



# 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 14-173**

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 Willapa Bay. These rules incorporate recommendations of the North of Falcon sub-group of the Pacific Fisheries Management Council for taking harvestable numbers of salmon during the commercial salmon fisheries in Willapa Bay, while protecting species of fish listed as endangered.

**Citation of existing rules affected by this order:**

Repealed:  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

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 14-11-105 on May 21, 2014 (date).  
Describe any changes other than editing from proposed to adopted version:

(See attachment)

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 11, 2014

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 11, 2014**

**TIME: 3:35 PM**

**WSR 14-15-052**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New		Amended	<u>2</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

**Attachment**

The adopted rule varies from the rule noticed in the CR 102. The following summary briefly describes any changes, other than editing changes, and the principal reasons for adopting those changes.

In general, the proposed season that would have resulted from the rule noticed in the CR102 utilized selective fishing to the fullest extent, requiring the release of chum and wild chinook during the entire fishery. Except for an initial 3.5 day opening occurring in early August, fishers were required to use nets with a 6.5” maximum mesh size, short (45 minute) soak times and the use of recovery boxes for salmon required to be released. The rule also defined “lethargic” fish that had to be placed in recovery boxes and prescribed selective fishing requirements.

Changes to the proposed rule were made based on input received from the public and further evaluation of the rule-making record. The primary changes were a reduction in reliance of selective fisheries, allowing larger mesh nets during the Chinook season, and allowing retention of chum. This resulted in adjustments to the number of fishing days, times and locations. Additional changes modified some of the prescriptions for the use of selective fishing techniques.

The following tables outline the fishing times and locations in the original rule as noticed in the CR 102 (**Table 1**) and as reflected in the final rule adopted (**Table 2**).

**Table 1. Proposed Willapa Bay Commercial Gillnet Season Filed May 21, 2014.**

Management Period - hours/opener	Catch Areas (days open in each area)				
	T	U	R	M	N
July 5-Aug 15; 24hours/day	3.5	3.5	Closed	closed	3.5
August 16-20; 12 hour/day	closed	1	Closed	closed	1
August 21-25; 24 hour/day	closed	1.5	Closed	closed	1.5
Aug 26-Sep 1; 12 hour/day	closed	3	closed	closed	3
September 2-8; 24 hour/day	closed	3	closed	closed	3
September 9-15; 24 hour/day	closed	3	closed	closed	3
September 16-22; 24hours/day	5	4	5	5	5
September 23-30; 24hours/day	6	5	6	6	6
October 1-7; 24hours/day	5	4	5	5	5
October 8-14; 24hours/day	3	3	3	3	3
Nov 1-10 - Late coho; 24hrs/day	5	5	5	5	5
Nov 11-19 - Late coho; 24hrs/day	1	1	1	1	1
Nov 20-30 - Late coho; closed	closed	closed	closed	closed	closed

**Table 2. Final 2014 Willapa Bay Commercial Gillnet Season.**

Management Period - hours/opener	Catch Areas (days open in each area)				
	T	U	R	M	N
July 5-Aug 15; 24hours/day	3.5	3.5	closed	closed	3.5
August 16-20; closed	closed	closed	closed	closed	closed
August 21-25; closed	closed	closed	closed	closed	closed
Aug 26-Sep 1; 12 hour/day	closed	1	closed	closed	1
September 2-8; 12 hour/day	closed	2	closed	closed	2
September 9-15; 12 hour/day	closed	4	closed	closed	4
September 16-22; 24hours/day	4	3	4	4	4
September 23-30; 24hours/day	6	5	6	6	6
October 1-7; 24hours/day	6	5	6	6	6
October 8-14; closed	closed	closed	closed	closed	closed
Nov 1-10 - Late coho; 24hrs/day	7	7	7	7	7
Nov 11-19 - Late coho; 24hrs/day	7	7	7	7	7
Nov 20-30 - Late coho; closed	closed	closed	closed	closed	closed

The following is a brief narrative summary of the changes made to the rule noticed in the CR 102 and the rationale.

1. Allows fishers to use 9” maximum mesh size during the Chinook management period (prior to September 9), rather than a 6.5” maximum mesh size.

