

2016 Recreational Salmon Regulations

Concise Explanatory Statement



6/27/2016

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Recreational Salmon Regulations for 2016

This Concise Explanatory Statement (CES) relates to rules being adopted by the Washington Department of Fish and Wildlife (WDFW or Department) to amend Washington Administrative Code (WAC) 220-55-220 and -230, 220-310-185, -190, -195, and -200, and 232-28-620, announced in Washington State Register, or WSR, 16-11-099. Due to the significant delay in co-Manager agreement during the 2016 North Of Falcon (NOF) process for Puget Sound, the Puget Sound recreational salmon fishing rules are included in a supplemental rule filing (supplemental to WSR 16-11-099), filed June 22, and assigned WSR 16-13-142. This supplemental filing provides a continuance for public comment for WAC 220-310-190 and 220-55-220 up until July 27, the date of the supplemental CR102 (WSR 16-13-142) public hearing.

The CES contains three principle sections. **Section I** describes the rule being adopted, the process used in adopting the rule, and the resource management objectives advanced by adoption of the rule. **Section II** describes the changes from the proposed rule to the adopted rule. **Section III** discusses comments received during rulemaking and the agency's analysis and resolution of those comments.

I. The Adopted Rules, Rule-making Process and WDFW's Resource Management Objectives

- **Brief Summary of the Adopted Rules:**

The rules being adopted amend existing permanent rules that opened the recreational salmon fisheries in Southwestern Washington, Eastern Washington, Columbia River, and Coastal marine areas, as defined in WAC 220-55-220 and -230, WAC 220-310-185, -190, -195, and -200, and WAC 232-28-620. These rules establish the time, place, and manner that salmon may be harvested while meeting conservation objectives.

- **Fishery mandates and Commission Policy:**

The rules are being adopted pursuant to the authorities found in RCW Title 77, including those provisions in RCW 77.04.012 that establish conservation as the paramount objective - "to conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource." Where consistent with that conservation objective, the Department must also "seek to maintain the economic well-being and stability of the fishing industry in the state"; "promote orderly fisheries"; and "enhance and improve recreational and commercial fishing in this state."

These are broad state-wide objectives and do not necessarily focus on one region, one fish species or one segment of harvesters. The term “fishing industry of the state” includes both commercial and recreational interests. While these objectives are ultimately applied on a state-wide basis, the agency 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 sharing of fishing opportunity for various species and gear groups, those evaluations are made against a backdrop of historical Pacific Coast fishing opportunities throughout the year as discussed below.

The rules being adopted implement policies of the Fish and Wildlife Commission aimed at promoting the conservation and recovery of wild salmon and sustainable fisheries (Hatchery and Fishery Reform – C-3619; 2016-17 North of Falcon Policy – C-3608). Furthermore, the planning process considered guidance expressed in C-3621 (Grays Harbor Basin Salmon Management), and C-3622 (Willapa Bay Salmon Management Policy). The adopted rules also incorporate the recommendations from the North of Falcon (NOF)/Pacific Fishery Management Council (PFMC) process that included significant public input. WDFW’s objectives for those processes are outlined in the 2016-2017 North of Falcon (NOF) Policy and the Policy Guidelines for PFMC Representation adopted by the Fish and Wildlife Commission (C-3603). The NOF/PFMC process is the forum in which Washington works with the State of Oregon, tribal co-managers, federal fishery managers and stakeholder groups to plan for, and execute, fisheries of interest to state, tribal and federal entities. Through that process, the management entities identify the predicted abundance of fish, desired escapement objectives, the harvestable surplus, shares available to state and tribal harvesters, and sets the stage for subsequent development of Washington State’s commercial and recreational fishing seasons, including time, manner and method regulations that will be used to implement those seasons.

- **Rule Development Process:**

The CR 101 notice of intended rule-making was filed on January 6, 2016 (WSR 16-02-119). Thereafter, the Department relied upon several forums to gather information and interact with regional fishery managers and constituent groups in order to develop a draft rule that would be presented in the CR 102 filing for formal public review and comment.

