 a.m. September ((9, 2011)) 5, 2012;</u></p> <p><u>AND</u></p> <p><u>6:00 p.m. September ((13)) 6 through 6:00 ((p.m.)) a.m. September ((22, 2011)) 7, 2012;</u></p> <p><u>6:00 p.m. September 9 through 6:00 a.m. September 10, 2012;</u></p> <p><u>6:00 p.m. September 12 through 6:00 a.m. September 13, 2012;</u></p> <p><u>6:00 p.m. September ((21)) 19 through 6:00 p.m. September ((22, 2011)) 20, 2012;</u></p> <p><u>AND</u></p> <p><u>6:00 p.m. September ((28)) 26 through 6:00 p.m. September ((29, 2011)) 27, 2012;</u></p> <p><u>6:00 p.m. September ((24)) 15 through 6:00 p.m. ((September 30, 2011)) October 13, 2012;</u></p> <p><u>((6:00 p.m. October 2 through 6:00 p.m. October 7, 2011;</u></p> <p><u>6:00 p.m. October 10 through 6:00 p.m. October 14, 2011;))</u></p> <p><u>AND</u></p> <p><u>12:00 p.m. November 6 through 12:00 p.m. November 30, ((2011)) 2012.</u></p>	<p>Area:</p> <p><u>Area 2N and Area 2U</u></p> <p><u>Area 2N, Area 2R, and Area 2U</u></p> <p><u>((Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U))</u></p> <p><u>Area 2M, Area 2N, Area 2R, Area 2T, east of a line projected from the eastern most upland at Toke Point (approximately 46° 42' 26"N, 123° 57' 58"W) to Goose Point (approximately 46° 38' 12" N, 123° 57' 31" W) then to the eastern boundary at Range Marker "B" (located at 46° 42' 34" N, 123° 51' 18" W), and Area 2U</u></p> <p><u>Area 2K</u></p> <p><u>Area 2M, Area 2N, Area 2R, Area 2T, and Area 2U</u></p>
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Gear :

(2) (~~(Gill net)~~) Gillnet gear restrictions - All areas:

(a) Drift (~~(gill net)~~) gillnet 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.

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

It is unlawful to use a (~~(gill net)~~) gillnet to fish for salmon and/or white sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line (~~(, provided that)~~). It is (~~(lawful)~~) permissible to have a (~~(gill net)~~) gillnet 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 September (~~(12, 2011)~~) 13, 2012: Mesh size must not exceed nine-inch maximum mesh.

(c) From September (~~(13)~~) 15 through (~~(September 23, 2011)~~) October 31, 2012: Mesh size must not exceed (~~(six inch)~~) six and one-half inch maximum mesh.

~~(d) (~~(From September 24 through October 31, 2011: Mesh size must not exceed six and one-half inch maximum mesh.~~~~

~~(e))~~ From November 6 through November 30, (~~(2011)~~) 2012: Mesh size must (~~(not exceed)~~) be nine-inch minimum mesh, except that from 6:00 p.m. November 11 through 6:00 p.m. November 19, (~~(2011)~~) 2012 (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))~~

Other:

(3) Recovery boxes and soak time:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2K, 2M, 2N, 2R, 2T, and 2U from August 16 through October 31, (~~(2011)~~) 2012. 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))~~ (b) From August 16 through October 31, 2012, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the ~~((gill net))~~ gillnet web is deployed into the water until the ~~((gill net))~~ gillnet web is fully retrieved from the water.

~~((i))~~ (c) From August 16 through ~~((September 30, 2011))~~ October 31, 2012, all ~~((wild (unmarked) Chinook,))~~ chum, nonlegal sturgeon ~~((and))~~, all steelhead, and wild (unmarked) Chinook 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 2K, 2M, 2N, 2R, 2T, and 2U.

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

From November 6 through November 30, ~~((2011))~~ 2012, all chum, all nonlegal sturgeon, and all steelhead must be handled with ~~((care))~~ 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))~~ (d) Any ~~((fish that))~~ steelhead or salmon required to be released and is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay. The recovery box must meet the requirements in (a) of this subsection.

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

~~((Other:~~

~~((3))~~ (4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

~~((4) The))~~ (5) Retention of ~~((green sturgeon))~~ any species other than coho salmon, white sturgeon with fork length measure not less than 43 inches and not more than 54 inches, and hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

~~((5))~~ (6) Report ALL encounters of green sturgeon, steelhead, and wild (unmarked) Chinook (your name, date of encounter, and

number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or e-mail at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail. This measurement is referred to as the fork length. All white sturgeon to be retained must have a fork length measure of no less than 43 inches and no more than 54 inches.

(8) Do NOT remove tags from white sturgeon that are not allowed to be retained. For white sturgeon that can be retained, please submit tags to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563. For white sturgeon not of a legal size and all green sturgeon, obtain available information from tags without removing tags.

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

(10) Fishers must take department observers if requested by department staff when participating in these openings. 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 15, 2012.