

2017 Ocean and Coastal Saltwater Recreational Salmon Regulations

Concise Explanatory Statement



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Table of Contents

I. Rule Development Process.....	2
Rationale for Adoption of Rules.....	5
Regional Specific Rationale.....	6
Ocean	6
Willapa Bay	7
Grays Harbor	9
II. Corrections to WSR 17-15-063.....	13
III. Response to Comments Received During Comment Period for WSR 17-11-108 and 17-15-063	14
Ocean	14
Willapa Bay	14
Grays Harbor.....	16
IV. Conclusion.....	16

Concise Explanatory Statement

Ocean and Coastal Marine Recreational Salmon Regulations for 2017

Introduction

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW's) reasons for adopting the 2017 Ocean and Coastal Saltwater 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) 220-313-070.

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 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 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 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 North of Falcon, began on February 28, 2017 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 in the Public Meeting Table.

Public Meeting Table. All 2017 meetings occurred in Washington State unless noted otherwise.

Geographic Area	Date(s)	Location
Willapa/Grays Harbor	February 22	Montesano
All	February 28	Olympia
Grays Harbor	March 7	Montesano
Ocean	March 8-14	Sacramento, California
North Coast & Straits	March 16	Sequim
All	March 17	Olympia
Columbia/Ocean	March 24	Vancouver
Willapa Bay	March 23	Raymond
Grays Harbor	March 28	Montesano
Willapa Bay	March 30	Raymond
Ocean	March 27	Westport
All	April 4	Lynnwood
Columbia/Ocean	April 5	Olympia
All	April 7-12	Vancouver
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. 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 February 22 through April 17.

During the 2017 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 2017 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 was filed on May 22, 2017 and published in WSR 17-11-108 provided WDFW's initial rule-making proposals for 2017. A CR-102 Supplemental was filed on July 13, 2017 and published in WSR 17-15-063. It provided additional changes to WAC 220-313-070 from what was proposed in WSR 17-11-108. The change requires the release of wild Chinook salmon in Grays Harbor (Catch Record Area 2-2) from August 1 through September 15, 2017. This change is to address a harvest imbalance between co-managers.

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.

The first formal rule-making public hearing for the CR-102 was held on June 27, 2017 to provide an opportunity for comments to be received on the proposed rules as published in the Washington State Register. No individuals attended the public hearing. One individual provided written comments regarding Willapa Bay fisheries through the Rules Coordinator. No comments were received for the Ocean or Grays Harbor fisheries. Sharing between commercial and recreational harvest groups was also considered to provide meaningful harvest opportunity for both groups within the general context of historic sharing patterns in this area.

A second formal rule-making public hearing was held on August 22, 2017 for the CR-102 Supplemental to provide additional opportunity for comments to be received on the proposed rules that were published in the Washington State Register. No individuals attended this public hearing.

Responses to comments received through the formal rule-making period or significant comments received during North of Falcon are summarized below in Section III. In addition to input provided during the formal rule-making period, comments received by letter, electronic mail, online on the WDFW website, and in person at our public meetings 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 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, 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 2017 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 2017 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 (2017-2018 North of Falcon), C3619 (Hatchery and Fishery Reform), C3620

(Columbia River Basin Salmon Management), C3621 (Grays Harbor Basin Salmon Management), and C3622 (Willapa Bay 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

Ocean fisheries

State and tribal salmon fisheries in the ocean are driven primarily by certain key constraining stocks including Lower Columbia River natural tule fall Chinook, Lower Columbia River wild fall Chinook, Snake River wild fall Chinook, Puget Sound Chinook, Lower Columbia River natural coho, Oregon and Washington coastal coho, Interior Frasier (Thompson River) coho, and Puget Sound coho. In 2017, the key constraining stock in state and tribal ocean fisheries was Queets natural coho, which constrained both Chinook and coho ocean quotas. Also of concern but not constraining to the ocean fisheries were Skagit coho and Stillaguamish coho. Queets River natural coho has a spawning escapement goal of 5,800, and the projected 2017 spawning escapement of Queets wild coho is 5,130. Thus, the adopted management measures do not meet the Fishery Management Plan (FMP) objective. In addition, the forecast abundance for Queets wild coho places it in the low abundance category under the Pacific Salmon Treaty (PST), which places a maximum allowable exploitation rate of 20% on this management unit. However, the FMP allows co-managers to agree to manage for a lower objective under unusual circumstances. This year the co-managers agreed to manage for a spawning escapement of 5,130. This results in a total exploitation rate of 22 percent, which exceeds the allowable rate for management units in the low abundance category under the PST. The Pacific Salmon Commission's Southern Panel concurred with an exception to this limit under Chapter 5, Paragraph 11(c) of the PST. The result is that proposed action is in compliance with provisions of both the FMP and the PST.