Reason: Commercial fishers identified significant logistical challenges, and a financial burden to comply with the 6.5” maximum size net requirement for the Chinook season. This change was also made in connection with changes in the level of selective fishing advocated by other commenters and described below.

2. Reconfigures the reliance on selective fishing by allowing retention of natural-origin Chinook during most of the fishing period both during the early portion of the season when hatchery Chinook predominate and later when only small numbers of Chinook are encountered. Retention of chum is allowed throughout the season. Selective fishing requiring release of natural-origin Chinook would occur only between September 8 and 22, the period when increasing number of days fished per week while Chinook presence remains relatively high could disproportionately impact this portion of the return timing. The Department plans on allowing incidental retention of chum in recreational fisheries as well.

Reason: A 9” maximum mesh net is designed to capture Chinook salmon around the gills versus tangling them around the mouth as occurs with the use of mesh sizes less than 6.5”. As a result, larger mesh also has a higher anticipated handling mortality rate when used as selective gear (e.g. when certain non-target fish – here natural- origin Chinook and chum - are specified for release and return to the water). As the mortality rate exceeds 60% (as it does with 9” mesh), the concern that fish are being wasted increases. In these circumstances, it is rational to simply retain chum or natural-origin Chinook and reduce the number of fishing days during Chinook management, provided that overall conservation objectives can be met. Because natural-origin Chinook will be retained for the majority of the season, the number of days of Chinook fishing allowed was reduced to stay within conservation objectives. In addition, many commenters suggested that the handling mortality on chum salmon was too high and wasteful for the number of coho retained. By allowing retention of chum salmon that are caught incidentally to Chinook and coho fisheries, fishers receive value for the fish rather than forcing them to release these fish and waste is avoided. Because chum will be retained, the number of days of coho fishing was also reduced to meet chum conservation objectives. Re-aligning the fishery to a mix of both selective and retention fishing is also responsive to concerns from various commenters that enforcement and observer resources are insufficient to ensure full compliance with selective fishing techniques, and suggestions that full retention of chum reduces the concern that fishers will be overwhelmed by the task of recovering both Chinook and chum in selective fisheries.

4. Moves the summer fishery opener a week later from the week of August 3 to the week of August 10.

Reason: In recent years this opener has occurred during the second week of August. Commercial fishers commented that the fishery was scheduled too early to provide a reasonable expectation of success in catching Chinook. This shift in timing is associated with the elimination of openings during the early portion of the fall fishery to maintain separation for the recreational fishery when no commercial openings would occur.

5. Provides consecutive days each week without commercial fishing.

Reason: Commenters suggested that having non-consecutive days without commercial fishing did not allow fish enough time to transit the entire bay thus negatively effecting recreational opportunity, and reduced the ability for certain target stocks to reach established conservation zones. Including the days closed to offset less selective fishing, the schedule was adjusted to provide consecutive days, or more consecutive days, without commercial fishing in weeks beginning August 31, September 7, 14, 21, and October 5. The week beginning November 2nd has less consecutive days without commercial fishing.

6. Removes the definition of lethargic and requires fishers to place all wild Chinook into the recovery box until they are not bleeding and they are not lethargic and before landing on shore or in port.

Reason: Commenters stated that the proposed definition of lethargic was insufficient to address their greater concern that fish needed to have their condition assessed and treated in the recovery box prior to release. Therefore the definition of lethargic was removed and replaced with a requirement that all fish required to be released be placed into a recovery box and released once they are not lethargic and not bleeding, or before landing on shore or in port if the fish are dead. Secondly, as discussed above, concerns associated with placement of fish into a recovery box for treatment are significantly addressed by the reduction in the number of days where wild Chinook are required to be released.

7. Finally, the eastern boundary line of the North River conservation area was adjusted to reduce overlap and constriction of the main Willapa River channel.

Reason: Recreational and commercial fishers alike commented that sufficient protection of North River origin-Chinook was offered by a line projected upriver along the Willapa River channel that did not encroach upon the channel itself and made landfall at a more prominent headland versus the navigation range maker in the channel.

