

## **Concise Explanatory Statement Coastal Recreational Salmon Regulations for 2015**

### **Introduction**

This Concise Explanatory Statement (CES) relates to rules being adopted by the Washington Department of Fish and Wildlife (WDFW or Department) to amend Washington Administrative Code (WAC) 220-310-180. The CES contains four principle sections. Section I describes the rule being adopted, the process used in adopting the rule, and the resource management objectives advanced by adoption of the rule. Section II describes the changes from the proposed rule to the adopted rule. Section III discusses comments received during rulemaking and the agency's analysis and resolution of those comments. Section IV is the conclusion.

### **I. The Adopted Rules, Rule-making Process and WDFW's Resource Management Objectives**

The rules being adopted provide a schedule to open the 2015 recreational salmon fisheries in coastal freshwater rivers. Without the proposed rules, recreational fishing for salmon would be open under the same regulations adopted in 2014.

#### ***Brief Summary of the Adopted Rules:***

The rules being adopted amend existing permanent rules that opened the recreational salmon fisheries in coastal freshwater tributaries, including North Coast, Grays Harbor and Willapa Bay, as defined in WAC 220-310-180. These rules establish the time, place, and manner that salmon may be harvested while meeting conservation objectives.

#### ***Fishery mandates and Commission Policy:***

The rules are being adopted pursuant to the authorities found in RCW Title 77, including those provisions in RCW 77.04.012 that establish conservation as the paramount objective - "to conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource." Where consistent with that conservation objective, the Department must also "seek to maintain the economic well-being and stability of the fishing industry in the state"; "promote orderly fisheries"; and "enhance and improve recreational and commercial fishing in this state."

These are broad state-wide objectives and do not necessarily focus on one region, one fish species or one segment of harvesters. The term "fishing industry of the state" includes both commercial and recreational interests. While these objectives are ultimately applied on a state-wide basis, the agency considers regional interests, individual fishing sectors, and the interests of varying gear-type groups when undertaking its efforts to promote state-wide management interests. Accordingly, while the agency considered sharing of fishing opportunity for various

species and gear groups, those evaluations are made against a backdrop of historical Pacific Coast fishing opportunities throughout the year as discussed below.

The rules being adopted implement policies of the Fish and Wildlife Commission aimed at promoting the conservation and recovery of wild salmon and sustainable fisheries (Hatchery and Fishery Reform – C-3619; 2015-16 North of Falcon Policy – C-3608). Furthermore, the planning process considered guidance expressed in C-3621 (Grays Harbor Basin Salmon Management), and C-3622 (Willapa Bay Salmon Management Policy).

The adopted rules also incorporate the recommendations from the North of Falcon (NOF)/Pacific Fishery Management Council (PFMC) process that included significant public input. WDFW's objectives for those processes are outlined in the 2015-2016 North of Falcon (NOF) Policy and the Policy Guidelines for PFMC Representation adopted by the Fish and Wildlife Commission (C-3603). The NOF/PFMC process is the forum in which Washington works with the State of Oregon, tribal co-managers, federal fishery managers and stakeholder groups to plan for, and execute, fisheries of interest to state, tribal and federal entities. Through that process, the management entities identify the predicted abundance of fish, desired escapement objectives, the harvestable surplus, shares available to state and tribal harvesters, and sets the stage for subsequent development of Washington State's commercial and recreational fishing seasons, including time, manner and method regulations that will be used to implement those seasons.

### ***Rule Development Process***

The CR 101 notice of intended rule-making was filed on December 23, 2014 (WSR 15-01-158). Thereafter, the Department relied upon several forums to gather information and interact with regional fishery managers and constituent groups in order to develop a draft rule that would be presented in the CR 102 filing for formal public review and comment.

State, federal and tribal fishery managers gather each year to plan the Northwest's recreational and commercial salmon fisheries. This pre-season planning process is generally known as the "North of Falcon" (NOF) process, and includes a series of public meetings with federal, state, and tribal fishery managers, together with citizens that have an interest in these fisheries, both recreational and commercial. The NOF planning process coincides with the March and April meetings of the PMFC, the federal authority responsible for setting ocean salmon seasons 3 to 200 miles off the Pacific coast. In addition to the two PFMC meetings, the states of Washington and Oregon, and Treaty Tribes, sponsor additional meetings to discuss alternative fishing seasons that meet conservation and sharing objectives. In addition to public meetings, WDFW also solicits input from advisory groups whose representatives represent a diverse range of user group interests. For this rule making process, the Grays Harbor Salmon Advisory Group and the Willapa Bay Salmon Advisory Group were consulted.

The 2015 NOF process for developing salmon fishery regulation proposals, known as North of Falcon, began for Grays Harbor and Willapa Bay stakeholders when forecasts for stocks returning to these areas were presented and discussed on February 25 in Montesano. Forecasts for other areas were presented and discussed on March 2 in the Natural Resources Building in

Olympia for state-wide fisheries. Resource utilization implications of the forecasts and 2015 season planning were discussed broadly in a statewide context. This was followed by regional break-out sessions for the Columbia River, Ocean, Puget Sound, and Coast/Grays Harbor/Willapa Bay (all). Additional public meetings to discuss regulation proposals were held March 11 (Grays Harbor), March 18 (statewide), March 19 (North Coast and Straits), March 26 (Grays Harbor), April 1 (statewide), April 23 (Willapa Bay), and April 30 (Grays Harbor).

