

Concise Explanatory Statement (CES)

2025 North of Falcon Puget Sound Commercial Salmon Fishery Regulations

The Washington Department of Fish and Wildlife (WDFW) filed the Preproposal Statement of Inquiry (CR-101) on January 21, 2025 (WSR 25-03-121), and the Proposed Rulemaking (CR-102) for the 2025 Puget Sound Commercial Salmon Fishery on May 6, 2025 (WSR 25-10-093). This proposed rule-making package is comprised of:

Rules amended as part of this rule-making:

WAC 220-354-050 – Registration and limited participation salmon net fisheries
WAC 220-354-080 Puget Sound salmon – Closed Areas
WAC 220-354-120 Puget Sound salmon – Purse seine – Open periods
WAC 220-354-140 Puget Sound salmon – Lawful gear - Gillnet
WAC 220-354-160 Puget Sound salmon – Gillnet – Open periods
WAC 220-354-180 Puget Sound salmon – Reef net – Open periods
WAC 220-354-210 Puget Sound salmon – Beach seine – Open periods

Rules repealed as part of this rule-making:

N/A

Rules created as part of this rule-making:

N/A

1. Background/Summary of Project:

This Concise Explanatory Statement (CES) describes the Washington Department of Fish and Wildlife's (WDFW or the Department) reasons for adopting the 2025-2026 Puget Sound commercial 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) at the sections 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 (FWC or Commission) at its regularly or specially scheduled meetings that are open to the public. Those policies can be found at: <https://wdfw.wa.gov/about/commission/policies>.

In addition, the Department's Director and staff interact with the Commission by reporting on policy implementation, including rule development and implementation, as part of the Commission's open 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 develop and adopt the rules to implement the outcomes of the process, while also providing policy guidance, as described

above. For example, the North of Falcon Policy (C-3608) contains policy objectives to guide fishery rule-making and provides an express delegation of rule-making authority to the Director.

As discussed below, the Administrative Procedure Act, RCW 34.05 (APA) envisions a rule-making process by which input is solicited from the public during the preproposal phase (CR-101) to aid in the development of proposed rules. This public process is then carried through as the rules, once proposed (CR-101), undergo additional public review and comment. The Director employs agency staff to assist in the rule-making process but retains the final delegated decision-making authority on such rules. After consideration of public comments received and staff recommendations, the Director makes the final decision to sign the CR-103 rule-making order adopting the final rules.

The APA process for the proposed rules for the 2025-2026 Puget Sound commercial salmon season began when the CR-101, notice of intended rule-making, was filed on January 21, 2025 (WSR 25-03-121). Thereafter, the Department relied upon several forums to gather information and interact with regional fishery managers and constituent groups and the public in order to develop the proposed rules that were presented in the CR-102 filed on May 6, 2025 (WSR 25-10-093) and became available for formal APA public review and comment.

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

North of Falcon/Pacific Fishery Management Council processes used to develop proposed rules (“Pre-notice Inquiry” (CR-101) stage of rule-making)

State, federal, and tribal fishery managers, and the Oregon Department of Fish and Wildlife (ODFW), work collaboratively with recreational and commercial stakeholders during North of Falcon (NOF) and Pacific Fishery Management Council (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. The process consists of series of public meetings involving federal, states, 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 helping 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 Northwest 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.

Rule development for the North of Falcon process in 2025 began in early January with the filing of the CR-101 and a commercial industry meeting to review the 2024 salmon fishery. WDFW presented outcomes of the 2024 fishing season including non-compliance issues associated with quick reporting and fish tickets, solicited input on proposed WAC revisions (220-354-050 and 220-354-140), discussed the state of salmon with regard to survival trends and biological effects (*e.g.*, climate and marine mammal predation), began discussions on the upcoming 2025-26 fishing season, WDFW's objectives for 2025-26, and the Commission's NOF Policy (C-3608).

Subsequently and similar to previous years, the 2025-26 NOF salmon season planning process included several meetings held with the public, from February to April:

Table 1. Public meetings for 2025 Puget Sound Commercial North of Falcon season setting process.

Geographic Area	Date(s)	Location
All/Puget Sound Commercial	February 28	Olympia, WA/Zoom webinar
Ocean – PFMC	March 5-11	Vancouver, WA/Zoom webinar
All/Puget Sound Commercial	March 19	Olympia, WA/Zoom Webinar
All/Puget Sound Commercial	March 25	Lynnwood, WA/Zoom webinar
All / PFMC	April 9-15	San Jose, CA/Zoom webinar
Puget Sound Commercial	April 12-14	Zoom webinar

Meetings were held both in person and using online formats.

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 2025-26 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, WDFW solicited and accepted public comments to inform fishing proposals online, via WDFW's website and through e-mail, thereby providing alternate avenues to comment, particularly for those individuals who could not attend the scheduled public meetings and webinars.

Concurrently, in the 2025-26 NOF season planning process, tribal co-managers and WDFW conducted technical meetings and policy level discussions to develop conservation objectives, run-size forecasts, estimates of the allowable harvest, and treaty and non-treaty catch shares for the various salmon runs considered in defining fishing levels. These meetings were held in a hybrid format, both virtually (through online means) and in person. WDFW and tribal co-managers negotiated coordinated fishing schedules for planned treaty- and state-managed Puget Sound salmon fisheries. These schedules provide the days of the week that are exclusively

reserved for treaty fishing in areas where non-treaty fishing is also conducted. The Puget Sound commercial salmon fishing seasons adopted by WDFW in 2025 are the product of both the state-tribal government-to-government negotiation and the public process planning components of the annual NOF process.

CR-102 rule proposal phase with comment period and formal rule-making hearing

Based upon all the information generated via these forums and outreach efforts, WDFW developed and proposed fishery rules for public consideration through the APA process. Accordingly, the CR-102 for WDFW's rule-making proposals for the Puget Sound commercial salmon seasons in 2025-26 was filed on May 6, 2025 (WSR 25-10-093). The CR-102 filing included proposed changes to the WAC sections listed at the beginning of this CES. The package of proposed rules comprises a suite of amendments to those pre-existing WAC sections and reflects a unitary fishing season proposal for the 2025-26 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's (2024-25) suite of fishing season rules.

Information regarding the proposed rule changes was electronically sent to participants in the NOF process who provided their contact information at meetings, as well as posted on WDFW's website.

A formal APA rule-making hearing was held on June 12, 2025 (via Zoom webinar) to provide additional public opportunity for making comments on the proposed rules as published in the Washington State Register (WSR). A total of eight individuals attended the rule-making hearing, and two of them provided testimony related to Puget Sound Commercial fisheries. These comments were related to concerns about the loss of coho harvest opportunity for reefnetters in October due to the removal of unmarked coho retention, and issues focusing on the registration portion of the registration and limited participation requirements and vague language around management objectives in WAC 220-354-050 may create uncertainty and burdens for Puget Sound commercial fishers. A summary of the public hearing, the comments provided at the hearing, and WDFW's responses to those comments, has been prepared and provided to the Director of WDFW for his consideration in adopting the proposed rules. In addition to input received during the APA hearing, comments received by letter, electronic mail (addressed to the WDFW Rules Coordinator or other WDFW staff), and online (via the WDFW NOF webpage) during the NOF process and CR-102 comment period were considered throughout the rulemaking process.

2. Reasons for adopting the rules:

WDFW considered all the facts and circumstances surrounding the proposed 2025-26 Puget Sound commercial salmon season. The department carefully reviewed all input the public provided regarding preferred fishing rules during NOF public meetings (CR-101, APA Pre-notice Inquiry stage) and the subsequent stages of the rule-making process designed to provide formal notice of and opportunity to comment on proposed rules (CR-102 filing of proposed rules, formal period of additional comment solicitation, and public rule-making 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 WDFW continues to use best available data during the season to update forecasts. Important characteristics of the commercial salmon fisheries 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 the proposed fishing schedules for state recreational fisheries and the schedules for treaty fisheries, as in some cases these schedules must be coordinated with the state's commercial fishing schedules as part of the co-management process developed under sub-proceedings of *U.S. v. Washington*.

Regulations for the 2025-26 Puget Sound commercial salmon fisheries were considered with respect to established objectives. These objectives include generally applied statewide objectives, together with detailed regional-specific objectives described within the regional sections set forth further below. WDFW shared these objectives with commercial fishery representatives during the 2025 NOF and APA public processes. These objectives 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 fisheries are planned to meet primary stocks' escapement goals and/or management objectives (e.g., exploitation rate).
 - b. Manage fisheries consistent with FWC policies C-3608 (2024-2028 North of Falcon) and C-3624 (Anadromous Salmon and Steelhead Hatchery Policy). This includes using management strategies to limit seabird mortalities consistent with the federal Migratory Bird Treaty Act.
 - c. Monitor fisheries to facilitate meeting objectives (1.a.) and (1.b.) above.
2. Harvest the non-treaty share of harvestable salmon, considering the fishery policies and objectives that establish preferences on time, place, and species of salmon to be harvested across all the state's fishing sectors.
3. Promote orderly fisheries and enhance and improve recreational and commercial fishing in this state (RCW 77.04.012).
4. Seek to maintain the economic well-being and stability of the fishing industry in the state (RCW 77.04.012).

When taking these objectives into account, WDFW conducted a thorough assessment of all technical and scientific information available to state and tribal co-managers. For example, the co-managers in 2025 analyzed pre-season forecast and stock identification data to determine agreed upon in-season harvest plans. Additionally, WDFW reviewed all input (written and oral, formal, and informal) from industry representatives and the general public regarding preferred fishing rules received during NOF public meetings and in communication outside those scheduled public meetings, and all input received by the department via electronic or mail portals provided for public commenting upon the proposed rules.

