



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 12-05-112
 Continuance of WSR _____

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

Hearing location(s):
 Natural Resources Building, Room 630
 1111 Washington St. SE
 Olympia, WA 98504

Date: Tuesday June 26, 2012 Time: 11:00 a.m. - noon

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 19, 2012

Assistance for persons with disabilities: Contact
 Tami Lininger by June 19, 2012
 TTY: (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after June 26, 2012
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal reflects changes to three rules as proposed in WSR 12-05-112. These are WAC 220-47-311, 220-47-411, and 220-47-428. The department is also adding a rule, WAC 220-47-307, that was not included in the original CR-102. For a summary of the changes contained in this proposal, see Attachment A.

Reasons supporting proposal: These changes 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.

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? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE
May 23, 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: May 23, 2012

TIME: 9:54 AM

WSR 12-11-128

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

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: This proposal does not affect hydraulics.

ATTACHMENT A

North of Falcon Puget Sound Commercial Salmon Fisheries, 2012

Closures:

For Puget Sound salmon closed areas, WAC 220-47-307, changes include:

The gillnet closure and purse seine coho release requirement in the Hale's Pass Area of 7B in September will be shortened to September 1-21. The area will be open to fishing for gillnets, and purse seine retention of coho will be allowed during scheduled openings for Area 7B prior to September 1 and after September 21. Closure of the entire month was not necessary to meet conservation objectives for coho.

The portion of Area 7B that is on or near the Lummi Indian Reservation (as defined by the line described in the proposed rule) will be closed to fishing.

Season Structural Changes:

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

Correction of fishing hours during the week of November 18 to match standard open hours for that management week in previous years;

Areas 7 & 7A, adjustment to open dates during chum fishery, per tribal agreement;

Area 7B, adjustment of schedule during the week of September 16 to match standard management weeks;

Area 7B, corrected date for week 46 Friday closing (11/16);

Area 8D, correction of closing time on October 8 to match standard open hours for that management week;

Areas 12 and 12B, addition of one open day in the final week of the season, to be consistent with last date of fishing permitted under the Hood Canal Salmon Management Plan;

All other changes were included in the previous filing in WSR 12-05-112.

For gillnet open periods, WAC 220-47-411, changes include:

Correction of fishing hours during the week of November 18 to match standard open hours for that management week in previous years;

Closure of Area 6D on September 24, per Tribal agreement;

Areas 7 & 7A, adjustment to open dates during chum fishery, per tribal agreement and adjustments to dates of coho and Chinook release and live box requirements to match previous years;

Area 7B, adjustment of schedule during the week of September 16 to match standard management weeks;

Area 8A, addition of 2-vessel limited participation opening on September 19, per industry request;

Area 10 and 11, switch Wednesday full and half night openings between weeks for the weeks of October 14 through November 4, per industry request, and extension of nightly hours to 9:00 AM for openings with no overlap with purse seine openings, per industry request;

Areas 12 and 12B, addition of one open day in the final week of the season, to match the end of the management period for early-normal timed chum as defined in the Hood Canal Salmon Management Plan;

Area 12C, correction of fishing days during the week of November 18 to remain consistent with Hood Canal openings;

Areas 8, 8A, 10, re-inserted mesh restrictions for pink salmon management periods;

All other changes were included in the previous filing in WSR 12-05-112.

For beach seine open periods, WAC 220-47-428, changes include:

Area 12A, closure of fishery on August 20 to be consistent with the first day of fishing permitted under the Hood Canal Summer Chum Conservation Initiative.

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((11/4, 11/5))
	7AM - 5PM	- <u>11/4, 11/5</u> , 11/6, 11/7, 11/8, 11/9, 11/10((11/11, 11/12))

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

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

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 220-47-411 ((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 ((gill net)) <u>gillnet</u> only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM 9/21, 9/22, ((9/23)) <u>9/25</u> , 9/26, 9/27, 9/28, ((9/29, 9/30)) <u>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((, 10/20, 10/21))</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, 10/14, 10/15, <u>10/17, 10/18, 10/19, 10/20</u>	6 1/4"
	7AM	-	Midnight	((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, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10((, 11/11, 11/12))	6 1/4"

Note: In Areas 7 and 7A after October 9 but prior to October ((16)) 21, 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) when coho and Chinook release is required.

