

Concise Explanatory Statement (CES)

2021 North of Falcon Recreational Fishery Regulations

Rules amended as part of this rulemaking:

220-220-160 – Two-pole endorsement
220-312-020 – Freshwater exceptions to statewide rules – Coast
220-312-030 – Freshwater exceptions to statewide rules – Southwest
220-312-040 – Freshwater exceptions to statewide rules – Puget Sound
220-312-050 – Freshwater exceptions to statewide rules – Eastside
220-312-060 – Freshwater exceptions to statewide rules – Columbia River
220-313-060 – Puget Sound salmon – Saltwater seasons and daily limits
220-313-070 – Coastal salmon – Saltwater seasons and daily limits

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW) reasons for adopting 2021-22 recreational salmon fishing rules and responds to public comments received on the proposed rules. The rules, once adopted, will be set forth in the Washington Administrative Code (WAC) listed above. The management period for each fishing season typically ends in April and begins anew each May.

Rulemaking by the Department is guided by resource management policies adopted by the Fish and Wildlife Commission at its regularly or specially scheduled meetings that are open to the public. Those policies can be found at: <https://wdfw.wa.gov/about/commission/policies>

In addition, the Department's Director and staff interact with the Commission by reporting on policy implementation, and the effect of rule development and implementation, as part of the Commission's public meetings. Commission meeting agendas, and staff reports to the Commission, are available at: <https://wdfw.wa.gov/about/commission/meetings>

Due to the complexity of the annual salmon season setting process, the Commission typically delegates the authority to the Director, as authorized by law, to adopt the rules to implement the outcomes of the process while providing policy guidance as described above. For example, the 2 North of Falcon Policy (C-3608) contains policy objectives to guide fishery rulemaking and provides an expressed delegation of rulemaking authority to the Director.

As discussed below, the Administrative Procedures Act (APA) envisions a rule making process by which input is solicited from the public during the preproposal phase to aid in the

development of proposed rules. This public process is then carried through as the rules, once proposed, undergo additional public review and comment. The Director employs agency staff to assist in the rule-making process but retains the final delegated decision-making authority on such rules. After consideration of the public comment received and staff recommendations, the Director signs the CR-103 rule making order adopting the final rules.

The APA process for these proposed rules began when the CR-101 notice of intended rulemaking was filed on January 5, 2021 (WSR 21-02-079). Thereafter, the Department relied upon several forums to gather information and interact with regional fishery managers and constituent groups in order to develop the proposed rules that were presented in the CR-102 filed on May 19, 2021 (WSR 21-11-114) and available for formal public review and comment.

These rule-making processes are described in more detail as follows:

North of Falcon (NOF)/Pacific Fishery Management Council (PFMC) processes used to develop proposed rules (the “Pre-notice Inquiry” stage of rulemaking)

State, federal, and tribal fishery managers, and the Oregon Department of Fish and Wildlife (ODFW) work collaboratively with recreational and commercial stakeholders during the NOF and PFMC meetings to develop fishery options based on the best available science. Data and information examined and considered include expected annual salmon returns, Endangered Species Act (ESA) requirements – expressed as annual stock-specific exploitation rates, treaty fishing rights of Northwest Tribes, and resource management policies of the Fish and Wildlife Commission. The name "North of Falcon" 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, and tribal representatives, who work together with input from recreational, commercial fishing, and conservation interests.

The NOF planning process deliberately overlaps with the March and April meetings of the PFMC, the federal authority responsible for setting ocean salmon seasons within the Exclusive Economic Zone, which extends from 3 to 200 miles off the Pacific coast. Work with federal fishery managers and fishing interests in offshore waters is essential to ensure coordinated state and federal fisheries for salmon stocks that migrate freely between state and federal waters.

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 the completion of surveys of the previous year’s spawning grounds and hatchery return estimates by state and tribal biologists. These 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 3 tribal biologists, in coordination with PFMC participants, typically complete the forecasts each year by late-February. From the run-size forecasts, fisheries managers determine the amount of fish 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 begin the process of developing specific annual fishing regulation proposals to achieve, but not exceed, those harvest levels.

The 2021 North of Falcon kickoff meetings occurred on February 25 and 26. WDFW staff presented and reviewed the 2021 pre-season forecasts of salmon abundance with interested stakeholders. Additional public meetings were scheduled as shown below in Table 1. Note that due to the COVID-19 pandemic, all meetings were held using online formats.

Table 1. Public meetings for 2021 North of Falcon season setting process

Geographic Area	Date(s)	Location
Willapa/Grays	February 25	Zoom webinar
All	February 26	Zoom webinar
Ocean - PFMC	March 2-5 and 8-11	Zoom webinar
All	March 16	Zoom webinar
Columbia River	March 17	Zoom webinar
South Coast	March 17	Zoom webinar
Puget Sound recreational and Coastal freshwater	March 23	Zoom webinar
South Coast	March 24	Zoom webinar
Puget Sound	March 25	Zoom webinar
All/plenary discussion	March 31	Zoom webinar
Columbia River	April 1	Zoom webinar
South Coast	April 5-6	Zoom webinar
Willapa Bay	April 12	Zoom webinar
Grays Harbor	April 12	Zoom webinar
Northeast McNary		Video
All / PFMC	April 6-9 and 12-15	Zoom webinar

During these public meetings, WDFW gathered input from stakeholders on the structuring of fishing seasons, reviewed possible rule changes, and provided the public with information on the status of the 2021 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 WDFW’s website and submitted by e-mail, providing an alternate avenue, particularly for those individuals who could not attend the scheduled public meetings and webinars, to provide comment.

During the 2021 NOF season planning process for Puget Sound, the tribal co-managers and WDFW also conducted technical meetings and policy level discussions to agree upon 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 4 tribes also developed fishing schedules for both tribal- and state-managed salmon fisheries. A summary of some of the larger issues confronted in these government-to-government is included in the Puget Sound marine and freshwater rationale for rules below. Written and oral comments received during this process were considered in the development WDFW’s rulemaking package.

The recreational salmon fishing seasons proposed for adoption by WDFW in 2021 are a product of both the government-to-government tribal-state negotiations and the open public process component of the annual North of Falcon process.

In the Columbia River, most of the fisheries are managed under the current ten-year *U.S. v. Oregon* Management Agreement (2018-27) that was adopted as an order of the United States District Court for the District of Oregon. This agreement outlines the escapement goals, ESA limits and tribal and non-tribal harvest sharing. Tribal fisheries are developed by the four Columbia River Treaty Tribes and non-treaty buyers are authorized to purchase treaty caught fish through Compact hearings. Written and oral comments received during the NOF process were considered in the development of WDFW's proposed rules. Several tributary and certain seasonal mainstem Columbia River recreational fisheries upstream of Highway 395 at Pasco, WA are not considered *US v. Oregon* fisheries and have separate ESA coverage, where applicable.

The Columbia River recreational salmon fishing seasons proposed for adoption by WDFW in 2021 are a product of 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 public rule-making process undertaken by WDFW pursuant to the Administrative Procedures Act.

CR 102 rule proposal phase with comment period and formal rule making hearings.

Based upon all the information and outreach generated through these forums, draft fishery rules were 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 19, 2021 (WSR 21-11-114), as part of WDFW's initial rule-making proposals for 2021-22. The filing included changes to the WAC sections listed at the top of this document. The package of rules is expressed as a suite of amendments to the pre-existing Washington Administrative Code sections that are referenced. However, the rules packages reflect a unitary fishing season proposal. In essence, the amended rules reflect the 2021-22 proposed fishing season, expressed largely as time, place and manner regulations for fishing activity, given the most recent conservation and allocation objectives. Functionally, the amended rules package is a unitary seasonal fishing package and replaces the prior year (2020-21) suite of fishing season rules.

Information regarding the proposed rule changes were electronically sent 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 news release on public comment opportunities associated with the CR102 was also produced and sent to press and constituent distribution lists.

A formal Administrative Procedures Act rule-making public hearing was held on June 22, 2021 via Zoom webinar to provide an additional opportunity for comments to be received on the proposed rules as published in the Washington State Register. A total of two individuals attended the rule-making hearing, and none of them provided testimony. A summary of the public hearing, the comments provided, and WDFW's responses to those comments has been provided to the Director for his consideration in adopting these rules. In addition to input during the public hearing, comments received by letter, electronic mail, and online on the WDFW North of Falcon

5 webpage during the North of Falcon process and CR-102 comment period were considered throughout the rule-making process.

2. Reasons for adopting the rule:

WDFW considered all the facts and circumstances surrounding the proposed 2021-22 recreational salmon season. The agency carefully reviewed all input from the general public regarding preferred fishing rules during North of Falcon public meetings (the APA Pre-notice Inquiry stage) and the rule-making process used to provide notice and comment on proposed rules (CR 102 filing of proposed rules, additional comment solicitation, and a rulemaking hearing). 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. Washington* and *U.S. v. Oregon*.

Regulations for the 2020-21 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. WDFW shared these objectives with recreational angler representatives during the 2020 North of Falcon and APA public processes, and they 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 C3608 (2019-2023 North of Falcon) and C3624 (Anadromous Salmon and Steelhead Hatchery Policy).
 - c. Monitor fisheries to ensure a & b are met.
2. Harvest the non-treaty share of harvestable salmon taking into account the priorities established for various recreational fishing opportunities in terms of time, place, and species of 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.

