



# PROPOSED RULE MAKING

**CR-102 (October 2017)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

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FILED

DATE: May 06, 2020

TIME: 11:04 AM

**WSR 20-10-114**

**Agency:** Washington State Department of Fish and Wildlife (WDFW)

- Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_  
 Preproposal Statement of Inquiry was filed as WSR 20-03-062; 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); or  
 Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) 2020 North of Falcon Puget Sound Commercial Salmon Seasons – The department is considering amendments to:

WAC 220-354-080 Puget Sound salmon - Closed Areas

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

WAC 220-354-160 Puget Sound salmon - Gillnet – Open periods

WAC 220-354-180 Puget Sound salmon - Reef net – Open periods

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

#### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 9, 2020	9:00 a.m.	Webinar and/or conference call	This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at: <a href="https://wdfw.wa.gov/fishing/management/north-falcon">https://wdfw.wa.gov/fishing/management/north-falcon</a> for instructions on how to join the meeting

**Date of intended adoption:** June 22, 2020 (Note: This is NOT the effective date)

#### Submit written comments to:

Name: Michele Culver, WDFW Rules Coordinator

Address: P.O. Box 43200 Olympia, WA 98504-3200

Email: Rules.Coordinator@dfw.wa.gov

Fax:

Other: <https://wdfw.wa.gov/fishing/management/north-falcon/public-input>

By (date) June 8, 2020

#### Assistance for persons with disabilities:

Contact [Delores Noyes](#)

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: [Delores.Noyes@dfw.wa.gov](mailto:Delores.Noyes@dfw.wa.gov)

Other:

By (date) June 8, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules were developed through the annual North of Falcon salmon season setting process, which began in January 2020, and provide the season schedule for the 2020 commercial fisheries in Puget Sound.

These proposed rules regulate the commercial fisheries in Puget Sound and are part of a comprehensive rulemaking package to implement the new 2020-21 salmon seasons for Washington State developed through the broader North of Falcon process pursuant to the Fish and Wildlife Commission's North of Falcon Policy C-3608 for 2019-2023. As such, the

seasons specified in these proposed rules are structured in a coordinated manner intended to provide commercial and recreational fishing opportunities in Puget Sound while ensuring conservation requirements and management objectives in federal and state laws and regulations, state/tribal harvest management agreements, and Fish and Wildlife Commission policies are met. Even though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2020-21 fishery season, and thus substantively replace prior years' fisheries in Puget Sound. Comments should be considered and provided with that understanding.

The intent of this rulemaking package, once adopted, is to replace and supersede the language in these WACs in their entirety:

WAC 220-354-080 Puget Sound salmon - Closed Areas

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

WAC 220-354-160 Puget Sound salmon - Gillnet – Open periods

WAC 220-354-180 Puget Sound salmon - Reef net – Open periods

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

As such, while WDFW is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2020, all of the provisions encompassed within the WACs listed above are available for public review and comment, and WDFW will consider all public comments received on this rulemaking.

Additionally, WDFW would like to note that there are two erroneous dates and one incorrect time specified in proposed WAC 220-354-160 related to the gillnet fisheries. We have provided the correct information below and intend to formally correct these dates and times in the final rules without further notice. Comments on these proposed dates and times, along with other aspects of the proposed rules, is invited at this time:

For Area 6D, it is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 12 (not October 14).

In Areas 7 and 7A after October 9 and prior to October 18 (not October 20), coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes.

In Areas 10 and 11, for the fishery on November 4 only, the gillnet fishery would open at 5:00 p.m. and close at 7:00 a.m. (not 9:00 a.m.) the following day.

**Reasons supporting proposal:** The proposed rules were developed through the annual North of Falcon salmon season setting process, which is an extensive stakeholder engagement process to develop and analyze various season options for recreational, commercial, and tribal fisheries for the current year. It is named "North of Falcon" as it includes setting the salmon seasons for the area north of Cape Falcon, Oregon, which is located at 45 degrees N. latitude.

The North of Falcon process typically begins in January and consists of government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Separate meetings are held with stakeholders—both at a statewide and regional level—to review preseason run size forecasts, NMFS guidance relative to allowable impacts for species listed under the Endangered Species Act (ESA), which includes salmon, but other protected species as well, such as Southern Resident Killer Whales.