Important five-to-ten-year metrics of the Puget Sound commercial salmon fishery considerations include: licensed vessel to active vessel participant ratios, catch and by-catch compositions, predicted harvest under proposed rules, and the economics of these commercial fisheries. WDFW also considered the coordination of state- and tribal-managed commercial and recreational fishing schedules. These elements were evaluated in accordance with the sub-proceedings of *U.S. v. Washington*, to attain an agreed-to fishery package receiving ESA authorization for the 2025 non-treaty commercial salmon fisheries in Puget Sound.

In 2025, WDFW acknowledges our four major objectives as stated above, as reasonings for revising and expanding the registration and limited participation salmon net fishery—outlined in WAC 220-354-050. This WAC was originally developed as a long-term management framework to help WDFW meet key conservation and management objectives under changing conditions, including the ability to regulate effort, prevent overharvest, and respond to data needs in-season.

The registration and limited participation fishery structure enables WDFW to continue providing fishing opportunity, while maintaining compliance with domestic and internationally defined conservation and allocation goals. It is designed to support sustainable harvest opportunities, data-driven management, meet domestic and international management obligations, and it gives WDFW the flexibility to respond as circumstances evolve, both within a season and across years.

Based upon the information and input gathered, received, and reviewed, WDFW believes that adoption of the proposed 2025-26 Puget Sound commercial fishing regulations will be consistent with the identified management objectives, according to the following rationale:

Objective 1.a.: Ensure primary stocks meet escapement goals and/or management objectives.

The proposed rules and regulations for Puget Sound commercial salmon fisheries are constructed with the objective of achieving conservation objectives defined for each target species, stock, or management unit. The proposed rules define schedules with open fishing periods only for those fisheries that are directed at salmon stocks with harvestable abundance; all fisheries are monitored to ensure that catches do not exceed the number allowed for each species, stock, or management unit at which the fishery is directed. WDFW relied on state-tribal co-manager pre-season forecasts of abundance to construct the fishing schedules. WDFW will use in-season information, where available, to update preseason forecasts of stock abundance and revise estimates of the allowable catches for each fishery.

In addition to management objectives for target species and stocks, commercial fisheries must also meet conservation objectives for key constraining non-target salmon stocks. Early runs of the Chinook and coho FRAM models during the 2025 NOF process identified two stocks that are encountered incidentally in Puget Sound commercial fisheries, Interior Fraser coho and Hood Canal coho, as stocks that would not meet their objectives if 2024 fisheries were implemented with abundances forecast for 2025. While Puget Sound Chinook stocks were meeting conservation objectives in early model runs, WDFW expected that several Puget natural-origin Chinook stocks would be projected to exceed management objectives once Puget Sound marine and freshwater pink salmon fisheries (which only occur in odd-numbered years) were added to the model and fisheries outside Puget Sound were updated for 2025.

Through the NOF and PFMC processes, fishery planning models were updated with new fisheries proposals based on regional forecast abundances. Forecasted abundances for Columbia River Chinook stocks were larger than in 2024. These are the major driver stocks for ocean fisheries, which resulted in larger ocean quotas for both treaty and non-treaty fisheries for the 2025-26 season. Modeling updates with new ocean quotas, Canadian inputs, and fisheries targeting pink salmon showed that several Puget Sound Chinook stocks were no longer meeting management objectives. The list of constraining stocks with updated modeling included Nooksack Spring natural Chinook, Skagit Summer/Fall (S/F) natural Chinook, Skokomish natural Fall Chinook, and the Mid-Puget Sound Chinook stocks; made up of Lake Washington/Cedar River, Green River, and Puyallup River natural Chinook (Table 2). Multiple recreational and tribal fisheries required reductions to meet objectives for Chinook and coho stocks mentioned above, so impacts in non-treaty commercial fisheries had to be carefully evaluated and planned so that fisheries would meet all conservation objectives for target and non-target salmon species.

Table 2. 2025 Puget Sound Constraining Stock Table from Updated Fishery Modeling.

Stock	Objective Type	2025 Management Objective	Updated Model Result
Nooksack spring natural Chinook	Southern U.S. Exploitation Rate	10.9%	13.1%
Skagit Summer/Fall natural Chinook	Southern U.S. Exploitation Rate	17.0%	25.9%
Stillaguamish natural Chinook	Southern U.S. Exploitation Rate	9.0%	13.3%
Mid-Puget Sound natural Chinook (Lake Washington/Cedar, Green, and Puyallup)	Pre-terminal Southern U.S. Exploitation Rate	14.0%	15.3%
Skokomish natural fall Chinook	Total Exploitation Rate	50%	51.0%
Hood Canal natural coho	Total Exploitation Rate	45%	45.1%
Interior Fraser (Thompson) natural coho	Southern U.S. Exploitation Rate	10%	10.3%

Objective 1.b.: Manage fisheries to minimize mortalities on non-target species and stocks.

Commission Policy C-3608, titled *2024-2028 North of Falcon*, instructs the Department to manage fisheries to minimize mortalities on non-target species and stocks. In structuring rules for the 2025-26 Puget Sound commercial salmon seasons, WDFW considered impacts of fisheries on non-target species, including ESA-listed Puget Sound Chinook salmon, Hood Canal summer chum salmon, and Puget Sound steelhead, two species of rockfish occurring in Puget Sound (yelloweye rockfish and bocaccio), as well as other fish and wildlife species of concern including Southern Resident killer whales (SRKW) and Western North Pacific humpback whales. The proposed regulations are structured to ensure that incidental mortalities on non-target species are minimized by focusing fisheries at times and in areas of peak abundance for target salmon stocks, while avoiding times and areas with higher incidence of non-target species. For the proposed regulations to minimize bycatch, WDFW considered the best available science concerning the potential impact of these fishing seasons on non-target species, often relying on joint recommendations of tribal and state technical staff, commercial fishery observations, and historical catch accounting in the process.

Because bycatch mortalities vary by fishing method, the objective of minimizing bycatch requires WDFW to apply different rules to the different gear types. For example, salmon bycatch mortality associated with operation of reef net gear (used only in Salmon Management and Catch Reporting Area 7/7A fisheries) is assumed by state and tribal fishery managers to be zero, because minimal contact with non-target salmon occurs with this gear during fishing operations, and all prohibited bycatch is quickly released. For purse seine gear, state and tribal managers reviewed results of scientific studies on salmon bycatch mortality and agreed that the majority of coho and Chinook salmon encountered by this gear will survive being sorted and returned to the water. Based on this scientific data, bycatch mortality of Chinook and coho salmon in Puget

Sound commercial purse seine fisheries targeting other salmon species can be minimized by requiring that these non-target species be released.

Scientific studies that have been conducted on mortality rates for coho and Chinook salmon encountered by gillnet gear largely indicate that release mortality rates can be highly variable depending on a variety of factors associated with the fishery. Factors that have been shown to influence release mortality include mesh size, soak time, the use or nonuse of recovery boxes as well as location of the encounter. In accordance with the best available science, WDFW addresses the bycatch minimization objective for gillnet gear differently than the approach used for purse seine gear. Relying on recommendations of the Joint Chinook Technical Committee of the Pacific Salmon Commission (Report TCCHINOOK (97)-1. PSC, 1997) that “CNR (Chinook non-retention) gillnet fisheries are unlikely to be implemented due to the high expected mortality rate of the fish released,” WDFW believes that requiring release of Chinook and coho salmon in Puget Sound gillnet fisheries generally will not result in the minimization of bycatch mortality. In many Puget Sound gillnet fisheries, WDFW does not require release of Chinook or coho. Fishers are prohibited from discarding salmon that may be legally retained, except for fish that are made unmarketable due to marine mammal depredation. Because all retained salmon are required to be reported on commercial fish tickets, WDFW assumes that bycatch of these species is accounted for through Commercial Fish Receiving Tickets. From 2013 to 2016, WDFW had increased on-board monitoring of gillnet vessels, with the objective of comparing levels of bycatch estimated from direct observation of gillnet bycatch of Chinook and coho to levels accounted for on Commercial Fish Receiving Tickets. Comparing the historical data against the more contemporary data collected by the observer program, confirmed that the ratios of target species to bycatch remained low for gill net gear and confirmed WDFW’s assumptions. From 2016 to present, WDFW shifted on-board monitoring efforts to purse seines due to non-target species release requirements, safety, and logistics. In 2022 WDFW received monitoring resources which enabled increased sampling of landed catch. The requirement to report as well as the increased sampling program will result in increased precision in bycatch estimates.

There may be unique circumstances where WDFW believes that the bycatch minimization objective will be achieved by requiring release of certain salmon species from gillnets. Such circumstances include when regulations restrict the number of participating licenses, such that all participants can be monitored; when regulations limit the size of fishing gear and length of net soak times (*e.g.*, in the extreme terminal Area 12A coho fishery with skiff gillnets); or when regulations require the use of recovery boxes.

The mortality rates applied to Chinook salmon encountered and released in Puget Sound purse seine fisheries, and the drop-out rates applied to gillnet fisheries, are based on joint-tribal-state technical recommendations and are documented in the *2022 Comprehensive Management Plan for Puget Sound Chinook: Harvest Management Component*. This plan was submitted to the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS or NOAA Fisheries) for a determination under Limit 6 of the ESA 4(d) rule for a ten-year period. While the plan is under review, annual consultation between NMFS and the Bureau of Indian Affairs on the co-managed fisheries has resulted in annual take authorization under section 7 of the ESA.