State, federal and tribal fishery managers gather each year to plan the Northwest's recreational and commercial salmon fisheries. This pre-season planning process is generally known as the "North of Falcon" (NOF) process, and includes a series of public meetings with federal, state, and tribal fishery managers, together with citizens that have an interest in these fisheries, both recreational and commercial. The NOF planning process

coincides with the March and April meetings of the PMFC, the federal authority responsible for setting ocean salmon seasons 3 to 200 miles off the Pacific coast. In addition to the two PFMC meetings, the states of Washington and Oregon, and Treaty Tribes, sponsor additional meetings to discuss alternative fishing seasons that meet conservation and sharing objectives. In addition to public meetings, WDFW also solicits input from advisory groups whose representatives represent a diverse range of user group interests. 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 2016 annual public NOF process for developing salmon fishery regulation proposals, known as North of Falcon, began on March 1 in the General Administration Auditorium in Olympia. WDFW presented and discussed the 2016 preseason forecasts of salmon abundance with interested stakeholders. Implications of the forecasts and 2016 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.

Table 1 - Public Meetings. All meetings occurred in Washington State unless noted otherwise.

Geographic Area	Date(s)	Location
Willapa/Grays	February 24	Montesano
Willapa Bay	March 8	Raymond
Grays Harbor	March 9	Montesano
Ocean	March 8-14	Sacramento, California
All	March 15	Olympia
Puget Sound	March 17	Sequim
Columbia/Ocean	March 17	Vancouver
Columbia/Ocean	March 21	Olympia
Willapa Bay	March 22	Raymond
Mid-Columbia/Snake	March 22	Clarkston
Columbia	March 23	Kennewick
Grays Harbor	March 24	Montesano
Mid-Columbia/Snake	March 24	Wenatchee
Puget Sound	March 26	Mill Creek
Ocean	March 28	Westport
All	March 30	Lynnwood
Columbia/Ocean	April 6	Olympia
All	April 8-14	Vancouver

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 2016 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 1 through April 14.

During the 2016 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 2016 are 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.

Based upon all of the information and outreach generated through these forums, a draft rule was developed for consideration in the public rule-making process that follows the filing of a proposed rule. Accordingly, the CR-102 filed on May 18 and published in WSR 16-11-099 provided WDFW's initial rule-making proposals for 2016. The filing included changes to WAC 220-55-220 and -230, WAC 220-310-185, -190, -195, and -200, and WAC 232-28-620. 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.

Fishing dates and locations were modeled to propose a meaningful commercial fishery that is consistent with conservation objectives considering that there will be non-directed harvest mortality arising from the incidental catch of non-target salmon. In addition, the season structure and areas open for fishing were shaped to reduce the interaction between sport and commercial fisheries. This furthers the objective of maintaining orderly fisheries.

A formal rule-making hearing was held on June 24, 2016 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. Two individuals attended the hearing, and one individual provided verbal and written comments regarding the Columbia River fishery (2 comments) and on the Grays Harbor Fishery (1 comment). The comments (3) and the Department's response are summarized in Section III. 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.

- **Overview of WDFW's Consideration of Management Objectives:**

Regulations for the 2016-17 recreational salmon fisheries were further 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 2016 North of Falcon 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 (2016-2017 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) Provide opportunity to 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:**

State and Tribal salmon seasons in the Columbia River, Ocean and Puget Sound are driven primarily by certain key constraining stocks, which can vary from year to year (Objectives 1a, 1b, and 2). Key stocks that constrained State and Tribal fishery planning in 2016 included Lower Columbia River natural tule fall Chinook, Lower Columbia natural coho, Snake River wild fall Chinook, Columbia River wild Group B steelhead, Mid-Hood Canal natural Chinook, Nisqually River natural Chinook, Puyallup River natural Chinook, Skokomish River natural Chinook, Queets River natural coho, Skagit River natural coho, Stillaguamish River natural coho, and Snohomish River natural coho. This year was different than past years in that many of the perennial driver stocks (i.e., Lower Columbia River natural Chinook, Lower Columbia River natural coho, and Interior Fraser River (Thompson) natural coho) were not an issue due to critically low forecasts of a number of Washington coastal and Puget Sound coho stocks. The constraining Chinook stocks and Washington coastal coho stocks were managed to exploitation rate ceilings and escapement goals, respectively (see below). While the Comprehensive Coho Management Plan provides guidance on the management of Puget Sound coho stocks, there were no formally agreed-to exploitation rate ceilings for these stocks in 2016. In the absence of formal management objectives, a number of conservative fishery modifications were made to limit impacts on these stocks.

