

Concise Explanatory Statement (CES)

2023 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
- 220-312-050 – Freshwater exceptions to statewide rules – Eastside
- 220-312-060 – Freshwater exceptions to statewide rules – Columbia River
- 220-313-060 – Puget Sound salmon – Saltwater seasons and daily limits
- 220-313-070 – Coastal salmon – Saltwater seasons and daily limits

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife’s (WDFW or Department) reasons for adopting 2023-24 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) as 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 (FWC or 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.

The Administrative Procedure Act (APA) envisions a rule making process by which input is solicited from the public during the preproposal (CR-101) phase to aid in the development of proposed rules. This public process is then carried through as the rules, once proposed (CR-102),

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 10, 2023 (WSR 23-03-054). Thereafter, the Department relied upon several forums to gather information and interact with regional fishery managers and constituent groups to develop the proposed rules that were presented in the CR-102 filed on May 3, 2023 (WSR 23-10-090) 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” (CR-101) 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 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 2023 North of Falcon kickoff meetings occurred March 3, 2023. WDFW staff presented and reviewed the 2023 pre-season forecasts of salmon abundance with interested stakeholders. Additional public meetings were scheduled as shown below in Table 1. Note that meetings were held using online format, in person, or a hybrid format (both online and in person).

Table 1. Public meetings for 2023 North of Falcon season setting process

Geographic Area	Date(s)	Location
Willapa/Grays	March 1	Hybrid
All	March 3	Hybrid
Ocean - PFMC	March 5-10	Hybrid
All	March 15	Hybrid
North Coast, Straits, and Hood Canal	March 20	Zoom webinar
Columbia River	March 21	Zoom webinar
Willapa Bay	March 21	Zoom webinar
Grays Harbor	March 22	Zoom webinar
Puget Sound	March 23	Zoom webinar
All	March 29	Hybrid
Upper Columbia and Snake River	March 29	Kennewick Irrigation District
Grays Harbor and Willapa Bay	March 30	Zoom webinar
All / PFMC	April 2-7	Zoom webinar
Grays Harbor and Willapa Bay	April 12	Zoom webinar

During these public meetings, WDFW gathered input from stakeholders on the structuring of fishing seasons, reviewed possible rule changes, and provided the public with information on the status of the 2023 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 to provide comment, particularly for those individuals who could not attend the scheduled public meetings and webinars.

During the 2023 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 treaty and non-treaty catch shares for the various salmon runs considered in defining fishing levels. WDFW and the tribes also developed fishing schedules for both treaty- and non-treaty salmon fisheries. A summary of some of the larger issues confronted in these government-to-government is included in the Puget Sound marine and freshwater rationale for rules below. Written and oral comments received during this process were considered in the development WDFW’s rulemaking package.

The recreational salmon fishing seasons proposed for adoption by WDFW in 2023 are a product of the government-to-government tribal-state negotiations, the open public process component of the annual North of Falcon process, and the APA's rule-making 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 treaty and non-treaty harvest sharing. Tribal treaty fisheries are developed by the four Columbia River Treaty Tribes and non-treaty buyers are authorized to purchase treaty caught fish through Compact hearings. Written and oral comments received during the NOF process were considered in the development of WDFW's proposed rules. Several tributary and certain seasonal mainstem Columbia River recreational fisheries upstream of Highway 395 at Pasco, WA are not considered *US v. Oregon* fisheries and have separate ESA coverage, where applicable.

The Columbia River recreational salmon fishing seasons proposed for adoption by WDFW in 2023 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 APA.

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 3, 2023 (WSR 23-10-090), as part of WDFW's initial rule-making proposals for 2023-24. 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 WAC sections that are referenced. However, the rules packages reflect a unitary fishing season proposal. In essence, the amended rules reflect the 2023-24 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 (2022-23) 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 press release was issued by WDFW on May 26, 2023, informing the public of where the proposed rules could be found as well as information on how to provide public comment.

A formal APA rule-making public hearing was held on June 8, 2023, 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 twenty-two individuals attended the rule-making hearing, and eleven of them provided testimony. A summary of the public hearing, the comments provided, and WDFW's responses to those comments has been provided to the Director for his consideration in adopting these rules. In addition to input during the public hearing, comments received by letter, electronic mail, and online on the WDFW North of Falcon

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 2023-24 recreational salmon season. The Department carefully reviewed all input from the general public regarding preferred fishing rules during North of Falcon public meetings (the APA Pre-notice Inquiry (CR-101) 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 treaty 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 2023-24 recreational salmon fisheries were considered with respect to established objectives. These objectives include generally applied statewide objectives, together with detailed regional specific objectives described within regional sections below. WDFW shared these objectives with recreational angler representatives during the 2023 North of Falcon and APA public processes, and they are listed below in order of priority:

1. Conserve the wildlife and food fish, game fish, and shellfish resources of the state in a manner that does not impair the resource (RCW 77.04.012) by achieving conservation objectives for all species and stocks.
 - a. Ensure primary stocks meet escapement goals and/or management objectives (e.g., exploitation rate).
 - b. Manage fisheries consistent with FWC policies C-3608 (2019-2023 North of Falcon) and C-3624 (Anadromous Salmon and Steelhead Hatchery Policy).
 - c. Monitor fisheries to ensure a & b are met.
2. Harvest the non-treaty share of harvestable salmon while considering 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 (RCW 77.04.012).
4. WDFW shall seek to maintain the economic well-being and stability of the fishing industry in the state (RCW 77.04.012).

Region/Rule Specific Rationales

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

Modifications to the North Coastal sport fishing regulations proposed for 2023 in the draft rule as published in the CR-102 are as listed below. The final rule adopted did not include April closures in the Hoh and Quillayute river basins, as explained in Sections 3 and 4 below.

- Hoh River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy. The limit for salmon was increased due to a higher forecast of wild fall coho to a daily limit of 4 with retention of 2 adults allowed, only one of which may be a wild Chinook.
- South Fork Hoh River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy.
- Quillayute River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy. A strong fall coho forecast allowed for an increase in the fall salmon limit to a daily limit of 6, with 4 adults retained, only one of which may be a wild Chinook. The dates closed to avoid gear conflict with treaty fisheries were changed to Mondays and Tuesdays September 4 through October 17 and closed Wednesdays September 27, October 4, and October 11.
- Sol Duc River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy. A strong coho forecast allowed for an increase in the fall salmon limit to a daily limit of 6, with 4 adults retained, only one of which may be a wild Chinook.
- Bogachiel River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy. A strong fall coho forecast allowed for the daily limit in the fall salmon fishery was increased from 3 fish with 1 adult retained to 2 adults retained, only one of which may be a wild Chinook.
- Calawah River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy. The daily limit in the fall salmon fishery was increased from 3 fish with 1 adult retained to 2 adults retained, only one of which may be a wild Chinook.
- Dickey River will be closed to fishing in April to protect salmon and steelhead consistent with authority delegated in the North of Falcon policy.
- Clearwater River (tributary to the Queets River), will be open September 1 to November 30 with a daily limit of 3 salmon, up to 2 may be adults of which up to 1 may be a Chinook.
- Salmon River (tributary to the Queets River), will be open September 1 to November 30 with a daily limit of 6 salmon, up to 2 may be adults, of which only 1 may be a Chinook.