In addition to measures described above, WDFW’s proposed regulations for Puget Sound commercial salmon fisheries incorporate gear, time, and area restrictions to minimize bycatch encounters. This is particularly the case for summer chum originating from Hood Canal and the Eastern Strait of Juan de Fuca. In March of 1999, NMFS determined that the summer chum

originating from Hood Canal and the Strait of Juan de Fuca represented an Evolutionarily Significant Unit (ESU) and formally listed these fish under the ESA as a threatened species.

In April 2000, the state and tribal co-managers published a summer chum management plan, approved by NMFS (*Summer Chum Salmon Conservation Initiative - An Implementation Plan to Recover Summer Chum in the Hood Canal and Strait of Juan de Fuca Region*), which contains base conservation regimes (BCR) for fisheries with specific guidelines by area, timing, gear type, and summer chum forecasts combined with in-season escapement numbers. For example, in Area 12A, under the BCR guidelines, beach seine fisheries cannot begin prior to August 21, while gillnet fisheries cannot begin prior to September 1. Also, the BCR guidelines stipulate that these fisheries cannot open until at least 1,500 chum have been counted in the river and can open one day per week if fewer than 2,500 chum have been counted in-river. Further, non-treaty gillnets can open only if treaty fisheries are open, and gillnets must release chum by cutting the mesh ensnaring the fish.

Conservation concerns over non-salmon species encountered during Puget Sound commercial salmon fisheries remain high. Fish species of concern in Puget Sound include ESA-listed Chinook salmon, summer chum salmon, and steelhead, as well as ESA-listed bocaccio and yelloweye rockfish. Other wildlife species of concern in the Puget Sound include federal ESA-listed Southern Resident killer whales and marbled murrelets, along with tufted puffins, a state-listed endangered species. For these species, data collected from purse seine observations indicate a low encounter rate, but (as discussed below) there is minimal gillnet monitoring data from recent seasons. Extrapolation of purse seine data to the gillnet fishery in general may not be valid, given known differences between the gear types and their impacts on various species.

Bycatch of seabirds entangled in gillnet gear is believed to pose the greatest risk of injury or mortality of the commercial salmon gear types currently employed. Encounters and mortalities of ESA-listed marbled murrelets are documented in the *USFWS Biological Opinion on the proposed 2017-2036 Puget Sound Salmon Fisheries and its effects on Marbled Murrelet*, 2017. This Biological Opinion (Bi-Op) on marbled murrelets provides incidental take coverage for both WDFW- and Treaty Tribe- managed Puget Sound salmon fisheries through 2037, unless consultation by the United States Fish and Wildlife Service (USFWS) is initiated prior to that time. In its Bi-Op, the USFWS used non-treaty commercial effort data from 2000 to 2015 to extrapolate expected effort and impacts of the fishery to marbled murrelets during the proposed action. USFWS concluded that the proposed Puget Sound salmon fisheries are not likely to have an appreciable influence on the numbers of marbled murrelets when considering cumulative effects on the species. However, should any substantial increases in fishing effort occur, WDFW is concerned that take limits could be exceeded and re-initiation of consultation on Puget Sound salmon fisheries triggered. Re-initiation of consultation on the current Bi-Op for marbled murrelets could include further restrictions on Puget Sound commercial fisheries. WDFW is therefore particularly cautious about expanding fishing opportunity.

The proposed regulations for the 2025-26 Puget Sound commercial salmon seasons include restrictions specific to purse seine and gillnet gears that are expected to reduce seabird mortalities. These restrictions are identical to those implemented since the mid-1990s, based on recommendations of scientists conducting seabird bycatch studies as well as input from both gillnet and purse seine fishers.

Marine mammal injuries and mortalities in Puget Sound net fisheries are another concern. The federal Marine Mammal Protection Act (MMPA) requires NOAA Fisheries to address the impacts of all fisheries on individual marine mammal stocks, and to classify fisheries into one of

three categories based on their risk of “incidental take” of marine mammals. More information on the classifications and supporting material are available on the NOAA Fisheries website. All fisheries are required to report marine mammal injuries or mortalities to NOAA Fisheries within 48 hours of the event. Puget Sound purse seine fisheries are designated as a Category III fishery, “with a remote likelihood or no known serious injuries or mortalities” to marine mammals and have no requirements beyond reporting any injuries or mortalities.

Puget Sound gillnet fisheries are designated as a Category II fishery, “with occasional serious injuries or mortalities” to marine mammals. Category II fisheries require fishers to obtain an annual Marine Mammal Take Authorization from NOAA Fisheries and carry it on board the vessel during any commercial fishing operations. Currently NOAA Fisheries cites incidental takes of harbor porpoises as being the driver for the Category II designation of the gillnet fishery. NOAA Fisheries’ final rule, providing take authorization for the 2025-26 Puget Sound commercial salmon fisheries, was published in the Federal Register on September 24, 2024 (89 FR 77789).

An additional concern with net fishing is lost or derelict gear because they can remain in the environment and entangle animals until they can be located and removed. Efforts to locate and remove derelict gear have increased in recent years, as have concerns over their impacts on ESA-listed rockfish species in Puget Sound. The Northwest Straits Foundation (NWSF) reported removing 5,811 pieces of derelict fishing nets, of which a large majority have been gillnets, from Puget Sound, the San Juan Islands, and the Strait of Juan de Fuca since 2002. The length of time the nets have been in the water is estimated based on biological growth on the net as well as the amount of sediment on the net. Most of the nets identified and removed were gillnets, and based on interviews with fishers, data from enforcement agencies, and recent fishing effort, NWSF estimates that between 10 and 13 gillnets or portions of nets are lost each year in the Salish Sea.

In 2012, the Legislature passed a law (RCW 77.12.870) requiring commercial fishermen to report any gear they abandon to WDFW within 24 hours, so that the gear can be located and removed as soon as possible. Reporting of derelict gear is summarized annually by the Northwest Indian Fisheries Commission in conjunction with the NWSF and WDFW.

In summary, WDFW believes that the proposed rules and regulations for the 2025-26 Puget Sound commercial salmon seasons are reasonably constructed to meet the objective to minimize bycatch overall. However, with respect to non-target salmon species and stocks, seabirds, and other non-salmon species, continued—and in certain cases increased—monitoring is needed to verify that bycatch is indeed minimized. As new scientifically reliable information becomes available in the future, WDFW will adapt and adjust the fisheries as necessary to continue to protect non-target species.

Objective 1.c.: Monitor fisheries to ensure objectives (1.a.) and (1.b.) are met.

Assessing non-target salmon bycatch is a matter of estimating both the number of fish encountered by the gear and the proportion of the fish released that will survive. WDFW relies on scientific studies to determine these release survival rates. The most accurate estimates of numbers of fish or other species incidentally encountered in purse seine and gillnet fisheries come from direct, on-board sampling by trained technical staff. The data collection is focused on non-target salmon species, although data on ESA-listed species and other species of concern are collected when possible. However, this on-board sampling does not provide estimates for additional sources of fishing related mortality, such as net dropout (*i.e.*, fish that fall out of the net while the net is being retrieved) or predation by marine mammals on fish captured in the net.

Sampling and monitoring programs implemented by WDFW have been primarily focused on purse seine fisheries to obtain mortality estimates on non-target salmonids. In-season monitoring data are needed from purse seine vessels to estimate the number of Chinook and coho salmon they encounter in a fishery when they are not allowed to retain those species. WDFW utilizes the onboard observer program to monitor purse seine commercial fisheries prosecuted in the marine waters of Puget Sound. For gillnet fisheries WDFW relies primarily on fish tickets and on the water interviews to estimate non-target salmon catch numbers. Because most non-target salmon catch is allowed to be retained, this catch is assumed to be reported on fish tickets.

Several species and stocks of conservation concern are encountered incidentally in Puget Sound commercial salmon fisheries, including ESA-listed Chinook salmon, Puget Sound steelhead, and species of Puget Sound rockfish. Commercial fishers are prohibited from landing some of these species in any fishery (*e.g.*, steelhead), and therefore, these fish are not reported on fish tickets. Consequently, WDFW has been unable to estimate bycatch in gillnets for some species. WDFW will utilize available sampling information in a precautionary manner and may adjust fishing schedules if data indicate that non-target species bycatch levels for either gear type are greater than levels assumed in pre-season planning models and analyses.

Objective 2: Harvest the non-treaty share of salmon.

The proposed rules and regulations for the Puget Sound commercial fisheries are designed to ensure that the total allowable catches defined for each fishery are as fully utilized as possible considering competing policy objectives for other fisheries and other constraints. Season structures considered for 2025-26 reflect expected abundance of target salmon species and stocks, based on pre-season forecasts. Abundances for some salmon stocks will be updated as the season progresses, based on scientific information collected from the fisheries and agreements reached by the state and tribal co-managers. The non-treaty total allowable catch will be adjusted accordingly and may result in increasing non-treaty fishing opportunity. Given the uncertainty associated with estimates of fishing effort, harvest rates, and the abundance of the target species or incidentally caught species, in-season adjustments to the fisheries may be necessary to meet conservation objectives. These adjustments could result in the harvest of less than the full non-treaty allowable catch. WDFW will attempt to provide advanced notice to the commercial fishing fleet of any changes to schedules.

Objective 3: Maintain the economic well-being and stability of the fishing industry (RCW 77.04.012); allow a sustainable level of harvest sufficient to provide opportunity for each gear type (RCW 77.50.120).

