

Concise Explanatory Statement (CES)

2022 North of Falcon Recreational Fishery Regulations

Rules amended as part of this rulemaking:

- 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
- 220-312-060 – 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Rules repealed as part of this rulemaking: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 2022-23 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 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 18, 2022 (WSR 22-03-088). 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 17, 2022 (WSR 22-11-085) 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 number 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 2022 North of Falcon kickoff meetings occurred on February 25 and 26. WDFW staff presented and reviewed the 2022 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. Additionally, WDFW posted a recorded video presentation focused on Columbia River and Snake River fisheries for the areas upstream of McNary Dam on March 21.

Table 1. Public meetings for 2022 North of Falcon season setting process

Geographic Area	Date(s)	Location
Willapa/Grays	March 3	Zoom webinar
All	March 4	Zoom webinar
Ocean – PFMC	March 8-14	San Jose, CA + webinar
Columbia River	March 15	Microsoft Teams webinar
All	March 16	Zoom webinar
North Coast/Grays Harbor	March 21	Zoom webinar
Northeast of McNary	March 21	Pre-recorded video posted
Ocean – PFMC	March 22	Ring Central webinar
North Coast, Straits, and Hood Canal	March 23	Zoom webinar
Willapa Bay	March 24	Zoom webinar
Puget Sound	March 28	Zoom webinar
All	March 30	Zoom webinar
Columbia River	April 1	Microsoft Teams webinar
Willapa Bay	April 5	Zoom webinar
Grays Harbor	April 6	Zoom webinar
Grays Harbor and Willapa Bay	April 19	Zoom webinar
All / PFMC	April 7-13	Seatac, WA + 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 2022 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 2022 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 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 negotiations 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 2022 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 Columbia River 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 2022 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 17, 2022 (WSR 22-11-085), as part of WDFW's initial rule-making proposals for 2022-23. 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 2022-23 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 (2021-22) 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, 2022 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 six individuals attended the rule-making hearing, and none of them provided testimony. A summary of the public hearing, the comments provided during the North of Falcon and APA rule-making process, 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 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 2022-23 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 2022-2023 recreational salmon fisheries were considered with respect to established objectives. These objectives include generally applied statewide objectives, together with detailed regional specific objectives described within regional sections below. These objectives are identical to those that have guided fishery development in recent years and have been shared with recreational angler representatives, and are listed below in order of priority:

1. Conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource (RCW 77.04.012) by achieving conservation objectives for all species and stocks.
 - a. Ensure that fisheries are planned so that 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 with a view to facilitating the objectives in a & b above.
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 2022 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. Salmon will be open September 16 through November 31, daily limit 2 with retention of only one adult allowed. An improved coho forecast allows for the retention of coho. The salmon season was extended for an additional 2 weeks from December 1 through December 15 with a daily limit of one coho only. 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, improved coho forecasts allow for the river to be open year-round for gamefish, limited wild coho retention in fall fisheries, expanded salmon seasons, and retention of salmon through December 15. February 1 through August 31 the salmon limit remains daily limit of 4, with 2 adults retained, release wild Chinook, wild coho, and sockeye. September 1 to September 15 the salmon limit remains daily limit of 6, with 3 adults retained, only one of which may be a wild adult Chinook, release wild coho, and sockeye. September 16 through December 15 daily limit of 6, with 3 adults retained, only one of which may be a wild Chinook and only one of which may be a wild coho, release sockeye. The dates closed to avoid gear conflict with treaty fisheries were changed to Mondays and Tuesdays August 29 through October 11.
- Sol Duc River improved coho forecasts allow for expanded salmon seasons, limited wild coho retention in fall fisheries, and retention of salmon through December 15. February 1 through August 31 the salmon limit remains daily limit of 4, with 2 adults retained, release wild Chinook, wild coho, and sockeye. September 1 to September 15 the salmon limit remains daily limit of 6, with 3 adults retained, only one of which may be a wild adult Chinook, release coho, and sockeye. September 16 through December 15 daily limit of 6, with 3 adults retained, only one of which may be a wild Chinook and only one of which may be a wild coho, release sockeye.
- Bogachiel River improved coho forecasts allow for expanded salmon seasons, for limited wild coho retention in fall fisheries, and for retention of salmon through December 15th. Salmon fisheries: July 1 through August 31 daily limit 4, 2 adults, release wild adult Chinook, wild adult coho, and sockeye. September 1 through September 15, daily limit 3, 1 adult, release wild adult coho and sockeye. September 16 through December 15, daily limit 3, 1 adult, release sockeye.
- Calawah River improved coho forecasts allow for expanded salmon seasons, limited wild coho retention in fall fisheries, and retention of salmon through December 15. Salmon fisheries: July 1 through August 31 daily limit 4, 2 adults, release wild adult Chinook, wild adult coho, and sockeye. September 1 through September 15, daily limit 3, 1 adult, release wild adult coho and sockeye. September 16 through December 15, daily limit 3, 1 adult, release sockeye.
- Dickey River improved coho forecasts allow for expanded salmon seasons, limited wild coho retention in fall fisheries, and retention of salmon through December 15. Salmon Fisheries; July 1 through August 31 daily limit 4, 2 adults, release wild adult Chinook, wild adult coho, and sockeye. September 1 through September 15, daily limit 3, 1 adult,

release wild adult coho and sockeye. September 16 through December 15, daily limit 3, 1 adult, release sockeye.

- Clearwater River (tributary to the Queets River), will be open September 1 to November 30 with a daily limit of 3 salmon, up to 1 may be an adult.
- Salmon River (tributary to the Queets River), will be open September 1 to November 30 with a daily limit of 6 salmon, up to 1 may be an adult. Release wild coho.
- Quinault River: sport season regulation structure did not change for 2022.

