

2016 Coastal Recreational Salmon Regulations

Concise Explanatory Statement



June 27, 2016

Concise Explanatory Statement Coastal Recreational Salmon Regulations for 2016

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, 220-16-220, and 220-56-185. 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 2016 recreational salmon fisheries in coastal freshwater rivers. Without the proposed rules, recreational fishing for salmon would be open under the same regulations adopted in 2015.

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 (C-3608) 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 January 6, 2016 (WSR 16-02-119). 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 2016 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 24, 2016 in Montesano. Forecasts for other areas were presented and discussed on March 1, 2016 in the Natural Resources Building in Olympia for state-wide fisheries. Resource utilization implications of the forecasts and 2016 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 1 (statewide), March 17 (North Coast and Straits), March 15 (North of Falcon), March 22 (Willapa Bay), and March 24 (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 2016 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 9, 2016. Meetings with the Willapa Bay Advisory Group occurred March 8, 2016. These meetings were open to the public with an opportunity for public testimony at the end of each meeting.

During the 2016 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 2016 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 May 18, 2016 and published in WSR 16-11-103 provided WDFW's initial rule-making proposals for 2016.

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 June 21, 2016 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. Six verbal comments were received at the public 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.

Eight individuals electronically submitted comments covering six subjects in response to the CR-102 filing. None of the comments submitted addressed the North Coastal fisheries. There were two that addressed salmon fishery proposals in the Grays Harbor system and six in 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 2016 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 2016 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 2016 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 2016 through this rule-making process were:

- The Hoh River will close to all recreational fishing from May through August 31, to protect depressed spring/summer Chinook salmon.
- In response to projected low returns of wild coho to Coastal streams, fishing seasons and daily bag limits have been reduced in North Coastal streams for the fall fisheries.
 - The rivers in the Quillayute System, in general, will be closed September 1 through November 30 2016, except that where returning hatchery salmon are expected to be present (Quillayute River and Sol Duc River below the hatchery), the rivers will remain open through September 30 2016. These two river sections and the lower Bogachiel and Calawah rivers will open back up on November 16 2016 to allow angler pursuit of returning hatchery winter steelhead. Salmon daily bag limits are reduced to one adult retention and the release wild coho is required, except where hatchery salmon are expected to be present, in which case the daily bag limit is two adults, only one of which may be a Chinook, and releasing wild coho.
 - Recreational fisheries in the Hoh River will open on September 1 through October 10 for salmon and game fish. All recreational fisheries will be closed to all fishing from October 11 through November 20. Recreation salmon fishing will re-open on November 21 and close on November 30. Recreational game fish fisheries will also re-open November 21 and run through April 15, 2017. The salmon daily bag limit will be six but only one adult is allowed to be retained. The release of wild coho is required.
 - Clearwater River, a tributary to the Queets River, will be closed to all fishing from September 1 through November 30, 2016, then re-open December 1st to Trout and Other Game Fish.
 - Salmon River will close to all recreational fishing October 1, 2016, then re-open December 1st to Trout and Other Game Fish.

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 the wild Coho stocks were the focus on the North Coast for the 2016 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 2016 return to the river is expected to be near this floor, with the run forecast at 944. 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 August 31, 2016, opening to salmon and trout September 1, 2016. In 2015, the river was also closed to all recreational fishing in response to the low spring/summer Chinook numbers but opened to trout during August. Since the 2008 season anglers have been required to release wild (unclipped) Hoh Spring Chinook. The tribal fishery in 2016 is limited to ceremonial and subsistence fishing by permit only with a limit of ten wild Chinook total during the summer period through August 31, 2016.

Low Coho forecasts for north coast streams and a decision to reduce sport pressure on fall Chinook stocks by allowing only one Chinook in the daily bag, (implemented in the 2015 season) have resulted in reduced seasons and daily bag limits for salmon during the fall sport

fisheries. Tribal fisheries also have reduced fishing schedules, including periods of extended closures, 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. The Hoh Tribe was also willing to close their commercial fishery in response to the State's closure.

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 2016 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. For Chehalis River basin Coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of those adults returning to Grays Harbor because the forecasted return of adults is less than 10% more than the goal.
8. For Chehalis River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be 27% 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 18% 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.

WDFW concludes that the final adopted 2016 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 (including treaty harvest) are expected to result in achievement of escapement goals for three of the five natural-origin salmon stocks; Chehalis River Chinook, Humptulips River Chinook, and Grays Harbor basin Chum. Chehalis River natural-origin Coho are forecast to return at a level that is less than 10 percent above the goal. The adopted rules allows short seasons of retention of natural-origin Coho and longer seasons that require the release of natural-origin Coho. Impacts during these fisheries are less than the criteria in Objective 7. 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 Results
Chehalis Natural-origin Chinook	Escapement Goal	9,753	11,815
Chehalis Natural-origin Coho	Harvest Impact Rate	< 5.0%	3.23%
Humptulips Natural-origin Chinook	Escapement Goal	3,573	4,755
Humptulips Natural-origin Coho	Escapement Rate	< 5.0%	4.51%
Grays Harbor Chum	Escapement Goal	21,000	27,684

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 April 16, 2016.