Region/Rule Specific Rationales

North Coast rivers (220-312-020 – Freshwater exceptions to statewide rules – Coast)

Modifications to the North Coastal sport fishing regulations adopted for 2020 through the rulemaking process were:

- Hoh River will be open for gamefish June 1 through August 31 in addition to September 16 through April 15. Only one single point barbless hook will be allowed. The limit for salmon was reduced due to a low forecast of wild fall coho to a daily limit 2 with retention of only one adult allowed and wild coho must be released.
- South Fork Hoh River will be open for gamefish June 1 through August 31 in addition to September 16 through April 15. Only one single point barbless hook will be allowed.
- Quillayute River will be closed to all fishing August 1 through September 15 to protect a critically low forecast of wild summer coho. The spring/summer salmon limit was reduced to a daily limit of 4, with 2 adults retained, release wild adult Chinook, coho, and sockeye. The fall salmon limit was reduced to a daily limit of 6, with 3 adults retained, release wild adult Chinook, coho, and sockeye. The dates closed to avoid gear conflict with treaty fisheries were changed to Mondays and Tuesdays September 16 through September 30 and Mondays October 1 through October 20.
- Sol Duc River will be closed to all fishing August 1 through September 15 to protect a critically low forecast of wild summer coho. The spring/summer salmon limit was reduced to a daily limit of 4, with 2 adults retained. The fall salmon limit was reduced to a daily limit of 6, with 3 adults retained, release wild adult Chinook, coho, and sockeye.
- Bogachiel River will be closed to salmon fishing August 1 through September 15 to protect a low forecast return of wild summer coho but remain open for gamefish to provide opportunity for hatchery steelhead. The daily limit in the summer salmon fishery was reduced to 4 fish, with up to 2 adults retained, release wild adult Chinook and coho.
- Calawah River will be closed to salmon fishing August 1 through September 15 to protect a low forecast return of wild summer coho but remain open for gamefish to provide opportunity for hatchery steelhead. The daily limit in the summer salmon fishery was reduced to 4 fish, up to 2 adults retained, release wild adult Chinook and coho.
- Dickey River will be closed to all fishing August 1 through September 15 to protect a low forecast return of wild summer coho. The daily limit in the summer salmon fishery was reduced to 4 fish, up to 2 adults retained, release wild adult Chinook and coho.
 - Gear rules in the Quillayute system (Quillayute, Sol Duc, Bogachiel, Calawah, and Dickey rivers and their tributaries) were changed to allow only one single point barbless hook allowed to better protect fish released.
- Clearwater River (tributary to the Queets River), will be open September 1 to September 30 with a daily limit of 3 salmon, up to 1 may be an adult. Release wild coho.
- Salmon River (tributary to the Queets River), will be open September 1 to September 30 with a daily limit of 6 salmon, up to 2 may be adults, of which only 1 may be a Chinook. Release wild coho.

- Modifications to sport fishing was due to lower forecasted coho abundances for 2021.
- Daily limits in the Clearwater and Salmon Rivers reflect a conservative approach for wild coho salmon.
- Quinault River: sport season regulation structure did not change for 2021.

Grays Harbor (220-313-070 – Coastal salmon – Saltwater seasons and daily limits and 220-312-020 – Freshwater exceptions to statewide rules – Coast)

The Fish and Wildlife Commission adopted the Grays Harbor Basin Salmon Management policy (C-3621) in February of 2014 (effective starting March 1, 2014). This action followed an extensive public process with multiple public comment opportunities. The policy provides management guidance to WDFW in terms of conservation objectives and sharing between the recreational and commercial sectors. While the policy details specific objectives, it also recognizes uncertainty inherent in fishery management, which provides guidance on the utilization of adaptive management to facilitate appropriate flexibility in the implementation of the policy guidance.

Regulations for the 2021 Grays Harbor freshwater and marine recreational salmon fisheries were evaluated with respect to objectives in the policy and in coordination with the NOF/PFMC process. These objectives were shared with industry representatives, and the public during the North of Falcon public process. In addition, the Commission policy provided recommendations for “meaningful” opportunities for both recreational anglers and commercial harvesters. The rules were proposed, as noticed in the CR-102, based upon a conclusion that fisheries would be produced consistent with the overriding conservation objectives.

WDFW believes that the 2021 Grays Harbor recreational freshwater and marine fishing regulations are consistent with general, or recreational-specific, pre-season planning, and policy management objectives based on the following rationale:

- Fisheries will be managed with the intent of achieving escapement goals for natural-origin salmon. In no case, shall WDFW-managed fisheries result in an impact of more than 5% of the return when the natural-origin adult forecast exceeds the spawner objective by less than 10% or the number of natural-origin spawners was less than the goal 3 out of the last 5 years.

The Humptulips River natural-origin coho did not have a forecast exceeding 10% above the escapement goal and Chehalis River natural-origin coho did not achieve the escapement goal 3 of the last 5 years, which limited WDFW-managed fisheries to not exceed impacts of 5% or greater according to policy C-3621.

Modeled impacts from proposed WDFW-managed fisheries in Grays Harbor basin for Humptulips and Chehalis natural-origin coho are less than 5% and listed in Table 2.

- The adopted rules do not include a directed freshwater recreational fishery on Chehalis spring Chinook due to a forecasted abundance less than the goal.

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

- Achieve spawning goals.

The adopted rules were developed based upon the available harvestable surpluses of the forecasted run size for the Humptulips and Chehalis river stocks.

- Provide meaningful recreational fishing opportunities.

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

The forecasted terminal run size of Humptulips natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 4,668. The predicted impact on Humptulips River natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 119 fish. The scheduled combined terminal fisheries in Grays Harbor basin (WDFW-managed recreational and commercial fisheries plus the treaty fisheries) are expected to result in 3,586 Humptulips River natural-origin spawning fall Chinook compared to the spawning goal of 3,573.

- The forecasted terminal run size of Chehalis natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 10,852. The predicted impact on Chehalis River natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 209 fish. The scheduled combined terminal fisheries in Grays Harbor basin (WDFW-managed recreational and commercial fisheries plus the treaty fisheries) are expected to result in 9,308 Chehalis River natural-origin spawning fall Chinook compared to the spawning goal of 9,753. While the predicted spawning escapement resulting from fisheries prosecution is below the goal, the predicted impact rate of WDFW fisheries on natural-origin Chehalis fall Chinook is 2.0%.
- Chehalis River natural-origin coho did not achieve the escapement goal 3 of the last 5 years, therefore, the management objectives are to limit impacts from WDFW managed fisheries to 5% or less. The expected impact of the adopted rule on Chehalis River natural-origin coho will be 3.85% (Table 2). The predicted impact by the adopted rule for all WDFW fisheries on Chehalis River natural-origin coho will be 4.99%

- The forecast terminal run size for Humptulips natural-origin coho is 2,400, which is less than the escapement goal of 6,894. Therefore, the management objectives are to limit incidental impacts from WDFW-managed fisheries targeting other stocks to 5% or less. The expected impact of the adopted rule on Humptulips natural-origin coho will be 2.35% (Table 2). The predicted impact by the adopted rule for all WDFW fisheries on Humptulips natural-origin coho will be 13.0%.

Table 2: Grays Harbor Salmon Management Policy Objectives

Natural-origin Stocks	Objective Type	Objective Criteria	Modeled Results
Chehalis fall Chinook	Escapement Goal*	9,753	9,308
Chehalis spring Chinook	Escapement Goal*	1,400	1,1081
Humptulips Chinook	Escapement Goal*	<u>3,573</u>	3,586
Chehalis Coho	Harvest Impact Rate	≤ 5%	3.85%
Humptulips Coho	Harvest Impact Rate	≤ 5%	2.35%
Grays Harbor Chum	Escapement Goal*	21,000	30,324

*Expected escapement after all Grays Harbor WDFW managed recreational and commercial fisheries plus treaty fisheries.

- 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 spawning 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 788 Grays Harbor chum. The forecasted return of Grays Harbor chum is 42,248 and predicted escapement after all Grays Harbor fisheries, treaty and non-treaty, is 27,152 compared to the goal of 21,000. Scheduled fisheries in the adopted rule achieves the policy objective guideline via reaching or exceeding the escapement goal for Chehalis River natural-origin coho and minimizing total WDFW-managed fisheries impact to 5% or less on Humptulips River natural-origin coho. Therefore, coho impacts are expected to remain, allowing for directed chum fisheries to occur.

Willapa Bay (220-313-070 – Coastal salmon – Saltwater seasons and daily limits and 220-312-020 – Freshwater exceptions to statewide rules – Coast)

The Washington Fish and Wildlife Commission adopted the 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.

On March 12, 2021, the Commission provided WDFW with additional guidance on the implementation of Policy C-3622 for the 2021 salmon planning process. The general guidance provided by the Commission was to adopt staff recommendations regarding the hatchery program and fisheries management for Willapa Bay in 2021.

Conservation and management objectives for fisheries in the Willapa Bay Basin are based on Policy C-3622 and interim guidance received from the Commission include:

- Actively manage to not exceed 20% total impacts for natural-origin Chinook salmon on Willapa River;
- Actively manage to not exceed 20% total impacts for natural-origin Chinook salmon on Naselle River;
- Actively manage to meet escapement goals for Coho and Chum;
- Suspend the fishery management #6 of the Fall Chinook salmon species-specific guidance in the Willapa Bay Policy that states:
 - Limit the fishery impact rate on Willapa and Naselle river natural origin fall Chinook salmon to no more than 20%;
 - No commercial fisheries shall occur within areas 2T and 2U prior to September 16; and
 - No commercial Chinook salmon fisheries shall occur in areas 2M, 2N, 2P, and 2R until after September 7.
- Suspend time and area restrictions for commercial fisheries south of commercial area 2T
- Allow WDFW the appropriate flexibility to determine daily limits for Chinook salmon and coho in the recreational fishery.
- Species harvest prioritization
 - Chinook salmon harvest for recreational sector
 - Coho and chum for commercial sector
- Provide for hatchery broodstock necessary for a Chinook salmon smolt release of:
 - 400,000 at Forks Creek Hatchery
 - 3.3 million at Nemah Hatchery
 - 5 million at Naselle Hatchery
- Release hatchery production at their facility of origin to allow for the preservation of future options for long term policy modifications

This additional guidance applies only to 2021. All other items in the Willapa Bay Salmon Management Policy, C-3622, will remain in effect for 2021, together with the various other policy guidance positions adopted by the Commission that inform and are considered by the Director when developing and adopting annual fishing seasons/regulations.

Regulations for the 2021 Willapa Bay recreational salmon fisheries were evaluated with respect to the objectives in the policy and the additional guidance provided by the FWC for 2021-22 season only. These objectives were shared with industry representatives, and the public during the NOF process. General or recreational specific pre-season planning objectives are:

1. The recreational fishery management objectives for fall Chinook salmon in 2021, in priority order, are to:
 - a. Not exceed a 20% impact rate on Willapa and Naselle rivers natural origin fall Chinook salmon during Willapa Bay fisheries. 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; and
 - b. Provide enhanced recreational fishing opportunities.
 - i. Increase participation and/or catch including earlier openings, open areas previously closed, and the expansion of areas with use of multiple rods (two- pole endorsement);
 - ii. Conservation actions, as necessary, shall be shared equally between marine and freshwater fisheries.
2. The recreational fishery management objectives for coho and chum salmon, in priority order, are to:
 - a. Achieve spawner goals; and
 - b. Provide recreational fishing opportunities.

