

# **2016 Puget Sound Recreational Salmon Regulations Concise Explanatory Statement**



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## Recreational Salmon Regulations for 2016

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW's) reasons for adopting the 2016 Puget Sound recreational salmon fishing rules and responds to public comments received on the proposed rules due to the significant delay in co-Manager agreement during the 2016 North of Falcon (NOF) process for Puget Sound. The adopted rules are set forth in Washington Administrative Code (WAC) 220-55-220, 220-56-180, -195, and -124, 220-310-190, and 232-28-621.

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. 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 PMFC 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 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.

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

Geographic Area	Date(s)	Location
Willapa/Grays	February 24	Montesano
All	March 1	Olympia
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.

Additional public input meetings for Puget Sound recreational fisheries occurred on January 12 and 27, 2016 with the Puget Sound Sportfish Advisory Group and February 9, 2016 with some Sportfish advisors and local constituents. The advisory group meetings were held in the Natural Resource Building in Olympia and included an option to participate through a telephone conference. 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 26, 2016. An additional meeting on February 9 was held in Port Townsend at the WDFW office to discuss future fishing opportunities in Marine Area 6.

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.

The co-Managers did not come to an agreement at the conclusion of the April 8-14 meeting. Further discussions were had with the co-Managers and fishing seasons were agreed on May 27, 2016. In doing so, additional Puget Sound Sportfish Advisory Group conference calls were held on April 22, April 28, and May 20, 2016 to receive additional input.

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 was filed on June 22 and published in WSR 16-13-142 provided WDFW's initial rule-making proposals for 2016. The filing included changes to WAC 220-55-220, 220-56-180, -195, and -124, 220-310-190, and 232-28-621. 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.

Fishing dates and locations were modeled to propose a meaningful recreational 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 July 27, 2016 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. No individuals attended the hearing, and no individuals provided verbal and written comments, which are mentioned 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.

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

WDFW considered all the facts and circumstances surrounding the proposed 2016 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 2016 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 2016 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., 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

State and tribal salmon seasons in 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 2016 include Mid-Hood Canal natural Chinook, Nisqually natural Chinook, Puyallup natural Chinook, Skagit natural coho, Stillaguamish natural coho, Snohomish natural coho, Snohomish natural coho, and Queets natural coho. For example, the management objective for Puyallup natural Chinook is an exploitation rate ceiling of 50% as defined in the ESA approved harvest management plan; however, guidance for the 2016 fisheries was 50%. The management objective for coho is based upon Comprehensive Coho Management Plan (1998). 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 2016. Several Puget Sound hatchery coho programs were forecasted to be below or just meet brood stock needs.

### 2016 Constraining Stock Table.

Stock	Objective Type	Objective Criteria	Modeled Result
Mid-Hood Canal natural Chinook	Pre-terminal Southern U.S. Exploitation Rate	$\leq 12.0\%$	11.3%
Nisqually River natural Chinook	Exploitation Rate	$\leq 50.0\%$	50.0%
Puyallup River natural Chinook	Exploitation Rate	$\leq 50.0\%$	50.0%
Skagit natural coho	Southern U.S. Exploitation Rate	$\leq 10.0\%$	5.3%
Stillaguamish natural coho	Southern U.S. Exploitation Rate	$\leq 10.0\%$	6.8%
Snohomish natural coho	Southern U.S. Exploitation Rate	$\leq 10.0\%$	5.4%
Queets River natural coho	Escapement Goal	2,900	3,520

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, Lake Washington sockeye salmon were forecast to be below the escapement goal objective. The sockeye recreational fishery in Lake Washington in 2016 was not listed as open unless sufficient sockeye are counted at the Ballard Locks, as was the case in 2015. Because protective regulations were already in the permanent rules, we did not propose a change to the Lake Washington sockeye 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). 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 2016 Puget Sound Marine Area recreational fisheries through this rule-making process include:

- Release coho year-round and close salmon fishing during coho periods (September-October) for most marine areas (Areas 5-11 and 13) and year-round piers to protect wild coho.
- Release wild coho in Dungeness Bay (Area 6) and Sinclair Inlet (Area 10) to protect wild coho.
- Shift October hatchery Chinook seasons in Areas 6 and 10 to the end of the winter seasons to reduce impacts on sublegal Chinook, provide season stability, and protect wild coho.
- Release wild Chinook, increase hatchery Chinook limit to two, and remove the Eastern/Rosario Strait closure in Area 7 during July to protect wild Chinook and provide harvest on surplus hatchery Chinook.
- Release wild Chinook in Tulalip Terminal Fishing Area (Area 8-2) to protect wild Chinook and simplify Chinook season rules.
- Area 9 reduce hatchery Chinook limit during the summer fishery to one to provide season stability.
- Area 10 summer hatchery Chinook fishery added to provide fishing opportunity on surplus hatchery Chinook and simplify season rules with Area 9.
- Close Area 11 from September through January to protect coho and wild Chinook.
- North of Ayock (Area 12) coho fishery opens August 16 to harvest surplus coho while protecting wild Chinook.
- South of Ayock (Area 12) summer Chinook daily limit increased to four, two-pole endorsement permitted, and minimum size limit reduced to 20 inches to allow for harvest of surplus hatchery Chinook; January added to winter hatchery Chinook season to allow for harvest of surplus hatchery Chinook.

No electronically submitted comments or verbal testimony were received regarding the Puget Sound Marine Area recreational seasons. The proposed regulations were adopted without modification.

Modifications proposed for 2016 Puget Sound Freshwater recreational fisheries through this rule-making process include:

- Baker Lake sockeye daily limit increased to five to allow additional harvest of surplus sockeye.
- Release wild coho in Nooksack River to protect wild coho.
- Skagit, Sauk, White Chuck, Cascade, Skykomish, Snohomish, Stillaguamish, Wallace, Lake Washington, Lake Sammamish, Green, Puyallup, Carbon, and Nisqually rivers close to all fishing, including gamefish and trout fishing during coho time periods (primarily September-October) to protect wild coho.
- Release coho on the Green, Carbon, and Nisqually rivers to protect wild coho.
- Carbon river season shortened to reduce impact on wild Chinook and coho.
- Puyallup River closed to protect wild Chinook.
- Kennedy and McLane Creek are now catch and release to protect coastal cutthroat trout.
- Mcallister Creek closed October-November 15 to protect coho.
- Skokomish River closed to protect anglers from potential prosecution due to Solicitor's Office interpretation of tribal ownership within the riverbed.

No electronically submitted comments or verbal testimony were received regarding the Puget Sound Marine Area recreational seasons. The proposed regulations were adopted without modification.

## **II. Corrections to the WSR 16-13-142**

No substantial or technical changes were made.

## **III. Response to Comments Received During Comment Period for WSR 16-13-142**

No electronically submitted comments or verbal testimony were received regarding the Puget Sound recreational seasons. The proposed regulations were adopted without modification.

## **Conclusion**

WDFW has considered all the facts and circumstances surrounding the 2016 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 2016 recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.