The proposed rules and regulations for these commercial fisheries are designed to maintain the economic well-being and stability of the fishing industry, and to provide a sustainable level of harvest sufficient to provide opportunity for each gear type. This management objective is challenging to address, given the diversity of the Puget Sound commercial salmon fishing fleet in terms of gear types and the number of discretely managed fisheries opened each year. In addition, the economic health and stability of these fisheries depends on many factors beyond WDFW's control, including the prices paid for salmon, the abundance of salmon, the relative size of the salmon, the proportion of vessels choosing to participate in a fishery, the catch rates of vessels that do participate, and other factors.

Prices paid for salmon caught in these fisheries are influenced by international and domestic market conditions and other factors WDFW cannot control. These include, but are not limited to, abundance of salmon in the fishery, the number of salmon available from fisheries in other areas such as Alaska, the amount of product stored from previous years, competition between buyers, quality of the fish, and prices of farmed salmon. WDFW also cannot control the effort of fishers who hold limited-entry Puget Sound commercial salmon permits (178 gillnet, 70 purse seine, and 11 reef net) unless registration and limited participation tools are implemented in a particular fishery.

While WDFW can open areas to harvest of salmon for commercial license holders, the department cannot control the number of vessels that choose to participate in full-fleet openings. Participation levels in each opening are driven by many factors, including the price of salmon, cost of fuel, weather and tidal conditions, and harvest opportunities on other species of fish and/or harvest opportunities in other Puget Sound salmon areas. Catch rates for a given gear type will vary between years and within a single year over individual openings due to changes in salmon abundance, salmon size, migration behavior, and many other operational decisions made by vessels participating in the fishery that are not listed here.

Finally, WDFW negotiates non-treaty commercial salmon fishing openings with tribal co-managers, consistent with the process developed under sub-proceedings of *United States v. Washington*. These negotiations, as well as in-season coordination and management with tribal co-managers, have many different components that reach far beyond the scope of Puget Sound commercial salmon fisheries. This means that there may be instances where WDFW would prefer to maintain or increase fishing opportunity for non-treaty fishers, but the ability to do so is affected by the need to make compromises in order to achieve successful negotiations with tribal co-managers. ESA requirements for affected listed species must also be factored into fishery impact modeling and state-tribal negotiations.

Given the many factors beyond WDFW's control, the department believes that the most effective means of positively affecting the well-being and stability of the industry is by providing a predictable season structure designed to access the full allowable harvest. WDFW works to minimize annual or short-term adjustments to season schedules because there is significant inter-annual variation in fishery performance and salmon abundance. The outcome of a single year may not indicate that an adjustment is appropriate or necessary to achieve this management objective. Given all the previously listed constraints on commercial fisheries, there will be situations where a full fleet fishing opportunity is not possible in order to stay with a non-treaty share. Offering fisheries as a limited participation fishery provides an opportunity to access that full share and remain within conservation and management objectives. In situations where the non-treaty share is not being fully utilized, increased opportunity can promote the well-being of the industry if that opportunity can be provided while meeting conservation objectives for target and non-target species and stocks. The registration and limited participation salmon net fishery—outlined in WAC 220-354-050 was developed and implemented as a management framework to help WDFW meet key management objectives under changing conditions, including the ability to regulate effort, prevent overharvest, and respond to data needs in-season. This management approach gives fishing businesses the ability to plan for upcoming opportunities and to make business-based decisions about when and where to fish.

WDFW's basis for concluding that the 2025-2026 rules will promote the well-being and stability of the industry and allow a sustainable level of harvest is detailed by area and fishery immediately below. Due to the potential de-stabilizing effect of changes, focus is placed on modifications to schedules from past years and ways the modifications are expected to affect

achievement of Objective 3. The various reasons for incorporating or not incorporating industry input received during the NOF process are also included here.

Area 6D (coho) – The 2025 schedule is similar to that in recent years, and, per the Summer Chum Salmon Conservation Initiative (SCSCI), the fishery will open on September 21. The fishery will be open from Sunday through Thursday the first management week of the fishery and then Monday through Friday all subsequent weeks with weekends closed.

Area 7/7A (chum) – In 2014 through 2016, the U.S. harvested its full share of Area 7/7A chum available under the Pacific Salmon Treaty. These were the first years the U.S. harvested its full share of chum since the renegotiation of the chum annex of the Pacific Salmon Treaty in 2008. In order to provide opportunity for the non-treaty fleet to harvest its share, an agreement, similar to that in recent years, was negotiated with tribal co-managers (1) providing additional non-treaty fishing opportunity early in the season (2) if, after the first four days of non-treaty fishing, only a small portion of the non-treaty share has been harvested and the Inside Southern chum run size is estimated above the critical threshold of 1.0 million. The non-treaty fishery will be open October 11, 12, 14, and 15. The fishery will potentially reopen through the end of the season on October 18, based on the non-treaty catch in those first four days. The 2025 schedule provides the maximum amount of fishing time for all gear types, within the constraints of the Pacific Salmon Treaty and negotiated co-management agreements including the payback for the non-treaty fleet exceeding its' share in 2024, for treaty tribal and non-treaty fleets. Registration and pre-season applications are required for 7/7A fisheries and limited participation may be considered to meet management objectives.

Area 7B (Chinook/coho/chum) – The 2025 fishing schedule for Areas 7B has been adjusted for calendar dates, management periods, and forecasted returns. In 2024, the fishery opened in week 33 as a nighttime Chinook gillnet fishery with a 7" min mesh size through late August. In 2025 and at the request of the gillnet fleet, daylight hrs were added to the fishery during weeks 33-35 every Monday and Tuesday with a 5" min mesh size. This was done to provide additional coho opportunity and reduce marine mammal interactions. With this accommodation, some nighttime Chinook opportunities were removed during weeks 33-35. In weeks 44-49, the chum fishery returns to its traditional M-F schedule. Whatcom Creek Zone (east of a line from Post Point to flashing red light at west entrance of Squalicum Harbor) may close in-season if chum broodstock goals are not being met. Registration and limited participation salmon net applications will be required to participate in 7B fisheries.

Area 7C (Chinook)

The 2025 fishing schedule for Area 7C has been adjusted for calendar dates, management periods, and forecasted returns. The fishery opens in week 33 this year. An issue raised during negotiation of the 2021 commercial fishery season for Puget Sound centered upon reports of gear conflict between the all-citizen gillnet fleet and treaty crab fishers in the 7C Samish Bay Chinook and coho fisheries. This was first reported as a potential conflict during the 2020 fisheries and was introduced again during the annual NOF process in each subsequent year. As stated above, the schedule has been adjusted to accommodate these concerns, however, WDFW intends to monitor the non-treaty gillnet fishery to determine any potential gear conflict.

Area 8A (coho/pink) – The Area 8A coho and pink directed fisheries are closed for 2025. The status and potential impacts on Skagit, Snohomish, and Stillaguamish Chinook, as well as Stillaguamish pink salmon, were constraining stocks during the 2025 NOF process, requiring fishery managers to implement measures seeking to stay within conservation management objectives of these stocks.

Area 8D (coho and chum) – The Area 8D coho directed fishery is open to gillnets only, weeks 38-43. Chum-directed fisheries are closed for 2025. Local chum stocks are not projected to meet their escapement goals.

Area 9A (coho) – The 2025 fishery schedule is similar to recent years, with adjustments made for calendar dates, and will be open weekly Sunday through Saturday, weeks 34-44. The opening date of this fishery mirrors that of the Area 9A treaty fishery. Closure areas for 9A were restructured in 2021 and remain in place for the 2025 season, eliminating two of the closure areas around small creeks that feed into Port Gamble Bay.

Area 12A (coho) – The 2025 fishery is closed due to Hood Canal coho conservation concerns.

Area 12C (Chinook) – WDFW has implemented a beach seine fishery in the Hoodspout Hatchery Zone of Area 12C to target a portion of the non-treaty share of hatchery Chinook returning to Hood Canal. The 2025 fishery is limited to those to whom WDFW has issued an Emerging Commercial Fishery license and a Puget Sound Beach Seine permit. Total landed catch for this fishery will not exceed 5,000 Chinook. The fishery is scheduled for one day per week (Thursdays) from July 27 through September 6, pending in-season agreements with co-managers every week. In odd years pink bycatch may be retained. Per the SCSCI, all chum salmon must be released. WDFW and co-managers have agreed to hold weekly calls to assess the fishery and possible second day per week and increase of in-season quota pending broodstock goals being met and in-season co-manager agreement.

Area 10 (pink) – The registration and limited participation net fisheries for Area 10 pink salmon is scheduled for 2025 as: five boats of each gear type, three days in each management week, required use of recovery boxes, mandatory Department observers on vessels, and limited soak times (90 minutes) for gillnets. Purse seine and gillnet fisheries will be managed to ensure that the non-treaty Chinook encounters do not exceed 481. These changes represent an increase in Chinook encounters and time on the water, compared with previous years. Based on input from the industry, the area within 1,000 feet of the eastern shore in Area 10 is closed to purse seines with the intent of reducing the number of Chinook encountered in the fishery.

Area 10/11 and 12/12B/12C (chum) – Registration and limited participation salmon net applications will be required to participate in these fisheries (WAC 220-354-050). Recognizing an abundance forecast that is above the recent 10-year average for South Puget Sound chum stocks, the Area 10/11 fishery is planned to be opened in week 42. Following week 42, if the Apple Cove Test Fishery In-Season Update (ISU) run-size is under 350,000 the area 10/11 fishery will be closed. During weeks 43-45, if the ISU run-size is between 350,000 to 460,000, limited participation fisheries in Area 10/11 will be prosecuted; and if the ISU run-size is larger than 460,000, Area 10/11 will be open pending in-season co-manager discussions. These ISU abundances were derived using approximately 50 years of historical South Puget escapement data to ensure conservation goals are met during a season with below-average forecasted abundances.