Ocean fishery seasons are developed through the Pacific Fishery Management Council process, which is concurrent with and part of the broader North of Falcon process, with meetings in early March and early April. Ocean fishery options are also analyzed and considered in light of potential ESA-listed species impacts and state/tribal harvest agreements and are also reviewed for consistency with the Pacific Salmon Treaty.

Stakeholder meetings specific to the Puget Sound fisheries were held in February and March. The comprehensive North of Falcon meeting schedule and the meeting agendas, handouts, and audio recordings of the public meetings are available on WDFW's website at: <https://wdfw.wa.gov/fishing/management/north-falcon/public-meetings>

However, due to the COVID-19 situation and the Governor's Proclamation to "Stay Home, Stay Healthy," the stakeholder meetings held beginning in late March were done via webinar. While WDFW recognizes that not having in-person meetings is not ideal, the Governor's order specifically prohibits large gatherings and includes social distancing requirements, which are necessary to help slow the spread of the COVID-19 coronavirus.

Even though the Governor has amended the "Stay Home, Stay Healthy" Proclamation, the prohibition on gatherings with anyone outside of an individual's household members and the social distancing requirements remain in effect. As such, WDFW anticipates that those requirements are likely to remain in place through the time of scheduled public hearing on this rulemaking; therefore, we have indicated that the hearing will occur via webinar.

Instructions regarding how the public may participate in the public hearing webinar will be posted on the agency's website at:

<https://wdfw.wa.gov/fishing/management/north-falcon> as soon as they become available.

Members of the public who would like to submit written comments online may do so at:

<https://wdfw.wa.gov/fishing/management/north-falcon/public-input>

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

**Statute being implemented:** RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.045, 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:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**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:	David Low	1111 Washington Street SE, Olympia, WA 98501	360-902-2717
Implementation:	Kyle Adicks	1111 Washington Street SE, Olympia, WA 98501	360-902-2664
Enforcement:	Chief Steve Bear	1111 Washington Street SE, Olympia, WA 98501	360-902-2373

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**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:

TTY:

Email:

Other:

No: Please explain:

## **Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) – This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions, if necessary: The department is exempt from the requirements of RCW Chapter 19.85 because, while WDFW considers commercial fishers to be a “small business,” the commercial fishing rules proposed for 2020-21 do not affect these small businesses by imposing new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no new anticipated professional services required to comply. Based on the department’s analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

### **COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** May 6, 2020

**Name:** Michele K Culver

**Title:** Agency Rules Coordinator

**Signature:**



**WAC 220-354-080 Puget Sound salmon—Closed areas.** 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 220-354-330.

**Area 6D** - Waters within 1/4 nautical mile of the Dungeness River mouth ( $48^{\circ}9'16"N$ ,  $123^{\circ}7'48"W$ , east to waters within 500 feet of Meadowbrook Creek mouth ( $48^{\circ}9'7"N$ ,  $123^{\circ}7'19"W$ ).

**Area 7** -

(1) The San Juan Island Preserve as defined in WAC 220-354-320.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point ( $48^{\circ}36'5.1"N$ ,  $122^{\circ}47'59.7"W$ ) northeasterly to Lawrence Point ( $48^{\circ}39'38.1"N$ ,  $122^{\circ}44'31"W$ ), thence west to a point intercepting a line projected from the northernmost point of Jones Island ( $48^{\circ}37'17"N$ ,  $123^{\circ}2'11.4"W$ ), thence 90 degrees true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head ( $48^{\circ}34'3.1"N$ ,  $122^{\circ}40'5.5"W$ ) to the northernmost point of Cypress Island ( $48^{\circ}36'31.5"N$ ,  $122^{\circ}42'42.2"W$ ).

(4) Those waters easterly of a line projected from Iceberg Point ( $48^{\circ}25'20.2"N$ ,  $122^{\circ}53'41.1"W$ ) to Iceberg Island ( $48^{\circ}25'20.2"N$ ,  $122^{\circ}53'41.1"W$ ), to the easternmost point of Charles Island ( $48^{\circ}26'25.8"N$ ,  $122^{\circ}54'18.5"W$ ), then true north from the northernmost point of Charles Island ( $48^{\circ}26'41.1"N$ ,  $122^{\circ}54'34.3"W$ ) to the shore of Lopez Island ( $48^{\circ}26'47.1"N$ ,  $122^{\circ}54'34.2"W$ ).