- Quinault River: will open October 1 through November 30 with a daily limit of 6 salmon, up to 2 may be adults. Release sockeye and chum.

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 2023 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 2023 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 which are shown in Table 2.
 - Grays Harbor natural spawning Chinook
 - Grays Harbor chum
 - Chehalis River natural spawning coho
 - Humptulips natural coho will be managed to limit WDFW-managed fisheries to 5% 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
Grays Harbor fall Chinook	Escapement Goal*	13,326	13,373
Chehalis spring Chinook	Escapement Goal*	1,400	1,232
Chehalis coho	Escapement Goal*	28,506	44,344
Humptulips coho	Harvest Impact Rate	≤ 5%	2.49%
Grays Harbor chum	Escapement Goal*	21,000	24,302

*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.

It is WDFW's intent to develop fisheries that provide escapement that would achieve both the Chehalis and Humptulips natural spawning goals for Chinook independently. However, fisheries evaluations by PFMC, Pacific Salmon Treaty, and fisheries management by co-managers use the Grays Harbor natural spawning aggregate goal of 13,326. Evaluations of all fisheries will result in 13,373 natural spawning Chinook escaping to Grays Harbor spawning grounds.

Chehalis River natural spawning coho terminal forecast is 87,736. The predicted natural spawning escapement after the adopted rule is 44,344.

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 56,105 and predicted escapement after all Grays Harbor fisheries, treaty and non-treaty, is 24,302 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 spawning coho and minimizing total WDFW-managed fisheries impact to 5% or less on Humptulips River natural spawning coho. Therefore, coho impacts are expected to remain, allowing for directed chum fisheries to occur.

The forecast terminal run size for Humptulips natural spawning coho is 5,641, 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 spawning coho is 2.49% (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 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 January 27, 2023, the Commission provided WDFW with additional guidance on the implementation of Policy C-3622 for the 2023 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 2023.

Conservation and management objectives for fisheries in the Willapa Bay Basin are based on Policy C-3622 and interim guidance received from the Commission on January 27, 2023, and 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 fishery management guiding principal #6 of the fall Chinook salmon species-specific guidance in the Willapa Bay Policy, C-3622, 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.
- Allow WDFW the appropriate flexibility within the 20% harvest rate 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 Commission guidance applies only to 2023. All other items in the Willapa Bay Salmon Management Policy, C-3622, will remain in effect for 2023, 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 2023 Willapa Bay recreational salmon fisheries were evaluated with respect to the objectives in the policy and the additional guidance provided by the FWC for 2023-24 season only. These objectives were shared with industry representatives and the public during the

NOF and rule-making process. General or recreational specific pre-season planning objectives are:

1. The recreational fishery management objectives for fall Chinook salmon in 2023, 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 2023-24 season. The adult salmon daily limit for the 2023-24 recreational salmon marine and freshwater fisheries throughout Willapa Bay is two adult salmon. Willapa Bay needs additional conservation for unmarked Chinook salmon. To address this concern, all recreational fisheries, both marine and freshwater, are mark selective and require the release of unmarked Chinook. Marine Area 2.1 regulations are similar to 2022 with a start date of August 1, 2023. Prior to August 1, 2023, Willapa Bay will follow the rules for Ocean Area 2, which are scheduled to begin June 24, 2023.

From August 1 through September 30, 2023, the Willapa Bay Control Zone (WBCZ) at the mouth of Marine Area 2.1 will be OPEN to salmon fishing. The WBCZ is defined as having a westerly boundary line from Leadbetter Point (46° 39.20' N, 124° 3.516' W) due west to 46° 39.20' N, 124° 5.3' W then north to the westerly most landfall on Cape Shoalwater (46° 44.66' N, 124° 5.3' W) and from Leadbetter Point through green marker 11 to landfall. Recreational freshwater fisheries within Willapa Bay for the 2023 fall season are mark selective for unmarked Chinook salmon.

Natural origin coho forecasted for 2023 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 2023 fall salmon season. The Palix, Middle Nemah, and South Nemah rivers will be required to release all wild coho in 2023 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 18.1% and 18.6% on Willapa and Naselle rivers 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 20,515 natural origin coho and 33,981 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 37,355, exceeding the spawner escapement goal of 35,400.

Modifications proposed for 2023 Willapa Bay marine and freshwater recreational fisheries through this rule-making process include:

- Two systems closed to salmon fishing: Niawiakum River and Fork Creek.
- 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, North Nemah River, Naselle River, and Bear River.
- Allowed retention of hatchery coho in all freshwater systems that are open to salmon fishing; and
- The Willapa Bay Control Zone will be OPEN from August 1 through September 30, 2023.

The rules, as originally noticed in the CR-102, WSR 23-10-090, were proposed based upon a conclusion they would produce fisheries consistent with conservation objectives, the Willapa Bay Salmon Management Policy C-3622, and the 2023 Fish and Wildlife Commission guidance on the implementation of the Willapa Bay Salmon Management Policy C-3622, for the 2023 fall salmon season.

WDFW believes that adoption of the 2023 Willapa Bay recreational fishing regulations will be consistent with the management objectives previously listed. The proposed rules are a result of integrating public, NOF, and rule-making comments, and meeting the primary conservation objectives identified in Policy C-3622. This year's process, still affected 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 2023 Willapa Bay salmon fisheries that meet conservation and management objectives identified preseason. The Department's 2023 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 and 220-312-050 – Freshwater exceptions to statewide rules – Eastside)

For the 2023 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 77,100. At this return size, the ESA impact limit is 38%. The Upriver Bright (URB) Chinook pre-season forecast is 278,500 and is a surrogate for the Snake River Wild (SRW) Fall Chinook ESA limit for non-treaty fisheries. The *U.S. v. Oregon* 2018-2027 Management Agreement abundance based URB/SRW harvest rate schedule allows a 15.0% harvest rate in non-treaty fisheries for run sizes greater than 200,000 URB and 8,000 SRW. 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.

Table 3. 2023 Columbia River Management Objectives Table

Stock	Objective Type	Objective Criteria	Modeled Result
Upper Columbia summer Chinook	Harvest Rate/Escapement	50% of surplus above 29,000	50% of surplus above 29,000
Snake River Sockeye	ESA impact rate	<1%	<1%
Lower Columbia River Tule Fall Chinook	ESA impact rate	<38.0% total	38.0%
Snake River Wild Fall Chinook	In-river ESA impact rate	<15.0%	12.0%
Upriver Bright Fall Chinook	In-river harvest rate	<15.0%	13.5%
Lower Columbia Natural Coho	ESA impact rate	<23.0%	19.0%
Natural B-index Summer Steelhead	ESA impact rate	<2%	<2%

Buoy 10 to Bonneville Dam – mainstem

1. All proposed modifications below from the mouth to the Oregon-Washington state line upstream of McNary Dam are occurring, in addition to the reasoning provided, to achieve concurrency with Oregon on annual regulations and policy guidance.
2. The 2023 summer Chinook forecast provides hatchery Chinook retention opportunity from the Astoria-Megler Bridge upstream to Bonneville Dam, June 16 through July 31 with a daily limit of 6, up to 2 adults, hatchery Chinook only.
3. The 2023 Columbia River Sockeye forecast is 234,500. Sockeye retention is allowed June 16 through July 31 and the daily limit is 2.
4. Due to low steelhead forecasts of stocks destined to areas above Bonneville Dam,

conservation measures including reduced bag limits of 1 fish when open and the following steelhead retention closures:

- Bonneville Dam upstream to The Dalles Dam from August 1 through October 31, 2023.