Columbia River, Ocean and Puget Sound regulation changes were proposed based on NOF discussions with stakeholders and tribal co-managers. These changes maximize recreational opportunity while meeting conservation objections. Some fisheries were modified to reduce conflict with tribal fisheries and/or to ensure orderly fisheries (Objective 3). 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.

In general for the Columbia River stocks in 2016, ESA limits (based on preseason forecasts) for 2016 non-Indian fall fisheries include a 15.0% impact rate for SRW Chinook (URB stock is the surrogate), a 41% ER for LCR tule Chinook (LRH stock is the surrogate) and an 18% ER for LCN Coho (unmarked Coho are the surrogate) and a 2% impact rate for wild Group B steelhead. The ERs for LCR tule Chinook and LCN Coho include impacts from both the ocean and Columbia River fisheries. The most constraining stocks for Columbia River fisheries in 2016 are SRW Chinook and wild Group B steelhead. All mainstem non-Indian fall fisheries (below the Highway 395 Bridge in Pasco, Washington) are managed not to exceed impact rates of 2% on wild Group A and wild Group B index steelhead. The preseason expectation for non-Indian Columbia River (in-river) fisheries is an impact rate 14.6% on SRW (15% on URBs), an ER of 11.24% on LCR tule Chinook and 5.7% on LCN Coho. Impacts to wild Group B steelhead are expected to be within the 2.0% limit. The most constraining stocks for Columbia River fisheries in 2016 are SRW fall Chinook and wild Group B steelhead.

Table 2 - 2016 Constraining Stocks.

Stock	Objective Type	Objective Criteria	Modeled Result
Lower Columbia natural tule fall Chinook	Exploitation Rate (ER)	$\leq 41.0\%$	38.9%
Lower Columbia natural coho	ER	$\leq 18.0\%$	13.0%
Snake River wild fall Chinook	In-River Impact Rate	$\leq 15.0\%$	14.6%
Columbia River wild Group B steelhead	In-River Impact Rate	$\leq 2.0\%$	< 2.0%
Mid-Hood Canal natural Chinook	Pre-terminal Southern US ER	$\leq 12.0\%$	11.3%
Nisqually River natural Chinook	Total ER	$\leq 50.0\%$	50.0%
Puyallup River natural Chinook	Total ER	$\leq 50.0\%$	50.0%
Skokomish River natural Chinook	Total ER	$\leq 50.0\%$	47.8%
Queets River natural coho	Escapement Goal	2900	2900
Skagit River natural coho	Southern US ER ¹	$\leq 10.0\%$ ¹	5.3%
Stillaguamish River natural coho	Southern US ER ¹	$\leq 10.0\%$ ¹	6.8%
Snohomish River natural coho	Southern US ER ¹	$\leq 10.0\%$ ¹	5.4%

¹ These are management objectives identified in the Comprehensive Coho Management Plan for stocks in critical status, which were never formally agreed to by the State and Tribes for the purposes of 2016 fishery planning.

Certain other stocks continued to not meet management objectives, similar to 2015. Fishing regulations and restrictions in 2016 are the same as previous year's regulations that were designed to reduce mortality on those stocks, i.e. no changes were proposed for 2016. For example, Skagit River chum salmon were forecast to be below the spawning goal objective. The recreational fishery in the Skagit River in 2016 will require release of all chum salmon to protect or minimize impacts on the stock, as it did in 2015. 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.

In Puget Sound and for Coastal waters, sportfish advisors provided fishing proposals for the upcoming year in addition to reviewing previously submitted fishing proposals, meeting schedules, and forecasts. Participation included an option to participate through a telephone conference call. Based on these inputs, and those from the general public, WDFW used the NOF process to develop both commercial and recreational fishing regulations for salmon and steelhead, while meeting conservation needs.