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay ( $48^{\circ}25'25.6"N$ ,  $122^{\circ}51'8.2"W$ ) to the westernmost point of Colville Island ( $48^{\circ}24'56"N$ ,  $122^{\circ}49'31.9"W$ ), thence from the easternmost point of Colville Island ( $48^{\circ}24'53.5"N$ ,  $122^{\circ}49'10.7"W$ ) to Point Colville ( $48^{\circ}25'17.1"N$ ,  $122^{\circ}48'50.7"W$ ).

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island ( $48^{\circ}26'33.1"N$ ,  $122^{\circ}40'42.3"W$ ) to the Williamson Rocks Lighted Buoy 4 (Light List No. 19335 FlR4s4M"4"RED,  $48^{\circ}26'51"N$ ,  $122^{\circ}42'27.8"W$ ), thence to the Dennis Shoal Buoy 6 (Light List No. 19345 Red Nun,  $48^{\circ}27'27"W$ ,  $122^{\circ}42'57"N$ ), thence to Burrows Island Light (Light List No. 19350 FlW6s57ft7MHorn(Bl(2)30s,  $48^{\circ}27'27.6"N$ ,  $122^{\circ}42'59.3"W$ ) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head ( $48^{\circ}29'31.2"N$ ,  $122^{\circ}42'10.6"W$ ), 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 ( $48^{\circ}29'31.2"N$ ,  $122^{\circ}42'10.6"W$ ) northerly to Shannon Point ( $48^{\circ}30'32.8"N$ ,  $122^{\circ}41'2.5"W$ ).

(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 ( $48^{\circ}25'14.2"N$ ,  $122^{\circ}40'04.5"W$ ) northerly to Biz Point ( $48^{\circ}26'33.1"N$ ,  $122^{\circ}40'42.3"W$ ).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville ( $48^{\circ}25'17.1"N$ ,  $122^{\circ}48'50.7"W$ ) northerly to

Lopez Pass ( $48^{\circ}28'42.1"N$ ,  $122^{\circ}49'10.7"W$ ), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land ( $48^{\circ}28'52"N$ ,  $122^{\circ}49'5"W$ ) northerly to Fauntleroy Point ( $48^{\circ}31'28.4"N$ ,  $122^{\circ}47'18.8"W$ ), and including those waters within 1,500 feet of the shore of James Island.

**Area 7A** - The Drayton Harbor Preserve as defined in WAC 220-354-310.

**Area 7B** -

(1) That portion south and east of a line from William Point on Samish Island ( $48^{\circ}34'55.2"N$ ,  $122^{\circ}33'38.2"W$ ) to Saddlebag Island ( $48^{\circ}32'7.2"W$ ,  $122^{\circ}33'32.6"N$ ) to Casperson Point on Guemes Island to landfall on March Point ( $48^{\circ}29'58.4"N$ ,  $122^{\circ}33'55.9"W$ ), 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 ( $48^{\circ}46'59"N$ ,  $122^{\circ}34'25"W$ ) projected 180 degrees true for 1.80 nautical miles (nm) to a point at  $48^{\circ}45'11"N$ ,  $122^{\circ}34'25"W$ , then 250 degrees true for 0.92 nm to a point at  $48^{\circ}44'50"N$ ,  $122^{\circ}35'42"W$ , then 270 degrees true for 0.95 nm to  $48^{\circ}44'50"N$ ,  $122^{\circ}37'08"W$ , then 228 degrees true for 0.65 nm to  $48^{\circ}44'24"N$ ,  $122^{\circ}37'52"W$ , then 200 degrees true for 0.69 nm to  $48^{\circ}43'45"N$ ,  $122^{\circ}38'12"W$ , then 90 degrees true for 0.64 nm to a point just northeast of Portage Island ( $48^{\circ}43'45"N$ ,  $122^{\circ}37'14"W$ ), then 155 degrees true for 0.97 nm to a point just east of Portage Island ( $48^{\circ}42'52"N$ ,  $122^{\circ}36'37"W$ ), then 247 degrees true for 80 yards to landfall on Portage Island ( $48^{\circ}42'51.1"N$ ,  $122^{\circ}36'40.3"W$ ).

(3) \*Section reserved\* Additional coho seasonal closure: Hale Pass - Not in place for 2020.

