



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: September 17, 2020

TIME: 2:18 PM

WSR 20-19-097

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 20-16-146 on August 5, 2020 ; 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) Ocean salmon troll and recreational fishing regulations—the department is considering reorganizing rules with new WAC numbers and amending current rules as follows:

New Sections:

Chapter 220-306 WAC FISH—SALMON CONTROL ZONES

WAC 220-306-001 – Cape Flattery Control Zone.

WAC 220-306-002 – Salmon Troll Yelloweye Rockfish Conservation Area.

WAC 220-306-003 – Grays Harbor Control Zone.

WAC 220-306-004 – Columbia River Control Zone.

WAC 220-313-075 – Pacific Ocean Salmon.

Amendments:

WAC 220-313-010 Salmon statewide rules.

WAC 220-313-020 Closed areas—Saltwater salmon angling.

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

WAC 220-350-220 Definitions—Troll line.

WAC 220-350-230 Definitions—Troll spread.

WAC 220-354-300 Coastal salmon troll seasons—Commercial.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 27, 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: https://wdfw.wa.gov/about/regulations/development#pending-rule-making for instructions on how to join the meeting

Date of intended adoption: November 2, 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:

By (date) October 21, 2020, at 5:00 pm

Assistance for persons with disabilities:

Contact Delores Noyes

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: Delores.Noyes@dfw.wa.gov

Other:

By (date) October 21, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules are designed to align better with the Pacific Fishery Management Council (PFMC) process and annual North of Falcon salmon season setting process. Most of these regulations have been in effect for ten or more years, while others (e.g., fishing associated with the Leadbetter Point line) have only been in effect for about the past five years; however, the department's permanent rules for ocean salmon troll have not been revised since 2001 and the ocean salmon recreational rules are also out of date. Given the timing of the annual North of Falcon and PFMC processes, and the subsequent adoption of implementing regulations by the National Marine Fisheries Service (NMFS), WDFW typically opens the salmon troll and ocean recreational fisheries via emergency rules.

The purpose of the proposal is to update the department's ocean salmon troll and ocean salmon recreational fishing regulations for consistency with the NMFS federal regulations and reorganize them for clarity and understanding by the salmon troll fishery participants and recreating public.

Specifically, the proposed reorganization includes: 1) having a discrete set of regulations just for the Control Zones and conservation areas closed to ocean salmon fishing; and 2) separating the ocean (i.e., Marine Areas 1-4) recreational salmon fishing regulations from the broader "coastal recreational salmon" regulations, which includes Willapa Bay (Area 2-1) and Grays Harbor (Area 2-2). Annual regulations for these subareas 2-1 and 2-2 will continue to be developed and considered through the state's NOF process with the intent of maintaining consistency with Marine Area 2 (ocean) for the western portion of those areas.

Given that the season opening dates change annually and the timing of the NOF and PFMC processes and the NMFS regulatory process are not likely to change significantly, WDFW intends to continue to open both the salmon troll and ocean recreational fisheries via emergency rule.

It is also our intent to include in the permanent rules only those provisions that are not likely to be subject to annual changes. Provisions that are likely to be subject to annual changes, such as season dates and effective date of the Grays Harbor Control Zone, and items that have varied recently and may vary in the future (e.g., area-specific chinook size limits) will continue to be addressed via emergency rule.

Reasons supporting proposal: These proposed rules were 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.

The annual North of Falcon salmon season setting process is an extensive stakeholder engagement process that typically begins in January 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 includes government-to-government meetings involving the National Marine Fisheries Service (NMFS), treaty tribes, and WDFW representatives. Through the PFMC process, 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, and develop ocean salmon fishing season options.

As noted above, WDFW typically opens the salmon troll and ocean recreational salmon fisheries via emergency rule and with the adoption of these proposed rules that process is not expected to change. Through those emergency rules, WDFW has included all of the long-standing regulations (e.g., Control Zones, restrictions and notification requirements regarding fishing north and south of Leadbetter Point) that were considered and approved through the North of Falcon and PFMC processes and adopted by NMFS in federal regulations. This practice has essentially made our permanent rules for these fisheries obsolete and results in disparity between federal and state regulations outside of the fishing season, which can be misleading and cause confusion for individuals reviewing and comparing those rules. Further, including all of the long-standing regulations in the emergency rules is time-consuming and may result in disparities between federal and state fishing regulations.

