

2017 Columbia River Recreational Salmon Regulations Concise Explanatory Statement



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Recreational Salmon Regulations for 2017

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW) reasons for adopting the 2017 Columbia River 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) 220-312-30, 220-312-050 and 220-312-060.

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 rulemaking was filed on January 7, 2017 (WSR 17-03-042). 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 on June 20, 2017 for formal public review and comment (WSR 17-13-110).

Each year, WDFW and the Oregon Department of Fish and Wildlife (ODFW) work collaboratively with recreational and commercial stakeholders during the North of Falcon and Pacific Fishery Management Council (PFMC) meetings, to develop fishing plans based on best available science regarding expected salmon returns, Endangered Species Act (ESA) limits and agency and commission policies. The name "North of Falcon" (NOF) refers to Cape Falcon, Oregon, which is the southern border of active management for Washington salmon stocks. This process consists of a series of public meetings involving federal, state, tribal and industry representatives and other concerned citizens. 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 the Treaty Tribes sponsor additional meetings to discuss alternative fishing seasons that meet conservation and harvest sharing objectives. Additionally, WDFW 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 and hatchery escapement surveys and estimates by state and tribal biologists. Biologists apportion catch in each area to specific management groups and

calculate a total run-size for each group. Biologists complete this analysis, also known as a run-reconstruction, each fall or early winter. Based on total run-size and the associated survival rates, state and tribal biologists forecast the number of salmon and steelhead returning for the coming year. State and tribal biologists typically complete the forecasts each year by late-February, thus achieving a significant amount of work prior to start of developing fishing seasons. From the run size forecasts, 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 2017 annual public process for developing salmon fishery regulation proposals, known as the North of Falcon process, began on February 28 in the General Administration Auditorium in Olympia. WDFW presented and discussed the 2017 preseason forecasts of salmon abundance with interested stakeholders. Implications of the forecasts and 2017 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 below 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 22	Montesano
All	February 28	Olympia
Grays Harbor	March 7	Montesano
Ocean	March 7-13	Vancouver
Puget Sound	March 15	Mill Creek
Puget Sound	March 16	Sequim
All	March 17	Olympia
Willapa Bay	March 23	Raymond
Columbia/Ocean	March 24	Vancouver
Ocean	March 27	Westport
Mid-Columbia/Snake	March 28	Chelan
Grays Harbor	March 28	Montesano
Mid-Columbia/Snake	March 29	Clarkston
Columbia River	March 30	Kennewick
Willapa Bay	March 30	Raymond
Puget Sound	April 4	Lynnwood
Columbia/Ocean	April 5	Olympia
All	April 7-12	Sacramento
Grays Harbor	April 14	Montesano
Willapa Bay	April 17	Raymond

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 2017 planning process. WDFW considered the fishing regulation proposals shared at public meetings as a work in progress (i.e., not final proposals) that would be further informed by comments received from meeting participants. Additionally, fishing proposals were informed by the public comments received online via the North of Falcon WDFW website, for those individuals who could not attend the public meetings from February 28 through April 11.

In the Columbia River, the fisheries are managed under the *U.S. v Oregon* Management Agreement. This agreement outlines the escapement goals, ESA limits and tribal and non-tribal harvest sharing. Tribal fisheries in the Columbia River are determined at in-season hearings and are developed by the four Columbia River treaty tribes. Written and oral comments received during the NOF process were considered in the development of WDFW's own package of rules. The Columbia River recreational salmon fishing seasons proposed for adoption by WDFW in 2017 are a product of both the *U.S v Oregon* Management Agreement, agency and commission policy guidance and the open public process component of the annual North of Falcon process. In addition, rule proposals developed in connection with these processes have been vetted based upon public input obtained in the formal public rule-making process undertaken by WDFW 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 was filed on June 20 and published in WSR 17-13-110, as part of WDFW's initial rule-making proposals for 2017. The filing included changes to Code (WAC) 220-312-030, 220-312-050 and 220-312-060. 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.

A formal rule-making hearing was held on July 27, 2017 to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register.