(4) Additional chum seasonal closure: That portion of Bellingham Bay referred to as the Whatcom Creek Zone is closed east of a line projected 186 degrees true from the Bellingham Breakwater north entrance light 4 (Light List No. 19280 F1(1)R6s17m5M,  $48^{\circ}45'26.3"N$ ,  $122^{\circ}30'41.5"W$ ) at the west entrance to Squalicum Harbor, to landfall at Post Point ( $48^{\circ}42'47.4"N$ ,  $122^{\circ}31'0.5"W$ ).

**Area 7C** - That portion southeasterly of a line projected from the mouth of Oyster Creek ( $48^{\circ}36'51.6"N$ ,  $122^{\circ}26'27.8"W$ ) 237 degrees true to the fishing boundary marker on Samish Island ( $48^{\circ}34'33.1"N$ ,  $122^{\circ}31'49.3"W$ ).

**Area 8** -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island ( $48^{\circ}16'12.6"N$ ,  $122^{\circ}27'52.8"W$ ) to a white monument on the easterly point of Ika Island ( $48^{\circ}21'40.1"N$ ,  $122^{\circ}29'52.8"W$ ), thence across the Skagit River to the terminus of the jetty with McGlinn Island ( $48^{\circ}22'18.3"N$ ,  $122^{\circ}30'18.3"W$ ).

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point ( $48^{\circ}15'1.3"N$ ,  $122^{\circ}31'47.2"W$ ).

**Area 8A** -

(1) Those waters easterly of a line projected from Mission Beach ( $48^{\circ}3'19.3"N$ ,  $122^{\circ}17'23.1"W$ ) to Gedney Island Light 1 (Light List No. 18480 F1G25s15ft4M"1,"  $48^{\circ}0'15.5"N$ ,  $122^{\circ}17'49.7"W$ ), excluding the waters of Area 8D, thence through the Snohomish River Light 5 (Light List No. 18535 F1G4s16ft5M,  $47^{\circ}59'16.3"N$ ,  $122^{\circ}13'47.4"W$ ) and across the mouth of the Snohomish River to landfall on the eastern shore ( $47^{\circ}59'13.3"N$ ,  $122^{\circ}13'35"W$ ), and those waters northerly of a line from Camano Head ( $48^{\circ}3'23.2"N$ ,  $122^{\circ}21'24.6"W$ ) 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 Washington state ferry Clinton terminal ( $47^{\circ}58'28.8"N$ ,  $122^{\circ}21'5.2"W$ ) to the Washington state ferry Mukilteo terminal ( $47^{\circ}56'57"N$ ,  $122^{\circ}18'15.7"W$ ).

**Area 8D** - Those waters easterly of a line projected from the northerly most point of Mission Beach ( $48^{\circ}3'19.3"N$ ,  $122^{\circ}17'23.1"W$ ) to Hermosa Point ( $48^{\circ}3'42.7"N$ ,  $122^{\circ}17'36.4"W$ ).

**Area 9** - Those waters lying inside and westerly of a line projected from the Point No Point Light (Light List No. 16550 Fl(3)W10s27ft14M,  $47^{\circ}54'43.9"N$ ,  $122^{\circ}31'36.3"W$ ) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 FLY2.5s5MY"SE," ( $47^{\circ}55'26.8"N$ ,  $122^{\circ}29'30.7"W$ ), thence to landfall at ( $47^{\circ}55'4.2"N$ ,  $122^{\circ}32'46"W$ ) on Norwegian Point.

**Area 9A** -

(1) Those waters north of a line projected from the southern edge of the old mill site ( $47^{\circ}51'05.5"N$ ,  $122^{\circ}34'59"W$ ) to the fallen tree on the opposite shore ( $47^{\circ}51'6.6"N$ ,  $122^{\circ}34'15.9"W$ ).

(2) Those waters within 1000 feet of all freshwater streams.

**Area 10** -

(1) Those waters easterly of a line projected from Meadow Point ( $47^{\circ}41'35.9"N$ ,  $122^{\circ}24'21.6"W$ ) to West Point ( $47^{\circ}39'43.6"N$ ,  $122^{\circ}26'8.5"W$ ).

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson ( $47^{\circ}44'51.7"N$ ,  $122^{\circ}28'25.6"W$ ) to the northernmost portion of Point Monroe ( $47^{\circ}42'32"N$ ,  $122^{\circ}30'43.5"W$ ).