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 11,815 Chehalis River natural-origin Chinook spawners compared to a state spawning goal of 9,753, and 4,755 Humptulips River natural-origin spawners compared to a spawning goal of 3,573.

- Provide meaningful recreational fishing opportunities;

Within the constraints of the policy, recreational fishing opportunities have been provided for Chehalis River hatchery-origin Chinook and 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 4.48%.

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

The proportion of Chehalis River fall Chinook recreational fishing sector impacts allocated to Area 2-2 is 48%. This is based on the planning model's base dataset that has Marine area 2-2 opening September 16th and more of the early season effort concentrated there. Effort in the river typically increases later in the season, after October 1st. The adopted rules open the Marine Area 2-2 fishery on October 1st with the Chehalis River opening for adult salmon retention on September 16th. This and allowing the retention of a hatchery-origin Chinook in the river may cause a shift in effort to the river earlier in the season and may actually result in more impact in the river fishery.

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 9%. 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. However, achieving the objective will be difficult until angler effort and success increases and is better understood, 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 2016 to determine if we will be able to predict catch with more certainty and ensure that conservation objectives are met.

7. For Chehalis River basin natural-origin Coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of those adults returning to Grays Harbor because the forecasted return of adults is less than 10% more than the goal.

The total predicted impact during WDFW-managed fisheries in Grays Harbor is 3.23%.

8. For Chehalis River basin Coho, recreational fishing sector impacts allocated to Area 2-2 will be 27% of the total recreational impacts.

The proportion of Chehalis River coho recreational fishing sector impacts allocated to Area 2-2 is 16%. Because additional protection was necessary for Grays Harbor natural-origin Coho and Chehalis River natural-origin 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 4.51%.

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

The proportion of Humptulips River Coho recreational fishing sector impacts allocated to Area 2-2 is 12.8%. Because additional protection was necessary for Grays Harbor natural-origin Coho and Chehalis River natural-origin 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 27,684 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 0.6%.

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 2016 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 2016, 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 2016 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 2016, 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 2016 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 2016 recreational salmon fisheries throughout Willapa Bay, both freshwater and marine, remains at four adult salmon. There is a section in both the Naselle and Willapa rivers that will be opening an additional month earlier. The adopted rule also opens new sections of the Nemah River for salmon fisheries to seniors only (70 years +) that weren’t open in 2015. The 2016 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 2016 recreational salmon season in Willapa Bay basin is increased harvest opportunities in the South Fork Willapa and Niawiakum rivers and Smith Creek, providing the retention of wild Coho and allowing the retention of Chum when salmon seasons are open.

The 2016 commercial season in catch area 2T and 2U opens September 16th and in the rest of the bay opening September 6th. 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. Marine Area 2.1 regulations are shortened by two weeks compared to 2015. The rules for Ocean Area 2 do not begin until July 1, 2016.

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 13,600 fish. The modeled fisheries allow the escapement to spawning areas of 26,012 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 escape in the proposed fishery is 42,855, 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, all reaches outside of the Olympic National Park boundary: The opening date was changed to say, "Open September 1" The rule had not been updated from 2015, when it said "Open August 1" This change makes the rule consistent with discussions held and decisions made during the North of Falcon process.
2. Dungeness River, from mouth to the forks at Dungeness Forks Campground: the trout opening date was corrected to say "Open October 16" consistent with previous years. A typographical error had changed the opening date to "Open October 6 ..."

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 and phone calls were received requesting clarification of the proposed rule changes in the Hoh River. The questions expressed are addressed in the North Coast sub-section of the Regional Specific Rationale section above.

Willapa Bay

Comment #1: The Department needs to make sure to find funding to provide a recreational creel survey for the Willapa Bay marine fisheries this year.

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 use voluntary salmon angler trip reports (VTR) in conjunction with limited dockside creel surveys 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. VTRs will be used in marine area 2-1. 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.

The Department acknowledges that additional resources will need to be directed at recreational fisheries to ensure that we can measure the achievement of conservation objectives. Similar to the commercial fisheries, improved monitoring will be incremental. The Department will continue to utilize catch record cards as the primary tool to estimate harvest in recreational fisheries in Willapa Bay and its tributaries.