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 input and review process that occurred during the development of the policy. 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 2022 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 2022 Grays Harbor recreational freshwater and marine fishing regulations are consistent with general, or recreational-specific, pre-season planning, and policy management priorities and objectives based on the following rationale:

1. Fisheries will be managed with the intent of achieving escapement goals for natural-origin salmon, Table 2.
 - Chehalis River natural origin Chinook
 - Chehalis River Chinook spawning escapement goal is a natural spawning goal made up of natural origin and hatchery origin strays. The lack of full hatchery Chinook marking prior to 2010 prevented identification of the origin of natural spawners. Recent data shows that 70 percent of the returning hatchery Chinook end up on the spawning grounds. Analysis of

the proposed fishery package, including Treaty fisheries, predicts 8,967 natural origin Chinook and 1,015 hatchery origin Chinook will escape to spawn naturally. This provides 9,983 naturally spawning Chinook after fisheries. Total natural origin Chehalis Chinook impacts resulting from this proposed rule is 431 fish.

- Grays Harbor chum
- Humptulips River natural origin Chinook
- The Chehalis River natural origin coho did not meet the escapement goal three out of the last five years. Policy C-3621 includes a risk control provision that presumptively limits the impacts of WDFW-managed fisheries to 5% if a spawner goal has not been achieved for 3 of the last 5 years. WDFW requested a Policy Decision from the Commission to deviate from policy guidance regarding the allowable impact rates on natural coho returning to the Grays Harbor Basin based on the 2022 forecasted abundance. The 2022 forecasted abundance of Chehalis natural coho, based on smolt outmigration estimates and predicted marine survival, far exceeds the conservation goal. After ocean fisheries are modeled the predicted return of Chehalis natural coho is 110,000, more than three times the conservation goal of 28,506.

The Commission Policy Decision was to allow impact deviation from the policy guidance on Chehalis natural origin coho. This decision was based on WDFW presentation to the Commission, preliminary analysis of 2022 fishery package without the 5 percent constraint that resulted in providing escapement of more than double the coho needed to achieve the spawner goal.

- Humptulips natural coho will be managed to limit WDFW managed fisheries to 5 percent or less due to forecasted abundance of less than 10% above the goal.
- The adopted rules do not include a directed freshwater recreational fishery on Chehalis spring Chinook due to a forecasted abundance less than the goal.

Table 2: Grays Harbor Salmon Management Policy Objectives

Grays Harbor Stocks	Objective Type	Objective Criteria	Modeled Results
Chehalis fall Chinook	Escapement Goal*	9,753	9,983
Chehalis spring Chinook	Escapement Goal*	1,400	1,322
Humptulips Chinook	Escapement Goal*	<u>3,573</u>	3,588
Chehalis coho	Escapement Goal*	28,506	58,621
Humptulips coho	Harvest Impact Rate	≤ 5%	2.81%
Grays Harbor chum	Escapement Goal*	21,000	21,238

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

2. Provide meaningful recreational fishing opportunities for Chinook.

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

3. WDFW managed recreational fisheries in the adopted rule shall be managed to achieve the escapement goals

The forecasted terminal run size of Humptulips natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 5,099. The predicted impact on Humptulips River natural-origin fall Chinook during the scheduled fisheries in the adopted rule is 413 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 3,588 Humptulips River natural-origin spawning fall Chinook compared to the spawning goal of 3,573.

Chehalis River Chinook spawning escapement goal is a natural spawning goal made up of natural origin and hatchery origin strays. Forecasted abundance for Chehalis Chinook are 12,810 natural origin and 2,147 hatchery origin fish. The predicted impacts of the adopted rules on Chehalis natural origin Chinook are 431 fish and 136 hatchery origin Chinook. Expected natural spawning escapement is 9,983 Chinook.

Chehalis River natural-origin coho terminal forecast is 106,624. The predicted natural spawning escapement after the adopted rule is 58,621, more than double the goal.

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 forecasted return of Grays Harbor chum is 34,599 and predicted escapement after all Grays Harbor fisheries, treaty and non-treaty, is 21,238 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.

The forecast terminal run size for Humptulips natural-origin coho is 4,358, 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 is 2.81% (Table 2).

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 February 17, 2022, the Commission provided WDFW with additional guidance on the implementation of Policy C-3622 for the 2022 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 2022.

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 2022. All other items in the Willapa Bay Salmon Management Policy, C-3622, will remain in effect for 2022, 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 2022 Willapa Bay recreational salmon fisheries were evaluated with respect to the objectives in the policy and the additional guidance provided by the FWC for 2022-23 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 2022, 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 2022-23 season. The adult salmon daily limit for the 2022-23 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 2021 with a start date of August 1, 2022. Prior to August 1, 2022, Willapa Bay will follow the rules for Ocean Area 2, which are scheduled to begin July 2, 2022.

From August 1 through September 30, 2022, the Willapa Bay Control Zone (WBCZ) at the mouth of Marine Area 2.1 will be closed 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 2022 fall season are mark selective for unmarked Chinook salmon

Natural origin coho forecasted for 2022 is expected to be higher than the natural origin escapement goal and higher than recent year forecasts. Due to this, most freshwater systems will be open to one unmarked, wild coho retention in the 2022 fall salmon season. This higher forecast allowed for all historical fishing seasons to be restored for this 2022 season compared to recent years, however, the Palix, Middle Nemah, and South Nemah rivers will be required to release all wild coho in 2022 as these systems do not have coho hatchery supplementation (marked hatchery returns).

Preseason modeling of planned recreational and commercial fisheries is estimated to result in an impact rate of 14.6% and 15.2% 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 18,648 natural origin coho and 31,175 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 39,094, exceeding the spawner escapement goal of 35,400.