Regulation changes in the adopted rules will continue to increase participation and/or catch during the 2021-20 season. The adult salmon daily limit for the 2021-22 recreational salmon marine and freshwater fisheries throughout Willapa Bay is two adult salmon. Willapa Bay needs additional conservation for unmarked Chinook salmon and coho. To address this concern, all recreational fisheries, both marine and freshwater, are mark selective and require the release of unmarked Chinook and unmarked coho salmon. Marine Area 2.1 regulations are similar to 2020 with a start date of August 1, 2021. Prior to August 1, 2021, Willapa Bay will follow the rules for Ocean Area 2, which are scheduled to begin June 19, 2021.

Beginning August 1, 2021, the Willapa Bay Control Zone (WBCZ) at the mouth of Marine Area 2.1 will be open to salmon fishing. The WBCZ is defined as having a westerly boundary line from Leadbetter Point (46° 39.20' N, 124° 3.516' W) due west to 46° 39.20' N, 124° 5.3' W then north to the westerly most landfall on Cape Shoalwater (46° 44.66' N, 124° 5.3' W) and from Leadbetter Point through green marker 11 to landfall. Recreational freshwater fisheries within Willapa Bay for the 2021 fall season are mark selective for unmarked Chinook salmon and unmarked coho. Low preseason forecasts and concerns for natural origin coho prompted this additional conservation measure.

Preseason modeling of planned recreational and commercial fisheries is estimated to result in an impact rate of 8.8% and 17.6% on Willapa River and Naselle River natural origin Chinook, respectively. 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 predict escapement of 14,503 natural origin coho and 35,910 hatchery origin coho. This predicted escapement exceeds the 17,200 coho escapement goal established by PFMC. The number of Willapa Bay chum predicted to escape in the adopted fishery is 36,262, exceeding the spawner escapement goal of 35,400.

Modifications proposed for 2021 Willapa Bay marine and freshwater recreational fisheries through this rule-making process include and are similar to 2020:

- Four systems closed to salmon fishing; Smith Creek, North River, Palix River, and Bear River;
- Limited salmon fishing in three systems to provide hatchery Chinook salmon harvest, limits harvest related impacts to natural origin coho, and provides the broodstock necessary to achieve hatchery production goals; South Fork Willapa River, Nemah River (Middle, North, and South), and a section of the Naselle River; and
- Allowed retention of hatchery coho in all freshwater systems that are open to salmon fishing.

The rules, as originally noticed in the CR-102, WSR 21-11-103, were proposed based upon a conclusion they would produce fisheries consistent with conservation objectives, the Willapa Bay Salmon Management Policy C-3622, and the 2021 FWC guidance on the implementation of the Willapa Bay Salmon Management Policy C-3622, for the 2021 fall salmon season.

WDFW believes that adoption of the 2021 Willapa Bay recreational fishing regulations will be consistent with the management objectives previously listed. The proposed rules are a result of integrating public, NOF comments, and meeting the primary conservation objectives identified in Policy C-3622. This year's process, complicated by the COVID pandemic, has shown that Department staff acted in good faith in discussions with the public, shared and discussed conservation and management objectives early and often, listened and considered public and advisory group input and values, and developed a fishery proposal for 2021 Willapa Bay salmon fisheries that meet conservation and management objectives identified pre-season.

Columbia River (220-312-060 – Freshwater exceptions to statewide rules – Columbia River and 220-312-050 – Freshwater exceptions to statewide rules – Eastside)

For the 2021-22 management period, Columbia River fisheries are driven primarily by certain key constraining stocks. The 2021 Upriver Bright (URB) Chinook run size forecast is 361,500 and is a surrogate for the Snake River Wild Fall Chinook ESA limit for non-treaty fisheries. The *U.S. v. Oregon 2018-2027* Management Agreement abundance based URB harvest rate schedule allows a 15.0% harvest rate in non-treaty fisheries for run sizes greater than 200,000.

The 2021 run size forecast for Lower River Hatchery Chinook (LRH) also referred to as Tule Fall Chinook is 73,900. At this return size, the ESA impact limit is 38%. In-season adjustments are made by Washington and Oregon via emergency regulations within the Columbia River Compact process.

Harvest allocations by recreational and commercial sectors were adopted based upon concurrence between Washington and Oregon Columbia River policies. Due to efforts with rule

simplification, public input led fishery managers to provide concurrent regulations between the two states.

2021 Constraining Stock Table

Stock	Objective Type	Objective Criteria	Modeled Result
Upper Columbia summer Chinook	Harvest Rate/Escapement	50% of surplus above 29,000	50% of surplus above 29,000
Snake River Sockeye	ESA impact rate	<1%	<1%
Tule Fall Chinook	ESA impact rate	<38.0% total	38.0%
Snake River Wild Fall Chinook	In-river ESA impact rate	<15.0%	15.0%
Lower Columbia Natural Coho	ESA impact rate	<30.0%	10.1%
Natural B-index Summer Steelhead	ESA impact rate	<2%	<2%

Buoy 10 to Bonneville Dam – mainstem

1. All proposed modifications below from the mouth to the Oregon-Washington state line upstream of McNary Dam are occurring, in addition to the reasoning provided, to reach concurrency with Oregon on annual regulations and policy guidance.
2. The 2021 summer Chinook forecast provides hatchery Chinook retention opportunity from the Astoria-Megler Bridge upstream to Bonneville Dam, July 1 through July 5 with a daily limit of 6, up to 2 adults, hatchery Chinook only.
3. The 2021 Columbia River Sockeye forecast is 155,600. Sockeye retention is allowed July 1 through July 31 and the daily limit is 1.
4. Due to low steelhead forecasts of stocks destined to areas above Bonneville Dam, conservation measures including reduced bag limits and closures will be in effect for 2021.
 - A night closure remains in effect for salmon and steelhead fishing.
 - From June 16 through July 31, the steelhead daily limit is 1.
 - August 1 through October 31 is closed to steelhead retention.
5. The Buoy 10 recreational fishery will begin on August 1 with a daily limit of 2 hatchery salmon, no more than 1 hatchery Chinook through August 10. From August 11 through September 6, Chinook retention will continue, but will no longer require Chinook to be adipose fin clipped and the daily limit will remain at 2, no more than 1 Chinook. From September 7 through December 31, hatchery coho retention will resume with a daily limit of 3.
6. The mainstem recreational fishery from the Rocky Point/Tongue Point line upstream to Bonneville Dam will be open August 1 through December 31, but Chinook retention

seasons vary by river section based on area-specific sub-allocations for URB Chinook.

- From the Rocky Point/Tongue Point line upstream to the Lewis River/Warrior Rock line, Chinook retention will be open from August 1 through September 9 with a daily limit of 6, up to 2 adult salmon, no more than 1 Chinook. From September 10 through December 31 the daily limit will remain at 6, up to 2 adult hatchery coho. Steelhead retention is prohibited from August 1 through October 31.
- From the Lewis River/Warrior Rock line upstream to Bonneville Dam, Chinook retention will be open August 1 through December 31 with a daily limit of 6, up to 2 adults, no more than 1 Chinook. Steelhead retention is prohibited from August 1 through October 31.

Bonneville Dam to Hwy. 395 Bridge at Pasco – mainstem

1. All proposed modifications below from the mouth to the Oregon-Washington state line upstream of McNary Dam are occurring, in addition to the reasoning provided, to reach concurrency on annual regulations and policy guidance.
2. Summer Chinook retention will be allowed from Bonneville Dam upstream to Hwy. 395 Bridge at Pasco, July 1 through July 31, the daily limit is 6, up to 2 adults, hatchery Chinook only.
3. The 2021 Columbia River Sockeye forecast is 155,600. Sockeye retention is allowed July 1 through July 31 and the daily limit is 1.
4. Due to low steelhead forecasts of stocks destined to areas above Bonneville Dam, conservation measures including reduced bag limits and rolling closures will be in effect for 2021.
 - A night closure remains in effect for salmon and steelhead fishing.
 - The daily bag limit is 1 hatchery steelhead from June 16 through August 31 with the exception of the following closures:
 - Bonneville Dam upstream to The Dalles Dam August 1 through October 31.
 - The Dalles Dam upstream to Hwy. 395 Bridge at Pasco from September 1 through March 31, 2022.
5. From August 1 through December 31 Chinook retention is allowed with the daily limit 6, up to 2 adult salmon, no more than 1 Chinook. Only hatchery coho may be retained downstream of the Hood River Bridge.

Hwy. 395 Bridge at Pasco upstream to I-182 Bridge

1. Due to low forecasts of steelhead, retention is prohibited year-round.
2. Summer Chinook and sockeye salmon retention is closed.
3. The fall salmon fishery will be open August 16 through October 31. This area of the Columbia River has limited spawning habitat and the extension of the fishery through October 31 will provide additional angler opportunity without impacting spawn success

of Hanford Reach up-river bright fall Chinook. Daily limit 6, no more than 2 adults, release all salmon other than chinook and coho.

I-182 Bridge upstream to Old Hanford townsite powerline crossing – mainstem

1. Due to low forecasts of steelhead, retention is prohibited year-round.
2. Summer Chinook and sockeye salmon retention is allowed July 1 through August 15 with a daily limit 6, up to 2 adults. Release all adult wild chinook.
3. The fall salmon fishery will be open August 16 through October 31. This area of the Columbia River has limited spawning habitat and the extension of the fishery through October 31 will provide additional angler opportunity without impacting spawn success of Hanford Reach up-river bright fall Chinook. Daily limit 6, no more than 2 adults, release all salmon other than chinook and coho.

