

WSR 24-10-101
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-02—Filed April 30, 2024, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-121 on January 19, 2024.

Title of Rule and Other Identifying Information: 2024 North of Falcon Puget Sound commercial salmon seasons. The Washington department of fish and wildlife (WDFW) is proposing amendments to WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

Hearing Location(s): On June 4, 2024, at 10:00 a.m., via Zoom meeting. Register in advance for this meeting https://us02web.zoom.us/webinar/register/WN_AiZYCw2GS8eP3yG5S6pHGA. After registering, you will receive a confirmation email containing information about joining the meeting.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: WDFW rules coordinator, public comment website <https://publicinput.com/nof2024-ps-commercial>, email nof2024-ps-commercial@PublicInput.com, fax voice mail comments 855-925-2801, project code 6195, by June 4, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA coordinator, phone 360-902-2349, TTY 711 or 360-902-2207, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by May 28, 2024.

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 2024, and provided the season schedule for the 2024 commercial fisheries in Puget Sound.

These proposed rules regulate the commercial fisheries in Puget Sound and are part of a comprehensive rule-making package to implement the new 2024-2025 salmon seasons for Washington state developed through the broader North of Falcon process pursuant to the fish and wildlife commission's (commission) North of Falcon Policy C-3608 for 2024-2028. 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 commission policies are met. Though drafted as amendments to preceding rules, these new amendments function as a coordinated and unitary fishery package for the 2024-2025 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 rule-making proposal is to replace and supersede the language in these WAC entirely: WAC 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods,

220-354-150 Puget Sound salmon—Gillnet—Daily hours, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear, and 220-354-210 Puget Sound salmon—Beach seine—Open periods.

WDFW is proposing specific revisions to these rules to describe the seasons and dates for these fisheries for 2024, however, all of the provisions encompassed within the WAC listed above are available for public review and comment, and WDFW will consider all public comments received on this rule making.

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°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 state-wide and regional level, to review preseason run size forecasts, and 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. Meeting schedules and information can be found on WDFW's website at <https://wdfw.wa.gov/fishing/management/north-falcon>.

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>.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Christina Iverson, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2717; Implementation: Kyle Adicks, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2664; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt under RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: WDFW is exempt from the requirements of chapter 19.85 RCW because, while WDFW considers commercial fishers to be a "small business," the commercial fishing rules proposed for 2024-2025 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 WDFW's analysis, the proposed rules do not require any new or additional equipment, supplies, labor, or administrative costs.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5371.2

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

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°9'16"N, 123°7'48"W, east to waters within 500 feet of Meadowbrook Creek mouth (48°9'7"N, 123°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°36'5.1"N, 122°47'59.7"W) northeasterly to Lawrence Point (48°39'38.1"N, 122°44'31"W), thence west to a point intercepting a line projected from the northernmost point of Jones Island (48°37'17"N, 123°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°34'3.1"N, 122°40'5.5"W) to the northernmost point of Cypress Island (48°36'31.5"N, 122°42'42.2"W).

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

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

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island (48°26'33.1"N, 122°40'42.3"W) to the Williamson Rocks Lighted Buoy 4 (Light List No. 19335 FlR4s4M"4"RED, 48°26'51"N, 122°42'27.8"W), thence to the Dennis Shoal Buoy 6 (Light List No. 19345 Red Nun, 48°27'27"W, 122°42'57"N), thence to Burrows Island Light (Light List No. 19350 FlW6s57ft7MHorn(Bl(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°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°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°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°25'14.2"N, 122°40'04.5"W) northerly to Biz Point (48°26'33.1"N, 122°40'42.3"W).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville (48°25'17.1"N, 122°48'50.7"W) northerly to Lopez Pass (48°28'42.1"N, 122°49'10.7"W), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southern-most point of land (48°28'52"N, 122°49'5"W) northerly to Fauntleroy Point (48°31'28.4"N, 122°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°34'55.2"N, 122°33'38.2"W) to Saddlebag Island (48°32'7.2"W, 122°33'32.6"N) to Casperson Point on Guemes Island to landfall on March Point (48°29'58.4"N, 122°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°46'59"N, 122°34'25"W) projected 180 degrees true for 1.80 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250 degrees true for 0.92 nm to a point at 48°44'50"N, 122°35'42"W, then 270 degrees true for 0.95 nm to 48°44'50"N, 122°37'08"W, then 228 degrees true for 0.65 nm to 48°44'24"N, 122°37'52"W, then 200 degrees true for 0.69 nm to 48°43'45"N, 122°38'12"W, then 90 degrees true for 0.64 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 155 degrees true for 0.97 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W), then 247 degrees true for 80 yards to landfall on Portage Island (48°42'51.1"N, 122°36'40.3"W).