Comment #2: The commenter expressed concern that in-season management needs to continue to be applied for all fisheries within Willapa Bay.

The new Commission policy does require the Department to take action if it becomes apparent that a scheduled fishery will exceed its preseason catch expectation, and the overage will put at risk the attainment of conservation objectives. WDFW will use the best available data to make in-season adjustments to both the recreational and commercial fisheries as mandated by the Willapa Bay Salmon Management Policy (C-3622 Guiding Principle #8). Creel survey data, in-season spawning ground counts, on-board observation data, and Quick Reporting data will be analyzed to determine if any in-season actions would be necessary for either the commercial or recreational fisheries to meet conservation objectives. The Department will continue to develop methods for assessing both the commercial and recreational fisheries for future fisheries, especially those with Chinook retention. On the other hand, commercial fisheries are monitored in-season with catch estimates available within a few days of the fishery. Ultimately, in-season management will be used consistent with the Commission policy in appropriate circumstances based upon information and analysis obtained during the fishing season.

Comment #3: The commenter expressed dissatisfaction with the public meetings that were held as part of the North of Falcon process.

WDFW disagrees with this assessment. The purpose and function of Advisory Groups is to advise WDFW regarding current and emerging issues in fish and wildlife conservation and management. Members appointed to these groups are selected because they represent the diversity of the stakeholder interest on the subject for which the group is asked to advise WDFW with near equal representation by both commercial and recreational harvesting interests. Advisors also function as a conduit for WDFW to disseminate information to other interested stakeholders. It is one part of a multi-part process for engaging the public on the development of fishing seasons and rules.

North of Falcon public meetings are an additional element of the rule development process; they are an opportunity for discussion, analysis and negotiation among all interested parties. Participants investigate the biological consequences of options for the outside (ocean) and inside (Puget Sound, coastal, and Columbia River) fisheries and try to achieve a consensus on an overall management plan for the upcoming fishing year. The process is supported by technical analyses provided by professional biologists from various state, tribal, and federal management agencies. NOF public meetings are noticed to the public on WDFW's website, typically in January, this information is accompanied by a news release. In parallel with the NOF public meetings WDFW staff initiate the Code Revision Process whereby the season structure is ultimately finalized and adopted. There are times when parts of the NOF process are not conducted in public forums because co-managers have expressed a desire that time be set aside for face to face discussions. The agency has similarly met with members of the public, including the commenters, outside of public meetings. This does not diminish the transparency of the overall process.

The full extent of the rule-making process was discussed in Section I. WDFW believes that this entire process provided a meaningful series of related opportunities for members of the public to express views on the development of the proposed commercial fishing season.

Comment #4: Commenter opposed the four adult wild Coho and Chum retention allowed in Willapa Bay freshwater systems.

The Willapa Bay Salmon Management Policy (C-3622) states under the species specific guidance for coho that:

Fishery Management Objectives: The fishery management objectives for Coho salmon, in priority order, are to:

- a. Manage fisheries with the goal of achieving the aggregate spawner goal for Willapa Bay natural-origin Coho salmon. When the pre-season forecast of natural-origin adult Coho is less than the aggregate goal, or less than 10% higher than the aggregate goal, fisheries in the Willapa Bay Basin will be scheduled to result in an impact of no more than 10% of the adult return;

The 2016 wild coho preseason forecast in Willapa Bay was 39,516 ocean recruits. After removing some ocean marine impacts, the Willapa Bay terminal runsize used for fishery planning in 2016 was 37,069. The wild coho aggregate escapement goal for Willapa Bay is 13,600. With a commercial fishery scheduled to take 6,367 wild coho and a recreational fishery

(marine and freshwater combined) scheduled to take 4,690 wild coho. This results in a projected escapement estimate of 26,012 wild coho, which is 191% of the wild coho escapement goal. Between return years 2000 to 2014, Willapa Bay wild coho has met the aggregate escapement goal 14 out of 15 years. These data clearly show that Willapa Bay does not currently have a conservation concern for wild coho.

The Willapa Bay Salmon Management Policy (C-3622) states under the species specific guidance for Chum that:

1. Fisheries will be managed with the goal of achieving the aggregate goal for Willapa Bay naturally spawning Chum salmon. Until the spawner goal is achieved 2 consecutive years, the maximum fishery impact shall not exceed a 10% impact rate and no commercial fisheries will occur in the period from October 15-31. If the number of natural-origin spawners was less than the goal in 3 out of the last 5 years, the Department shall implement the following measures:
 - a. The predicted fishery impact for Chum in Willapa Bay Basin will be scheduled to result in an impact of no more than 10% of the adult return.
 - b. When the Chum pre-season forecast is 85% or less of the escapement goal, the predicted fishery impact for Chum in Willapa Bay Basin will be scheduled to result in an impact of no more than 5% of the adult return.

