

## **WDFW response to draft Grays Harbor Basin Salmon Management Policy public comments**

Marlene Wagner, Mike Scharpf, and Kyle Adicks  
October 4, 2024

Washington Department of Fish and Wildlife held a formal public comment period for the draft revised Grays Harbor Basin Salmon Management Policy from August 13, 2024, through September 15, 2024. During this time, we received 15 comments through our Grays Harbor Basin Salmon Management revision webpage online comment portal. We also heard an additional 6 comments during the scheduled live public input at the September 27, 2024, Fish and Wildlife Commission meeting. Comments received are in bold text below, with staff responses following each comment.

### **General statement about the draft policy**

The intent of the draft policy is to provide regional managers with management objectives and guidance for managing mixed-stock commercial and recreational salmon fisheries in the marine and freshwater areas of the Grays Harbor Basin. Grays Harbor salmon fisheries, along with all Washington State salmon fisheries, are planned annually as part of the North of Falcon salmon stakeholder process, and are covered by the Commission's North of Falcon Policy C-3608.

### **Comments received during the public comment period:**

- 1. Comments on Grays Harbor Draft Salmon Mgmt Plan Submitted by Brian Davern Kelso, WA POLICY OBJECTIVES 2. Sustainable fishing levels for both recreational and commercial fisheries that maximize harvest opportunities. You cannot protect and restore natural origin fish populations while simultaneously promising to "maximize harvest opportunities". This smells of MSY... a myth claiming to have your cake while eating it.**

This comment seems to imply that Objective 2 directs the Department to maximize harvest opportunities while ignoring conservation objectives that are in place to protect natural fish populations, and that is not the case. Escapement goals and exploitation rate limits for naturally spawning salmon populations are set to limit the amount of harvest that can occur on each stock and species to ensure the populations remain sustainable. Fisheries must be planned and implemented to meet these conservation objectives in order for the stocks and the fisheries impacting the stocks to remain sustainable. Policy Objective 2 acknowledges that fishing must be set at sustainable levels, with the objective being to maximize harvest opportunities while operating at sustainable levels. This is possible to do and is consistent with the Department's mandate to conserve food fish in a manner that conserves the resource, and to seek to maintain the economic well-being of the fishing industry in the state.

**GUIDANCE 4) Develop and improve, evaluate, and implement in-season fishery management models, procedures, and management measures that are projected to enhance the effectiveness of fishery management relative to preseason predictions. This is awkwardly written. "Develop, implement, evaluate and improve..." is the only sequence of actions that could actually accomplish what this says.**

Department staff are both developing new tools and improving existing tools, and they will evaluate and implement both, which will likely lead to additional improvements over time. The language captures that improvement, evaluation and implementation will be ongoing into the future, and the order of the words does not have any real significance.

***[Guidance] 6) In a manner consistent with conservation objectives, the Department shall seek to enhance the overall economic well-being and stability of Grays Harbor Basin fisheries. This is department doublespeak. Delete it. Your conservation objective is to restore wild populations. You cannot simultaneously enhance the economic well being of fisheries... see Policy Objectives comment above.***

See response to Policy Objective 2 above.

***[Guidance] 7) Recreational and WFDW-managed commercial fisheries shall be structured (e.g., schedule, location, gear) to minimize gear and other fishery conflicts. WFDW-managed commercial fisheries in a fishing area or aggregate area (i.e., Area 2A/2B/2D; or Area 2C) shall be scheduled with the understanding of the importance of providing periods of unobstructed passage for salmon into freshwater habitats. To promote understanding, identify the frequency/duration of “periods of unobstructed passage...”.***

Providing a prescriptive number of days for unobstructed passage does not allow for flexible management. It is important to manage fisheries to minimize potential surpluses at hatcheries and to provide equitable distribution of fish available for harvest in the marine and freshwater areas. Frequency and duration of periods of unobstructed passage will be determined annually as fishery plans are developed. WFDW will continue to monitor fisheries and escapement to ensure that we continue to see strong freshwater recreational fisheries and escapements that meet conservation goals.

