

# **Concise Explanatory Statement (CES)**

## **2024 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
- 220-311-020 – Puget Sound public fishing piers – Restricted fishing areas
- 220-300-220 – Geographical definitions – River mouth definitions

### **Rules repealed as part of this rulemaking:**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’s) reasons for adopting 2024-25 recreational salmon fishing rules and responds to public comments received on the proposed rules. The rules, once adopted, will be set forth in the Washington Administrative Code (WAC) listed above. The management year for salmon fishery planning begins on May 1 and ends on April 30 each year.

Rulemaking by the Department is guided by resource management policies adopted by the Fish and Wildlife Commission (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 rulemaking 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 rulemaking 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 rulemaking 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 19, 2024 (WSR 24-03-120). 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 April 30, 2024 (WSR 24-10-098) 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 2024 North of Falcon kickoff meetings occurred March 1, 2024. WDFW staff presented and reviewed the 2024 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 an online, in person, or hybrid format.

Table 1. Public meetings for 2024 North of Falcon season setting process.

Geographic Area	Date(s)	Location
Grays Harbor and Willapa Bay	February 28	Zoom webinar
All	March 1	Olympia/Hybrid
Ocean - PFMC	March 6-11	Fresno/Hybrid
All	March 13	Olympia/Hybrid
Coastal freshwater and Puget Sound	March 19	Zoom webinar
Columbia River	March 21	Ridgefield/Hybrid
Puget Sound freshwater and marine	March 21	Zoom webinar
All	March 27	Lynnwood/Hybrid
Upper Columbia and Snake River	March 27	Walla Walla Community College Clarkston Campus
Grays Harbor and Willapa Bay	March 28	Zoom webinar
All / PFMC	April 6-11	Seattle/Hybrid
Grays Harbor and Willapa Bay	April 16	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 2024 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 2024 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 meetings 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 of WDFW’s rulemaking package.

The recreational salmon fishing seasons proposed for adoption by WDFW in 2024 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 rulemaking 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 2024 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 rulemaking process undertaken by WDFW pursuant to the APA.

### **CR-102 rule proposal phase with comment period and formal rulemaking hearings.**

Based upon all the information and outreach generated through these forums, draft fishery rules were developed for consideration in the public rulemaking process that follows the filing of a proposed rule. Accordingly, the CR-102 was filed on April 30, 2024 (WSR 24-10-098), as part of WDFW's initial rulemaking proposals for 2024-25. The filing included changes to the WAC sections listed at the top of this document. The package of rules is expressed as a suite of amendments to the pre-existing Washington Administrative Code sections that are referenced. However, the rules packages reflect a unitary fishing season proposal. In essence, the amended rules reflect the 2024-25 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 (2023-24) suite of fishing season rules.

Information regarding the proposed rule changes was posted on the agency website along with the ability for the public to provide comments on the webpage as well. This online comment portal for the public to use was in place during development of the proposed rules and also during the official comment period after filing of the CR-102.

A formal APA rulemaking public hearing was held on June 4, 2024, 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 seven individuals attended the rulemaking hearing with five providing 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 rulemaking process.

## **2. Reasons for adopting the rule:**

WDFW considered all the facts and circumstances surrounding the proposed 2024-25 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 stage) and the rulemaking 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 2024-25 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 2024 North of Falcon and APA public processes, and they are listed below in order of priority:

1. Conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource (RCW 77.04.012) by achieving conservation objectives for all species and stocks.
  - a. Ensure primary stocks meet escapement goals and/or management objectives (e.g., exploitation rate).
  - b. Manage fisheries consistent with Fish and Wildlife Commission Policies C-3608 (2024-2028 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.
4. WDFW shall seek to maintain the economic well-being and stability of the fishing industry in the state.

### **Region/Rule Specific Rationales**

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

Modifications to the North Coastal sport fishing regulations adopted for 2024 through the rulemaking process were:

- In the Hoh River, the limit for salmon was decreased due to a lower forecast to a daily limit of 2 with retention of 1 adult allowed.
- Quillayute River, due to a lower fall coho forecast, the fall salmon limit was reduced to a daily limit of 6, with 3 adults retained, only one of which may be a wild Chinook and non-retention of wild coho. The dates closed to avoid gear conflict with treaty fisheries were changed to Mondays and Tuesdays September 2 through October 15.
- Sol Duc River, due to a lower fall coho forecast, the fall salmon limit was reduced to a daily limit of 6, with 3 adults retained, only one of which may be a wild Chinook and non-retention of wild coho.
- Bogachiel River, due to a lower fall coho forecast, the daily limit in the fall salmon fishery was reduced to 3 fish with 1 adult retained and non-retention of wild coho.
- Calawah River, due to a lower fall coho forecast, the fall salmon fishery was reduced to 3 fish with 1 adult retained to 2 adults retained and non-retention of wild coho.
- Dickey River, due to a lower fall coho forecast, the fall salmon fishery was changed to non-retention of wild coho.
- 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 an adults, release 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, release Chinook.
- Quinault River will open July 1 through September 30 with a daily limit of 6 jack salmon only and 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)**

Fisheries within the Grays Harbor Basin will be managed with the intent of achieving regionally specific escapement goals for natural spawning salmon and conservation objectives listed in Table 2. The understanding of historic catch and effort patterns during fisheries in the adopted rules allowed for evaluation of impacts and predicted harvest within each salmon stock in the Grays Harbor Basin. Impacts are then modeled within the normal distribution of effort and environmental conditions and evaluated to compare with management objectives.

Table 2: Grays Harbor Salmon Management Objectives

Grays Harbor Stocks	Objective Type	Objective Criteria	Modeled Results
Grays Harbor fall Chinook	Escapement Goal*	13,326	13,428
Chehalis spring Chinook	Escapement Goal*	1,400	1,671
Chehalis coho	Escapement Goal*	28,506	33,455
Humptulips coho	Harvest Impact Rate	≤ 5%	2.49%
Grays Harbor chum	Escapement Goal*	21,000	26,197

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

- Grays Harbor natural spawning fall Chinook
  - 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, the 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 13,428 natural spawning Chinook escaping to Grays Harbor spawning grounds.
  
- The adopted rules do not include a directed freshwater recreational fishery on Chehalis spring Chinook due to a low forecasted abundance.
  
- Grays Harbor natural spawning coho
  - It is WDFW’s intent to develop fisheries that provide escapement that would achieve both the Chehalis and Humptulips natural spawning goals independently. However, like Grays Harbor Chinook, fisheries evaluations in the PFMC, Pacific Salmon Treaty, and co-manager realm use the Grays Harbor natural spawning aggregate goal of 35,400 fish.
    - Humptulips natural coho will be managed to limit WDFW-managed fisheries to 5 percent or less due to forecasted abundance of natural spawning coho that is 46 percent less than the 6,894 spawner goal prior to the initiation of any proposed fisheries within the Grays Harbor Basin, both treaty and non-treaty fisheries.
    - Chehalis River coho are managed to achieve an escapement of at least 28,506 spawners. The reason for differing management for Chehalis coho is the strong forecasted abundance exceeding the natural spawning goal by 56 percent.
  
- Grays Harbor chum are managed to achieve an escapement of at least 21,000 spawners.
  
- Humptulips River will be closed to the retention of Chinook salmon beginning October 24<sup>th</sup> this year in response to a low forecasted abundance of natural-origin Chinook and support diverse fisheries, both treaty and non-treaty. This change to the rule is necessary to achieve conservation and co-management objectives.