Old Hanford townsite wooden powerline towers to Priest Rapids Dam – mainstem

1. Due to low forecasts of steelhead, retention is prohibited year-round.
2. Summer Chinook and sockeye salmon retention is allowed July 1 through August 15 and the daily limit is 6, up to 2 adults. Release all adult wild chinook.
3. The fall Chinook salmon fishery will be open August 16 through October 15. This area of the Columbia River is the primary spawning grounds for Hanford Reach Up-River Bright fall Chinook. Fall Chinook begin spawning in this section of the Columbia River approximately the third week of October. Daily limit 6, no more than 2 adults, release all salmon other than chinook and coho.

Priest Rapids Dam to Wanapum Dam

1. The 2021 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through August 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook may be retained, release wild 0adult Chinook.

Wanapum Dam to Rock Island Dam

1. The 2021 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through August 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook may be retained, release wild adult Chinook.

Rock Island Dam to Wells Dam

1. The 2021 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through October 15.
3. Daily limit is 6, no more than 2 hatchery adult Chinook may be retained, release wild adult Chinook.

Wells Dam to Highway 173 Bridge at Brewster

1. The 2021 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 16 through September 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook may be retained, release wild adult Chinook.

Highway 173 Bridge at Brewster to the Corps of Engineers safety marker on the Douglas County shore to the rock jetty at the upstream shoreline of Foster Creek

1. The 2021 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through October 15.
3. Daily limit is 6, no more than 2 hatchery adult Chinook may be retained, release wild adult Chinook.

Columbia River tributaries

Modifications to the Southwest Washington sport fishing rules (220-312-030) adopted through the 2021 North of Falcon process for fisheries occurring in Columbia River tributaries include:

- Modified the Elochoman River salmon daily limit and seasons to allow harvest of hatchery coho salmon below the Beaver Creek Road Bridge. Also, opened salmon fishing from 200 feet above the weir to the Elochoman Hatchery bridge during September and October. These rules provide anglers with the opportunity to harvest salmon returning from recently established hatchery releases, while also allowing WDFW to establish baseline harvest data in these expanded reaches.
- Modified the adult salmon daily limit to 3 hatchery Coho and release all other adult salmon on the Lower Cowlitz River. This allows for upriver transport to the Tilton and Upper Basin for reintroduction and provide opportunity for hatchery-origin Coho harvest in both upper basins.
- Modified the adult salmon daily limit to 3 adults of which 1 may be a hatchery Chinook or 3 hatchery Coho on the Toutle and Green Rivers, to provide a conservative management approach that balances angling opportunity with hatchery broodstock needs.
- Modified the adult salmon daily limit on the Lewis River to 3 adults, of which 2 can be Chinook or hatchery Coho August 1 through the end of December.
- Modified the adult salmon daily limit to 3 hatchery fish on the Kalama River, to align

fishery rules with preseason forecasts, expected sport harvest, and hatchery broodstock needs.

- Increased the Washougal River adult salmon daily limit to 3 hatchery adult salmon, of which up to 1 may be a hatchery Chinook. This rule aligns fishery rules with preseason forecasts, expected sport harvest, and hatchery broodstock needs.

Changes to Upper Columbia River tributary sport fishing seasons/rules adopted through the 2021 North of Falcon process includes:

- 1. Wenatchee River (Mouth to Icicle Road Bridge):**
 - a. Open for summer Chinook from August 1 through September 30.
 - b. Daily limit 6, up to 2 hatchery adult Chinook may be retained, release Sockeye, Coho, and wild adult Chinook.
 - c. Night closure and selective gear rules (except bait allowed) in effect.
- 2. Entiat River (Mouth to Boundary Markers Located Approximately 1500' upstream of the Upper Roaring Creek Road Bridge):**
 - a. Open for summer Chinook from July 16 through October 15.
 - b. Daily limit 6, Chinook, release all other salmon.
 - c. Night closure.
- 3. Chelan River (Railroad Bridge to Chelan PUD Safety Barrier Below the Powerhouse):**
 - a. Open for summer Chinook from July 16 through October 15.
 - b. Daily limit 6, up to 2 hatchery adult Chinook may be retained, release Sockeye, Coho, and wild adult Chinook.
 - c. Anti-snagging rule and night closure in effect.
- 4. Okanogan River (Mouth to Highway 97 Bridge Immediately Upstream of Mouth):**
 - a. Open for summer Chinook from July 1 through October 15.
 - b. Daily limit 6, up to 2 hatchery adult Chinook may be retained, release Sockeye, Coho, and wild adult Chinook.
 - c. Two-pole allowed and anti-snagging rule, and night closure in effect.
- 5. Okanogan River (Highway 97 Bridge Immediately Upstream of Mouth to Highway 97 Bridge at Oroville):**
 - a. Open for summer Chinook from July 1 through September 15.
 - b. Daily limit 6, up to 2 hatchery adult Chinook may be retained, release Sockeye, Coho, and wild adult Chinook.
 - c. Anti-snagging rule and night closure in effect.
- 6. Similkameen River (Mouth to 400' Below Enloe Dam):**
 - a. Open for summer Chinook from July 1 through September 15.
 - b. Daily limit 6, up to 2 hatchery adult Chinook may be retained, release Sockeye, Coho, and wild adult Chinook.
 - c. Anti-snagging rule and night closure in effect.

Puget Sound Marine and Freshwater

(220-313-060 – Puget Sound salmon – Saltwater seasons and daily limits and 220-312-040 – Freshwater exceptions to statewide rules – Puget Sound)

State and tribal salmon seasons in Puget Sound are driven primarily by the need to maintain conservation objectives for key constraining stocks before achieving harvest goals (see e.g. Objectives 1a, 1b, and 2, pg. 5 above). Key constraining stocks in state and tribal fisheries in these areas for 2021 include Stillaguamish natural Chinook, Skagit summer/fall natural Chinook, Mid-Hood Canal natural Chinook, Nisqually natural Chinook, Snohomish natural Coho, and Strait of Juan de Fuca natural Coho. For example, the management objective for Stillaguamish natural Chinook is a Southern U.S. exploitation rate ceiling of 8% based on the returning forecasted abundances in 2021. The management objectives for Puget Sound Coho stocks are described in the Comprehensive Coho Management Plan (1998), the Coho chapter of the Pacific Salmon Treaty, and co-manager agreements. Initial fishery model results using abundances of salmon expected to return in 2021 and pre-season fishing plans from 2020 showed that several stocks would not be projected to meet conservation objectives in 2021 without reductions to fisheries relative to those planned in 2020.

2021 Constraining Stock Table.

Stock	Objective Type	2021 Management Objective	Initial Model Result
Stillaguamish natural Chinook	Southern U.S. Exploitation Rate	8.0%	8.3%
Skagit Summer/Fall Chinook	Southern U.S. Exploitation Rate	17.0%	28.6%
Nisqually natural Chinook	Southern U.S. Exploitation Rate	47%	51.1%
		12.4%	12.6%
Mid-Hood Canal natural Chinook	Pre-terminal Southern U.S. Exploitation Rate	55,000	48,331
Snohomish natural Coho			
Strait of Juan de Fuca natural coho	Escapement Goal	11,000	6,193

Long term declines in salmon abundance and the resulting listing of stock groups like Puget Sound Chinook under the Endangered Species Act (ESA) have led to decreased fishing opportunities for treaty and non-treaty fishermen over the past 3 decades. The challenge has been to design fisheries that meet all the conservation objectives on harvest for multiple species and stocks, while allowing sufficient returns to the usual and accustomed tribal fishing grounds.

Since ESA listing of Puget Sound Chinook, WDFW has been required to obtain exemptions from ESA take prohibitions for salmon fisheries in Puget Sound that impact listed Chinook. Historically, WDFW received that exemption primarily through limit 6 of the salmon 4(d) rule, which applies to joint tribal-state resource management plans. Since the expiration of the last multi-year plan in 2014, the state and tribes have sought authorization for Puget Sound through a Section 7 consultation between the Bureau of Indian Affairs (BIA) and NOAA, using the nexus of the BIA funding of tribal fishery management activities. This process proceeds based upon the tribes and the state reaching agreement on a fishery package each year that will meet ESA requirements and receive approval by NOAA.

The 2021-22 forecasted low abundance for Stillaguamish natural and hatchery Chinook was similar to the abundance predicted in 2020-21. The Stillaguamish Chinook stock was a major driver in shaping the 2021-22 fishing package as the co-managers' approach to a resource management plan calls for a harvest limit of 12% in SUS fisheries on marked (hatchery released) and 8% in SUS on unmarked (wild) Stillaguamish Chinook (see constraining stocks table above). One of the ways that WDFW worked to achieve this benchmark in cooperation with both comanagers and the public was through a shared fishery-modeling tool that allowed citizens to see and consider the effect of various fishery configurations. This tool was applauded and used to debate desired increases and/or decreases in summer and winter fishing opportunities, summer versus winter opportunities, and how each marine area fishing package impacted stocks of concern such as Stillaguamish Chinook. Ultimately, WDFW proposed a combination of fishery reductions aimed at meeting agreed to Stillaguamish conservation objectives. Continuing to limit winter fishing opportunities specifically in Area 7, where the greatest number of Stillaguamish impacts occur, along with the other proposed fishery changes, reduced the projected ER on marked Stillaguamish Chinook below 12% and unmarked Stillaguamish Chinook below 8% (see constraining stocks table above). The reductions included continued closures of winter blackmouth (Chinook that do not migrate outside of Puget Sound) fishing in areas 6, 7, 9 and 12 similar to the 2020 fishery season and summer quota reductions in areas 7, 9, and 11.

Fishery reductions and changes to meet Stillaguamish management objectives further reduced impacts on other stocks of concern including the Skagit Summer/Fall, Mid-Hood Canal, and Nisqually Chinook. Co-managers and WDFW agreed to an management objective of an SUS exploitation rate of 12.4% for the Mid-Hood Canal Chinook stock for use in preseason planning for the 2021 fishery season (see constraining stocks table above). In particular, quota reductions in Marine Area 9 and those actions taken to meet Stillaguamish management objectives were sufficient to meet conservation concerns of the remaining constraining stocks. These changes further allowed for the addition of recreational fishing opportunities in Marine Areas 8-1, 8-2, 10 and 12 in the form of non-retention Chinook fisheries while adding mark-selective Chinook fisheries to Marine Area 11 in June and November-December.