During these meetings WDFW gathered input on structuring fishing seasons, possible rule changes and provided the public with information on the status of the 2015 planning process. Fishing regulation proposals were shared at the public meetings and were available to receive additional public comments online on the North of Falcon WDFW website for those who could not attend the public meetings from February 25 through April 30.

In addition to the public input received for Grays Harbor and Willapa Bay during meetings identified earlier in this section, input was also obtained from the Grays Harbor and Willapa Bay Salmon Advisory groups on several occasions. Additional meetings with each of the advisory groups were also held during the North of Falcon process. Meetings with Grays Harbor Advisory Group occurred on March 5 and March 17. Meetings with the Willapa Bay Advisory Group occurred on April 21 and April 28. These meetings were open to the public with an opportunity for public testimony at the end of each meeting.

During the 2015 North of Falcon season planning process, the tribal co-managers and WDFW conducted technical meetings and policy level discussions to agree on conservation objectives, run-size forecasts, and estimates of the allowable treaty and non-treaty catch shares for the various salmon runs considered in defining fishing levels. WDFW and the tribes also developed fishing schedules for both treaty- and non-treaty-managed salmon fisheries. Written and oral comments received during this process were considered in the development of WDFW's own package of rules. The recreational salmon fishing seasons proposed for adoption by WDFW in 2015 are a product of both the government-to-government, tribal-state negotiation component, and the open public process component of the annual North of Falcon process. The formal public rule-making process undertaken by WDFW is pursuant to the Administrative Procedures Act.

Based upon all of the information and outreach generated through these forums, a draft rule was developed for consideration in the public rule-making process that follows the filing of a proposed rule. Accordingly, the CR-102 filed on June 3 and published in WSR 15-12-117 provided WDFW's initial rule-making proposals for 2015.

Fishing dates and locations were modeled to propose a meaningful commercial fishery that is consistent with conservation objectives considering that there will be non-directed harvest mortality arising from the incidental catch of non-target salmon. In addition, the season structure and areas open for fishing were shaped to reduce the interaction between sport and commercial fisheries. This furthers the objective of maintaining orderly fisheries. Sharing between commercial and recreational harvest groups was also considered to provide meaningful harvest opportunity for both groups within the general context of historic sharing patterns in this area of the Washington Coast, together with the revised policies in C-3621 and C-3622.

A formal rule-making hearing was held on July 7, 2015 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. Six verbal comments, supplemented with two written comments, were presented at the hearing. Responses to those comments are summarized below in the “Response to Comments Received.” In addition to input during the public meetings, comments received by letter and electronic mail during the North of Falcon process were considered as part of the rule-making process.

Twelve individuals electronically submitted comments covering fourteen subjects in response to the CR-102 filing. Three of these comments addressed Puget Sound salmon fisheries proposals, all submitted by the same individual. None of the comments addressed the North Coastal fisheries, while two addressed salmon fishery proposals in the Grays Harbor system and nine the Willapa Bay system. Responses to these comments are summarized below in the “Response to Comments Received” section of this document.

WDFW carefully reviewed the information gathered during the rule development process together with all input (verbal and written) from fishing industry representatives, recreational anglers, advisory groups, and the general public. This includes all information obtained during both the 2015 North of Falcon salmon season process and the state’s formal rule making process. WDFW also considered and relied on technical and scientific expertise within the agency and as part of the PFMC planning process. This review included data and information available to the state’s fishery management experts, including pre-season forecast abundance of salmon stocks and historic harvest data from fisheries.

### ***Overview of WDFW’s Consideration of Management Objectives***

Regulations for the 2015 recreational salmon fisheries were considered with respect to established objectives. These objectives include generally applied statewide objectives, together with detailed regional specific objectives described within regional sections below. These objectives were shared with recreational angler representatives during the 2015 North of Falcon process and are listed below in order of priority:

- 1) Conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource (RCW 77.04.012) by achieving conservation objectives for all species and stocks
  - a) Ensure primary stocks meet escapement goals and/or management objectives (e.g., an exploitation rate).
  - b) Manage fisheries consistent with Fish and Wildlife Commission Policies C-3608 (2014-15 North of Falcon), C-3619 (Hatchery and Fishery Reform), C-3621 (Grays Harbor Basin Salmon Management), and C-3622 (Willapa Bay Salmon Management Policy).
  - c) Monitor fisheries to ensure a & b are met.
- 2) Provide opportunity to harvest the non-treaty share of harvestable salmon.

- 3) WDFW shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.
- 4) WDFW shall seek to maintain the economic well-being and stability of the fishing industry in the state.