- Fisheries in the Chehalis River from Fuller Bridge to South Elma Bridge from August 1 until September 15<sup>th</sup> will not allow the use of bait. This bait restriction is implemented to address concerns of excessive adult salmon encounters during this fishery designed to target immature (jack) salmon. Input from the public and WDFW enforcement were used to develop this change and concern of small natural Chinook forecast.

**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 September of 2023, replacing the policy enacted in 2015, which expired in December 2022. This action followed an extensive Commission meeting process with multiple public comment periods. The purpose of C-3622 is to set management objectives and to provide management guidance for natural (in-river) and hatchery production and recreational and commercial harvest of fall Chinook, coho, and chum salmon populations in Willapa Bay. The policy provides general management guidance to WDFW in terms of sharing between the recreational and commercial sectors, and achievement of conservation objectives.

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

- Actively manage to not exceed 20% total impacts for natural-origin Chinook salmon on Willapa River.
- Actively manage to not exceed 20% total impacts for natural-origin Chinook salmon on Naselle River.
- Actively manage to meet the aggregate natural origin escapement goal for coho and the aggregate naturally spawning escapement goal for chum.

Regulations for the 2024 Willapa Bay recreational salmon fisheries were evaluated with respect to the objectives in the policy. These objectives were shared with industry representatives and the public during the NOF and rulemaking process. General or recreational specific pre-season planning objectives are:

1. The fishery management objectives for fall Chinook salmon in 2024 are to:
  - a. Not exceed a 20% impact rate on Willapa and Naselle rivers natural-origin fall Chinook salmon during Willapa Bay fisheries.
2. b. to achieve a general priority for recreational fisheries, but to provide meaningful fishing opportunity for both recreational and commercial fisheries. The fishery management objectives for coho and chum salmon are to:
  - a. Achieve spawner goals; and
  - b. Achieve a general priority for commercial fisheries, but to provide meaningful fishing opportunity for both recreational and commercial fisheries when run size are sufficient to support fisheries.

Regulation changes in the adopted rules will continue to provide participation and/or catch during the 2024-25 season. The adult salmon daily limit for the 2024-25 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 2023 with a start date of August 1, 2024. Prior to August 1, 2024, Willapa Bay will follow the rules for Ocean Area 2, which are scheduled to begin June 30, 2024.

From August 1 through September 30, 2024, 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 2024 fall season are mark selective for unmarked Chinook salmon.

Natural origin coho forecasted for 2024 is expected to be higher than the natural origin escapement goal but lower than recent year forecasts. Due to this, most freshwater systems will be closed to natural-origin coho retention in the 2024 fall salmon season. The North River, Smith Creek, Bear River, and North Nemah River will be allowed to retain one natural-origin coho in the daily adult limit. The Palix, Middle Nemah, and South Nemah rivers will again be required to release all natural-origin coho in 2024 similar to 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 13.7% and 18.0% 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 16,470 natural-origin coho and 36,354 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 48,350, exceeding the spawner escapement goal of 35,400.

Modifications proposed for 2024 Willapa Bay marine and freshwater recreational fisheries through this rulemaking process include:

- Two systems with no retention of natural-origin coho: Willapa River and Naselle River.

The rules, as originally noticed in the CR-102, WSR 24-10-098, were proposed based upon a conclusion they would produce fisheries consistent with conservation objectives from the Willapa Bay Salmon Management Policy C-3622 for the 2024 fall salmon season.

WDFW believes that adoption of the 2024 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 rulemaking comments, and meeting the primary conservation objectives identified in Policy C-3622. This year's process 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 2024 Willapa Bay salmon fisheries that meet conservation and management objectives identified preseason. The Department's 2024 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 2024 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 85,500. At this return size, the ESA impact limit is 41%. The Upriver Bright (URB) Chinook pre-season forecast is 261,800 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. 2024 Columbia River Constraining Stock Table.

<b>Stock</b>	<b>Objective Type</b>	<b>Objective Criteria</b>	<b>Modeled Result</b>
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	<41.0% total	40.2%
Snake River Wild Fall Chinook	In-river ESA impact rate	<15.0%	13.0%
Upriver Bright Fall Chinook	In-river harvest rate	<15.0%	15.0%
Lower Columbia Natural Coho	ESA impact rate	<23.0%	23.0%
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 2024 summer Chinook forecast provides hatchery Chinook retention opportunity from the Astoria-Megler Bridge upstream to Bonneville Dam, June 16 through June 19 with a daily limit of 6, up to 2 adults, hatchery Chinook only.
3. The 2024 Columbia River Sockeye forecast is 401,700. 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, 2024.
  - The Dalles Dam upstream to Highway 730 at the Washington/Oregon border from September 1, 2024, through December 31, 2024
  - Highway 730 at the Washington/Oregon border upstream to Highway 395 Bridge at Pasco, WA from September 1, 2024, through March 31, 2025.
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 29. From August 30 through September 3 the daily bag limit will remain the same, but any Chinook (non-mark selective) is allowed. Beginning September 4, Chinook retention will close, but will remain open to adipose fin clipped coho and the daily limit is 2 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. Beginning September 5 through September 11 Chinook retention regulations change to mark-selective (adipose fin clipped) with the same daily bag limit. September 12 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 15 with a daily limit of 6, up to 2 adults, no more than 1 Chinook. September 16 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: 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. Barbless hooks will be required when salmon and steelhead angling from Highway 730 at the Washington/Oregon border upstream to Highway 395 Bridge at Pasco, WA. This rule modification aligns with the adjacent mainstem section and sub-area management strata. Summer Chinook retention will be allowed from Bonneville Dam upstream to Hwy. 395 Bridge at Pasco, June 16 through June 19, the daily limit is 6, up to 2 adults, hatchery Chinook only. Sockeye retention is allowed June 16 through July 31 and the daily limit is 2.
3. 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 Highway 730 at the Washington/Oregon border September 1 through December 31.
    - Highway 730 at the Washington/Oregon border upstream to Highway 395 Bridge at Pasco, WA from September 1, 2024, through March 31, 2025.
4. From August 1 through September 15 Chinook retention is allowed with the daily limit 6, up to 2 adult salmon, no more than 1 Chinook. September 16 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 coho. 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 4 adult salmon, only one may be a Chinook. 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. Based on input from co-managers this section has been moved to a later start date. This is to reduce impacts to Yakima River fish staging in this reach prior to the dissipation of an annual thermal barrier at the mouth of the Yakima River. The fall salmon fishery will be open September 15 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 4 adults, only 1 may be a Chinook. Release all adult wild Chinook.
3. Based on input from co-managers and the public, this section has been bifurcated to allow for a later start date in the portions near the Yakima River. This is to reduce impacts to Yakima River fish staging in this reach prior to the dissipation of an annual thermal barrier at the mouth of the Yakima River. The fall salmon fishery will be open September 15 through December 31 below the Snyder/Selph Landing line, and from Aug 16-Dec 31 above the Snyder/Selph Landing line. 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 4 adults, only 1 may be a Chinook. 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 2024 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 2024 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 2024 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 2024 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 a line drawn between Gun Club Rd in Douglas County and Pelican Point in Okanogan County:

1. The 2024 pre-season forecast allows for harvest opportunity of sockeye.
2. Open from July 1 through October 15.
3. Daily limit 4. Release all salmon other than sockeye.

#### From a line drawn between Gun Club Rd in Douglas County and Pelican Point in Okanogan County 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 2024 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.