In summary, WDFW believes that updating our permanent rules to include all of the long-standing regulations that are not likely to change: 1) helps ensure consistency between federal and state regulations; 2) promotes greater understanding and predictably for the fishing public; 3) reduces work for staff who develop, review, and file the emergency rules; and 4) enhances enforcement of our regulations.

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:	Wendy Beeghley	48 Devonshire Road, Montesano, WA 98563	360-249-1215
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: A cost-benefit analysis is not required for this rule-making.

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:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((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,” these commercial fishing rules do not impose new direct costs of regulatory compliance. These rule changes clarify dates for anticipated open periods and areas for 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: September 17, 2020

Name: Michele K Culver

Title: Agency Rules Coordinator

Signature:



**Chapter 220-306 WAC
FISH—SALMON CONTROL ZONES**

NEW SECTION

WAC 220-306-010 Cape Flattery Control Zone. This area is defined as the area from Cape Flattery (48°23'00"N. lat.) to the northern boundary of the U.S. Exclusive Economic Zone; and the area from Cape Flattery extending south to Cape Alava (48°10'00"N. lat.) that is east of 125°05'00"W. long.

NEW SECTION

WAC 220-306-020 Salmon Troll Yelloweye Rockfish Conservation Area. This area is defined as: Beginning at 48°00.00'N. lat., 125°14.00'W. long.; thence to 48°02.00'N. lat., 125°14.00'W. long.; thence to 48°02.00'N. lat., 125°16.50'W. long.; thence to 48°00.00'N. lat., 125°16.50'W. long.; thence to the point of origin.

NEW SECTION

WAC 220-306-030 Grays Harbor Control Zone. This area is defined by a line drawn from the Westport Lighthouse (46°53'18"N. lat., 124°07'01"W. long.); thence to Buoy #2 (46°52'42"N. lat., 124°12'42"W. long.); thence to Buoy #3 (46°55'00"N. lat., 124°14'48"W. long.); thence to the Grays Harbor north jetty (46°55'36"N. lat., 124°10'51"W. long.).

NEW SECTION

WAC 220-306-040 Columbia River Control Zone. This area is at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35"N. lat., 124°06'50"W. long.) and the green lighted Buoy #7 (46°15'09"N. lat., 124°06'16"W. long.); on the east by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00"N. lat., 124°03'07"W. long. to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48"N. lat., 124°05'20"W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south

jetty (46°14'03"N. lat., 124°04'05"W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

- WAC 220-313-010 Salmon statewide rules.** (1) In fresh water (~~(and in Marine Areas 2-1 and 2-2 east of the Buoy 13 line)~~):
- (a) Adult salmon are defined as:
 - (i) Chinook over 24 inches in length;
 - (ii) Coho over 20 inches in length;
 - (iii) Pink, chum or sockeye over 12 inches in length; and
 - (iv) Atlantic salmon of any size.
 - (b) In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.
- (2) In (~~Marine Areas 1 through 4, in~~) Area 2-1 from the opening date of adjacent ocean waters through (~~August 15~~) July 31, and in Area 2-2 west of the Buoy 13 line, (~~Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon~~) the size limits specified for Marine Area 2 in WAC 220-313-075 apply.
- (3) In Marine Areas 5 through 13, Chinook salmon must be not less than 22 inches in length, except in waters listed in this subsection, but there is no minimum size for other salmon.
- (a) Marine Area 12 south of Ayock from July 1 through September 30: Chinook salmon must be not less than 20 inches in length.
 - (b) Marine Area 12 Hoodspout Hatchery Zone from July 1 through December 30: No minimum size for Chinook.
- (4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.
- (5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.
- (6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

WAC 220-313-020 Closed areas—Saltwater salmon angling. The following areas are closed to salmon angling during the times indicated:

- (1) Bellingham Bay: Those waters of Bellingham, Samish, and Padilla Bays, easterly of a line from Sandy Point to the northern most point of Lone Tree Island, thence easterly of a line from Lone Tree Island to the northeast point of Sinclair Island, thence from the southeastern most point on Sinclair Island to Clark Point on Guemes Island, thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, thence to Yellow Bluff Reef range marker, thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish

Slough: Closed to salmon angling March 1 through April 30 and July 1 through August 15.

(2) Carr Inlet: Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek: Closed to salmon angling April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp: Closed to salmon angling July 1 through August 15 and March 1 through April 15.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point: Closed to salmon angling March 1 through April 30 and July 1 through September 30.

(5) ~~((Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W), and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W), and then along the south jetty to the point of intersection with the Buoy #10 line: Closed to salmon angling at all times, except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling, or when the Buoy 10 fishery is open.~~

~~(6))~~ Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay: Closed to salmon angling April 1 through April 30 and June 1 through July 31.