(3) Additional pink seasonal closure: The area east inside of the line projected from West Point ( $47^{\circ}39'43.6"N$ ,  $122^{\circ}26'8.5"W$ ) and extending west to the traffic separation lane Lighted Buoy SG (Light List No. 16815 FLY2.5s5MY"SG,"  $47^{\circ}39'41.6"N$ ,  $122^{\circ}27'52.6"W$ ), thence 20 degrees true until reaching latitude  $47^{\circ}44'30.0"N$ , thence extending directly east to the shoreline ( $47^{\circ}44'30"N$ ,  $122^{\circ}22'40.5"W$ ).

(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude  $47^{\circ}44'30.0"N$ .

(5) Additional chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 Fl5s39ft16M,  $47^{\circ}34'34.5"N$ ,  $122^{\circ}25'14"W$ ) to the Fourmile Rock Light 1 (Light List No. 16810 FlG6s15ft6M"1,"  $47^{\circ}38'20.4"N$ ,  $122^{\circ}24'48.7"W$ ), and those waters northerly of a line projected from Point Wells to traffic separation lane Lighted Buoy SF (Light List No. 16745 FLY2.5s5MY"SF,"  $47^{\circ}45'53"N$ ,  $122^{\circ}26'15.7"W$ ), then west to President's Point ( $47^{\circ}45'57.2"N$ ,  $122^{\circ}28'20.1"W$ ).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point ( $47^{\circ}33'55"N$ ,  $122^{\circ}31'56"W$ ) to Beans Point ( $47^{\circ}34'29"N$ ,  $122^{\circ}31'20"W$ ) on Bainbridge Island, and westerly of a line projected from Restoration Point ( $47^{\circ}35'1"N$ ,  $122^{\circ}28'46"W$ ) to landfall at Colchester ( $47^{\circ}32'41"N$ ,  $122^{\circ}32'22.6"W$ ) true west from the northwest point of Blake Island.

**Area 10E** - Those waters of Liberty Bay north of a line projected true east from  $47^{\circ}41'56.4"N$ ,  $122^{\circ}36'53.5"W$  to  $47^{\circ}41'56.4"N$ ,  $122^{\circ}36'17.4"W$ , 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 Washington state ferry Bremerton terminal ( $47^{\circ}33'43.9"N$ ,  $122^{\circ}37'31.1"W$ ) to landfall at Port Orchard ( $47^{\circ}33'43.9"N$ ,  $122^{\circ}35'31.1"W$ ).

**Area 11** -

(1) The waters of Gig Harbor, northerly of a line projected true west from the Gig Harbor Light (Light List No. 17221 FlR4s13ft3MPri., 47°19'35.7"N, 122°34'29.2"W). The waters of Commencement Bay, south of a line from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the northernmost point of land on Point Defiance (47°19'7.7"N, 122°32'23.9"W).

(2) Additional chum seasonal closure: Those waters south of a line projected from the Gig Harbor Light (Light List No. 17221 FlR4s13ft3MPri., 47°19'35.7"N, 122°34'29.2"W) to the Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), south of a line projected from Neill Point (47°19'53"N, 122°29'33"W) to Piner Point (47°20'37"N, 122°27'17"W), west of a line projected from Piner Point (47°20'37"N, 122°27'17"W) to Dash Point (47°19'10"N, 122°25'47"W), and north of Area 11/11A line.

**Areas 12, 12B, and 12C** - Those waters within 1,000 feet of the eastern shore.

**Area 12** - Those waters inside and easterly of a line projected from Lone Rock (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FlG2.5s20ft4M"13," 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

**Area 12 - Additional chum seasonal closures:** Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the Hood Canal Light 11 on the opposite shore (Light List No. 17845 FLG4s15ft5M"11," 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line are closed (~~to purse seines. Alternatively, WDFW managed gillnet vessels will be authorized to fish this area October 21, October 24, October 28, and October 31~~).

**Area 12A** -

(1) Those waters north of a line projected due east from Broad Spit (47°48'37.8"N, 122°48'59.3"W) to landfall on the Toandos Peninsula (47°48'37.8"N, 122°47'42.5"W).

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

**Area 12B** -

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point (47°35'6.6"N, 122°57'52.8"W) to Triton Head (47°36'10.9"N, 122°59'0.5"W).

**Area 12C** -

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"W, 23°7'50.7"N) and the Port of Hoodsport marina dock (47°24'12.6"N, 123°8'29.5"W).

