

# **2015 Recreational Salmon Regulations**

## **Concise Explanatory Statement**



6/11/2015

# Table of Contents

<b>Rule Development Process</b> .....	<b>1</b>
Supplemental Meetings and Rule Development Process.....	3
Columbia River.....	3
Puget Sound .....	3
<b>Rationale for Adoption of Rules</b> .....	<b>3</b>
<b>Regional Specific Rationale</b> .....	<b>4</b>
Columbia River.....	6
Ocean .....	8
Puget Sound Marine Areas .....	8
Puget Sound Freshwater.....	9
<b>Corrections to WSR 15-10-097</b> .....	<b>10</b>
WAC 220-55-220: Two-pole endorsement.....	10
WAC 220-310-175: Freshwater exceptions to statewide rules-General rules .....	10
WAC 220-310-185: Freshwater exceptions to statewide rules-Southwest.....	10
WAC 220-310-190: Freshwater exceptions to statewide rules-Puget Sound .....	11
WAC 220-310-200: Freshwater exceptions to statewide rules-Columbia.....	11
WAC 232-28-621: Puget Sound salmon – Saltwater seasons and daily limits.....	12
Technical Changes .....	14
<b>Response to Comments Received During Comment Period for WSR 15-10-097</b> .....	<b>14</b>
<b>Conclusion</b> .....	<b>18</b>

## Recreational Salmon Regulations for 2015

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW's) reasons for adopting the 2015 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 and -230, 220-56-105, -180, and -282, 220-310-175, -185, -190, -195, and -200, and 232-28-620 and -621.

### 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 2015 annual public process for developing salmon fishery regulation proposals, known as North of Falcon, began on March 2 in the Natural Resources Building in Olympia. WDFW presented and discussed the 2015 preseason forecasts of salmon abundance with interested stakeholders. Implications of the forecasts and 2015 season planning were discussed in break-out sessions for the Columbia River, Ocean, and Puget Sound (all) during this meeting. Additional public meetings were as shown in the Public Meeting Table.

**Public Meeting Table.** All meetings occurred in Washington State unless noted otherwise.

Geographic Area	Date(s)	Location
Ocean	March 7-12	Vancouver
Columbia River	March 16	Vancouver
All	March 18	Olympia
Puget Sound	March 19	Sequim
Puget Sound	March 23	Mill Creek
Columbia River	March 24	Walla Walla
Puget Sound	March 25	Olympia
Columbia River	March 25	Kennewick

Ocean	March 30	Westport
All	April 1	Lynnwood
Columbia River	April 6	Olympia
Ocean	April 6	Olympia
All	April 11-16	Rohnert Park, California

During these public meetings WDFW gathered input on structuring fishing seasons, possible rule changes and provided the public with information on the status of the 2015 planning process. Fishing regulation proposals that were shared at the public meetings were available to receive additional comments online on the North of Falcon WDFW website for those who could not attend the public meetings from March 2 through April 9.

During the 2015 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 2015 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. 23, 2014 as Washington State Register (WSR) 15-01-158 and posted the notice online on the Rule Information Center of WDFW website. WDFW published the proposed 2015 recreational salmon season regulations in a CR-102 filed in the WSR 15-10-097 on May 6, 2015. The filing included changes to WAC 220-55-220 and -230, 220-56-105, -180, and -282, 220-310-175, -185, -190, -195, and -200, and 232-28-620 and -621. Information regarding the proposed rule changes was electronically and physically mailed out to participants in the North of Falcon process who provided their contact information at meetings as well as posting it on WDFW’s website.

Thirteen electronically submitted comments were submitted to the WDFW rules coordinator in response to the CR-102 filings, which primarily addressed Puget Sound fisheries. Responses to those comments are summarized in the “Response to Comments Received” section of this document excluding 2 comments that thanked the WDFW.