(3) *Section reserved* Additional coho seasonal closure: Hale Pass - Not in place for ((2021)) 2024.

(4) Additional chum seasonal closure: That portion of Bellingham Bay referred to as the Whatcom Creek Zone (~~is closed~~) east of a line projected 180 degrees true from the Bellingham Breakwater north entrance light 4 (Light List No. 19280 Fl(1)R6s17m5M, 48°45'26.3"N, 122°30'41.5"W) at the west entrance to Squalicum Harbor, to landfall east of Post Point (48°43'18.2"N, 122°30'41.5"W) - Closure not in place for 2024.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237 degrees true

to the fishing boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

Area 8 -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island (48°16'12.6"N, 122°27'52.8"W) to a white monument on the easterly point of Ika Island (48°21'40.1"N, 122°29'52.8"W), thence across the Skagit River to the terminus of the jetty with McGlinn Island (48°22'18.3"N, 122°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°15'1.3"N, 122°31'47.2"W).

Area 8A -

(1) Those waters easterly of a line projected from Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 FlG25s15ft4M"1, 48°0'15.5"N, 122°17'49.7"W), excluding the waters of Area 8D, thence through the Snohomish River Light 5 (Light List No. 18535 FlG4s16ft5M, 47°59'16.3"N, 122°13'47.4"W) and across the mouth of the Snohomish River to landfall on the eastern shore (47°59'13.3"N, 122°13'35"W), and those waters northerly of a line from Camano Head (48°3'23.2"N, 122°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°58'28.8"N, 122°21'5.2"W) to landfall on the eastern shore (47°56'57"N, 122°18'15.7"W).

Area 8D - Those waters easterly of a line projected from the northerly most point of Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Hermosa Point (48°3'42.7"N, 122°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°54'43.9"N, 122°31'36.3"W) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 FlY2.5s5MY"SE, 47°55'26.8"N, 122°29'30.7"W), thence to landfall at (47°55'4.2"N, 122°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°51'05.5"N, 122°34'59"W) to the fallen tree on the opposite shore (47°51'6.6"N, 122°34'15.9"W).

(2) Those waters within 1000 feet of Port Gamble Creek and Martha John Creek.

Area 10 -

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

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

(3) Additional pink seasonal closure: The area east inside of the line projected from West Point (47°39'43.6"N, 122°26'8.5"W) and extending west to the traffic separation lane Lighted Buoy SG (Light List No. 16815 FlY2.5s5MY"SG, 47°39'41.6"N, 122°27'52.6"W), thence 20 degrees true until reaching latitude 47°44'30.0"N, thence extending directly east to the shoreline (47°44'30"N, 122°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°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°34'34.5"N, 122°25'14"W) to the Fourmile Rock Light 1 (Light List No. 16810 FlG6s15ft6M"1," 47°38'20.4"N, 122°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°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point (47°33'55"N, 122°31'56"W) to Beans Point (47°34'29"N, 122°31'20"W) on Bainbridge Island, and westerly of a line projected from Restoration Point (47°35'1"N, 122°28'46"W) to landfall at Colchester (47°32'41"N, 122°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°41'56.4"N, 122°36'53.5"W to 47°41'56.4"N, 122°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°33'43.9"N, 122°37'31.1"W) to landfall at Port Orchard (47°33'43.9"N, 122°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 FlR4s13ft3MPriv., 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 FlR4s13ft3MPriv., 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 seine weeks 43, 44, and 45. Open to gillnets weeks 43 and 44)~~).

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 Dosewal-lips, 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 Hoodspport marina dock (47°24'12.6"N, 123°8'29.5"W). This area is also referred to as the Hoodspport Hatchery Zone.

(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 Riv-er.

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.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

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 Re- porting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM	- 10/11, 10/12, 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, 11/5, 11/6, 11/7, 11/8, 11/9(11/10, 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:	6AM - 8PM	- ((8/16, 8/23, 8/30, 8/31, 9/6) 8/14, 8/21, 8/28, 8/29, 9/4
	7AM - 7PM	- 9/9, 9/11, 9/13(9/15)
7B:	7AM - 7PM	- 9/16, 9/18, 9/20(9/22)
	(7AM-9/24	- 6PM-10/28))
	<u>7AM - 6PM</u>	- 9/22 - 10/19
	7AM - 6PM	- ((10/30-11/3) 10/28 - 11/1
	7AM - 5PM	- ((11/6-11/10) 11/4 - 11/8

