



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: June 22, 2018

TIME: 5:57 PM

WSR 18-14-013

Agency: Washington Department of Fish and Wildlife 18-131

Effective date of rule:

Permanent Rules

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 in Puget Sound, including WAC 220-354-120, Purse seine – Open periods; WAC 220-354-160, Gillnet – Open periods; WAC 220-354-180, Reef net – Open periods; and WAC 220-354-210, Beach seine – Open periods.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 220-354-120, 220-354-160, 220-354-180, and 220-354-210.

Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-06-091 on March 6, 2018 (date).

Describe any changes other than editing from proposed to adopted version: This attachment summarizes changes from CR-102 that was filed as WSR 18-06-091. Changes were made based on negotiations with Puget Sound treaty Indian tribes informed by input from constituents. Specific changes are reflected below.

Puget Sound salmon closed areas WAC 220-354-080 was removed from the rule change proposed in WSR 18-06-091. This change was filed on May 2, 2018 as WSR 18-11-003. The intent of removing this from the North of Falcon rule-making process was to make housekeeping related changes to the rule; these changes add latitude and longitude coordinates to the geographic points defining the commercial salmon catch reporting areas in Puget Sound.

Changes in Puget Sound Commercial Salmon Fishing Open Periods regulated in WAC 220-354-120 and 220-354-160 include shifting of openings within specific weeks as well as the removal of some opening during certain weeks or shifting between weeks. These changes were made to address harvest allocation and sharing between Puget Sound treaty Indians and the All Citizens fisheries managed by the Washington Department of Fish and Wildlife and to ensure that conservation objectives are achieved.

These changes are summarized below. Additional detail for specific changes can be found in the Concise Explanatory Statement (CES) associated with this rule-making. For example, amendments to the open periods in areas 6D, 7 and 7A fisheries are addressed on page 10 of the CES.

For purse seine open periods, WAC 220-354-120, changes include:

Areas 7 & 7A:

Removed four days of chum fishery based on agreement with co-managers. (*closed 10/10, 10/13, 10/16, 10/17*)

Area 8D:

Amend open days to align with openings for chum in other areas. (*10/16 to 10/18 and 10/30 to 10/31*).
Removal of one day of fishing in week 43. (*10/24*)

Areas 10 & 11:

Amend opening date in weeks 42 and 44. (*10/16 to 10/18 and 10/30 to 10/31 respectively*)
Remove one open day each week in weeks 43, 46, and 47. (*10/24, 11/13, 11/19*)

Areas 12 & 12B chum:

Amend opening date in weeks 42 and 44. (*10/16 to 10/18 and 10/30 to 10/31 respectively*)
Removal of one day of fishing in week 43. (*10/24*)

Area 12C chum:

Addition of day scheduled in week 48. (*11/27*)

For gillnet open periods, WAC 220-354-160, changes include:

Area 6D:

Amend open days in week 39 to allow two consecutive days of fishing. (*9/24 to 9/22*)

Areas 7 & 7A:

Removed four days of chum fishery based on agreement with co-managers. (*closed 10/10, 10/13, 10/16, 10/17*)

Area 8D

Correcting dates to add nightly opening per fishing pattern. (*10/4*)

Areas 10 & 11:

Removal of one day of fishing in week 42. (*10/14*)
Amend open dates in weeks 42 and 44. (*10/17 to 10/16 and 10/31 to 11/1 respectively*)
Amend hours scheduled in week 43. (*10/23 changed close time from 7AM to 9AM*)
Removal open dates in weeks 46 and 47. (*11/11, 11/14, 11/20, 11/21*)

Areas 12 & 12B chum:

Removal of one day of fishing in week 42. (*10/14*)
Amend open dates in weeks 42 and 44. (*10/17 to 10/16 and 10/31 to 11/1 respectively*)

Area 12C chum:

Addition of day scheduled in week 48. (*11/26*)

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	___	Amended	<u>4</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	___

Date adopted: June 22, 2018

Name: Joe Stohr

Title: Director

Signature:



AMENDATORY SECTION (Amending WSR 17-17-100, filed 8/18/17, effective 9/18/17)

WAC 220-354-120 Puget Sound salmon—Purse seine—Open periods.

(1) 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:	<u>7AM - 7PM</u>	-	<u>10/11, 10/12</u>
	7AM - 6PM	-	((10/10, 10/11,)) 10/14, 10/15, 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))
	7AM - 5PM	-	<u>11/4, 11/5, 11/6, 11/7,</u> <u>11/8, 11/9, 11/10((</u> 11/11))

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 220-354-100 (7)(a) through (f).