The adopted management measures for Council-area Chinook fisheries north of Cape Falcon satisfy NMFS ESA consultation standards and guidance, FMP conservation objectives, and all other objectives for relevant Chinook stocks.

Willapa Bay

The Washington Fish and Wildlife Commission adopted a new Willapa Bay Salmon Management policy (C-3622) in June of 2015. This action followed an extensive public process with multiple public comment periods. The policy provides general management guidance to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

Regulations for the 2017 Willapa Bay recreational salmon fisheries were evaluated with respect to objectives in the policy. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon process. General or recreational specific pre-season planning objectives are:

1. The recreational fishery management objectives for fall Chinook salmon in 2017, in priority order, are to:
 - Not exceed a 20% impact rate during Willapa Bay fisheries on Willapa and Naselle river natural-origin fall Chinook. Within the impact rate cap, the priority shall be to maintain a full season of recreational fisheries for Chinook salmon in the Willapa Bay Basin;
 - Provide enhanced recreational fishing opportunities.
 - Increase participation and/or catch including consideration of increased daily limits, earlier openings, and use of multiple rods;
 - Conservation actions, as necessary, shall be shared equally between marine and freshwater fisheries; and
2. The recreational fishery management objectives for Coho and Chum salmon, in priority order, are to:
 - Achieve spawner goals;
 - Provide recreational fishing opportunities.

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

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

WDFW concludes that the final adopted 2017 Willapa Bay recreational fishing regulations are consistent with these management objectives based on the following rationale:

1. The recreational fishery management objectives for fall Chinook salmon in 2017, in priority order, are to:

- Not exceed a 20% impact rate during Willapa Bay fisheries on Willapa and Naselle river natural-origin fall Chinook. Within the impact rate cap, the priority shall be to maintain a full season of recreational fisheries for Chinook salmon in the Willapa Bay Basin;

The predicted impact rate for Willapa River natural-origin Chinook during Willapa Bay basin combined fisheries is 20%.

- Provide enhanced recreational fishing opportunities.
 - Increase participation and/or catch including consideration of increased daily limits, earlier openings, and use of multiple rods;

Regulation changes in the adopted regulation will continue to increase participation and/or catch during the 2017 season. The marine area adult salmon bag limit has changed from four adult salmon in 2016 to three adult salmon in 2017.

The 2017 commercial season in catch area 2T and 2U opens September 18th, areas 2M and 2R open September 5th, and area 2N opens September 11, 2017. Previous analysis of recreational catch rates suggests that a later start for the commercial sector will result in an increased recreational catch rate. Therefore, the later start for the commercial sector is also expected to enhance the recreational fishery.

- Conservation actions, as necessary, shall be shared equally between marine and freshwater fisheries.

Additional conservation for wild Chinook is needed in Willapa Bay. To address this concern, all recreational fisheries, both marine and freshwater, require the release of wild Chinook. Marine Area 2.1 regulations are the same as 2016 with a start date of August 1, 2017. The rules for Ocean Area 2 do not begin until July 1, 2017.

2. The fishery management objectives for Coho and Chum salmon, in priority order, are to:

- Achieve spawner goals;

Combined fisheries modeled in Willapa Bay are expected to result in achievement of escapement goals for both Willapa Bay Coho and Chum stocks. The Willapa Bay escapement goal for natural-origin Coho is 13,600 fish. The modeled fisheries allow the escapement to spawning areas of 20,719 natural-origin Coho. This predicted escapement also exceeds the 17,200 naturally spawning Coho goal established by the Pacific Fishery Management Council. The number of Willapa Bay Chum predicted to escape in the proposed fishery is 51,932, exceeding the goal of 35,400.

- Provide recreational fishing opportunities. Recreational fisheries will be allowed to retain Chum salmon.
- Recreational fisheries will be allowed to retain Chum salmon.