In Areas 12/12B, co-managers agreed to a pre-season plan for 2025 that is scheduled for weeks 42-47. This schedule was formulated based on the pre-season forecast of 513,677 Hood Canal chum, including prosecution of a purse seine and gill net fishery within week 42 to ensure a fleet-based CPUE is able to be calculated that fits within the window of the co-manager agreed-to In-Season Update model for Hood Canal Fall chum. The schedule for later weeks may be

adjusted according to remaining available harvest and in-season updates of chum abundance in Hood Canal and South Sound, to ensure schedules align and effort is split between areas.

2025-2026 Economic Analysis

To assess the short- and long-term stability and economic well-being of these two closely linked gillnet and purse seine commercial fisheries, WDFW assembled and analyzed catch and economic data from 1976 through 2024. Ex-vessel landing value data were adjusted according to the Gross Domestic Product: Implicit Price Deflator (GDPDEF) to account for inflation and allow for comparability of the economic data between years. For projecting economic value of the 2025 fishery, the 2024 GDPDEF factor is used since a 2025 value is not yet available. These data and summary statistics are presented in Table 3 for this CES, including the most recent 5 year average (2020-2024), average values by each gear for the period 1976-2002 (the historical time period, with consistent yearly fishing schedules, providing equal fishing time to gillnet and purse seine gear-); the period 2003-2024 (the time period in which extra fishing time was provided for gillnet gear); and also for the period 2017-2024, with 2020 and 2023 excluded. The Puget Sound chum fishery has undergone changes over time, but a significant change occurred in 2017, when the South Sound fishery was closed earlier than it has been historically due to conservation concerns for Nisqually Winter chum. For projecting outcomes of the 2025 fishery relative to catch proportions between gear types, WDFW used an average of years since 2018. Two of those years were excluded (2020 and 2023) from the average due to conditions that are not likely to be repeated in 2025 (Table 3, 2025 projection).

In 2020, commercial harvest in these fisheries fell to the lowest level in at least 50 years, due to low abundance, COVID-19 impacted markets, and fishery closures. In 2023, there was a global collapse in ex-vessel price for salmon, and many fishers chose not to participate in the chum fisheries due to the low prices being paid for catch, making it economically unviable to participate. Thus, the number of fishers actively participating in chum fisheries fell to the lowest in decades for both purse seines and gillnets. For these reasons, an average of the gillnet and purse seine catch proportions from 2018, 2019, 2021, 2022, and 2024 are used to project the expected proportions between gears in 2025 (Table 3, 2025 projection). Changes to the characteristics of the gillnet and purse seine fisheries across the last 20 years, and how WDFW has responded to those changes are described in more detail below.

Based on the 2025 Hood Canal chum run-size forecasts and preliminary calculations of expected harvestable numbers at those run-sizes, the total non-treaty share of chum for those areas is estimated at 200,000 chum, or approximately 1,602,000 pounds (based on a recent five year average weight of 8.01 pounds per fish).

Based on 2025 South Puget Sound chum run-size forecasts, and preliminary calculations of expected harvestable numbers at those run-sizes, the total non-treaty share of chum for those areas is estimated at 200,000 fish or approximately 1,602,000 pounds (based on a recent five average weight of 8.01 pounds per fish).

The total available harvestable share of chum salmon for the non-treaty fisheries in both Hood Canal and South Sound fisheries is 400,000 chum, or approximately 3,204,000 pounds (based on a recent five-year average weight of 8.01 pounds per fish). Ex-vessel prices for chum landed in these fisheries has varied widely in the recent past, with per pound averages of \$1.50 in 2021, \$1.30 in 2022, \$0.35 in 2023, and \$0.67 in 2024. Predicting what the market value will be for chum in 2025 is impossible. For purposes of this analysis, WDFW assumed that prices would rebound somewhat from the low seen in 2023, but not climb back to prices seen in previous

years. For the economic projections in Table 3, a value of \$0.95 per pound (based on a recent five-year average for both gear types combined) is used.

The five-year average proportion (excluding 2020 and 2023 for the reasons described above) of landed catch in combined Hood Canal and South Sound fisheries is 21% gillnet and 79% purse seine (Table 3, 2025 projection). Based on these proportions and the 400,000 chum predicted catch available for the non-treaty fleet, WDFW projects the 2025 fishery will result in catches of 84,820 chum for gillnets and 341,594 chum for purse seines. (Table 3, 2025 projection). Assuming an average weight of 8.01 pounds per fish for both gillnet and purse seine gears, and applying average ex-vessel prices of \$0.96 per pound for gillnet and \$0.94 per pound for purse seine (based on recent five-year average), the total estimated ex-vessel value across these fisheries would be \$3,031,412 with approximately \$651,095 attributed to gillnet fishers and \$2,380,317 to purse seine fishers.

Catch Proportions and Fishery Timeline

For the period 1973-2002, gillnets landed an average of 32% of total catch in the Hood Canal and south Puget Sound chum fisheries, while purse seines landed 68%. In 2003, the schedules in these two fisheries were significantly altered in response to multi-year signs of instability, including low prices per pound for chum salmon across gear types and low participation and catches in these fisheries by the gillnet fleet. Prior to 2003, WDFW managed these fisheries by providing equal fishing opportunity for both gillnet and purse seine, in terms of number of days open. Beginning in 2003, WDFW provided significant additional fishing time for gillnets to promote the economic well-being of that sector of the industry. From 2008 to 2013, the fishing schedules for chum fishing in south Puget Sound and Hood Canal provided consistent ratios of gillnet-to-purse seine fishing time, with small changes made annually to provide variation in “first fishing” opportunities within areas and weeks for each fishing group. Industry representatives for both gear groups have long maintained that having the “first fishing” opportunity of the week maximizes the economic value for that fleet; however, WDFW’s past analysis of fish landing receipts has not shown conclusive evidence that this is consistently the case. During those years, WDFW conducted an analysis to evaluate what historic (pre-2003) catch proportions for the gear types would be when scaled to account for changes to fleet composition (number of gillnet and purse seine licenses) that occurred between 1972 and 2002.

WDFW analysis showed that a present-day (post-2002) catch proportion of 26% gillnet and 74% purse seine would represent the same gear-specific per individual license catch proportion as the historical time period. Fishery outcomes close to those between gear proportions would promote stability to the extent possible for individuals of both gear types participating in the fishery. This metric of stability has been carried through Concise Explanatory Statements for Puget Sound commercial salmon fisheries in the years since.

In 2014, several changes were made to the gillnet and purse seine fishing schedules for three primary reasons: 1) adjust the catch proportions between gillnet and purse seine for consistency with the 2008-2013 period; 2) avoid an on-the-water gear conflicts and 3) achieve co-manager agreement on chum fisheries, which also has implications relative to securing co-manager agreement for the broader NOF process.

In scheduling the 2014 and 2015 seasons, WDFW projected catch proportions of 25% for gillnets and 75% for purse seines with the planned schedules, for Hood Canal and South Puget Sound chum fisheries combined. The resulting actual catch proportions in 2014 were very similar to the pre-season projections, at 24% for gillnets and 76% for purse seines. For 2015 and

2016, however, a similar fishing schedule resulted in very different catch proportions: of 31% and 32% gillnet, and 69% and 68% purse seine, respectively. WDFW explored potential bias in the in-season run-size update models but could not achieve co-manager agreement on a run-size update. Without co-manager agreement on an increased run-size, WDFW-managed fisheries had to be constrained to preseason fishing schedules during what is considered a peak week of the fishery (week 44).

In 2017, tribal co-managers were emphatic that no chum fisheries occur in Areas 10 or 11 after Week 45 stating their concerns for conservation needs for Nisqually Winter chum and required a thorough review of chum management throughout south Puget Sound. In the negotiations, tribal co-managers again discussed the risks and benefits associated with chum fisheries that occur in Marine Areas 10 or 11 after week 45. Ultimately, WDFW and tribal co-managers agreed to schedule fisheries in south Puget Sound that specified no fishing in Areas 10 and 11 after week 45 to address conservation concerns, as well as specific exclusionary zones in Areas 10 and 11, as outlined in WAC 220-354-080.

In planning 2018 fisheries, WDFW took this information into account and addressed this by removing 1 day of gillnet fishing in the first week of the fishery and scheduling 2 days of purse seine fishing in Week 45, projecting to return to the 26% gillnet/74% purse seine catch proportions. The 2018 season resulted in catch proportions similar to those expected (28% gillnet; 72% purse seine).

In 2019, chum conservation was identified as a major priority by tribal co-managers around Puget Sound, with a particular emphasis on South Puget Sound chum, specifically related to a very weak forecast of Puyallup and Nisqually Winter chum. Co-managers agreed to a pre-season plan for 2019 that was similar to 2018 for gillnets and purse seines in weeks 42-45, with the intent that this schedule would be adjusted according to in-season updates of chum abundance.

In 2020 South Puget Sound commercial chum fisheries were not open, as the reconstructed return was 256,442. Although there were openings for Hood Canal chum, catch was limited as it was the lowest Hood Canal return in many years, with the reconstructed return of 151,496. The COVID-19 pandemic also affected fisheries and markets around the world in 2020, making it impossible to untangle the effects of limited available harvest and the pandemic on Puget Sound fisheries that year. For those reasons, 2020 is not included in the set of years WDFW used to make projections for fishery outcomes for 2025 in this document.