7B, 7C:	6AM - 8PM	-	((8/16, 8/23, 8/30, 9/6)) <u>8/15, 8/22, 8/29, 9/5</u>
	7AM - 7PM	-	((9/11, 9/13, 9/15)) <u>9/10, 9/12, 9/14</u>
7B:	7AM - 7PM	-	((9/18, 9/20, 9/22)) <u>9/17, 9/19, 9/21</u>
	7AM ((9/24)) <u>9/23</u>	-	6PM ((11/4)) <u>11/3</u>
	7AM ((11/6)) <u>11/5</u>	-	4PM ((11/10)) <u>11/9</u>
	7AM ((11/13)) <u>11/12</u>	-	4PM ((11/17)) <u>11/16</u>
	7AM ((11/20)) <u>11/19</u>	-	4PM ((11/24)) <u>11/23</u>
	7AM ((11/27)) <u>11/26</u>	-	4PM 11/30
	7AM ((12/4)) <u>12/3</u>	-	4PM ((12/8)) <u>12/7</u>

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:	Closed		
8A:	((Closed)) <u>7AM - 7PM</u>	-	<u>Limited participation -</u> <u>Two boats 9/17, 9/24</u>
8D:	7AM - 7PM	-	((9/19, 9/26, 10/3, 10/10)) <u>9/24, 10/1, 10/8</u>
	7AM - 6PM	-	10/18, ((10/24, 10/30)) <u>10/22, 10/31</u>
	7AM - 5PM	-	((11/7, 11/9)) <u>11/5,</u> <u>11/7, 11/13, ((11/21,</u> <u>11/29))</u> <u>11/19, 11/26</u>
((10:	7AM - 7PM	-	<u>Limited participation -</u> <u>5 boats 8/23, 8/29,</u> <u>8/31, 9/5, 9/7)</u>

AREA	TIME	DATE
10, 11:	7AM - 6PM	- ((10/18, 10/24, 10/30)) <u>10/18, 10/22, 10/31</u>
	7AM - 5PM	- ((11/7, 11/9, 11/13, 11/21)) <u>11/5, 11/7</u>
12, 12B:	7AM - 6PM	- 10/18, ((10/24, 10/30)) <u>10/22, 10/31</u>
	7AM - 5PM	- ((11/7, 11/9)) <u>11/5, 11/7, 11/13, 11/19, 11/21</u>
12C:	7AM - 5PM	- ((11/7, 11/9)) <u>11/5, 11/7, 11/13, ((11/21)) 11/19, 11/27</u>

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 220-354-100 (7)(a) through (f).

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed (~~for all species at all times~~).

AMENDATORY SECTION (Amending WSR 17-17-100, filed 8/18/17, effective 9/18/17)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. It is unlawful to take, fish for, or possess salmon taken with 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 gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM	-	7PM 9/21, 9/22, 9/25, 9/26, 9/27, 9/28, ((9/29)) 10/1, 10/2, 10/3, 10/4, 10/5, ((10/6)) 10/8, 10/9, 10/10, 10/11, 10/12, ((10/13)) 10/15, 10/16, 10/17, 10/18, 10/19, ((10/20)) 10/22, 10/23, 10/24, 10/25, 10/26 ((10/27))	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff 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, 10/12, 10/14, 10/15, 10/18, 10/19, 10/20 ((10/21))	6 1/4"
	7AM	-	Midnight 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))	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October ~~((23))~~ 20, 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 web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM	-	8AM NIGHTLY 8/12, 8/13, 8/14, ((8/15)) 8/19, 8/20, 8/21, 8/22, ((8/23)) 8/26, 8/27, 8/28, 8/29 ((8/30))	7"
	7AM ((9/3)) 9/2	-	7AM ((9/8)) 9/7	5"
	7AM ((9/10)) 9/9	-	7AM ((9/15)) 9/14	5"
7B:	7AM ((9/17)) 9/16	-	7AM ((9/22)) 9/21	5"
	7AM ((9/24)) 9/23	-	Midnight 11/4	5"
	7AM ((11/6)) 11/5	-	4PM ((11/10)) 11/9	6 1/4"
	6AM ((11/13)) 11/12	-	4PM ((11/17)) 11/16	6 1/4"
	6AM ((11/20)) 11/14	-	4PM ((11/24)) 11/23	6 1/4"
	7AM ((11/27)) 11/26	-	4PM 11/30	6 1/4"
	7AM ((12/4)) 12/3	-	4PM ((12/8)) 12/7	6 1/4"

Note: In Area 7C the minimum mesh size is 7" through ~~((9/15))~~ 9/14.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squaleicum Harbor is open to 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	Closed	5"
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Note: In Area 8 it is unlawful to take or fish for pink salmon with drift 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:	6PM	-	8AM	((Closed)) Limited participation; 2 boats only 9/19	5"
	6PM	=	8AM	9/25, 9/27	5"

