

Concise Explanatory Statement

Recreational Salmon Regulations for 2014

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW's) reasons for adopting the 2014 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, 220-56-105, -180, and -195, 232-28-620 and -621, and 220-310-180, -185, -190, -195, and -200.

Rule Development Process

The development of salmon fishing seasons begins with completion of previous year's spawning grounds 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, biologists forecast the number of salmon returning for the coming year. 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 2014 annual public process for developing salmon fishery regulation proposals, known as North of Falcon, began on March 3 in the Natural Resources Building in Olympia. WDFW presented and discussed the 2014 preseason forecasts of salmon abundance with interested stakeholders. Implications of the forecasts and 2014 season planning were discussed in break-out sessions for the Columbia River, Ocean, Puget Sound, and Grays Harbor/Willapa Bay (all) during this meeting. Additional public meetings were held March 14 (Grays Harbor), March 17 (Columbia River), March 19 (all), March 20 (Puget Sound), March 21 (Willapa Bay), March 22 (Puget Sound), March 24 (Ocean), March 25 (Willapa Bay), March 26 (Columbia River and Puget Sound), March 27 (Columbia River), April 1 (Puget Sound), April 3 (Columbia River and Ocean), April 4 (Grays Harbor/Willapa Bay) and April 5-10 (all). During these meetings WDFW gathered input on structuring fishing seasons, possible rule changes and provided the public with information on the status of the 2014 planning process.

During the 2014 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 developed fishing schedules for both tribal- and state-managed salmon fisheries. Written and oral comments received during this process were considered in the development of WDFW's own package of rules. The recreational salmon fishing seasons proposed for adoption by WDFW in 2014 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. The formal public rule-making process undertaken by WDFW is in pursuant to the Administrative Procedures Act.

WDFW filed CR-101 – intent to open recreational WACs for North of Falcon – on Dec. 31, 2013 as Washington State Register (WSR) 14-02-113 and posted the notice online on the Rule Information Center of WDFW website. WDFW published the proposed 2014 recreational salmon season regulations in a CR-102 filed in the WSR 14-12-089 on June 3, 2014. The filing included changes to WAC 220-55-220, 220-56-105, -180, and -195, 232-28-620 and -621, and 220-310-180, -185, -190, -195, and -200. Information regarding the proposed rule changes was electronically and physically mailed out to participants in the North of Falcon process who provided their contact information at meetings as well as posting it on WDFW's website.

Only four electronically submitted comments were submitted to the WDFW rules coordinator in response to the CR-102 filings. Three of the comments addressed the Columbia River and one addressed the Grays Harbor system fisheries. Responses to those comments are summarized in the “Response to Comments Received” section of this document.

A formal rule-making hearing was held on July 9, 2014 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. Six verbal comments which included one written comment as presented at the hearing. Responses to those comments are summarized in the “Response to Comments Receive.” 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

Columbia River

Columbia River Recreational and Commercial Advisory Groups members were consulted on Columbia River and tributary regulations. The groups include constituents from the sport and commercial fishing sectors of Washington and Oregon.

Based on input from the Columbia River Recreational and Commercial Advisory Groups and general public, WDFW utilized the North of Falcon process to develop commercial and recreational fishing regulations for salmon and steelhead for the main-stem Columbia and its tributaries.

Puget Sound

An additional public input meeting for Puget Sound fisheries occurred on February 19, 2014. This meeting was held in the Natural Resource Building in Olympia and included an option to participate through a telephone conference call with the Puget Sound Anadromous and Marine Resources Sportfishing Advisory Group. Sportfish advisors provided fishing proposals for the upcoming year in the February 19 meeting and forecast updates of the upcoming runs were shared electronically on February 28, 2014. On April 16, an additional telephone conference call meeting was held to inform the advisors on the outcome of the North of Falcon process.

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 March 4, 2014 at the Region 6 Headquarters Office in Montesano. Additional meetings with each of the advisory groups were also held during the North of Falcon process. The meeting with Grays Harbor Advisory Group occurred on March 14, 2014, and with the Willapa Bay Advisory Group on March 21, 2014; both meetings were open to the public with an opportunity for public testimony during the later portion of each meeting.

Rationale for Adoption of Rules

WDFW considered all the facts and circumstances surrounding the proposed 2014 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, in some cases these 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 2014 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 2014 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 (2013-2014 North of Falcon), C3619 (Hatchery and Fishery Reform), C3620 (Columbia River Basin Salmon Management), and C3621 (Grays Harbor Basin Salmon Management).
 - c) Monitor fisheries to ensure a & b are met.
- 2) Harvest the non-treaty share of harvestable salmon.
- 3) WDFW shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.
- 4) WDFW shall seek to maintain the economic well-being and stability of the fishing industry in the state.

Regional Specific Rationale

Columbia River, Ocean, North Coast Freshwater, 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 2014 include Lower Columbia River natural Chinook, Lower Columbia River natural coho, Lake Washington natural Chinook, Puyallup River natural Chinook, Skokomish River natural Chinook, Nisqually River natural Chinook, and Interior Fraser River (Thompson) natural coho. Strong sockeye salmon returns were forecast for the Fraser River system 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 41.0%. The management objective for Thompson 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 2013. Fishing regulations and restrictions in 2014 are the same as previous year’s regulations that were designed to reduce mortality on those stocks, i.e. no changes were proposed for 2014. For example, Skagit River chum salmon were forecast to be below the spawning goal objective. The recreational fishery in the Skagit River in 2014 will require release of all chum salmon to protect or minimize impacts on the stock, as it did in 2013. 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).