A formal rule-making hearing was held on June 9, 2015 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. Seven individuals attended the hearing with general questions by four individuals that were

responded to by staff and two verbal comments were presented at the hearing. One verbal comment was directed at the Puget Sound Commercial Salmon Fishery and will be responded to in the WSR 15-11-101 CES. The other verbal comment is summarized in the “Response to Comments Receive.” In addition to input during the public meetings, comments received by letter, electronic mail, and online on the North of Falcon WDFW website 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 5, 2015. 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 addition to reviewing previously submitted fishing proposals, meeting schedule, and forecast update of the upcoming runs were shared electronically on February 27, 2015.

### **Rationale for Adoption of Rules**

WDFW considered all the facts and circumstances surrounding the proposed 2015 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 2015 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 2015 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 (2015-2016 North of Falcon), C3619 (Hatchery and Fishery Reform), and C3620 (Columbia River 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, 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 2015 include Lower Columbia River natural Chinook, Lower Columbia natural coho, Lake Washington natural Chinook, Nisqually River natural Chinook, Puyallup River natural Chinook, Skagit River summer/fall natural Chinook, Skokomish River natural Chinook, Queets River natural coho, and Interior Fraser River (Thompson) natural coho. Strong pink salmon returns were forecast for the Fraser River system and Puget Sound

(excluding the Stillaguamish River) resulting in large surpluses available for harvest. 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; however, guidance for the 2015 fisheries was 40%. 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 10.0%. Queets River natural coho has an escapement goal of 5,800. However co-managers agreed to model fisheries at levels that produce a lower escapement for 2015.

**2015 Constraining Stock Table.**

Stock	Objective Type	Objective Criteria	Modeled Result
Lower Columbia natural Chinook	Exploitation Rate	≤ 40.0%	40.0%
Lower Columbia natural coho	Exploitation Rate	≤ 23.0%	23.0%
Lake Washington natural Chinook	Southern U.S. Exploitation Rate	≤ 20.0%	20.0%
Nisqually River natural Chinook	Exploitation Rate	≤ 52.0%	51.9%
Puyallup River natural Chinook	Exploitation Rate	≤ 50.0%	50.0%
Skagit River summer/fall natural Chinook	Exploitation Rate	< 38.0%	33.0%
Skokomish River natural Chinook	Exploitation Rate	≤ 50.0%	49.8%
Queets River natural coho	Escapement Goal	5,800	5,255
Thompson coho	Exploitation Rate	≤ 10.0%	10.0%

Certain other stocks continued to not meet management objectives, similar to 2014. Fishing regulations and restrictions in 2015 are the same as previous year’s regulations that were designed to reduce mortality on those stocks, i.e. no changes were proposed for 2015. For example, Skagit River chum salmon were forecast to be below the spawning goal objective. The recreational fishery in the Skagit River in 2015 will require release of all chum salmon to protect or minimize impacts on the stock, as it did in 2014. 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).

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. One electronically submitted comment and one public hearing comment was received and was addressed in the “Response to Comments Received.”

Modifications proposed for 2015 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 rules are consistent between the two states.

- Buoy 10 open for Chinook (adipose clipped or not) retention through Labor Day (September 7).
- From Buoy 10 upstream to the Washington/Oregon border, from March 1 through May 15 the mainstem Columbia open for retention of adipose fin clipped steelhead and shad only when open to the retention of hatchery spring Chinook.
- When the mainstem Columbia from The Dalles Dam upstream to the Washington/Oregon border is open for spring Chinook from March 16 through June 15, anglers may possess up to 4 hatchery adult Chinook in fresh form; anglers aboard a boat may only possess one daily limit of salmon in fresh form.
- Rocky Point/Tongue Point line upstream to Bonneville Dam open for hatchery adult summer Chinook and sockeye from June 16 through July 6.
- From the Rocky Point/Tongue Point line upstream to the Lewis River, fall Chinook retention is restricted to hatchery fish only from September 8 through September 14; all Chinook must be released from September 15 through September 30.
- Washington Bonneville Pool bank spring Chinook fishery limited to hand cast only to spread the catch more evenly on the mainstem Columbia from Bonneville Dam upstream to the Washington/Oregon border.
- From March 1 through June 15, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to retention of spring Chinook, the salmonid daily limit in Deep River is the same as the mainstem Columbia.
- Lower Elochoman opened early for hatchery (including adult) spring Chinook to match the existing hatchery steelhead season.
- Two poles with two pole endorsement on the lower Cowlitz upstream to the barrier dam allowed year round to harvest surplus hatchery spring and fall Chinook and coho.
- Selective gear rules added to Mill Creek (Lewis Co.) to aid in releasing any salmon caught while fishing for hatchery steelhead and cutthroats.