AREA	TIME	DATE(S)	MINIMUM MESH
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Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	((6AM	-	40PM	9/49	5"
	6AM-9/24	-	40PM-9/22		5"
	7AM	-	9PM	9/26, 10/3, 10/10	5"
	7AM-9/28	-	9PM-9/29		5"
	7AM-10/5	-	9PM-10/6		5"
	7AM-10/12	-	9PM-10/13		5"
	7AM	-	8PM	10/17, 10/24	5"
	7AM-10/19	-	8PM-10/20		5"
	7AM-10/26	-	8PM-10/27		5"
	7AM	-	7PM	10/31	5"
	7AM-11/2	-	7PM-11/3		5"
	6AM	-	6PM	11/7	5"
	6AM-11/9	-	6PM-11/10		5"))
	6PM	=	8AM	Nightly 9/23, 9/27, 9/30, 10/4, 10/7, 10/11	5"
	6PM 9/24	=	8AM 9/27		5"
	6PM 10/1	=	8AM 10/4		5"
	6PM 10/8	=	8AM 10/11		5"
	5PM	=	9AM	10/14, 10/18, 10/21, 10/25, 10/28, 11/1	5"
	5/PM 10/15	=	9AM 10/18		5"
	5PM 10/22	=	9AM 10/25		5"
	5PM 10/29	=	9AM 11/1		5"
	4PM	=	9AM	11/4, 11/8	5"
	4PM 11/5	=	9AM 11/8		5"
	6AM	-	6PM	11/14, 11/15, 11/16, ((11/17)) 11/21, 11/22, 11/23((-11/24))	6 1/4"
	7AM	-	6PM	11/28, 11/29, 11/30((-12/1))	6 1/4"
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM ((8/21))	-	7PM ((11/4)) 11/3		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.

10:	7PM	-	7AM	((Limited participation - 5 boats 8/22, 8/28, 8/30, 9/5, 9/7)) Closed	4 1/2" minimum and 5 1/2" maximum
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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 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (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 ((10/19, 10/22)) 10/16, 10/23, 10/25, ((10/31, 11/2)) 10/28, 11/1	6 1/4"
	4PM	-	8AM	((11/5, 11/14, 11/16, 11/19, 11/22)) 11/8	6 1/4"
	4PM	-	7AM	NIGHTLY ((11/8)) 11/6	6 1/4"
12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	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 gear.	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff 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	((10/19,)) 10/16, 10/23, 10/25	6 1/4"
	7AM	-	7PM	((10/31, 11/2)) 10/29, 11/1	6 1/4"
	6AM	-	6PM	11/6, 11/8, 11/12, 11/14, ((11/16,)) 11/20((-11/22))	6 1/4"
12C:	6AM	-	6PM	11/6, 11/8, 11/12, 11/14, ((11/16,)) 11/20, ((11/22)) 11/21	6 1/4"
	7AM	-	6PM	((11/28, 11/30)) 11/26	6 1/4"

All other saltwater and freshwater areas - Closed.

AREA

TIME

DATE(S)

MINIMUM MESH

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.

WAC 220-354-180 Puget Sound salmon—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	5AM - 9PM Daily	((9/17-11/17)) 9/23-11/10

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or unmarked 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 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 17-17-100, filed 8/18/17, effective 9/18/17)

WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods.

(1) 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	8/21, 8/22, 8/23, 8/24, ((8/25)) <u>8/27</u> , 8/28, 8/29, 8/30, 8/31, ((9/1, 9/2)) <u>9/3, 9/4, 9/5, 9/6, 9/7, ((9/8)) 9/10,</u> <u>9/11, 9/12, 9/13, 9/14, ((9/15)) 9/17,</u> <u>9/18, 9/19, 9/20, 9/21, ((9/22)) 9/24,</u> <u>9/25, 9/26, 9/27, 9/28, ((9/29)) 10/1,</u> <u>10/2, 10/3, 10/4, 10/5</u>
12C, Hoodsport Hatchery Zone:	7AM - 7PM	((7/31, 8/2, 8/7, 8/9, 8/14, 8/16, 8/21, <u>8/23, 8/28, 8/30, 9/4, 9/6))</u> <u>7/30, 8/1,</u> <u>8/6, 8/8, 8/13, 8/15, 8/20, 8/22, 8/27,</u> <u>8/29, 9/3, 9/5</u> November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain the following salmon species taken with beach seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Area 12A.
- (b) Chum salmon - In all areas prior to October 10.