### ***Regional Specific Objectives***

#### North Coast Freshwater

Modifications to North Coastal sport fishing regulations adopted for 2015 through this rule-making process were:

- Hoh River to close to all recreational fishing during May through July, and open to trout with selective gear but remain closed to salmon during August to protect depressed spring/summer Chinook salmon.
- Daily bag limit reductions during the fall salmon fisheries. Bags are limited to 6 salmon, but only one adult, except where hatchery salmon are expected to be present in which case the daily bag was modified to contain up to 3 adults, but only one wild. In the Clearwater River, a tributary to the Queets River, the forecast for Coho was low enough to call for implementing a daily bag to include only one adult, but release of all wild Coho.

No formal written or verbal testimony was received on the CR-102 regarding North Coast freshwater recreational seasons.

The Hoh River spring/summer Chinook stock and Coho stocks were the focus on the North Coast for the 2015 season planning process. The management objective for Hoh River spring/summer Chinook is an escapement rate of 69% with an escapement floor of 900 fish. The 2015 return to the river is expected to be below this threshold, with the run forecast at 821. In response to the low forecast, and to address Objectives 1a, 1b, and 2 above, the adopted rules have the sport fishery in the Hoh River closed to all fishing through July 31<sup>st</sup>, opening to trout under selective gear rules on August 1<sup>st</sup>. The salmon fishery is set to open September 1<sup>st</sup> for the fall season. In 2014 the river was closed to salmon fishing in response to the low spring/summer Chinook numbers, but open to trout through the summer. Since the 2008 season anglers have been required to release wild (unclipped) Hoh Spring Chinook. The tribal fishery was expected to impact Hoh spring/summer Chinook at a rate of less than 6.0 %, as it targets hatchery origin dip-in Chinook during May and early June, and conducts limited C&S fishing through the summer.

Low Coho forecasts for north coast streams, and a decision to reduce sport pressure on the fall Chinook stocks by allowing only one Chinook in the daily bag, have resulted in reduced daily bag limits for salmon during the fall sport fisheries. Tribal fisheries also have reduced fishing schedules in response to the low Coho forecasts.

Though WDFW did not receive any verbal or written testimony on the regulation changes for the North Coast during the North of Falcon public meeting process, several phone calls and emails from the public were received after the proposed regulations were published. A few asked why the Hoh river was closed completely, rather than allowing harvest of dip-in hatchery Chinook in May and early June, and trout during the rest of the summer. A complete closure was deemed appropriate because the stock has not responded to previous fishery restrictions and continues to be chronically under-escaped, and to discourage any targeting of Chinook. A second question dealt with clarification on the proposed daily bag limit for salmon on the Clearwater River. The commenting party questioned the requirement to release all wild Coho, when there are generally no hatchery origin Coho in the river. The low forecast for wild Coho requires the release of this stock. However, if an angler were to catch a stray and rare hatchery Coho, the regulation allows the angler to keep it.

### Grays Harbor

The Washington Fish and Wildlife Commission adopted a new Grays Harbor Basin Salmon Management Policy (C-3621) in February of 2014. This action followed an extensive public process with multiple public comment periods. The policy provides management direction to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

Regulations for the 2015 Grays Harbor recreational salmon fisheries were evaluated with respect to objectives in the policy. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon public process.

General or recreational specific pre-season planning objectives are:

1. Fisheries will be managed with the intent of achieving escapement goals for natural origin salmon.
2. For spring Chinook, prioritize freshwater recreational fisheries, with an objective of opening freshwater areas no later than May 1.
3. The fishery management objectives for fall Chinook salmon, in priority order, are to:
  - Achieve spawner goals;
  - Provide meaningful recreational fishing opportunities; and
  - Limit commercial fishery impacts to the incidental harvest of fall Chinook during fisheries directed at other species.
4. For Chehalis River basin natural-origin fall Chinook, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of those adults returning to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.
5. For Chehalis River basin fall Chinook, recreational fishing sector impacts allocated to Area 2-2 will be between 27% and 48% of the total recreational impacts.

6. For Humptulips River basin fall Chinook, recreational fishing sector impacts allocated to Area 2-2 will be 37% of the total recreational impacts.
7. The Grays Harbor control zone off of the mouth of Grays Harbor will be implemented no later than the second Monday in August and continue until the end of September.
8. For Chehalis River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be 45% of the total recreational impacts.
9. For Humptulips natural-origin Coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of those adults returning to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.
10. For Humptulips River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be between 18% and 34% of the total recreational impacts.
11. Fisheries will be managed with the intent of achieving escapement goals for wild and hatchery Chum salmon. No fisheries directed at Chum salmon shall occur unless the adult Coho salmon return exceeds spawner objectives, or if Coho salmon impacts remain after Coho and Chinook salmon fisheries.
12. For Grays Harbor basin Chum, recreational fishing sector impacts allocated to Area 2-2 will be less than 2% of the total recreational impacts.

The rules, as noticed in the CR-102, were proposed based upon a conclusion that they would produce fisheries consistent with the overriding conservation objectives identified above, and with the Commission policy direction to provide “meaningful” opportunities for both recreational anglers and commercial harvesters.

