

## **Concise Explanatory Statement**

### **Recreational Salmon Regulations for 2013**

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW's) reasons for adopting the 2013 recreational salmon fishing rules and responds to public comments received on the proposed rules. The adopted rules are set forth in Washington Administrative Code (WAC) 220-55-220, 220-56-124, -128, -131, -132, -133, -134, -136, -195, and -500, and 232-28-619, -620, and -621.

#### **Rule Development Process**

The development of salmon fishing seasons begins with completion of previous year's spawning escapement surveys and estimates by state and tribal biologists. Escapement estimates from some stocks may not be available from the previous calendar year due to their late spawn timing; coho are particularly problematic. Biologists apportion catch in each area to specific management groups and calculate a total run-size for each group. This is known as a run-reconstruction and is completed each fall or early winter. Based on total run-size and the associated survival rates, biologist forecast the number of salmon returning. Forecasts are scheduled to be completed each year by late-February. Thus a significant amount of work is completed by state and tribal biologists prior to start of developing fishing seasons. From the forecast, fisheries managers determine the amount available for directed or incidental harvest according to the management objectives. Once the forecasts and the number of fish available for harvest are determined, state and tribal fisheries managers can begin the process of developing specific fishing regulation proposals.

The 2013 annual public process for developing salmon fishery regulation proposals, known as North of Falcon, began on March 1 in the Natural Resources Building in Olympia. WDFW presented and discussed the 2013 preseason forecasts of salmon abundance with interested stakeholders. Implications of the forecasts and 2013 season planning were discussed in break-out sessions for the Ocean/Columbia River, Puget Sound, and Grays Harbor/Willapa Bay during this meeting. Additional public meetings were held March 12 (Columbia River), March 14 (Grays Harbor), March 15 (Ocean, Puget Sound, and Columbia River), March 18 (Willapa Bay), March 19 (South Puget Sound), March 21 (Puget Sound), March 23 (Puget Sound), March 25 (Ocean), March 27 (Puget Sound and Northeast of McNary-Columbia River), March 29 (Grays Harbor and Willapa Bay), April 1 (Ocean and Columbia River), and April 6-10. During these meetings WDFW gathered input on structuring fishing seasons, possible rule changes and provided the public with information on the status of the 2013 planning process.

During the 2013 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 tribal and non-tribal catch shares for the various salmon runs considered in defining fishing levels. WDFW and the tribes also reached

initial agreement on coordinated fishing schedules for tribal- and state-managed salmon fisheries. These schedules provide days of the week for both tribal and on-tribal fishers to have periods of exclusive fishing in order to minimize gear conflicts. 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 2013 is product of both the government-to-government, tribal-state negotiation component, and the open public process component of the annual North of Falcon process, together with the formal public rule-making process undertaken by WDFW pursuant to the APA.

WDFW filed CR-101 – intent to open recreational WACs for North of Falcon on Dec. 18, 2012 as Washington State Register (WSR) 13-01-084 and posted the notice online on the Rule Making Center of WDFW website. WDFW published the proposed 2013 recreational salmon season regulations in a CR 102 filed in the WSR 13-15-101 on July 22, 2013. The filing included changes to WAC 220-55-220, 220-56-124, -128, -131, -132, -133, -134, -136, -195, and -500, and 232-28-619, -620, and -621. Information regarding the proposed rule changes was electronically and physically mailed out to participants in the North of Falcon process who provided contact information at meetings and posted on WDFW's website.

Only four written comments were submitted to the WDFW rules coordinator in response to the CR-102 filings. All four comments addressed the seasons proposed for Grays Harbor, while one comment also addressed the Satsop River fishery. Responses to those comments are summarized in the “Response to Comments Received” section of this document.

A formal rule-making hearing was held on August 28, 2013 to provide an opportunity for comments on the proposed rules as published in the Washington State Register. No verbal comments or testimony was presented at the hearing. 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.

#### *Supplemental Meetings and Rule Development Process*

##### Puget Sound

Additional public input meetings for Puget Sound fisheries occurred on January 28, 2013 with a meeting of the Puget Sound Anadromous and Marine Resources Sportfishing Advisory Group. This meeting was held in the Natural Resource Building in Olympia and via a telephone conference call. Sportfish advisors provided fishing proposals for the upcoming year. A follow-up telephone conference call on February 28 with the sportfish advisors provided forecast updates of the upcoming runs.

##### Grays Harbor and Willapa Bay

In addition to the public input received for Grays Harbor and Willapa Bay during meetings identified earlier in this section, input was obtained from the Grays Harbor and Willapa Bay

Salmon Advisory Groups on several occasions. A joint meeting between the Grays Harbor and Willapa Bay Salmon Advisory Groups was held on January 31, 2013 at the Region 6 Headquarters Office in Montesano. Several more meetings with each of the advisory groups were held throughout the North of Falcon process. For the Grays Harbor on March 6, 20, 22, and 28, 2013, and for the Willapa Bay Advisory Group, these meetings occurred on March 12 and 15, 2013.

### Columbia River

The Columbia River Basin Salmon Management Policy (Policy) C-3620 was developed through an extended, transparent public process conducted from September 2012 to January 2013. Leading up to the completion of the policy, a Columbia River Work Group (CWG) was convened consisting of commissioners from Washington and Oregon and constituents from the sport and commercial fishing sectors. The general provision in Policy C-3620 requiring the use of barbless hooks in all mainstem Columbia River and tributary fisheries for salmon and steelhead was included during the development of the CWG recommendations. The purpose of this regulation was to increase the ease of release of salmon and steelhead that are not legal to retain and to reduce handling mortality on these species. The CWG held three meetings in 2012: September 21 in Olympia, Washington; October 18 in Portland, Oregon; and November 15 in Seaside, Oregon. The meetings were independently facilitated and provided opportunity for public input.