AREA	TIME	DATE
	7AM - 5PM	- ((11/13-11/17)) <u>11/11 - 11/15</u>
	7AM - 5PM	- ((11/20-11/24)) <u>11/18 - 11/22</u>
	7AM - 5PM	- ((11/27-12/1)) <u>11/25 - 11/29</u>
	7AM - 5PM	- ((12/4-12/8)) <u>12/2 - 12/6</u>
7C:	6AM - 8PM	- ((8/16, 8/23, 8/30, 8/31, 9/6)) <u>8/14, 8/21, 8/28, 8/29, 9/4</u>
	7AM - 7PM	- <u>9/9, 9/11, 9/13</u> ((9/15))

Note: The Whatcom Creek Zone: That portion of Area 7B east of a North - South line from the flashing red light at the west entrance to Squilicum Harbor to land fall east of Post Point may close per in-season management needs.

8:	Closed	
8A:	Closed	
8D:	Closed	
10, 11:	6AM - 8PM	- ((8/22, 8/23, 8/24, 8/29, 8/30, 9/5, 9/6))
	7AM - 6PM	- ((10/20, 10/26, 11/2)) <u>10/17, 10/21, 10/28</u>
	7AM - 5PM	- ((11/3, 11/9)) <u>11/4, 11/7</u> Additional October dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase).
12, 12B:	7AM - 6PM	- ((10/20, 10/26, 11/2, 11/3)) <u>10/17, 10/21, 10/28</u>
	7AM - 5PM	- ((11/9, 11/16, 11/23)) <u>11/4, 11/7, 11/11, 11/19</u>

12C: Closed

Note: Areas 10 pink directed purse seine fisheries, adjusted hours 7AM-7PM, limited participation to 5 purse seine and 5 gillnet, observers required, use of recovery box required. Purse seines must brail. Retention of Chinook, coho, and chum is prohibited for all gears. 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).

Note: Areas 10 and 11 chum directed fisheries may be subject to limited participation with daily per vessel catch limits. The number of purse seine vessels and daily per vessel catch limits will be determined by in-season management. Observers are required for all participating purse seine vessels. This may also include requiring observers aboard tender vessels during offloads.

(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, 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, 7B, and 7C, and at all times in 8A.
- (d) Sockeye - At all times in Areas 7, 7A, 7B, 7C, 8, 8A, 8D, 10, 11, 12, 12B, and 12C. Sockeye retention may be allowed in Areas 7 and 7A if authorized under the Fraser Panel.
- (e) All other saltwater and freshwater areas - Closed.

(3) Fishers must take department observers, if requested by department staff, when participating in these openings under RCW 77.12.071.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. (1)

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, ((11/2, 11/3)) 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, ((11/10))	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 15 per Table 3.34 of the SCSCI Base Conservation Regime. 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	10/11, 10/12, 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, 11/5, 11/6, 11/7, 11/8, 11/9, ((11/10, 11/11))	6 1/4"
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Note: In Areas 7 and 7A after October 9 and prior to October 18, 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:	7PM - 8AM	NIGHTLY ((8/13, 8/14, 8/15)) 8/11, 8/12, 8/13, 8/18, 8/19, 8/20, 8/21, ((8/22, 8/23)) 8/25, 8/26, 8/27, 8/28, ((8/29, 8/30))	7"
	7AM ((9/3)) 9/1 - 7AM ((9/7)) 9/5		5"
	7AM ((9/10)) 9/8 - 7AM ((9/14)) 9/12		5"
	7AM ((9/17)) 9/15 - 7AM ((9/21)) 9/19		5"
	7AM ((9/24)) 9/22 - Midnight ((10/28)) 10/26		5"
	7AM ((10/30)) 10/28 - 4PM ((11/3)) 11/1		6 1/4"
	7AM ((11/6)) 11/4 - 4PM ((11/10)) 11/8		
	7AM ((11/13)) 11/11 - 4PM ((11/17)) 11/15		
	7AM ((11/20)) 11/18 - 4PM ((11/24)) 11/22		
	7AM ((11/27)) 11/25 - 4PM ((12/1)) 11/29		
	7AM ((12/4)) 12/2 - 4PM ((12/8)) 12/6		
7C:	7PM - 8AM	NIGHTLY ((8/13, 8/14, 8/15, 8/20, 8/21, 8/22, 8/23, 8/27, 8/28, 8/29, 8/30)) 8/11, 8/12, 8/13, 8/18, 8/19, 8/20, 8/21, 8/25, 8/26, 8/27, 8/28	7"
	7AM ((9/3)) 9/1 - 7AM ((9/7)) 9/5		7"
	7AM ((9/10)) 9/8 - 7AM ((9/14)) 9/12		7"

Note: In Area 7C the minimum mesh size is 7" through ~~((9/14))~~ 9/12.