Stock	Objective Type	Objective Criteria	Modeled Result
Lower Columbia natural Chinook	Exploitation Rate	≤ 41.0%	41.0%
Lower Columbia natural coho	Exploitation Rate	≤ 22.5%	22.5%
Lake Washington natural Chinook	Southern U.S. Exploitation Rate	≤ 20.0%	20.0%
Puyallup River natural Chinook	Exploitation Rate	≤ 50.0%	49.5%
Skokomish River natural Chinook	Exploitation Rate	≤ 50.0%	49.8%
Nisqually River natural Chinook	Exploitation Rate	≤ 52.0%	52.0%
Thompson coho	Exploitation Rate	≤ 10.0%	10.0%

Columbia River, 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 2014 through this rule-making process include:

Columbia River

By the recommendations of the Columbia River Compact adopted by the respective agencies, and for efficiency, enforcement, and consistency over the waters between Oregon and Washington, it is essential that there are consistent rules between the two states.

- Hatchery coho daily limit increased at Buoy 10 to harvest surplus fish.
- Two pole endorsement and boat limits added to the Wind River and Drano Lake to allow additional harvest on additionally available surplus hatchery spring and fall Chinook.
- Boat limits and increased daily limits added to lower main-stem Columbia to allow additional harvest on surplus upriver bright stock fall Chinook.
- Increased fall Chinook daily limits on the Klickitat River plus Drano Lake to allow additional harvest on surplus hatchery bright stock fall Chinook.
- Two weeks added to season on upper portion of the North Fork Lewis River to allow additional harvest on surplus wild bright stock fall Chinook.
- Lower Columbia River fall seasons were changed to match the allowable harvest of returning Chinook while providing additional mark-selective opportunity for hatchery fish.
- Bonneville Pool tributaries switched to combined salmon/steelhead daily limits similar to the spring fishery to provide for consistency between seasons.
- White Salmon River mouth redefined for clarification.
- 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.
- Okanogan River permits harvest of hatchery Chinook to protect wild salmon.
- Similkameen River includes small closure by dam and mark-selective fishery to protect wild salmon.
- Tucannon River salmon fishery area reduced due to low forecast and conservation concerns.
- Wenatchee River added 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.

Three electronically submitted comments were received and were addressed in the “Response to Comments Received” section while no verbal testimony was received regarding the Columbia River recreational seasons. The proposed regulations were adopted without modification.

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.

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

North Coast Freshwater

The Hoh River was the focus and constraining stock for the North Coast in the 2014 season planning process. The management objective for Hoh River spring/summer Chinook is an escapement rate of 69% with an escapement floor of 900 fish. The 2014 return to the river is expected to be below this threshold, with the run forecast at 876. In response to the low forecast, and to address Objectives 1a, 1b, and 2 above, the sport fishery in the Hoh River is closed to salmon fishing until the fall fishery opens in September. Previously the fishery has required anglers to release wild Hoh Spring Chinook. Combined with the tribal fishery, the in-river exploitation rate is expected to be less than 10%, as the co-managers agreed to minimize in-river impacts associated with fisheries targeting more abundance stocks and species, including summer steelhead. Though WDFW did not receive any verbal or written testimony on the Hoh regulation change during the North of Falcon public meeting process, further discussion with the public occurred after the regulations were published, asking why the salmon fishery was closed completely, rather than allowing harvest of dip-in hatchery Chinook, and why selective gear rules were not required in the lower river. Selective gear rules were considered during the North of Falcon process, but a complete closure to salmon was deemed necessary to discourage any targeting of Chinook, while also reducing the impacts to the summer steelhead. For other marine area and freshwater areas, recreational salmon seasons were maximized within the constraints of the conservation and co-manager sharing objectives. No other changes were proposed for North Coast freshwater fisheries in 2014. Modifications proposed for 2014 through this rule-making process were:

- Hoh River closed to salmon fishing during the May through August to protect depressed spring/summer Chinook salmon.

No formal written or verbal testimony was received on the CR-102 regarding North Coast Freshwater recreational seasons, however several emails regarding rule changes in the Hoh River have subsequently been received by WDFW.

Puget Sound Marine Areas

- Allow two additional sockeye to be retained July to August in Area 5, 6, and 7 to harvest surplus Fraser River sockeye.
- Mark-selective Chinook in Area 5 (October and February-April), Area 7 (October), Area 11 (October- December), and Area 13 (October-April) to reduce mortalities on Lake Washington natural Chinook and other wild Chinook.
- Mark-selective coho in Area 5 during September (excluding 7 days) and October to reduce mortalities on Thompson River coho.
- Tulalip Terminal Fishing Area day closure to reduce conflict with tribal fishers and ceremony.
- Area 9 and 10 Chinook daily limit reduced (from 2 to 1 fish bag limit) and harvest guideline reduced, to maximize season length and reduce mortality on Lake Washington natural Chinook.
- Area 13 permitted to year-round use of two pole endorsement to provide additional opportunity to harvest surplus hatchery fish.
- Fox Island Pier fishery to allow harvest of wild coho to provide consistency with year-round pier regulations.

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

Puget Sound Freshwater

- Samish River wild coho released to protect naturally spawning coho.
- Game fish season hook size restriction, selective gear rules, anti-snagging rule, and night closures adjusted on Skagit River to increase protection of wild Chinook.
- Skagit River opens earlier in middle portion to increase harvest of surplus hatchery coho.
- Skagit River sockeye fishery opens in June to allow harvest of surplus sockeye.
- Baker Lake sockeye daily limit increased to allow additional harvest of surplus sockeye.
- Fishing day closures on the Puyallup, Nisqually, and Skokomish Rivers to reduce conflict with tribal fisheries and reduce mortalities on wild Chinook.
- Nisqually River daily limit increased to provide additional harvest on surplus hatchery Chinook.
- Skokomish River Chinook fishery extended by a week to provide additional harvest on surplus hatchery Chinook.