The Washington Fish and Wildlife Commission (FWC) received public input during the CWG process on four occasions in 2012 (September 5, October 6, November 8, and December 15) and received public comment on the draft policy on January 12, 2013. Through this public process, the FWC received oral comment from over 100 stakeholders and over 900 written comments. After careful review of the science and all public comments received the FWC adopted the Policy on January 12, 2013.

WDFW adopted an emergency rule implementing barbless hooks in the waters of the Columbia River concurrent with Oregon effective January 1, 2013 to maintain concurrent fishing regulations in these waters.

WDFW also utilized the North of Falcon process to collect public input on a number of fishing regulations for salmon and steelhead including implementation of the FWC's policy requiring barbless hooks. The public input was used to identify any specific time periods and waters where it would not make sense to require barbless hooks.

## **Rationale for Adoption of Rules**

WDFW considered all the facts and circumstances surrounding the proposed 2013 recreational salmon season. The agency carefully reviewed all input from the general public regarding preferred fishing rules during North of Falcon public meetings and the state's rule-making process. WDFW considered and relied upon the best technical and scientific information available to tribal and state fishery management experts, including pre-season forecasts of the abundance of salmon stocks and data that will be used during the season to update forecasts. Important characteristics of the recreational salmon fishery were considered, including the catch likely to result from the proposed rules, providing significant harvest opportunities, and the economic value of these fisheries. WDFW also considered fishing schedules of state commercial fisheries and the schedules of tribal fisheries that must be coordinated with the state's recreational fishing schedules as part of the co-management process developed under sub-proceedings of United States v. Washington.

Regulations for the 2013 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 2013 North of Falcon public 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 POL-C3608 C3619, and C3620.
  - c) Monitor fisheries to ensure a & b are met
- 2) Harvest the non-treaty share of salmon
- 3) The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.
- 4) The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

## **Regional Specific Rationale**

### *Ocean, Puget Sound Marine, and Puget Sound Freshwater*

State and tribal salmon seasons in the Ocean and Puget Sound are driven primarily by certain key constraining stocks (Objectives 1a, 1b, and 2). Key constraining stocks in state and tribal fisheries in these areas for 2013 include Lower Columbia River natural Chinook, Lower Columbia River natural coho, mid-Hood Canal Chinook, Puyallup River natural Chinook, Green River Chinook, and Upper Fraser River (Thompson) natural coho. Strong pink salmon returns were forecast for most systems in Puget Sound resulting in large surpluses available for harvest. For each marine area and freshwater system, recreational salmon seasons were maximized within the constraints of the conservation objectives. For example, the management objective for Lower Columbia River natural Chinook is an exploitation rate ceiling of 41% as defined in the ESA approved harvest management plan. Scheduled fisheries resulted in a modeled exploitation rate of 40.96%. The management objective for Upper Fraser River coho is based upon an exploitation rate ceiling of 10% as defined in the U.S. – Canada Pacific Salmon Treaty (PST). The agreed exploitation rate for modeling this fishery was 10%.

Certain other stocks continued to not meet management objectives, as they did not in 2012. Fishing regulations and restrictions in 2013 are the same as previous year's regulations that were designed to reduce mortality on those stocks, i.e. no changes were proposed for 2013. For example, Skagit River chum salmon were forecast to be below the spawning goal objective. The recreational fishery in the Skagit River in 2013 will require release of all chum salmon to protect the stock, as it did in 2012. Because protective regulations were already in the permanent rules, we did not propose a change to the Skagit River chum salmon regulations in this rule making package.

Some fisheries were modified to reduce conflict with tribal fisheries and/or to ensure orderly fisheries (Objective 3).

Finally, Snohomish River chum were forecast just slightly above the spawning level and recreational anglers requested the fishery be closed to provide additional protection.

Stock	Objective Type	Objective Criteria	Modeled Result
Lower Columbia natural Chinook	Exploitation Rate	≤ 41.0%	40.96%
Lower Columbia natural coho	Exploitation Rate	≤ 15.0%	15.0%
Mid-Hood Canal Chinook	Exploitation Rate	≤ 12.0%	11.9%
Puyallup River natural Chinook	Exploitation Rate	≤ 50.0%	49.9%
Green River Chinook	Escapement Goal/ Exploitation Rate	1,800 spawners or 20%	1,740 spawners and 10.2%
Upper Thompson coho	Exploitation Rate	≤ 10.0%	10.0%

Ocean and Puget Sound regulation changes were proposed based on North of Falcon discussions with stakeholders and tribal co-managers. These changes maximize recreational opportunity while meeting conservation objections. Modifications proposed for 2013 through this rule-making process include:

Ocean (Marine Areas 1-4, excluding Grays Harbor and Willapa Bay)

- Days added to Area 2 late season to provide additional opportunity
- Area 3 and 4 early mark-selective season modified to align with halibut openings
- Bonus pink limit for Areas 3 and 4 to allow additional harvest of surplus pink salmon

Puget Sound Marine Areas

- Bonus pink salmon limits in marine areas to allow additional harvest of surplus pink salmon
- Mark-selective coho in Area 7 during October to reduce mortalities on Thompson River coho
- Tarboo-Dabob Bay closure for coho fishing relaxed in Area 12 to allow additional harvest of surplus hatchery coho
- Tulalip Terminal Fishing Area delayed starting date to reduce conflict with tribal fisheries.
- Area 9 modification of open area for Salsbury Point County Park shore fishing opportunity to reduce trespassing on adjoin private lands and ensure orderly fisheries
- Elliot Bay pink fishing opportunity opened with reduced area to reduce mortalities on Green River Chinook.
- Sinclair Inlet increased daily limit and two pole endorsement permitted to allow additional harvest of surplus hatchery Chinook