Coho stocks of concern for the 2021-22 season included Snohomish River natural and Strait of Juan de Fuca natural origin fish. This was due to forecasted returns of these Coho stocks that were below their agreed-to management objectives, which are expressed in terms of natural origin escapement (see constraining stocks table above). An additional consideration in planning 2021 salmon fisheries was run reconstruction data compiled in 2021 that revealed the state ended

the season with an overage on its share of Thompson River Coho in the 2019 fishery season. The concern over Snohomish and Strait of Juan de Fuca Coho and the 2019 overage on Thompson River Coho lead to several changes in the current fishery package. These included a change from mark-selective to non-retention in Marine Area 5, which is designed to alleviate pressure on the Strait of Juan de Fuca river Coho. Examination of the Thompson River overage indicated that the Marine Area 7 summer fishery had the largest effect on this stock, and therefore the fishery was changed from non-selective to mark-selective for 2021-22. Finally, a reduction in the length of the Coho season in Marine Area 10 was implemented to protect both the Snohomish River. This reduction in season length in Marine Area 10 also provided conservation benefits to other Coho stocks, particularly in the Skagit River. Additional comments on Snohomish Coho are provided below.

Though Snohomish and Strait of Juan de Fuca Coho stocks were constraining, stronger forecasted Coho returns to north Puget Sound rivers allowed for additional recreational fishing opportunities as compared to the 2020-21 season. In particular, non-selective Coho fisheries were added to Marine Areas 8-1 and 8-2 in August and September. Additionally, the forecasted abundance of South Sound Coho was higher than the 2020-21 season, which allowed for increased fishing opportunities in both Marine Area 11 and 12. Non-selective recreational opportunity in Marine Area 11 was added in late June as well as reopening some winter opportunity in November and December. A non-selective fishery for Coho was also added in the month of July in the waters of Hood Canal north of Ayock Point. Minimal impact on Stillaguamish stocks of concern provided further justification for expanding fishing opportunities in Marine Areas 11 and 12 as compared to the 2020-21 season.

In addition to the changes in the Coho fishery, it was determined that Pink salmon will be included as part of the daily limit for the 2021-22 season. There will be no bonus limits of Pink salmon in any Marine Area due to the concerns over Coho stocks in Puget Sound river systems, particularly the Snohomish River and Juan de Fuca rivers.

Extremely low forecasted returns of Chum salmon throughout the Puget Sound Region eliminated the possibility of chum retention in the 2021-22 season. Due to low forecasted returns to the South Sound Region, comanagers agreed to a 2-year moratorium on Chum retention in the recreational fishery.

The forecast of Lake Washington sockeye salmon was well below the escapement goal objective. The 2021 sockeye recreational fishery in Lake Washington will not open unless sufficient sockeye pass through the Ballard Locks, as was the case in 2019 and 2020. 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.

Changes to some fisheries are to reduce conflict with tribal fisheries and/or to ensure orderly fisheries (Objective 3, pg. 5 above).

Overall, the Puget Sound regulations for 2021-22 are based upon North of Falcon discussions with stakeholders and tribal co-managers. The intent of these changes is to maximize recreational opportunities in relation to identified fishery priorities while meeting conservation objectives.

Modifications proposed for 2021 Puget Sound Marine Area recreational fisheries through this rule-making process include:

- Area 5 winter Coho fishery was changed from mark-selective to a non-retention fishery.
- Area 7 summer Coho changed from non-selective to a mark-selective fishery. Area 7 winter Chinook seasons remained closed to protect Stillaguamish hatchery and natural Chinook, Skagit natural Chinook, and Mid- Hood Canal Chinook. The Eastern Rosario Strait remains closed from July through September to protect a number of natural Puget Sound Chinook stocks.
- Areas 8-1 and 8-2 summer season directed at Coho was opened in 8-1 for non-selective fishing and 8-2 opened for mark-selective fishing.
- Areas 8-1 and 8-2 summer Chinook season were added as non-retention fisheries.
- Areas 8-1 and 8-2 winter Chinook seasons remained closed to meet Mid-Hood Canal, Skagit, and Stillaguamish Chinook management objectives.
- Area 9 winter Chinook season remained closed to meet Stillaguamish Chinook and Mid-Hood Canal natural Chinook management objectives.
- Opening of Elliot Bay to Chinook retention moved later in August.
- Area 10 Coho non-selective will end this year on October 31 and not carry into the first part of November.
- Area 11 had added mark selective Chinook fishing time in late June and November – December.
- Area 12 north of Ayock Point Coho fishery added non-selective time in July.
- Area 12 north and south of Ayock point opening July 11 for Chinook non-retention summer fishing but remained closed to Chinook retention starting in October and closed to salmon fishing starting in December.
- Pink fisheries will be part of the daily limit in all areas when salmon is open during the 2021-22 season.

Modifications proposed for 2021 Puget Sound Freshwater recreational fisheries through this rule-making process include:

- Open NF Nooksack earlier for salmon to align with gamefish season opening.

- Samish River closed on September 16 due to weak expected returns and the need to meet broodstock goals for Chinook and to protect the weak pink, coho, and chum expected returns.
- Samish River from Thomas Road to I5 bridge was closed to all fishing from August 1 through September 30th to address regular landowner complaints of trespassing, and enforcement issues with snagging Chinook.
- Skagit River coho decreased to a daily limit of 2 fish.
- There are a reduced number of days scheduled for the Cascade river to avoid tribal conflict during Spring Chinook and coho management.
- Skagit River sockeye fishery closed dates adjusted to reflect co-manager agreement and low forecasted runsize.
- Snohomish, Skykomish, and Snoqualmie, rivers will be closed to coho retention, except in the Wallace River from October 1 through November 30, with an increased daily limit to 2 hatchery coho only, to reduce impacts on wild coho. Continuation of the fishery past September 30 is dependent on an in-season update to forecast coho run size and hatchery rack counts.
- Snohomish and Skykomish rivers open for pink and hatchery coho retention (limit 4) from August 23 through September 19, and August 30 through September 19, respectively, contingent on in-season updates for pink abundance measured in Marine
- Stillaguamish River will be closed to salmon fishing to protect expected low abundances of Chinook and pink salmon. Stillaguamish and associated tributary gamefish closures will remain in place through September 15 to protect wild Chinook and pink salmon due to Areas 8-1 and 8-2. expected low returns.
- Lake Washington will close to salmon August through October. Potential reopening for coho depending on in-season updates and co-manager agreement.
- Green/Duwamish River –
 - Harbor Island to Tukwila Blvd – August 20 – December 31, release Chinook
 - Tukwila Blvd to South 212th St Bridge – August 20 – December 31, keep first 2 Chinook
 - South 212th St Bridge to Auburn – Black Diamond Rd Bridge – Sept. 16 – December 31
 - Auburn – Black Diamond Rd Bridge to Tacoma Dam – November 11 – December 31
- Puyallup and Carbon rivers opened with adjusted day closures to reflect tribal fisheries and maximize harvest of surplus hatchery Chinook.
- Puyallup and Carbon rivers closed to the retention of chum to meet escapement goals.

- Nisqually River closes to salmon fishing after November 15th to protect winter chum.
- Nisqually river is mark-selective for coho salmon.

Two Pole Endorsement

220-220-160 – Two-pole endorsement

Changes to the Two-pole WAC brought the season dates into alignment with the seasons as listed in the upper Columbia River and the Okanogan River.

3. Differences between the text of the proposed rule and the rule as adopted:

- WAC 220-313-060 (6.b.i) – Season end date for Tulalip Bubble fishery should be September 6, not September 7
- WAC 220-313-060 (10.f.vii) – Corrected language for closure of Hoodsport hatchery structures and area inside buoys of Finch Creek except for ADA access site
- WAC 220-312-040 (221.iv.C) – Corrected to require release of pink salmon on the Samish River
- WAC 220-313-070 (3) – For CRC Area 2-2 west of the Buoy 13 line, area should be open concurrent with the Grays Harbor Control Zone portion of Area 2 as specified in WAC 220-313-075

4. Public comments, response to comments, and consideration of comments

Region/Rule Specific Responses to comment

North Coast rivers

(220-312-020 – Freshwater exceptions to statewide rules – Coast)

WDFW received one public comment pertaining the closure of the Sol Duc and Quillayute rivers in August and three additional comments during the June 23, 2021 public hearing; 1) allowing fishing from a boat on the Hoh River above Morgan’s Crossing, 2) reducing the bag limit for spring Chinook on the Quillayute and Sol Duc rivers and 3) allowing barbed hooks in the Quillayute system.

Comment #1: Public comment was received opposing the August closure of the Sol Duc and Quillayute Rivers.

WDFW closed recreational salmon and steelhead fisheries on the Quillayute and Sol Duc rivers in August to ensure maximum protection of wild Sol Duc summer coho. The forecasted terminal run size for wild Sol Duc summer coho is just 283 fish, 20% of the recent 20-year average of 1,467 fish. WDFW weighed wild summer coho conservation concerns with providing fishing

opportunity and determined that a closure during the peak of the wild summer coho run timing was necessary to allow as many fish to reach the spawning grounds as possible.

Comment #2: Commenter would like the no fishing from a floating device restriction removed in the Hoh River above Morgan's Crossing.

While this section of the river is open for recreational gamefish opportunity there is no retention of salmon in this section of the river. The 2021 forecasted returns are low for both the spring/summer Chinook stock and coho in the Hoh River. The Springer/Summer Chinook terminal run forecast is 988 just 88 fish above the escapement goal of 900. The forecast for fall coho is 3,711 within the escapement goal range of 2,000 to 5,000 fish. With the low forecasts predicted for these runs, WDFW decided to continue with the current regulation and will revisit this issue when run sizes increase to more favorable levels.

Comment #3: Public comment was received proposing a reduction in bag limits for Chinook when the fishery is constrained due to low numbers of returning coho.

DFW considered options to protect coho with low forecasted runs on the Quillayute system. The fall coho forecasted return for 2021 is 7,308 fish, just 1,000 fish above the escapement goal floor of 6,300 fish. Also, the summer coho forecast was 283 fish, as mentioned above, 20% of the recent 20-year average return. As discussed above, WDFW determined that closing fisheries in August to protect wild summer coho during the peak of their run was necessary. With the August closure it was possible to allow for a 2-adult limit through July, with release of wild Chinook, wild coho, and sockeye and keep impacts below management objectives. For fall fisheries the limit this year was decreased from 4 adults to 3 adults of which only one may be a wild Chinook.