No written or verbal testimony was received regarding the Puget Sound Freshwater recreational 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

The Washington Fish and Wildlife Commission adopted a new Grays Harbor Basin Salmon Management policy (C3621) in February of 2014. This action followed an extensive public process with multiple public comment periods. The policy provides very prescriptive management direction to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

Regulations for the 2014 Grays Harbor recreational salmon fisheries were evaluated with respect to objectives in the policy. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon public process.

General or recreational specific pre-season planning objectives are:

1. Fisheries will be managed with the intent of achieving escapement goals for natural origin salmon.
2. For spring Chinook, prioritize freshwater recreational fisheries, with an objective of opening freshwater areas no later than May 1.
3. The fishery management objectives for fall Chinook salmon, in priority order, are to:
 - achieve spawner goals;
 - provide meaningful recreational fishing opportunities; and
 - limit commercial fishery impacts to the incidental harvest of fall Chinook during fisheries directed at other species.
4. For Chehalis River basin natural-origin fall Chinook, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.
5. For Chehalis River basin fall Chinook recreational fishing sector impacts allocated to Area 2-2 will be between 27 and 48% of the total recreational impacts.
6. For Humptulips River basin fall Chinook, recreational fishing sector impacts allocated to Area 2-2 will be 37% of the total recreational impacts.
7. The Grays Harbor control zone off of the mouth of Grays Harbor will be implemented no later than the second Monday in August and continue until the end of September.
8. For Chehalis River basin coho, recreational fishing sector impacts allocated to Area 2-2 will be 45% of the total recreational impacts.
9. For Humptulips natural-origin coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.
10. For Humptulips River basin coho, recreational fishing sector impacts allocated to Area 2-2 will be between 18 and 34% of the total recreational impacts.

11. Fisheries will be managed with the intent of achieving escapement goals for wild and hatchery chum salmon. No fisheries directed at chum salmon shall occur unless the adult coho salmon return exceeds spawner objectives, or if coho salmon impacts remain after coho and Chinook salmon fisheries (Note: draft objectives shared with the public incorrectly stated no directed chum fisheries).

12. For Grays Harbor basin chum, recreational fishing sector impacts allocated to Area 2-2 will be < 2% of the total recreational impacts.

The rules, as originally noticed in the CR-102, were proposed based upon a conclusion that they would produce fisheries consistent with the overriding conservation objectives identified above, and with the Commission policy direction to provide “meaningful” opportunities for both recreational and commercial fishers.

However, the rules noticed in the CR-102 were proposed as a point of departure for further public review and comment during the formal rule-making process that followed filing of the CR-102. The rules now being adopted build upon the work that led to the CR-102 filing, and reflect additional consideration of the testimony and comments received.

Commercial and tribal fishing season regulations are not yet finalized, but are part of the overall impact on fish stocks and affect whether objectives are achieved. A proposed schedule of commercial and tribal fisheries was modeled to account for their potential impacts and allow evaluation of compliance with Commission policy and objectives.

WDFW concludes that the final adopted 2014 Grays Harbor recreational fishing regulations are consistent with these management objectives based on the following rationale:

1. Fisheries will be managed with the intent of achieving escapement goals for natural origin salmon.

Fisheries modeled in Grays Harbor are expected to result in achievement of escapement goals for four of the five natural-origin salmon stocks; Chehalis River Chinook, Humptulips River Chinook, Chehalis River coho, and Grays Harbor basin chum. Humptulips River natural-origin coho are forecast to return at a level that is below the escapement goal. That is, the coho are not expected to meet the goal regardless of whether fisheries occur or not. The adopted rules have a minimal impact on Humptulips River natural-origin coho and will meet the criteria in objective 9 below.

Stock	Objective Type	Objective Criteria	Modeled Result
Chehalis Natural-origin Chinook	Escapement Goal	9,880	10,064
Chehalis Natural-origin Coho	Escapement Goal	28,506	47,743
Humptulips Natural-origin Chinook	Escapement Goal	3,620	3,624
Humptulips Natural-origin Coho	Exploitation Rate	≤ 5.0%	2.3%
Grays Harbor Chum	Escapement Goal	21,000	23,446

2. For spring Chinook, prioritize freshwater recreational fisheries, with an objective of opening freshwater areas no later than May 1.

The adopted rules opened the spring Chinook fishery on May 1.

3. The fishery management objectives for fall Chinook salmon, in priority order, are to:

- achieve spawner goals;

The scheduled fisheries in the adopted rule are expected to result in 10,064 Chehalis River natural-origin Chinook spawners compared to a state spawning goal of 9,880, and 3,624 Humptulips River natural-origin spawners compared to a spawning goal of 3,620.

- provide meaningful recreational fishing opportunities;

Within the constraints of the policy, recreational fishing opportunities have been provided for Humptulips River Chinook in both the marine area and the Humptulips River.

4. For Chehalis River basin natural-origin fall Chinook, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.

The predicted impact on Chehalis River natural-origin fall Chinook in WDFW managed fisheries is 4.7%.

5. For Chehalis River basin fall Chinook recreational fishing sector impacts allocated to Area 2-2 will be between 27 and 48% of the total recreational impacts.

The proportion of Chehalis River fall Chinook recreational fishing sector impacts allocated to Area 2-2 is 70%. Because all recreational fisheries are releasing Chinook salmon, except

fisheries in and near the Humptulips River, we were unable to meet this objective even though more time was added to the recreational fishery in the Chehalis River.