**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))~~ chum salmon, and ~~((adipose fin clipped hatchery))~~ Chinook salmon:

Time:	Areas:
6:00 a.m. August 12 through 6:00 p.m. August 15 <del>((, 2013))</del> .	Area 2N, <del>((Area 2R,))</del> Area 2T <del>((except those waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N; 123°50.83134'W), and Area 2U</del>
<del>((6:00 a.m. August 12 through 6:00 p.m. August 13, 2013</del>	Area 2M))

**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.

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, provided the net is 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.

(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)) (3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(14), reports must be made by 10:00 a.m. the day following landing.

((5)) (4) 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,)) chum salmon, and ((hatchery)) Chinook ((marked by a healed scar at the site of the adipose fin)) salmon, is prohibited.

((6)) (5) Report ALL encounters of ((wild (unmarked) Chinook,)) green sturgeon((7)) 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)) (6) 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,)). Please obtain available information from tags without removing the tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

~~((9))~~ (7) It is unlawful to fish with gillnet gear in Areas 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))~~ (8) 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, 2013))~~ July 28.

AMENDATORY SECTION (Amending WSR 13-17-001, filed 8/7/13, effective 8/12/13)

**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) Gillnet gear may be used to fish for coho salmon, ~~((white sturgeon, and adipose fin-clipped hatchery))~~ chum salmon, and Chinook salmon:

Time:	Area:
<del>((6:00))</del> 7:00 p.m. August <del>((19))</del> <u>25</u> through <del>((6:00 p.m.))</del> 7:00 a.m. August <del>((20, 2013))</del> <u>26</u> ;	<b>2N</b> <del>((, 2R,))</del> and <b>2U</b>
<del>((6:00))</del> 7:00 p.m. <del>((August 21))</del> <u>September 1</u> through <del>((6:00 p.m. August 22, 2013))</del> 7:00 a.m. <u>September 2</u> ;	
<del>((6:00 p.m. August 26))</del> 7:00 p.m. <u>September 7</u> through <del>((6:00 a.m. August 27, 2013))</del> 7:00 a.m. <u>September 8</u> ;	
<del>((AND 6:00))</del> 7:00 p.m. <del>((August 28))</del> <u>September 8</u> through <del>((6:00))</del> 7:00 a.m. <del>((August 29, 2013))</del> <u>September 9</u> ;	
<del>((6:00))</del> 7:00 p.m. <u>September</u> <del>((3))</del> <u>9</u> through <del>((6:00))</del> 7:00 a.m. <del>((September 4, 2013))</del> <u>September 10</u> ;	<b>((2M, 2N, 2R, and 2U))</b>
<del>((6:00))</del> 7:00 p.m. <u>September</u> <del>((5))</del> <u>10</u> through <del>((6:00))</del> 7:00 a.m. <u>September</u> <del>((6, 2013))</del> <u>11</u> ;	<b>((2N, 2R, and 2U))</b>
<u>AND</u>	



<p>Time:  <del>((6:00))</del> <u>7:00 p.m.</u>  September <del>((9))</del> <u>14</u>  through <del>((6:00 p.m.))</del> <u>7:00</u>  <u>a.m.</u>, September <del>((10;</del>  <u>2013)) <u>15</u>;</u></p> <p><del>((AND</del></p> <p>6:00 p.m. September 12  through 6:00 p.m.  September 13, 2013;</p> <p>6:00 p.m. September 15  through 6:00 p.m. October  12, 2013;</p> <p>6:00 p.m. September 15  through 5:59 a.m.  September 22, 2013;</p> <p>6:01 p.m. September 22  through 5:59 a.m.  September 29, 2013;</p> <p>6:01 p.m. September 29  through 5:59 a.m. October  6, 2013;</p> <p><del>AND</del></p> <p>6:01 p.m. October 6  through 6:00 p.m. October  12, 2013;))</p> <p><u>6:00 p.m. September 15</u>  <u>through 6:00 p.m.</u>  <u>September 19;</u></p> <p><u>6:00 p.m. September 22</u>  <u>through 6:00 p.m.</u>  <u>September 26;</u></p> <p><del>AND</del></p> <p><u>6:00 p.m. September 28</u>  <u>through 6:00 p.m.</u>  <u>September 30;</u></p> <p><u>6:00 p.m. September 15</u>  <u>through 6:00 p.m.</u>  <u>September 18;</u></p> <p><u>6:00 p.m. September 22</u>  <u>through 6:00 p.m.</u>  <u>September 25;</u></p> <p><del>AND</del></p> <p><u>6:00 p.m. September 28</u>  <u>through 6:00 p.m. October</u>  <u>2;</u></p> <p><u>6:00 p.m. September 30</u>  <u>through 6:00 p.m. October</u>  <u>3.</u></p>	<p><del>((2M, 2N, 2R, and 2U))</del></p> <p><b><u>2M, 2N, 2R, and 2T</u></b></p> <p><b><u>2U</u></b></p> <p><b><u>2M, 2N, 2R, 2T, and 2U</u></b></p> <p><b><u>2M, 2N, 2R, and 2T</u></b>  (except those waters of 2T  north of a line from Toke  Point channel marker 3  easterly through Willapa  Harbor channel marker 13  (green), then northeasterly  to the power transmission  pole located at  46°43.1907'N;  123°50.83134'W)</p> <p><b><u>2U</u></b></p> <p><b><u>2M, 2N, 2R, and 2T</u></b></p>
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Time:  
6:00 p.m. October 4  
through 6:00 p.m. October  
7;