In response to historically low steelhead abundances in 2021, the Washington Fish and Wildlife Commission requested that department staff provide a briefing on the utilization of Columbia River cold water refuges (CWR) by salmonids and how fisheries are managed in these areas. WDFW staff reviewed available literature, angler creel survey data, fish management plans/agreements, and subject matter knowledge (including tributary flow and thermal regimes) to prepare a summary white paper of the agency's approach to fishery management in these areas (WDFW, 2022).

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:

1. 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.
2. 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.
3. 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 (personal communication; D. Rawding, B. Glaser, C. Donley; WDFW, December 15, 2021).
4. 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.

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 2024 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. Closed to salmon fishing in 2024.
- 5. Okanogan River (Highway 97 Bridge Immediately Upstream of Mouth to Highway 97 Bridge at Oroville):
  - a. Closed to salmon fishing in 2024.
- 6. Similkameen River (Mouth to 400' Below Enloe Dam):
  - a. Closed to salmon fishing in 2024.

**Puget Sound Marine and Freshwater**

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

State and tribal salmon seasons in Puget Sound are driven primarily by the need to maintain conservation objectives for key constraining stocks before achieving harvest goals (see e.g., Objectives 1a, 1b, and 2, pg. 5 above). Key constraining stocks in state and tribal fisheries in these areas for 2024 include Stillaguamish natural Chinook, Nooksack Spring natural Chinook, Snohomish natural Chinook, Skagit Summer/Fall (S/F) natural Chinook, Snohomish 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 2024. 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 2024 and pre-season fishing plans from 2023 showed that several stocks would not be projected to meet conservation objectives in 2024 without reductions to fisheries relative to those planned in 2023.

Table 4. 2024 Puget Sound Constraining Stock Table.

Stock	Objective Type	2024 Management Objective	Initial Model Result
Stillaguamish natural Chinook	Southern U.S. Exploitation Rate	9.0%	9.4%
Snohomish natural Chinook	Southern U.S. Exploitation Rate	<8.0%, following co-manager discussion	8.3%
Nooksack Spring natural Chinook	Southern U.S. Exploitation Rate	10.9%	11.8%
Skagit S/F natural Chinook	Southern U.S. Exploitation Rate	15%	17.2%
Snohomish natural Coho	Total Exploitation Rate	40%	44.3%

Interior Fraser (Thompson) natural coho	Southern U.S. Exploitation Rate	10%	10.9%
---	------------------------------------	-----	-------

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

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

The Snohomish Chinook summer/fall stock was a major driver in shaping the 2024-25 fishing package as the forecasted Snoqualmie component of the aggregated stock fell below the lower bound threshold. When the stock is below the lower bound threshold the co-managers will discuss and determine an appropriate management objective given the poor status of the stock. The co-managers agreed to a 2024 Snohomish management objective of less than 8.0% Southern US exploitation rate, which is 0.3% lower than the management objective used during the 2023 planning process. The exploitation rate estimated on Snohomish natural Chinook resulting from the proposed suite of fisheries was 7.98%. Snohomish was a primary constraining stock to fisheries during the 2023 planning process as well and the reduced allowable exploitation rate for fisheries in 2024 resulted in Snohomish Chinook being the focal stock during 2024 fishery planning meetings with the tribes and/or the public. One of the ways that WDFW worked to achieve this benchmark in cooperation with both co-managers 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 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 Snohomish and Stillaguamish Chinook. The co-managers' approach to achieve the Snohomish Chinook 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, which were the recreational areas with the greatest modeled impact on Snohomish. To meet management objectives, the Chinook-directed recreational fishery in Skykomish River was also closed. Additionally, to further avoid in-river natural Chinook impacts from non-harvest encounters, much of the system was closed to all fishing, including gamefish.

The 2024-25 forecasted abundance for Stillaguamish natural and hatchery Chinook was lower than the abundance predicted in 2023-24 but was in the same abundance tier (82 fish forecast above the low abundance threshold). The Stillaguamish Chinook stock was considered when shaping the 2024-25 fishing package as the co-managers' approach to a resource management plan calls for a harvest limit of 14% in SUS fisheries on marked (hatchery released) and 9% in SUS on unmarked (wild) Stillaguamish Chinook (see Table 4 above). Though Stillaguamish Chinook have been a primary constraining stock in many recent years, the stock shares a similar fishery impact distribution to Snohomish Chinook, and marine area fishery shaping that benefited Snohomish also reduced Stillaguamish exploitation rates. Changes necessary for Snohomish caused Stillaguamish to meet the 14% marked and 9% unmarked Southern US exploitation rate objectives, but Stillaguamish exploitation rates were close to objectives and precluded major fishery shifts in marine areas. Both Stillaguamish and Snohomish management objectives necessitated continued closures of winter black mouth (Chinook that do not migrate outside of Puget Sound) fishing in areas 6, 7, and 9 similar to the 2023 fishery season and summer quotas that were similar to or reduced from those from last year in marine areas that most impacted Stillaguamish and Snohomish.

In addition to fishery constraints necessary to meet Stillaguamish and Snohomish management objectives, Skagit S/F and Nooksack Springs were secondary constraining Chinook stocks. Skagit S/F Chinook were below the low abundance threshold and were considered as marine area fishery shaping occurred. Nooksack Spring Chinook natural forecasts were lower in 2024 than in 2023 (2024 = 411; 2023 = 459) and the tribes reduced the number of impacts in-river ceremonial and subsistence fisheries could have on the stock in 2024 (2024 = 33.5 NOR mortalities; 2023 = 36.9 NOR mortalities). Of particular concern was the forecast return of North Fork Nooksack Spring Naturals, which was 33 fish and is considerably reduced relative to recent years returns. Given Nooksack Spring constraints and poor natural returns, WDFW chose to close the North Fork Nooksack Spring freshwater sport fishery.

For Coho, only the Snohomish natural origin stock was above its management objective expressed in terms of total allowable exploitation rate when modeling the previous year's fisheries with current projected abundances. Initial modeling resulted in this stock having an estimated 44.3% total exploitation rate relative to a management objective of 40% (see Table 4 above). This was due to modeling issues created by abundances that were different than the previous year, and how the FRAM model estimates terminal fisheries in vicinity of the Snohomish. Once those issues were addressed, Snohomish coho were below its exploitation rate ceiling with fisheries similar to 2023, allowing for some expansion of fisheries impacting them in 2024. While, initially, the Interior Fraser coho stock was exceeding its management objective, this was due to ocean fishery quotas, particularly for coho, that would be too robust given reduced forecasted abundance of coho stocks impacted in ocean fisheries. Once initial ocean options were developed and modeled, Fraser coho was below its objective, allowing for some expansion of fisheries while remaining below the exploitation rate ceiling of 10% for southern U.S. fisheries. All other Coho management units were below their objectives at the onset of the process. 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 available impacts on Interior Fraser (Thompson) Coho, and to Strait of Juan de Fuca Coho stocks being well below their exploitation rate ceiling with planned fisheries. Having some room for additional exploitation on Thompson River Coho also allowed for an increase from a one fish bag limit to a two fish bag limit in the Marine Area 7 non-selective fishery. With the increase to Coho opportunity through Marine Areas 5, 6 and 7, southern United States fisheries were planned to the maximum allowable exploitation rate of 10% for Thompson coho for 2024-2025.