~~((7))~~ (6) Southern Rosario Strait and the eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south-southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary: Closed to salmon angling July 1 through September 30.

~~((8))~~ (7) Kydaka Point - Waters south of a line from Kydaka Point to Shipwreck Point - Closed to salmon angling ~~((May 31))~~ June 1 through October 31.

~~((9))~~ (8) Port Angeles Harbor - Waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock: Closed to salmon angling from July 1 through August 15.

~~((10))~~ (9) 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 ~~((7))~~ Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to con-

stitute a violation of RCW 77.15.370((7)) Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

AMENDATORY SECTION (Amending WSR 20-14-052, filed 6/25/20, effective 7/26/20)

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 19: Closed.~~

~~(b) Open June 20 through June 28:~~

~~(i) Daily limit 1 salmon.~~

~~(ii) Release all coho.~~

~~(iii) Chinook minimum length 22 inches.~~

~~(c) Open June 29 through September 30:~~

~~(i) Daily limit 2 salmon; no more than 1 may be a Chinook.~~

~~(ii) Release wild coho.~~

~~(iii) Chinook minimum length 22 inches.~~

~~(d) October 1 through April 30: Closed.~~

~~(e) 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 19: Closed.~~

~~(b) Open June 20 through June 28:~~

~~(i) Daily limit 1 salmon.~~

~~(ii) Release all coho.~~

~~(iii) Chinook minimum length 22 inches.~~

~~(c) Open June 29 through September 30; Sundays through Thursdays only (closed Fridays and Saturdays):~~

~~(i) Daily limit 2 salmon; no more than 1 may be a Chinook.~~

~~(ii) Release wild coho.~~

~~(iii) Chinook minimum length 22 inches.~~

~~(iv) Beginning August 10, 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).~~

~~(d) October 1 through April 30: Closed.~~

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

~~(a) ((May 1 through June 19: Closed.~~

~~(b) June 20 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.~~

~~(c) Open August 1 through January 31:~~

~~(i) Daily limit 6 salmon; up to 2 may be adult salmon.~~

~~(ii) Release wild Chinook.~~

~~(iii)) Open concurrent with Area 2 as specified in WAC 220-313-075; otherwise closed, except as described in (b) of this subsection.~~

(b) Beginning August 1, the Willapa Bay Control Zone is open. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west from a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

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

~~((v))~~ (d) 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°43.19'N, 123°50.83'W are closed August 1 through September 30.

~~((d) February 1 through April 30: Closed.~~

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

(a) Humpstulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff.

(i) May 1 through July 31: Closed.

(ii) Open August 1 through September 15:

(A) Daily limit 1 salmon.

(B) Release wild Chinook and wild coho.

(b) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

(i) Open September 23 through November 30:

(A) Daily limit 1 salmon.

(B) Release Chinook.

(ii) 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 Brackenridge Bluff (46°59.12'N, 124°00.72'W) and 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): Closed.

(c) 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 6 salmon; up to 4 may be adult salmon.

(ii) Release Chinook.

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

~~((6))~~ (3) **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):** ~~((a) May 1 through June 19: Closed.~~

~~(b) June 20 through August 9: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.~~

~~(c) August 10 through April 30: Closed.~~

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

~~(a) May 1 through June 19: Closed.~~

~~(b) Open June 20 through June 28:~~

~~(i) Daily limit 1 salmon.~~

~~(ii) Release all coho.~~

~~(c) Open June 29 through September 30:~~

~~(i) Daily limit 2 salmon.~~

- ~~(ii) Release wild coho.~~
- ~~(iii) Release chum salmon beginning August 1.~~
- ~~(d) October 1 through April 30: Closed.~~

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

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

~~(b) May 1 through June 19: Closed.~~

~~(c) June 20 through June 28:~~

~~(i) Daily limit 1 salmon.~~

~~(ii) Release all coho.~~

~~(d) Open June 29 through September 30:~~

~~(i) Daily limit 2 salmon.~~

~~(ii) Release wild coho.~~

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

~~(iv) Release chum salmon beginning August 1.~~

~~(e) October 1 through April 30: Closed.~~

~~(9)) Open concurrent with Area 2 as specified in WAC 220-313-075.~~

~~(4) 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 ((~~7~~)) 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 ((~~7~~)) Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.~~

NEW SECTION

WAC 220-313-075 Pacific Ocean Salmon—Seasons—Closed Areas. (1)

It is unlawful to take, fish for, or possess salmon taken for personal use in Pacific Ocean waters except as provided for in this section:

(a) Marine Area 1: Closed except as provided by emergency rule. Closed in the Columbia River Control Zone during all open periods. See WAC 220-306-040.