- Dash Point Pier 100 yard restriction for boat fishing in Area 11 to reduce conflict and ensure orderly fisheries
- ADA language changed to comply with current state law

### Puget Sound Freshwater

- Dungeness River opened earlier for coho salmon to allow additional harvest of surplus hatchery coho
- Dakota Creek selective gear rules extended to protect ESA listed steelhead
- Samish River gear restriction changes and season open dates to ensure orderly fisheries
- Gamefish season hook size restriction, salmon daily limit, and wild coho retention on Skagit River to increase protection of Chinook salmon
- Skagit River sockeye closure due to lower surplus
- Baker Lake sockeye boat anglers permitted to fish until boat limit is achieved to maximize the public recreational fishing opportunity
- Combination of early and bonus pink opportunities in the Nooksack, Skagit, Stillaguamish, Snohomish, Skykomish, Wallace, Snoqualmie, Green, and Nisqually rivers to allow additional harvest of surplus pink salmon
- Release chum in the Snohomish, Skykomish, Wallace, and Snoqualmie rivers to reduce mortality on Snohomish River chum
- Lower Snohomish River early opening for pink to allow additional harvest of surplus pink salmon
- Skykomish mark-selective Chinook fishery opening to allow additional harvest of surplus hatchery Chinook salmon
- Fishing from vessel on Nisqually River closed on specific dates to reduce conflict and ensure orderly fisheries
- ADA language changed to comply with current state law

Puyallup River: Changes to the permanent rules state that from the 11<sup>th</sup> Street Bridge to the mouth of the White River is closed. State and tribal co-managers were unable to reach agreement on fishing seasons in the Puyallup River at the time these regulations were published. The current season structure for the Puyallup River was subsequently reached and the fishery was opened by emergency rules.

Skokomish River: Changes to the permanent rules close the river from the mouth to the Bonneville Power lines upstream of Highway 101 is closed. State and tribal co-managers were unable to reach agreement on fishing seasons in the Skokomish River at the time these regulations were published. The current season structure for the Puyallup River was subsequently reached and the fishery was opened by emergency rules.

No written or verbal testimony was received regarding the Ocean and Puget Sound recreational seasons, and therefore the proposed regulations were adopted without modification.

### North Coast Freshwater

State and tribal salmon seasons for the North Coast are driven primarily by certain key constraining stocks (Objectives 1a, 1b, and 2). The key constraining stock in state and tribal fisheries in this area for 2013 was Hoh River spring/summer Chinook. The management objective for Hoh River spring/summer Chinook is an exploitation rate of 69% with an escapement floor of 900 fish. Because the forecast was for only 851 fish, the co-managers agreed to minimize in-river impacts associated with fisheries targeting more abundance stocks and species, including summer steelhead, and to not exceed a total terminal exploitation rate of 6%. Therefore the recreational spring/summer Chinook season on the Hoh River remained closed, as it was in 2012. However, selective gear rules were extended to include the entire area from Oxbow campground upstream to the Olympic National Park boundary. For each marine area and freshwater system, recreational salmon seasons were maximized within the constraints of the conservation objectives. Very few changes were proposed for North Coast freshwater fisheries in 2013. North Coast freshwater regulation changes were proposed based on North of Falcon discussions with stakeholders and tribal co-managers. These changes maximize recreational opportunity while meeting conservation objections.

Modifications proposed for 2013 through this rule-making process include:

- Quinault River added additional fishing time to provide additional opportunity to harvest surplus coho salmon
- Hoh River selective gear regulations added to further protect depressed spring/summer Chinook salmon
- Lake Pleasant kokanee length requirements adjusted to protect sockeye salmon

No written or verbal testimony was presented regarding the Coastal recreational freshwater seasons, and therefore the proposed regulations were adopted without modification.

### Grays Harbor and Willapa Bay

Even though there are no ESA listed species of salmon in Grays Harbor and Willapa Bay, these stocks are managed in a manner similar to Puget Sound and the Columbia River where many stocks are listed under the ESA. These strategies include actions intended to lessen impacts to natural origin production through the reform of hatchery practices and harvest. Details of these management strategies are described for both Grays Harbor and Willapa Bay in the sections below.



As identified in the Washington Fish and Wildlife Commission Policy guidance for North of Falcon (C3608), management objectives for Grays Harbor and Willapa Bay are, in general, similar to those established for other areas of the state, in particular with regard to conservation and fishing opportunity. However, because there are variations in the guidance for Grays Harbor and Willapa Bay, and their respective watersheds, there are a few specific objectives that vary from general state-wide salmon management objectives and strategies as described in the next section below.

WDFW also 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 allocation of fishing opportunity for various species and user groups in Willapa Bay and Grays Harbor, those evaluations are made against a backdrop of historical Pacific Coast fishing opportunities throughout the year. For example, in fisheries described above such as Ocean fisheries occurring in Marine Areas 1-4, the sport fleet is allocated 83% of the total catch of coho whereas Chinook fishery impacts are allocated 50:50 between recreational and commercial. As returning salmon move from the ocean to northern Washington coastal tributaries such as the Quillayute, Hoh, and Queets, sport fisheries are allocated 100% of the state share of harvestable Chinook, coho, chum, and sockeye. Moving south to Grays Harbor and its tributaries, average recreational catch over the recent ten years (2003-2012) accounted for 76% of Chinook, 68% of coho, and 21% of chum harvested by state licensed fishers. Finally recreational harvest in Willapa Bay and its' tributaries over the recent ten years (2003-2012) accounted for 34% of Chinook, 9% of coho, and 2% of chum harvested by state licensed fishers.