Modifications proposed for 2022 Willapa Bay marine and freshwater recreational fisheries through this rule-making process include:

- One system closed to salmon fishing; Niawiakum River;
- Three systems with no retention of natural origin coho: Palix River, Middle Nemah River, and South Nemah River;
- Allow retention of one natural origin coho in the 2 adult daily limit in all remaining freshwater systems: North River, Smith Creek, Willapa River, South Fork Willapa River, Fork Creek, North Nemah River, Naselle River, and Bear River;
- Allowed retention of hatchery coho in all freshwater systems that are open to salmon fishing; and
- Historical salmon fishing seasons restored for systems that had previously been closed: Nemah River and South Fork Willapa River.
- The Willapa Bay Control Zone will be closed from August 1 through September 30, 2022.

The rules, as originally noticed in the CR-102, WSR 22-11-085, were proposed based upon a conclusion they would produce fisheries consistent with conservation objectives, the Willapa Bay Salmon Management Policy C-3622, and the 2022 FWC guidance on the implementation of the Willapa Bay Salmon Management Policy C-3622, for the 2022 fall salmon season.

WDFW believes that adoption of the 2022 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 input and values, and developed a fishery proposal for 2022 Willapa Bay salmon fisheries that meet conservation and management objectives identified pre-season. The Department’s 2022 Willapa Bay recreational salmon fishing regulations comply with its statutory mandate and are consistent with WDFW’s management objectives for these fisheries.

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

For the 2022-23 summer and fall management periods, Columbia River fisheries are driven primarily by certain key constraining stocks. The pre-season forecast for Lower River Hatchery Chinook (LRH) also referred to as Tule Fall Chinook is 73,600. At this return size, the ESA impact limit is 38%. The Upriver Bright (URB) Chinook pre-season forecast is 229,700 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. 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.

2022 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
Lake Wenatchee Sockeye	Escapement	23,000	19,200
Snake River Sockeye	ESA impact rate	<1.0%	<1.0%
Tule Fall Chinook	ESA impact rate	<38.0% total	38.0%
Snake River Wild Fall Chinook	In-river ESA impact rate	<15.0%	12.8%
Lower Columbia Natural Coho	ESA impact rate	<23.0%	17.5%
Natural B-index Summer Steelhead	ESA impact rate	<2.0%	<2.0%

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 summer Chinook forecast provides hatchery Chinook retention opportunity from the Astoria-Megler Bridge upstream to Bonneville Dam, June 16 through June 22 with a daily limit of 6, up to 2 adults, hatchery Chinook only.
3. The Columbia River Sockeye forecast is 198,700. Sockeye retention is not scheduled to occur downstream of Bonneville Dam.
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.
 - 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 recreational fishery from Buoy 10 upstream to West Puget Island will begin on August 1 with a daily limit of 2 hatchery salmon, no more than 1 hatchery Chinook through August 24. From August 25 through September 7, 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 8 through September 30 coho retention will resume with a daily limit of 3. Beginning October 1, Chinook retention will continue through December 31 with a daily limit of 3 adults, but no more than 1 Chinook.
6. From the West Puget Island line upstream to the Lewis River/Warrior Rock line, Chinook retention will be open from August 1 through September 7 with a daily limit of 6, up to 2 adult salmon, no more than 1 Chinook. September 8 through September 30 will be closed to fishing for and retention of salmon and steelhead. Beginning October 1 through December 31 the daily limit will remain at 6, up to 2 adults, no more than 1 Chinook. Steelhead retention is prohibited from August 1 through October 31.
7. From the Lewis River/Warrior Rock line upstream to Bonneville Dam, Chinook retention will be open August 1 through September 13 with a daily limit of 6, up to 2 adults, no more than 1 Chinook. September 14 through September 30 will be closed to fishing for and retention of salmon and steelhead. Beginning October 1 through December 31 the daily limit will remain at 6, up to 2 adults, no more than 1 Chinook. Steelhead retention is prohibited from August 1 through October 31.
8. In the waters of Camas Slough, the sport fishing regulations were modified in a manner that matches them to the effective rules in the adjacent section of the mainstem Columbia River. The previously existing provisions of Camas Slough rules that were maintained include that: 1) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device and 2) anglers may fish with two poles with Two-Pole Endorsement.

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, June 16 through July 31, the daily limit is 6, up to 2 adults, hatchery Chinook only.
3. The total Columbia River Sockeye forecast is 198,700 and the Lake Wenatchee Sockeye forecast is 19,200. Sockeye retention is not scheduled to occur downstream of Hwy. 395 Bridge. 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 .
 - 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, 2022 through March 31, 2023.
4. 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 to enhance survival of Yakima River returns with the exception of a new bank angling only area which extends from Columbia Point (approximately ¼ mile downstream of I-182 Bridge) upstream to I-182 Bridge on the west shore (Richland side of river). From June 16 through July 15, the daily limit is 6, no more than 2 adult salmon. Release all salmon and steelhead other than hatchery Chinook and sockeye. Fishing from a floating device or any method other than hand-cast lines from the west shore is prohibited.
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 June 16 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 December 31. This area of the Columbia River has limited spawning habitat and the extension of the fishery through

December 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
June 16 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 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through August 31.
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 pre-season forecast for summer Chinook allows for harvest opportunity of hatchery adults and jacks
2. Open from July 1 through August 31.
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 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 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 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 2022 North of Falcon process for fisheries occurring in Columbia River tributaries include:

- Modified the adult salmon daily limit to 3 hatchery adult salmon, of which 1 can be a hatchery Chinook. Release all wild salmon on the lower Cowlitz River downstream of the Barrier Dam. This allows for upriver transport to the Tilton and Upper Cowlitz Basin for reintroduction and provides 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 from the mouth to the overhead powerlines below Merwin Dam to 3 adults, of which 3 can be hatchery Chinook or hatchery Coho August 1 through September 30. Release wild Chinook and coho.
- Increased the Washougal River adult salmon daily limit to 3 hatchery adult salmon, of which up to 2 may be a hatchery Chinook. This rule aligns fishery rules with preseason forecasts, expected sport harvest, and hatchery broodstock needs.
- Modified the Wind River daily salmon limit in the area between the mouth and the Hwy 14 bridge from October 1 through October 31; during this time the numerical limit is unchanged, but any Chinook (hatchery or wild) may be retained. Salmon: Daily limit 6, up to 2 adult salmon may be retained. Release wild coho. Closed to fishing for or retaining steelhead.