Grays Harbor

The Washington Fish and Wildlife Commission adopted a new Grays Harbor Basin Salmon Management Policy (C-3621) in February of 2014. This action followed an extensive public process with multiple public comment periods. The policy provides management direction to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

Regulations for the 2017 Grays Harbor recreational salmon fisheries were evaluated with respect to objectives in the policy. These objectives were shared with industry representatives, members of the Advisory Group, and the general public during the North of Falcon public process. General or recreational specific pre-season planning objectives are:

1. Fisheries will be managed with the intent of achieving escapement goals for natural origin salmon.
2. For spring Chinook, prioritize freshwater recreational fisheries, with an objective of opening freshwater areas no later than May 1.
3. The fishery management objectives for fall Chinook salmon, in priority order, are to:
 - Achieve spawner goals;
 - Provide meaningful recreational fishing opportunities; and
 - Limit commercial fishery impacts to the incidental harvest of fall Chinook during fisheries directed at other species.
4. For Chehalis River basin natural-origin fall Chinook, the predicted fishery impact in WDFW managed fisheries will not exceed 5% of those adults returning to Grays Harbor

because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.

5. For Chehalis River basin Coho and Humptulips River Chinook, the WDFW managed fisheries will be managed with the intent of achieving escapement goals.
6. For Humptulips natural-origin Coho, the predicted fishery impact in WDFW managed fisheries will not exceed 5% of those adults returning to Grays Harbor because the number of natural-origin spawners was less than the goal in 3 out of the last 5 years.
7. Fisheries will be managed with the intent of achieving escapement goals for wild and hatchery Chum salmon. No fisheries directed at Chum salmon shall occur unless the adult Coho salmon return exceeds spawner objectives, or if Coho salmon impacts remain after Coho and Chinook salmon fisheries.

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

WDFW concludes that the final adopted 2017 Grays Harbor recreational fishing regulations are consistent with these management objectives based on the following rationale:

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

Fisheries modeled in Grays Harbor (including treaty harvest) are expected to result in achievement of escapement goals for Chehalis River natural-origin Coho and Humptulips River natural-origin Chinook. Chehalis River natural-origin Chinook are forecast to return at a level that is less than 10 percent above the goal. The adopted rules do not allow any directed fisheries on Chehalis River natural-origin Chinook. Thus a low level of incidental bycatch mortality due to catch and release will occur while targeting healthy stocks, but are less than the criteria in Objective 4. Humptulips River natural-origin Coho are forecast to return at a level that is below the escapement goal. That is, the Coho are not expected to meet the goal regardless of whether fisheries occur or not. The adopted rules do not have any directed fisheries on Humptulips River natural-origin Coho and anglers must release them unharmed. Thus a low level of incidental bycatch mortality due to catch and release will occur while targeting healthy stocks, but it is less than the criteria in objective 6.

Grays Harbor Chum are forecasted to return 31,300 fish. Fisheries managed by WDFW in the adopted rules will impact 4,755 Grays Harbor Chum.

Stock	Objective Type	Objective Criteria	Modeled Results
Chehalis Natural-origin Chinook	Harvest Impact Rate	< 5.0%	4.4
Chehalis Natural-origin Coho	Escapement Goal	28,506	29,616
Humptulips Natural-origin Chinook	Escapement Goal	3,573	4,591
Humptulips Natural-origin Coho	Harvest Impact Rate	< 5.0%	3.52%
Grays Harbor Chum	Escapement Goal	21,000	17,444

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

The adopted rules do not include a fishery directed on Chehalis River spring Chinook. Forecasted return is below the escapement goal.

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

- Achieve spawner goals;

The scheduled fisheries in the adopted rule are expected to result in 4,591 Humptulips River natural-origin spawners compared to a spawning goal of 3,573.

- Provide meaningful recreational fishing opportunities;

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

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

The predicted impact on Chehalis River natural-origin fall Chinook during the scheduled fisheries in the adopted rule and including the WDFW managed non-treaty commercial fishery is 4.4%.

5. For Chehalis River basin natural-origin Coho and Humptulips River natural-origin fall Chinook, the WDFW managed fisheries will be managed with the intent of achieving escapement goals.

The scheduled fisheries in the adopted rule are expected to result in 29,616 Chehalis River natural-origin Coho spawners compared to a spawning goal of 28,506, and 4,591 Humptulips River natural-origin Chinook spawners compared to a spawning goal of 3,573.

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

The total predicted impact on Humptulips River natural-origin Coho during the scheduled fisheries in the adopted rule and including the WDFW managed non-treaty commercial fishery is 3.52%.

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

The scheduled fisheries in the adopted rule are expected to result in an impact of 30 Grays Harbor Chum. This impact is far less than half the available surplus. The forecasted return of Grays Harbor chum is 31,300 compared to the goal of 21,000.