### *Grays Harbor*

#### Recent Evolution of Grays Harbor Salmon Management

The management of salmon resources in Grays Harbor and its tributaries has changed dramatically over the last few decades. In 1974, after years of litigation, Federal Court Justice Boldt ruled on United States v. Washington. This landmark decision, often referred to as the Boldt Decision, was upheld by the United States Supreme Court in 1979. The Boldt Decision defined the “in common with” language in the Stevens treaties as a 50% share of the harvestable salmon run and gave tribal governments the authority to manage on- and off-reservation tribal fisheries.

Sub proceedings of the Boldt Decision also established the framework for cooperative management between Treaty Tribes and state management agencies and coordination in managing salmon fisheries in the waters of western Washington State. An earlier decision in 1969, the Sohappy v. Smith decision (also called the Belloni or United States v. Oregon) initiated a similar process on the Columbia River. The state-tribal co-management regime in Washington is based upon recognition of reserved rights under the Stevens Treaties and state sovereignty

conveyed to the State at the time of statehood. Decision-making occurs by consensus of the parties, through negotiated agreement, or ruling of the court. The Hoh v. Baldrige decision in 1981 mandated that the 50% allocation of salmon should occur on a run-by-run basis for north Washington coastal rivers; nominally the Quillayute, Hoh, Queets, and Quinault rivers, and Grays Harbor and its watershed.

Because of the allocation requirements of the United States v. Oregon, United States v. Washington, and Hoh v. Baldrige decisions, an institutional means of linking ocean fisheries with terminal area fisheries was needed. The Washington and Oregon tribes and states of Oregon and Washington developed the North of Falcon process as a corollary process to the Pacific Council, one of the regional management councils established under the Fisheries Conservation and Management Act of 1976. Co-management proceeds through a series of meetings held throughout the year bringing together state and tribal co-managers, encompassing a variable group of fisheries managers, policy representatives, fisheries biologists, and government officials.

Within the Chehalis Basin salmon management has an additional consideration that arises from allocation of harvest that includes the federally recognized Confederated Tribes of the Chehalis Reservation. In 235 F.3d 438 (9<sup>th</sup> Cir. 2000), the Federal Court ruled that “Because the Chehalis were not fishing pursuant to treaty rights, the district court determined that it was not appropriate to attribute their share of fish to the treaty tribes and concluded that the Chehalis fish should therefore be deducted from the State’s share.” Thus, the state share of harvestable surplus for salmon stocks which are returning to the waters above the Chehalis Reservation is shared (50:50) between the state of Washington and the Confederated Tribes of the Chehalis Reservation (Chehalis Tribe).

Development of a salmon and sturgeon management plan for Grays Harbor began in 2004 with the intention of providing predictability in WDFW managed fisheries based on forecasted stock abundances. Unlike the in Columbia River or Puget Sound where the Commission has established specific allocations or prioritized species use between recreational and commercial interests, WDFW staff with input from advisors developed an initial approach to allocation for Grays Harbor salmon species. This approach is documented in the draft Grays Harbor Framework Management Plan (Plan). The Plan and its tiered harvest allocation system is a living document. It is periodically updated in an effort to adapt to management challenges as they are presented, for the purpose of bring more certainty and predictability to pre-season and in-season decision making by WDFW.

The development and continued progress of this plan uses input from our previous and current Grays Harbor Salmon advisory group. The draft Plan is consistent with our legal and legislative mandates, Fish and Wildlife Commission policies, and guides WDFW’s decision making for

state managed commercial and recreational fisheries. In developing this framework, WDFW worked closely with stakeholders to ensure that the policy guidance is reflective of local and statewide public values for management of the basin. Therefore, the Plan forms the basis of North of Falcon considerations for distributing harvest opportunities among state fishers. Pursuant to North of Falcon, an annual state fishing plan is developed concurrently with the annual state-tribal fishing plan.

Although still in draft form, fundamental management decisions outlined in the Plan were used as guidelines in the development of the 2013 Grays Harbor fisheries. Allocation of the State's share of the forecasted harvestable surplus; once the Chehalis Tribe's share is set aside, is part of the guidelines established in the Plan. With stakeholder input, guidelines for allocation of harvestable surplus were established for both WDFW managed recreational fisheries in marine and freshwater and for the WDFW managed commercial net fishery. This distribution allocated harvest impacts throughout the basin and across WDFW managed fishing sectors.

### Overview of Management Objectives

Regulations for the 2013 Grays Harbor commercial salmon fisheries were evaluated with respect to objectives. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon public process. The following management objectives are listed 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 that goals for Grays Harbor salmon stocks are met or exceeded. In seeking to attain these goals WDFW will manage fisheries such that the WDFW managed fisheries do not exceed the states' share of the harvestable surplus. In a situation where the preseason forecast is insufficient to exceed the escapement objective, incidental harvest and harvest related mortality impacts in all WDFW managed fisheries within Grays Harbor and the associated watershed shall not exceed 5% of the forecasted return.