Comment #4: Comments were received regarding removal of the barbed hook restriction in the Quillayute River system.

WDFW maintains that a barbed hook restriction in the Quillayute is a needed conservation measure due to low forecasted returns of Chinook and Coho to the Quillayute system. Recent studies on release mortality have suggested that recreational fishing gear factors, like hook type and other fish handling practices are major factors in release survival. Given the uncertainty surrounding impacts through gear and handling practices as well as the low forecasted returns of salmonids in the Quillayute system, WDFW determined a cautious approach was warranted.

Comment #5: Comments were received to open the hatchery coho Dungeness River season on Oct 1st instead of Oct. 16th.

WDFW is maintaining the hatchery coho opening of October 16 to provide protection for spawning Chinook. Additionally, summer low flows on the Dungeness can restrict coho from moving upstream until mid-October.

Grays Harbor

(220-313-070 – Coastal salmon – Saltwater seasons and daily limits and 220-312-020 – Freshwater exceptions to statewide rules – Coast)

Two comments were received during the open public comment period from May 20, 2021 through June 22, 2021. The first comment pertained to Chinook fishing as it relates to SRKW conservation. The second comment pertained to coho fishing in Grays Harbor near the mouth of Johns River. There were no oral comments pertaining to the proposed rule during the June 22, 2021 public hearing.

Comment # 1: Please do not allow Chinook fishing until endangered Chinook and SRKW are recovered, and limit fishing to fisheries terminals for better management of all stocks.

Please consider this recent scientific assessment regarding cumulative effects, lack of prey being a major impact, on the survival of SRKW:

<https://www.sciencedirect.com/science/article/pii/S0006320721001762>

The salmon fishery package proposed for 2021 was evaluated by the National Marine Fisheries Service (NMFS) in relation to recovery of ESA listed species including Puget Sound Chinook salmon and Southern Resident Killer Whales. The evaluation of the proposed 2021 salmon fishery package resulted in a determination that the suite of fisheries would not impede recovery of any ESA listed species.

Furthermore, the Governor’s Salmon Task Force State of Salmon Report concluded that fishery impacts are not the limiting factor in achieving recovery of Puget Sound Chinook salmon. The State of Salmon report clearly states that fisheries are not impeding recovery: “While important during the initial federal listings, today harvest in Washington has been curtailed significantly and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly managed and relies primarily on hatcheries. In addition, a significant portion of the overall harvest of salmon originating from Washington occurs in Canada and Alaska. Protection and restoration of habitat, addressing predation, and mitigating the impacts from climate change must be pursued to fully benefit from the restrictions that have been applied to fishing for recovery.”

Fishery impacts to ESA listed stocks were reviewed and approved by NMFS through the annual Biological Opinion (BIOP) and annual ESA authorization issued by NOAA. No jeopardy was found to either SRKW or ESA listed Chinook stocks. It was found that today harvest in Washington has been curtailed significantly and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly regulated and relies primarily on hatcheries. More comments can be found specifically regarding SRKW in the Puget Sound Recreational comments section below.

Comment # 2: I live on the Johns River just downstream from the SR 105 bridge. There is a lot of confusion over the boundary from the bridge through buoy 27 to Tripod, which separates the Control Zone from the East Grays Harbor Fishery. Since this determines whether it’s legal to fish for coho in the Johns River downstream from the bridge, and allows people cover to illegally take the salmon that hold there, I suggest that salmon fishing from the bridge to the mouth be made plainly illegal in the Regulations.

The adopted rule defines the East Grays Harbor Fishery as east of a line projected north from the mouth of Johns River (Hwy 105) to the Tripod Station on the Brackenridge Bluff (46°59.12’N,

124°00.72'W) through channel marker 27 (green). This excludes a section of the John's River channel downstream of the Hwy 105 bridge, because it is west of this line. Anglers have been reported fishing this area in the past. No change was made to adopted rule as the line is clearly defined. However, language was added to the 2021-2022 sport fishing pamphlet to help clarify this area as excluded from East Grays Harbor Fishery area.

The Department provided significant opportunity for the public to supply input on recreational and commercial fishing seasons in Grays Harbor through public and advisory meetings. During this process, there were many fishery suggestions and recommendations. As discussed above, many of these suggestions and recommendations were evaluated for compliance with Department policy guidance and conservation needs. The proposed rule was developed based on a culmination of public input, compliance with Department policies, and achievement of conservation objectives.

Willapa Bay

(220-313-070 – Coastal salmon – Saltwater seasons and daily limits and 220-312-020 – Freshwater exceptions to statewide rules – Coast)

Four written comments were received during the public comment period regarding the proposed Willapa Bay recreational fisheries. Three public comments were received using WDFW's online portal, one comment was provided directly to agency staff, and there were no public comments provided during the public hearing. In addition, the Department considered substantive comments received during the 2021 NOF salmon season setting process.

Comment #1: Commenter expressed concern over another temporary amendment to the Willapa Bay policy providing guidance to the Department for setting seasons in Willapa Bay.

The Willapa Bay Salmon Management Policy C-3622 adopted by the Fish and Wildlife Commission and is our presumptive guidance on conservation and fishery objectives, together with any annual guidance updates provided by the Commission. The recent 2021 guidance from the FWC provided the department with the following management objectives; to not exceed a 20% harvest rate on natural origin Chinook for Willapa and Naselle rivers; suspend time and area restrictions for commercial fisheries south of commercial area 2T; allow WDFW the flexibility to determine daily limits for Chinook salmon that is appropriate within the 20% harvest rate and coho in the recreational fishery, provide species harvest prioritization; provide for hatchery broodstock necessary for a Chinook smolt release; and release hatchery production at their facility of origin to allow for the preservation of future options for long term policy modifications. In the absence of a compelling reason to depart from the Commission's presumptive guidance, we intend to work from those objectives. The commenter did not articulate a compelling reason for us to re-consider the presumptive interim guidance of the Commission.

Comment #2: Commenter objects to planning fisheries near the 20% management objective on natural origin Chinook.

The management objectives determined by the Fish and Wildlife commission for 2021 was to actively manage to not exceed a 20% harvest rate on natural origin Chinook for Willapa and Naselle rivers. The current fishery proposal is 8.8% and 17.6% for Willapa and Naselle natural origin Chinook respectively. The current objectives in this fishery proposal are under the 20% management objective threshold directed by FWC. The presumptive interim policy guidance from the FWC is a reasonable conservation objective in relation to the overall objectives of the Willapa Bay Policy and facilitates reasonable fishery objectives while maintaining desired conservation of Willapa Bay salmon.

Comment #3: Several commenters suggested closing all salmon fishing for 2021 to meet all management objectives.

WDFW's mission is to preserve and protect fish, wildlife, and ecosystems, while providing sustainable hunting and fishing opportunities for commercial interests and millions of residents. The Willapa Bay fisheries package proposal for 2021 offered allowable harvest for commercial and freshwater opportunity. The fishery proposal meets all FWC management objectives for 2021. Closing all salmon fishing opportunity in Willapa Bay would not provide a meaningful measure of needed conservation for salmon. Moreover, it would increase the total number of hatchery salmon reaching the spawning grounds, increasing the percentage of hatchery spawners in our systems, while also increasing competition for natural fish to spawn. That would be counterproductive to the conservation objective of increasing natural origin salmon.

Comment #4: Commenter would like to implement a new regulation in the Naselle River to prohibit the use of jig heads or twitching jigs to reduce foul hooking of targeted fish.

WDFW is aware of the proposal to prohibit jigs. We are currently working with enforcement to understand and learn how the proposal may fit into the anti-snagging rules that already exist on many of the streams in Willapa Bay. We are concerned that this proposal could add additional layers to our fishing rules that may already be covered under previously existing rules. The anti-snagging rule states: weights may not be attached below or less than 12" above the lure or bait. A proposal with limitations such as this needs to be evaluated if not already included in existing rules to confidently predict the benefit this rule change would have on the resource and/or the anglers and what effect it might have on meeting our management objectives. We are aware that snagging and angler behavior is a problem for a number of rivers across the state and in Willapa Bay. We have used a variety of gear regulations in an effort to remedy this problem with varied success, therefore, more data and evaluation is needed for this proposal.

Comment #5: Commenters propose only one adult, female Chinook retention allowed in the Nemah River as part of the daily adult limit.

WDFW understands the intent of the proposal, we disagree for a few reasons. Nemah River is a small, channelized river, where low water flow and high temperatures exists predominantly throughout the year. This river is dominated by private land with limited public access. The

proposal to allow retention of only one female Chinook salmon would be a rule that is hard to enforce. This proposal has the potential to confuse the angler, as there is difficulty in determining the sex of salmon species regardless of angler experience. In addition to this, this proposal adds additional layers to the pre-existing rules on the Nemah River. It is of value to the agency to keep fishery rules simplified to not confuse the angler and to create rules that are enforceable. One additional concern with this proposal would be meeting our hatchery broodstock goals. This proposal has the potential to limit the number of females returning to the hatchery.

Comment #6: Commenter would like to reopen the section from Hwy 4 Bridge upstream to the entrance to the Naselle Hatchery attraction channel on August 1 or August 16 during salmon season prior to the previous October 16 date. There were also several comments made to have this section remain closed to salmon fishing until October 16 as in 2020.

The section of the Naselle River from the Highway 4 Bridge to 300' below the upstream entrance of the Naselle Hatchery attraction channel has been closed to recreational salmon fishing for a multitude of reasons over the last decade. Historically, this section of river did not open until October 16 and only opened during the months of August and September beginning in 2015 with the adoption of the Willapa Bay Salmon Management Policy C-3622. Given the environmental conditions, low flows and turbidity associated with the Naselle River during the late summer/early fall timeframe, fish are highly visible and easily targeted in this section of the river. Reports of an unruly and disorderly fishery began in 2015, similar to what had precipitated the historic closure. Beginning in 2017, additional fishing regulations were added to this section of the river. This additional regulation, commonly referred to as the "float rule" specified that "bait or lure must be suspended below a float". This regulation was put in place to discourage the practice of snagging fish or foul hooking fish illegally. As noted above, the "float rule" did provide some assistance to improve snagging issues, but reports of confrontations with landowners, lack of landowners providing access, trespassing, littering, and wastage due to some anglers targeting females for eggs, all persisted. The persistent nature of these issues supports a closure to this section of the Naselle River.