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). Chinook conservation objectives for management in 2022 were identical to those contained in the co-managers Comprehensive Management Plan for Puget Sound Chinook: Harvest Management Component submitted to NOAA in February 2022. 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. Key constraining stocks in state and tribal fisheries in these areas for 2022 include Stillaguamish natural Chinook, Snohomish natural Chinook, Skagit summer/fall 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 9% based on the returning forecasted abundances in 2022. Initial fishery model results using abundances of salmon expected to return in 2022 and pre-season fishing plans from 2021 showed that most stocks were projected to meet their objectives and fall below their exploitation rate limits if fisheries identical to those implemented in 2021 were applied to the abundances of fish expected to return in 2022, meaning that more impacts on these stocks were available for planning fisheries in 2022 vs 2021. However, one important but unknown factor early in the planning process was what levels of fishing would occur in waters of British Columbia and Southeast Alaska, which do affect projected abundances returning to Washington waters, and affect the projected and allowable exploitation rates for SUS fisheries for many stocks.

2022 Constraining Stock Table.

Stock	Objective Type	2022 Objective	Initial Model Result
Stillaguamish natural Chinook	Southern U.S. Exploitation Rate	9.0%	8.5%
Skagit Summer/Fall Chinook	Southern U.S. or Total Exploitation Rate	15.0% SUS if below LAT, 52% Total if above LAT	38.9%
Snohomish Natural Chinook	Southern U.S. Exploitation Rate	<8.3%	6.9%
Nisqually natural Chinook	Total. Exploitation Rate	47% + 2% for experimental selective fishery	48.7%
Mid-Hood Canal natural Chinook		SUS Fishery restrictions as described in 2022 RMP	
Snohomish natural Coho	Escapement Target	41,500	44,261
Strait of Juan de Fuca natural coho	SUS ER Ceiling	10%	5.7%

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 2022-23 forecasted low abundance for Stillaguamish natural and hatchery Chinook was similar to the abundance predicted in 2021-22. The Stillaguamish Chinook stock was a major driver in shaping the 2022-23 fishing package. The co-managers' Puget Sound Chinook resource management plan calls for a exploitation rate limit of 14% in SUS fisheries on marked (hatchery supplementation) Stillaguamish Chinook and 9% in SUS fisheries on unmarked (wild) Stillaguamish Chinook (see constraining stocks table above). One of the ways that WDFW worked to achieve these benchmarks 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, balance of use of impacts between Chinook mark-selective fisheries and coho fisheries with Chinook non-retention, and how each marine area fishing package impacted stocks of concern such as Stillaguamish Chinook. Ultimately, WDFW proposed a set of fisheries 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, unmarked Stillaguamish Chinook below 9% (see constraining stocks table above). The final set of fisheries 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 2021 fishery season and quotas similar to 2021 summer seasons in areas 5, 10, and 11. Fishery quotas in Areas 6 and 7 were larger in 2022 than 2021, and season structures were adjusted in Areas 7 and 9 as described below.

As preterminal marine fisheries were shaped to meet the Stillaguamish management objectives and fishery plans in terminal areas were developed around Puget Sound, projected exploitation rates for other stocks of concern like Skagit Summer/Fall, Snohomish and Nisqually Chinook fell below their limits. Improved coho forecasts allowed for the addition of recreational fishing opportunity in Marine Areas 8-1, in the form of extended coho fishing opportunity with non-retention of Chinook. Additional impacts available to Chinook stocks allowed addition of mark-selective Chinook fisheries to Marine Area 11 in early June as compared to 2021, as well as quota increases in Areas 6 and 7.

The MA-7 summer Chinook season in 2021 was scheduled from July 1 – August 15th, but was closed down on July 8th after only 7 days of fishing due to exceeding the harvest quota. As a result of this harvest quota exceedance, the MA-7 Coho fishery scheduled for August 16th - September 30th was not opened, as there were not enough Chinook impacts available to open the coho fishery. Leading into the 2022 pre-season planning process, there was a lot of discussion about potential options for fishing in MA-7, and several options were considered and discussed

during meetings with the public and advisors. One option was to keep Chinook fishing closed in favor of a Coho fishery with Chinook release required in August and September. A second option was to open MA-7 for both marked Chinook and Coho on August 16th. Similar discussions surrounded MA-9, where originally an August 1st start date was proposed. After these initial proposals, the Puget Sound Sport Fishing Advisor Group and numerous members of the public expressed their desire to maintain July opportunities in both MA-7 and MA-9, including a specific proposal to have initial openings on July 14th – 16th in both areas. Ultimately, WDFW proposed a series of short openings in both MA-7 and MA-9. The Chinook fisheries in both areas will open July 14th – 16th only, and then close down to reassess the harvest. MA-9 is scheduled to be opened three days the following week, July 21 – 23rd as well, and then will open 7 days a week on July 28th. WDFW will open additional days in MA-7 if there is sufficient available quota after the opening. MA-10 is also scheduled to open on July 14th for Chinook, to be concurrent with both MA-7 and MA-9 in an attempt to spread out the fishing effort to all areas over those initial three days.

A winter Chinook fishery was originally proposed in MA-7 during the month of February but was ultimately removed from consideration in favor of having larger quotas and longer seasons in the summer fisheries. Both the Puget Sound Sport Fishing Advisor Group and members of the public expressed the desire for more summer opportunity over a one-month winter fishery in MA-7.