Policy Objective #2 states, “Sustainable fishing levels for both recreational and commercial fisheries that maximize harvest opportunities,” and flexibility in scheduling commercial fishing opportunity is needed to meet that objective.

Guidance #8e further states that, “Grays Harbor fisheries will be structured to result in a fair sharing of harvestable fish between WFDW-managed commercial, marine recreational, and freshwater recreational fisheries. Mixed stock fisheries, WFDW marine commercial, recreational, and lower mainstem Chehalis River recreational fisheries will be managed to the extent that they do not preclude tributary recreational fisheries.”

**HARVEST MANAGEMENT c. Within the Pacific Fishery Management Council (Council) process, the Department shall support management measures that promote the attainment of Grays Harbor policy objectives consistent with the Council's Salmon Fishery Management Plan. This statement should be unnecessary. Policy Objectives should have already been subject to development WITHIN PFMC's Salmon Fishery Management Plan. If it wasn't, the cart went in front of the horse.**

The draft Grays Harbor policy has fishery objectives that are beyond the scope of the stock conservation objectives and framework for management of ocean fisheries in

federal waters as described in the Pacific Fishery Management Council's Salmon Fishery Management Plan. This statement is intended to direct the Department to consider and support management measures in the Council process that are consistent with the Council's plan and will also help to achieve the objectives of this policy.

**e. Fishery Management - WDFW-managed fisheries shall not result in an impact of more than 5% of the return when the natural origin adult return exceeds the spawner objective by less than 10%. This is poorly written or intentionally confusing. The use of the word "impact" should be reserved for interception of protected fish. But, "5% of the return" should include both harvestable fish and those needed to escape, so it's impossible to tell how that 5% relates to the <10% NOS escapement objective. If instead, the 5% refers to an impact on NOS return when it is <10% above spawner objective, that would allow impacting half or more a what already is a marginal return of NOS... either way, not good.**

The term "impact" is used to describe all fishery mortalities for salmon stocks, whether the mortality is landed catch or incidental/release mortality, regardless of the conservation status of the stock.

The 5% is the maximum amount of fishery mortality that would be allowed in Grays Harbor fisheries managed by WDFW when the natural-origin return of a stock exceeds the spawner objective by less than 10%. As a simple example, if Grays Harbor chum were projected to meet their escapement goal of 21,000 exactly, mortality from WDFW-managed fisheries would be limited to 5% of the total return. If escapement was projected to be 23,100 (10% higher than goal), mortality from WDFW-managed fisheries would still be limited to 5% of the total return. At higher escapement levels, more mortality would be allowed, but not at levels that would drive escapement below the goal. This approach could never allow half or more of a marginal return to be subjected to fishery mortality as suggested in the comment.

#### **i-iv add nothing and should be deleted**

Items i-iv describe any additional management actions for each species of salmon for clarity.

- 2. For the past few years, sportfishing has been closed December 1st in the name of conservation of steelhead stocks. Does this closure apply to tribal fishing? If not, please don't say the fishing closure is about conservation. Just be honest with the public. Fishing closures should apply to all parties.**

This policy is intended to provide guidance for state-managed salmon fisheries in the Grays Harbor Basin. In-season adjustments to fisheries plans are jointly discussed with tribal co-managers. Co-managers agreed to close fisheries for steelhead conservation in December of 2021-2023. In 2023, the Chehalis Tribe exercised their right to fish on reservation in December to target their part of the available coho harvest as determined through the NOF process.

- 3. The original GH management plan prescribed a maximum of 4 days of commercial netting in a calendar week and 3 days off to insure passage of fish to help meet spawner escapements.**

This language has been struck from the new draft. Item 7 of the new draft reads, in part : "WDFW-managed commercial fisheries in a fishing area or aggregate area (Area 2A/ 2B/ 2D or 2C) shall be scheduled with the understanding of the importance of providing periods of unobstructed passage for salmon into freshwater habitats" OK. What's going to happen when the co-managers schedule 3-5 days a week during the peak of the run and you're trying to get the NT commercial fishers their days? I think it will be a lot of 1-2 net free days in a week which is terrible not only for escapement but for the freshwater recreational fishers who will, essentially, be fishing for crumbs.....recreational fishers who foot the lions share of the Dept's budget through license fees. While I understand NT commercial days are part of the equation, relief from the nets is more important. Please set a goal of achieving 3 net-free days in a calendar week. Thanks for your consideration.