7B, 7C:	7PM	-	8AM	NIGHTLY <u>8/12, 8/14, ((8/16, 8/17)) 8/15, 8/19, 8/20, 8/21, 8/22, ((8/23, 8/24)) 8/26, 8/28, 8/29, 8/30((, 8/31))</u>	7"
7B:	7AM <u>9/2</u>	-	7AM ((the day following)) <u>9/7</u>	((9/4, 9/5, 9/6, 9/7, 9/8, 9/11, 9/12, 9/13, 9/14, 9/15))	5"
	<u>7AM 9/9</u>	=	<u>7AM 9/13</u>		
	7AM ((9/18)) <u>9/16</u>	-	((Midnight 10/22)) <u>7AM 9/20</u>		5"
	((12:01A M 10/23)) <u>7AM 9/23</u>	-	Midnight ((10/29)) <u>10/27</u>		((6-1/4")) <u>5"</u>
	7AM ((10/31)) <u>10/29</u>	-	4PM ((11/4)) <u>11/2</u>		6 1/4"
	6AM ((11/7)) <u>11/5</u>	-	4PM ((11/11)) <u>11/9</u>		6 1/4"
	6AM ((11/14)) <u>11/12</u>	-	4PM ((11/18)) <u>11/16</u>		6 1/4"
	((7AM 11/21)) <u>6 AM 11/19</u>	-	4PM ((11/25)) <u>11/23</u>		6 1/4"

AREA	TIME		DATE(S)	MINIMUM MESH
	(8AM 11/28))] <u>AM</u> <u>11/26</u>	-	4PM (12/2) <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 Squilicum 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.

8:	(5AM	-	11PM	8/23, 8/25	5" minimum and 5 1/2" maximum
	<u>5:30AM</u>	-	<u>11PM</u>	8/29, 8/31	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. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8A:	(5AM	-	11:30PM	8/17	5" minimum and 5 1/2" maximum
	<u>5AM</u>	-	<u>11PM</u>	8/22, 8/24	5" minimum and 5 1/2" maximum
	<u>5:30AM</u>	-	<u>11PM</u>	8/31	5" minimum and 5 1/2" maximum))
	<u>6PM</u>	-	<u>8AM</u>	<u>Limited participation; 2 boats only</u> <u>9/19</u>	5"
	<u>6PM</u>	-	<u>8AM</u>	NIGHTLY ((9/27, 9/28)) <u>9/25, 9/26</u>	5"

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	<u>6PM</u>	-	<u>8AM</u>	NIGHTLY ((9/18, 9/19,)) <u>9/16, 9/20,</u> (9/21, 9/22, 9/25, 9/26) <u>9/23, 9/27,</u> (9/28, 9/29, 10/2, 10/3) <u>9/30,</u> 10/4(-10/5, 10/6)	5"
	<u>6PM 9/17</u>	-	<u>8AM 9/20</u>		5"
	<u>6PM 9/24</u>	-	<u>8AM 9/27</u>		5"
	<u>6PM 10/1</u>	-	<u>8AM 10/4</u>		5"
	<u>5PM</u>	-	<u>8AM</u>	((10/9, 10/10) <u>10/7, 10/11</u> (-10/12, 10/13)	5"
	<u>5PM 10/8</u>	-	<u>8AM 10/11</u>		5"
	<u>5PM</u>	-	<u>9AM</u>	((10/16, 10/17)) <u>10/14, 10/18,</u> ((10/19, 10/20, 10/23, 10/24)) <u>10/21,</u> 10/25, ((10/26, 10/27, 10/30, 10/31) 10/28, 11/1(-11/2, 11/3)	5"
	((7AM	-	9PM	9/20, 9/21, 9/27, 9/28, 10/4, 10/5	5"))
	<u>5PM</u> <u>10/15</u>	-	<u>9AM 10/18</u>		5"
	<u>5PM</u> <u>10/22</u>	-	<u>9AM 10/25</u>		5"
	<u>5PM</u> <u>10/29</u>	-	<u>9AM 11/1</u>		5"
	((7AM	-	8PM	10/11, 10/12, 10/18, 10/19, 10/25, 10/26, 11/1, 11/2	5"))
	<u>6AM</u>	-	<u>6PM</u>	((11/9, 11/10, 11/16, 11/17)) <u>11/7,</u> 11/8, 11/14, 11/15, 11/21, 11/22	6 1/4"
	((7AM	-	6PM	11/23, 11/24	6-1/4"))
	<u>6AM</u>	-	<u>4PM</u>	((11/11, 11/18)) <u>11/9, 11/16, 11/23</u>	6 1/4"
	((7AM	-	4PM	11/25	6-1/4"))
9A: Skiff (gill net) <u>gillnet</u> only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	<u>7AM</u> ((8/21) <u>8/19</u>	-	<u>7PM</u> ((10/29)) <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.