The Dalles Dam upstream to Highway 395 at Pasco, WA from September 1, 2023, through March 31, 2024.

5. The recreational fishery from Buoy 10 upstream to the west end of Puget Island will begin on August 1 with a daily limit of 2 hatchery salmon, no more than 1 hatchery Chinook through August 20. August 21 through August 23 will be closed to salmon and steelhead angling, then reopen to salmon angling August 24 through August 27 with a daily limit of 2 hatchery salmon, no more than 1 hatchery Chinook. August 28 through August 29 will be closed to salmonid angling, then reopen to salmon angling August 30 through September 4 with the same daily limit of 2 hatchery salmon, no more than 1 hatchery Chinook. Beginning September 5, Chinook retention will close, but will remain open to adipose fin clipped coho and the daily limit will increase to 3 through December 31.
6. From the west end of Puget Island upstream to the Lewis River/Warrior Rock line, Chinook retention will be open from August 1 through September 4 with a daily limit of 6, up to 2 adult salmon, no more than 1 Chinook. September 5 through September 30 will be closed to salmon and steelhead angling, then reopen to salmon angling October 1 through December 31 with a daily limit of 6, up to 2 adult hatchery coho. 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 14 with a daily limit of 6, up to 2 adults, no more than 1 Chinook. September 15 through September 30 will be closed to salmon and steelhead angling, then reopen to salmon angling October 1 through December 31 with a daily limit of 6, up to 2 adult hatchery coho. Steelhead retention is prohibited from August 1 through October 31.
8. In the waters of Camas Slough, the sport fishing regulations match the adjacent section of the 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 achieve 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 2023 Columbia River sockeye forecast is 234,500. Sockeye retention is allowed June 16 through July 31 and the daily limit is 2.
4. Due to low steelhead forecasts of stocks destined to areas above Bonneville Dam,

conservation measures including reduced bag limits and rolling closures will be in effect.

- A night closure remains in effect for salmon and steelhead fishing.
 - The daily bag limit is 1 hatchery steelhead from June 16 through August 31 with the exception of the following closures:
 - Bonneville Dam upstream to The Dalles Dam August 1 through October 31.
 - The Dalles Dam upstream to Hwy. 395 Bridge at Pasco from September 1 through March 31, 2024.
5. From August 1 through October 15 Chinook retention is allowed with the daily limit 6, up to 2 adult salmon, no more than 1 Chinook. From October 16 through December 31 will be open to coho angling with a daily limit of 6, up to 2 adults. 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 September 1 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 1 adult, release all salmon other than Chinook and coho.

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

1. Steelhead retention is allowed Oct. 1-Mar. 31 Min. size 20". Daily limit 1. Steelhead must be both adipose fin clipped and ventral fin clipped to be retained. Apr. 1-Apr. 15 Open to fishing from the bank on the hatchery side of the river only.
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 1 adult, 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 1 adult, release all salmon other than Chinook and coho.

Priest Rapids Dam to Wanapum Dam

1. The 2023 pre-season forecast allows for harvest opportunity of summer Chinook, fall Chinook, and sockeye.
2. Open from July 1 through August 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook and 4 sockeye may be retained, release coho and wild adult Chinook.
4. Open from September 1 through October 15.
5. Daily limit is 6, no more than 2 adult Chinook may be retained, release sockeye and coho.

Wanapum Dam to Rock Island Dam

1. The 2023 pre-season forecast allows for harvest opportunity of summer Chinook, fall Chinook, and sockeye.
2. Open from July 1 through August 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook and 4 sockeye may be retained, release coho and wild adult Chinook.
4. Open from September 1 through October 15.
5. Daily limit is 6, no more than 2 adult Chinook may be retained, release sockeye and coho.

Rock Island Dam to Wells Dam

1. The 2023 pre-season forecast allows for harvest opportunity of summer Chinook and sockeye.
2. Open from July 1 through October 15.
3. Daily limit is 6, no more than 2 hatchery adult Chinook and 4 sockeye may be retained, release coho and wild adult Chinook.

Wells Dam to Highway 173 Bridge at Brewster

1. The 2023 pre-season forecast allows for harvest opportunity of summer Chinook and sockeye.

2. Open from July 16 through September 30.
3. Daily limit is 6, no more than 2 hatchery adult Chinook and 4 sockeye may be retained, release coho and 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 2023 pre-season forecast allows for harvest opportunity of summer Chinook and sockeye.
2. Open from July 1 through October 15.
3. Daily limit is 6, no more than 2 hatchery adult Chinook and 4 sockeye may be retained, release coho and wild adult Chinook.

Columbia River tributaries

Modifications to the Southwest Washington sport fishing rules (220-312-030) adopted through the 2023 North of Falcon process for fisheries occurring in Columbia River tributaries include:

Southwest WA Salmon Rule Changes

- Modified the adult salmon daily limit to 3 hatchery coho and release all other adult salmon on the Lower Cowlitz River. This allows for upriver transport to the Tilton and Upper Cowlitz Basin for reintroduction and opportunity for hatchery-origin coho harvest in both upper basins.
- Modified the adult salmon daily limit on the Lewis River to 3 adults, of which 1 can be Chinook or 3 hatchery coho October 1 through December 31.

Southwest WA Steelhead Rule Changes

- Modified steelhead fishing rules for the tributary confluence reach of the Cowlitz, from the mouth to the Lexington Bridge, Hatchery steelhead: Min. size 20". Daily limit 3. Open year-round. Angling permitted at night.
- Modified steelhead fishing rules for the tributary confluence reach of the Lewis, from the mouth to the confluence with the East Fork Lewis, Hatchery steelhead: Min. size 20". Daily limit 3. Open year-round. Angling permitted at night.
- Modified steelhead fishing rules for the tributary confluence reach of the Kalama, from the mouth to the railroad Bridge below I-5, Hatchery steelhead: Min. size 20". Daily limit 3. Open year-round. Angling permitted at night.

These rule changes make the daily steelhead retention limits in the lower reaches of the Cowlitz, Kalama and Lewis rivers the same as the adjoining tributary reach.

These rule changes provide additional opportunity for anglers to harvest local hatchery steelhead, while maintaining limited fishery impacts that provide conservation to upriver stocks.

Changes to Upper Columbia River tributary sport fishing seasons/rules adopted through the 2023 North of Falcon process include:

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

Puget Sound Marine and Freshwater

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

State and treaty salmon seasons in Puget Sound are driven primarily by the need to maintain conservation objectives for key constraining stocks before achieving harvest goals (e.g., Objectives 1a, 1b, and 2, pg. 5 above). Key constraining stocks in state and tribal fisheries

in these areas for 2023 include Stillaguamish natural Chinook, Nooksack Spring natural Chinook, Snohomish natural Chinook, Nisqually natural Chinook, Skagit natural coho, and Interior Fraser 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 2023. The management objectives for Puget Sound coho stocks are described in the Comprehensive Coho Management Plan (1998), the Coho chapter of the Pacific Salmon Treaty, and co-manager agreements. Initial fishery model results using abundances of salmon expected to return in 2023 and pre-season fishing plans from 2022 showed that several stocks would not be projected to meet conservation objectives in 2023 without reductions to fisheries relative to those planned in 2022.