Objectives as identified in the Plan for spawner escapement include:

- Grays Harbor Natural Spawning Chinook – 14,600
  - i. Chehalis River Basin - 12,364
  - ii. Humptulips River - 2,236
- Grays Harbor Natural Spawning Coho – 35,400
  - i. Chehalis River Basin - 28,506
  - ii. Humptulips River - 6,894
- Grays Harbor Natural Spawning Chum – 21,000

- b. Manage fisheries to minimize mortalities on non-target species and stocks (including salmonids, non-salmonids, birds and marine mammals) consistent with Commission Policy's POL-C3608 and C3619.
- c. Manage fisheries to maximize harvest of hatchery origin Chinook and coho while ensuring that hatchery broodstock collection goals identified in the Future Brood Document, are achieved.

2) Maintain the economic well-being and stability of the fishing industry (RCW 77.04.012); allow a sustainable level of harvest sufficient to provide opportunity for each gear type.

- a. Recreational fishing opportunity will be considered and prioritized for fishery management.
- b. Unanticipated management issues identified in-season shall be resolved by WDFW staff working with the appropriate sport and commercial representatives.
- c. Utilize selective harvest techniques as a tool to achieve conservation objectives and full utilization of hatchery production.

Outcome of preseason planning is shown in the table below. For all species and management units WDFW managed fisheries will achieve statewide objectives 1-4 as well as Grays Harbor specific objective 1a-c and 2a-c.

Species	Management Unit	WDFW share (harvestable)	Pre-season predicted harvest		
			sport	commercial	share remaining
Chinook	Chehalis - natural	1,155	985	170	-
	Humptulips - natural	1,634	874	108	652
	Chehalis - hatchery	312	78	48	186
	Humptulips - hatchery	1,187	397	28	762
Coho	Chehalis - natural	70,244	13,075	9,997	47,172
	Humptulips - natural	3,011	922	189	1,900
	Chehalis - hatchery	20,194	6,221	1,397	12,576
	Humptulips - hatchery	11,421	2,920	401	8,100
Chum	Gray Harbor - natural	4,858	1,332	2,622	904
	Gray Harbor - hatchery	1,555	na	na	na

### Rule Changes

Changes made include adjustments in season start and end dates as well as daily bag limit and retention rules. These changes were made as prescribed in the Grays Harbor Management Plan and in response to input from the public based on North of Falcon discussions in an effort to

utilize harvestable surplus given the predicted runsize for all. These changes maximize recreational opportunity while meeting conservation objections. Modifications proposed for 2013 through this rule-making process include:

- Marine Area 2.2, Chehalis, Humptulips, Wishkah, Satsop, and Wynoochee River season structure changed
- Gear restriction changed on the Marine Area 2.2, Satsop, and Wynoochee rivers
- Chinook retention allowed is the lower Chehalis; hatchery Chinook retention is allowed in East Fork Satsop
- Chum retention allowed is the lower Chehalis, Humptulips, and Marine Area 2.2

### *Willapa Bay*

#### Recent Evolution of Willapa Bay Salmon Management

The management of salmon resources in Willapa Bay and its tributaries has changed dramatically over the last decade. In 2003, a conservation objective to protect natural Chinook was put into practice. This objective limited the overall harvest rate to no more than 30% by all fisheries occurring in the marine waters of Willapa Bay and its freshwater tributaries. Also, in the early 2000's, the Hatchery Scientific Review Group (HSRG) reviewed all of the state's hatchery programs and practices to assure our State's resources were managed for long-term health and sustainable harvest. In 2008, the Commission adopted the Hatchery and Fishery Reform policy (C-3619) that directs WDFW to implement the principles created by the HSRG.

The Commission policy brought about further refinement of the Willapa Bay Management Plan that has been in place since January 2010. This plan was developed with input from our previous Willapa Bay Salmon advisory group. A major outcome of that planning process was the modification to the harvest rate for Chinook. Instead of a 30% cap on Chinook throughout the Willapa basin, the new management plan implementation of a 30% harvest rate ceiling on the Chinook bound for the Naselle River, as the stock of primary conservation. This was coupled with significant production at all three Willapa Bay hatcheries intended to aid in conservation of Naselle natural Chinook by reducing gene-flow between the hatchery-produced Chinook and those of natural origin. With these changes in place, modifications to the recreational and commercial fisheries were then considered with a view to progressively implementing this revised management regime and attaining identified conservation objectives – both short term and long term – over time. The scientific basis for these changes is summarized in the section below.

#### Overview of Management Objectives

Potential regulations for the 2013 Willapa Bay recreational salmon fisheries were considered with respect to management objectives. Additional objectives specific to Willapa Bay include:

- a. Ensure goals for naturally spawning Chinook, coho, and chum are met or exceeded; additional objectives identified in the Willapa Bay Management Plan include:
  - Natural spawning Chinook and specifically Naselle River stock which is not to exceed a 30% harvest rate through sport and commercial harvest
  - Natural spawning Coho have a spawner escapement goal of 13,090
  - Naturally spawning chum have no directed fisheries and no more than 10% incidental harvest and harvest related mortality through all combined fisheries
- b. Manage fisheries to maximize harvest of hatchery origin Chinook and coho while ensuring that hatchery broodstock collection goals, as identified in the Future Brood Document are achieved.
- c. Maintain the economic well-being and stability of the fishing industry; allow a sustainable level of harvest to provide opportunity.

Species and stocks managed for conservation are incidentally impacted in fisheries defined by these rules as adopted. There are two conservation metrics used for each species, stock, or management unit in Willapa Bay. For the three management units that drive conservation objectives in Willapa Bay, one for each species, the conservation objective is expressed either as a Terminal Harvest Rate (HR) or as a minimum escapement goal. The HR is the mortality, expressed as a portion of the number of fish in the management unit entering Willapa Bay, resulting from fisheries adopted in this rule and those resulting from recreational fisheries that occur in Willapa Bay and its tributaries. Escapement goal is the number of fish in a given management unit that escaped fisheries and are later estimated to spawn in the wild. Primary management units, conservation objective, and the anticipated impact of the fisheries adopted through this rule are listed in the following table. The adopted rules define schedules with open fishing periods. These fishing periods achieve our conservation objectives based on pre-season forecasts of abundance.