In pre-season negotiations for 2021 chum fisheries in South Puget Sound, WDFW and tribal co-managers continued to recognize the need for a conservative approach to management related to very weak forecasts of Puyallup and Nisqually Winter chum. WDFW and tribal co-managers agreed to delay the start of the chum fishery in Areas 10/11 until at least week 43, pending the outcome of the “In-season Update Model” generated by the Apple Cove Test Fishery. Though sufficient numbers of chum were modeled in-season, co-managers failed to reach agreement to allow a non-treaty chum opening during weeks 43 and 44. Co-managers agreed to a pre-season plan for Area 12/12B that is similar to the 2019 plan for gillnets and purse seines in weeks 42-45.

In 2022, commercial fisheries directed at chum in South Puget Sound were planned to be closed preseason due to continued low forecasts of some South Puget Sound chum stocks. In season discussion with tribal co-managers resulted in agreement on a tiered approach to allow for some conservative fisheries. Fisheries in management weeks 42 through 45 would be managed to stay within a limited harvestable share of the State’s total harvest allocation. This was achieved through the use of limited participation fisheries for both gillnet and purse seine license holders

for management weeks 42 and 43. Prior to prosecution of the fishery each management week, applicants from both gear types were drawn randomly from a pre-season priority list. Those fishers who were drawn were limited to a quota of 300 and 1,000 landed chum for gillnet and purse seine fishers, respectively.

In 2023, fisheries directed at chum in South Puget Sound were planned to be open or closed based on in-season updates for management weeks 42 through 45. In-season discussion with tribal co-managers resulted in agreement on a tiered approach to allow for some conservative fisheries. Fisheries in management weeks 42 through 45 would be managed to stay within a limited harvestable share of the State's total harvest allocation. This was achieved through the use of limited participation fisheries for both gillnet and purse seine license holders, and Area 10/11 closure when the run size was estimated under 350,000. Prior to the season, WDFW conducted a random drawing from a pool of license holders who returned completed applications. Each week, applicants were contacted down the list in the order drawn until six purse seine applicants and ten gill net applicants accepted participation. Those fishers who were drawn were limited to a quota of 400 and 1,600 landed chum for gillnet and purse seine fishers, respectively. The majority of individuals that were drawn, accepted the limited participation opportunity and participated in the fishery. In 2023, Hood Canal commercial chum fisheries experienced lower than the long-term average participation. Specifically, the number of gillnet licenses that recorded catch in 2023 (30 vessels) dropped by 57% from the recent 5-year average. As mentioned above, there was a global collapse of salmon prices in 2023, which likely affected participation in the full fleet Hood Canal chum openings. For those reasons, 2023 is not included in the set of years WDFW used to make projections for fishery outcomes for 2025 in this document.

In 2024, the South Puget Sound chum fishery (Area 10/11) was opened as a full fleet fishery based on the preseason forecast of 486,562 chum, which exceeded the in-season update (ISU) threshold of 460,000 chum for a full fleet fishery. As a result, management week 42 opened to the full fleet based on the preseason forecast, while weeks 43 through 45 were opened in-season as the ISU generated from the Apple Cove Test Fishery continued to exceed 460,000 chum. The final agreed-to ISU for South Puget Sound was 900,000 chum. Despite the strong run size, limited participation measures were implemented in management weeks 44 and 45 to meet management objectives related to staying within the non-treaty share and minimizing impacts on Nisqually Winter chum, respectively. In week 44, 20 vessels participated under a 3,000 chum landing cap per license, and in week 45, seven vessels participated under the same limit. A total of 392,584 chum were harvested in Area 10/11, with the gillnet fleet catching 38,729 chum (10%) and the purse seine fleet catching 353,855 chum (90%).

In Hood Canal (Area 12/12B), the 2024 preseason forecast for fall chum was 254,900 chum. This very low forecast was expected to limit commercial chum salmon fisheries and potentially prevent the use of the agreed-to Hood Canal fall chum ISU model. Given these circumstances, the Hood Canal Treaty Tribes (Skokomish Tribe, Port Gamble S'Klallam Tribe, Jamestown S'Klallam Tribe, and Lower Elwha Klallam Tribe) and the Washington Department of Fish and Wildlife (WDFW) agreed to manage their respective fisheries based on the preseason forecasted harvestable shares, unless an alternative ISU method was developed prior to the season that could accurately estimate run size under conditions of low abundance and/or reduced purse seine effort. However, the final ISU based on the purse seine CPUE came in significantly higher than expected, at 1,041,287 chum. As a result, weeks 42 through 46 were opened, though with in-season restrictions such as limiting fishing to Area 12C and requiring coho release. During week 45, purse seine fisheries were closed to meet management objectives leaving only gillnet

fisheries open. The total chum catch in Hood Canal was 346,288 chum, with 62,806 caught by gillnet vessels (18%) and 283,482 caught by purse seine vessels (82%).

In 2025, WDFW and tribal co-managers agreed to manage 2025 chum fisheries similarly to the 2024 season with the evaluation of an estimated impact of Nisqually Late chum to under the 4% non-tribal cap, derived from genetic data collected on the Apple Cove Test Fishery boat. These agreements were made due to Nisqually Late chum being forecasted below the escapement goal. WDFW and tribal co-managers have agreed to continue discussions pre-season during the summer of 2025 to review commercial fishery genetic data results and future collections that will assist with managing fisheries in later weeks of the season.

For 2025, Area 10/11 commercial chum fisheries are scheduled for a full fleet opening in management week 42, as the South Sound pre-season chum forecast of 730,267 fish exceeds the threshold of 460,000 chum for full fleet. For management weeks 43-45 these fisheries, are planned to remain open, but may be subject to closure or in-season harvest limitations depending on results of the “In-season Update Model” generated by the Apple Cove Test Fishery. WDFW and tribal co-managers have agreed that if the Apple Cove Test Fishery In-Season Update (ISU) model predicts the run size of the aggregated South Sound chum populations to be less than 350,000 fish, both treaty and non-treaty pre-terminal fisheries will be closed. If the ISU run size is between 350,000 to 460,000, a registration and limited participation fishery in Area 10/11 will be implemented to access a portion of the state’s harvestable share of South Puget Sound chum. To ensure these fishery opportunities remain within management objectives, strict measures will be employed, which include a registration and limited participation salmon net fishery (less-than full fleet openings), individual trip limits, effort and increased on-board monitoring. If the ISU run size is larger than 460,000, Area 10/11 will be open to the full fishery schedule with all pre-season registered vessels. These ISU abundances were derived using approximately 50 years of historical South Puget escapement data to ensure conservation goals are met during a season with below-average forecasted abundances.

For 2025, the forecasted run size for Hood Canal fall chum is 513,677 fish. If the co-managers are unable to use the agreed-upon in-season update (ISU) model, the Hood Canal Treaty Tribes (Skokomish, Port Gamble S’Klallam, Jamestown S’Klallam, and Lower Elwha Klallam) and WDFW will manage their respective fisheries based on preseason forecasted harvestable shares. An alternative in-season update method may be considered if mutually agreed upon, provided it reliably estimates run size under conditions of low abundance or reduced non-tribal purse seine fishing activity. Registration and pre-season applications are required for both South Sound and Hood Canal fisheries and limited participation may be considered to meet management objectives.

Avoiding Gear Conflicts

For 2025, gear conflicts resulting from commercial gear overlap have been identified in the following areas:

Area 7C: Samish Bay: The gillnet schedule was planned to minimize gear conflicts between treaty crab fishers and the commercial gillnet fleet.

Area 10/11: The gillnet scheduled hours are planned to minimize gear conflicts between the non-treaty commercial purse seine fleet.

Area 12/12B: The Hazel Point closure zone was again implemented this year to avoid purse seining in this area due to conflicts with tribal gillnetting.

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WDFW believes that the season structures proposed for the 2025 Puget Sound commercial salmon rules and regulations will promote the economic well-being and stability of the commercial fishing industry while meeting the constraints imposed by conservation objectives in the recent years. Catch and ex-vessel value outcomes have not been projected for all species in all fishery management areas; however, WDFW has estimated that the likely outcomes will be similar to the commercial salmon fisheries in South Puget Sound and Hood Canal for chum salmon, the two largest commercial salmon fisheries in Puget Sound. WDFW has routinely stated that consistent annual fishing schedules contribute to industry stability and that there are factors beyond WDFW's control contributing to instability. For 2025, WDFW projects catch proportions of total chum for gillnets (21%) and purse seines (79%) based on projections described above.

WDFW is cognizant of the historic proportions of catch between gillnet and purse seines. The expected projection for 2025 is close to the historic averages adjusted for license proportions of 26% gillnet and 74% purse seines. WDFW believes the projected result of the 2025 season is consistent with promoting both short- and long-term stability of the fishing industry (as reflected by comparison to the historical record). WDFW has attempted and will continue to plan full fleet opportunity and limited participation catch and effort limits to consider the historical ratios and to be consistent with maintaining the economic well-being of the industry. Despite efforts to manage fisheries to the historical ratios, gillnets have fallen below their projected inter-gear allocations in recent years. WDFW will work towards providing sustainable harvest levels by offering opportunity for each gear type within the constraints of run-size forecasts for 2025.

