

North of Falcon Policy C-3608 – (Decision)

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

1/26/2024

Agenda item:

North of Falcon Policy C-3608 – Decision

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 briefed the Commission in October on the current North of Falcon Policy (C-3608), and the Commission heard initial public comment on potential revisions to the policy. In December, staff briefed the Commission on a version of the policy that was revised based on staff recommendations and public comment from October. Public input on the revised draft was solicited through January 15. Staff will brief the Commission on the proposed draft policy, summarize public comment received, and the Commission will consider adoption of the revised policy.

Staff recommendation:

Staff recommendations for revisions to the policy are included in the attached draft. A redline edit version of the policy is included along with a clean version so that changes from the previous version of the policy are easily identifiable.

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 was received prior to and during the October and December meetings. An initial revised draft based on initial public comment and staff recommendations was presented at the December meeting. Additional public comment on the revised draft was solicited via news release, with comments accepted through January 15.

Action requested and/or proposed next steps:

Consider adoption of a revised Commission North of Falcon policy.

Draft motion language:

I move to adopt the North of Falcon Policy, number C-3608, as presented by staff.

Post decision communications plan:

Once a new policy is adopted, the policy will be posted on WDFW website and communicated to constituents and advisory groups at meetings leading up to and during the North of Falcon process.

Form revised 8-4-20

FISH AND WILDLIFE COMMISSION

POLICY DECISION

POLICY TITLE: ~~2019-2023~~2024-2028 North of Falcon **POLICY NUMBER:** C-3608

Supersedes: C-3608, 2019-2023

Effective Date: January 26, 2024

Termination Date: December 31, 2028

See Also: C-3001 C-3630
C-3621
C-3622

Approved by: _____ Chair
Washington Fish and Wildlife Commission, January 26, 2024

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~~Pacific Coast Salmon Fishery 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 following principles:~~

- 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.~~ For fisheries directed at harvestable Puget Sound-origin chum and pink stocks, provide meaningful opportunities to both commercial and recreational fisheries, while minimizing gear and other fishery conflicts. In most years, the majority of non-treaty chum harvest will be by commercial fisheries, and the majority of non-treaty pink harvest will be by recreational fisheries.

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~~3630), 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~~Pacific Coast Salmon Fishery Management Plan and the National Standards Guidelines 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. In-season management modifications to recreational fisheries will consider the intent to provide predictable and stable seasons.
- 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~~virtual meetings.
 - 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.

Reporting

- The Department will make available and easily accessible online post-season salmon fishery reports produced to meet Endangered Species Act, co-manager, Pacific Salmon Commission, Pacific Fishery Management Council, and other reporting requirements when they are completed.
- The Department will produce and make easily accessible online summaries of pre-season and post-season Fishery Regulation Assessment Model results for Chinook and coho fisheries when model results are available. These summaries should include FRAM estimates of pre-season and post-season escapement of hatchery- and natural-origin adults, and of fishery impacts in state and tribal fisheries by fishery and by management unit. The summaries should also include comparisons of exploitation rates and escapement for each management unit to conservation objectives.

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.

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