However, the rules noticed in the CR-102 were proposed as a point of departure for further public review and comment during the formal rule-making process that followed filing of the CR-102. The rules now being adopted build upon the work that led to the CR-102 filing, and reflect additional consideration of the testimony and comments received.

Commercial and tribal fishing season regulations are not yet finalized, but are part of the overall impact on fish stocks and affect whether objectives are achieved. A proposed schedule of commercial and tribal fisheries was modeled to account for their potential impacts and allow evaluation of compliance with Commission policy and objectives.

WDFW concludes that the final adopted 2015 Grays Harbor recreational fishing regulations are consistent with these management objectives based on the following rationale:

1. Fisheries will be managed with the intent of achieving escapement goals for natural origin salmon.

Fisheries modeled in Grays Harbor are expected to result in achievement of escapement goals for four of the five natural-origin salmon stocks; Chehalis River Chinook, Humptulips River Chinook, Chehalis River Coho, and Grays Harbor basin Chum. Humptulips River natural-origin Coho are forecast to return at a level that is below the escapement goal. That is, the Coho are not expected to meet the goal regardless of whether fisheries occur or not. The adopted rules do not have any directed fisheries on Humptulips River natural-origin Coho and anglers must release them unharmed. Thus a low level of incidental bycatch mortality due to catch and release will occur, but it is less than the criteria in objective 9.

| Stock                             | Objective Type    | Objective Criteria | Modeled Result |
|-----------------------------------|-------------------|--------------------|----------------|
| Chehalis Natural-origin Chinook   | Escapement Goal   | 9,880              | 9,947          |
| Chehalis Natural-origin Coho      | Escapement Goal   | 28,506             | 66,652         |
| Humptulips Natural-origin Chinook | Escapement Goal   | 3,620              | 4,024          |
| Humptulips Natural-origin Coho    | Exploitation Rate | ≤ 5.0%             | 1.8%           |
| Grays Harbor Chum                 | Escapement Goal   | 21,000             | 21,029         |

2. For spring Chinook, prioritize freshwater recreational fisheries, with an objective of opening freshwater areas no later than May 1.

The adopted rules opened the spring Chinook fishery on May 1.

3. The fishery management objectives for fall Chinook salmon, in priority order, are to:

- Achieve spawner goals;

The scheduled fisheries in the adopted rule are expected to result in 9,947 Chehalis River natural-origin Chinook spawners compared to a state spawning goal of 9,880, and 4,024 Humptulips River natural-origin spawners compared to a spawning goal of 3,620.

- Provide meaningful recreational fishing opportunities;

Within the constraints of the policy, recreational fishing opportunities have been provided for Humptulips River Chinook in both the marine area and the Humptulips River.

4. For Chehalis River basin natural-origin fall Chinook, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.

The predicted impact on Chehalis River natural-origin fall Chinook in WDFW managed fisheries is 4.44%.

5. For Chehalis River basin fall Chinook recreational fishing sector impacts allocated to Area 2-2 will be between 27% and 48% of the total recreational impacts.

The proportion of Chehalis River fall Chinook recreational fishing sector impacts allocated to Area 2-2 is 67%. Because all recreational fisheries are releasing Chinook salmon, except fisheries in and near the Humptulips River, we were unable to meet this objective even though more time was added to the recreational fishery in the Chehalis River and gear regulations were liberalized in the lower river.

6. For Humptulips River basin fall Chinook, recreational fishing sector impacts allocated to Area 2-2 will be 37% of the total recreational impacts.

The proportion of Humptulips River fall Chinook recreational fishing sector impacts allocated to Area 2-2 is predicted to be 15%. The Area 2-2 fishery has been extremely volatile in recent years with catch occasionally exceeding the predicted catch by a significant margin. The marine fishery near the mouth of the Humptulips River is still new and therefore it is difficult to predict catch. Additional time was provided for this fishery in 2015 compared to 2014. However, achieving the objective will be difficult until angler effort and success increases, or enough Chehalis River Chinook are available to open all of Area 2-2 for Chinook retention. Given the uncertainty, the volatility in the marine catches, and the low number of fish predicted to exceed the spawning goal, WDFW will assess the fishery in 2015 to determine if we will be able to predict catch with more certainty and ensure that conservation objectives are met.

7. The Grays Harbor control zone off of the mouth of Grays Harbor will be implemented no later than the second Monday in August and continue until the end of September.

The Grays Harbor control zone is closed beginning the second Monday in August and is expected to remain closed through the end of September.

8. For Chehalis River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be 45% of the total recreational impacts.

The proportion of Chehalis River coho recreational fishing sector impacts allocated to Area 2-2 is 20%. Because additional protection was necessary for Humptulips River natural-origin coho and Chinook, we were unable to schedule additional time and/or area in Area 2-2.

9. For Humptulips natural-origin Coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.

The total predicted impact during WDFW-managed fisheries in Grays Harbor is 1.8%.