Table 4. 2023 Constraining Stock Table

Stock	Objective Type	2023 Management Objective	Initial Model Result
Stillaguamish natural Chinook	Southern U.S. Exploitation Rate	9.0%	9.3%
Snohomish natural Chinook	Southern U.S. Exploitation Rate	8.3%	9.1%
Nooksack Spring natural Chinook	Southern U.S. Exploitation Rate	17.0%	28.6%
Nisqually natural Chinook	Southern U.S. Exploitation Rate	47%	47.1%
Skagit natural Coho	Total Exploitation Rate	35%	47.4%
Interior Fraser natural coho	Southern U.S. Exploitation Rate	10%	9.3%

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 treaty fishing grounds.

Since ESA listing of Puget Sound Chinook, WDFW has obtained 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 ESA 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 fisheries through a Section 7 consultation between the Bureau of Indian Affairs (BIA) and NOAA, using the nexus of the BIA funding of treaty 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 2023-24 forecasted abundance for Stillaguamish natural and hatchery Chinook was greater than the abundance predicted in 2022-23, but still fell in the low abundance category. The Stillaguamish Chinook stock was a major driver in shaping the 2023-24 fishing package as the co-managers' approach to a resource management plan calls for a harvest limit of 14% in Southern United States (SUS) fisheries on marked (hatchery released) and 9% in SUS on unmarked (wild) Stillaguamish Chinook (see constraining stocks table above). One of the ways that WDFW worked to achieve this benchmark in cooperation with both comanagers and the public was through a shared fishery-modeling tool that allowed citizens to see and consider the effect of various fishery configurations. This tool was applauded and used to debate desired increases and/or decreases in summer and winter fishing opportunities, summer versus winter opportunities, and how each marine area fishing package impacted stocks of concern such as Stillaguamish Chinook. Ultimately, WDFW proposed a combination of fishery reductions aimed at meeting agreed to Stillaguamish conservation objectives. Continuing to limit winter fishing opportunities specifically in Area 7, where the greatest number of Stillaguamish impacts occur, along with the other proposed fishery changes, reduced the projected exploitation rate on marked Stillaguamish Chinook below 14% and unmarked Stillaguamish Chinook below 9% (see constraining stocks table above). The reductions included continued closures of winter black mouth (Chinook that do not migrate outside of Puget Sound) fishing in areas 6, 7, 9 and 12 similar to the 2022 fishery season and summer quotas that were similar to those from last year in marine areas that most impacted Stillaguamish.

The Snohomish Chinook summer/fall stock was a major driver in shaping the 2023-24 fishing package as the forecasted Snoqualmie component of the aggregated stock fell below the low abundance threshold resulting in the ceiling exploitation rate of 8.3% for the stock. The co-managers' approach to achieve this management objective included significant reductions to freshwater salmon fisheries and additional reductions to quotas in marine areas 5, 9, and 10 during the summer period beyond initial season shaping for Stillaguamish. Though coho fishing opportunities were initially proposed during the North of Falcon process in Marine Area 9 during October, these fisheries had significant Snohomish impacts and were not included in the final model package to meet Snohomish objectives.

In addition to fishery constraints necessary to meet Stillaguamish and Snohomish management objectives, Nisqually, Nooksack Springs, and Skokomish were secondary constraining stocks. Nisqually Chinook were near their escapement goal threshold (threshold = 6300, final model run escapement = 6304) and were considered as marine area fishery shaping occurred. The Nisqually in-river sport fishery for 2023 is expanded relative to 2022's fishery package but more constrained temporally than in most recent years. Nooksack Spring Chinook natural forecasts were lower in 2023 than in 2022 (2023 = 460; 2022 = 551) and the tribes reduced the number of impacts in-river ceremonial and subsistence fisheries could have on the stock in 2023 (2023 = 36.9 NOR mortalities; 2022 = 40 NOR mortalities). Given Nooksack Spring constraints and poor natural returns, WDFW chose to close the North Fork Nooksack Spring freshwater sport fishery. In Chin1923, which was one model run prior to the final fishery package, Skokomish Chinook were exceeding management objectives (Total ER: 52.5%; objective: 50% total ER). Quota was reduced in Marine Area 6 summer sport by 1,500. This action was chosen because the quota in

that fishery in 2023 is increased relative to 2022 (2023 = 7,258; 2022 = 6,050), many other Marine Areas had been reduced for other stocks, and it was one of the Marine Areas with the greatest impact on Skokomish. In addition, the Area 12 summer sport season was reduced by 10 days (starting July 10) relative to recent seasons to reduce exploitation rates on Skokomish.

Coho stocks of concern for the 2023-24 season included Thomson River and Skagit natural origin fish. This was due to forecasted returns of these coho stocks that were below their agreed-to management objectives, which are expressed in terms of natural origin escapement (see constraining stocks table above). Overall, a larger forecasted return of coho allowed for an increased opportunity in many of the areas of Puget Sound. Additional non-selective time in Marine Areas 5 and 6 was added due to Strait of Juan de Fuca stocks not being a concern for the 2023-2024 season. An increase in the Thompson River coho forecast from the 2022-2023 season allowed for the addition of non-selective fishing opportunity in Marine Area 7 in the month of September, with a one fish bag limit during this time.

Stronger forecasted coho returns to north Puget Sound rivers allowed for additional recreational fishing opportunities as compared to the 2022-23 season. In particular, non-selective coho opportunity was added to the Marine Area 9 fishery at the end of September, and the Marine Area 10 coho fishery was expanded for the whole month of June. Non-selective coho fisheries were continued in Marine Area 8-2 in August and September. Due to low abundance of coho returning to the Skagit River, nine days of fishing were cut from the month of October. Additionally, the forecasted abundance of South Sound coho was higher than the 2022-23 season, which allowed for increased fishing opportunities in Marine Area 11. Non-selective recreational opportunity in Marine Area 11 was also expanded to the full the month of June. The non-selective fishery for coho was continued in the month of July in the waters of Hood Canal north of Ayock Point. Minimal impact on Stillaguamish stocks of concern provided further justification for expanding fishing opportunities in Marine Areas 11 and 12 as compared to the 2023-24 season.

In addition to the changes in the coho fishery, it was determined that pink salmon will be included as part of the daily limit for the 2023-24 season. There will be no bonus limits of pink salmon in any Marine Area due to the concerns over coho stocks in Puget Sound River systems, particularly the Nooksack and Puyallup rivers.

Forecasted returns of chum salmon throughout the Puget Sound continue to be low, similar to recent years, particularly for South Sound stocks. Due to low forecasted returns to the South Sound Region, comanagers agreed to a continues closure of chum retention in the recreational fishery in South Sound. Improved forecasts for central sound chum stocks allow for the retention of chum during the month of October in Marine Areas 10 and 11, where overall impacts to chum stocks of concern are low. Recreational fisheries for chum in South Sound could be allowed, based on sufficient abundance detected during in season management.