Stronger forecasted Coho returns to north Puget Sound rivers allowed for additional recreational fishing opportunities as compared to the 2023-24 season. Non-selective fisheries were continued in Marine Areas 9 and 10. Due to the higher abundance of Coho in the Skagit River Marine Area 8-1 had its non-selective season expanded until mid-October and Marine Area 8-2 had its non-selective fishery bag limit increased from one fish to two fish from the 2023-2024 season. Additionally, the forecasted abundance of South Sound Coho was similar to the 2023-24 season, which allowed for continued fishing opportunities in Marine Area 11. Non-selective recreational opportunity in Marine Area 11 was also continued in 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. The minimal impact on Stillaguamish, Snohomish and Nooksack stocks of concern provided further justification for expanding fishing opportunities in Marine Areas 11 and 12 as compared to the 2023-24 season.

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 continue the 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 and two weeks into November 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 2024-25 are based upon North of Falcon discussions with stakeholders and tribal co-managers and the rulemaking process. The intent of these changes is to maximize recreational opportunities in relation to identified fishery priorities while meeting conservation objectives.

Modifications proposed for 2024 Puget Sound Marine Area recreational fisheries through this rulemaking process include:

- Area 5 summer Coho fishery was extended to October 15 and will be non-selective starting September 27.
- Area 5 winter Chinook fishery will remain April 1-30 this year.
- Area 6 summer Coho fishery was extended to October 15 and will be non-selective starting September 27.

- Area 7 summer Chinook will only open Thursday – Saturday beginning July 18<sup>th</sup>, and additional openings will be contingent on in-season management once again.
- Area 7 summer Coho was changed to non-selective fishing with a 2 fish bag limit from September 1 – September 29.
- Area 8-1 summer season directed at non-selective Coho fishing was extended to October 13. Area 8-2 summer non-selective Coho was changed to a 2-fish bag limit.
- 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 only open Thursday – Saturday July 18<sup>th</sup>, and additional openings will be contingent on in-season management.
- Area 9 summer season directed at Coho will include non-selective fishing from September 24 – September 30.
- Area 9 winter Chinook season remained closed to meet Stillaguamish Chinook and Mid-Hood Canal natural Chinook management objectives.
- Area 10 summer Chinook season will only open Thursday – Saturday July 18<sup>th</sup>, and additional openings will be contingent on in-season management.
- Area 10 Winter Chinook fishing will move to March 16 – April 30 this year.
- Area 10 will be open for Chum retention from October 1 – November 15.
- Area 11 will open to Chinook retention Wednesdays – Saturdays only beginning June 5<sup>th</sup> through the end of June.
- Area 11 summer Chinook fishing will open Thursdays—Saturdays only July 18<sup>th</sup> and reopen for Chinook on August 1. Additional openings in July will be contingent on in-season management.
- Area 11 winter Chinook fishing will move to March 16 – April 30 this year.
- Area 11 will be open for Chum retention from October 1 – November 15.
- Area 12 south of Ayock Point Hatchery Chinook and Coho fishery will open July 1.
- Area 12 north of Ayock point opening August 1.

Modifications proposed for 2024 Puget Sound Freshwater recreational fisheries through this rulemaking process include:

- Mainstem Nooksack from the Lummi Indian Reservation boundary to the confluence of the North and South Forks will only be open to fishing from August 1 through January 31 to protect Spring Chinook and wild steelhead.
- The section of the Nooksack open for the November chum fishery is expanded from the I-5 bridge to the confluence of the North and South Forks.
- The Middle Fork Nooksack from the mouth to the location of the former City of Bellingham diversion dam will be open to fishing from October 1 through January 31 to protect Spring Chinook and wild steelhead.
- The North Fork Nooksack from the Hwy 9 bridge to Nooksack Falls will open to fishing from October 1 through January 31.

- The South Fork Nooksack from the mouth to Skookum Creek will be open to fishing from October 1 through December 31 to protect Spring Chinook and wild steelhead.
- On the mainstem and North Fork Nooksack the hatchery steelhead season will be from December 1 through January 31.
- On the South Fork Nooksack, the hatchery steelhead season will be from December 1 through December 31.
- Whatcom Creek will be open Saturdays and Sundays only from August 3 through September 15 from the mouth to the footbridge below Dupont Street with a 2 fish daily limit.
- Samish River Chinook fishery is extended through September 30 due to high forecasted returns; it will close after September 30 to protect the weak coho and chum populations. It will reopen to gamefish on November 1.
- Samish River from the mouth to the yellow marker at the wing wall approximately 1000 ft upstream will be bait only. In this section only, on September 14th, the fishery will be limited to Veterans and Active Military members only.
- There are a reduced number of days scheduled for the Cascade River to avoid tribal conflict during Spring Chinook and coho management.
- The Skagit River sockeye daily limit increased in Baker Lake and Skagit River due to preseason runsize forecast. Some in-season partial river area closures will occur to limit gear conflicts with tribal fisheries. Baker Lake season dates set and will appear in 2024-2025 pamphlet.
- Snohomish River will open for non-selective coho retention (limit 2) from September 21 through October 31, contingent on in-season updates of sport harvest incidental impacts of wild Chinook.
- Skykomish River Chinook fishery will be closed to reduce impacts on wild Chinook and save available impacts for the fall timed 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 coho 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 coho only from September 21 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 remain 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.
- Puyallup River opens August 16-October 31 and Carbon River open September 1-October 31 for hatchery Chinook and coho, day closures to reflect tribal fisheries and daily limit changes to reflect pink salmon not returning in even years.
- Nisqually River open from July 1-November 15 for hatchery Chinook and hatchery coho, with day closures to reflect tribal fisheries and meet conservation and hatchery

escapement goals for Chinook. The section of the Lower Nisqually between Kalama Creek and the Military Tank Crossing was closed to salmon to reduce impact on wild Chinook and to focus the fishery on the portions of river below hatcheries where hatchery Chinook are returning.

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

- WAC 220-312-020 (29.d.i) – Closure date changed from March 31 to April 30.
- WAC 220-312-040 (221.a.i) Changed season from September 13 to September 30.
- WAC 220-312-040 (221.b.i) Changed season from September 13 to September 30.
- WAC 220-312-040 (53.b.) Changed season.
- WAC 220-312-040 (221.a.i) – Changed season from September 13 to September 30
- WAC 220-312-040 (221.b.i) – Changed season from September 13 to September 30
- WAC 220-313-060 (8.c.) Closure date changed from July 31 to July 20.
- WAC 220-313-060 (8.c.i) Removed day restriction.
- WAC 220-313-060 (8.c.ii) Removed day restriction.
- WAC 220-313-060 (8.d) Added closure date.
- WAC 220-313-060 (8.e) Opening date change.
- WAC 220-313-060 (8.j.v) Closing date change.
- WAC 220-313-060 (8.j.vi) Opening date change.
- WAC 220-313-060 (8.k.vii) Closing date change.
- WAC 220-313-060 (8.k.viii) Opening date change.
- WAC 220-313-060 (8.o) Restriction date change.
- WAC 220-313-060 (9.d) Closure date change and day restriction removed.
- WAC 220-313-060 (9.e) Added a closed season.
- WAC 220-313-060 (9.f) Opening date changed from September 1 to August 1.
- WAC 220-313-060 (9.j.A) Removed daily limit of one hatchery Chinook.
- WAC 220-313-060 (11.d) Removed date of closure.
- WAC 220-300-220 Minter Creek Lat and Long locations corrected.

### **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 several public comments at the public meeting on March 19, 2024, pertaining to regulations proposed for the Quillayute, Sol Duc, Bogachiel, Calawah, Dickey, and Hoh rivers.