The Chinook MSF in Area 11 was listed as being open 7 days per week beginning in June in the proposed rule. When that area opened by emergency rule on June 1, the catch quota for June was caught in just 3 days, necessitating an emergency closure until July 1. Based on input received from the Puget Sound Sportfishing advisors in response to this shortened season, the final rule adjusts the season to 4 days per week (Wednesday through Saturday), to maximize season length and ensure that catch quotas are not exceeded.

Coho stocks of concern for the 2022-23 season included Snohomish River natural and Strait of Juan de Fuca natural origin fish. These stocks were classified as overfished under the Pacific Coast Salmon Management plan, and are currently being managed under rebuilding plans developed as a result of falling into overfished status. An additional consideration in planning 2022 salmon fisheries was post season exploitation rate analysis completed in 2021 that revealed the southern United States had exceeded its ER limit on Thompson River Coho in the 2019 fishery season, with the Area 7 recreational fishery contributing significantly to that exceedance. 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 2021 fishery package, which are continued in the 2022 rules. 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 and Thompson 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 in 2021 to protect Snohomish River coho and other stocks. This reduction in season length in Marine Area 10 was continued in 2022 to provide conservation benefits for Snohomish River coho.

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 opportunity as compared to the 2021-22 season. In particular, the non-selective Coho season was extended in Marine Areas 8-1 until the second weekend of October. Non-selective

recreational opportunity in Marine Area 11 was added in early June corresponding to the Chinook MSF as well as continuing winter coho opportunity during the November and December Chinook MSF.

Extremely low forecasted returns of Chum salmon throughout the Puget Sound Region eliminated the possibility of planning to allow chum retention in many parts of Puget Sound during the 2022-23 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, although chum retention may be allowed should in-season runsize estimates be sufficiently higher than the preseason expectation.

The forecast of Lake Washington sockeye salmon was well below the escapement goal objective. The 2022 sockeye recreational fishery in Lake Washington will not open unless sufficient sockeye pass through the Ballard Locks. 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 2022-23 are based upon North of Falcon discussions with and input from stakeholders and negotiations with tribal co-managers. The intent of the regulations is to maximize recreational opportunities in relation to identified fishery priorities while meeting conservation objectives.

Modifications to existing rules and status quo rules proposed for 2022 Puget Sound Marine Area recreational fisheries through this rule-making process include:

- Area 7 summer Chinook will be open for three days only (July 14 – 16) and then will close to reassess. Additional openings will be added if there is available quota remaining.
- Area 7 summer Coho remains a mark-selective fishery. Area 7 winter Chinook seasons remained closed to protect Stillaguamish hatchery and natural Chinook, Skagit natural Chinook, and Snohomish Chinook. The Eastern Rosario Strait remains closed from July through September to protect a number of natural Puget Sound Chinook stocks.
- Area 8-1 coho directed season extended to October 9
- Areas 8-1 and 8-2 winter Chinook seasons remained closed to meet Snohomish, Skagit, and Stillaguamish Chinook management objectives.
- Area 9 winter Chinook season remained closed to meet Stillaguamish Chinook and Snohomish natural Chinook management objectives.
- Area 10 Chinook will open February 1st instead of January 1st.
- Area 11 had added mark selective Chinook fishing time in early June and will continue in November – December.

- Area 12 Quilcene Bay only will open August 1 – 31 for non-selective Coho only.
- Area 12 north of Ayock Point Coho fishery will open September 1 and continue through November, consistent with normal season structure in years when pink salmon do not return.
- Area 12 south of Ayock point will open July 1 for Chinook summer fishing but will be closed to Chinook retention starting in October and closed to salmon fishing starting in December.

Modifications proposed for 2022 Puget Sound Freshwater recreational fisheries through this rule-making process include:

- Initially open NF Nooksack spring Chinook for two weeks, and with sport fishery monitoring execute in-season actions to ensure conservation goals are met. In season actions include extensions, or closures.
- Samish River closed beginning September 13 to ensure Chinook broodstock goals are met. Samish remains closed to wild coho and chum due to insufficient returns forecasted.
- Cascade River closed to all fishing Sundays through Tuesdays during the spring Chinook and coho fisheries to prevent conflicts during treaty fisheries. Upon discontinuation of tribal fisheries, Sundays through Tuesdays will be reopened to sport fishing.
- Skagit River open for sockeye in the two areas from Mount Vernon to the Dalles Bridge in Concrete. Open 6/16 – 7/15, limit 2 sockeye per day. There will be periodic in-season closures to prevent conflicts during tribal treaty fisheries. Sport harvest will be divided between the river areas and Baker Lake area by the angler agreement reached during public meetings in 2014 and 2015. The river fishery will be limited to 20% of the state share.
- Baker Lake open for sockeye 7/9 – 8/31, limit 2 sockeye per day.
- 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.
- Stillaguamish River will be open to salmon fishing for coho only from September 1 through November 15 on the mainstem from Marine Drive bridge to the confluence of the North and South forks Stillaguamish at the trestle bridge in Arlington, daily limit 2. North and South Fork Stillaguamish and associated tributary gamefish closures will remain in place through September 15 to protect wild Chinook.
- Lake Washington north of the 520 Bridge will open for coho salmon (daily limit 4) from September 16 through October 31. Lake Sammamish will open for coho (daily limit 4) from October 1 through November 30.

- Green/Duwamish River –
 - Harbor Island to Tukwila Blvd – September 1 – December 31, (daily limit 6, up to 3 adults, release Chinook).
 - Tukwila Blvd to South 212th St Bridge – September 1 – December 31, (daily limit 6, up to 3 adults may be retained of which up to 2 may be Chinook).
 - South 212th St Bridge to Auburn – Black Diamond Rd Bridge – October 1 – December 31 (daily limit 6, up to 3 adults, release Chinook).
 - Auburn – Black Diamond Rd Bridge to Tacoma municipal Watershed Boundary – November 1 – December 31 (daily limit 6, up to 3 adults, release Chinook).
- 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.