To address the second part of the objective, scheduled fisheries in the adopted rule achieve the policy objective guidelines, including achieving the escapement goal for Chehalis River natural-origin Coho and minimizing total WDFW managed fisheries to 5 percent or less impact on Humptulips River natural-origin Coho, and therefore Coho impacts remain allowing for directed Chum fisheries to occur.

Modifications proposed for 2017 through the rule-making process:

- **Ocean (Marine Area 1 – 4)**
 - In addition to the allocation objectives associated with sharing between treaty Indian and non-Indian sectors, the Salmon FMP includes formulas for sharing Chinook and coho quotas north of Cape Falcon between commercial and recreational sectors, and among recreational port subareas, and for coho south of Cape Falcon between commercial and recreational sectors. The 2017 salmon management measures adopted by the Council meet the allocation requirements for fisheries north of Cape Falcon in the Salmon FMP, except that that the proportion of the coho TAC (total allowable catch) allocated to the recreational fishery is higher than prescribed by the Salmon FMP and the allocation to the non-Indian commercial troll fishery is lower than prescribed. This departure from the allocation formula in the FMP is necessary to protect coastal and Puget Sound

coho stocks projected to return in very low numbers while providing opportunity for recreational fisheries dependent on coho retention. The Council reviewed the criteria used to evaluate requests for emergency action by the Secretary from Council Operating Procedure 10; all criteria were met and the Council provided rationale for approving a deviation from the FMP harvest allocation guidelines and escapement objectives.

- Coho retention is allowed in both state and tribal salmon fisheries in 2017 in all areas.
- The recreational ocean fishery will close no later than September 4 to protect wild Washington coastal coho.
- **Willapa Bay (Catch Record Card Area 2-1)**
 - The adult bag limit retention changed from four fish to three fish.
- **Grays Harbor (Catch Record Card Area 2-2)**
 - The season changed from July 1 through August 7 to July 1 through September 4.
 - The dates for the Humptulips North Bay fishery changed from August 1 to September 24 to August 1 through September 15 and requires the release of wild Chinook.
 - The dates for the East Grays Harbor fishery changed from October 1 through November 30 to September 16 through November 30.

II. Changes to the WSR 17-15-063

The adopted rule filed as CR-102 Supplemental filed on July 13 2017 and published in WSR 17-15-063 has one change from the proposed rule filed in the original CR-102 filed on May 22, 2017 and published in WSR 17-11-108. The following summary briefly describes the change and the principal reason for adopting the change.

1. Require the release of all wild Chinook in Grays Harbor catch area 2-2 Humptulips North Bay fishery from August 1 to September 15, 2017.

This change is to address a harvest imbalance between co-managers.

There were no substantial or technical changes made to the adopted rules from the rules noticed in the CR-102 Supplemental WSR 17-15-063 for the Ocean or Willapa Bay. The proposed regulations were adopted without modification.

III. Response to Comments Received During Comment Period for WSR 17-11-108 and 17-15-063

Ocean

No formal written or verbal testimony was received on the CR-102 or the CR-102 Supplemental regarding the Ocean recreational fishery season.

Willapa Bay

Comment #1: If the Department cannot monitor the recreational marine fishery the way the Policy states it should in Guideline #7 then the Department needs to cut back on how many days the marine fishery is open.

WDFW will utilize catch record cards (CRC) as the primary tool to monitor and sample recreational fisheries in Willapa Bay. The CRC has been proven to be accurate and quite robust for estimating recreational harvest as demonstrated by an intensive five-year study (Conrad and Alexandersdottir, 1993). CRC estimates have been compared with creel surveys designed to produce catch estimates, and proven to be accurate for estimating recreational harvest.

WDFW will use voluntary salmon angler trip reports (VTR) in conjunction with limited dockside creel surveys to collect in-season recreational catch and encounter data. VTRs are used extensively in Ocean and Puget Sound recreational fisheries to provide information on catch composition. VTRs will be used in marine area 2-1. Several fishing groups have expressed interest in helping WDFW distribute and recruit anglers for VTR programs, so WDFW will utilize these groups. VTRs will be distributed via email, at access site, and the Region 6 office.

The Department acknowledges that additional resources will need to be directed at recreational fisheries to ensure that we can measure the achievement of conservation objectives. Similar to the commercial fisheries, improved monitoring will be incremental. The Department will continue to utilize catch record cards as the primary tool to estimate harvest in recreational fisheries in Willapa Bay and its tributaries.

Comment #2: Comments were received supporting and opposing the reduction of the marine recreational fishery adult salmon bag limit from four fish to three fish in order to give additional days to the commercial fishery.