##### *Comment #1: A daily limit of 1 wild fish in the Hoh and Quillayute systems.*

This was presented as an alternative to releasing wild coho and based on concern over release mortality in mark selective fisheries. WDFW adopted a 1 fish limit on the Hoh River. In the Quillayute system (Sol Duc, Bogachiel, Dickey, and Calawah) a lower bag limit with wild coho release was adopted.

Comment #2: More restrictive bait rules such as no eggs, no eggs during lower flows, no bait until October 15<sup>th</sup>.

This was proposed around concerns with higher release mortality using bait in mark selective fisheries. This was not adopted for 2024 but will continue to be evaluated.

Comment #3: Manage fisheries with low flow trigger.

WDFW is exploring the idea of implementing low flow triggers to provide both protection for fish during low flows and more certainty for anglers around fishing seasons. More analysis around appropriate trigger flows is needed prior to enacting, and it was not adopted for 2024.

Comment #4: Establish annual bag limits for Chinook.

This proposal was not adopted for 2024 but will continue to be evaluated.

Comment #3: Allow one barbless treble hook instead of one single point barbless hook.

This proposal was not adopted for 2024 but will continue to be evaluated.

### **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 April 30, 2024, through June 4, 2024, and no oral comments were received during the June 4, 2024, public hearing. The Department also considered comments received during the 2024 NOF salmon season setting process.

Comment #1: Commenters proposed increasing the current jack limit number of 6 to a higher number or to an unlimited number of jacks during the open jack only fishery on the Chehalis River.

Jack salmon are known to contribute to natural production and are an important component to each population. Increasing the limit to the number of jacks would increase the impact rate on jacks. Also, effort would increase as anglers attempt to catch a larger limit which would increase the potential impacts on non-targeted (adult) salmon. This would limit distribution of available impacts to other important fishing opportunities based on public input.

### **Willapa Bay**

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



There were a total of eight public comments received during the open public comment period regarding the proposed Willapa Bay recreational fisheries. Five individuals testified and provided public comment during the public hearing held on June 4, 2024, three public comments were provided directly to Department staff via email, and no public comments were received using WDFW's online portal. In addition, the Department considered substantive comments received during the 2024 NOF salmon season setting process. The Department carefully reviewed the information gathered during the rule development process following the issuance of the CR-101, together with all input (verbal and written) from fishing industry representatives, recreational anglers, and the public. The Department relied upon internal technical and scientific expertise for the NOF and PFMC planning process.

Below the Department will provide concise explanatory statements responding to public comments about proposed freshwater fishery rule changes and how the Department implemented the Willapa Bay Salmon Management Policy (C-3622). During the NOF salmon season setting process and at the public hearing held on June 4<sup>th</sup>, 2024, the Department received additional comments that were outside the scope of freshwater fishery rule changes and are not specifically addressed in this document. These include, among others, 1) Comments geared to alter hatchery practices, such as altering the proportion of released Double Index Tagged (DIT) fish or increasing hatchery broodstock goals. Hatchery Management Plans (HMPs) are currently under development for each facility in Willapa Bay (Forks Creek, Naselle, and Nemah hatcheries) under the authority of Commissioner Policy C-3624 and each hatchery program shall operate in accordance with the provisions of its HMP; 2) Private land-use and property issues, including easements for hatchery infrastructure and trespassing on private property by the public.

*Comment #1: Commenter proposed changes in gear restrictions in the Naselle River such as prohibiting the use of jig heads or twitching jigs and establishing leader length restrictions from August 1 to October 15 to reduce snagging behavior. This is an on-going comment from 2021-2023.*

The Department is aware that snagging has been an issue on the Naselle River during salmon season for several years, and that this is an issue in multiple freshwater systems across the state. In previous seasons, the Department implemented a variety of regulations in the Naselle River to reduce snagging behavior. For example, the Department previously implemented a rule on some sections of the Naselle River where "bait or lure must be suspended below a float." This regulation was met with varying success. Based on these observations, the Department believes restricting jig use or specifying leader lengths might encourage anglers to snag with alternative lures or other creative methods rather than specifically decreasing snagging behavior. Prior to this year's North of Falcon salmon setting process, the Department discussed with WDFW regional enforcement creative ideas for new proposed rules to specifically discourage snagging behavior, rather than focusing on gear restrictions. The Department determined that a regulation whereby all foul hooked fish count against your daily adult salmon limit from August 1- Oct. 15 on the Naselle River could discourage snagging behavior more than implementing a gear restriction. However, in higher-level discussions, the Department determined this rule was unnecessarily confusing, and the Department should instead seek to better enforce our current anti-snagging rule rather than adding a new rule that would additionally need to be enforced.

Comment #2: Commenter proposed adjusting the end date of the barbless hook requirement on the Naselle River from November 15<sup>th</sup> to November 1<sup>st</sup> to allow for a potential increased catch during this two-week window at a time when wild Chinook encounters were reduced.

While the Department understands the proposed rule revises the end date for the barbless hook requirement two weeks earlier than current regulations, the Department did not support this rule change since it may increase total impacts of wild Chinook returning toward the end of their run timing. Hatchery and wild Chinook return timing overlap in Willapa Bay and specifically in the Naselle River, with hatchery Chinook returning August through October and wild Chinook returning September through early December based on spawning ground data. Given wild Chinook are required to be released throughout Willapa Bay, this rule change would also likely not provide a meaningful increase in catch or recreational opportunity to harvest hatchery-origin Chinook during this window since the hatchery Chinook run time typically slows by early November.

Comment #3: Commenters expressed mixed opinions regarding the Department's proposed rule to count all foul hooked fish against your daily adult salmon limit on the Naselle River from Aug.1 to Oct. 15<sup>th</sup>.

In response to previous years of public comment regarding issues with snagging behavior on the Naselle River, the Department developed this proposal in conjunction with members of the public as an alternative to gear restrictions. This proposed rule stipulated any foul hooked fish be counted towards the daily adult salmon limit, be released regardless of mark status, but not be listed on your catch record card (because these fish could not be retained since they were foul hooked). This proposed rule change was shared with members of the public at the March 28, 2024, virtual public meeting. While some expressed strong support to try any avenue available to reduce snagging, others expressed serious concerns about the Department's ability to enforce this rule, and the public's ability to follow this rule. Subsequent internal discussions with Fish program management and the Department's Director during the North of Falcon process found the language of this proposed rule confusing, highlighted the difficulty of effectively enforcing this rule, and emphasized there is already an anti-snagging rule in place on the Naselle River making another rule to address snagging redundant. Because of this, the agency decided not to move forward with the rule change. The Department communicated our intent not to move forward with this rule change to the public at the virtual Willapa Bay/Grays Harbor public meeting on April 16<sup>th</sup>, 2024.

Comment #4: Commenters proposed including the additional rule of prohibiting fishing from a floating device on the Naselle River between the concrete abutment at Naselle Hatchery upstream to the Big Hill bridge.