- Tilton River salmon anglers must use barbless hooks to match the WAC with the pamphlet.
- Two weeks added to season on the Lewis River to allow additional harvest on surplus wild bright stock fall Chinook.
- Anti-snagging and night closure to begin one month earlier on the upper Washougal River; closed area below the temporary weir increased to 1,000 feet to reduce snagging.
- Columbia River Salmon and Steelhead Endorsement removed from upper Rock Creek (Skamania County) as the falls are an anadromous barrier.
- Barbed hooks allowed during spring Chinook fisheries at Wind River and Drano Lake and fall salmon fisheries at Drano Lake and on the lower Klickitat where the majority of the harvest is hatchery salmon; two pole delayed until October 1 at Drano Lake to reduce handle of summer steelhead.
- Wind River from Highway 14 Bridge upstream closed to all fishing from mid to late-March to protect wild steelhead when few salmon are present.
- Highway 14 Bridge used as a boundary for the anti-snagging and two pole rules for consistency with other permanent rules already in effect at Wind River.
- Area increased to fish for stray hatchery spring Chinook on the lower White Salmon River; powerhouse changed to former location of the powerhouse as Condit Dam and the powerhouse no longer exist.
- Increased fall Chinook and hatchery steelhead daily limits on the Klickitat River to allow additional harvest on surplus hatchery fish.
- Upper Klickitat to open for hatchery adult Chinook beginning June 1 to match the existing trout, including hatchery steelhead, season and to reduce the need for emergency regulations to open the upper Klickitat for hatchery adult spring Chinook.
- Mouth of the Klickitat River defined as the Burlington Northern Railroad Bridge for clarity.
- Mark-selective fisheries were opened on the Columbia River and tributaries above the Snake River to protect wild summer Chinook and ensure escapement and broodstock needs were met.
- Establish new Columbia River salmon fishery management area in the Tri-cities to provide harvest protection for recently reintroduced Yakima River sockeye and summer chinook.
- Increase daily limits for upper Columbia sockeye to six fish upstream of I-182 Bridge at Richland.
- Chelan River night closure 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.

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

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

- Days added to Area 3 and 4 late season to provide additional opportunity.

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

#### Puget Sound Marine Areas

- Allow two additional pink to be retained July through September in Area 5-11 and 13 to harvest surplus Puget Sound and Fraser pink.
- Reduce two additional sockeye to be retained from early/mid-August through September to protect early returning Fraser sockeye while providing opportunity to harvest late returning sockeye.
- Area 5 mark-selective Chinook fishery in October was shifted to April to provide harvest opportunity on Chinook during late April.
- Non-selective coho fishery during September converted to eight days for Area 5, in addition to October for both Area 5 and 7 to harvest surplus coho while protecting Thompson coho.
- Dungeness Bay (Area 6) added pink only fishery mid-July through mid-August with gear restrictions to harvest surplus pink while protecting wild Chinook.
- Area 6 converted to mark-selective in October to reduce mortalities on wild Chinook.
- Tulalip Terminal Fishing Area openings and day closure adjusted to reflect the calendar year and reduce conflict with tribal fishers and ceremony.
- Area 10 summer fishery converted to Chinook non-retention (excluding Sinclair Inlet and year-round piers) to reduce mortality on Lake Washington natural Chinook.
- Elliott Bay (Area 10) added pink and coho fishery in August with gear restrictions to harvest surplus pink while protecting wild Chinook.
- North of Ayock (Area 12) added pink and coho fishery starting in July (gear restrictions in July only) to harvest surplus pink and coho while protecting wild Chinook.