Columbia River recreational and commercial advisory group members were consulted on Columbia River and tributary regulations. The groups include constituents from the sport and commercial fishing sectors of Washington and Oregon. 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.

Salmon fishing regulations for state waters in the Pacific Ocean (0-3 miles from the coast) are developed concurrently with and are identical to the regulations developed for Federal waters during the annual PFMC process. For 2016, season lengths in ocean areas are reduced relative to recent years, and coho retention is prohibited in areas north of Leadbetter Point. These measures were necessary to reduce impacts on wild coho stocks, particularly stocks returning to Washington coastal watersheds like the Queets, Quillayute and Hoh rivers.

- **Modifications proposed for 2016 through this rule-making process:**
 - **Puget Sound**
 - Substantive changes are described in the supplemental filing, WSR 16-13-142, and will be described in the consequent CES for that filing.
 - Technical changes within WSR 16-11-099 reflect the Washington Fish and Wildlife Commission decisions made during the Sport Rule Process for 2016/17.

These rule edits were missed during that process, and are now provided in this rule making as they are integral to the NOF process.

- ❖ Per adopted proposal 11, within Kendall Creek (Whatcom Co.) selective gear rules do not apply.
- ❖ Per adopted proposal 41, within Kennedy Creek (Mason Co.), from Highway 101 Bridge to 400 feet below the falls, trout catch and release only.

○ **Columbia River**

▪ Mainstem:

- ❖ Require anglers to use a single point barbless hook when fishing for SALMON and STEELHEAD from the North Jetty
- ❖ Close the hatchery steelhead fishery to match the fall salmon closure from Beacon Rock upstream to Bonneville Dam
- ❖ To be retained, fish must be hooked inside the mouth when the anti-snagging rule is in effect for mainstem Columbia from Bonneville Dam upstream to McNary Dam (salmon and steelhead) Aug. 1-Oct. 15
- ❖ Open summer Chinook season for hatchery adults from the Megler-Astoria Bridge upstream to the Hwy. 395 Bridge at Pasco June 16 through July 31.
- ❖ Close Buoy 10 for wild fall Chinook retention on Sundays and Mondays through Labor Day.
- ❖ Decrease hatchery steelhead daily limit to 1 fish from Buoy 10 upstream to Bonneville Dam beginning August 1, Bonneville Dam upstream to McNary Dam September 1, and McNary Dam upstream to the Hwy. 395 Bridge at Pasco November 1.
- ❖ Reduce adult fall Chinook daily limit from 3 to 2 fish from Steamboat Landing in Washougal upstream to the Hwy. 395 Bridge at Pasco.
- ❖ 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.
- ❖ No upper Columbia sockeye retention above Hwy. 395 Bridge.

▪ Tributaries:

- ❖ Reduce the hatchery adult coho daily limit to 2 fish in Washington Columbia River tributaries below Bonneville Dam and in the Klickitat River.
- ❖ No upper Columbia sockeye retention above Hwy. 395 Bridge.
- ❖ Open Skamokawa Creek for hatchery salmon and hatchery steelhead seasons beginning in November
- ❖ Remove closed waters around the Elochoman Hatchery but close waters from the temporary WDFW weir upstream to the Elochoman Hatchery Road Bridge in September and October.
- ❖ Match hatchery salmon and steelhead seasons on Mulholland and Goble creeks to the adjacent Coweeman River