This proposed rule from the public was intended to reduce gear conflict between bank and boat anglers and reduce pressure on wild fish being released upstream from the hatchery after the proposed re-designed Naselle weir is constructed. The Department received additional public comment at the June 4<sup>th</sup> public hearing suggesting taking drift boats off the entire Naselle River, where we do not currently have a conservation or policy reason to support. The Department initially supported the first, more limited, rule change regarding floating devices, "prohibiting

fish from a floating device on the Naselle River between the concrete abutment at the Naselle Hatchery upstream to the Big Hill Bridge” since the Department believed the dual objective of decreasing gear conflict and protecting wild salmon in this section when they are more vulnerable (due to stress of potential handling and holding at the hatchery) would be beneficial. This proposed rule change was shared with members of the public at the March 28<sup>th</sup>, 2024, Willapa Bay/Grays Harbor virtual public meeting. However, upon further internal discussions with Fish program management and the Department’s Director during the North of Falcon process, the decision was made that this rule change did not protect wild fish to a great enough extent to warrant removal of opportunity for an angler group (those fishing from a floating device) in this area. The Department communicated our intent to not move forward with this proposed rule change at the virtual Willapa Bay/Grays Harbor public meeting on April 16<sup>th</sup>, 2024. It was also communicated at this same meeting that the Department is open to re-evaluating the efficacy of this proposed rule to support conservation above the Naselle Hatchery in future years following the construction of the re-designed weir in response to further public comment.

*Comment #5: Commenter proposes to increase the limit from two fish to three hatchery Chinook with one adult female Chinook salmon retention allowed in the Nemah River as part of the daily adult salmon limit in an effort to help achieve Chinook broodstock at the Nemah Hatchery by reducing the number of females anglers harvest.*

The Department received comments regarding Nemah River Chinook broodstock throughout the NOF salmon season setting process and at the June 4<sup>th</sup> public hearing. Hatchery Management Plans (HMPs) will be developed for each facility in Willapa Bay (Forks Creek, Naselle, and Nemah hatcheries) under the authority of Anadromous Salmon and Steelhead Hatchery Policy C-3624 and each hatchery program shall operate in the future in accordance with the provisions of its HMP. Hatchery management is outside the scope of this rule making process.

The Department understands the intent of this specific proposal, but we disagree for a few reasons. Nemah River is a small, channelized river, where low water flows 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 in the daily adult salmon limit 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. This proposal also has the potential to increase hooking mortality as anglers attempt to reach this increased catch limit and may limit the number of females returning to the hatchery. The Department is concerned that this rule, alongside the recent trend of low water and high temperatures in the river, would make it more difficult to meet the Chinook salmon hatchery broodstock goal in the Nemah Hatchery.

*Comment #6: Commenters are displeased with the lack of recreational priority for fall Chinook in freshwater systems and requests the use of payback.*

Multiple comments were made during the NOF salmon season setting process and at the June 4<sup>th</sup> hearing regarding the perception that planned 2024-2025 commercial fisheries undermine the Department’s ability to promote recreational fishing opportunity per our Willapa Bay Salmon Management Policy. The Department believes this comment was motivated by the predicted percent allocation by sector for recreational and commercial fall Chinook fisheries for the

planned 2024-2025 season, with 46.7% predicted allocation for recreational and 53.3% allocation for commercial fall Chinook. The expected catch was presented at the March 28<sup>th</sup>, 2024, Grays Harbor & Willapa Bay public meeting. Specific allocation between recreational and commercial fisheries, while an aspect of our fisheries planning, is not the primary metric for priority as defined by policy. The Willapa Bay Salmon Management Policy (C-3622) stipulates “Fall chinook fisheries shall be managed to achieve a general priority for recreational fisheries, but to provide for meaningful fishing opportunity for both recreational and commercial fisheries. This general priority shall be accomplished with a management intent to provide the first opportunity for directed fall Chinook fishing to the mixed stock recreational fishery in the northern portion of Willapa Bay (Marine Areas 2T and 2U) as well as an opportunity for recreational fisheries in Willapa Bay tributaries.” Planned fisheries for the upcoming 2024 season maintain the first opportunity for directed fall Chinook fishing in the mixed stock recreational fishery in the northern area of Willapa Bay, consistent with our policy. Additionally, one public comment received at the June 4<sup>th</sup> public hearing suggested “payback” of unmarked Chinook impacts for future salmon seasons should still be required. Any “payback” of unmarked Chinook impacts are not supported by or consistent with the current Policy C-3622.

*Comment #7: Commenter objects to managing Willapa and Naselle rivers to river-specific natural coho escapement goals rather than the aggregate escapement goals we have managed to in the past.*

Natural coho escapement has been below river-specific goals in the Willapa and Naselle rivers, for several of the last five years. This policy is intended to reduce natural coho harvest and increase natural coho escapement in these rivers to preserve these populations into the future. This management strategy is consistent with the Willapa Bay Salmon Management Policy (C-3622), which stipulates, “Tributary recreational fisheries shall be managed to achieve river-specific natural-origin spawning escapement goals and provide meaningful opportunity prior to spawning area closures in a manner consistent with law enforcement concerns and low water situations.”

*Comment #8: Commenter would like a bobber rule (bait or lure must be suspended below a float. Exemption when trolling) added to Naselle River freshwater regulations starting Aug. 1 through Oct. 15 for all open river sections.*

This comment was made during the NOF salmon season setting process and was also made at the June 4<sup>th</sup> public hearing with additional suggestions for including this rule as an in-season emergency regulation and the inclusion of additional language to this rule regarding weights. This rule was proposed in an effort to reduce snagging on the Naselle River. This rule was also suggested as an extension of the language in the Washington Administrative Code (WAC) for the Naselle River from the Hwy 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel, that “August 16 through Oct 15: Bait or lure must be suspended below a float,” however, this section of the Naselle River will not be open to fishing during these dates for the 2024-2025 season, and therefore, this rule will not take effect. The language was retained in the WAC for it to be used as a tool during this time period in future years. A public comment was made at the June 4<sup>th</sup> hearing the Department believes was in regard to this specific rule language in the WAC, where the commenter was under the impression this language meant the river will be open in this section in August – it will not be.

This rule was in effect for several previous years but was met with varying success. Though more quantitative data is needed, initial observations when the rule was in place during salmon season suggested some change in angler behavior, but this behavior change was not long lasting and snagging behaviors returned. Therefore, the Department believes that more creative rules to discourage snagging behavior are warranted. Though the Department endeavored to form and implement a more creative rule to combat snagging behavior during this year's North of Falcon salmon season setting process, higher level discussions eventually prompted the Department to not move forward with any additional rules in the 2024-2025 salmon season with the reasoning that we already have an anti-snagging rule on this river and implementing a second rule addressing the same issue was not warranted. Instead, the Department is going to attempt greater enforcement of existing rules for this upcoming salmon season, however, the Department will remain open to considering this rule in the future.

*Comment #9: Commenter requested the Department issue an emergency regulation (e-reg) effective October 16<sup>th</sup> to allow one wild coho retention in a two fish or three fish adult bag limit.*

Emergency regulations are a tool the Department utilizes to make in-season adjustments to fisheries as the season progresses and if warranted. Emergency regulations are issued with a limited 120-day timeframe. The Department cannot guarantee, at this point, that it will need to utilize an emergency regulation for the upcoming salmon season in Willapa Bay, and the use of an emergency regulation is not within the scope of this rule-making process of the proposed rules for the 2024-25 salmon fishing season.

### **Public Hearing**

During the public hearing held virtually on June 4, 2024, staff heard public testimony regarding hatchery programs and hatchery production levels for Willapa Bay facilities. This included moving production or double index tag (DIT) tag groups to different facilities within Willapa Bay, concerns over hatchery rack returns, and increasing hatchery production. The Willapa Bay Salmon Management Policy (C-3622) directs the Department to maintain current production levels until such time that Hatchery Management Plans (HMPs) are developed for each facility under the authority of the Anadromous Salmon and Steelhead Hatchery Policy C-2624. These specific comments regarding hatchery programs within Willapa Bay were not within the scope of this rule-making process of the proposed rules for the 2024-25 salmon fishing season.