- Gorst and Chico creeks (Area 10) and Dewatto, Dossewallips, Duckabush, Hamma Hamma, and Skokomish River (Area 12) closed in free-flowing freshwaters to protect returning salmon exposed during low tides and reduce snagging.

Three electronically submitted comments were received and were addressed in the “Response to Comments Received” section while no verbal testimony was received regarding the Puget Sound Marine Area recreational seasons. One additional comment was received thanking WDFW. The proposed regulations were adopted without modification.

### Puget Sound Freshwater

- Game fish season hook size restriction and selective gear rules adjusted on Skagit, Stillaguamish, and/or Snohomish to allow sturgeon angling to use larger hooks and bait.
- Allow additional pink and/or earlier start date with gear restrictions on the Green, Nooksack, Puyallup, Skagit, Snohomish, Skykomish, and Snoqualmie rivers to harvest surplus pink and protect wild Chinook.
- Fishing day closures added and/or adjusted on the Puyallup and Nisqually rivers to reduce conflict with tribal fisheries and reduce mortalities on wild Chinook.
- Skagit River sockeye fishery scheduled June 16-July 15 with a three fish limit to harvest surplus sockeye.
- Baker Lake sockeye daily limit increased to four to allow additional harvest of surplus sockeye.
- Stillaguamish River removed additional pink limit and closed on November 30 to protect lower expected returns of pink and chum salmon.
- Lake Sammamish fishery closed to protect low returns of Lake Washington natural Chinook.
- Puyallup River closed within 400 feet of the mouth of Clarks Creek to protect salmon and area boundary adjusted from the White River to East Main Avenue Bridge to reduce conflict with tribal fisheries.
- Chambers Creek increased the daily limit to harvest surplus Chinook.
- Nisqually River required barbless hooks to protect wild Chinook.
- Skokomish River closed from the mouth to Tacoma Powerlines to protect returning salmon exposed during low tides and reduce snagging; salmon fishery upper section split into two sections to reduce angler conflicts and protect wild Chinook; upstream two river sections open early with gear restrictions to harvest surplus hatchery Chinook and protect wild Chinook.
- Tahuya River closed to salmon fishing in response to snagging, trespassing, and littering issues.

Five electronically submitted comments were received and were addressed in the “Response to Comments Received” section while no verbal testimony was received regarding the Puget Sound freshwater recreational seasons. One additional comment was received thanking WDFW. The proposed regulations were adopted without modification.

## **Corrections to the WSR 15-10-097**

### *Substantive Changes*

#### WAC 220-55-220: Two-pole endorsement

*Change 1:* Two-pole use in Marine Area 11 from September through October removed.

*Reasoning 1:* More evaluation was needed to measure the anticipated increased impacts on wild stocks which are currently estimated at 8%. In addition, further discussions with the co-managers are needed to add more two pole use.

*Change 2:* Two Poles during the spring Chinook seasons at Wind River and Drano Lake.

*Reasoning 2:* The two pole rules were changed in the WAC to match barbed hooks allowed from March 16 through June 30. The two poles should have remained unchanged from May 1 through June 30. This will correct that error.

#### WAC 220-310-175: Freshwater exceptions to statewide rules-General rules

*Change 1:* Leader definition removed.

*Reasoning 1:* Majority of anglers did not support the regulation change in the Nisqually, Puyallup, and Skokomish rivers and additional data was needed to evaluate the reduction of wild impacts.

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

*Change 1:* Open the Elochoman River from the mouth to the Elochoman Hatchery Bridge located 400' below the upper hatchery rack for hatchery spring Chinook beginning the last Saturday in May instead of the first Saturday in June.

*Reasoning 1:* Proposal would be consistent with the recently adopted early hatchery steelhead season. Barbless hooks would be required last Saturday in May through the Friday before the first Saturday in June. Selective gear rules are included for consistency with the early hatchery steelhead season.