10. For Humptulips River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be between 18% and 34% of the total recreational impacts.

The proportion of Humptulips River Coho recreational fishing sector impacts allocated to Area 2-2 is 12%. Because additional protection was necessary for Humptulips River natural-origin coho and Chinook, we were unable to schedule additional time and/or area in Area 2-2.

11. Fisheries will be managed with the intent of achieving escapement goals for wild and hatchery Chum salmon. No fisheries directed at Chum salmon shall occur unless the adult Coho salmon return exceeds spawner objectives, or if Coho salmon impacts remain after Coho and Chinook salmon fisheries.

The scheduled fisheries in the adopted rule are expected to result in 21,029 Grays Harbor Chum spawners compared to a state-tribal spawning goal of 21,000.

12. For Grays Harbor basin Chum, recreational fishing sector impacts allocated to Area 2-2 will be less than 2% of the total recreational impacts.

The proportion of Grays Harbor Chum recreational fishing sector impacts allocated to Area 2-2 is less than 0.1%.

### Willapa Bay

The Washington Fish and Wildlife Commission adopted a new Willapa Bay Salmon Management policy (C-3622) in June of 2015. This action followed an extensive public process with multiple public comment periods. The policy provides general management guidance to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

Regulations for the 2015 Willapa Bay recreational salmon fisheries were evaluated with respect to objectives in the policy. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon process. General or recreational specific pre-season planning objectives are:

1) The recreational fishery management objectives for fall Chinook salmon in 2015, in priority order, are to:

- Not exceed a 20% impact rate during Willapa Bay fisheries on Willapa and Naselle river natural-origin fall Chinook. Within the impact rate cap, the priority shall be to maintain a full season of recreational fisheries for Chinook salmon in the Willapa Bay Basin;
- Provide enhanced recreational fishing opportunities.
  - Increase participation and/or catch including consideration of increased daily limits, earlier openings, and use of multiple rods;
  - Conservation actions, as necessary, shall be shared equally between marine and freshwater fisheries; and

2) The recreational fishery management objectives for Coho and Chum salmon, in priority order, are to:

- Achieve spawner goals;
- Provide recreational fishing opportunities.

The rules, as originally noticed in the CR-102, were proposed based upon a conclusion that they would produce fisheries consistent with conservation objectives, with the guidance identified above, and with the Commission policy direction to provide “enhanced” opportunities for recreational fisheries anglers.

Commercial fishing season regulations are not yet finalized, but are part of the overall impact on fish stocks and affect whether objectives are achieved. A proposed schedule of commercial fisheries was modeled to account for their potential impacts and allow evaluation of compliance with Commission policy and objectives.

WDFW concludes that the final adopted 2015 Willapa Bay recreational fishing regulations are consistent with these management objectives based on the following rationale:

1) The recreational fishery management objectives for fall Chinook salmon in 2015, in priority order, are to:

- Not exceed a 20% impact rate during Willapa Bay fisheries on Willapa and Naselle river natural-origin fall Chinook. Within the impact rate cap, the priority shall be to maintain a full season of recreational fisheries for Chinook salmon in the Willapa Bay Basin;

The predicted impact rate for Willapa River natural-origin Chinook during Willapa Bay basin combined fisheries is 20%.

- Provide enhanced recreational fishing opportunities.
  - Increase participation and/or catch including consideration of increased daily limits, earlier openings, and use of multiple rods;

Regulation changes in the adopted regulation that increase participation and/or catch during the 2015 season include increased bag limits, opening areas earlier, opening more areas, and expanding areas for two-pole endorsements. The adult salmon bag limit for the 2015 recreational salmon fisheries throughout Willapa Bay, both freshwater and marine, is increased to four adult salmon. Several areas are open to salmon fishing earlier in 2015 compared to past seasons, Marine Area 2-1 regulations are liberalized two weeks earlier than in 2014, sections of the Naselle River are opening an additional month, and sections of the Willapa River are opened two weeks earlier. The adopted rule also opens new sections of the Willapa and Nemah rivers for salmon fisheries that weren't open in 2014. The 2015 season includes an expanded area that allows the use of two fishing rods; the lower section of the Naselle River, and in the lower section of the Willapa River. Also incorporated into the 2015 recreational salmon season in Willapa Bay basin is increased harvest opportunities in the South Fork Willapa River, provided the retention of one wild Coho, and allow the retention of Chum when salmon seasons are open.

The 2015 commercial season in catch area 2T and 2U opens September 16<sup>th</sup> and in the rest of the bay opening September 8<sup>th</sup>. Previous analysis of recreational catch rates suggest that a later start for the commercial sector will result in an increased recreational catch rate. Therefore the later start for the commercial sector is also expected to enhance the recreational fishery.

- Conservation actions, as necessary, shall be shared equally between marine and freshwater fisheries.

Additional conservation for wild Chinook is needed in Willapa Bay. To address this concern, all recreational fisheries, both marine and freshwater, require the release of wild Chinook.

