

Summary Sheet

Meeting dates: October 27-28

Agenda item: North of Falcon Policy C-3608 – Briefing and Public Comment

Presenter(s): Kyle Adicks, Intergovernmental Salmon Manager

Background summary:

The Commission's North of Falcon Policy provides direction and guidance to the Department as it conducts the annual process for planning and managing salmon fishing seasons in marine and freshwater areas throughout the state.

Department staff will brief the Commission in October on the current North of Falcon Policy (C-3608), which will expire at the end of 2023. Staff will seek guidance from the Commission on potential modifications to the policy prior to an additional Commission review in December and potential adoption of a new policy in January.

Staff recommendation:

Eliminate bullet instructing Department to seek non-treaty fishing access to unutilized portions of treaty harvest allocations. Make other minor housekeeping changes.

Policy issue(s) and expected outcome:

Seeking policy guidance to the Department for planning annual non-treaty recreational and commercial salmon fishing seasons in Washington State that meet conservation and fishery management objectives and legal obligations.

Fiscal impacts of agency implementation:

N/A

Public involvement process used and what you learned:

Public comment will be received at the October and December Commission meetings. Comment will also be accepted online, and information on the policy adoption process will be shared during with applicable advisors.

Action requested and/or proposed next steps:

Guidance for updated North of Falcon Policy to be reviewed at December meeting.

Draft motion language:

N/A

Post decision communications plan:

Once a revised policy is adopted, it will be posted online and shared with applicable advisors.

FISH AND WILDLIFE COMMISSION

POLICY DECISION

POLICY TITLE: 2019-2023 North of Falcon

POLICY NUMBER: C-3608

Supersedes: C-3608, 2017-2018

Effective Date: January 11, 2019

Termination Date: December 31, 2023

See Also: C-3001 C-3622
C-3620
C-3621

Approved by: 

Chair

Washington Fish and Wildlife Commission, January 11, 2019

North of Falcon Policy

This Policy will guide Department staff in considering conservation, allocation, in-season management, and monitoring issues associated with the annual salmon fishery planning process known as "North of Falcon." When considering management issues, Department staff will ensure that decisions are made consistent with: the Department's statutory authority; *U.S. v. Washington*; *U.S. v. Oregon*; the Endangered Species Act; the Puget Sound Chinook Harvest Management Plan; the Pacific Salmon Treaty; the Pacific Fishery Management Council's Framework Salmon Management Plan; pertinent state/tribal agreements; and the applicable Fish and Wildlife Commission policies.

The Department will implement this Policy consistent with the purposes and intended outcomes described in the 21st Century Salmon and Steelhead Planning Project including:

- Salmon and steelhead will be managed to recovery and to assure sustainability in a way that is science-based, well-documented, transparent, well-communicated, and accountable.
- Fisheries will be managed to meet or exceed ESA, recovery, and conservation goals; and harvest management measures will protect and promote the long-term well-being of the commercial and recreational fisheries.

Fishery Management

General

- On a statewide basis, fishing opportunities will be provided when they can be directed at healthy wild and hatchery stocks.
- Selective fishing methods and gears that maximize fishing opportunity and minimize impacts on depressed stocks will be utilized to the fullest extent possible taking into consideration legal constraints on implementation and budgetary limits associated with required sampling, monitoring and enforcement programs.
- When assessed from a statewide perspective, fishing directed at chinook, coho, pink, sockeye, or chum salmon will not be exclusively reserved for either sport or commercial users.
- When managing sport fisheries, meaningful recreational fishing opportunities will be distributed equitably across fishing areas and reflect the diverse interests of fishers, including retention and catch and release fisheries.
- The Department will seek non-treaty fishing access to unutilized portions of treaty harvest allocations through the implementation of pre-season agreements, taking into consideration changes in abundance, fishery conflicts, and factors that may influence attainment of spawning escapement objectives.

Puget Sound

- The Puget Sound harvest management objectives for chinook and coho stocks, in priority order, are to: (1) provide meaningful recreational fishing opportunities; and (2) identify and provide opportunities for commercial harvest. When managing sport fisheries in this region, recreational opportunities will be distributed equitably across fishing areas, considering factors such as: the uniqueness of each area; the availability of opportunities for various species in each area throughout the season; the desire to provide high levels of total recreational opportunity; and the biological impacts.
- Puget Sound-origin sockeye will be prioritized for recreational fishing opportunity
- For fisheries directed at Fraser River-origin chum, pink, and sockeye stocks, the majority of harvest will be provided to the commercial fisheries.
- For fisheries directed at harvestable Puget Sound-origin chum stocks, the majority of harvest will be provided to the commercial fisheries.
- For fisheries directed at harvestable Puget Sound-origin pink salmon, seasons will be established that provide meaningful opportunities for both recreational and commercial fisheries while minimizing gear and other fishery conflicts.