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

*Change 1:* Stillaguamish River removed additional pink daily and closed on November 30

*Reasoning 1:* Low forecast of pink salmon are expected to return to the Stillaguamish River. Additional protection is needed for chum salmon as escapement goal has not been met for several years.

*Change 2:* Lake Sammamish closed to salmon fishing.

*Reasoning 2:* Provide additional protection of Lake Washington natural Chinook.

*Change 3:* 48 inch leader length removed in the Puyallup, Nisqually, and Skokomish rivers.

*Reasoning 3:* Majority of anglers did not support the regulation change and additional data was needed to evaluate the reduction of wild impacts.

*Change 4:* Puyallup River opened earlier, adjusted closure dates, upper section boundary changed, and Clarks Creek mouth closure.

*Reasoning 4:* Earlier opportunity was made available to target surplus pink and hatchery Chinook. Closure dates were adjusted and upper section boundary change to reflect the dates the tribe fished and protect wild Chinook. Clarks Creek mouth closure protects returning salmon.

*Change 5:* Nisqually River added and adjusted closure dates.

*Reasoning 5:* Closure dates were adjusted and added to reflect the dates the tribe fished and protect wild Chinook.

*Change 6:* Skokomish River opened earlier with gear restrictions during and closed earlier.

*Reasoning 6:* The earlier opportunity for hatchery Chinook allows access to surplus fish while the earlier closure and gear restriction during the earlier opening protects wild Chinook.

*Change 7:* Tahuya River closed to salmon fishing.

*Reasoning 7:* Closed in response to snagging, trespassing, and littering issues.

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

*Change 2:* Camas Slough boat limits are permitted.

*Reasoning 2:* From August 1 through December 31, boat limits are permitted to harvest surplus salmon.

*Change 2:* New management area established from the Hwy. 395 Bridge in Pasco to the I-182 Bridge in Richland near the mouth of the Yakima River June 16 through August 15 (compared to the main Hanford Reach above I-182 and above Priest Rapids Dam).

*Reasoning 2:* Summer chinook and sockeye have recently been reintroduced in the Yakima Basin and require protection from excessive harvest if delayed in migrating into the Yakima River by a thermal barrier. The new management area also allows for more liberal summer chinook/sockeye daily limits upstream of the I-182 Bridge when healthy, upper Columbia River stocks are abundant, as forecasted in 2015.

#### WAC 232-28-621: Puget Sound salmon – Saltwater seasons and daily limits

*Change 1:* Marine Area 5-7 additional sockeye and pink limits begin mid-August through September and only additional pink limits July through mid-August.

*Reasoning 1:* Additional sockeye limits were added to odd-year additional pink limits to provide additional harvest opportunities during the late Fraser sockeye run while protecting the early Fraser sockeye run that is expecting low returns.

*Change 2:* Marine Area 5 coho fishery reduced to 8 days of non-selective fishing.

*Reasoning 2:* Reduction in non-selective days was taken to help meet the conservation concerns for Thompson coho.

*Change 3:* Dungeness Bay pink fishery (Marine Area 6) in July and August added with gear restrictions.

*Reasoning 3:* Surplus pink salmon were available to harvest while also minimizing impacts on wild Chinook with gear restrictions.

*Change 4:* Marine Area 7 mark-selective Chinook fishery in July converted back to non-selective with a one Chinook limit and Rosario and Eastern Strait closure were added.

*Reasoning 4:* Mark-selective Chinook fishery for July was a new proposal that was removed late in the NOF process due to high sampling costs with a mark-selective fishing regulation in July were anticipated and the exploitation rate targets for Mid-Hood Canal natural Chinook could still be achieved under the non-selective season.

*Change 5:* Dates adjusted in the Tulalip Terminal Fishery (Marine Area 8-2).

*Reasoning 5:* Open season and regulation dates were adjusted accordingly to reflect the calendar year Tulalip Terminal Fishery date changes were to reflect the 2015-16 season through June, 2016 and meet the request of a closed date for tribal ceremony.