### **Columbia River**

**(220-312-060 – Freshwater exceptions to statewide rules – Columbia River, 220-312-030 – Freshwater exceptions to statewide rules – Southwest, 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 meetings 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 #4: Coldwater Refugia white-paper produced by WDFDW 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 4, 2024, 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
2. Maintaining or increasing opportunity for Chinook salmon in the summer
3. Maintaining or increasing fishing opportunity for non-selective Coho
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. Increasing freshwater gamefish opportunity and considerations for gear restrictions
7. Management objectives for Stillaguamish and Snohomish Chinook
8. Freshwater salmon fisheries
9. Misc/Other:
  - a. Catch and release fisheries
  - b. Shore fisheries
  - c. Maximize days on the water
  - d. Concerns for future of runs / SRKW
  - e. Increase hatchery production
  - f. Transparency and Public Engagement
  - g. Harvestable allocation sharing
  - h. Puget Sound in-season harvest controls and a proposed alternative - Total Mortality Index (TMI)

*Maintaining or increasing fishing opportunity in the winter:* Numerous comments received focus on the constituents' desire for maintaining opportunity to fish for Chinook salmon in the winter seasons. WDFW is maintaining winter fishing opportunity in Marine Areas 5, 10, and 11. Marine Areas 10 and 11 will open concurrently in 2024 from March 16 – April 30, while Marine Area 5 will open April 1-30. Other Marine Areas will remain closed during the winter months for the upcoming 2024-25 fishing year in order to meet management objectives primarily on Stillaguamish natural origin Chinook and Snohomish natural 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). Finally, fisheries are constrained by what sharing agreement can be negotiated with tribal co-managers on a final fishing package. A number of natural Chinook stocks are forecasted to return in low numbers in the 2024-25 fishing season as shown in the constraining stock table (see Table 4 above).

*Maintaining or increasing opportunity for Chinook salmon in the summer:* Due to continued concerns over numerous stocks throughout Puget Sound, WDFW maintained similar Chinook fishery opportunities as compared to the 2023-24 season. However, there were slight reductions in quotas for Marine Areas 5, 9, and 10 during the summer. These areas had the highest modeled impact on Snohomish Chinook, which fell below the lower bound management objective, and was the focal stock during the 2024 planning process. Comanagers agreed to a 2024 management objective of less than an 8.0% southern US exploitation rate, resulting in additional reductions to marine areas. 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 non-selective Coho:* Many comments were received in support of an expanded non-selective coho summer fishery or increased coho bag limit across Puget Sound marine areas. A larger forecasted return of coho allowed for increased opportunity. The department was able to provide four additional days in September of non-selective coho fishing in marine areas 5 and 6 due to a higher forecast of the Strait of Juan de



Fuca stock this season. Higher abundances of coho in the Skagit river allowed for an additional two-week fishery in Marine Area 8-1 and an increase in bag limit from one fish to two fish in Marine Area 8-2. Marine Area 7 will also increase to a two-fish daily limit for the 2024-25 season. The non-selective fishery will continue in Marine Area 9; however, it will not expand into October due to impacts on Chinook stocks.

*Additional quota and opportunity in Marine Areas 10 and 11 in the summer:* We received numerous comments requesting an increase in Chinook quota and fishing time in Marine Areas 10 and 11. Both marine areas have Chinook quotas similar to the 2023-24 season. However, as previously mentioned, Marine Area 10 saw a slight reduction in quota due to higher modeled impacts to Snohomish Chinook, a major stock of concern this year. The department has extended the salmon fishing season by two additional weeks in November for chum and non-selective coho opportunities in both areas. Recreational fisheries in these marine areas generally have low impacts on chum stocks, as the total catch is significantly lower than for other salmon species. Given the low catch totals and improved forecasts for Central Sound chum stocks, chum and coho retention will be allowed in Marine Areas 10 and 11 from October through November 15.

*Opening fisheries in adjacent marine areas on the same day:* We received comments in support of last year's decision to align marine fishery openers to spread effort across marine areas. We were able to align the summer Chinook fishery start date for Marine Areas 7, 9, 10 and 11 for the 2024-25 season. Similar to last year, we have also aligned the 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 16 through April 30.

*Increasing gamefish opportunity and considerations for gear restrictions:* We received several comments regarding increased gamefish opportunity in freshwater systems throughout Puget Sound. WDFW has maintained gamefish opportunity similar to the 2023-24 season in most watersheds, although reductions were required in the Nooksack and Snohomish basins to reduce impacts on wild Chinook salmon. Additional opportunity was not provided in certain areas, such as the North Fork Stillaguamish River, due to impacts on Stillaguamish Chinook. The north fork Stillaguamish will continue to be open for gamefish only September 16—October 31 contingent on in-season updates of sport harvest incidental impacts of wild Chinook.

Suggestions were also made to implement gear restrictions to reduce Chinook incidentals. The department is gathering data on the influence of gear selection and Chinook encounter rates.

#### *Management Objectives:*

The management objectives for Stillaguamish Chinook for the 2024 fishery planning were identical to the objectives from the Co-managers Puget Sound Chinook Resource Management Plan 31 submitted to NMFS in February of 2022. The predicted number of Chinook returning to the Stillaguamish fell between the Low Abundance Threshold and the Upper Management Threshold under the co-manager RMP, triggering exploitation rate limits for southern U.S. fisheries of 9% for unmarked Chinook and 14% for marked Chinook.

Conservation of the Stillaguamish Chinook stock has been the focus of an enormous amount of effort by WDFW and the Stillaguamish tribe, along with a larger group of local, state, and federal partners in recent years. This includes broad efforts and discussion around fisheries monitoring, habitat protection, habitat improvement projects, and hatchery production all to address low productivity within the watershed.

Snohomish Chinook fell below the lower bound management threshold, resulting in further discussions between comanagers to determine an appropriate management objective for the 2024-25 season. The comanagers agreed to an 8.0% southern US exploitation rate.

### *Freshwater Salmon Fisheries*

Comments were received regarding increasing the area open for hatchery spring Chinook and sockeye by opening the Skagit River section downstream of Mount Vernon.

Regarding the hatchery spring Chinook fishery that occurs between Mount Vernon and Gilligan Creek: Increasing the footprint of this fishery would necessitate having the resources necessary to monitor the additional fishery area that includes the North Fork, South Fork, and mainstem from the forks to Mount Vernon. Freshwater fisheries monitoring resources have been increasing across Puget Sound so expanding to this area could be possible during a future season.

Opening this area to sockeye has been limited by both the above issue for hatchery spring Chinook, and also concerns with reaching the river area sport harvest guideline developed with sport angler input and prioritizing sockeye harvest in Baker Lake at a ratio of 75% Baker Lake: 25% river. Reaching the river sport harvest share prior to the planned end of the river fishery would result in a loss of opportunity for time on the water.

Comments were received that proposed or supported opening Baker Lake to sockeye harvest on the first Saturday after July 4th. WDFW proposed opening the Baker Lake sockeye fishery on Saturday July 6th, with a four fish limit.

A few comments focused on supporting the coho bait regulations that were in place during the 2023 fishery in the Skagit River. The 2023 coho season bait rules were proposed for 2024.