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

Changes were made to draft rules proposed in the CR-102 for final adoption in the CR-103P. During the public comment period, the Puget Sound Vessel Owners Association (PSVOA) submitted a comment requesting clarification on other specific management objectives and the meaning of SMS in the Registration and Limited Participation Salmon Net Fisheries WAC (220-354-050). In response, WDFW updated the language in section 3 (d) (i) to specify examples of other management objectives and revised Section 5 (a) (viii) to clarify SMS means standard text messages. An additional update was made to Section 5 (b) (i) for Catch Reporting Area 7B coho fisheries, adjusting the pre-season commercial salmon application deadline to the third Monday of July. This would ensure the deadline does not occur before the rules are finalized for the 2025 season. A fourth revision was made to section 7 (b), clarifying the weekly in-season commercial salmon application deadline and registration window. The last revision was made to section 9, which clarifies how applicant positions on the randomly ordered registration list are affected by the implementation of limited participation. In-season commercial salmon application deadlines for 2025 have been updated to: In-season commercial salmon applications must be submitted online during the weekly registration window between each Tuesday at 12:01 a.m. and the following Monday at 12:00 p.m. (noon). Management weeks start on Sunday and end on Saturday for commercial salmon fisheries. Applications submitted during each weekly registration window are only valid for the following management week.

Public comments, response to comments, and consideration of comments

The following are the issues identified, and comments received from participants in the Puget Sound commercial fishery meetings following the filing of the Preproposal Statement of Inquiry (CR-101) and prior to the filing of the Proposed Rules (CR-102), and WDFW's responses thereto:

Gillnet Fishers:

Comment: Request that Chinook impacts be evaluated independently for gillnetters and purse seine fleets.

WDFW Response: Washington Department of Fish and Wildlife (WDFW) recognizes the interest in evaluating Chinook impacts separately by gear type. WDFW remains committed to evaluation methods to support more detailed, gear-specific analyses for future fisheries planning processes.

Area 6D:

Comment: The Department received comment from gillnet fishers to request that Area 6D fishery open and close on the same days as the tribal fishery.

WDFW Response: WDFW coordinated with tribal co-managers through the North of Falcon (NOF) process to align the opening and closing dates of the skiff gillnet fishery in Area 6D. The current schedule reflects this agreement.

Area 7 and 7A:

Comment: In Area 7/7A, gillnet fishers request opportunity for coho in-season management adjustments to better align with run abundance, such as modifying schedules to avoid downtime when sport limits increase. There is concern that the gillnet share is not adequately protected, with suggestions to assign fixed shares between gillnet and purse seine fleets. Additionally, there is a request to cap U.S. incidental coho harvest at 3,000 fish, shared with gillnetters. Regarding the Area 7A chum fishery, fishers note that this run was fished four years ago and emphasize the need to fish before the chum move in-river, expressing strong interest in a fishery this cycle.

WDFW Response: We understand that the gillnet fleet would like an additional fishing opportunity prior to the start of chum fisheries on October 11th 2025. However, reef net fisheries planned for late September and early October are constrained by fixed location, limited timing, and gear-specific harvest methods. Reef net fishing has a lower impact on non-target species. Gillnet fisheries have greater mobility and broader access to coho throughout Puget Sound. Conservation concerns related to the Thompson coho run have limited the ability to consider additional opportunities for other gear groups during this earlier time period.

Area 7B and 7C:

Comment: We are requesting that the Department open the Area 7B coho fishery during Week 35 for daylight-only fishing, from 7 AM Sunday to 7 AM Friday, using a 5-inch minimum mesh size. We do not fish coho at night due to severe pinniped predation on our nets, and we prefer to fish in front of the bell curve—not after the run has passed. Currently, tribal fisheries in Bellingham Bay open on August 1st using 5-inch gear, giving them a three-week head start. In

recent years, the coho run has entered the Nooksack River earlier and earlier, often well before non-tribal fishers are allowed to begin. Last year, we were not able to fish during the peak run period, which is why catch numbers were low. There are only five to six serious non-tribal coho fishers left in Bellingham Bay, and four of us fish out of small skiffs. Our impact is minimal, and conservation is not a concern. The Skookum Creek Hatchery has met its escapement goal for 26 years straight, surplus 32,000 coho in 2024 and typically surplus 25,000 annually. The Kendall Creek Hatchery passed 10,000 wild coho into the watershed last season after meeting broodstock goals. Coded wire tag data and our on-the-water observations show two distinct coho runs, with the South Fork entering the river first. This supports the need for earlier fishing opportunity. We also urge the Department to review full harvest history dating back to 1990, including tribal harvest, to better reflect current run timing. We specifically request moving Week 36 regulations forward to Week 35, with the same daylight hours and gear restrictions, limited to Bellingham Bay. Most of the fleet will move to Chinook fishing in Samish Bay (Area 7C) by that time, and only a few of us will remain targeting coho. We are open to WDFW monitoring, though last season staff arrived well after the run had passed

WDFW Response: In response to these concerns, WDFW evaluated the potential impacts of increased coho-directed effort on Chinook stocks that may be present during the earlier portion of the coho season. Following coordination with co-managers, a limited-entry, daylight-only gillnet fishery was implemented in Area 7B during management weeks 33 through 35, with specific gear and participation requirements. This fishery allows targeted harvest opportunity while supporting data collection to assess Chinook impacts. At this time, there is insufficient data to support an earlier opening in Area 7B. These initial steps provide a foundation for balancing harvest opportunity with conservation objectives.

Comment: For 7C Chinook, we propose adding two additional days to Week 32 instead of adding an additional day to Week 33, and delaying the closure of Samish Bay by one week to allow continued fishing access during the peak of the Chinook return. These changes would help fishers take advantage of stronger prices early in the season. The 2024 Chinook forecast is significantly higher than in 2023, and Samish Hatchery has consistently reported Chinook surpluses exceeding non-treaty harvest: 11,000 surplus in 2023, 9,400 in both 2021 and 2022, and 9,700 in 2024. The peak of the Chinook return typically occurs during the third week of August, and shutting down during that time is highly disruptive to our fishery. We also note that the hatchery surpluses Chinook every year, supporting the case for continued fishing access. These proposed adjustments would improve both harvest opportunity and market conditions for fishers.

WDFW Response: For the 2025 season in Area 7C, WDFW has maintained the traditional three days of fishing during the first management week (week 33) of the Chinook-directed fishery. While we recognize interest in earlier openings or extending the season beyond week 37 to better align with peak Chinook returns and market opportunities, modeling indicates that such changes would exceed conservation limits. Conservation concerns persist for Chinook stocks of concern migrating through Area 7C, including Skagit summer/fall stocks. Additionally, Fish and Wildlife Commission Policy C-3608 prioritizes Puget Sound-origin Chinook for recreational harvest. These considerations have guided the 2025 season structure. WDFW will continue to monitor the fishery and collaborate with co-managers and stakeholders to balance harvest opportunity with conservation goals and policy directives.

Comment: We are concerned about plans to close the NT Chinook fishery in Samish Bay to accommodate a single Upper Skagit crab fisher. We question whether the Upper Skagit Tribe has Treaty rights in Samish and Bellingham Bays, as our understanding is that participation must be

by invitation. We believe there is room to coordinate—crab gear could be set on Thursdays and Fridays to avoid overlap with net fishing. If closures are being considered, we request advance notice to explore alternatives collaboratively. A lack of coordination fosters unnecessary conflict.

WDFW Response: Co-managers discussed this topic during the NOF process, and WDFW remains committed to managing the fishery to ensure all co-managers maintain access to their usual and accustomed harvest opportunities. Pre-season uncertainty within annual treaty crab fishery schedules require flexibility in the non-treaty salmon fishery schedule to avoid gear conflicts.

Comment: We do not agree with the Department's assertion that Snohomish coho are at risk during Chinook season in Samish Bay. The Snohomish system is located two counties south, and its coho stocks are unlikely to be impacted here. In our view, any Snohomish coho concerns in this region are speculative, and observed impacts are more relevant to Areas 7 and 7A in September.

WDFW Response: While WDFW did not assert that the Snohomish coho are at risk due to the Samish Bay Chinook season, we do have to account for all stock impacts of planned fisheries. Coded wire tag (CWT) recoveries from the base period confirm the presence of Snohomish coho in the FRAM modeling area that includes Samish Bay. Specifically, CWT recoveries from the RMIS database (location “3M10107X2 X7B,” representing Bellingham Bay and Samish Bay) indicate that Snohomish fish occur in this region and are accounted for in our impact modeling.

Comment: Add as a management objective to be considered in the determination of gear units that maintenance of historical catch ratios be listed as a consideration.

WDFW: WDFW is cognizant of the historic proportions of catch between gillnet and purse seines. The expected projection for 2025 is close to the historic averages adjusted for license proportions of 26% gillnet and 74% purse seines. WDFW believes the projected result of the 2025 season is consistent with promoting both short- and long-term stability of the fishing industry (as reflected by comparison to the historical record). WDFW has attempted and will continue to plan full fleet opportunity and limited participation catch and effort limits to consider the historical ratios and to be consistent with maintaining the economic well-being of the industry. Despite efforts to manage fisheries to the historical ratios, gillnets have fallen below their projected inter-gear allocations in recent years. WDFW will work towards providing sustainable harvest levels by offering opportunity for each gear type within the constraints of run-size forecasts for 2025.

Area 8-8D:

Comment: We respectfully request a non-treaty commercial salmon fishery in Skagit Bay (Areas 8–8D) targeting sockeye and chum salmon, with Chinook managed as bycatch. This includes a proposed season from June 15 to July 15 with a harvest goal of at least 5,000 sockeye. We ask that Chinook impacts be assessed separately for gillnet and Puget Sound seine fleets. We support either full fleet or limited participation options for sockeye harvests. Additionally, we request that test fishing in 8A be reinstated (discontinued 10–12 years ago), with in-season updates provided similar to South Sound. Our fleet uses recovery boxes and practices safe release of wild Chinook, and this fishery would provide salmon to the broader public, including those unable to fish themselves. At least 20 local fishers are ready to participate.