6. For Humptulips River basin fall Chinook, recreational fishing sector impacts allocated to Area 2-2 will be 37% of the total recreational impacts.

The proportion of Chehalis River fall Chinook recreational fishing sector impacts allocated to Area 2-2 is 10%. The Area 2-2 fishery has been extremely volatile in recent years with catch occasionally exceeding the predicted catch by a significant margin. The marine fishery near the mouth of the Humptulips River is new and therefore it is difficult to predict catch. Given the uncertainty, the volatility in the marine catches, and the low number of fish predicted to exceed the spawning goal, it would be risky to provide additional time and catch to the marine area. If this fishery continues in future years, we will be able to predict catch with more certainty and ensure that conservation objectives are met.

7. The Grays Harbor control zone off of the mouth of Grays Harbor will be implemented no later than the second Monday in August and continue until the end of September.

The Grays Harbor control zone is closed beginning the second Monday in August and is expected to remain closed through the end of September.

8. For Chehalis River basin coho, recreational fishing sector impacts allocated to Area 2-2 will be 45% of the total recreational impacts.

The proportion of Chehalis River coho recreational fishing sector impacts allocated to Area 2-2 is 27%. Because additional protection was necessary for Humptulips River natural-origin coho and Chinook, we were unable to schedule additional time and/or area in Area 2-2.

9. For Humptulips natural-origin coho, the predicted fishery impact in WDFW-managed fisheries will not exceed 5% of the adult return to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.

The predicted impact is 2.3%.

10. For Humptulips River basin coho, recreational fishing sector impacts allocated to Area 2-2 will be between 18 and 34% of the total recreational impacts.

The proportion of Humptulips River coho recreational fishing sector impacts allocated to Area 2-2 is 10%. Because additional protection was necessary for Humptulips River natural-origin coho and Chinook, we were unable to schedule additional time and/or area in Area 2-2.

11. Fisheries will be managed with the intent of achieving escapement goals for wild and hatchery chum salmon. No fisheries directed at chum salmon shall occur unless the adult coho salmon return exceeds spawner objectives, or if coho salmon impacts remain after coho and Chinook salmon fisheries.

The scheduled fisheries in the adopted rule are expected to result in 23,446 Grays Harbor chum spawners compared to a state-tribal spawning goal of 21,000

12. For Grays Harbor basin chum, recreational fishing sector impacts allocated to Area 2-2 will be < 2% of the total recreational impacts.

The proportion of Grays Harbor chum recreational fishing sector impacts allocated to Area 2-2 is <0.7%.

Willapa Bay

The management of salmon resources in Willapa Bay and its tributaries has changed dramatically over the last decade. For many decades prior to 2000, salmon were managed with hatchery supplementation of natural-origin fish. The focus was on attaining an aggregate escapement of fish for spawning purposes without any differentiation between hatchery and natural-origin fish. In the early 2000's, the Hatchery Scientific Review Group (HSRG) reviewed all Pacific salmon and steelhead statewide hatchery programs and practices to assure our State's resources were managed for long-term health and sustainable harvest. Increasingly, there was concern that hatchery fish and natural-origin fish needed to be managed with greater care to ensure a healthy wild population of salmon. In 2003, a conservation objective to protect natural-origin Chinook was put into practice. However, at that time, hatchery fish were not being marked making it difficult to visually distinguish between natural- and hatchery-origin fish. Accordingly, WDFW was limited to the identification of a harvest rate for all Chinook in the aggregate. On that basis, the conservation objective limited the overall harvest rate to no more than 30% by all fishery occurring in Willapa Bay and its tributaries.

In 2009, the WDFW Commission adopted the Hatchery and Fishery Reform policy (C-3619). That policy directs WDFW to implement the principles of hatchery reform and utilize methods to selectively harvest hatchery fish. In Willapa Bay, like elsewhere in the State, this policy brought about further refinement of salmon hatchery and fishery management. Working with the Willapa Bay Salmon Advisory Group, WDFW developed a draft Willapa Bay Management Plan (Willapa Plan) in January of 2010. The draft Plan remains a work in progress.

The draft 2010 Willapa Plan provides a framework for a transition in hatchery and fishery management strategies for salmon fisheries in Willapa Bay. Where the primary objective had

been the harvest of hatchery-origin Chinook salmon, the Plan describes an enhanced focus on conservation consistent with the guidance of the Hatchery and Fishery Reform policy. Achieving the conservation goals of the plan is anticipated to promote sustainable fisheries and reduce the likelihood of the listing of Washington coastal Chinook under the Endangered Species Act.

WDFW recognized that the Plan called for a significant shift in management, and that a period of transition would be needed to achieve the long-term conservation goals. Historical harvest rates on Willapa Bay Chinook salmon exceeded 90%, and hatchery-origin fish likely historically comprised most of the spawners in the Willapa and Naselle rivers.

The Willapa Plan includes the following components to initiate the transition toward improved hatchery and fishery management by:

- designating the Naselle River as the Primary Chinook population requiring the highest level of protection for natural origin fish;
- maintaining a 30% harvest rate ceiling on Naselle River natural-origin Chinook;
- reducing production of hatchery Chinook in the Naselle River yet maintaining total production of hatchery Chinook with increased production in Nemah and Willapa rivers;
- recognizing the utility of mark-selective fisheries to reduce harvest rates on natural-origin Chinook and to reduce the number of hatchery-origin Chinook salmon in natural spawning areas; and
- recognizing that adaptive management is necessary to address the significant uncertainty in our understanding of the abundance of naturally produced Chinook salmon and the impacts of fisheries in different sub-areas of Willapa Bay.