- ❖ Open the Cispus River from the North Fork confluence upstream to the falls for salmon and steelhead year round. Catch and release for all gamefish. Fly fishing only.
 - ❖ For consistency, open the lower Tilton, Cispus, and upper Cowlitz year-round for salmon, steelhead, and gamefish. Catch and release only for trout except up to 2 hatchery steelhead may be retained.
 - ❖ Redefine the upper Cowlitz River boundary
 - ❖ Increase hatchery adult spring Chinook daily limit to 2 fish on the lower Kalama River
 - ❖ Allow the harvest of stray hatchery fall salmon in any Columbia River tributaries from The Dalles Dam downstream when the hatchery steelhead seasons are open
 - ❖ Delay the retention of wild fall Chinook on the North Fork Lewis River until the 4th Saturday in September
 - ❖ Improve consistency of language for which salmon species are allowed during lower Columbia tributary salmon seasons. From January 1 through July 31, only hatchery Chinook may be retained. From August 1 through December 31, only hatchery Chinook and hatchery coho may be retained.
 - ❖ Modify the anti-snagging rule already in effect on several lower Columbia River tributaries such that, to be retained fish must be hooked inside the mouth.
 - ❖ Close the Cowlitz River within a 100-foot radius of the Cowlitz Salmon Hatchery wheelchair ramp structure except for anglers with disabilities AND who have a designated harvester companion card.
 - ❖ Tucannon River salmon fishery area reduced due to low forecast and conservation concerns.
 - ❖ The Icicle River spring Chinook season that has been opened by emergency regulation in past years was made permanent due to the consistent run timing and surplus of hatchery fish.
 - ❖ Roosevelt Lake rule changes are part of a continuance on WSR 16-11-099, and will be fully described in the subsequent CES from that public process.
- **Ocean (Marine Areas 1-4)**
 - Area 1
 - ❖ Open July 1 through August 31
 - ❖ Daily limit 2 salmon, only one of which may be a Chinook
 - Areas 2, 3 and 4
 - ❖ Open July 1 through August 21
 - ❖ All coho must be released
 - ❖ Daily limit 1 salmon in Area 2, 2 salmon in Areas 3 and 4
 - Willapa Bay (Catch Record Card Area 2-1):
 - ❖ The closure end date changed from May 29 to June 30.

- ❖ The first part of the season is changed from May 30 through July 15, to July 1 through July 31.
- ❖ The second season start date changes from July 16 to August 1.
- Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):
 - ❖ The closure period changed from August 10 through May 29, to August 8 through June 30.
 - ❖ The season changed from May 30 through August 9, to July 1 through August 7.
 - ❖ The dates for the Humptulips North Bay fishery changed from August 1 to September 15, to August 1 to September 24.
 - ❖ The dates for the East Grays Harbor fishery changed from September 16 to November 30, to October 1 to November 30.

II. Changes from the Proposed Rules

The adopted rules have no corrections from the rule noticed in the CR 102. However, continuances have been filed for WAC 220-55-220 and WAC 220-310-190 in the form of a supplemental notice (WSR 16-13-142 filed June 22), and for WAC 220-310-195 in the form of a continuance (WSR 16-14-014 filed on June 24).

III. Summary of Public Comments and WDFW's Response

No written or verbal testimony was received regarding WSR 16-11-099, regarding the Ocean, Southwest Washington, Eastern Washington, or Puget Sound recreational seasons, and therefore the proposed regulations were adopted without modification. Comments were received concerning the Marine Area 2-1 (Willapa Bay) and 2-2 (Grays Harbor) fisheries, and Columbia River fisheries, but modifications were not made to the proposals. These comments are presented and addressed below.

- **Willapa Bay Marine Area 2.1:**

Comment 1: Commenter concerned with the different total daily adult bag limit between Ocean Area 2 and Marine Area 2.1 in Willapa Bay considering their close proximity starting August 1, 2016.

Response 1: Ocean Area 2 opens July 1 and is planned to remain open through August 21, 2016 depending on available quota. The Area 2 daily limit is one salmon with a release

requirement for all coho. Willapa Bay marine area 2.1 opens August 1, 2016 through January 31, 2017 with a daily adult bag limit of four adults with a release requirement of wild Chinook.

Based on comments received during the 2015 North of Falcon there were concerns raised regarding the westernmost boundary for the recreational fishery in Marine Area 2.1. These comments were presented to the Department after the conclusion of the public comment period. The Department set this issue as one of the sideboards for discussion both in advisory and public meetings held as part of the 2016 preseason fishery planning process. Prior to 2016 that boundary was defined in WAC 220-16-220 and WAC 220-56-185 as “easterly of a line from Leadbetter Point to Willapa Bay Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater”. Part of the concern raised was that the location of the buoy referenced in these WAC’s has changed. With the continuous erosion of Washaway Beach (Cape Shoalwater) and the non-permanent nature of the channel marker, a more defined, permanent boundary line needed to be established. After considerable discussion and input received by constituents in conjunction with consultation with WDFW enforcement personnel and lacking any permanent landmarks, the use of a longitudinal line would be appropriate and enforceable.