Note: The Whatcom Creek Zone: That portion of Area 7B east of a North - South line from the flashing red light at the west entrance to Squalicum Harbor to land fall east of Post Point may close per in-season management needs.

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AREA	TIME	DATE(S)	MINIMUM MESH
8:	5AM - 11PM	Closed	5"
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 ((9/17, 9/21, 9/24, 9/28, 10/1, 10/5, 10/8, 10/12)) 9/15, 9/19, 9/22, 9/26, 9/29, 10/3, 10/6, 10/10	5"
	6PM ((9/18)) - 8AM ((9/21)) 9/16 - 9/19		5"
	6PM ((9/25)) - 8AM ((9/28)) 9/23 - 9/26		5"
	6PM ((10/2)) - 8AM ((10/5)) 9/30 - 10/3		5"
	6PM ((10/9)) - 8AM ((10/12)) 10/7 - 10/10		5"
	5PM - 9AM	NIGHTLY ((10/15, 10/19, 10/22, 10/26)) 10/13, 10/17, 10/20, 10/24	5"
	5PM ((10/16)) - 9AM ((10/19)) 10/14 - 10/17		5"
	5PM ((10/23)) - 9AM ((10/26)) 10/21 - 10/24		5"
	5PM - 9AM	Closed	5"
	4PM - 8AM	Closed	5"
	4PM - 8AM	Closed	5"
	6AM - 6PM	Closed	6 1/4"
	7AM - 6PM	Closed	6 1/4"
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM ((8/13)) - 7PM ((11/4)) 8/11 - 11/2		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, 11:	((7PM) - 8AM	8/22, 8/23, 8/24, 8/29, 8/30, 9/5, 9/6)	
	5PM - 9AM	((10/18, 10/22, 10/24)) 10/16, 10/20, 10/22, 10/29, 10/31	6 1/4"
	4PM - 8AM	((11/5, 11/7)) 11/3, 11/5	
Note: Areas 10 pink directed gillnet fisheries, adjusted hours 7AM-7PM, limited participation to 5 purse seine and 5 gillnet, observers required, use of recovery box required in compliance with WAC 220-354-140 (5)(a) through (f). For gillnets 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. Retention of Chinook, coho, and chum is prohibited for all gears.			
Note: Areas 10 and 11 chum directed fisheries may be subject to limited participation with daily per vessel catch limits. The number of vessels per gear type and daily per vessel catch limits will be determined by in-season management. Observers may be required for gillnets, including observers aboard tender vessels during offloads.			
12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	Closed.	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	((10/23, 10/25, 10/30, 11/1, 11/3)) 10/15, 10/20, 10/22, 10/29, 10/31	6 1/4"
	7AM - 7PM	((11/6, 11/8)) 11/3, 11/5	6 1/4"
	6AM - 6PM	((11/13, 11/16, 11/21)) 11/12, 11/14, 11/18, 11/20	6 1/4"
12C:	6AM - 6PM	Closed	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.

(2) Fishers must take department observers, if requested by department staff, when participating in these openings.

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

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	((9/47-11/4)) 9/15 - 11/9

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful to retain chum 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, P.O. Box 43200, Olympia, WA 98504.

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

AMENDATORY SECTION (Amending WSR 23-13-071, filed 6/14/23, effective 7/15/23)

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	8/26, 8/27, 8/28, 8/29, 8/30, ((8/31, 9/4)) 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((-10/5, 10/6))
12C, Hoodspout Hatchery Zone:	7AM - 7PM	((7/27, 8/3, 8/10, 8/17, 8/24, 8/31, 9/7, 9/14)) 7/29, 8/5, 8/12, 8/19, 8/26, 9/3 Additional July and August dates (determined per agreement with tribal co-managers in-season if harvestable surplus of salmon increase). 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.
- (c) Sockeye salmon - At all times in Areas 12, 12A, 12B, and 12C.

OTS-5370.1

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

WAC 220-354-200 Puget Sound salmon—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear. (1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue (~~four~~) six salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department will work with the advisory board, per RCW 77.70.160(1), to establish criteria by which applicants will qualify to enter the pool. The pool established by this drawing will be maintained to replace any permit(s) which are voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit is aboard the designated vessel in the open fishery.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be voided, and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool.

(c) The department may require permit holders to show proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate in the fishery but violate conditions of a salmon beach seine experimental permit will have their permit voided, and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 990 feet in length or 200 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.