Prior to the 2014 season, WDFW again reviewed the performance of the fishery under the Willapa Plan to assess whether progress was being made towards achieving its objectives. As part of that review, WDFW recognized that all objectives may not be immediately attainable because of the following factors: the fishery is being transformed, and the effects of past practices may linger for many years; substantial uncertainties exist regarding data about stock composition that has only been possible with fish marking that began four years ago; and there is natural variability in population abundance due to factors outside the control or predictive power of fishery managers (e.g. ocean survival conditions). Furthermore – as might be expected during a transitional period – WDFW acknowledges that it will be faced with the challenging task of balancing multiple trade-offs with objectives that are often in tension with one another. WDFW also recognized that we will be moving through this transition with significant uncertainty in our understanding of natural production in tributaries to Willapa Bay. This uncertainty includes: the number of spawners necessary to optimally seed each river; the current productivity of natural spawners; and uncertainty with regard to how the productivity of natural spawners will change as we transition fishery management.

The Willapa Plan was evaluated relative to multiple criteria: the harvest rates on Naselle natural-origin Chinook were less than 30% in each year since implementation of the plan was initiated (14-29%); the proportion of hatchery-origin spawners dropped to the lowest level (0.81) since marking was initiated but remained substantially higher than our long term objective of 0.30; the number of natural-origin spawners for the Naselle population has declined in each year since 2010, reaching a low of 564 spawners in 2013; a lower level of natural-origin spawners in the North River and Smith Creek stock, but an increase in 2013 over 2012; and finally, the number of spawners remained above the spawner capacity estimate for the Willapa River population, declined and remained below the capacity estimate for the Palix River population, and remained low and below the spawner capacity estimate for the Bear River population.

The 2014 forecast is for a return of 3,112 natural-origin Chinook and 29,327 hatchery-origin Chinook. This forecast suggests that natural-origin Chinook escapement targets will not be achieved even before fishing activity is considered (Note: the primary tool for placing natural-origin Chinook on a trajectory for obtaining long-term escapement objectives is the imposition of a natural-origin harvest rate. It is important to understand that these target harvest rates may be attained even though progress still needs to be made on the attainment of long-term escapement objectives, particularly in years of low abundance). The relatively small return of natural-origin Chinook, the smallest in the last four years, will clearly make it difficult to achieve substantial progress towards meeting the management objectives for this transitional period. The steps being taken this year to provide additional conservation emphasis (e.g. further tightening certain harvest rates together with other actions) are discussed in greater detail below.

In summary, in reviewing the performance of the Willapa Plan over the last four years and the 2014 forecast for natural-origin Chinook returns, WDFW concluded that additional conservation actions should be implemented in 2014. These actions are directed at enhancing conservation of Primary (Naselle River) and Contributing (North River and Smith Creek) populations. Therefore, WDFW proposed additional, more conservative, fishery and hatchery management actions in 2014. These objectives were shared with the public during the North of Falcon public process:

- 1) Address the declining trend in natural-origin spawners for the Naselle River Chinook population by targeting a harvest rate of no more than 20% on the Naselle River population. The projected natural-origin escapement will exceed the 2012 spawner level (> 1,050 fish).
- 2) Implement time and area closures that may provide additional protection for the Naselle River Chinook population, including the closure of sub-areas 2P, 2R, and 2M through September 15.

- 3) Explore with the commercial fishing industry opportunities to implement alternative gear (purse seine, beach seine, or tangle net) to increase the catch of abundant hatchery fish while minimizing impacts to natural-origin Chinook.
- 4) Increase protection for the North River and Smith Creek Chinook population by delaying the recreational fishery in North Bay and the North River until October 1.
- 5) Maximize harvest opportunity on hatchery coho, in a manner that is consistent with achieving objectives and goals for healthy, diverse and sustainable natural spawning populations.
- 6) Meet or exceed the 13,090 escapement goal for natural-origin coho.
- 7) Continue moratorium on chum directed fishing, i.e. closed.
- 8) Limit the incidental impacts on chum to a harvest rate of 10% or less.

The rules, as originally noticed in the CR-102, were proposed based upon a conclusion that they would produce fisheries consistent with the overriding conservation objectives identified above, and with the Commission policy direction to provide “meaningful opportunities for both recreational and commercial fishers.

However, the rules noticed in the CR-102 were proposed as a *point of departure* for further public review and comment during the formal rule-making process that followed filing of the CR-102. The rules now being adopted build upon the work that led to the CR-102 filing, and reflect additional consideration of the testimony and comments received.

WDFW concludes that the final adopted 2014 Willapa Bay recreational fishing regulations are consistent with these management objectives based on the following rationale:

Objective 1: Target a harvest rate of no more than 20% on the Naselle River Chinook population.

The adopted rules are constructed to achieve a harvest rate of no more than 20% on Naselle River Chinook. This is a more conservative harvest rate limit than the default 30% rate identified in the Willapa Plan. Its use reflects a belief that additional conservation measures should be employed considering the slow progress being made on placing fish on a trajectory to the attainment of natural-origin conservation objectives. The adopted rules define schedules with open fishing periods only for those fisheries that are directed at salmon stocks with harvestable abundance. WDFW relied on pre-season forecasts of abundance to construct the fishing schedules.

Objective 2: Implement time and area closures that may provide additional protection for the Naselle River Chinook population, including the closure of sub-areas 2P, 2R, and 2M through September 15.

The adopted rules are constructed with closures of areas 2P, 2R, and 2M through September 15. These closures were also proposed in the commercial fisheries and are described in a separate rulemaking process for commercial fisheries.

Objective 3: Where possible, explore with the commercial fishing industry opportunities to implement alternative gear (purse seine, beach seine, or tangle net) to increase the catch of abundant hatchery fish while minimizing impacts to natural-origin Chinook.