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

- WAC 220-313-060 (3.b) – Open dates should be July 1 through August 15.
- WAC 220-313-060 (3.b.ii) – Corrected daily limit to daily limit 2 salmon; up to 1 may be a Chinook.
- WAC 220-313-060 (3.b.iii) – Release chum, Chinook and wild coho.
- WAC 220-313-060 (3.b.iv) – Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook: Release all Chinook
- WAC 220-313-060 (3.c) – Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock: Closed July 1 through August 15.
- WAC 220-313-060 (3.d) – Open dates should be August 16 through September 28
- WAC 220-313-060 (3.e) – Closed dates should be September 29 through last day in February
- WAC 220-313-060 (4.b) – Open dates should be July 14 through July 16
- WAC 220-313-060 (4.c) – Waters of Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7): Closed to salmon fishing July 1 through September 30.
- WAC 220-313-060 (4.d) – Closed dates should be July 17 through August 15
- WAC 220-313-060 (6.c) – Clarify geographic description for fishery in southern portion of Area 8-2
- WAC 220313-060 (7.c) – Clarify that Foulweather to Olele Point closure area applies to entire duration of Chinook mark-selective fishery.
- WAC 220-313-060 (8.f.i) – Daily limit of 2 salmon, up to 1 may be a Chinook

- WAC 220-313-060 (8.i.v.A) – Daily limit of 2 salmon, up to 1 may be a Chinook
- WAC 220-313-060 (8.j.vii) – consolidating identical rules into time period with 8.j.vi
- WAC 220-313-060 (8.j.viii) – Daily limit of 2 salmon, up to 1 may be a Chinook
- WAC 220-313-060 (8.k.iii.A) - Daily limit of 2 salmon, up to 1 may be a Chinook
- WAC 220-313-060 (8.k.vii.1) – Correct dates for fly fishing only rule
- WAC 220-313-060 (9.b) – Restrict open days to Wednesdays – Saturdays for Chinook mark-selective fishery
- WAC 220-313-060 (9.b.ii) – Release chum salmon
- WAC 220-313-060 (9.f) – Clarify rules for Commencement Bay portion of Area 11
- WAC 220-313-060 (10.c.v) – Correct last day in November
- WAC 220-313-050 (10.c.vii) – Correct last day in November

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)

No public comment received.

Grays Harbor

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

A comment pertaining to Chinook bag limits in the Humptulips River fisheries was received during the NOF process. No comments were received during the open public comment period from May 18, 2022 through June 22, 2022, and no oral comments were received during the June 22, 2022, public hearing.

Comment # 1: Limit bag limit to one fish in the Humptulips River.

The fishery package presented during the final Grays Harbor area public meeting on April 19, 2022, provided a two Chinook (of either origin) bag limit in the Humptulips River during the month of September. A comment received during this meeting indicated that harvest opportunity of two natural origin Chinook shouldn't be allowed for concern of natural origin Chinook population.

The forecasted abundance of natural origin Humptulips Chinook allowed a harvest opportunity of two natural origin Chinook in the month of September while still achieving an escapement of more than 3,753 Chinook. However, a conservative approach was selected for the adopted rule.

WDFW adjusted the Humptulips Chinook bag limit in September based on the evaluation of forecasted abundance, historic fisheries, and encounter trends. The adopted rule allows a bag limit of two adult Chinook: but only allowing one to be of natural origin. This bag limit and the adopted rule match historical fisheries in the Humptulips River for the month of September when sufficient natural origin Chinook were available for harvest. Also, recreational fishery monitoring data collected during the last three years for the month of September indicate hatchery origin Chinook were encountered at a higher rate than natural origin Chinook. On average, through the month of September, 62.7 percent of Chinook encounters (harvested, caught and released) were hatchery origin. These data support the development of the adopted rule.

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Willapa Bay

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

No written public comments were received during the public comment period regarding the proposed Willapa Bay recreational fisheries. No public comments were received using WDFW's public comment online portal and there were no public comments provided during the public hearing. In addition, the Department considered substantive comments received during the 2022 NOF salmon season setting process.

Comment #1: Commenter objects to planning fisheries near the 20% management objective on natural origin Chinook salmon.

The Willapa Bay management objectives are to follow interim guidance provided by the Fish and Wildlife Commission (FWC) for 2022. The management objectives determined by the FWC for the 2022 fall salmon fishing season are to actively manage to not exceed a 20% harvest rate on natural origin Chinook salmon for Willapa and Naselle rivers. The current harvest rates in the adopted rule are 14.6% and 15.2% for Willapa and Naselle natural origin Chinook, respectively. The current objectives in this fishery proposal are under the 20% management objective threshold identified by the FWC.

Comment #2: Commenters 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.

DFW is aware of the proposal to prohibit jigs for both the 2021 and 2022 fall salmon seasons in the Naselle River. We are also aware that snagging and angler behavior is a problem for a number of freshwater systems across the state. We have used a variety of gear regulations in the Naselle River to remedy this problem with varied success, however more data and evaluation is needed to implement a new regulation in the Naselle River and may require statewide coordination.

Comment #3: Commenter proposes only one adult, female Chinook salmon retention allowed in the Nemah River as part of the daily adult limit.

DFW 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 exist 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 difficult to enforce. This proposal has the potential to confuse the angler, as there is difficulty in determining the sex of salmon species regardless of experience. It is of value to the agency to keep fishery rules simplified and to create rules that are enforceable. Moreover, the Department is concerned with meeting the Chinook salmon hatchery broodstock goal in the Nemah Hatchery. This proposal has the potential to limit the number of females returning to the hatchery.