- 2) The fishery management objectives for Coho and Chum salmon, in priority order, are to:
- achieve spawner goals;

Combined fisheries modeled in Willapa Bay are expected to result in achievement of escapement goals for both Willapa Bay Coho and Chum stocks. The Willapa Bay escapement goal for natural-origin Coho is 13,090 fish. The modeled fisheries allow the escapement to spawning areas of 26,795 natural-origin Coho. This predicted escapement also exceeds the 17,200 naturally spawning Coho goal established by the Pacific Fishery Management Council. The number of Willapa Bay Chum predicted to escapement the proposed fishery is 35,986, exceeding the goal of 35,400.

- Provide recreational fishing opportunities. Recreational fisheries will be allowed to retain Chum salmon.

Recreational fisheries will be allowed to retain Chum salmon.

## **II. Changes from the Proposed Rules**

The adopted rule has a few minor corrections from the rule noticed in the CR 102. The following summary briefly describes any changes, other than editing changes, and the principal reasons for adopting those changes.

1. Hoh River, south Fork (Jefferson County), outside of the Olympic National Park boundary: The provision “Open August 1 in June through April 15,” was changed to correct a typographic error. The new language states “Open August 1 through April 15.”
2. Hoquiam River, including the East and West forks (Grays Harbor County): The salmon limit from December 1 through December 31 was corrected to say, “...only 1 adult may be retained.” Previously, the rule said two adults may be retained. This change is to make the rule consistent with decisions made during the NOF process.
3. Sol Duc River (Clallam County): The salmon retention language for the September 1 through November 30 season opener from the mouth to the concrete pump station at the Sol Duc Hatchery was revised for clarity and consistency. Initially the language was: “Limit 6; only 3 adult salmon may be retained, only one may be a wild adult.” The language now reads, “Limit 6; only 3 adult salmon may be retained, and only one may be a wild adult.”

## **III. Summary of Public Comments and WDFW’s Response**

### North Coast

No formal written or verbal testimony was received on the CR-102 regarding North Coast Freshwater recreational seasons, however several emails regarding rule changes in the Hoh River

have subsequently been received by WDFW. Comments expressed in these emails are addressed in the North Coast sub-section of the Regional Specific Rationale section above.

### Grays Harbor

*1. What does the Department plan for monitoring and sampling of the recreational fisheries in Grays Harbor?*

WDFW will utilize catch record cards (CRC) as the primary tool to monitor and sample recreational fisheries in Grays Harbor. The CRC has been proven to be accurate and quite robust for estimating recreational harvest as demonstrated by an intensive five-year study (Conrad, Alexandersdottir, 1993). CRC estimates have been compared with creel surveys designed to produce catch estimates, and proven to be accurate for estimating recreational harvest. Results of WDFW's show comparable numbers of landed catch when CRC derived estimates have been compared with and direct creel sampling (PSC 2015, page 37)"

WDFW will also use data collected from recreational anglers using Westport boat launch to monitor in-season catch in marine area 2-2. Westport boat launch is one of three major accesses to the marine area 2-2 fishery. Data collected from Westport including location fished and data from marine area 2-2 can be separated for other ocean angling. Daily catch will be evaluated and compared to pre-season catch predictions.

WDFW will use voluntary salmon angler trip reports (VTR) to collect in-season recreational catch and encounter data. VTRs are used extensively in Ocean and Puget Sound recreational fisheries to provide information on catch composition. VTR will be used for both marine area 2-2 and freshwater fisheries. Several fishing groups have expressed interest in helping WDFW distribute and recruit anglers for VTR programs, so WDFW will utilize these groups.

*2. There is nothing in the proposed rule that enhances recreational fisheries in Grays Harbor.*

Enhancing the recreational fishery in Grays Harbor was not an objective for the 2015 North of Falcon process. Nonetheless, WDFW believes there are substantial enhancements to the recreational fisheries in the Grays Harbor basin. While still achieving Grays Harbor Salmon Management Policy principle guidelines to meet escapement goals or where otherwise directed by the policy, recreational fisheries are enhanced throughout the basin. These include 1) opportunity for a Chinook fishery in the North Bay was extended by four weeks; 2) the Coho fishery in the Hoquiam River was extended by four weeks and an eight week extension is part of the adopted rule for the Wynoochee River fishery; 3) in the mainstem Chehalis River, a Chinook jack fishery is allowed beginning July 1<sup>st</sup>, a six week extension of the Chehalis River fishery; and 4) the adopted rule also extends the use of two poles through the two-pole endorsement into the Chehalis River upstream to the South Elma Bridge.

### Willapa Bay

*3. What does the Department plan for monitoring and sampling of the recreational fisheries in Willapa Bay?*

WDFW will utilize catch record cards (CRC) as the primary tool to monitor and sample recreational fisheries in Willapa Bay. The CRC has been proven to be accurate and quite robust for estimating recreational harvest as demonstrated by an intensive five-year study (Conrad and Alexandersdottir, 1993). CRC estimates have been compared with creel surveys designed to produce catch estimates, and proven to be accurate for estimating recreational harvest.