This objective does not pertain to the recreational regulations and is therefore not addressed here.

Objective 4: Increase protection for the North River Chinook population by delaying the recreational fishery in North Bay and the North River until October 1.

The adopted rules are constructed with a delay in the recreational fishery in North Bay until October 1, similar to the rule proposed for the commercial fishery and described in a separate rulemaking process.

Objective 5: Maximize harvest opportunity on hatchery coho, in a manner that is consistent with achieving objectives and goals for healthy, diverse and sustainable natural spawning populations.

The adopted rules are constructed to maximize the harvest of hatchery coho while meeting the constraints imposed by conservation objectives for chum and wild Chinook salmon. Selective fishing is to achieve the highest level of coho and hatchery Chinook catch while minimizing the number of natural-origin Chinook mortalities.

Objective 6: Meet or exceed 13,090 escapement goal for natural-origin coho.

The adopted rules are constructed to achieve the coho escapement goal for natural-origin coho. The predicted escapement is 31,239 natural-origin coho.

Objective 7: Continue moratorium on chum directed fishing, i.e. closed.

The adopted rules allow the retention of chum in fisheries directed at coho and hatchery Chinook. The predicted impact on chum in the recreational fisheries is extremely low. The commercial fisheries have a much larger potential impact. The revised mix of fishing in the

adopted rule addresses these concerns while maintaining overall chum conservation objectives as identified in Objective 8.

Objective 8: Limit the incidental impacts on chum to a harvest rate of 10% or less.

The adopted rules are structured to minimize incidental mortalities on non-target species 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 bycatch, WDFW has considered the best available scientific information concerning the potential impact of these fishing seasons on non-target species. The predicted incidental harvest rate on chum salmon is 9.6%.

Objective 9. Provide meaningful opportunities for both recreational and commercial fishers.

The adopted regulations provide meaningful fishing opportunities with recreational fishers projected to catch a slightly greater percentage of the Chinook and coho salmon than in recent years.

Stock	Objective Type	Objective Criteria	Modeled Result
Naselle Natural Chinook	Terminal Harvest Rate	≤ 20%	19.96%
Willapa Bay Natural Coho	Escapement Goal	13,090 spawners	31,239
Willapa Bay Natural Chum	Terminal Harvest Rate	≤ 10%	9.61%

Corrections to the WSR 14-12-089

Substantive Changes

WAC 220-310-180: Freshwater exceptions to statewide rules-Coast

Willapa Bay freshwater systems (Bear River, Fork Creek, Naselle River, Middle Nemah River, North Nemah River, South Nemah River, Niawiakum River, North River, Palix River, Smith Creek, Willapa River, and South Fork Willapa River) during the salmon seasons was changed to allow anglers to harvest chum as part of daily salmon limit.

Reasoning: In a separate rule making process, WDFW allowed commercial fishers to retain chum caught incidentally to directed fisheries on coho and hatchery Chinook. Therefore chum retention was allowed for the recreational sector as well. The overall mortality rate of the recreational fishery on chum salmon is extremely low at less than 1%.

Naselle River coho limit was reduced to no more than 2 wild coho beginning November 1.

Reasoning: Commenters requested that the agency reduce the wild coho daily limit to 1. Based on the comments, the Department will take a more pre-cautionary approach and lower the daily limit of wild coho to 2 per day.

WAC 220-310-185: Freshwater exceptions to statewide rules-Eastside

Wind River (Skamania County) from 100 feet above Shipherd Falls to 800 yards downstream from Carson National Fish Hatchery was changed to require barbless hooks, night closure, and anti-snagging rule in to be effect from May 1 through June 30.

Reasoning: On the Columbia River, the general rule is whenever salmon/steelhead fisheries are open then barbless hooks are required. To maintain an orderly fishery, night closures and anti-snagging rules are also in effect on this portion of the Wind River. These regulations were reinstated for the upper Wind spring Chinook/hatchery steelhead season via emergency rules during 2014.

WAC 220-28-620: Coastal salmon-Saltwater seasons and daily limits

Willapa Bay (Catch Record Card Area 2-1) closure from August 1 through September 30 from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) to range marker "B", then due north to landfall was adjusted to reduce overlap and constriction of the main channel by changing the area to extend from Willapa Harbor channel marker 13 (green) northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W.

Reasoning: Recreational and commercial fishers alike commented that sufficient protection of North River origin-Chinook was offered by a line projected upriver along the Willapa River channel that did not encroach upon the channel itself and made landfall at a more prominent headland versus the navigation range maker in the channel.

WAC 220-28-620: Coastal salmon-Saltwater seasons and daily limits

Willapa Bay (Catch Record Card Area 2-1) August 1 through January 31 was changed to allow anglers to retain chum as part of the daily salmon limit.

Reasoning: In a separate rule making process, WDFW allowed commercial fishers to retain chum caught incidentally to directed fisheries on coho and hatchery Chinook. Therefore chum retention was allowed for the recreational sector as well. The overall mortality rate of the recreational fishery on chum salmon is extremely low at less than 1%.

Technical Changes

Technical and organizational edits were made to improve accuracy, clarification, and functionality of the rule. Errors were corrected to reflect the actual intent of the rules for the following WAC:

220-28-620: Coastal salmon-Saltwater seasons and daily limits

220-310-180: Freshwater exceptions to statewide rules-Coast

220-310-185: Freshwater exceptions to statewide rules-Southwest

220-310-190: Freshwater exceptions to statewide rules-Puget Sound

220-310-195: Freshwater exceptions to statewide rules-Eastside

220-310-200: Freshwater exceptions to statewide rules-Columbia

Response to Comments Received During Comment Period for WSR 14-12-089

Columbia River

Comment: Opposed to two-pole use and/or limiting its use on systems that specifically included Cowlitz River, Drano Lake, and Wind River due to enforcement and angler conflict concerns.