*Change 6:* Olelle-Foulweather (Marine Area 9) and Shileshole Bay (Marine Area 10) closures added. Olelle-Foulweather closure rescinded after the Marine Area 9 mark-selective fishery ends; shoreline fishery for coho and pink is permitted at Salsbury Park.

*Reasoning 6:* Closures were put back in place to help meet conservation objectives by specifically protecting wild Chinook. Surplus coho and pink salmon are available for harvest.

*Change 7:* Marine Area 9 mark-selective fishery reduced to a month-long fishery and Marine Area 10 closed to Chinook harvest during the summer fishery, excluding year-round piers and Sinclair Inlet.

*Reasoning 7:* Reduction and closure of Chinook fisheries helped meet conservation objective for Lake Washington natural Chinook.

*Change 8:* Elliott Bay fishery converted to a pink and coho only fishery with gear restrictions and the start date shifted to August 14 for Fridays through Mondays only.

*Reasoning 8:* 2015 NOAA guidance letter did not allow for a directed Chinook fishery to protect Green River Chinook. Surplus pink and coho are available for harvest and gear restrictions to limit impacts on wild Chinook.

*Change 9:* North of Ayock summer fishery converted to a pink and coho only fishery with gear restrictions during July.

*Reasoning 9:* Mark-selective Chinook fishery removed to reduce impacts on Mid-Hood Canal wild Chinook. Surplus coho and pink are available for harvest with gear restrictions during July to limit impacts on wild Chinook.

*Change 10:* Chico Creek and Gorst Creek in Marine Area 10 and Dewatto River, Dosewallips River, Duckabush River, Hamma Hamma River, Skokomish River in Marine Area 12 closed on exposed tidelands.

*Reasoning 10:* Exposed tidelands downstream of the mouth definition are closed to protect returning salmon during low tides and reduce snagging.

## *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 all of the WAC's listed in the *Substantive Changes* section in addition to the following:

WAC 220-55-230: Columbia River Endorsement

WAC 220-56-105: River mouth definitions

WAC 220-56-282: Sturgeon – Areas, seasons, limits and unlawful acts

WAC 220-56-180: Salmon statewide rules

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

WAC 232-28-620: Coastal salmon – Saltwater seasons and daily limits

## **Response to Comments Received During Comment Period for WSR 15-10-097**

*All*

*Comment 1:* Increase recreational fishing opportunity by holding tribal fishing to 50% allocation of harvestable share.

*Response 1:* See sections above “Rationale for Adoption of Rules” and “Regional Specific Rationale” for response to 50% sharing of harvestable fish, meeting conservation objectives, and maximizing recreational fishing opportunities. In addition to those considerations, WDFW notes that it places a high priority on utilizing available harvestable surpluses provided that doing so is consistent with conservation objectives and allocation responsibilities pursuant to US v. Washington (sometimes referred to as the “Boldt Decision”). Furthermore, while the allocation of harvestable surplus under US v. Washington is premised upon “fair shares,” which is generally viewed as a 50/50 split between the State and Puget Sound Treaty Tribes, legal decisions and practical experience in the 40 years between the time of the Boldt decision and the present have demonstrated that the allocation of fair shares sometimes produces different numerical allocations. Accordingly, a pure 50/50 *numerical* harvest accounting of fish may not occur for a variety of reasons, including the following: negotiated agreements between the State and Tribes to meet other mutually agreed objectives; the complexities of managing weak stocks in mixed stock pre-terminal fisheries; and the attainment of state fishing or conservation objectives that do not necessarily place a priority on retention of fish.



*Comment 2:* Inform the public through NOF of entire CR-102 fishery package.

*Response 2:* See sections above “Rule Development Process, “Rationale for Adoption of Rules” and “Regional Specific Rationale” for the response on how the public was informed for each fishery through the NOF and rule-making process. WDFW continues to work with Washington citizens and fishing advisors to make the NOF proves as transparent as possible.