(2) Those waters south of a line projected 107 degrees true from the Cushman Powerhouse (47°22'11.2"N, 123°09'35.9"W) to the Union boat launch (47°21'27.5"N, 123°6'1.9"W).

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

**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 from 47°21'47.5"N, 122°41'10.1"W to 47°21'9.8"N, 122°41'57.7"W, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit (47°19'58.6"N, 122°43'42.7"W) at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

**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:	7AM - 6PM	<u>10/10, 10/11, 10/12,</u> <u>10/14, 10/15, 10/18,</u> <u>10/19, 10/20, 10/21,</u> <u>10/22, 10/23, 10/24,</u> <u>10/25, 10/26, 10/27,</u> <u>10/28, 10/29, 10/30,</u> <u>10/31((, 11/1, 11/2))</u>
	7AM - 5PM	<u>11/1, 11/2, 11/3, 11/4,</u> <u>11/5, 11/6, 11/7((, 11/8,</u> <u>11/9))</u>

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	-	((8/14, 8/21, 8/28, 9/4)) 8/19, 8/26, 9/2
	7AM - 7PM	-	<u>9/7, 9/9, 9/11((, 9/13))</u>
7B:	7AM - 7PM	-	<u>9/14, 9/16, 9/18((, 9/20))</u>
	7AM ((9/22)) 9/20	-	6PM ((11/2)) <u>10/24</u>
	((7AM 11/4	-	4PM 11/8
	7AM 11/11	-	4PM 11/15
	7AM 11/18	-	4PM 11/22
	7AM 11/25	-	4PM 11/29
	7AM 12/2	-	4PM 12/6))
	<u>7AM - 6PM</u>	-	<u>10/28</u>
	<u>7AM - 5PM</u>	-	<u>11/4</u>
	<u>7AM - 5PM</u>	-	<u>11/11</u>
	<u>7AM - 5PM</u>	-	<u>11/18</u>
	<u>7AM - 5PM</u>	-	<u>11/25</u>
	<u>7AM - 5PM</u>	-	<u>12/2</u>

Note: The Whatcom Creek Zone: 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 12:01 a.m. on the last Monday in October to 4:00 p.m. on the first Friday in December))  
CLOSED.

8:	Closed		
8A:	Closed		
8D:	((7AM - 7PM	-	<u>9/24, 10/1</u>
	<u>7AM - 6PM</u>	-	<u>10/8, 10/16, 10/22,</u> <u>10/28</u>
	<u>7AM - 5PM</u>	-	<u>11/5, 11/7, 11/11,</u> <u>11/19, 11/27))</u>
	<u>Closed</u>		
10, 11:	7AM - 6PM	-	((10/16, 10/23, 10/28)) <u>10/15, 10/20, 10/26</u>
	7AM - 5PM	-	<u>11/3, 11/5((, 11/7))</u>
12, 12B:	7AM - 6PM	-	((10/16, 10/23, 10/28)) <u>10/15, 10/20, 10/26</u>

AREA	TIME	DATE
	7AM - 5PM	((11/5, 11/7, 11/13, 11/19, 11/24)) 11/3, 11/5, 11/9, 11/17
12C:	7AM - 5PM	((11/5, 11/7, 11/13, 11/19, 11/27)) 11/3, 11/5, 11/9, 11/17

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, 12, 12B, and 12C, 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.

AMENDATORY SECTION (Amending WSR 19-15-051, filed 7/12/19, effective 8/12/19)

**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, 9/23, 9/24, 9/25, ((9/26, 9/27)) 9/28, 9/29, 9/30, 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, 10/14, 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))	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 14. 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	6 1/4"
	7AM -	Midnight	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))	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October 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 ((8/11, 8/12, 8/13)) 8/16, 8/17, 8/18, 8/19, ((8/20, 8/21)) 8/23, 8/24, 8/25, 8/26((, 8/27, 8/28))	7"
	7AM ((9/4)) 8/30	-	7AM ((9/5)) 9/4	5"
	7AM ((9/8)) 9/6	-	7AM ((9/12)) 9/11	5"