Comment #4: Several commenters suggested closing all salmon fishing for 2022 to meet all management objectives.

DFW's mission is to preserve and protect fish, wildlife, and ecosystems, while providing sustainable hunting and fishing opportunities. The Willapa Bay fisheries package meets all FWC directed management objectives for 2022. Closing all salmon fishing opportunity in Willapa Bay would increase the total number of hatchery salmon reaching the spawning grounds, increasing the percentage of hatchery spawners intensifying competition for naturally spawning fish.

Comment #5: 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 and trout fishing until October 16.

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 then opened during the months of August and September with the 2015 adoption of the Willapa Bay Salmon Management Policy C-3622. Given environmental conditions, low flows and turbidity associated with the Naselle River during late summer/early fall, 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 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 waste due to some anglers targeting females for eggs persisted.

In addition to a closure for salmon fishing in this section of the Naselle River, the Department found it necessary to close this section to all fishing until Oct. 16. The persistent nature of these issues supports a closure of all fishing in this section of the Naselle River.

Annual 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 Naselle River Hatchery has only met its Chinook salmon production goal once in the last seven 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 the quantity of Chinook salmon necessary for broodstock is achieved, adaptive in-seasons actions may be considered.

Table 1: Naselle Hatchery Chinook salmon production goals for 2015-2021, 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%
2021	5,000,000	5,077,982	101.6%

Comment #6: Commenter wants better in-season management.

The Department is committed to in-season management of all salmon fisheries within Willapa Bay. DFW will use the best available data to make in-season adjustments to both the commercial and recreational fisheries as mandated by the Willapa Bay Salmon Management Policy (C-3622 Guiding Principle #8). The Department will continue to develop methods for evaluating both the commercial and recreational fisheries for future fisheries.

The Department will actively monitor the commercial and recreational fisheries for 2022 fall salmon season using the following methods: recreational creel survey data, in-season spawning ground counts, on-board observation data, quick reporting data from the commercial fishery, and hatchery rack reports. All available data will be analyzed and evaluated to determine if any in-season actions are necessary to meet conservation and management objectives.

Comment #7: Commenters expressed concerned as to whether the Willapa Bay Control Zone, at the mouth of the Willapa Bay basin, would be open or closed to salmon fishing during the 2022 fall salmon season.

During the 2022 pre-season planning process, the Department identified a conservation concern for the Lower Columbia Natural Chinook Salmon stock not meeting their expected exploitation rate. The Department made necessary reductions across many ocean and terminal fisheries to

drop below the required exploitation rate. Due to these reductions, both the Willapa Bay recreational and commercial sectors took reductions to their seasons resulting in a closure of the control zone.

Comment #8: Commenter suggested there should be no wild coho retention in any Willapa Bay systems.

The 2022 natural coho forecast for Willapa Bay, after considering ocean fisheries, was 31,852 coho. The natural origin coho escapement goal is 13,600 coho. The natural origin coho escapement estimated after harvest to Willapa Bay tributaries is 18,648 coho, which exceeds our escapement goal, allowing for harvest opportunity. According to the Willapa Bay Salmon Management Policy C-3622, the management objective for natural origin coho is to meet natural origin coho escapement in the aggregate. Based on the natural origin coho escapement projected for 2022, this management objective has been achieved preseason.

Columbia River

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

Comment #1: Commenter recommended all salmon that are to be released must not be removed from the water at any time.

The current statewide freshwater salmon, trout and steelhead handling rules require anglers to not remove fish from the water that are unlawful to retain or if the angler subsequently releases the fish. There are exceptions for the Columbia River which include:

1. Angling from vessels of all sizes year-round from Buoy 10 to the Rocky Point/Tongue Point line.
2. Angling from vessels less than 30 feet from June 16 through February 14 from Rocky Point/Tongue Point line upstream to Hwy. 730 at the WA/OR border.
3. Angling from vessels greater than 30 feet year-round from the Rocky Point/Tongue Point line upstream to Hwy. 730 at the WA/OR border.

The Columbia River is jointly managed as concurrent waters by the states of Oregon and Washington. These exceptions were previously adopted to align Washington rules with Oregon rules to achieve concurrency.

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, 2022 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 generally fell into the following categories:

1. Maintaining or increasing fishing opportunity in the winter and later start to winter fisheries
2. Maintaining opportunity for Chinook salmon in the summer
3. Adding opportunity in Marine Areas 7 and 9 in July
4. Opening fisheries on the same day
5. Management objectives
 - Stillaguamish Chinook
 - Snohomish Coho
6. Misc/Other
 - Marine area daily limits for Chinook MSFs should be 2 salmon only one of which may be a Chinook to extend season length
 - Keep first two fish rather than mark-selective regulations
 - Include Bellingham Channel as part of Bellingham Bay fishery area
 - Concerns for future of runs / SRKW
 - Increase hatchery production
 - Chinook Resource Management Plan (RMP)
 - Transparency and Public Engagement
 - Keep first two fish rather than mark-selective regulations

Maintaining or increasing fishing opportunity in the winter, and later start to winter fisheries: Numerous comments received focus on the constituents' desire for maintaining and increasing opportunity to fish for Chinook salmon in the winter seasons. WDFW is continuing mark-selective Chinook fishing in MA-11 during November – December and changed the MA-10 fishery to February – March. Other Marine Areas will remain closed during the winter months for the upcoming 2022-23 fishing year in order to meet management objectives primarily on Stillaguamish and Snohomish natural origin Chinook. The number of impacts that are predicted to occur on ESA listed Chinook 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 2022-23 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 set higher quotas and encounter limits for other areas and seasons within the available impacts for constraining stocks.