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 2023-24 are based upon North of Falcon and rule-making discussions with stakeholders and tribal co-managers. The intent of these changes is to maximize recreational opportunities in relation to identified fishery priorities while meeting conservation objectives.

Modifications proposed for 2023 Puget Sound Marine Area recreational fisheries through this rule-making process include:

- Area 5 summer coho fishery was extended to October 14 and will be non-selective during the month of October.
- Area 5 winter Chinook fishery will be April 1-30 only this year.
- Area 6 summer coho fishery was extended to October 14 and will be non-selective during the month of October.
- Area 7 summer Chinook will only open Thursday – Saturday beginning July 13th, and additional openings will be contingent on in-season management once again.
- Area 7 summer coho changed from mark-selective to non-selective with a one fish bag limit during the month of September.
- Areas 8-1 and 8-2 summer season directed at coho was opened for non-selective fishing. There is a 1-coho limit in 8-2.
- Areas 8-1 and 8-2 winter Chinook seasons remained closed to meet Skagit and Stillaguamish Chinook management objectives.
- Area 9 summer Chinook season will open Thursday – Saturday only beginning in mid-July.
- Area 9 winter Chinook season remained closed to meet Stillaguamish Chinook and Mid-Hood Canal natural Chinook management objectives.
- Area 10 Winter Chinook fishing will move to March 1 – April 15 this year.
- Area 10 will be open for chum retention in October.
- Area 11 winter Chinook fishing will move to March 1 – April 15 this year.
- Area 11 will be open for chum retention in October.

- Area 12 north of Ayock Point coho fishery will open July 10.
- Area 12 north and south of Ayock point opening July 10 for Chinook non-retention summer fishing but remained closed to Chinook retention starting in October and closed to salmon fishing starting in December.
- Pink fisheries will be part of the daily limit in all areas when salmon is open during the 2023-24 season.

Modifications proposed for 2023 Puget Sound Freshwater recreational fisheries through this rule-making process include:

- Open NF Nooksack earlier for salmon to align with gamefish season opening.
- Samish River closed on September 16 due to weak expected returns and the need to meet broodstock goals for Chinook and to protect the weak pink, coho, and chum expected returns.
- Samish River from Thomas Road to I5 bridge was closed to all fishing from August 1 through September 30th to address regular landowner complaints of trespassing, and enforcement issues with snagging Chinook.
- Skagit River coho decreased to a daily limit of 2 fish.
- There are a reduced number of days scheduled for the Cascade River to avoid tribal conflict during spring Chinook and coho management.
- Skagit River sockeye fishery closed dates adjusted to reflect co-manager agreement and low forecasted runsize.
- Snohomish River will open for pink and hatchery coho retention (limit 4) from September 16 through October 15, contingent on in-season updates of sport harvest incidental impacts of wild Chinook.
- Skykomish River Chinook fishery will be reduced to a three-day opening, May 27 through 29, to reduce impacts on wild Chinook and save available impacts for the fall timed pink and coho fishery on the Snohomish River.
- Skykomish and Snoqualmie rivers will be closed to coho retention, except in the Wallace River from October 16 through October 31, with a daily limit of 2 salmon, hatchery coho and pink, to reduce impacts on wild Chinook. Continuation of the fishery

past October 31 is dependent on an in-season update of sport harvest and stock abundance estimates as well as hatchery rack counts.

- Stillaguamish River, from Marine Drive to forks, will be open to salmon fishing for pink and coho only from September 16 through October 31, contingent on in-season updates of sport harvest incidental impacts of Chinook.
- Stillaguamish, North Fork and South Fork and associated tributaries gamefish openings will be delayed one month and open October 16, except the lower NF from mouth to Hwy 530 (Cicero Bridge) will open September 16, to protect Chinook.
- Lake Washington will open for coho retention (daily limit 4) from September 16 through October 31, release Chinook and sockeye. Lake Sammamish will open for coho retention (daily limit 4) from October 1 through November 30, release Chinook and sockeye. Salmon fisheries in Lake Washington and Sammamish are dependent on in-season updates from fish counts at the Ballard Locks and Co-Manager agreement.
- Green/Duwamish River –
 - Harbor Island to Tukwila Blvd open from August 20 through December 31 for pink, coho, and chum salmon, release Chinook.
 - Tukwila Blvd to South 212th St Bridge open from August 20 through December 31 for pink, coho, chum, and Chinook salmon, must keep the first 2 Chinook caught.
 - South 212th St Bridge to Auburn – Black Diamond Rd Bridge open from Sept. 16 through December 31 for pink, coho, and chum salmon, release Chinook.
 - Auburn – Black Diamond Rd Bridge to Tacoma Dam open November 11 through December 31 for pink, coho, and chum salmon, release Chinook.
 - Salmon fisheries in the Green/Duwamish River are dependent on in-season updates based on treaty fisheries in Elliot Bay and the lower Green/Duwamish River and Co-Manager agreement.
- Puyallup and Carbon Rivers open August 16-October 31 for hatchery Chinook, coho, and pink salmon with day closures to reflect treaty fisheries.
- Nisqually River open from July 1-November 15 for hatchery Chinook, hatchery coho, and pink salmon with day closures to reflect treaty fisheries and meet conservation and hatchery escapement goals for Chinook.

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

- WAC 220-313-060 (3.b.ii) – Removed Chinook retention limit.
- WAC 220-313-060 (4.j.ii) – Removed Chinook retention limit.
- WAC 220-313-060 (9.b) – Open Thursdays through Sundays only.
- WAC 220-313-060 (9.g.ii.C) – Open Thursdays through Sundays only.

- WAC 220-312-040 (263.b.ii) – Dates should be September 16 through November 30.
- WAC 220-312-040 (263.b.iii) – Open dates should be September 16 through November 30.
- WAC 220-312-040 (263.c.i) – Open dates should be September 16 through November 30.
- WAC 220-312-040 (301.b.v.A) – Open dates should be October 16 through November 30.
- WAC 220-312-060 (f) – Night Closure should be from Buoy 10 to Priest Rapids Dam.
- WAC 220-312-020 (11.c.i) – Closure date returns to April 30.
- WAC 220-312-020 (11.c.ii) – Unlawful to use bait returns to April 30.
- WAC 220-312-020 (11.d.i) – Closure date returns to April 30.
- WAC 220-312-020 (12.c.i) – Closure date returns to April 30.
- WAC 220-312-020 (12.c.ii) – Unlawful to use bait returns to April 30.
- WAC 220-312-020 (12.d.i) – Closure date returns to April 30.
- WAC 220-312-020 (29.c.i) – Closure date returns to April 30.
- WAC 220-312-020 (29.c.iii) – Unlawful to use bait returns to April 30.
- WAC 220-312-020 (41.c.i) – Unlawful to use bait returns to April 15.
- WAC 220-312-020 (41.c.ii) – Closure date returns to April 15.
- WAC 220-312-020 (41.d.i) – Closure date returns to April 15.
- WAC 220-312-020 (41.d.ii) – Unlawful to use bait returns to April 15.
- WAC 220-312-020 (41.e.i) – Closure date returns to April 15.
- WAC 220-312-020 (42.b) – Closure date returns to April 15.
- WAC 220-312-020 (78.a) – Open year-round.
- WAC 220-312-020 (78.d.i) – Salmon open February 1 through August 31.
- WAC 220-312-020 (94.c.i) - Unlawful to use bait returns to April 30.
- WAC 220-312-020 (94.c.ii) – Gamefish open year-round.
- WAC 220-312-020 (94.c.iii.A) – Open February 1 through August 31.
- WAC 220-312-020 (94.d.i) – Closure date returns to April 30

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

Region/Rule Specific Responses to comment

North Coast rivers

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

WDFW received numerous public comments regarding the April closures to North Olympic Peninsula rivers. The comments centered on two main issues, limited to no public notice of the proposed change during the NOF process and lack of a clear justification for the closures. As mentioned by Agency staff during the public hearing on June 8, these closures were being reconsidered based upon public feedback. The proposed rules have been removed from the text of the final rule for adoption as noted in Section 3 above.