Comments were received concerning gamefish and chum opportunity on the north fork Nooksack river. The department has closed all fishing in the Nooksack river through August 1 for the protection of Spring Chinook and wild steelhead. This year's forecast for spring Chinook to the north fork Nooksack was only 33 fish. Salmon fisheries directed at coho will open on August 1 and are planned until December 31 with retention of chum allowed during the month of November. The limited nature of the chum fishery is based on increased hatchery returns in recent years but still limited within the watershed overall while natural returns rebuild to harvestable levels.

Enforcement related comments included complaints about anglers poaching, targeting of species not legal to be retained, and perceived lack of enforcement presence in multiple freshwater systems across Puget Sound. These comments are noted and will be forwarded to WDFW enforcement.

Comments were received that addressed steelhead topics including lack of hatchery steelhead opportunity in the Nooksack, Skagit and other area rivers, limiting the number of guides that can operate during the Skagit wild steelhead catch and release fishery, and increasing the area open for the Skagit catch and release fishery. These topics cannot be addressed during the NOF process. However, all the comments are noted and preserved for consideration during a future gamefish rule change cycle.

*Miscellaneous Comments and considerations:*

We received many comments about increasing catch and release fisheries throughout the sound. Fishery mortality to constraining stocks must be considered regardless of whether the mortality occurs as landed catch, as release mortality during a fishery targeting another salmon species, or as release mortality during a catch and release fishery. These regulations prioritize use of available mortalities in non-treaty fisheries to Chinook retention fisheries and fisheries targeting other salmon species, particularly coho.

Another suggestion was to open shore fishing year-round to salmon, similar to the year-round opportunity available from most public piers. The suggestion was specific to Marine Area 11, however, there is concern due to limited enforcement staff and sampling technicians to monitor for compliance of regulations and catch, respectively.

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 8-1, 10 and 11, with minimal impacts to stocks of concern. For Chinook fisheries, we maintained similar fisheries to the 2023-24 season in order to meet management objectives for stocks as concern listed in Table 4 2024 Puget Sound Constraining Stock Table. A few comments specified the desire for maximizing time in Marine Area 7. However, as detailed above in the winter fisheries discussion, Marine Area 7 has the highest modeled impacts to Stillaguamish Chinook.

Many comments advocated for ensuring adequate food for Southern Resident Killer Whales (SRKW). The salmon fishery package proposed for 2024 was evaluated by the National Marine Fisheries Service (NMFS) in relation to recovery of ESA listed species including Puget Sound Chinook salmon and Southern Resident Killer Whales. The evaluation of the proposed 2024 salmon fishery package resulted in a determination that the suite of fisheries would not impede recovery of any ESA listed species.

Fishery impacts to ESA listed stocks were reviewed and approved by NMFS through the annual Biological Opinion (BIOP) and annual ESA authorization issued by NOAA. No jeopardy was found to either SRKW or ESA listed Chinook stocks. It was found that harvest in Washington has been curtailed and is not a primary factor limiting salmon recovery. Fishing in Washington State is highly regulated, relies primarily on hatcheries, and non-treaty marine fishing in Sashington State takes a small percentage of Chinook relative to the total marine abundance.

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

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

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

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

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

In November 2020, the PFMC adopted a final preferred alternative to address the effect of Council-area fisheries on SRKW. This alternative included a management threshold for Chinook abundance in the area North of Cape Falcon. In years when abundance is predicted to be below that threshold, a number of management actions intended to reduce potential effects of fisheries will be implemented through annual regulations. Those actions include additional limits to quotas North of Cape Falcon as well as area fishery closures in times and places that may be important to SRKW. These actions were reviewed and approved by NMFS in September of 2021 (86 FR 51017) and were incorporated into PFMC's Pacific Coast Salmon Management Plan as Amendment 21 to the Plan. Details of the actions are listed in the Council's Decision Document from their November 2020 meeting.

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

In 2018, the Orca Task Force developed 16 recommendations that addressed threats to SRKW persistence and recovery. Of these, Recommendation #6 includes a significant increase in

hatchery production to benefit SRKWs in a manner consistent with existing state and federal policies. The Commission's increased Chinook hatchery production goal is 50 million smolts, based on 2018 production levels. To meet this goal, since 2018 the Department, as well as several tribes and one utility, have increased hatchery production of Chinook at existing facilities through modified operations and maximized facility use, in an effort to increase prey abundance for the endangered SRKW. Combined, salmonid production goals under all programs from 2019 to 2020 have increased by 26,075,200 salmon (of all species) compared to production levels prior to 2018 (WDFW 2019). Specific to Chinook Salmon, the 2019 production goal for WDFW facilities was 9,125,000 fish. This annual Chinook Salmon production goal was specifically intended to increase prey for SRKWs. The WDFW established similar Chinook Salmon production goals for 2020 and beyond. In 2024, the current state funded production goals including tribal and one public utility is 11,880,200 Chinook. Pacific Salmon Treaty production goals are 12,150,000 chinook with production occurring within WDFW, USFWS, ODFW, one public utility and Tribal Facilities. In 2024, NOAA released a draft EIS (<https://www.fisheries.noaa.gov/s3/2024-01/PDEIS-prey-programSRKW.pdf>) that found benefit to SRKW prey abundances at current funding, with greater benefits at the planned program goals for SRKW.

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

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 and rulemaking process. There are a few changes to the 2024-25 planned salmon fisheries that are the result of public engagement in the NOF process. For marine areas in Puget Sound, these modifications to the rule package include alignment of summer fisheries directed at Chinook and the addition of non-selective coho opportunities. During the NOF process, the Department focused on increasing public engagement by holding an NOF focused town hall meeting in February to discuss relative topics pertaining to the upcoming NOF preseason planning process. Also, the Department increased its social media presence during the NOF process by posting frequent blog posts of relative material and topics as well as pertinent links to increase public awareness and engagement on salmon season planning. 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 2024 planning process were discussed, which are based on the recently submitted Comprehensive Management Plan for Puget Sound Chinook (available here: <https://wdfw.wa.gov/sites/default/files/publications/02309/wdfw02309.pdf>). Other information on the North of Falcon Process, and how WDFW is involved can be found at: <https://wdfw.wa.gov/fishing/management/north-falcon>

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

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

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

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

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

Comment was received regarding the sharing of allowable harvestable impacts between the co-managers. The commenter suggests that increasing tribal harvest allocation proportions in recent years have limited the ability of the state to harvest its allowable share. The State's proposed fisheries for the 2024-25 season reflect a careful balance that will meet shared co-manager conservation objectives for all stocks while providing balanced opportunity across a range of pre-terminal and terminal areas fisheries, including providing for freshwater fisheries and tribal ceremonial and subsistence fisheries.

Lastly, there was written comment received concerning in-season fishery controls for marine area fisheries in Puget Sound and consideration of a proposed alternative. As was discussed during meetings with the public during the NOF process, including significant amount of time and material dedicated to this topic presented at the NOF Town Hall meeting, in-season controls of marine area fisheries have been necessitated by increases in both catch and effort trends across Puget Sound, and the need for non-treaty fisheries to be accountable for their actual impact on limiting stocks. While there may be some interaction between shifts in effort due to more constrained fisheries across the region and increased occurrence of exceedance of in-season controls, the state's obligation under the ESA require the state to take action when fisheries exceed their preseason expectations. Lastly, as was noted in the comment, the Department has received the commentor's proposal and upon initial review, staff has opined that the proposal may have merit. Unfortunately, due to current staff workloads and significant vacancies within the program, the Department has been unable to complete a more robust and technical review of the proposal at this time in which to move forward with necessary co-manager discussions.