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 conducted this gear study throughout the summer and winter fisheries in 2021 and 2022, and plans to continue the gear study into the 2022 summer fisheries including the use of test fisheries in additional marine areas to build upon the dataset WDFW intends to analyze the two years of data collected during the fall of 2022 for discussion with comanager and the public.

Maintaining or increasing opportunity for Chinook salmon in the summer: The proposed rules maintain Chinook fisheries during the summer in all areas of Puget Sound, with a small increase in planned fishing time in Marine Area 11 in early June. While the planned open dates for Area 7 are reduced from 2021, the quota for the Chinook MSF in the area is 30% larger than in 2022. 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. Fishery mortality to constraining stocks must be considered regardless of whether the mortality occurs as landed catch, as release mortality during a fishery targeting another salmon species, or as release mortality during a catch and release fishery. These regulations prioritize use of available mortalities in non-treaty fisheries to Chinook retention fisheries and fisheries targeting other salmon species, particularly coho.

Adding opportunity in Marine Areas 7 and 9 in July: Numerous comments were received regarding adding time to both Marine Areas 7 and 9 in July. As described above, various proposals were considered to try to ensure the Area 7 fishery did not end abruptly as it did in 2021. There were also suggestions that Areas 7, 9 and 10 should open for Chinook fishing concurrently, to spread effort between the areas and maximize season lengths with the available quotas and encounter limits. Based on input received, the final proposal has a three-day opening for Chinook in Area 7 on July 14-16. Catch and encounter estimates will be compiled after those three days, and additional Chinook openings may be considered if sufficient quota remains. Area 9 will open for two three-day periods (July 14-16 and July 21-23), then open seven days per week beginning July 28th. Area 10 will open for Chinook one day earlier than last year, on July 14th to match the opening dates for Areas 7 and 9.

Numerous comments were also received advocating to ensure the MA-7 coho fishery is not preempted by exceedance of quota or encounter limits during the Chinook MSF season in July. By conducting the three-day opener in July and monitoring catch prior to allowing additional Chinook openings, WDFW can more closely regulate the Chinook encounters to preserve the Coho fishery.

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 such as Snohomish, Strait of Juan de Fuca and Interior Fraser River. In recent years the Strait of Juan de Fuca and Snohomish natural Coho populations have been depressed and are under rebuilding plans through the Pacific Fisheries Management Council. Southern United States fisheries also have Pacific Salmon Treaty obligations to limit impact on Interior Fraser coho. Directed fisheries in these areas on natural Coho stocks could exacerbate conservation concerns on these stocks.

Management Objectives:

The management objectives for Stillaguamish Chinook for 2022 fishery planning were identical to the objectives from the Co-managers Puget Sound Chinook Resource Management Plan

submitted to NMFS in February of 2022. Based on the predicted number of Chinook returning to the Stillaguamish, the agreed to objectives for 2022-23 were:

Abundance	UM Total ER	UM SUS ER	M SUS ER
Lower Bound	23%	9.0%	14.0%

Conservation of the Stillaguamish Chinook stock has the focus 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 protection, habitat improvement projects, and hatchery production all to address low productivity within the watershed.

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 adopted an alternative for harvest management for the stock during the rebuilding period that included 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 2022 forecast for Snohomish natural coho was 64,200, 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 38,500 and still meet the requirements of the FMP, the rebuilding plan, the PST and the Comp Coho Plan. Based on escapement to the Snohomish in 2020 and 2021, an escapement in 2022 of 41,500 would result in the stock exceeding the three-year geometric mean needed to meet rebuilt status under the Pacific Coast Salmon Management Plan. The comanagers planned fisheries with an exploitation rate lower than the maximum allowed under the PST and Comp Coho Plan to target and escapement of 41,500 for 2022, with the intent of achieving rebuilt status for the population after this year.

Miscellaneous Comments and considerations:

Multiple comments and verbal input from Puget Sound sport advisors were received during the CR-102 comment period supporting daily limits of 2 salmon, only one of which may be a Chinook during mark-selective fisheries in Area 5-11. The final rule adjusts any of those fisheries that did not have the one Chinook restriction in the proposed rule to be the one Chinook per day limit.

Multiple comments were received supporting regulations that allow retention of the first two legal-sized fish in Puget Sound fisheries, as opposed to mark-selective regulations that require release of unmarked salmon, and questioned survival rates used in fishery planning for salmon that are hooked and released in recreational fisheries. Release mortality rates used for fishery planning are based on the best available science and have been reviewed by experts in multiple fishery management forums. Converting mark-selective fisheries to non-selective fisheries would drastically increase impacts on natural-origin fish for every fish landed, and would require much shorter seasons with much smaller quotas to still meet conservation objectives.

One comment suggested adding Bellingham Channel to the Bellingham Bay fishery are within Area 7, meaning that the Channel area would open under Bellingham Bay rules rather than rules matching the rest of Area 7. There is insufficient stock composition data at this fine a

geographic resolution to assess whether natural-origin Chinook from populations to the south of Bellingham Bay are present in higher or lower proportions in Bellingham Channel than other areas of Marine Area 7, and therefore it will continue to be managed as part of Area 7 rather than the Bellingham Bay Area.

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 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.

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 continued inability to conduct in-person meetings because of the COVID-19 pandemic, all public meetings were held virtually. Consequently, the 2022 NOF process continued to be among 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. 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 was 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.

Although WAC 220-220-160 was not opened as part of the rule making process this year, comments were received during the North of Falcon process related to this section. Ocean and Columbia River mainstem salmon and steelhead fisheries have constraints as it is managed as a mixed stock fishery, such as constraining LCN (Lower Columbia River) natural coho and LRH (Lower Columbia River Natural) Chinook in both the ocean and rivers, and natural origin 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. Recent 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 in which these fisheries were already shortened to meet conservation objectives. 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) and largely already permit the use of two poles with a valid Two-pole endorsement.