(b) Marine Area 2: Closed except as provided by emergency rule. Closed in the Grays Harbor Control Zone, unless provided by emergency rule. See WAC 220-306-030.

(c) Marine Area 3: Closed except as provided by emergency rule.

(d) Marine Area 4: Closed except as provided by emergency rule. Closed in Marine Area 4 waters south of a line from Kydaka Point to Shipwreck Point.

(2) 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—Criminal wildlife penalty assessment.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-350-220 Definitions—Troll line. "Troll line" when relating to its use for commercial purposes shall be defined as a ~~((fishing))~~ line used to drag a ~~((lure or lures))~~ hook or hooks behind a moving fishing vessel that is ~~((under power))~~ making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. The troll line must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-350-230 Definitions—Troll spread. "Troll spread" shall be defined as a ~~((readily detachable line more than 4 inches in length, which has one or more lures attached to it, and is attached to the main troll line which cannot be removed from the vessel during its operation))~~ single leader connected to the troll line and to an individual lure and/or bait.

WAC 220-354-300 Coastal salmon troll seasons—Commercial. It is unlawful to take, fish for, or possess salmon taken with troll gear in Pacific Ocean waters or to land salmon taken with troll gear from Pacific Ocean waters into a Washington port except (~~during the seasons provided for in this section.~~

~~(1) SMCRA 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1, 2001, and remain open through June 30, 2001, or until the chinook quota is taken. Unlawful to retain coho. No more than 4 spreads per line beginning June 1. Cape Flattery and Columbia River Control Zones closed.~~

~~(2) SMCRA 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001, and remains open through July 27, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.~~

~~(3) SMCRA 1 opens July 20, 2001, and remains open through September 30, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Columbia River Commercial Control Zone closed.~~

~~(4) SMCRA 2 south of the Queets River opens July 28, 2001 or upon closure of the fishery provided for in subsection (2) of this section, and remains open concurrent with the fishery provided for in subsection (3) of this section.~~

~~(5) In all fisheries provided for in this section, chinook minimum size 28 inches and coho minimum size 16 inches) as provided by emergency rule.~~

(1) Closed in Salmon Control Zones defined in chapter 220-306 WAC except as provided in emergency rule.

(2) Minimum size limits for Chinook and coho will be specified in emergency rule. No minimum size for pink, sockeye or chum salmon.

(~~(6)~~ Lawful troll gear is restricted to) No chum retention north of Cape Alava (48°10'00"N. lat.) beginning August 1 continuing through September 30.

(3) Salmon may be taken only by hook and line using single point, single shank, barbless hooks.

(~~(7)~~ It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the SMCRA fished, or within an adjacent SMCRA closed to all-citizen troll fishing.

(9) The Cape Flattery Commercial Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(10) The Columbia River Commercial Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line run-

ning northeast/southwest between the red lighted Buoy #4 (46°13'35" N. latitude, 124°06'50" W. longitude) and the green lighted Buoy #7 (46°15'09" N. latitude, 124°06'16" W. longitude); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. latitude, 124°03'07" W. longitude to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. latitude, 124°05'20" W. longitude) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. latitude, 124°04'05" W. longitude), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) Vessels intending to land their catch taken south of Cape Falcon into a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.) (4) It is unlawful for a vessel to have troll or recreational gear in the water while in any area closed to fishing for certain species of salmon while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

(5) Salmon may not be filleted prior to landing.

(6) Vessels must land and deliver their salmon within twenty-four hours of any closure of this fishery.

(7) All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open or has been closed less than forty-eight hours for that species of salmon. Salmon may be landed in an area that has been closed for a species of salmon more than forty-eight hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught.

(8) During any single trip, only one side of the Leadbetter Point line (46°38'10"N. lat.) may be fished.

(a) Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver all species of fish within the area south of Leadbetter Point.

(b) For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at 360-249-1215 prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery.

(c) Vessels may not land fish east of the Megler-Astoria bridge.

(9) Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll and/or salmon delivery license.

(a) Vessels in possession of salmon south of the Queets River may not cross the Queets River line (47°31'42"N. lat.) without first notifying WDFW at 360-249-1215 with area fished, total Chinook, coho, and halibut catch aboard and destination.

(b) Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 with area fished, total Chinook, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.