Providing a prescriptive number of days for unobstructive passage does not allow for flexibility in management. It is important to manage fisheries to minimize potential surpluses at hatcheries and to provide equitable distribution of fish available for harvest in the marine and freshwater areas. WDFW will continue to monitor fisheries and escapement to ensure that we continue to see strong freshwater recreational fisheries and escapements that meet conservation goals.

4. **I support the revisions to the Grays Harbor Policy. They give the department the ability to maximize opportunity for all user groups. Andy Mitby**
  
5. **The escapement goals for both spring and fall chinook dropped significantly from the previous goal. With a lower population, the escapement goal should be higher to give these salmon the best chance of procreating. It will also help with commercial and sport fishing for these fish. With all of the money spent on improving habitat throughout the rivers, we are not setting ourselves up for success in increasing the salmon population.**

The spring Chinook salmon goal has not been changed since the 1970s. In 2014, the Quinault Indian Nation and WDFW presented to the Chinook Technical Committee (CTC), the technical reviewing body for the Pacific Salmon Treaty (PST), an abundance-based evaluation of fall Chinook originating in Grays Harbor basin. This evaluation was conducted to adhere to the 2008 abundance-based management regime for Chinook put forth by the Pacific Salmon Commission, the implementation body for the PST. This evaluation produced an updated Grays Harbor fall Chinook escapement goal that was accepted by the CTC in February 2014 (See TCCHINOOK (14)-02, Appendix D). Results of this evaluation showed that the Chehalis basin was actually producing fewer fall Chinook than the original goal established in 1979. Thus, the escapement goal for the Chehalis portion of Grays Harbor fall Chinook dropped to 9,753 from 12,364. However, this evaluation showed that the Humptulips basin was producing more fall Chinook than the original goal, and thus the goal was increased to 3,573 from the original 2,236. The revised draft Grays Harbor Basin Salmon Management Policy calls for the department to reevaluate all salmon escapement goals using Management Strategy Evaluations.

6. **My biggest concern with this draft policy is the lack of language addressing managing conservation concerns with equity of opportunity between commercial and recreational, marine, and in-river environments. We have these concerns all over the state, but for whatever reason Grays Harbor is the only management regime which frequently doesn't build their seasons with enough quota for recreational opportunity in a number of key river systems. It would be one thing if opportunity was limited, but that's not the case. Commercial harvest and recreational marine harvest are quite robust. Do we want to craft management policies that leave out opportunities for some user groups just because they have the least leverage in the process?**

Data from commercial landings, marine observations, creel, and catch record cards show that there is a substantial recreational freshwater harvest in Grays Harbor Basin (Figure 1).