AREA	TIME		DATE(S)	MINIMUM MESH
7B:	7AM ((9/15)) <u>9/13</u>	-	7AM ((9/19)) <u>9/18</u>	5"
	7AM ((9/22)) <u>9/20</u>	-	Midnight ((11/3)) <u>10/31</u>	5"
	7AM <u>10/27</u>	-	<u>4PM 10/28</u>	<u>6 1/4"</u>
	7AM ((11/4)) <u>11/3</u>	-	4PM ((11/8)) <u>11/4</u>	6 1/4"
	6AM ((11/11)) <u>11/10</u>	-	4PM ((11/15)) <u>11/11</u>	6 1/4"
	6AM ((11/18)) <u>11/17</u>	-	4PM ((11/22)) <u>11/18</u>	6 1/4"
	7AM ((11/25)) <u>11/24</u>	-	4PM ((11/29)) <u>11/25</u>	6 1/4"
	7AM ((12/2)) <u>12/1</u>	-	4PM ((12/6)) <u>12/2</u>	

Note: In Area 7C the minimum mesh size is 7" through 9/12.

Note: The Whatcom Creek Zone: 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 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) CLOSED.

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	5"
	6PM	-	8AM	Closed	5"

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	6PM	-	8AM	((Nightly 9/22, 9/26, 9/29, 10/3, 10/6, 10/10)) <u>Closed</u>	5"
	6PM ((9/23))	-	8AM ((9/25))	<u>Closed</u>	5"
	6PM ((9/30))	-	8AM ((10/2))	<u>Closed</u>	5"
	6PM ((10/7))	-	8AM ((10/9))	<u>Closed</u>	5"
	5PM	-	9AM	((10/13, 10/17, 10/20, 10/24, 10/27, 10/31)) <u>Closed</u>	5"
	5PM ((10/14))	-	9AM ((10/16))	<u>Closed</u>	5"
	5PM ((10/21))	-	9AM ((10/23))	<u>Closed</u>	5"
	5PM ((10/28))	-	9AM ((10/30))	<u>Closed</u>	5"
	4PM	-	8AM	((11/3, 11/7)) <u>Closed</u>	5"
	4PM ((11/4))	-	8AM ((11/6))	<u>Closed</u>	5"
	6AM	-	6PM	((11/13, 11/14, 11/15, 11/20, 11/21, 11/22)) <u>Closed</u>	6 1/4"
	7AM	-	6PM	((11/27, 11/28, 11/29)) <u>Closed</u>	6 1/4"

9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM ((8/48)) <u>8/16</u>	-	7PM ((11/2)) <u>10/31</u>	5"
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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, 11:	5PM	-	9AM	NIGHTLY ((10/17, 10/20, 10/24, 10/29, 10/31, 11/3)) 10/13, 10/18, 10/22, 10/27, 10/29, 11/1, 11/4	6 1/4"
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AREA	TIME		DATE(S)	MINIMUM MESH
	((4PM	-	7AM	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.
12, 12B:	7AM	-	8PM	((10/17, 10/21, 10/24)) <u>10/13, 10/19, 10/22, 10/27, 10/29</u>
	7AM	-	7PM	((10/28, 10/31)) <u>11/2, 11/4</u>
	6AM	-	6PM	((11/4, 11/6, 11/12, 11/14, 11/18, 11/20)) <u>11/10, 11/12, 11/16, 11/18</u>
12C:	6AM	-	6PM	((11/4, 11/6, 11/12, 11/14, 11/18, 11/20)) <u>11/10, 11/12, 11/16</u>
	((7AM	-	6PM	11/27 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 WSR 19-15-051, filed 7/12/19, effective 8/12/19)

**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	((9/22-11/9)) <u>9/20-11/7</u>

(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 prior to October 1.

(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.

**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	8/18, 8/19, 8/20, ((8/21, 8/22)) 8/24, 8/25, 8/26, 8/27, 8/28, ((8/29, 8/30)) 8/31, 9/1, 9/2, 9/3, 9/4, ((9/5, 9/6)) 9/7, 9/8, 9/9, 9/10, 9/11, ((9/12, 9/13)) 9/14, 9/15, 9/16, 9/17, 9/18, ((9/19, 9/20)) 9/21, 9/22, 9/23, 9/24, 9/25, ((9/26, 9/27)) 9/28, 9/29, 9/30, 10/1, 10/2((, 10/3, 10/4))
12C, Hoodsport Hatchery Zone:	7AM - 7PM	((7/30, 8/1, 8/6, 8/8, 8/13, 8/15, 8/20, 8/22, 8/27, 8/29, 9/3, 9/5)) 7/27, 7/29, 8/3, 8/5, 8/10, 8/12, 8/17, 8/19, 8/24, 8/26, 8/31, 9/2 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.