Comment #1: At what runsize can we return to two fish Coho limit in Bogey or Calawah?

The 2023 wild fall coho forecast for the Quillayute system was slightly higher than last year with a terminal run size forecast of 12,520 (FRAM2315). The spawning escapement goal is a range from 6,300 to 15,800 adults. Sport harvest including a two adult fish limit on the Bogachiel and

Calawah was estimated to be 13.9% of the terminal runsize of wild coho and 15.7% of hatchery coho. Escapement goals could be met with a two fish limit on the Bogachiel and Calawah so the bag limit was increased from one adult retention to two adult retention, only one of which may be a Chinook.

Grays Harbor

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

No comments were received during the open public comment period from May 4, 2023, through June 8, 2023, and no oral comments were received during the June 8, 2023, public hearing.

Willapa Bay

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

No written comments were received during the public comment period regarding the proposed Willapa Bay recreational fisheries. One public comment was received using WDFW's online portal, one comment was provided directly to agency staff, and there were no public comments provided during the public hearing. In addition, the Department considered substantive comments received during the 2023 NOF salmon season setting process.

Comment #1: Commenters proposed increased regulations in the Naselle River to prohibit the use of jig heads or twitching jigs to reduce foul hooking of targeted fish. This is an on-going comment from 2021-2023.

WDFW is aware of the proposal to prohibit jigs for 2021-23 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 #2: Commenter proposes to increase the limit to two or three hatchery Chinook with one adult female Chinook salmon retention allowed in the Nemah River as part of the daily adult limit.

WDFW understands the intent of the proposal, and 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 increase harvest and allow retention of only one female Chinook salmon would be difficult to enforce. This proposal has the potential to confuse anglers, as there is difficulty in determining the sex of salmon species regardless of experience. It is of value to the Department 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 increase hooking mortality and limit the number of females returning to the hatchery.

Comment #3: Commenter would like to reopen the section from Hwy 4 Bridge upstream to the entrance to the Naselle Hatchery attraction channel and increase the daily limit.

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 2022 brood year. The Naselle River Hatchery has met its Chinook salmon production goal three times in the last eight 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 5. Naselle Hatchery Chinook salmon production goals for 2015-2022, 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.

Release Year	Production Goal	Number of smolts released	Percent of Goal Achieved
2015	800,000	749,265	93.7%
2016	2,500,000	788,229	31.5%

2017	2,500,000	2,499,279	99.9%
2018	2,500,000	2,531,859	101%
2019	2,500,000	2,567,614	103%
2020	5,000,000	2,046,129	41%
2021	5,000,000	3,972,258	79.4%
2022	5,000,000	5,077,982	102%

Comment #4: Commenter suggests a senior citizens hole be created from the Naselle Hatchery attraction channel and below for 1,000 yds to address pHOS concerns.

WDFW understands the intent of the proposal and has started looking into viable options for this suggestion. This proposal would require more than basic regulation language changes, as land needs to be designated with proper signage and adjacent landowners would need to agree and allow access points as much of the land below the hatchery is private. This proposal also has the potential to limit fishing opportunity for the general public that are not considered “senior”.

Columbia River

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

Comment #1: Multiple commenters provided input to limit guide/charter effort and catch in the Buoy 10 fishery located at the mouth of the Columbia River.

The mainstem Columbia River from Buoy 10 upstream to Hwy. 730 at the Washington/Oregon border is joint-state waters co-managed by WDFW and ODFW. Currently, WDFW has limited entry rules in effect for food fish charter licenses downstream of the Longview Bridge. WDFW does not offer other food fish guide licenses in this area, except for the charter license. No additional charter licenses have been allowed.

Comment #2: What are the steelhead regulations in Drano Lake and suggests closing fishing down in the interior portion of Drano Lake due to steelhead utilizing the cold water.

Drano Lake is closed to fishing for and retaining steelhead from July 1 through October 31. Fishery impacts to upriver summer steelhead occurring in Drano Lake are monitored and accounted for thorough angler creel surveys. Impacts occurring in non-treaty, “dip-in” fisheries (including Drano Lake) are summarized and reported annually in Joint State Staff Reports. In the majority of years (including recent years inclusive of record low steelhead returns to the Columbia Basin), the combination of pre- and in-season management of non-treaty fisheries has kept total fishery impacts below allowable limits defined in the *2017-2028 US v. Oregon Management Agreement*. WDFW fishery managers have been able to implement time, area, and manner regulations to allow harvest of healthy salmon stocks, while meeting conservation

objectives for non-local steelhead stocks. While WDFW has used in-season, sub-area closures in Drano Lake, these closures have occurred in response to regulation compliance rather than a failure to meet conservation objectives. For these reasons, WDFW does not believe that all-species, pre-season closures are appropriate for Drano Lake.

Comment #3: What are the fall Chinook and steelhead regulations in the Cowlitz River?

Cowlitz River – From the mouth up the fishing boundary signs below the Barrier Dam. Salmon: Daily limit 6, up to 3 adults may be retained (hatchery coho only). Steelhead: Min. size 20”. Daily limit 3 hatchery. Open year-round. Angling permitted at night.

Comment #4: Uncertain to justification for a 2/3 hatchery steelhead limit in the lower river tributaries?

The 3-hatchery steelhead limit is consistent with the rules established for hatchery steelhead during rule simplification. The proposed steelhead rules in the lower reaches of the Cowlitz, Kalama and Lewis River also provide consistency with the adjacent, upstream tributary reaches. The rationale for these proposals were presented during public meeting and posted to the agency website. Fishery impacts to upriver summer steelhead in these areas are believed to be very limited for several reasons: the confluence areas are small in geographical area, utilization by upriver stocks is thought to be in tributary plumes in the mainstem Columbia, angler effort in these areas is low. Additionally, impacts occurring in this area are not accounted for in the *US v. Oregon* Management Agreement.

Comment #5: Coldwater Refugia white-paper produced by WDFW should not be considered final and would like justification to why lower reaches of the tributaries are ok to re-open.

WDFW published the paper titled ‘[Fishery Management in Columbia River Cold Water Refuge for Salmonids](#)’ on August 9, 2022. This report was in part created due to policy guidance from C-3630, historic low steelhead returns in 2021 and to provide data, analyses, and facts on how fisheries are managed and fishery impacts are accounted for in the Columbia River. This report was developed and reviewed by staff throughout the Columbia River basin and presented to the Washington Fish and Wildlife Commission’s Fish Committee on March 17, 2022, and the public was invited to submit comments to staff prior to finalization of the report.