Stock	Objective Type	Objective Criteria	Modeled Result
Naselle Natural Chinook	Terminal Harvest Rate	$\leq 30\%$	29.7%
Willapa Bay Natural Coho	Escapement Goal	13,090 spawners	44,608
Willapa Bay Natural Chum	Terminal Harvest Rate	$\leq 10\%$	9.2%

WDFW manages fisheries to minimize mortalities on non-target species. In structuring rules for the 2013 salmon seasons, WDFW considered the impact of fisheries on non-target species; including various stocks of Columbia River-origin Chinook, as well as other fish. The adopted regulations are structured to help ensure that incidental mortalities on non-target species are

minimized by focusing fisheries at times and in areas of peak abundance for target salmon stocks, while avoiding times and areas with higher incidence of non-target species. When applying a regulation or rule to minimize impacts on specific wild salmon stocks, WDFW has considered the best available scientific information concerning the potential impacts of these fishing seasons by applying a mortality rate to released salmon to estimate these impacts on stocks of concerned.

Chinook fisheries will continue to be based on pre-season forecasts. Managers will maximize harvest opportunity on hatchery fish in a manner that is consistent with achieving objectives and goals for healthy, diverse and sustainable natural spawning populations as presented in the Willapa Bay Management Plan.

Briefly, for Chinook programs, this is being accomplished mainly by shifting the location of large harvest augmentation programs away from the Chinook population in the Naselle River, which has been designated as a *Primary Population*, and serves as the primary management unit. The current 30% pre-season terminal harvest ceiling management will be maintained as the pre-season management objective for the Naselle Chinook population, other Chinook stocks will be managed to allow for higher harvest rates while achieving natural and hatchery escapement goals. WDFW will evaluate management success on whether the total HR rate is less than 30% and through fisheries and spawning escapement. These goals are designed to fully seed available spawning habitat while managing gene-flow between natural and hatchery populations in a way that increases the overall viability of Willapa Bay Chinook.

In 2013, strong returns of both natural- and hatchery-origin coho are expected. Both normal-timed coho as well as late-time coho contribute to the anticipated large return. As a result, recreational fisheries being adopted are intended to harvest normal-timed Willapa Bay coho to the maximum extent practical within the constraints of achieving the conservation needs for natural spawning Chinook and chum, while exceeding minimum conservation objectives for coho.

Willapa Bay chum salmon have historically been managed for commercial harvest and supported through hatchery production. For harvest management purposes, the system-wide escapement goal is 35,400 chum salmon. This goal represents the aggregate goals for six watersheds of Willapa Bay. This goal was established in the late 1980's during which time average escapement was 35,420. At that time, this was viewed as full seeding of the available habitat. The large returns during the 1980s were partially due to the returns of large hatchery releases and good marine survival. Beginning with brood year 1989, hatchery chum production was discontinued because of budgetary constraints. Since that time, the spawner escapement goal has been exceeded only seven times. Unlike Chinook and coho, where hatchery influence on natural spawning populations must be managed, river system specific viability goals have not been developed for natural spawning chum.

In consideration of the recent escapement history for Willapa Bay chum, WDFW in 2009 implemented an eight year moratorium on directed chum fisheries and established a level of incidental impact through encounters with other directed fisheries not to exceed 10% through all terminal area fisheries.

### Rule Changes

In summary, by managing fisheries adopted for the 2013 Willapa Bay season to achieve the conservation objectives for natural-spawning Willapa Bay salmon, sufficient numbers of hatchery salmon will escape fisheries to ensure that hatchery spawning objectives identified in the Future Brood Document are achieved. Willapa Bay regulation changes were proposed based on North of Falcon discussions with stakeholders and tribal co-managers. These changes maximize recreational opportunity while meeting conservation objections. Modifications proposed for 2013 through this rule-making process include:

- Two pole endorsement permitted for portion of the Naselle River to provide additional harvest opportunity on surplus salmon
- Naselle River season structure was changed to include a prohibition on fishing from a vessel equipped with an internal combustion motor to address conflict arising between bank angles and angles using power driven vessels
- Middle Nemah, season opener delayed to be consistent with September 1 start date used on other rivers in the Willapa Bay watershed without hatchery production to provide protection for natural spawning Chinook
- Palix River natural origin coho retention allowed based on forecast abundance and escapement history
- Barbless hooks required on the North, Bear, and Willapa rivers to provide additional protection for wild stocks of salmon

No written or verbal testimony was presented regarding the Willapa recreational marine and freshwater seasons, and therefore the proposed regulations were adopted without modification.

### *Columbia River*

State and tribal salmon seasons for the Columbia River and its tributaries are driven primarily by certain key constraining stocks (Objective 1a). The key constraining stock in state and tribal fisheries in this area for 2013 was Lower Columbia natural Chinook/coho. For each of the rivers and its reaches, recreational salmon seasons were maximized within the constraints of the conservation objectives. Fisheries have also been added to the permanent rules that were previously managed by emergency rules to evaluate and better manage these fisheries. In addition to changes in the fisheries based upon constraining stocks and available harvestable surplus, barbless hook rule change was applied to the Columbia River and its tributaries.



