



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 12-131

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: Amend rules for commercial salmon fishing Puget Sound, including WAC 220-47-307, 220-47-311, 220-47-401, 220-47-411, 220-47-427, and 220-47-428. 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.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 220-47-307, 220-47-311, 220-47-401, 220-47-411, 220-47-427, and 220-47-428.

Suspended:

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

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-05-112 on February 22, 2012 and WSR 12-11-128 on May 23, 2012.

Describe any changes other than editing from proposed to adopted version: None.

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: July 12, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 12, 2012

TIME: 1:07 PM

WSR 12-15-034

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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>6</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>6</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	_____

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.

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	11/5, 11/7, ((11/9, 11/15) <u>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> <u>9/13, 9/14, 9/15</u>	5"
	7AM <u>9/9</u>	=	7AM <u>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> <u>10/4(, 10/5, 10/6)</u>	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(, 10/12,</u> <u>10/13)</u>	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> <u>10/25, (10/26, 10/27, 10/30, 10/31)</u> <u>10/28, 11/1(, 11/2, 11/3)</u>	5"
	(7AM	-	9PM	<u>9/20, 9/21, 9/27, 9/28, 10/4, 10/5</u>	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	<u>10/11, 10/12, 10/18, 10/19, 10/25,</u> <u>10/26, 11/1, 11/2</u>	5"))
	<u>6AM</u>	-	<u>6PM</u>	(11/9, 11/10, 11/16, 11/17) <u>11/7,</u> <u>11/8, 11/14, 11/15, 11/21, 11/22</u>	6 1/4"
	(7AM	-	6PM	<u>11/23, 11/24</u>	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	<u>11/25</u>	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)) <u>10/17,</u> <u>10/21, 10/30, 10/31</u>	6 1/4"
	(5PM	-	8AM	NIGHTLY 10/25	6 1/4")
	4PM	-	((8AM)) <u>9AM</u>	NIGHTLY ((11/8, 11/10)) <u>11/4,</u> <u>11/13, 11/18</u>	6 1/4"
	(3PM	-	8AM	NIGHTLY 11/20	6 1/4")
	4PM	-	Midnight	NIGHTLY ((10/19, 11/2, 11/16, 11/23)) <u>10/24, 11/7, 11/14, 11/21</u>	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)) <u>10/16, 10/18, 10/22, 10/24,</u> <u>10/30, 11/1</u>	6 1/4"
	6AM	-	6PM	((11/8, 11/10, 11/14, 11/16)) <u>11/5,</u> <u>11/7, 11/13, 11/15, 11/19</u>	6 1/4"
12C:	6AM	-	6PM	((11/8, 11/10, 11/14, 11/16)) <u>11/5,</u> <u>11/7, 11/13, 11/15, 11/19, 11/21</u>	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 220-47-401 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	((10/2-11/13)) <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 220-47-427 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(~~ing~~) in the fishery but violate conditions of a salmon beach seine experimental permit(~~ing~~) 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.