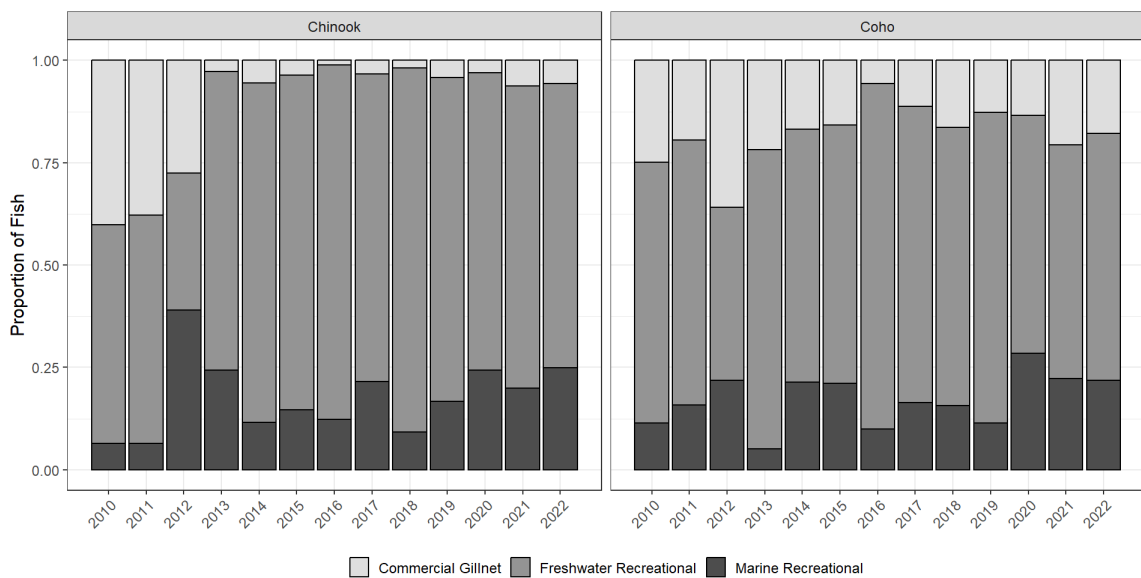


Figure 1. Distribution of commercial gillnet, freshwater recreational, and marine recreational harvest in the Grays Harbor Basin of Chinook and coho salmon from 2010 to 2022.

Guidance #8e further states that, “Grays Harbor fisheries will be structured to result in a fair sharing of harvestable fish between WDFW-managed commercial, marine recreational, and freshwater recreational fisheries. Mixed stock fisheries, WDFW marine commercial, recreational, and lower mainstem Chehalis River recreational fisheries will be managed to the extent that they do not preclude tributary recreational fisheries.”

7. **In reference to the Humptulips river and its native population of salmon and steelhead. With over thirty years of observation to this fishery and its decline in recent years seems to be simply management issues. This issue can be resolved if management allows hatchery management to fill this problem. Usually much of the issue can be resolved by giving hatchery management the ability to utilize the resources available. This has not happened in the last several years which has led to premature river closures which shouldn't be happening. Please stop this from happening.**

Hatcheries are an integral piece of salmon management and critical to providing fishing opportunity around the Northwest and in Grays Harbor. Benefits and risks of hatchery production to fisheries and natural populations must be considered for each hatchery program. Policy and adaptive guidelines for Grays Harbor hatchery programs are covered by Commission Policy C-3624.

**8. Develop a birth control for sea lions and seals!! The salmon and steelhead will disappear if those creatures are not controlled!!!**

Pinniped populations are beyond the scope of a Grays Harbor Basin Salmon Management Policy. Marine mammals are managed by the National Oceanic and Atmospheric Administration under the Marine Mammal Protection Act.

**9. Instead of spending millions of dollars on building culverts on roads and highways, causing inconvenience to the general public, isn't it more cost effective to control the sea lion and seal population that is decimating returning salmon population? Why is there no mention of the *pinniped predation control*?**

See response to comment 8.

**10. Greetings! I am curious about implementation and action on 6) economic development - where are the fish sold and how is this marketed? And, for 5) habitat productivity - who are the partners collaborating to protect the habitats? What threatens the habitats?**

Commercially caught fish are purchased by local WDFW-licensed fish buyers, who then sell them to regional businesses for resale. A portion of the catch also supports international distribution markets, bringing outside money into the local economy. WDFW does not have a way to track details of fish sales beyond the initial purchase by licensed buyers from licensed commercial fishers. Economic development also includes input into local economies from recreational anglers (hotels, fuel, restaurants, sporting goods store sales, etc.).

Partners collaborating to protect habitats are listed in Guidance #5 and include Regional Fisheries Enhancement groups and the Office of the Chehalis Basin among others. Threats to habitat are many, including forestry, development, climate change, ocean conditions, pollution, etc.

**11. A general comment expressing dissatisfaction with WDFW salmon management and tribal fishing.**

WDFW continues to manage fisheries consistent with our legislative mandate, US v. Washington, and all applicable conservation objectives.

- 12. Please increase the escapement goals to account for increased habitat made accessible through culvert replacement.**

The revised draft Grays Harbor Basin Salmon Management Policy guides the Department to assess current escapement goals using Management Strategy Evaluations, which will account for habitat increases and improvements over time.