WDFW enforcement officers conduct emphasis patrols and randomly monitor fisheries. This pattern of unpredictable monitoring generates a greater tendency for fishers to follow the rules. Not knowing when officers will be patrolling or where they are monitoring from creates doubt in the ability to successfully evade regulations. WDFW does acknowledge that there are limitations to the amount of enforcement that can be directed to monitoring recreational fisheries in the field.

Comment 2: Several comments were received opposing the four wild coho adult retention limit in Willapa Bay Marine Area 2.1.

Response 2: The Willapa Bay Salmon Management Policy (C-3622) includes fishery management objectives, and within the species specific guidance for coho it states “Manage fisheries with the goal of achieving the aggregate spawner goal for Willapa Bay natural-origin Coho salmon. When the pre-season forecast of natural-origin adult Coho is less than the aggregate goal, or less than 10% higher than the aggregate goal, fisheries in the Willapa Bay Basin will be scheduled to result in an impact of no more than 10% of the adult return”.

The 2016 wild coho preseason forecast in Willapa Bay was 39,516 ocean recruits. After removing some ocean marine impacts, the Willapa Bay terminal runsize used for fishery planning in 2016 was 37,069. The wild coho aggregate escapement goal for Willapa Bay is 13,600. With a commercial fishery scheduled to take 6,367 wild coho and a recreational fishery (marine and freshwater combined) scheduled to take 4,690 wild coho. This results in a projected escapement estimate of 26,012 wild coho, which is 191% of the wild coho escapement goal. Between return years 2000 to 2014, Willapa Bay wild coho has met the

aggregate escapement goal 14 out of 15 years. These data clearly show that Willapa Bay does not currently have a conservation concern for wild coho.

Comment 3: Commenter would like the marine area 2.1 opening date in Willapa Bay to be moved back to July 16th consistent with 2015 regulations from the proposed August 1st opening date.

Response 3: In 2015, the Department moved the marine area 2.1 historical opening date of August 1 to July 16 in response to constituent requests during the North of Falcon process.

Due to the “dip-in” nature of the recreational fishery in marine area 2.1 as currently construed, there are impacts to both local and non-local salmonid stocks. During this year’s North of Falcon process and the Pacific Fishery Management Council meetings there were concerns identified for wild coho stocks outside of Willapa Bay that could be impacted during prosecution of marine recreational fisheries inside the bay. In order to mitigate for the impacts attributed to these stocks of concern the opening date for marine recreational fisheries was moved back two weeks. This would provide some savings in the form of impacts to these non-local stocks by delaying the opening of the more liberalized regulations, in terms of daily bag limits, from Ocean Area 2 rules to Marine Area 2.1 rules. Historically the transition from Ocean area 2 rules to marine area 2.1 rules occurred on August 1st. In 2015, in response to constituent comment received during the North of Falcon process the opening date for the transition from ocean rules to Willapa Bay rules was moved to July 16th. The analysis using the Willapa Bay TAMM showed management objectives for the 2015 fishery season would still be achieved by moving this transition date forward.

- **Grays Harbor-Marine Area 2.2:**

Comment 4: Change the dates for the Marine Area 2-2 (Grays Harbor) recreational fishery from October 1st through November 30th to September 16th through October 31st. Any correction in harvest opportunity needs to be on the marine Non-Treaty Commercial side.

Response 4: WDFW developed the proposed rules with the guidance of the Grays Harbor Salmon Management Policy. The Policy guides WDFW to be transparent and involve the public, provide fishing opportunities that are fairly distributed across fishing areas and reflect the diverse interests of WDFW-managed fisheries, and develop recreational fisheries with sharing between Marine Area 2-2 fishery and freshwater areas. In an effort to accomplish these and the other principles of the Policy, WDFW held two public meetings and an Advisory meeting to share resource abundances and receive input on how those resources could be used.

As a result of these meetings and the public input received, the proposed rules were developed. WDFW utilized the ideas and recommendations for recreational fishers,

representatives of the conservation sector, and commercial fishers to craft the proposed rules within the guidance of the Policy. These rules provide opportunity for all sectors in WDFW-managed fisheries in Grays Harbor, while achieving the management objectives within the Policy. With the limited Coho resource, all fisheries in Grays Harbor were reduced from past levels.