Response: WDFW enforcement and sport samplers have not witnessed many issues with these fisheries regarding infractions, over-crowding, and other angler conflicts. Anglers in both areas are taking advantage of the two pole endorsement, which WDFW has received positive feedback from the public. This is a relatively new rule and WDFW will continue to monitor the success of this regulation and make adjustments to insure its continued success. The lessons learned in these fisheries will continue to be used to make decisions on whether to allow two poles in new rivers and lakes in the future.

Comment: Concerned with early Chinook opportunities on the Snake River Chinook and providing additional comment opportunities during North of Falcon process.

Response: Spring Chinook fisheries below McNary Dam are jointly managed by WDFW and Oregon Department of Fish and Wildlife through the Columbia River Compact hearing. Prior to the Compact hearing each year, the staffs produce a detailed Joint Staff Report that summarizes fisheries and escapements from the previous year and forecasts for the coming year. This report

is distributed and available on both departments' web sites about 10 days prior to the first Compact hearing of the season. The first Compact/Joint Staff hearing is usually held in late January or early February to set sport and commercial fisheries below McNary Dam. The meeting is set at least a month ahead of time and is posted on the agency website. During that meeting public comment is taken and the decisions are made for the initial fisheries. Additional Compact/Joint State hearings are held throughout the season to add or subtract to the initial fisheries that were scheduled.

Public input received at both eastern Washington public meetings (Pasco and Clarkston) were taken into consideration by WDFW staff to craft seasonal Fishing Rule Changes enacted under emergency rule, for the 2014 spring Chinook fishery on the Snake River. All four areas proposed for fisheries on the Snake River (Ice Harbor, Little Goose, Lower Granite, and Clarkston), were supported by public comment and opened for hatchery spring Chinook opportunity during 2014. The staggered zone(s) opening strategy proposed by WDFW (two of four zones each on alternating three day rotations) were supported by majority public comment, and were incorporated into the Fish Rule Change enacted for the fishery.

North Coast

No formal written or verbal testimony was received on the CR-102 regarding North Coast Freshwater recreational seasons, however several emails regarding rule changes in the Hoh River have subsequently been received by WDFW. Comments expressed in these emails are addressed in the North Coast sub-section of the Regional Specific Rationale section above.

Grays Harbor

Comment: Opposed to Humptulips North Bay fishery; commission policy does not allow for a Chinook sport fishery for chinook this year because escapement has not been met 3 out of the last 5 years.

Response: WDFW reviewed the Commission policy for guidance prohibiting a Chinook fishery if escapement has not been met 3 out of the last 5 years. The commission policy states the following:

As a component of the annual fishery management review, WDFW shall assess if spawner goals were achieved for Chehalis spring Chinook, Chehalis fall Chinook, Humptulips fall Chinook, Chehalis coho, Humptulips coho, and Grays Harbor chum salmon. If the number of natural-origin spawners was less than the goal in 3 out of the last 5 years (beginning in 2009), WDFW shall implement the following measures:

- a) The predicted fishery impact for that stock in WDFW-managed fisheries in the Grays Harbor Basin will not exceed 5% of the adult return to Grays Harbor; and
- b) If a spawner goal for fall Chinook salmon is not achieved, the Grays Harbor control zone off of the mouth of Grays Harbor will be implemented no later than the second Monday in August and continue until the end of September.

The policy gives 2 measures the agency must follow. The first limits mortality impacts to 5%. The second provides direction for a recreational fishery sub-area closure in Area 2 (whereas this rule is in Area 2-2). Neither measure directs a prohibition on Chinook fishing, even though such prohibitions are clearly stated elsewhere in the policy. For example: “No fisheries directed at chum salmon shall occur unless the adult coho salmon return exceeds spawner objectives, or if coho salmon impacts remain after coho and Chinook salmon fisheries.” Based on our review of the policy, WDFW respectfully disagrees that Commission policy does not allow for a Chinook fishery. Although final commercial seasons have not been set, the overall impact of WDFW-managed fisheries in the Grays Harbor Basin will not exceed 5% of the adult return to Grays Harbor.

Comment: Opposed to Chehalis River August fishery targeting Chinook jacks due to mortality of adults and because Commission policy does not allow for a Chinook sport fishery for chinook this year because escapement has not been met 3 out of the last 5 years; or bait should not be allowed.

Response: Commission policy is addressed above. Based on public comment during the North of Falcon process, WDFW opened the Chehalis River upstream to Black River on August 16th, two weeks earlier than in 2013. This fishery targets jack Chinook salmon and requires anglers to release adult Chinook. We examined catch estimates for the 2 years the river has been open for harvest in August in the past 20 years. The number of Chinook caught and retained was 25 and 67 in 1995 and 1996, respectively. The rivers were open the full month during those years compared to half of August in the adopted regulations. Assuming a similar catch of Chinook, but with release required, we apply a 10% hook and release mortality rate to the encountered fish. This suggests a mortality of 2 to 7 Chinook associated with the August fishery. The planning model uses the 1996 rate for August, or an encounter rate of 2.4% of the total run. When multiplied by 10%, this predicts a mortality rate of 0.24% out of the allowable 5% that can be utilized by WDFW-managed fisheries. We conclude that this is an acceptably low impact and that further restrictions, such as a bait prohibition, are not warranted.