While some tributaries below Bonneville discharge sufficient volumes of cold water to function as CWR, staff believe that impacts accrued in these specific areas are minimal for several reasons. The largest of these tributaries is the Cowlitz River. The Kalama and Lewis Rivers are smaller in area, have lower discharge, and less angler utilization in their CWR zones, therefore impacts are assumed to be even lower than on the Cowlitz. The cold water from the Cowlitz attracts out of basin fish as dip-ins, potentially within the lower ~10 miles of the river, but the bulk of the fish are thought to utilize the cold-water plume in the mainstem Columbia at the mouth. There is angling activity for steelhead in the Cowlitz River and in the mainstem plume,

but angler impacts to dip-ins are assumed to be minor. This assumption is based on four observations:

- Channel morphology: the mouth and lower reach of the Cowlitz River is shallow and continues to silt-in over time. In the summer months, steelhead dip-ins must navigate a very shallow bar at the mouth, which likely discourages most dip-in fish from moving into the Cowlitz River.
- Timing: the time at which summer steelhead are at their highest prevalence in this area coincides with fall Chinook and early coho run timing. As a result, most of the angling fleet are pursuing salmon in the mainstem plume where incidental steelhead impacts are low.
- Residence duration: steelhead may use this area but likely tend to have a much shorter residency as compared to areas such as Drano Lake or the Wind River resulting in lower potential fishery encounter rates.
- The steelhead impacts available to non-treaty fisheries tend to not be fully utilized, allowing for additional fishery opportunity in other areas not addressed in the U.S. v Oregon Management Agreement.

This rule change proposal provides additional opportunity for anglers to harvest local hatchery steelhead, while maintaining limited fishery impacts that provide conservation to upriver stocks.

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 8, 2023, were received in public meetings, through an on-line commenting portal on WDFW’s website, and through communications received by individual staff within the agency. The comments received prior to and after June 8 generally fell into the following categories:

1. Maintaining or increasing fishing opportunity in the winter and later start to winter fisheries
2. Maintaining or increasing opportunity for Chinook salmon in the summer
3. Maintaining or increasing fishing opportunity for coho and pink salmon
4. Additional quota and opportunity in Marine Areas 10 and 11 in the summer
5. Opening fisheries in adjacent marine areas on the same day
6. Open Marine Area 10 for recreational chum retention
7. Maintain Skagit River fisheries for sockeye
8. Freshwater fishery opportunity in the Snohomish and Stillaguamish watersheds
9. Misc./Other:
 - Marine area daily limits for Chinook should be 2 salmon only one of which may be a Chinook salmon to extend season length
 - Keep first two fish rather than mark-selective regulations
 - Include Bellingham Channel and part of Bellingham Bay fishery area
 - Maximize days on the water

- Concerns for future of runs/Southern Resident Killer Whales
- Increase hatchery production
- Increase transparency and public engagement

Maintaining or increasing fishing opportunity in the winter and later start to winter fisheries: Numerous comments received focus on the constituents' desire for maintaining opportunity to fish for Chinook salmon in the winter seasons. WDFW is maintaining winter fishing opportunity in Marine Areas 5, 10, and 11, though the dates of these fisheries have shifted to later in the winter season based on input received from the public during the preseason planning process. Marine Areas 10 and 11 will open concurrently in 2024 from March 1-April 15, while Marine Area 5 will open April 1-30. Other Marine Areas will remain closed during the winter months for the upcoming 2023-24 fishing year in order to meet management objectives primarily on Stillaguamish natural origin Chinook. The number of impacts that are predicted to occur on ESA-listed Chinook limits most salmon fisheries in Puget Sound. Salmon fisheries are further constrained by international treaty obligations with Canada under the Pacific Salmon Treaty (PST). A number of natural Chinook stocks are forecasted to return in low numbers in the 2023-24 fishing season as shown in the constraining stock table (see constraining stocks table above).

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

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. After preliminary data collection in the winter of 2021, the gear study was expanded to include all marine area test fisheries conducted during both summer and winter. The study aims to quantify the relationship between gear, including gear type, gear size, and hook size, and size of Chinook caught in the recreational fisheries, to determine whether gear selection could be an effective way to reduce the number of sublegal Chinook encountered in the Puget Sound Recreational Fishery. WDFW presented preliminary results of this gear study, including two years of data, during the North of Falcon public meetings in March 2023. WDFW demonstrated that the relationship between gear and size of Chinook is highly dependent on marine area and season. While the data indicated that in some areas and seasons there is higher probability of catching legal-sized Chinook with certain gear types or sizes, the patterns are not consistent, and therefore no single rule could be applied season- or area-wide. Therefore, WDFW plans to continue collecting gear data along with the test fisheries to increase the sample size of the data set and will reanalyze the data after another year of data collection. WDFW is not planning to limit gear use in Puget Sound Recreational Fisheries at this time.

Maintaining or increasing opportunity for Chinook salmon in the summer: Due to continued concerns over numerous stocks throughout the Puget Sound, WDFW was not able to add or expand Chinook fisheries as compared to 2022-23 in the marine areas. However, due to improved forecasts for many of these stocks, additional quotas were added to many of the marine area summer fisheries, including MA-6, MA-7, and MA-11. Other regulation changes to expand opportunity such as additional time in other marine areas were considered, but rejected, because such measures would have resulted in additional impacts on Chinook stocks that were already at their respective ESA-related exploitation limit.

Maintaining or increasing fishing opportunity for coho and pink salmon: Numerous comments were received advocating for either maintaining or increasing recreational fishing opportunities on coho and pink salmon, considering that the majority of pink salmon return during odd numbered years. Due to improved forecasts and returns of coho over the past several years, and the successful rebuilding of Snohomish coho, additional coho opportunities have been added in several marine areas for the 2023-24 season. These include additional time in October in Marine Areas 5 and 6, which is non-selective; additional time in Marine Area 7 in September, which is non-selective; non-selective fishing in Marine Area 8-2; non-selective fishing in Marine Area 9 during late September; early June non-selective fishing in Marine Area 10; and July opportunity in Marine Area 12.

Several comments mentioned coho fishing in Marine Area 7 and advocated for changing the fishery from a mark-selective fishery to a non-selective fishery. Concerns over Thompson River coho still exist, however due to improved forecasts for this year, and the rebuilding of the Snohomish stock, non-selective coho fishing was added to Marine Area 7 in September.

WDFW received numerous comments about increasing the retention limit for pink salmon. It was agreed upon by co-managers that pink salmon will be included as part of daily limit for all marine areas.

WDFW received several comments regarding pink salmon fishing in the Snohomish River and concern over the relatively late opening of September 16 instead of August 16 or September 1. Commenters note that pink are generally in better condition earlier and also are more available lower in the system than by mid-September. While this is likely the case, WDFW is managing this fishery to avoid impacting wild Chinook, which have limited available encounters, and could result in early closure of both coho and pink salmon fishing opportunity in the river.

One commenter advocated for maintaining in the Snohomish River the mark selective coho fishery to help boost wild coho escapement to the spawning grounds in effort to achieve escapements toward historical levels when 100,000 spawners was common. WDFW plans to allow retention of unmarked coho in the river, which is supported by a relative strong forecast of returning fish that is sufficiently above the management goal of 50,000 spawners given harvest projections.

