

July 27,
2016



PROPOSED RULE MAKING

CR-102 (June 2012)

(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 17-03-042 on 01/07/17;
or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
 Supplemental Notice to WSR 17-11-108
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Hearing location(s):
 Region 6 Fish and Wildlife Office,
 Conference Room
 48 Devonshire Road
 Montesano, WA 98563

Date: August 22, 2017 Time: 10:30 a.m. – 12 p.m.

Date of intended adoption: On or after August 23, 2017
 (Note: This is **NOT** the **effective** date)

Submit written comments to:
 Name: Scott Bird WDFW Rules Coordinator
 Address: 600 Capitol Way N
 Olympia, WA 98501-1091

E-mail Rules.Coordinator@dfw.wa.gov
 fax (360) 902-2155 by August 22, 2017

Assistance for persons with disabilities: Contact
 Contact Dolores Noyes by August 22, 2017
 TTY (360) 902-2207 or (360) 902-2349

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Recreational Ocean and Coastal marine salmon fishing rules based on North of Falcon recommendation change from year-to-year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes. This proposal reflects an additional change to WAC 220-313-070 from what was proposed in WSR 17-11-108 filed on May 22, 2017. The change requires the release of wild Chinook salmon in Grays Harbor (Catch Record Card area 2-2) from August 1 through September 15, 2017. This change is to address a harvest imbalance between co-managers.

Reasons supporting proposal: To protect fish species listed as endangered while supporting recreational fishing opportunity and to make changes to salmon seasons and harvest amounts pursuant to agreements and recommendations made at the North of Falcon meetings.

Statutory authority for adoption: RCW 77.32.470 ,77.04.012, 77.04.013, 77.04.055, and 77.12.047

Statute being implemented: RCW 77.32.470 ,77.04.012, 77.04.013, 77.04.055, 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: Yes No

DATE
 July 12, 2017

NAME (type or print)
 Scott Bird

SIGNATURE

TITLE Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: July 13, 2017

TIME: 3:54 PM

WSR 17-15-063

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

A separate CR-102 Supplemental will be filed for the NOF Coastal Freshwater salmon rules and the NOF commercial salmon fishery in Grays Harbor.

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..... Barbara McClellan	48 Devonshire Rd., Montesano, WA 98563	(360) 249-1213
Implementation.... Ron Warren	1111 Washington Street, Olympia, WA 98501	(360) 902-2799
Enforcement..... Chris Anderson, Chief	1111 Washington Street, Olympia, WA 98501	(360) 902-2936

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. The rules apply to recreational fishers.

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: These rule proposals only impact recreational salmon fisheries and do not affect hydraulics.

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(2) **Catch Record Card Area 1:**

(a) May 1 through June (~~(30)~~) 23: Closed.

(b) July (~~(1)~~) 24 through (~~(August 31)~~) September 4:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(c) September (~~(1)~~) 5 through April 30: Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(3) **Catch Record Card Area 2:**

(a) May 1 through June 30: Closed.

(b) July 1 through (~~(August 21)~~) September 4:

(i) Daily limit of (~~(one salmon)~~) 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(iii) Beginning August (~~(8)~~) 14, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) (~~(August 22)~~) September 5 through April 30 - Closed.

(4) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June 30: Closed.

(b) July 1 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon; no more than (~~(4)~~) 3 may be adult salmon.

(ii) Release wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(iv) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, north-easterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through July 31: Closed.

(b) August 1 through September (~~(24)~~) 15:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brack-enridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(c) ~~((September 25 through September 30: Closed.~~

~~(d) October 1))~~ September 16 through November 30:

(i) Daily limit of ~~((1))~~ 2 salmon, of which one may be a wild coho.

(ii) Release ~~((wild))~~ Chinook.

(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

~~((e))~~ (d) December 1 through April 30: Closed.

~~((f))~~ (e) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(6) **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):**

(a) May 1 through June 30: Closed.

(b) July 1 through August ~~((7))~~ 13: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August ~~((8))~~ 14 through April 30: Closed.

(7) **Catch Record Card Area 3:**

(a) May 1 through June ~~((30))~~ 23: Closed.

(b) ~~((July 1))~~ June 24 through ~~((August 21))~~ September 4:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

~~((iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.))~~

(c) ~~((August 22))~~ September 5 through April 30: Closed.

(8) **Catch Record Card Area 4:**

(a) May 1 through June ~~((30))~~ 23: Closed.

(b) ~~((July 1))~~ June 24 through ~~((August 21))~~ September 4:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

~~((iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.~~

~~((iv))~~ Waters east of a true north-south line through Sail Rock are closed through July 31.

~~((v))~~ (iv) Waters east of the Bonilla-Tatoosh line closed to Chinook retention beginning August 1.

~~((vi))~~ (v) Release chum salmon beginning August 1.

(c) ~~((August 22))~~ September 5 through April 30: Closed.

(9) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.