The 2016 preseason forecast for chum in Willapa Bay was 47,554. The aggregate escapement goal is 35,400. The commercial fishery is scheduled to take 4,425 chum and the recreational fishery (marine and freshwater combined) is scheduled to take 275 chum. This results in a projected escapement estimate of 42,855 Chum, which is 121% of the chum escapement goal. From 2011 to 2015, naturally spawning escapement goal has been reached only two out of five times and the two that were met were not consecutive. Based on the guidance provided in the Willapa Bay Salmon Management Policy, Willapa Bay fisheries are limited to a 10% impact rate. The Willapa Bay Terminal Area Management Model (TAMM) used in the 2016 preseason planning process indicates the prosecution of the scheduled fisheries will result in an impact rate of 9.9%.

Comment #5: Comments were received opposing the proposed westernmost boundary line for Willapa Bay Marine Area 2.1.

Based on comments received during the 2015 North of Falcon there were concerns raised regarding the westernmost boundary for the recreational fishery in Marine Area 2.1. These comments were presented to the Department after the conclusion of the public comment period. The Department set this issue as one of the sideboards for discussion both in advisory and public meetings held as part of the 2016 preseason fishery planning process. Prior to 2016 that boundary was defined in WAC 220-16-220 and WAC 220-56-185 as "easterly of a line from Leadbetter Point to Willapa Bay Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater". Part of the concern raised was that the location of the buoy referenced in these WAC's has changed. With the continuous erosion of Washaway Beach (Cape Shoalwater) and the non-permanent nature of the channel marker, a more defined, permanent boundary line

needed to be established. After considerable discussion and input received by constituents in conjunction with consultation with WDFW enforcement personnel and lacking any permanent landmarks, the use of a longitudinal line would be appropriate and enforceable.

The new western most boundary line for Marine Area 2.1 in WAC 220-16-220 and 220-56-185 is defined as “easterly of a line from Leadbetter Point (46° 39’12”N, 124° 3’31”W) due west to 46° 39’12”N, 124° 5’20”W then due north to the westerly most landfall on Cape Shoalwater at 46° 44’40”N, 124° 5’20”W”. While the use of longitudinal line 124° 5’20”W is easterly of the previously defined Channel Marker Buoy 8’s location, the use of this longitudinal line takes into account the traditional fishery practices of the recreational fleet in this marine area.

Comment #6: Commenter opposes opening the Naselle River above the Hwy 4 Bridge earlier than October 16.

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 last year. 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. This section of the Naselle River garnered significant discussion during the 2015 North of Falcon process. Similar evaluation was done in 2015 as was done in 2016 using the items referenced above. In the 2015 CES document for WAC 220-310-180, WDFW states “if the fishery remains orderly, WDFW will consider additional time in 2016”. After discussion with WDFW enforcement personnel the determination was made that the fishery was orderly and expansion in terms of additional opportunity is warranted in 2016.

Grays Harbor

Comment #7: There should be no harvest of Coho by any sector in Grays Harbor in 2016.

The proposed rules were established within the Policy guidance. In a situation when a stock is forecasted to return at less than 10 percent above the goal, the Policy directs WDFW-managed fisheries to be developed with a maximum impact rate of 5 percent. The proposed rule is part of a Salmon management plan that achieves this guidance.

Comment #8: There should be no unmarked Coho retention in Grays Harbor in 2016.

See response to previous comment. The proposed rule does not allow the retention of unmarked Coho.

Comment #9: Single point barbless hooks should not be required when there is more hatchery fish available than wild fish.

The commenters believe that the number of lawful fish hooked and lost prior to landing prolongs the amount of time anglers are on the water and thus increases the chance of encounters with fish required to be released. The purpose of the single-point barbless hook regulation is two-fold. First is to increase the ease of release of salmon and steelhead that are not legal to retain and to reduce handling mortality on these fish. There is uncertainty whether the impact to stocks required to be released during a fishery increases due to additional time on the water resulting from loss of lawful fish. Because of this, a precautionary approach is used in the proposed rules. Single-point barbless hooks may reduce the handling mortality on fish required to be released. Second, barbless hooks and/or single-point hooks are used to reduce snagging of salmon and reduce disorderly fisheries.

Comment #10: Question the opening of Humptulips River Aug 16th, this is too early.

The proposed rule opens the Humptulips River to salmon fishing beginning September 1st. The commenter misunderstood the proposed rule that implements night closures and single-point barbless hook restrictions for all species and fisheries on the Humptulips River beginning August 16th.

IV. Conclusion

WDFW has considered all the facts and circumstances surrounding the 2016 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 2016 coastal freshwater recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.