Rationale for Adoption of Rules

WDFW considered all the facts and circumstances surrounding the proposed 2017 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, as in some cases these schedules must be coordinated with the state's recreational fishing schedules as part of the co-management process developed under sub-proceedings of *U.S. v Oregon*.

Regional Specific Rationale

Region 3

McNary Dam to Hwy. 395 Bridge at Pasco

- 1) The Snake River Confluence Protection Area is proposed to be abolished due to angler confusion and Enforcement Officer difficulty in determining where Snake River versus Columbia River rules apply at the mouth. For clarity, Columbia River rules will apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5. This is the first bridge proceeding up the Snake River and is downstream of the I-182/Hwy. 12 Bridge.
- 2) The projected low return of Upper Columbia A-run and Snake River B-run steelhead in 2017 has prompted WDFW to reduce the daily limit to one hatchery steelhead in the salmon/steelhead fishery between June 16 – December 31.
- 3) All steelhead retention is closed in this management area in October and November to further reduce targeted harvest of hatchery steelhead needed for hatchery broodstock and incidental hooking mortality to wild Snake River B-run steelhead.
- 4) Night closure is in effect from June 16-Dec. 31, except for enrolled northern pikeminnow bounty program anglers, to further reduce steelhead mortalities and improve enforcement of the rules.

Hwy. 395 Bridge to I-182 Bridge

- 1) The projected low return of Upper Columbia A-run steelhead in 2017 has prompted WDFW to reduce the daily limit to one hatchery steelhead with both the adipose and ventral fin clip (Ringold Hatchery-origin) in the steelhead fishery open between October 1 – December 31. This is intended to assure that sufficient numbers of Ringold and Upper Columbia hatchery steelhead survive to contribute to 2018

broodstock at Ringold and Wells Hatchery. Night closure in effect when steelhead fishing is open.

- 2) From Jan. 1 – March 31, steelhead daily limit continues to be reduced to one hatchery steelhead for the same reasons as above.
- 3) From June 16 – Aug. 15, the salmon daily limit was increased from 3 to 4 with no more than 1 hatchery chinook and 2 sockeye. Sockeye retention was based on the favorable preseason forecast of 198,500 returning to the Columbia R. The daily limit in this six-mile management area is more conservative, compared to the main Hanford Reach (I-182 Bridge to Priest Rapids Dam), to reduce mortality to recently re-introduced Yakima Basin summer chinook and sockeye stocks.
- 4) The fall chinook salmon fishery is proposed to close on Oct. 22 rather than Oct. 31 because the run forecast is about 50% of actual return in 2016. The daily limit will also be reduced from 3 to 2 adults.

I-182 Bridge to Priest Rapids Dam (Hanford Reach)

- 1) Same steelhead rule rationale applies in the fishery open from I-182 Bridge to the Old Hanford wooden powerline towers from Oct. 1 – Dec. 31 (Ringold-origin only) and any hatchery steelhead from Jan. 1 – Mar. 31 (and April 1-15 at the Ringold Area Bank Fishery).
- 2) From June 16 – Aug. 15, the salmon daily limit was increased from 4 to 6 with no more than 2 hatchery chinook and 3 sockeye. Sockeye retention was based on the favorable preseason forecast of 198,500 returning to the Columbia. The daily limits are higher because anglers are targeting healthy populations of Upper Columbia summer chinook and sockeye rather than the reintroduced Yakima River stocks.
- 3) The fall chinook fishery downstream of the wooden powerline towers will close Oct. 22 rather than Oct. 31 because of the lower run forecast.
- 4) The fall chinook fishery daily limit will also be reduced from 3 to 2 adults from I-182 to Priest Rapids Dam because of the reduced run forecast.

