



June 2, 2014

Dear Columbia River Commercial Fisher:

We are writing to inform you that applications are currently being accepted for participation in Columbia River commercial seine research fisheries during the 2014 fall season. Applications are available on-line at the Washington Department of Fish and Wildlife (WDFW) website ([wdfw.wa.gov/licensing/commercial/limited\\_emerging.html](http://wdfw.wa.gov/licensing/commercial/limited_emerging.html)) or see enclosed copy. Applications must be received by midnight June 20, 2014 and must be submitted as a hardcopy via mail delivery (USPS, FedEx, UPS), or via FAX or email. This application is the first step required if you are interested in participating in commercial fisheries using beach or purse seine gears on the Columbia River this fall. As you know, the states of Oregon and Washington have adopted policies that provide for a transition in Columbia River commercial fisheries which, over time, would favor gear types that facilitate mark-selective or live-capture fisheries. To inform this transition and continue research into selective gear types, commercial fisheries using beach and purse seines are expected to occur during the 2014 fall season.

The 2014 seine fisheries will be limited entry. Permits will be randomly awarded (by gear type and fishing zone preference) to qualified individuals. Qualified individuals include those persons who possess or operate under a current Columbia River commercial salmon license and can demonstrate (through fish tickets) that salmon landings have occurred from the mainstem Columbia River or Select Area fisheries within the past two calendar years (2012-2013).

WDFW will be administering the random drawing related to this fishery. Qualified individuals that apply will be selected at random to receive an experimental fishery permit specific to the gear type and a fishing zone. The drawing for permits will occur soon after the application deadline (June 20) and successful applicants will be notified immediately. If an individual is drawn for a permit, the applicant must respond within ten (10) business days of being notified to accept the permit and pay any fees due.

Washington residents that are drawn will need an Emerging Fishery license (\$290 fee) and an experimental fishery permit (no fee), both issued by WDFW upon receipt of payment. Oregon residents that are drawn will need an experimental gear permit (\$32 fee) issued by Oregon Department of Fish and Wildlife (ODFW) upon receipt of payment. Experimental fishery/gear permits are not transferable between persons. The permit holder must be present and in possession of a valid permit during seine fishing operations.

It is anticipated that 4 purse and 6 beach seine permits will be issued. Individual permits will be allocated a catch share of around 750 adult Chinook for purse seines and around 500 adult Chinook for beach seines. Coho harvest will also be managed with a catch share but access may be constrained by an individual's Chinook landings. Average coho landings are expected to be around 200 marked adult coho per permit. Fisheries in fishing Zones 1-3 will be mark-selective

for both Chinook and coho. In fishing Zones 4-5, some non-mark selective Chinook retention opportunity is likely. In order to reduce risk of exceeding ESA impacts, a maximum steelhead handle may also be assigned to each permit. All seine fishing operations will be required to have a Department observer present at all times. The expectation is that landings will be allowed in both Washington and Oregon.

The fishery is expected to focus on the first two weeks of September but the actual fishing period(s) will be adopted by the Columbia River Compact. Beyond the value of the landed catch, no additional financial reimbursement will be provided for participating in this fishery.

Enclosed is an application for your convenience and a copy of the rules filed in Washington describing the qualifications of applicants, permit drawing process, gear description, and potential regulations. Physical descriptions of commercial fishing zones can be found at: <http://www.dfw.state.or.us/fish/OSCRP/CRM/index.asp>.

Please direct any questions to:

WDFW - Ronald Roler; [Ronald.Roler@dfw.wa.gov](mailto:Ronald.Roler@dfw.wa.gov)

ODFW – John North; [John.North@state.or.us](mailto:John.North@state.or.us)