Broodstock collection concerns further support a closure in this section of the Naselle River. The Department has a hatchery production target of five million Chinook salmon smolts to be released from the Naselle Hatchery for the 2021 brood year. The Chinook salmon release goal for Naselle River hatchery in 2015 was 800,000 smolts and for 2016 through 2019, the Chinook salmon smolt release goal has been 2.5 million smolts. The Naselle River Hatchery has not met its Chinook salmon production goal in any of the last six years (Table 1). Staff will continue to evaluate the number of Chinook salmon adults returning in-season to the Naselle River Hatchery in relation to hatchery production goals and if the Department is confident Chinook salmon broodstock necessary is achieved, adaptive in-seasons actions may be considered.

Table 1: Naselle Hatchery Chinook salmon production goals for 2015-2020, number of hatchery Chinook smolts released from Naselle Hatchery, not including transfers from other Willapa Bay facilities, and overall performance of the goal represented as percentages.

Year	Production Goal	Number of smolts released	Percent of Goal Achieved
2015	800,000	205,614	25.7%
2016	2,500,000	1,547,298	61.9%
2017	2,500,000	2,139,421	85.6%
2018	2,500,000	1,825,889	73.0%
2019	2,500,000	2,046,129	81.9%
2020	5,000,000	3,972,258	79.5%

Comment #7: Commenters expressed an interest in opening North River, Smith Creek, Palix River, and Bear River to catch and release salmon fishing since these systems in the adopted rule will be closed to salmon fishing for the 2021 season.

The management objectives provided by the Fish and Wildlife Commission (FWC) interim guidance for the 2021 fishery directs the Department to actively manage to not exceed 20% total impacts for natural origin Chinook salmon on the Willapa and Naselle rivers separately, actively manage to meet the natural origin escapement goal for coho, and to meet the naturally spawning escapement goal for chum. Additionally, the Department will continue to provide species harvest prioritization for the recreational and commercial sectors and provide for hatchery broodstock needs for all three hatcheries within Willapa Bay. With low forecasted returns of natural origin Chinook salmon and coho this year, time and area restrictions and closures in certain river systems were essential to stay within the management objectives directed by the FWC as well as achieve the spawner escapement objectives. These systems (North, Palix, and Bear Rivers and Smith Creek) have no Chinook salmon or coho hatchery releases. The forecasted run-size for natural origin Chinook salmon was 3,924. This run-size is already below the natural origin escapement goal of 4,353. The forecasted run-size for natural origin coho used in Willapa Bay fishery planning was 17,598. This is 3,998 coho above the management spawner escapement goal of 13,600 and represents the total allowable harvest for both the recreational and commercial sectors combined. Policy guidance allocates coho priority to the commercial sector, therefore, the Department supports closures of some river systems to allow for opportunity where abundant hatchery Chinook salmon and coho could be harvested. Additionally, catch and release fisheries in these closed systems would still accrue mortalities associated with natural origin Chinook salmon and coho and these stocks have not met their spawner escapement objectives in recent years. This closure is further supported by the fact that the Department currently does not have a freshwater creel monitoring program in Willapa Bay. Without in-season creel monitoring data in these freshwater systems, estimating natural origin Chinook or coho impacts would be challenging.

Columbia River

(220-312-060 – Freshwater exceptions to statewide rules – Columbia River and 220-312-050 – Freshwater exceptions to statewide rules – Eastside)

Comment #1: Multiple commenters were interested in closing all salmon fisheries to provide additional food for Southern Resident Killer Whales.

Comment is responded to in the Puget Sound Marine and Freshwater comment section under 5. Misc/Other; Concerns for future of runs / SRKW. Additionally, the Columbia River is outside the range of SRKW as it is freshwater. All salmon that return to the Columbia River are returning to spawn, and fisheries are managed accordingly to meet escapement goals and/or allowable ESA impact limits so as to not impede recovery as described in *U.S. v. Oregon* BiOP and Management Agreement.

Puget Sound Marine and Freshwater

(220-313-060 – Puget Sound salmon – Saltwater seasons and daily limits and 220-312-040 – Freshwater exceptions to statewide rules – Puget Sound)

Comments received regarding salmon fishing seasons in Puget Sound prior to June 22, 2021 were received in Public Meetings, through an on-line commenting porthole on WDFW's website, and through communications received by individual staff within the agency. The comments received prior to and after June 22 generally fell into the following categories:

1. Maintaining or increasing fishing opportunity in the winter
2. Maintaining opportunity for Chinook salmon in the summer
3. Maintaining or increasing fishing opportunity for Coho and Pink salmon
4. Management objectives
 - o Stillaguamish Chinook
 - o Snohomish Coho
5. Misc/Other:
 - o Concerns for future of runs / SRKW
 - o Increase hatchery production
 - o Chinook Resource Management Plan (RMP)
 - o Transparency and Public Engagement

Maintaining or increasing fishing opportunity in the winter: Numerous comments received focus on the constituents' desire for maintaining opportunity to fish for Chinook salmon in the winter seasons. WDFW is adding mark-selective Chinook fishing in MA-11 during November – December and maintaining the MA-10 fishery during January – March. Other Marine Areas will remain closed during the winter months for the upcoming 2021-22 fishing year in order to meet management objectives primarily on Stillaguamish natural origin Chinook. The number of impacts that are predicted to occur on ESA listed Chinook and Summer Chum stocks also limits most salmon fisheries in Puget Sound. Salmon fisheries are further constrained by international treaty obligations with Canada under the Pacific Salmon Treaty (PST). Finally, fisheries are constrained by what sharing agreement can be negotiated with tribal co-managers on a final fishing package. A number of natural Chinook stocks are forecasted to return in low numbers in

the 2021-22 fishing season as shown in the constraining stock table (see constraining stocks table above).

Several comments focused on adding winter fisheries in MA-7 specifically, however there are significant impacts on Stillaguamish Chinook in Marine Area 7 throughout the year. Adding a winter fishery in MA-7 would have required the closure of fisheries in other areas throughout the year to reduce total Stillaguamish impacts. By keeping MA-7 closed in the winter WDFW is able to open MA-7 in the summer, as well as expand other summer seasons as compared to the 2020-21 season. Examples of expanded summer seasons include 8-1 and 8-2.

Regarding winter fisheries, several Puget Sound Recreational Advisors and other members of the public suggested gear restrictions to reduce sublegal encounters and increase time on the water. To address this, WDFW began a gear study to coincide with the Test Fishing conducted in Marine Area 10 during the winter fishing season in 2021. The study aims to test whether size selective gear restrictions, such as gear type, gear size, and hook size, could be an effective way to reduce the number of sublegal Chinook encountered in the Puget Sound Recreational Fishery. WDFW plans to continue the gear study into summer fisheries including the use of test fisheries in additional marine areas to build upon the dataset collected in the MA-10 winter fishery. Conducting the gear study throughout the summer of 2021 may help to inform management decisions on reducing sublegal encounters through selective gear restrictions.

Upon request, WDFW modeled a proposed reduction in Chinook size limit in the winter fishery to 20", however it would have resulted in an increase in impacts on constraining stocks and would have significantly decreased time on the water. Therefore, this proposal was rejected.

Maintaining or increasing opportunity for Chinook salmon in the summer: WDFW was able to add Chinook fisheries back this year in several marine areas. These include a mark selective fishery in MA-11 in June, and non-retention in MA-12 in July and summer opportunities in both MA 8-1 and MA 8-2 in August. Increasing opportunity was also considered in areas that did not have a large impact on any of the constraining stocks, such as adding October - December in Marine Area 11. Other regulation changes to expand opportunity such as additional time in other marine areas were considered, but rejected, because such measures would have resulted in additional impacts on Chinook stocks that were already at their respective ESA-related exploitation limit.

We received many comments about increasing catch and release fisheries throughout the sound. WDFW worked to build a package of fisheries that considered specific stock constraints as well as agreed-to forecasted abundances of returning Puget Sound Coho and Pink salmon. This year's addition of a non-retention Chinook fishery in Marine Areas 8-1 and 8-2 was agreed upon with co-managers based on forecasted Coho and Pink runs while limiting impacts on natural Chinook stocks of concern.

Maintaining or increasing fishing opportunity for Coho and Pink salmon: Numerous comments were received advocating for either maintaining or increasing recreational fishing opportunities on Coho and Pink salmon, considering that the majority of Pink salmon return during odd numbered years. WDFW was able to open Marine Area 8-2 for Coho and Pink salmon recreational opportunity this year, after it was closed in 2020.

Several comments mentioned Coho fishing in MA-7 and advocated for changing the fishery from a mark-selective fishery to a non-selective fishery. The Coho fishery is mark-selective to protect the natural stocks of Coho in both the Snohomish and Skagit Rivers, as well as the stocks from rivers along the Strait of Juan de Fuca. In recent years the Strait of Juan de Fuca, Snohomish, and Skagit natural Coho populations have been depressed and are under rebuilding

plans through the Pacific Fisheries Management Council. Directed fisheries in these areas on natural Coho stocks could exacerbate conservation concerns on these stocks.

WDFW received numerous comments about increasing the retention limit for Pink salmon. Several additional fisheries were added where abundances allowed for opportunities as compared to the 2020-21 season, including marine areas 8-1 and 8-2 to allow for Pink salmon fishing. It was agreed upon by co-managers that Pink salmon will be included as part of daily limit for all marine areas.

Management Objectives:

The management objectives for Stillaguamish Chinook were well documented through the North of Falcon process with the agreed to objectives for 2021-22 being:

Abundance	UM Total ER	UM SUS ER	M SUS ER
Lower Bound	22%	8.0%	12.0%

Conservation of the Stillaguamish Chinook stock has been front and center of an enormous amount of effort by WDFW and the Stillaguamish tribe, along with a larger group of local, state, and federal partners in recent years. This includes broad efforts and discussion around fisheries monitoring, habitat development, habitat improvement projects, and hatchery production all to address low productivity within the watershed. For 2021, when considering all our fisheries statewide, WDFW decided we could take additional conservation measures that have the potential to benefit Stillaguamish Chinook without significantly reducing our overall fishing package for Puget Sound. We took this action alongside our tribal co-managers to keep our collective impacts on the stock at low levels while we work through all of the steps needed to complete the inclusion of FRAM Base Period 7, associated management objectives, and a long term Resource Management Plan (RMP) for Chinook.