Region 5

For 2017 fall season fisheries in the Columbia River, the most constraining stock for fishery management is upriver summer steelhead. The 2017 forecast for summer steelhead destined for areas upstream of Bonneville Dam was very poor, especially related to the later timed hatchery and wild fish that are primary destined for the Snake River. Steelhead fisheries generally occur nearly year-round in the Columbia River and coincide with salmon fisheries throughout the year. Recreational and commercial fisheries that target salmon will at times also handle summer steelhead. Fishery design for 2017 included restrictions on recreational steelhead fisheries throughout the Columbia River basin and

also necessitated restrictions on salmon fisheries. As a result, salmon fisheries included in the preseason planning process are conservative and modifications to the package will be determined in-season when the fish return and run sizes can be updated. ESA limits for both recreational and commercial fisheries are thereby less than amount allowed because of the need for conservation actions related to summer steelhead.

2017 Constraining Stock Table.

Stock	Objective Type	Objective Criteria	Modeled Result
Uperiver Summer Steelhead	ESA impact rate	<2% on wild fish	<2%

II. Corrections to the WSR 17-13-110

III. Response to Comments Received During Comment Period for WSR 17-13-110

One public comment received
 My family and I have fished the Columbia river for about 9 years now and have seen a lot of changes and a lot of rules. I have always wondered why sport fishermen in Washington and Oregon are the only ones required to keep only hatchery fish and all other entities can retain any fish marked or unmarked by either an adipose clip or left ventral. As an avid salmon and steelhead fisherman on the Columbia and a supporter of conservation of the species listed. I want my children to use what I have taught them so they can enjoy this wonderful sport for years to come. My point being is why not stop marking fish? They are all hatchery fish it's no secret. There is no way that they have a family tree to trace. Take the money that you would save and roll it back into the hatcheries to buy feed or create space for more smolts. Also don't leave fish in the river, take beyond the quota to release more smolts into the system. Transport eggs from a different run that is succeeding to augment a run that is struggling. Drop the retention limits to sport fishermen to one species all the

time to make it a two fish limit. I.E.... one chinook per day per person. One steelhead per day per person and so on unmarked adult fish keeping the first fish you catch and we can go back to barbed hooks. If you stop marking fish at such a young age you might have a better return because you are not weakening the smolts and then returning them to an environment in which they are weakened and suffer from predation, disease and shock! I see your task and it's not easy but there has to be a happy medium. Lower the retention limits keeping it consistent with seasons already in place, put more fish in the system and keep gillnets on a strictly regulated schedule. Commercial fishing on and off the Columbia impacts the runs more than anybody cares to admit. But it's the truth. Happy medium is what I want. I want to go to the river and keep a fish or two! I have had days where all we catch is unmarked fish, steelhead and chinook, And it's frustrating. I only hope that maybe I have made some sense with my thoughts and best of luck to you all for the decisions you are faced with. We are stewards and are required to find the best possible solution to a problem we have created.

Response

All fisheries in the Columbia River are managed based primarily on ESA limits for most natural origin salmon and steelhead stocks. Each species and stock group have different ESA limits and there may be additional ESA limits in different geographic areas. The use of mark-selective fishing techniques (keeping only fin-clipped fish) is just one of the many tools that fishery managers use to harvest healthy hatchery fish, while providing protection for natural origin or ESA-listed stocks. Time, area and gear restrictions are used often and are very successful at reducing handle of non-target species. Recreational fisheries in the Columbia River include times and areas where retention of natural origin fish is allowed. In the mainstem Columbia River from August 1 through September 7 retention of any Chinook is allowed. Beginning September 8 through 14, mark-selective rules are in place upstream to the Lewis River. Fishery managers work closely with the Columbia River Advisor Groups and other stakeholders to adopt fisheries that provide the maximum opportunity across a wide geographic boundary and that is consistent with our conservation objectives. Both the recreational and commercial fisheries are managed within the overall limits of the ESA.

The ESA also includes limits on the number of hatchery fish that can be produced from WDFW facilities. The goal of the hatchery programs is to provide sufficient numbers of hatchery fish for harvest in Columbia River and ocean fisheries, while maintaining the conservation objectives for natural origin stocks.

Conclusion

WDFW has considered all the facts and circumstances surrounding the 2017 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 2017 recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.