Historically, effort and Coho catch in Marine Area 2-2 occurred primarily from Johns River east. In this area, the highest Coho catch per day during the recreational fisheries occurs during the last two weeks in September. Daily catch rates are nearly double during this time frame compared to any other period this fishery is open. To address the smaller forecasted return of the Coho resource this year, the opening date for Marine Area 2-2 was set for October 1.

The Policy also provides guiding principles for sharing resources between recreational fisheries in Marine Area 2-2 and freshwater. These principles, or targets, are difficult to achieve due to different run timing between the different stocks and timing of different fisheries. However, the proposed rules were developed with these targets in mind. The target for sharing Chehalis River Chinook is to craft fisheries that provide 48 percent of the recreational impacts occurring in the Marine Area 2-2 and 52 percent occurring in the freshwater fisheries. Adjusting the fishery as requested in the comment would cause the sharing targets for Chinook to be further from the goal. The modeled impact sharing of the proposed rule for Chehalis River Chinook is 44 percent in Marine Area 2-2 and 56 percent in the freshwater fisheries, while adjusting the fishery would cause those numbers to change to 56 percent in the Marine Area 2-2 fisheries and 44 percent to freshwater fisheries.

Comment 5: There should be no harvest of Coho by any sector in Grays Harbor in 2016.

Response 5: The proposed rules were established within the Policy guidance. In a situation when a stock is forecasted to return at less than 10 percent above the goal, the Policy directs WDFW-managed fisheries to be developed with a maximum impact rate of 5 percent. The proposed rule is part of a Salmon management plan that achieves this guidance.

Comment 6: There should be no unmarked Coho retention in Grays Harbor in 2016.

Response 6: See response to previous comment. The allowance of unmarked Coho in the proposed rule was developed after hearing concerns during public and Advisory meetings that many unmarked fish may be caught and released before a legal fish is encountered. The mortality due to catch and release to unmarked fish due to “sorting” through unlawful

fish to get to legal fish may be higher than the harvest total of unmarked fish if allowed to keep any fish.

- **Columbia River**

Comment 7: For the Buoy 10 season, per the proposal, from August 1 through September 5 all Chinook must be adipose fin clipped to be retained on Sundays and Mondays. This does not fit with the Columbia River Policy POL-C3620, which specifically prioritizes a mainstem lower Columbia fall Chinook fishery for recreation to meet the objectives of (1) a full Buoy 10 season from August 1 through Labor Day, and (2) a full (non-selective) Tongue Pt to Warrior fishery August 1 through September 7, and a mark-selective fishery September 8 through 14, and (3) a full Warrior to Bonneville fishery August 1 through October 31.

Lower River Hatchery (LRH) and Snake River Wild SRW (SRW) impacts are preferentially allocated recreational up to a 70% share each in order to achieve these recreational fishery objectives. The balance would then be secondarily allocated to commercial fisheries.

LRH "tule" impact has long been the rate-limiting factor in achieving a full season at Buoy 10. Because of these ESA-listed "tules", the recreational community has come to expect MSF restrictions and/or truncated seasons in the estuary for the past decade. However, with 2016's regional coho conservation constraints and resultant impact reductions in the recently adopted ocean fishing package at PFMC, a windfall of LRH impact (unused by PSC and PFMC fisheries) has been made available to fuel fisheries inside the Columbia proper. For the past decade, we've been limited by LRH impacts in the 7-8% range. 2016 presents us with more than 13%. This is more than enough LRH impact to fully liberalize the Buoy 10 Chinook fishery all the way through Labor Day without MSF restriction or truncation.

In this contentious year of dire conservation concerns for regionally depressed coho stocks, recreational salmon fishing in Western Washington has been dealt a tremendous blow. A drastically reduced ocean salmon fishery on the coast, a Puget Sound fishery in uncertain jeopardy, Grays Harbor/Chehalis River fisheries in peril... the only truly bright spot in the picture is the mega run of Columbia fall Chinook. If there was ever a time and place to provide some meaningful recreational fishing for salmon in 2016, this is THE golden opportunity to do so. With nearly a million fall Chinook expected to return to the Columbia coupled with the serendipitous lack of LRH tule constraints for the first time in a decade, we will never have a better opportunity to make this happen. Now is the time to craft a fully liberalized season at Buoy 10. If not now, then when?