AREA	TIME		DATE(S)	MINIMUM MESH	
10:	(5AM	-	11PM	Limited participation – four boats (8/23, 8/25)	4 1/2" minimum and 5 1/2" maximum
	5:30AM	-	11PM	Limited participation – four boats (8/30)	4 1/2" minimum and 5 1/2" maximum))

Note: In Area 10 fishers must use minimum 4 1/2" and maximum 5 1/2" mesh during pink salmon management periods. Also, 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 ((~~gillnet~~)) gillnet web enters the water, until the ((~~gillnet~~)) 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, ((10/27)) 10/17, 10/21, 10/30, 10/31	6 1/4"
	(5PM	-	8AM	NIGHTLY 10/25	6 1/4"
	4PM	-	((8AM)) 9AM	NIGHTLY ((11/8, 11/10)) 11/4, 11/13, 11/18	6 1/4"
	(3PM	-	8AM	NIGHTLY 11/20	6 1/4"
	4PM	-	Midnight	NIGHTLY ((10/19, 11/2, 11/16, 11/23)) 10/24, 11/7, 11/14, 11/21	6 1/4"
12A: Skiff ((gillnet)) <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 ((gillnet)) <u>gillnet</u> gear.	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff ((~~gillnet~~)) 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	((10/17, 10/19, 10/25, 10/27, 10/31, 11/2)) 10/16, 10/18, 10/22, 10/24, 10/30, 11/1	6 1/4"
	6AM	-	6PM	((11/8, 11/10, 11/14, 11/16)) 11/5, 11/7, 11/13, 11/15, 11/19	6 1/4"
12C:	6AM	-	6PM	((11/8, 11/10, 11/14, 11/16)) 11/5, 11/7, 11/13, 11/15, 11/19, 11/21	6 1/4"
	((7AM	-	6PM	11/22, 11/24	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 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	<u>8/21, 8/22, 8/23, 8/24, ((8/25, 8/26))</u> <u>8/27, 8/28, 8/29, 8/30, 8/31, ((9/1,</u> <u>9/2)) 9/3, 9/4, 9/5, 9/6, 9/7, ((9/8,</u> <u>9/9)) 9/10, 9/11, 9/12, 9/13, 9/14,</u> <u>((9/15, 9/16)) 9/17, 9/18, 9/19, 9/20,</u> <u>9/21, ((9/22, 9/23)) 9/24, 9/25, 9/26,</u> <u>9/27, 9/28((9/29, 9/30))</u>
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.

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

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 - (1) 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.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180° true for 2.75 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250° true for 1.4 nm to a point at 48°44'50"N, 122°35'42"W, then 270° true for 1.4 nm to 48°44'50"N, 122°37'08"W, then 230° true for 1.3 nm to 48°44'24"N, 122°37'52"W, then 200° true for 1 nm to 48°43'45"N, 122°38'12"W, then 90° true for 1 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 160° true for 1.4 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W).

(3) Additional coho seasonal closure: (~~During the month of~~) September 1 through September 21, closed to (~~gill nets~~) gillnets 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 McGlinn 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 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 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 Hoodsport 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.