Snohomish Coho abundance fell to levels that triggered a designation of overfished status under the Pacific Coast Salmon Fishery Management Plan (FMP) in 2018, triggering the requirement for the Pacific Fishery Management Council to develop a rebuilding plan for the stock. The rebuilding plan that was developed considered two alternatives for harvest management for the stock during the rebuilding period: I) Status quo management using existing management framework and reference points to set maximum allowable exploitation rates annually; II) SMSY buffer management, increasing the MSY escapement goal of 50,000 by 10% to 55,000 until rebuilt status is achieved to promote quicker rebuilding. The 2021 forecast for Snohomish coho was 60,000, meaning that they fell in low status for the comanagers’ Comprehensive Coho Plan and moderate status for management under the coho chapter of the Pacific Salmon Treaty (PST). This status would normally trigger a total allowable exploitation rate of up to 40% on the stock, meaning projected escapement after fisheries could fall as low as 36,000 and still meet the requirements of the FMP, the rebuilding plan, the PST and the Comp Coho Plan.

Miscellaneous Comments and considerations:

Many comments advocated for the closure of all fisheries within Puget Sound for a period between 1 and 5 years, to allow ESA listed stocks to rebuild and to provide adequate food for Southern Resident Killer Whales (SRKW). The salmon fishery package proposed for 2021 was evaluated by the National Marine Fisheries Service (NMFS) in relation to recovery of ESA listed species including Puget Sound Chinook salmon and Southern Resident Killer Whales. The

evaluation of the proposed 2021 salmon fishery package resulted in a determination that the suite of fisheries would not impede recovery of any ESA listed species.

Furthermore, the Governor's Salmon Task Force State of Salmon Report concluded that fishery impacts are not the limiting factor in achieving recovery of Puget Sound Chinook salmon. The State of Salmon report clearly states that fisheries are not impeding recovery: "While important during the initial federal listings, today harvest in Washington has been curtailed significantly and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly managed and relies primarily on hatcheries. In addition, a significant portion of the overall harvest of salmon originating from Washington occurs in Canada and Alaska. Protection and restoration of habitat, addressing predation, and mitigating the impacts from climate change must be pursued to fully benefit from the restrictions that have been applied to fishing for recovery."

Fishery impacts to ESA listed stocks were reviewed and approved by NMFS through the annual Biological Opinion (BIOP) and annual ESA authorization issued by NOAA. No jeopardy was found to either SRKW or ESA listed Chinook stocks. It was found that today harvest in Washington has been curtailed significantly and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly regulated and relies primarily on hatcheries.

Specifically regarding SRKW, in April of 2019, the Pacific Fishery Management Council established the SRKW Ad Hoc Workgroup with the task of reassessing the effects of PFMC fisheries on SRKW and if needed, developing proposed conservation measures or management tools that would limit PFMC fishery impacts to Chinook salmon, the whales' primary prey. The workgroup included representatives of WDFW, NMFS, PFMC, Washington Coastal treaty tribes, and state fish and wildlife agencies from Oregon, California and Idaho. The workgroup built on existing knowledge of whale and Chinook abundance and distribution to develop new modeling tools for evaluation of relationships between SRKW demography and indices of regional Chinook abundance. The workgroup undertook that work through a number of public meetings in 2019 and 2020, with periodic progress reports provided to PFMC throughout that time.

Two primary documents were produced by the workgroup. The first was a risk assessment document that provides background on PFMC fisheries and SRKW, and presents the modeling and analysis approach that was developed by the workgroup and used to evaluate potential times and areas where Chinook abundance (and corresponding fishery removals) could potentially affect SRKW population demographics.

<https://www.pcouncil.org/documents/2020/05/e-2-srkw-workgroup-report-1-pacific-fishery-management-council-salmon-fishery-management-plan-impacts-to-southern-resident-killer-whales-risk-assessment-electronic-only.pdf/>

The second document presented a range of management alternatives and recommendations that were developed for the Council's consideration. Although no strong statistical links between Chinook abundance and SRKW demographics were found in the risk assessment, the workgroup recommended measures designed to be precautionary and conservative in years of low Chinook abundance given observed trends in SRKW populations.

<https://www.pcouncil.org/documents/2020/10/f-2-a-srkw-workgroup-report-1-pacific-fishery-management-council-salmon-fishery-management-plan-impacts-to-southern-resident-killer-whales-draft-range-of-alternatives-and-recommendations-with-strik.pdf/>

In November 2020, the PFMC adopted a final preferred alternative to address the effect of Council-area fisheries on SRKW. This alternative included a management threshold for Chinook

abundance in the area North of Cape Falcon. In years when abundance is predicted to be below that threshold, a number of management actions intended to reduce potential effects of fisheries will be implemented through annual regulations. Those actions include additional limits to quotas North of Cape Falcon as well as area fishery closures in times and places that may be important to SRKW. These actions are under review by NMFS and are being incorporated into PFMC's Pacific Coast Salmon Management Plan. Details of the actions are listed in the Council's Decision Document from their November 2020 meeting.

<https://www.pcouncil.org/november-2020-decision-summary-document/>

In 2018, the Orca Task Force developed 16 recommendations that addressed threats to SRKW persistence and recovery. Of these, Recommendation #6 includes a significant increase in hatchery production to benefit SRKWs in a manner consistent with existing state and federal policies. The increased hatchery production goal is 50 million smolts, based on 2018 production levels. To meet this goal, since 2018 the Washington Department of Fish and Wildlife (WDFW), as well as several tribes and one utility, have increased hatchery production of Chinook Salmon, Coho Salmon (*O. kisutch*), and Chum Salmon (*O. keta*) at existing facilities through modified operations and maximized facility use, in an effort to increase prey abundance for the endangered SRKW. Combined, salmonid production goals under all programs from 2019 to 2020 have increased by 26,075,200 salmon (of all species) compared to production levels prior to 2018 (WDFW 2019). Specific to Chinook Salmon, the 2019 production goal for WDFW facilities was 9,125,000 fish. This annual Chinook Salmon production goal was specifically intended to increase prey for SRKWs. The WDFW established similar Chinook Salmon production goals for 2020 and beyond.

Legislative direction and funding from the general state appropriation for fiscal year 2021 was provided for WDFW to conduct a master planning process. In summary, this Master Plan identifies a Chinook Salmon production increase of approximately 36.425 million fish from improvements at existing facilities and from two new state hatchery facilities (Deschutes River Hatchery and Cowlitz River State Salmon Hatchery) that would support SRKW prey production. With WDFW's ongoing annual program of over 9.125 million Chinook Salmon for SRKW prey enhancement, plus 5.35 million Chinook Salmon from tribal and utility production initiated in 2018, the total potential Chinook Salmon (approximately 51 million) now exceeds the EO 18-02 goal of 50 million Chinook Salmon smolts. However, it demonstrates that the goal of EO 18-02 is achievable with the recommended Chinook Salmon production pathways presented in this Master Plan.

Additional comments were provided by members of the public and advisers to increase hatchery production to increase adults returns. WDFW has taken these suggestions along with the recommendations from the Orca Task Force and worked to balance increases in production for programs directed at improving SRKW food supply and increasing adult returns for recreational and commercial fishermen.

Comments were received from members of the public and advisers seeking-recognition of the Glenwood Springs Chinook Hatchery operated by Long Live the Kings to recreational fisheries. WDFW estimates that 0.05% of subyearling releases return as adults and contribute to recreational fisheries. Glenwood Springs is currently partially funded by PSRFE funding; however this is currently being evaluated by WDFW Staff, and recreational advisors.

Several questions were received regarding transparency and public engagement in the NOF season-setting process. Recently, WDFW has put in significant effort to engage both the advisory groups and the public throughout the season-setting process. Due to the

inability to conduct in-person meetings because of the COVID-19 pandemic, all public meetings were held virtually. Consequently, the 2021 NOF process was the most accessible to the public of any in history, and probably had the broadest participation from the public that we have seen. All public meetings were recorded, and meeting materials were made available on WDFW's website. Specific questions on the management objectives for Chinook used during the 2021 planning process were discussed, which are based on the 2017 Comprehensive Management Plan for Puget Sound Chinook (available here: <https://wdfw.wa.gov/publications/01947>). All other information on the North of Falcon Process, and how WDFW is involved can be found at:

<https://wdfw.wa.gov/fishing/management/north-falcon>

All of the forecasts and model runs constructed throughout the NOF process, along with background information can be found at:

<https://wdfw.wa.gov/fishing/management/north-falcon/forecasts>

There is also ample time a space provided to add comments or ask questions both during the public meetings and throughout the process via the website at:

<https://wdfw.wa.gov/fishing/management/north-falcon/public-input>

Furthermore, WDFW staff were available throughout the North of Falcon process to answer questions via email or phone call.

Two Pole Endorsement

220-220-160 – Two-pole endorsement

Comment #1: Multiple commenters expressed an interest in allowing two-pole in areas such as Ocean Area 1 and the mainstem Columbia River.

Ocean and Columbia River mainstem salmon and steelhead fisheries have constraints as it is managed as a mixed stock fishery, such as Queets coho in the ocean and LRH Chinook and B-index steelhead within the Columbia River. The intent of 2 pole is to increase the catch rate and not all fish caught are retainable, thus would increase the allowable impacts and/or speed up the accrual of impacts and result in shorter seasons. Previous year's anecdotal data does indicate catch rates do increase in areas with 2-pole versus 1-pole being used. Angler interest during North of Falcon was to balance certainty for seasons open, provide a full season, and a diversity of areas open; there were no public comments during North of Falcon meetings to consider adding additional 2 pole areas within mixed stock Columbia River and Ocean areas. If 2-poles were to be considered in these waters, the seasons would be shorter and/or reduced daily limits to balance predictable seasons and allowable ESA impacts. The areas with the least impacts on ESA-listed fish would be terminal fisheries, such as tributaries or areas immediately adjacent to hatcheries (i.e., Drano Lake).