The commenter opposes this CR-102 until the Sunday/Monday adipose fin clip requirement is stricken from the proposed rule.

Response 7: Buoy 10 was a fishery that developed when the ocean or Columbia River bar was too rough for boats to go outside to fish for salmon. Fishing could be good, so some of the smaller boats continued to fish inside. The fishery was relatively small and was not a major management concern. The fall Chinook harvest from 2007 to 2010 averaged 5,700 adults. Move forward a few years, more people have boats, techniques have improved, guides have taken advantage of this opportunity, and now the average fall Chinook harvest in the last three years is 30,500. Last year's harvest of 39,500 was a new record, beating out the 2014 record of 27,800 adult fall Chinook. These two years were records and in both years, fall Chinook harvest was curtailed because allocated impacts had been exhausted.

Anglers that had planned their vacations to fish Buoy 10 later in the season were disappointed to say the least. The fishing had been great, the crowds of anglers had been happy, but the Endangered Species Act (ESA) limitations put a premature end to the fun. Those that had not made it down to the fishery were paying the price for those that had.

Even though we have had record fall Chinook returns to the Columbia River, all fisheries are limited by ESA concerns on listed fish. The last few years, lower Columbia wild tule stocks were the limiting stock, but Snake River wild fall Chinook are also a stock of concern. The goal this year for the Buoy 10 fishery was to have a fishery that starts on August 1 and have fall Chinook fishing wrapped up on Labor Day. Everyone would be guaranteed the opportunity to fish for fall Chinook anytime during that timeframe and instead of regulations limiting Chinook harvest at Buoy 10, adjustments could be made inseason to liberalize the regulations. Besides the record breaking harvest, there has been record breaking effort in this fishery. During the planning process, it was obvious that ocean fisheries were going to be curtailed, and no one was sure if there would be any fishery in Puget Sound. This would almost leave the Buoy 10 fishery as the "last one standing". With all the displaced anglers looking for a place to fish, Buoy 10 could easily shatter all records.

By starting the fishery as mark selective during Sundays and Mondays, the fishery can be kept in check and remain open throughout the management timeframe. The public input we received in the North of Falcon meetings supported a pre-season predictable Buoy 10 season that had a low chance of being cut short or burdened with more restrictive regulations in-season. The preference was to enable people to plan ahead and minimize the chance that planned vacations would coincide with an emergency closure. Adding some MSF days to the Buoy 10 season increases the odds that we will meet the Labor Day objective and also may set the stage to liberalize the season (remove some MSF days in-season) as opposed to further restrict the season.

Comment 8: The proposed requirement to release all adipose-intact Chinook would require anglers to release all hatchery-produced Youngs Bay Rogue stock, also commonly referred to as Select Area Brights (SAB's). None of the SAB's are marked with an adipose fin clip but rather they are all marked with a left ventral fin clip. Any SAB's encountered on Sundays or Mondays would have to be released.

The recreational community finds this proposed rule to be particularly offensive as it removes a significant proportion of highly desirable Chinook salmon from the harvestable pool of hatchery Chinook expressly produced for a singular purpose.... harvest. Releasing these fish also requires the recreational fleet to continue sorting through additional Chinook encounters to find a harvestable fish. In doing so, the impact on ESA-listed stocks is increased through additional catch/release handling mortality.

The commenter opposes this CR-102 until a provision is included to permit the retention of left ventral fin clipped Chinook on Sundays and Mondays.

Response 8: The decision to not include ventral clipped fish in the marked selective fishery was based on the depressed returns of the Select Area Brights. The fish are 100% marked with a ventral clip and a portion that have a coded-wire-tag and an adipose clip. Escapement requirements for this stock were not achieved last year and this stock is no longer available from anywhere else. This stock of Chinook is destined exclusively to Oregon and they would be better equipped to answer all the questions regarding these fish.