WDFW will also use voluntary salmon angler trip reports (VTR) to collect in-season recreational catch and encounter data. VTRs are used extensively in Ocean and Puget Sound recreational fisheries to provide information on catch composition. VTR will be used for both marine area 2-1 and freshwater fisheries. Several fishing groups have expressed interest in helping WDFW distribute and recruit anglers for VTR programs, so WDFW will utilize these groups. VTRs will be distributed via email, at access site, and the Region 6 office.

*4. There is nothing in the proposed rule that enhances recreational fisheries in Willapa Bay.*

WDFW believes there are significant enhancements to the recreational fisheries in the Willapa Bay basin. As discussed above, WDFW used increased bag limits, opened new areas for salmon fishing, extended salmon seasons, and reduced gear conflicts with the commercial fisheries to enhance recreational fisheries. Bag limits for adult salmon were increased in the adopted rule to four adults in all marine areas and most freshwater salmon fisheries. Along with the increased bag limit, retention of wild Coho is allowed in the South Fork of the Willapa River. This was not allowed in 2014. There are also additional areas open to salmon fishing that hadn't been in the past. The areas allowing the use of up to two fishing poles through the two-pole endorsement are expanded.

*5. Comments were received both supporting and opposing an existing seasonal closure on the Nemah River from Nemah Valley Road to the hatchery bridge.*

Historically, this section has not opened to salmon fishing until mid-November for two reasons: 1) the need to ensure Chinook broodstock for hatchery production goals; and 2) disorderly fisheries were common requiring a significant enforcement presence. The adopted rule provides salmon fishing in the Nemah River from the Hwy 101 Bridge to the bridge on Nemah Valley Road and from the Nemah Hatchery dam to N700 Road. However, the section on the Nemah River between the Nemah Valley Road and the hatchery bridge is not open for salmon fishing. This section of river flows entirely through privately owned property, except a very small parcel owned by WDFW just below the bridge. Some of the landowners in the area have attended the public meetings and provided written comments supporting continued closure of this portion of the Nemah River. These landowners have indicated that they will not allow public access to their land for fishing. WDFW did not receive any input from landowners in that section of river requesting to have the river opened for salmon fishing or indicating that they would allow public access from upland properties. There are few, if any, public land access points.

The “navigability” of this section of river is undetermined by the courts and therefore the issue of public access across the surface waters is undetermined. Downstream landowners and other anglers have expressed a desire to have this section open. WDFW will continue to encourage discussion among all the parties to find a resolution that meets the needs of all landowners and the public in the future. In lieu of a clear determination of navigability, the limited if not non-existent upland access, the real possibility of creating false expectations for fishing opportunity by the general public, and the high probability of needing a significant enforcement effort to resolve trespass disputes, WDFW concludes that opening this section of river in 2015 is not warranted.

The adopted rule does provide additional salmon fishing opportunity for anglers, in the Nemah River in 2015. This area from the Nemah Hatchery Dam to the N700 Road is opened and adds more than two miles of river access to anglers on the Nemah River.

*6. Comments were received both supporting and opposing an existing seasonal closure on the Naselle River from the Highway 4 bridge to the entrance of the Naselle Hatchery Attraction Channel.*

During the North of Falcon process, there were many comments and discussions about this section of the Naselle River. Historically, this section has not opened to salmon fishing until mid-October for two reasons: 1) the need to obtain Chinook broodstock for hatchery production goals; and 2) disorderly fisheries were common requiring a significant enforcement presence.

The adopted rule does provide additional opportunity by opening this section of the Naselle River four weeks earlier than in previous years. WDFW evaluated the operation of the temporary weir, the efficiency in obtaining broodstock needs at the Naselle Hatchery, and requirements in the Hatchery and Fishery Reform Policy and determined that salmon fisheries in the section can be opened earlier. WDFW will review the earlier opening with respect to whether this fishery remains orderly. If the fishery remains orderly, WDFW will consider additional time in 2016.

*7. Revise the date in which night closure, anti-snagging, barbless hook, and stationary gear restrictions are in place in the Naselle River from August 1 through November 15 to August 1 through November 1.*

This current suite of regulations were adopted in previous years to reduce snagging and maintain orderly fisheries. Historically, the regulations were in place through November 30, except the stationary gear restriction, that was in place through December 31. These regulations were revised to the current dates as part of the North of Falcon process in 2013 based on the timing of fisheries and flow conditions in the river.

8. *Reduce the daily bag limit to 3 adults from November 1 through January 31 in the Naselle River. Late Coho begin arriving at this time and the brood is only 200,000 versus the 1.2 million for the earlies. A 4 fish bag will put too much pressure on the fishery. Also Chinook are rarely taken after November 1.*

WDFW liberalized daily limits in the adopted rule based on Policy guidance, strong support from the general public during the North of Falcon process to improve recreational fishing opportunities, and stock abundances. Management objectives for Willapa Bay Coho include a single, basin-wide objective for Coho salmon. WDFW does not split out management of late and early timed Coho stocks. The fishery planning model predicts the adopted rules for both commercial and recreational fisheries will result in a spawning escapement of 26,795 natural-origin Coho compared to an escapement goal of 13,090. Although individual river escapement goals were not identified as management objectives, the predicted escapement for the Naselle River is 6,710 natural-origin Coho versus a goal of 2,529. Based on the predicted escapement, WDFW concludes that additional restrictions are not needed to achieve conservation objectives for Willapa Bay Coho while the adopted daily limit meets the intent of the policy for an enhanced recreational fishery.