WDFW regional staff utilize the Willapa Bay Terminal Area Management Model (TAMM) during the North of Falcon (NOF) pre-season salmon fisheries planning process. The TAMM is used to assess both recreational and commercial salmon fishery season proposals in relation to

attainment of conservation and management objectives set forth in the Willapa Bay Salmon Management Policy (C-3622). During the 2017 NOF process, WDFW received a variety of fishery proposals for the recreational fishery in Marine Area 2-1. These proposals had adult bag limits ranging from 2 to 6 adult salmonids. Since the ratification of policy C-3622 in 2015, recreational fisheries prosecuted in Marine Area 2-1 have had a 4 adult daily bag limit.

An evaluation of the fishery proposals received using the Willapa Bay TAMM was presented during the NOF process to the Willapa Bay Advisory Group on April 17, 2017. The results of this analysis showed that by utilizing a 3 fish adult daily bag limit in the marine area for recreational fisheries on average 300 more hatchery origin Chinook Salmon would be harvested than all other options, save one. The option that resulted in the largest removal of hatchery origin Chinook Salmon employed the use of tangle net gear in commercial fisheries during all of September and October and a 4 adult fish daily bag limit in the marine area.

The use of tangle net gear in commercial fisheries is relatively new in Willapa Bay. Tangle net fisheries have been prosecuted in 2015 and 2016 on a very limited basis. There is uncertainty around the catch efficiency and durability of tangle net gear in relation to the typical small mesh gillnet gear that has been used by commercial fishers historically. The Department is currently evaluating tangle net gear usage in commercial fisheries prosecuted in Willapa Bay. Based on the evaluation conducted during the 2017 NOF process and the uncertainties associated with the use of tangle net gear WDFW believes a 3 adult daily bag limit in conjunction with limited use of tangle net gear in commercial fisheries is the best path for attaining conservation and management objectives set forth in policy C-3622.

Comment #3: The commenter expressed concern that in-season management should be required and needs to continue being applied for all fisheries within Willapa Bay.

The Commission policy for Willapa Bay (C-3622) does require the Department to take action if it becomes apparent that a scheduled fishery will exceed its preseason catch expectation, and the overage will put at risk the attainment of conservation objectives. WDFW will use the best available data to make in-season adjustments to both the recreational and commercial fisheries as mandated by the Willapa Bay Salmon Management Policy (C-3622 Guiding Principle #8). Creel survey data, in-season spawning ground counts, on-board observation data, and Quick Reporting data will be analyzed to determine if any in-season actions would be necessary for either the commercial or recreational fisheries to meet conservation objectives. The Department will continue to develop methods for assessing both the commercial and recreational fisheries for future fisheries, especially those with Chinook retention. On the other hand, commercial fisheries are monitored in-season with catch estimates available within a few days of the fishery. Ultimately, in-season management will be used consistent with the Commission policy in

appropriate circumstances based upon information and analysis obtained during the fishing season.

Comment #4: The commenter expressed concern over what values the Department used in the FRAM modeling for out-of-basin Chinook impacts to prosecute the marine area recreational fishery and how is that fishery going to be enforced when the impacts have been met.

The Fisheries Regulation Assessment Model (FRAM) is used by the Pacific Fisheries Management Council (PFMC) in order to assess the impacts of fishery regulations on stock of concern on a coast wide basis. It incorporates both terminal and non-terminal fisheries. The model employs historical coded wire tag data in order to estimate the impacts of all fisheries might have on any of the Chinook Salmon stocks of concern. The PFMC sets the allowable harvest or impacts fisheries may have to any of the stocks of concern.

WDFW regional staff consulted with WDFW's internal FRAM technical workgroup in order to evaluate Willapa Bay fishery inputs into the FRAM model. This meeting confirmed that impacts to local and non-local Chinook stocks from Willapa Bay fisheries are incorporated into the model and estimated using the best available data. Furthermore, the impacts associated with prosecution of Willapa Bay Salmon fisheries in 2017 are well within PFMC guidelines.

As noted above under comment #3, policy C-3622 requires the Department to take action if "it becomes apparent a scheduled fishery will exceed its preseason catch expectation, and the overage will put at risk the attainment of conservation objectives". Also, as noted under comment #1, the recreational fishery will be monitored and sampled utilizing the catch record card system.

Grays Harbor

No comments were received during the North of Falcon or public review process for WSR 17-11-108 or WSR 17-15-063.

IV. 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 ocean and coastal marine recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW's management objectives for these fisheries.