Additional quota and opportunity in Marine Areas 10 and 11 in the summer: We received numerous comments regarding increasing quota, particularly in Marine Area 11, due to early closures in the summer of 2022. Given the early closures in Marine Area 11 in 2022, and the

relatively low impact to Stillaguamish, Nooksack, and Snohomish stocks, additional quota was able to be added to both the June and July-August fisheries. Marine Area 10 has much higher impacts to Snohomish Chinook, and therefore additional quota was not possible for the summer fishery. The summer season in Marine Area 10 is the same as that of 2022; however, the quota is slightly lower to meet objectives.

Opening fisheries in adjacent marine areas on the same day: We received comments to align marine fishery openers to spread effort across marine areas. We were able to align the June summer fishery start date for coho and mark-selective Chinook in Marine Areas 10 and 11, respectively, summer Chinook fishery start date for Marine Areas 7, 9, and 10, and summer Chinook fishery start date for Marine Areas 5 and 6. The Chinook winter fisheries in Marine Areas 10 and 11 will also run concurrently from March 1 through April 15.

Open Marine Area 10 and 11 for Recreational Chum Retention: We received numerous comments to include chum retention during the fall fisheries in Marine Areas 10 and 11. Marine area recreational fisheries generally have overall low impacts on chum stocks, as total catch is significantly lower than that of other salmon species. Given the low catch totals and improved forecast for Central Sound chum stocks, chum retention will be allowed in Marine Areas 10 and 11 during the month of October, coinciding with the planned coho fisheries at this time.

Maintain Skagit River Fisheries for Sockeye: We received comments both in support for and opposition against Sockeye harvest allocation between freshwater in-river and lake fisheries. The Skagit River sockeye fishery will be managed similar to 2022, with an 80/20 split between Baker Lake and the river. The 80/20 harvest allocation is based on substantial public engagement over previous NOF cycles and was discussed during this year preseason planning process. The daily limit for sockeye has increased to 3 fish, with a minimum size of 12”.

Freshwater fishery opportunities in the Snohomish and Stillaguamish watersheds: We received numerous comments requesting additional Chinook and pink salmon fishery opportunity in the summer months in the Snohomish and Stillaguamish Rivers. As discussed in Section 2 above, both Snohomish and Stillaguamish natural origin Chinook were constraining stocks during this year’s fishery planning process. Any additional freshwater opportunity other than what is described in the proposed rule in either freshwater river system would necessitate a closure in another fishery, most likely a mixed stock preterminal fishery. This closure would be necessary to maintain an exploitation rate equal to that of the proposed rule. During the preseason planning process, WDFW considered restricting preterminal marine area mixed stock fisheries to preserve some limited pink or hatchery directed freshwater fishing in summer months. Modeling suggested widescale closures across marine areas would be needed to achieve a similar conservation outcome to what is proposed.

Miscellaneous Comments and Considerations:

We received numerous comments asking to restrict the daily bag limit to 2 fish, 1 Chinook in order to preserve quota for the season to last longer. The 2 fish, 1 Chinook limit was in place in many of the fisheries during the 2022-23 seasons and will be in place this year during the

summer fisheries Marine Areas 5, 7, 9, 10, and 11. This rule will also be in place during the winter season in Marine Areas 10 and 11.

We also received comments asking to reduce or eliminate mark-selective fisheries and instead change the rule to “first two fish of legal size”. This change was explored for Marine Area 7 winter sport in the March 15th public meeting and Chinook stock analysis modeling tool (see here: <https://wdfw.wa.gov/sites/default/files/2023-03/puget-sound-stock-analysis-tool-chin-23-chin0523.xlsx>). Particularly in Chinook fisheries, where concerns over ESA-listed stocks persist, this strategy would not be effective for reducing exploitation rates and maximizing fishing opportunity. For coho fisheries, the north and central sound fisheries remain mark-selective for the majority of the year due to concerns for Thompson River and Skagit coho. However, non-selective coho fisheries were added to Marine Areas 5, 6, 7, 8-2, and 9 for at least a portion of the season.

We received a suggestion to change the boundary of the Bellingham Bay fishery to include the Bellingham Channel. The reasoning behind this was to expand that area to access the abundance of Samish River hatchery Chinook that return to this region, while having minimal impact on other stocks. WDFW does not currently have catch data on a fine enough spatial scale to determine the catch stock composition of the Bellingham Channel. Therefore, without sufficient stock data on the Bellingham Channel area, it is not currently possible to expand the Bellingham Bay area to include this zone. Several years of catch data specific to the Bellingham Channel would be necessary before the Bellingham Bay boundary could be redrawn, and WDFW does not have the data to support this proposal at this time.

We received several comments regarding maximizing time on the water for all Puget Sound Recreational Fisheries. WDFW Fishery Managers worked with the Puget Sound Sport Fishing Advisory Group and the public to shape fisheries that maximized opportunity while still reaching all management objectives. With that in mind, we were able to add more time to coho seasons in Marine Areas 5, 6, 7, and 10, with minimal impacts to stocks of concern. For Chinook fisheries, maximizing time on the water was achieved by adding quota to Marine Areas 6 and 10, which have minimal impacts to the stocks of concern listed in the 2023 Constraining Stock Table.

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 2023 was evaluated by NMFS in relation to recovery of ESA-listed species including Puget Sound Chinook salmon and SRKW. No jeopardy was found to either SRKW or ESA listed Chinook stocks. It was found that today’s harvest in Washington has been curtailed significantly from historic harvest levels and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly regulated and relies primarily on hatcheries. NMFS’s evaluation of the proposed 2023 salmon fishery package resulted in a determination that the suite of fisheries would not impede recovery of any ESA listed species. As such, WDFW disagrees with closing all fisheries within Puget Sound for a period between 1-5 years and intends to implement the 2023-2024 Puget Sound recreational fisheries as set forth in the 2023-2024 rules package.

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

Comments were also received relative to fishery directed at bass as well as cutthroat and bull trout. The original CR-101 filing did not open WAC's for gamefish fisheries in this rulemaking cycle. The comments have been recorded and will be considered during rulemaking for those fisheries.

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. With the easing of restrictions following the COVID-19 pandemic, public meetings were once again held in-person. However, recognizing that a number of people were still hesitant to, or could not travel, and that virtual meetings had overall higher attendance, all public meetings were held in a hybrid style, with both in-person and virtual options. All public meetings were recorded, and meeting materials were made available on WDFW's website. Specific questions on the management objectives for Chinook used during the 2023 planning process were discussed, which are based on the 2017 Comprehensive Management Plan for Puget Sound Chinook (available here: <https://wdfw.wa.gov/publications/01947>). All other information on the North of Falcon Process, and how WDFW is involved can be found at:

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

CONCLUSION

WDFW has considered all the facts and circumstances surrounding the development of the 2023-2024 recreational salmon fisheries. WDFW carefully reviewed and responded to all input from all sectors, including the public, during the North of Falcon rule development process. WDFW believes the 2023-2024 recreational salmon fishing regulations are reasonably developed to

comply with WDFW's statutory mandates and to be consistent with WDFW's management objectives for these fisheries.