Stock	Objective Type	Objective Criteria	Modeled Result
Lower Columbia natural Chinook	Exploitation Rate	$\leq 41.0\%$	40.96%
Lower Columbia natural coho	Exploitation Rate	$\leq 15.0\%$	15.0%

WDFW considered the public input received and the guidance from the FWC to set regulations for barbless hook requirement in the Columbia River and tributaries. The emergency regulation implementing the requirement to use barbless hooks on the Columbia River was an outcome of the Commission’s Policy 3620 pursuant to the conservation and fisheries management on the Columbia River system. Under the terms of the FWC’s policy there will be an annual review of policy implementation.

The fish and wildlife commissions of both Washington and Oregon worked for many months to review the many aspects of Columbia River salmon and sturgeon fishery management and to maintain concurrent regulations.

The general provision requiring the use of barbless hooks in all mainstem Columbia River and tributary fisheries for salmon and steelhead was included during the development of the CWG recommendations to increase the ease of release of salmon and steelhead that are not legal to retain and to reduce handling mortality on these species. A review of the mortality studies was conducted and supports the regulation.

The adoption of an emergency rule requiring barbless hooks is consistent with Oregon’s actions. By the terms of the Columbia River Compact, and for efficiency, enforcement, and consistency over the waters between the two states, it is essential that there are consistent rules between the two states.

Columbia River regulation changes were proposed based on North of Falcon discussions with stakeholders and tribal co-managers. These changes help provide a meaningful recreational opportunity while meeting conservation objections. Modifications proposed for 2013 through this rule-making process include:

- Two pole endorsement added to portions of the upper Columbia, Lewis, North Fork Lewis, and Okanogan rivers and Drano Lake to allow additional harvest on additionally available surplus fish
- Wind River two pole endorsement removed, daily limits and open area reduced due to lower forecasted return of spring Chinook
- Shortened harvest season for sturgeon in the Columbia River to reduce harvest, keeping catches in line with annual guidelines generated from most recent population estimates and trends

- Addition of Sand Island and adjustment to Fir Point closure to provide additional protection to sturgeon
- Lower Columbia River fall seasons were changed to match the allowable harvest of returning Chinook while providing additional mark-selective opportunity for hatchery fish
- Mark-selective fisheries were opened on the Columbia River and tributaries above Priest Rapids Dam to protect wild summer Chinook and ensure escapement and broodstock needs were met
- Chelan River night closure was added and salmon season added to provide harvest opportunities on hatchery Chinook while protecting wild salmon that has been opened by emergency rule in previous years
- Kalama River reduced season length on spring Chinook with lower forecast
- Stationary gear rules were removed from the Kalama and Washougal rivers as enforcement deemed regulation not necessary to provide orderly fisheries
- Lewis River reduced season length and areas on spring Chinook with lower forecast
- Okanogan River only permits harvest of hatchery Chinook to protect wild salmon
- Similkameen River includes small closure by dam and only permits harvest of hatchery salmon to protect wild salmon
- Tilton River closes spring Chinook fishery due to fish are no longer released there
- Touchet River salmon fishery area reduced due to low forecast
- Washougal River reduced night closure in upper river to match fall salmon returns
- Wenatchee River adds a hatchery salmon season due to increased surplus of hatchery Chinook while protecting wild salmon that has been opened by emergency rule in previous years
- Wind River requires fish to be hooked inside the mouth to reduce snagging
- Wind River reduces daily limit and area for salmon fishing because of lower forecast
- Barbless hook requirement on the Columbia River and tributaries to reduce the mortality rate and increase ease of release for wild salmon and steelhead
- Barbless hook requirement was added to cutthroat trout in the lower Columbia River and Cowlitz rivers to provide consistency in regulations with salmon and steelhead fisheries

No written or verbal testimony was presented regarding the Columbia River recreational seasons, and therefore the proposed regulations were adopted without modification.

## **Corrections to the WSR 13-15-101**

*WAC 232-28-619: Washington food fish and game fish-Freshwater exceptions to statewide rules.*

Bear River (Pacific County): The first Saturday in June through March 31 season. (~~Anti-snagging rule and~~) Night closure August 16 through November 30.

From mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles): Anti-snagging rule and barbless hooks required August 16 through November 30. All game fish: Release all fish, except up to 2 hatchery steelhead may be retained per day. Salmon: September 1 through November 30. Daily limit six fish, of which no more than two may be adult fish and of these no more than one may be a wild adult coho. Release chum and wild Chinook.

From the Lime Quarry Road upstream to the Longview Fiber Bridge: Selective gear rules. All game fish: Release all fish, except up to 2 hatchery steelhead may be retained per day.

Reasoning: Barbless hook requirement in the upper section of the Bear River, from Lime Quarry Road upstream to Longview Fiber Bridge, was removed. In addition to being consistent with other Willapa Bay tributaries and the intent of North of Falcon, the barbless hook requirement was not deemed necessary for additional protection of salmon.