WDFW-820 (Rev. 5-2014) Washington Department of Fish and Wildlife  <b>Application for Emerging Commercial Fishery License for the Year 2014</b>  <b>Incomplete applications will not be excepted</b>		<b>Department Use</b>	
		License Number	Payment Receipt
		License Type	
		Resident	Non-Res
		<b>ECF-CR</b>	
		<b>\$290.00</b>	<b>\$400.00</b>
		(See note below)	
<b>Gear Type (must choose ONE)</b>		<b>Species</b>	<b>License District</b>
<input type="checkbox"/> BEACH SEINE <input type="checkbox"/> PURSE SEINE		SALMON	COLUMBIA RIVER
<b>Applicant Name</b>		<b>Supplemental Information</b>	
Last Name	First Name	MI	Persons submitting a completed application must possess or be an owner/operator registered under a current Columbia River salmon license issued in Washington or Oregon.  Additional information provided in this application will also be used to help determine eligibility for a random drawing for an experimental permit, which is required in order to participate in Columbia River seine fisheries.
Street Address			
Mailing Address			
City	State	Zip	
Phone Number			<b>Columbia River License Information</b>
Primary:			Columbia River Permit/License #      State Issued <input type="checkbox"/> Washington <input type="checkbox"/> Oregon
Alternate:			
Applications must be received by midnight <b>June 20, 2014</b>  <b>APPLICATION AND LICENSE FEES WILL BE DUE ONLY IF DRAWN FOR AN EXPERIMENTAL FISHERY PERMIT. APPLICATION FEES ARE NON-REFUNDABLE. Oregon permits and related fees will be issued by ODFW.</b>  <input type="checkbox"/> I have been a resident of Washington for the previous 90 days and am not licensed as a resident in another state.  <input type="checkbox"/> I am not a resident of Washington State. I hereby certify under penalty of perjury under the law of the state of Washington that the above information is true and correct. Providing false information may invalidate this license.			Designation of Applicant on Columbia River License/Permit <input type="checkbox"/> License Owner <input type="checkbox"/> Primary Operator <input type="checkbox"/> Alternate Operator
			<b>Columbia River Salmon Landings</b>
			Applicant has landed salmon in Oregon or Washington from mainstem or Select Areas under the Col R license listed above within the past 2 calendar years (2012-2013) <input type="checkbox"/> Yes <input type="checkbox"/> No
			<b>Rank of Preferred Columbia River Fishing Zone(s)</b>
			_____ Zone 1    Ranking is <b>REQUIRED</b> _____ Zone 2    Rank in order of preference (1-5) _____ Zone 3    #1 being the highest rank _____ Zone 4 <b>Leave blank if no desire to fish in a Zone.</b> _____ Zone 5
<b>SUBMIT APPLICATION TO: Washington Dept of Fish &amp; Wildlife</b>			
		<b>USPS: Mailing address</b> Commercial Licensing 600 Capitol Way N Olympia WA 98501	<b>Phone:</b> 360-902-2464 opt 4 TDD 360-902-2207  <b>FAX:</b> 360-902-2945
		<b>Fed-Ex or UPS use this Physical Address:</b> 1111 Washington St SE Olympia WA 98501	<b>EMAIL:</b> Commercial.sales@dfw.wa.gov
Signature _____		Date _____	
Print Name _____			

NEW SECTION

**WAC 220-88-05000A Designation of Columbia River seine fishery as an emerging commercial fishery.**

- (1) The director designates the Columbia River seine salmon fishery as an emerging commercial fishery for which use of a vessel is required. The director has determined a need to limit the number of participants in this fishery.
- (2) It is unlawful to fish for, possess, or deliver salmon taken for commercial purposes using beach or purse seine unless the fisher possesses a valid emerging commercial fishery license and a salmon experimental fishery permit for either beach seine or purse seine gear. A violation of this subsection is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

NEW SECTION

**WAC 220-88-06000A Columbia River seine emerging commercial fishery -- Qualifications – Issuance of experimental fishery permits – License fee - Permit conditions.**

- 1) Individuals interested in participating in this fishery must apply for an emerging fishery license. Only one application per person. Application deadline is June 20, 2014.
  - (a) Experimental fishery permits will be drawn randomly from the pool of emerging fishery license applications for Columbia River seine fisheries received by the deadline. Applications will be pooled by gear type (i.e. beach seine pool and purse seine pool). Permits will be based on the ranking order of the preferred Zones (fishing area) provided by the applicant.
  - (b) Random drawings will begin after June 20, 2014. Drawings will continue until the number of permits needed is filled for each gear type and zone as determined by the agencies.
  - (c) Once drawn, the emerging fishery license and experimental fishery permit will be awarded so long as the applicant meets the qualifications for the license and permit as provided in subsection (2) of this section. Random drawings will continue from this pool of applicants until all permits are filled or the pool of qualified applicants is exhausted. Award notifications for applicants who meet the June 20 deadline will occur no later than July 15, 2014.
  - (d) The department may perform additional random drawings if the total number of permits needed is not filled from the applications received by the June 20 deadline.
  - (e) Alternate permits for each for gear type and area may be drawn. Alternate permits for each gear type may be awarded if needed at the Department’s discretion.
  - (f) Applicants drawn for an emerging fishery license and experimental fishery permit must respond within ten (10) business days of being notified by the department to accept the permit and purchase the emerging fishery license. At that time the emerging fishery license fee will be due, and the license and permit will be issued by WDFW upon receipt of payment. The department will not issue the emerging fishery license or the experimental fishery permit until payment is received. If an applicant is drawn for the license and permit and fails to purchase the license and permit within ten (10) business days of notification of selection, the department may issue the license and permit to another selected applicant.