Grays Harbor

- Grays Harbor will be managed consistent with the Commission's Grays Harbor Policy (POL C-3621), including any modifications made to the policy, and any guidance or clarifications adopted by the Commission following notice and opportunity for review and comment.

Willapa Bay

- Willapa Bay will be managed consistent with the Commission's Willapa Bay Salmon Management Policy (POL C-3622), including any modifications made to the policy, and any guidance or clarifications adopted by the Commission following notice and opportunity for review and comment.

Columbia River

- The Fish and Wildlife Commission's policy on Columbia River Salmon Management (POL C-3620), including any modifications made to the policy, and any guidance or clarifications adopted by the Commission following notice and opportunity for review and comment, shall guide pre-season and in-season planning of Columbia River salmon fisheries. Columbia River harvest management regimes shall be developed in cooperation with Oregon Department of Fish and Wildlife representatives.

Pacific Ocean

- Pacific Ocean harvest shall be managed consistent with the Pacific Fishery Management Council's Framework Salmon Management Plan and the National Standards that provide for fair and equitable allocation of fishing privileges among various fishers.

In-Season Management

- When in-season management actions are taken, they will be implemented in a manner that is consistent with pre-season conservation and harvest management objectives, and the fishery intent developed through the North of Falcon process.
- Prior to use, in-season updates of stock abundance affecting Puget Sound fisheries will be evaluated for technical merit and potential to improve achievement of conservation and allocation objectives.
 - When possible, in-season updates should be documented within the co-manager's annual List of Agreed Fisheries or as part of regional comanager memoranda of understanding.
 - Descriptions of potential modifications to fisheries that are contingent on in-season updates should be included in the List of Agreed Fisheries.

Monitoring and Sampling

- Monitoring, sampling and enforcement programs will be provided to account for species and population impacts of all fisheries.
- Fishery participants will be required to comply with fishery monitoring and evaluation programs designed to account for species and population impacts.

Enforcement and Compliance

- Enforcement strategies will be developed and staffing will be provided to promote compliance with state regulations.
- WDFW Enforcement will seek to establish and maintain effective coordination with Tribal enforcement to enhance the sharing of information.

Gear and Fishery Conflicts

- Recreational and commercial fisheries shall be structured to minimize gear and other fishery conflicts. Unanticipated fishery interaction issues identified in-season, including conflicts with fisheries directed at other species, shall be resolved by involving the appropriate sport and commercial representatives in a dispute resolution process managed by Department staff.

Incidental Mortalities

- The Department will manage fisheries to minimize mortalities on non-target species (e.g. rockfish, sea birds, etc.). Management regimes will include strategies to limit seabird mortalities consistent with the federal Migratory Bird Treaty Act.

Communications

- The Department shall strive to make ongoing improvements for effective public involvement during the North of Falcon planning process and annual salmon fishery implementation, incorporating the following intents:
 - North of Falcon participants will be included as observers during appropriate state/tribal discussions of fishery issues.
 - All decisions made during the North of Falcon process will be recorded in writing.
 - A variety of tools will be used to effectively communicate with the public, to receive input on pre-season planning or in-season fishery issues, and to make available the record of decisions. Such tools will include: recreational and commercial advisory groups; public workshops to address key issues; the WDFW North of Falcon Web site; and in-season tele-conferences.
 - The Department will increase transparency by consulting with stakeholders throughout the pre-season planning process and prior to making major decisions with the co-managers.

Other Species

- The Department will continue to consider effects of salmon fisheries on Southern Resident Killer Whales (SRKW) when setting fishing seasons. The Department will work with the National Marine Fisheries Service to refine tools to assess the effects of fisheries on available prey for SRKW, and will plan fisheries to ensure that they provide proper protection to SRKW from reduction to prey availability or from fishery vessel traffic, consistent with the Endangered Species Act.
- The Fish and Wildlife Commission's policy on Lower Columbia Sturgeon Management (POL-C3001) shall guide pre-season and in-season planning of Columbia River and coastal sturgeon fisheries and related incidental impacts.

Delegation of Authority

The Fish and Wildlife Commission delegates the authority to the Director to make harvest agreements with Northwest treaty tribes and other governmental agencies, and adopt permanent and emergency regulations resulting from the agreements made during the annual North of Falcon process. Further, the Department has the authority to adopt regulations for the protection, preservation and management of species other than salmon that are promulgated through the North of Falcon process, to the extent that such regulations are necessary to implement court orders, comanager agreements or Columbia River Compact agreements, to achieve Washington management objectives, or to comply with Endangered Species Act requirements.