Willapa Bay

Comment: Opposed to the liberalization of the late wild coho season on the Naselle River and request WDFW return to only 1 wild coho per day after November 1. Commenter also expressed concern regarding the long term impacts to the wild component and believes some conservation within the Naselle is prudent until more harvest data is available.

Response: WDFW received a request to liberalize the coho season during the early part of the fishery and allow 2 wild coho to be retained during the early part of the run. However, WDFW took additional conservation actions to protect Naselle River natural-origin Chinook including a delay in the opening date of the Naselle River upstream of the hatchery and closing Chinook retention upstream of the hatchery. WDFW decided to extend the liberalization of the coho season to partially mitigate the effect of these conservation actions on recreational opportunity and to simplify the regulations.

Management objectives for Willapa Bay coho include a single, basin-wide objective for coho salmon. WDFW does not split out management of late and early timed coho stocks. The fishery planning model predicts the adopted rules for both commercial and recreational fisheries will result in a spawning escapement of 31,239 natural-origin coho compared to an escapement goal of 13,090. Although individual river escapement goals were not identified as management objectives, the predicted escapement for the Naselle River is 4,843 natural-origin coho versus a goal of 2,529.

To evaluate the potential impact of the adopted rules on later timed coho, WDFW examined the distribution of spawn timing to evaluate if there was depression in the later portion of the run (Figure 1). The percent of redds constructed in the last half of the run is actually much higher than the first half. These data suggest that the adopted rules are sufficient to provide the necessary conservation of natural-origin coho.

The impact on these fish from the freshwater fishery is extremely low (7%) compared to the commercial fishery in Willapa Bay (41%), and the potential to appreciably affect the number of spawning fish is much lower. Nonetheless, the Department is persuaded by commenter's willingness to take a more pre-cautionary approach despite the reduced opportunity. The adopted rules have a lower the daily limit of 2 wild coho per day beginning November 1.

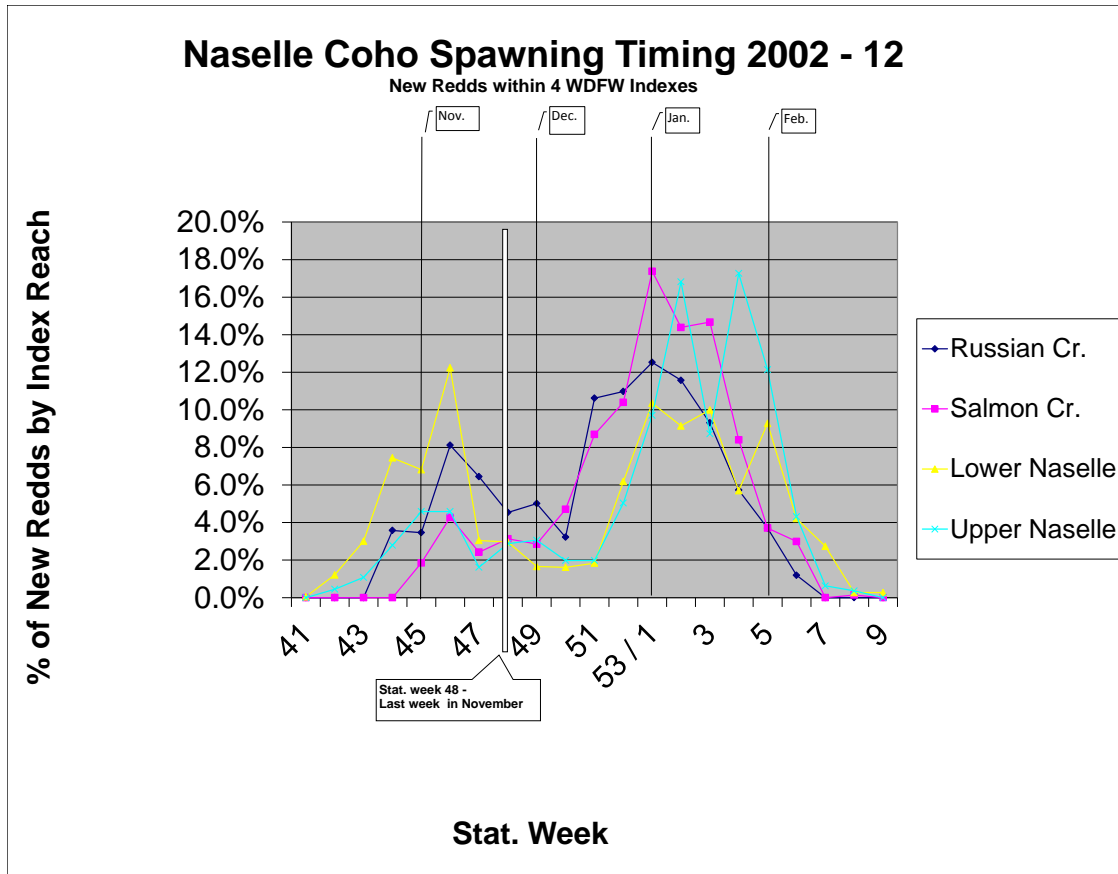


Figure 1. Redd construction by statistical week for naturally spawning coho in the Naselle River from 2002 through 2012.

Comment: Commenter would prefer to have selective gear rules restored during steelhead season on the Naselle River.

Response: This regulation is outside the delegated authority to the Director for salmon regulations and the North of Falcon process. Commenter has already been advised of the appropriate process for this type of rule-making action. The typical process for sport fishing rules changes to include coastal streams begins spring of 2015. This process will be noticed on the WDFW website and will follow the processes prescribed in the Washington State Administrative Procedures Act.

Conclusion

WDFW has considered all the facts and circumstances surrounding the 2014 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 2014 recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW’s management objectives for these fisheries.