#### *Ocean*

No formal written or verbal testimony was received on the CR-102 regarding Ocean salmon fisheries.

#### *Columbia River*

No formal written or verbal testimony was received on the CR-102 regarding Ocean salmon fisheries.

#### *Puget Sound Marine Areas*

*Comment 3:* Reduce the hatchery Chinook limit in Marine Area 7 from two to one to help achieve a full season without closures.

*Response 3:* The modeled total encounters of Chinook during the winter fishery during 2014-15 season was 7,774. Each year the model is updated with the most recent actual encounters. Encounters estimated for the 2015-16 season has been increased to 12,247 which is a 58% increase in total encounters from the previous year. The likelihood of having a closed season is substantially lower due to the increased encounters modeled. Additionally the average catch rate during the month of December in 2014 was one hatchery Chinook for every three anglers. A reduction in the daily limit from two to one would not provide significant savings unless the catch rates were higher. If the increase in encounters expected to occur this year are not sufficient and trends indicate December effort contributes to management actions, reduction to the daily limit of Chinook can be discussed in the next NOF process.

*Comment 4:* Open Area 10 hatchery Chinook harvest during the summer.

*Response 4:* Forecasts for ESA-protected natural Chinook stocks were lower in 2015 by approximately 25% compared to the prior two years, leading to over-modeled impacts on many stocks with previous year’s fisheries. More specifically, the most constraining stock during 2015’s NOF was the Lake Washington natural Chinook with a maximum southern U.S. exploitation rate of 20.0%. The WDFW fishery with the most impacts on Lake Washington

natural Chinook is the summer Area 10 recreational fishery. To receive Endangered Species Act “take” coverage from NOAA for state and tribal incidental harvest of listed Chinook in connection with Puget Sound salmon fisheries, it was important to have agreed state and tribal fisheries that would not exceed approved exploitation rates for listed Chinook. A Chinook non-retention season in Area 10 (open to pink and coho salmon) was a significant point of discussion during NOF this year. Concern was expressed that additional conservation was needed given the low abundance expected in 2015, the presence of warm water conditions in lake Washington areas, and a perception that progress towards attaining escapement objectives may be hindered without such action. Consideration was also given to the fact that 2014 tribal fisheries were curtailed last year beyond agreed harvest levels in response to these concerns. While fishery modeling suggested that a very modest (small) Area 10 fishing opportunity might be possible within the 20% exploitation objective, it did not address concerns about the need for additional conservation that were being expressed. Consideration was given to the prospect of continuing negotiations beyond the NOF process to further explore this issue and the possibility of Area 10 salmon retention fishing. However, the absence of agreed fishing regimes for a stock that is one of the primary constraining fisheries for ESA purposes left the prospect that NOAA might not be able to timely approve all salmon fishery regimes based upon reasonable certainty that the 20.0% southern U.S. exploitation rate ceiling would be attained. This prospect left an appreciable risk of closure to all salmon fisheries in Puget Sound. Co-managers agreed to have a Chinook non-retention summer Chinook fishery in Area 10, in addition to reductions in tribal troll and net fisheries for 2015. WDFW will focus efforts to re-open the Chinook harvest in 2016 with the understanding that returns of wild Chinook are the leading factor to constraints of recreational fisheries.

*Comment 5:* Allow the use of two-pole endorsement in Marine Area 12.

*Response 5:* The most recent dataset on the use of two poles versus one pole for anglers estimated an increase encounters by 8%. Both Mid-Hood Canal and Skokomish River natural Chinook stocks, among other constraining stocks (e.g. Lake Washington has 0.0% exploitation rate remaining) were modeled with fisheries to maximize fishery opportunities while staying within conservation objectives. By adding 8% impacts to all stocks impacted in summer and winter marine salmon fisheries, conservation objectives would likely not be met. As more data is collected and priorities of how to use impacts are determined by the recreational community, additional two pole use marine areas for salmon can be added.