9. *Commenter requests that 2014 regulations be carried over in the section of the Naselle River from the upstream entrance of the Naselle Hatchery Attraction Channel to the Crown Mainline (Salme) Bridge. “Maintain the current rule which requires the release of all Chinook. Especially now with the adopted Wild Salmon Policy the Chinook which are released upstream from the hatchery are being placed there to supplement the spawning population. There are fisherman who fish this section just for the chinook eggs. Requiring the release of all Chinook will hinder the taking of fish just for the eggs and ensure established conservation goals are met., specifically, the release of all Chinook.”*

*Response:* WDFW believes that the adopted rule, which allows the retention of hatchery-origin Chinook in the section of the Naselle River referenced by the commenter, is following the guidance provided in C-3622. C-3622 directs WDFW to “Implement improved broodstock management (including selective removal of hatchery fish) to reduce the genetic and ecological impacts of hatchery fish and improve the fitness and viability of salmon produced from Willapa Bay rivers (see Hatchery and Fishery Reform Policy C-3619). Achieve Hatchery Scientific Review Group (HSRG) broodstock management standards for Coho and Chum salmon by 2015, and work toward a goal of achieving standards for Chinook salmon by 2020.” C-3622 designates the Naselle River Chinook as a Contributing stock. Broodstock management standards for an integrated contributing population are: the proportion of natural-origin adults in the broodstock should exceed proportion of hatchery-origin spawners, corresponding to a Proportionate Natural Influence (PNI) value of 0.50 or greater (with proportion of natural-origin in the hatchery production broodstock to greater than 10%), and proportion of hatchery-origin spawners should be less than 0.30.

Based on carcass sampling during spawning ground surveys upstream of the weir on the Naselle River in 2014, 76.5% of the Chinook carcasses sampled were hatchery-origin fish. This is based on a sample set of 722 carcasses sampled. This far exceeds the standards set forth by the HSRG.

Guiding principles of C-3622 directs WDFW to remove hatchery-origin fish to reduce genetic interaction. Although the weir is effective most of the time, high-water events and debris allow passage over the weir, as identified by the number of hatchery-origin fish found upstream. Therefore, allowing the retention of hatchery-origin Chinook upstream of the weir provides a means to reduce the potential interaction between hatchery- and natural-Chinook on the spawning grounds.

*10. Allow plunking in the Nemah River.*

WDFW uses a stationary gear restriction in smaller river systems as a means to promote orderly fisheries. A stationary gear restriction states that line, weight, lure, or bait must be moving (not stationary) while in the water. Plunking is a method of fishing that utilizes a weight to hold or anchor a presentation in one spot, typically in likely holding areas or migratory paths. Gear is then left alone until a fish strikes, or a decision is made to change gear. Most all other fishing techniques utilize natural flows to move a presentation through likely holding areas or migratory paths. In small river systems, such as the Nemah, plunking can cause gear conflicts. Holding areas for fish are much smaller than large systems and if one angler employs plunking in a holding area, most the other techniques cannot be utilized, thus limiting the number of anglers that can fish areas holding fish. The line anchored in place does not allow other techniques to drift through the holding area without encountering the anchored line. This leads to conflicts between anglers using different techniques fishing in the same area.

WDFW will continue to have discussions evaluating the use of stationary gear restrictions. If a consensus of the fishing committee agrees that plunking does not create conflict, and removing the restriction does not interfere with the goals and objectives of C-3622, WDFW will consider changes in the future.

*11. Public land below the Hwy 101 Bridge and along the south side of the river above the bridge should be posted so people can see it is public and more fully utilize it. Such posting will also minimize trespassing conflicts below the bridge where private land comes into play. In the long term WDFW should plan for parking on the South side of this bridge.*

*Response:* This comment does not address the proposed rule.

#### **IV. Conclusion**

WDFW has considered all the facts and circumstances surrounding the 2015 recreational salmon season schedule. The agency carefully reviewed all input from the public during the North of Falcon public meetings and the state's rule making process. The agency's 2015 coastal freshwater recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.

## **REFERENCES**

Conrad R, Alexandersdottir M. 1993. Estimating the Harvest of Salmon by the Marine Sport Fishery in Puget Sound: Evaluation and Recommendations. Northwest Fishery Resource Bulletin, Manuscript Series Report No 1.

Pacific Salmon Commission Joint CWT Implementation Team. Five-Year Synthesis Report of the PSC Coded Wire Tag (CWT) Improvement Program. PSC Tech. Rep. No. 33, February 2015