- 13. Please increase the escapement goals with the increased access to habitat from culvert replacement.**

See response to comment 12.

- 14. Please increase the escapement goals to account for increased habitat made accessible through culvert replacement.**

See response to comment 12.

- 15. Coho jacks.....Most fishers QIN, NT, bay sport fishers, and sport fishers in general want adult fish. The jack fishery is mostly a bank fishery, mostly senior adults, some children. Any Coho jacks that get to the hatcheries, are killed. The limit has been 6 jacks, that has been the limit for more than 50 years, give those that want to eat fresh, smoke and freeze for later, a chance to use the resource rather than just "throw them in a tolt" ..... please raise the limit on COHO jacks to 10 - 12. Bill Osborn [BOsborn1@comcast.net](mailto:BOsborn1@comcast.net)**

This is a topic for the annual Fishery Management Plan and addressed during the North of Falcon process.

### **Comments received during live public comment at the Fish and Wildlife Commission meeting on September 27, 2024**

The meeting can be viewed at: <https://twv.org/video/washington-fish-and-wildlife-commission-2024091218/?eventID=2024091218>. The agenda item begins at 1:05, and public comment begins at 1:17:30.

- 16. Francisco Santiago-Avila, Washington Wildlife First: Policy must have wild salmon as core purpose. Prioritizes hatchery production harvest over long-term recovery, for which there is no clear path for recovery. There is no clear goal. States that the department is not making agreements with Quinault Indian Nation public.**

The Grays Harbor Basin Salmon Management Policy is a harvest management policy providing guidance to Department staff on how to manage salmon fisheries in the basin. There are both natural-origin and hatchery fish in the system and the policy directs the Department to focus on hatchery stocks unless natural origin populations are well above conservation goals. It is not a recovery plan, but it will ensure that Grays Harbor fisheries do not impede recovery of salmon stocks, and that as habitat recovery projects

are implemented and productivity and capacity of the watersheds change over time, conservation objectives will be re-evaluated.

The draft revised policy substantially improves adaptive management abilities in Grays Harbor by directing the Department to complete Management Strategy Evaluations for each stock. Management Strategy Evaluations are a tool for scientists and managers to simulate fisheries systems into the future incorporating several different covariates including population dynamics, habitat, climate, etc. It enables managers to determine whether various harvest strategies or management procedures can meet established objectives into the future. By doing so, Management Strategy Evaluations help identify the most effective harvest strategy—one that can perform well under uncertainty while balancing the trade-offs between different management goals. Due to their reproducible nature, this will allow the Department to update goals regularly as new data are collected.

Hatchery production is not part of the policy, as that work is covered by [Commissioner Policy C-3624](#).

The number 1 objective in the policy is to manage salmon in a manner that provides “Productive natural-spawning populations that are locally adapted, diverse genetically to maintain adaptability, and occur in densities appropriate for the local environment.”

There is no intent to hide agreements with Quinalt Indian Nation (QIN). We create a Fishery Management Plan with QIN every year and the models that create the plan are emailed to our distribution list every year. Our negotiations and agreements with QIN are also a major part of the discussion during our regional and statewide North of Falcon meetings. The QIN commercial schedule is maintained online at WDFW’s website at: <https://wdfw.wa.gov/fishing/tribal/net-schedules#south-coast>

- 17. Teri Wright: Wants the policy to have an all-out plan to recover wild salmon and wants the draft sent back for major revisions. States that the policy only leaves hatchery fish for future generations. Asks what is natural in-river fish? Objects that the draft policy only manages salmon for recreational and commercial fishing. Wants whales to be part of policy as they are the original fishers in the region. Coastal spring Chinook are being evaluated for listing.**

See response 16.

Natural (in-river) distinguishes the difference between fish spawning in the riverbed versus those spawning in hatcheries. In the context of this policy, it is intended to distinguish between the two ways fish are produced since the advent of hatcheries. Before 2005, hatchery fish were not mass marked and there was no way to distinguish between a hatchery fish and a wild fish, and so there has been mixing of the populations. It is only more recently that we have been able to develop models and manage the fisheries to focus on the harvest of hatchery fish.