- (g) The emerging fishery license and experimental fishery permit expire on December 31, 2014.
- 2) Qualifications: An experimental fishery permit will only be issued to a natural person who has a valid emerging commercial fishery license and who:
    - (a) Possesses a commercial gillnet salmon license/permit issued by Washington or Oregon for the Columbia River, Columbia River/Willapa Bay or Columbia River/Grays Harbor and can demonstrate by valid Washington or Oregon fish receiving tickets that salmon have been taken in the Columbia River or Columbia River Select Areas within the past two calendar years (2012 and 2013) under that license; or
    - (b) Can demonstrate by valid Washington or Oregon fish receiving tickets that salmon have been taken in the Columbia River or Columbia River Select Areas by the applicant under a commercial salmon license issued for the Columbia River, Columbia River/Willapa Bay or Columbia River/Grays Harbor within the past two calendar years (2012 and 2013).
  - 3) Nothing in this section gives preference to 2014 permit holders for issuance of potential future permits.
  - 4) Experimental fishery permits are not transferable between persons. The permit holder must be present and in possession of a valid experimental fishery permit during seine fishing operations. A violation of this subsection is punishable under RCW 77.15.540, Unlawful use of a commercial fishery license--Penalty.
  - 5) It is unlawful to violate the conditions of the experimental fishery permit for the Columbia River seine emerging commercial fishery. A violation of this subsection is punishable under RCW 77.15.540, Unlawful use of a commercial fishery license--Penalty.
  - 6) Experimental fishery permits may be revoked at the discretion of the Director and future permits denied for failure to comply with conditions specified in the permit or violations of other commercial fishing regulations.

## NEW SECTION

### **WAC 220-88-07000A Columbia River seine emerging commercial fishery – Season, area, and gear requirements.**

It is unlawful to fish for salmon for commercial purposes with beach or purse seine gear except as provided in this section:

- 1) Season: Open with state regulatory processes for commercial fishing with these gear types (beach or purse seine). Fishing periods are expected in 2014 during the months of August, September, and October. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.
- 2) Open area: Columbia River from the Columbia River mouth upstream to Beacon Rock, as described in WAC 220-22-010 salmon management and catch reporting areas 1A-1E and as determined by the Columbia River Compact. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.
- 3) Gear type: Beach seines or purse seines only. Only one net per boat.
  - a) Purse seine gear requirements:
    - (i) Net length: 200 fathoms maximum, including associated lead nets.
    - i. Net depth: 200 meshes deep (approximately 50 feet).

- ii. Mesh size/type: 3.5-inch maximum mesh. 3-strand nylon. Twine  $\geq$  #12.
  - iii. Bunt: No less than six fathoms of knotless bunt (1.5-inch maximum).
  - iv. Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.
    - (vi) Block or drum gear is permissible.
  - b) Beach seine gear requirements:
    - (i) Net length: 200 fathoms maximum, including associated lead nets.
      - i. Net depth: 200 meshes deep (approximately 50 feet).
      - ii. Mesh size/type: 3.5-inch maximum mesh. 3-strand nylon. Twine  $\geq$  #12.
      - iii. Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.
- 4) A violation of subsection (3) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

## NEW SECTION

### **WAC 220-88-08000A – Columbia River seine emerging commercial fishery – Allowable possession and sales – Catch handling requirements.**

- (1) Allowable possession and sales: Salmon. All species other than salmon must be carefully handled and returned to the water promptly.
- (2) Handling of catch: Catch may only be handled by hand or with rubber coated nets when sorting fish. Fish must be sorted while submerged in the water; it is unlawful to dry sort fish on land.

#### **EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

(x) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013 which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:** This rule establishes an emerging commercial fishery with limited participants using beach or purse seine gear in the Columbia River. This limited entry fishery is established consistent with RCW 77.70.160 and is implemented based on Policy C-3620 which includes guiding principles and a progressive series of actions to improve the management of salmon in the Columbia River basin. The fisheries outlined here are part of a series of actions meant to be progressively implemented in 2013-2016 during the transitional period of the policy. This is the first set of commercial regulations allowing seine gear in the Columbia River in decades, and is meant to inform fishery managers in how best to implement such fisheries. There is insufficient time to adopt permanent rules.

**(14-129, 5/30/2014)**