## **Response to Comments Received During Comment Period for WSR 13-15-101**

*Comment by Allan Hollingsworth: Concerning the hearing on RCW 34.05.320; I oppose the area 2.2 Chinook sport fishery for one week (Sept 16 thru Sept 22). This fishery will take way more Chinook than predicted. The recreational people on the Grays Harbor Advisory Board has written to the Fish and wildlife commission bragging that they take three and a half times more fish than predicted by the biologists. So this would mean that over three thousand fish would be caught. Way more than the 700 to 800 predicted to be caught. A lot of the recreational fishers only want to catch Chinook whether they can keep them or not. I believe the handling mortalities are way higher than what WDFW uses especially after I have observed how the fish are handled. The state has no way to predict how many fishers will show up. With the commercial fisheries there is a maximum by the amount of licenses available. There should be no recreational fishery below the mouth of the Hoquiam River before the first of October to protect the Chinook run which has been lower than goal for several years. Also the hatchery Chinook fishery on the Satsop River should not be allowed. The egg take goal at Satsop springs will not be achieved again if this fishery is allowed. The guide fishery on the Humptulips wanted the Satsop opened to relieve some of the pressure on the Humptulips.*

*Comment by Bob Lake: Grays Harbor written testimony CR-102 filing WSR 13-15-101; I am totally opposed to any fishery in Grays Harbor that will target and retain salmon. This is because by the predictions by the WDFW without any fisheries the escapement goal for Chinook will only meet one-half (1/2) of the wild escapement goal. With this in mind I am requesting no fishery for salmon in all of the systems of Grays Harbor.*

*Comment by David Hollingsworth: I am opposed to the CR 102 recreational season in Grays Harbor on Chinook salmon. By the recreational representatives own admission at the Grays Harbor advisory board they will catch more than their allotted amount of Chinook. They should not be allowed to over harvest these stocks.*

*Comment by Jack Hollingsworth: I oppose the season proposed for Area 2.2 in Grays Harbor. There is no way to limit the participation of this fisheries and I believe the sport fishery will exceed their quota with a Chinook retention fishery in Area 2.2. By their own admission the sport advisors to the Grays Harbor Advisory Board over harvest each year's quota. With a large coho run predicted the sport fleet will remain on the water after the retention season and continue to encounter Chinook. Also the in river sport fishery will continue the encounters on the spawning grounds.*

Four comments were received opposing the sport fishery proposed for marine Area 2-2. One of the four commentators also expressed their concern regarding the Satsop River hatchery Chinook fishery. Another of the four commenters opposed any fishery in Grays Harbor, claiming that the forecasted abundance of wild Chinook would not meet escapement goals even without any fisheries. In all cases, their opposition was primarily centered on a claim that objectives for Chinook will not be achieved. In general they claim that WDFW's ability to predict effort and the resulting harvest in these fisheries does not fully account for effort and/or all impacts resulting from incidental and direct harvest mortality.

Commentators base their claim on past performance of the Grays Harbor planning model in predicting Chinook harvest occurring in the marine Area 2-2 sport fishery. WDFW uses the best available data to estimate harvest of all salmon, including Chinook in these fisheries. Models and management of Grays Harbor salmon species and stocks are rate-based and use average historical data in order to predict abundance and harvest. Being rate-based means that the values produced as outcome predictions are relative and not absolute. In other words, if the number of salmon returning is off by half then the actual harvest is likely to be half what was predicted.

These planning models provide the foundation for fisheries management decisions and are extremely important. This is why WDFW annually reviews and updates models assuring their accuracy and performance. Sport catch data produced through the Catch Report Card system are the foundation of sport harvest rates for marine area 2-2 fishery. WDFW has thoroughly

assessed that accuracy of this data and corrects for bias in estimation. However, due to the increasing popularity of the marine area 2-2 fishery, harvest rates have continued to climb.

WDFW remains concerned by climbing harvest rates and the difficulty of predicting the effort that would result from the derby-like atmosphere that may be associated with a short seven day Chinook retention season in marine area 2-2. In response, WDFW included a buffer in the estimated harvest for the 2013 season. This buffer is intended to err on the side of conservation. Typically the season length in marine area 2.2 has been one month, one and one-half months, or even longer. As a result there was no true reference for the proposed one-week fishery. Oftentimes, managers can estimate a half-month's worth of impact by using a rate one-half that of a full month. In this situation, with the circumstances described above (increasing trend in effort and derby-like atmosphere), WDFW was concerned that by simply dividing a one-month rate by number of days proposed would not adequately account for the potential harvest rate that could occur. Therefore, WDFW felt that buffering the rate, in essence using a value one-third that of a monthly rate (ostensibly 10 days over the 30 days in September) would better represent harvest than using 23% of a monthly rate which is the portion represented by dividing the 30 days of September by 7 days for the proposed week. This buffer represents an increase in the harvest rate of about 17% in comparison to a straight day-for-day reduction.

It is important to remember that fishery planning models use historic data to make predictions about human behavior in terms of harvest. Forecasting human behavior is particularly challenging considering the huge number of influential factors that anglers encounter. Factors such as weather, economic situations (fuel cost), other fisheries performance (Puget Sound, Willapa Bay, Columbia River, etc.), tidal series, and actual stock abundance may influence annual angler effort during the marine area 2-2 sport fishery. Given these variables and factors influencing stock abundance, it is reasonable that the models are not always correct; however, they do generally represent the true state. For this reason WDFW routinely evaluates model performance and seeks to improve performance.

The hatchery program for fall Chinook at Satsop Spring has been in operation for more than 20 years. The intent of this program is to provide harvest opportunity. Fisheries designed to target hatchery-origin Chinook have not been implemented in the Satsop River for many years. Collection of sufficient broodstock to meet release goals has been a problem in the past and the reason for restricting fisheries in the Satsop River. Recent changes to release strategies for Satsop Spring Chinook, releasing some of the production at Bingham Creek hatchery, provide an additional opportunity for broodstock collection. Beginning in 2012, returns from this change were seen at Bingham Creek hatchery when more Chinook than past years were observed and encountered. The number of hatchery-origin Chinook returning to Bingham Creek hatchery is expected to increase in 2013 as another cohort group returns. Chinook encountered at Bingham Creek hatchery will be used for Satsop Springs broodstock.

## **Conclusion**

WDFW has considered all the facts and circumstances surrounding the 2013 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 2013 recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.