#### *Puget Sound Freshwater*

*Comment 6:* Extend the North Fork of the Nooksack River to run through December 31 instead of November 30 to allow additional opportunity to target late returning chum salmon.

*Response 6:* The North Fork Nooksack was closed in the month of December to salmon fishing in 2011 due to unethical fishing behavior and impacts on wild stocks. Because the majority of spawning occurs in December, the fishery was closed to ensure sufficient recruitment occurred.

*Comment 7:* Provide more opportunity on Skagit River sockeye, including an upper river fishery.

*Response 7:* The NOF public process in 2015 provided for a lively exchange of ideas from the public on how to shape the WDFW recreational fishery on Skagit sockeye salmon. Input was received from interests in both lake and river fishing. The package that resulted took into account the uncertainties associated with pre-season forecasting, allowed for fishing opportunities in both the Skagit River and in Baker Lake, and selected a section of the Skagit River that will provide a variety of different access, including miles of shore-based access.

Fishing schedules for sockeye salmon, for both tribal and state fisheries, are set to provide opportunities. The pre-season allocation agreement shapes fishing schedules that will occur in-season. While the allocation sharing agreement is 50% between the tribal and non-tribal interests, the best scientific information on run size is inexact, whether pre-season or in-season. In-season run returns may occur in a time, place and manner that differs from what was expected and thus produce different outcomes than planned. As the data that were presented at a number of the NOF public meetings demonstrates, in some years the final allocation favors WDFW and in others it favors the tribes. To date the total allocation (since the first Baker Lake fishery in 2010) has favored the State recreational fishery.

The WDFW's desire has been to put forward the best recreational fishing package possible. The development of the Skagit River system sockeye fisheries has been recent, but expanded since 2010 into both Skagit River and Baker Lake recreational opportunities. The process with which that has occurred has included the public every step of the way. For further information on the NOF process and sockeye information, including meeting notes pertaining to the development of this year's season, go to: <http://wdfw.wa.gov/fishing/northfalcon/> and [http://wdfw.wa.gov/fishing/salmon/sockeye/baker\\_river.html](http://wdfw.wa.gov/fishing/salmon/sockeye/baker_river.html).

*Comment 8:* Provide a summer/fall Chinook fishery in the Skagit River.

*Response 8:* The State's desire has been to put forward the best recreational fishing package possible. Each year, the WDFW conducts a series of public meetings to help shape our salmon fisheries while meeting our obligations to the co-managers, Endangered Species Act constraints and WDFW conservation objectives, and the Pacific Salmon Treaty. Specifically during pink years, Skagit summer/fall Chinook stock is often considered a constraining stock so adding an additional fishery would jeopardize meeting conservation objectives as other new in-river fisheries with summer/fall Chinook fisheries were increased (e.g., tribal pink fisheries and

WDFW in-river sockeye fishery). WDFW can look into adding a fishery if conservation objectives are being met and surplus hatchery Chinook are available during future NOF if the recreational community decides adding or shifting impacts on wild stocks to in-river fisheries is preferred.

*Comment 9:* Extend the North Fork of the Nooksack River to run through December 31 instead of November 30 to allow additional opportunity to target late returning chum salmon.

*Response 9:* The North Fork Nooksack was closed in the month of December to salmon fishing in 2011 due to unethical fishing behavior and impacts on wild stocks. Because the majority of spawning occurs in December, the fishery was closed to ensure sufficient recruitment occurred.

*Comment 10:* Close the Dewatto River to protect wild coho.

*Response 10:* The Dewatto River has been open for salmon since before 2010. While there can be problems with violations on the Dewatto, WDFW Enforcement has successfully patrolled the Dewatto during the salmon season and believes they can enforce regulations there. Should lawless fishing increase on the Dewatto as is has on the Tahuya, WDFW would consider a closure. However, any such proposal would have to be introduced during the 2016 North of Falcon process next February. Such a proposal would require documentation, including corroboration by enforcement and biological staff for successful passage.

## **Conclusion**

WDFW has considered all the facts and circumstances surrounding the 2015 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 2015 recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.