12:00 ((p.m.)) a.m.  
November ((6)) 2 through  
((12:00)) 11:59 p.m.  
November ((20, 2013.)) 7;

12:00 a.m. November 10  
through 11:59 p.m.  
November 14;

AND

12:00 a.m. November 17  
through 11:59 p.m.  
November 19.

Area:  
2M, 2N, 2R, 2T, and 2U

### **Gear :**

(2) Gillnet gear restrictions - All areas:

(a)(i) 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.

(ii) It is unlawful to use a 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. 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 transiting through Willapa Bay, provided the net is 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.

~~(b) From August ((19)) 16 through ((September 13, 2013)) 12:00 p.m., September 8: Mesh size must not exceed ((nine inch maximum mesh.~~

~~(c) From September 15 through September 22, 2013: Mesh size must not exceed six inch maximum mesh.~~

~~(d) From September 23 through October 12, 2013: Mesh size must not exceed six and one half inch maximum mesh.~~

~~(e) From November 6 through November 20, 2013: There are two alternatives for mesh size:~~

~~(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)) nine inches stretched.~~

(c) From 12:01 p.m. September 8 through November 30: Mesh size must not exceed six and one-half inches stretched.

### **Other:**

(3) Recovery boxes and soak time limits described in this section are required from 12:01 p.m. September 8 through 12:00 p.m. (noon) September 22:

(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 (~~from August 19 through October 12, 2013~~)).

(i) Each box and chamber 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.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches((7));

(B) The inside width measurements must be at or within 8 to 10 inches((7)); and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) 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) ((From August 19 through October 12, 2013, 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) From August 19 through October 12, 2013, all chum, nonlegal sturgeon, 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 2M, 2N, 2R, 2T, and 2U.~~

~~From November 6 through November 20, 2013, all chum, all 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 when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.~~

~~(d) Any 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.~~

~~(e)) All steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.~~

~~(c) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river/bay prior to landing or docking.~~

~~(d) 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.~~

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(14), reports must be made by 10:00 a.m. the day following landing.

(5) Retention prohibitions:

(a) From August 16 through November 30, all green and white sturgeon and all steelhead, except as provided in subsection (3) of this

section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) From August 16 through 12:00 p.m. September 8, retention of any species other than coho salmon, chum salmon, or Chinook is prohibited.

(c) From 12:01 p.m. September 8 through 12:00 p.m. (noon) September 22, retention of any species other than coho salmon(~~(, white sturgeon with fork length measure not less than 43 inches and not more than 54 inches, and)~~), chum salmon, or hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

(d) From 6:00 p.m. September 22 through November 30, retention of any species other than coho salmon, chum salmon, and Chinook is prohibited.

(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,)). Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.~~

~~((9))~~ (8) It is unlawful to fish with gillnet gear in Areas 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))~~ (9) 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 ~~((13, 2013))~~ 12.