Although not addressed specifically in this policy, the recovery of Southern Resident Killer Whales (SRKW) is an important part of WDFW’s work across multiple Programs. More information on the agency’s efforts to promote SRKW protection and recovery can



be found on our website: <https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/orca>

- 18. Heath Heikkila; Coastal Conservation Association: Expressed that he had similar concerns as Willapa Bay. He has been too busy to submit formal comments. Concerned about meeting conservation objectives and equity in fishing allocation. Says giving managers flexibility has resulted in the collapse of fisheries. Wants three days of net-free fishing in the marine waters to make escapement objectives and allow freshwater fishing opportunities. Says there will be 22 days of gillnet fishing at the mouth of the Chehalis this month.**

Conservation is the number one objective in the policy (See response 16). Both commercial and recreational fisheries are planned first and foremost to achieve conservation (i.e., escapement) goals. Prescriptive net-free days in the 2014 policy were not intended to be a conservation tool. Rather it was a tool intended to distribute fishing allocation and reduce gear conflict. In practice, having prescriptive days each calendar week makes it difficult to schedule co-managed fisheries. Moreover, it can create a conservation concern when we have large returns of hatchery fish. If we did not schedule a commercial fishery to help catch these hatchery fish, they would end up on the spawning grounds.

A substantial share of catch has been and will continue to be provided to freshwater fisheries (See Figure 1, response to comment 6)

There were two days of tribal fishing in September 2024. There are 21 days of scheduled fishing in October. Six of these days are state-managed commercial fisheries and are 12 hours or less in duration.

- 19. David Moskowitz, Conservation Angler: The policy is moving too fast considering Willapa Policy took much longer. Some watersheds are not in great shape, some populations are not in great shape. Says the Department is treating Grays Harbor systems as sacrificial salmon fishing zone. States that the Quinault River not in great shape though that is not part of this policy. Not enough focus on enjoyment and freshwater fishing/recreation.**

The lessons learned during the Willapa Bay Salmon Management Policy revision process have been used to guide the current Grays Harbor Basin Salmon Management Policy revision process. That has been clearly stated in throughout the process and the revised draft Grays Harbor Basin Salmon Management Policy is very similar to the Willapa Bay Salmon Management Policy.

The number one objective of the revised draft Grays Harbor Basin Salmon Management Policy is conservation (see response to comment 16).

There is a robust freshwater fishing allocation in Grays Harbor (See Figure 1, response to comment 6). Furthermore, the policy specifically states, "Mixed stock fisheries, WDFW marine commercial, recreational, and lower mainstem Chehalis River recreational fisheries will be managed to the extent that they do not preclude tributary recreational fisheries."

- 20. Ann Prezyna, King County: Concerned about wild salmon and steelhead. Wild fish have back seat when management is occurring. Conservation of wild salmon is not a core purpose of the policy and its conservation objectives are vague. The policy places a greater importance to recreational and commercial fishing than protecting wild fish. Transparency and accountability are lacking. Agreements with Quinault will be hidden from public. Need genetic diversity and habitat protection. Wants substantial revisions.**

See response to comment 16.

The conservation objectives in the policy are to manage to escapement goals and those are listed within the document. Furthermore, the revised policy directs the Department to pursue Management Strategy Evaluations for each stock in Grays Harbor. See response to comment 16.

There is no intention to hide agreements with our co-managers. See response to comment 16.

- 21. Martha Hall: Shocked to see this statement: “Commission aims to balance ecological preservation with economic and recreational interests, fostering a resilient and well-managed salmon population.” States that this is an incorrect and misleading representation of DFW mandate. The agency’s first job is to protect and preserve and it can only take if that does not impair resource. The draft policy is all about giving percentages of impairment away. Killer whales are starving to death. Questions science on allowable impacts in good years. Climate change is causing bad years to happen more often.**

The intent of the policy is to manage salmon fisheries, and the number one objective is to, “Productive natural-spawning populations that are locally adapted, diverse genetically to maintain adaptability, and occur in densities appropriate for the local environment.”

See responses to comments 1 and 17.