WDFW Response: FWC Policy C-3608 states that Puget Sound-origin sockeye and Chinook will be a recreational priority. We are allocating the non-treaty share of Skagit Bay sockeye to recreational fisheries. Furthermore, conservation concerns remain for Chinook stocks of concern that migrate through Skagit Bay, including the Stillaguamish, Snohomish, and Skagit spring and summer/fall stocks. Any new net fishery in Skagit Bay would have impacts on those stocks which would have to be offset by reductions in other fisheries. In 2025 WDFW delayed Skagit Bay recreational fisheries and made other reductions to Skagit freshwater and marine fisheries outside the Skagit terminal area to reduce impacts to those stocks. Chum stocks in Stillaguamish, Snohomish, and Skagit river have been suppressed for the last decade. WDFW will consider future net fisheries when these stocks are abundant.

Comment: Non-treaty gillnet fishers request a coho fishery in the Tulalip Bubble (Area 8D) beginning September 15th, following the same schedule as 2024. This small-scale fishery would involve 3–4 units of gear and operate during nighttime hours (evening to morning light) to avoid overlap with tribal fisheries. Fishers understand Tulalip Bay itself is closed and are focused on developing a niche market, offering an opportunity for younger fishers to participate in the industry

WDFW Response: The Tulalip Bubble fishery for 2025 in Area 8D is scheduled to begin on Sunday, September 14. Please refer to the proposed schedule for full details.

Area 9 and 9A:

Comment: Gillnet fishers requested that the non-treaty (NT) commercial fishery in Area 9A open and close on the same days as the tribal fishery, consistent with past management practices. They noted instances in prior years where tribal vessels continued to fish after NT closures and expressed a desire for equal opportunity.

WDFW Response: WDFW is coordinating with co-managers on potential modifications to the schedule. For the 2025 season, the current plan is to open one week after the tribal fishery, unless in-season discussions with co-managers result in a modification to the schedule.

Comment: Gillnet fishers request to include a limited participation (LP) coho gillnet fishery in Area 9A.

WDFW Response: We currently have a skiff gillnet coho fishery open in Area 9A for the 2025 season. We do not have sufficient historical data to evaluate the potential impacts of a drift gillnet fishery in Area 9A.

Comment: A request was made to open Area 9 (Hood Canal), specifically below Foulweather Bluff, to non-treaty commercial fishing during the Puget Sound chum salmon fishery to ensure all citizens have access to harvest opportunities.

WDFW Response: The non-treaty fleet is capable of achieving their Hood Canal chum allocation in Area 12 and 12B without fishing in the Area 9 portion of Hood Canal. Co-managers continue work to evaluate stock specific impacts in Area 9 fisheries through genetic work. Those stock specific impacts have not been completely evaluated at this time. WDFW will continue to delegate fishing in 12 and 12B to meet non-treaty share allocations.

Area 10/11 and 12/12B:

Comment: The Puget Sound Gillnet fishers requested expanded and more efficient fishing in Areas 10/11 and 12/12B, including split days between areas, extended hours to 11am in Hood Canal (where compatible with treaty schedules), additional days in South Sound, Sunday/Tuesday or Sunday/Wednesday fishing, a market day, reopening Hazel Point to Misery point to gillnets only, and avoiding Thursday nights due to processing constraints.

WDFW Response: WDFW worked to accommodate gillnet scheduling requests in South Sound (Areas 10/11) and Hood Canal (Areas 12/12B) where possible, while balancing legal requirements, management priorities, and coordination with co-managers.

Efforts included providing split-day opportunities between South Sound and Hood Canal, ensuring up to two gillnet days per management week per area, and scheduling gillnet fisheries prior to purse seine openings in management weeks 43–45. Split-area fishing was offered in weeks 43 and part of 45, and gillnet fishing was not scheduled on Thursday nights in management weeks 44 and 45, helping reduce pressure on processing capacity. Gillnet fishing was adjusted in Hood Canal to daylight hours.

However, WDFW could not accommodate all requests due to several constraints:

- Commercial fishing is prohibited on weekends under state law (**RCW 77.50.010**).
- Test fishing must occur on Wednesdays to support timely GSI (genetic stock identification) processing and inform in-season run size updates (ISU).
- A buffer day is required between test fishing and purse seine openings, as fishing by the purse seine fleet immediately before test fishing could disrupt abundance estimates used for ISU modeling.
- Co-manager planning meetings, usually held late in the week, rely on test fishery data and help coordinate fisheries for the upcoming management week.

Lastly, WDFW could not approve the request to re-open Hazel Point to Misery Point to gillnets only, due to co-management agreements and the need to maintain adequate opportunity for both gear groups.

Comment: Request chum fishing to start week 41 in 10/11.

WDFW Response: Due to conservation concerns for coho and Central and South Puget Sound natural-origin returning (NOR) chum stocks, including fall-run chum, non-tribal commercial fisheries will not open before management week 42. This approach reflects agreements made during the NOF process and is outlined in the non-tribal chum management plan, which defers the start of fishing to allow for abundance assessment and to support escapement goals. Current test fishing and ISU (In-Season Update) data do not provide sufficient confidence in run strength to justify an earlier opening. WDFW remains committed to balancing stakeholder interests with conservation objectives and policy commitments and will continue coordinating with co-managers to evaluate in-season data and consider future opportunities as conditions allow.

Under the 2021 In-Season Run Size Adjustment and Fishery Trigger agreement, access to the fishery in week 42 is determined by the preseason forecast for South Sound chum. If the forecast falls within the ISU threshold range of 350,000 to 460,000, a registered and limited participation fishery may occur in week 42. If the preseason forecast exceeds 460,000, WDFW would proceed with the full preseason fishing schedule. If it is below 350,000, the fishery would remain closed.

From week 43 onward, continued or expanded fishing opportunities depend on the In-Season Update (ISU), which is informed by catch and effort data from the Apple Cove Test Fishery. If the

ISU rises above 460,000, the full fishery may proceed. If it remains between 350,000 and 460,000, limited fisheries may continue. Below 350,000, fisheries would remain closed.

For 2025 the South Sound chum preseason forecast is 730,267, which exceeds the upper ISU threshold of 460,000. As a result, WDFW anticipates moving forward with its full preseason fishery schedule, unless in-season data indicates a significant decline in run size.

Comment: Gillnet fishers request a limited participation Chinook fishery in Hood Canal.

WDFW Response: WDFW will not open a commercial Chinook fishery in Hood Canal due to conservation concerns for summer chum and constraints associated with Mid-Hood Canal Chinook stocks. These stocks require protection to meet conservation and management objectives. Given these limitations, adequate opportunity can not be provided equitably across all gear groups.

Area 12C:

Comment: Puget Sound gillnet fishermen propose a limited Chinook gillnet fishery in Area 12-C (Hood Canal) targeting surplus Hoodspout Chinook salmon. The fishery would occur four nights a week (7 pm–8 am), opposite beach seine hours, along the shoreline above and below the Hoodspout beach seine zone. Fishermen request up to eight units of gear, with 200-fathom maximum length and 120-mesh depth, using 7.25” minimum mesh size gear similar to that used in beach seines. This mesh size reduces impacts on sub-legal jack salmon, Dolly Varden, Steelhead, and Cutthroat trout, and also minimizes the likelihood of incidental encounters with Summer chum due to gear size, timing (late July–August), and location, which the Department has noted is not a concern in this area. Power assist net retrieval would be optional, and set nets remain illegal for non-tribal use. This would be a low-volume, high-quality fishery focused on fresh-market delivery early in the season, benefiting Peninsula gillnetters.

WDFW Response: Current abundance does not support equitable opportunity across multiple gear groups. While the proposed gear modification and configuration may have potential to reduce bycatch, there is insufficient evidence at this time to confirm its effectiveness in avoiding impacts to non-target species. WDFW is committed to evaluating this approach through data analysis, co-manager consultation, and public review, with potential consideration for the 2026 season.

Pink Salmon Fishery Comments:

Comment: The Department received several comments requesting a pink-directed fishery in Areas 8, 8A, 9, 10, 11, 12, 12B (or limited participation 8A pink fishery), and maximizing area 7 and 7A. Commenters suggested that gillnetters could use shallow nets (60–90 mesh, fishing 20–30 feet deep) to effectively target pink salmon, which school in the upper water column and are often visible by surface jumping, while avoiding deeper-swimming Chinook salmon. These shallow nets were described as a useful tool to harvest pink salmon with minimal Chinook bycatch. In 2023, the non-treaty commercial fleet missed the large Everett pink run due to Chinook constraints, despite the high pink abundance. Commenters proposed managing the Area 10 pink gillnet fishery to stay within 28% of the total allowable Chinook impacts as a fair and balanced approach. Additionally, a purse seine proposal recommended allocating 45% of the pink harvest to treaty fisheries and reserving 5% for sport fisheries to prevent pink overescapement and support long-term sustainability of the run.

WDFW Response: Due to the Stillaguamish pink stock forecast being below the escapement goal in 2025. WDFW is not opening any recreational (Area 8-2), or commercial pink fisheries in

Area 8A during the 2025 season. WDFW conducted exploratory model runs to evaluate Chinook impacts from a potential pink-directed fishery in Areas 8, 8A, and 8D. These models indicated that natural-origin Chinook from the Stillaguamish, Skagit, and Snohomish rivers would exceed management objectives under the proposal. As a result, WDFW will not open pink-directed fisheries in these areas in order to remain within the conservation constraints and fishery schedules agreed upon during the 2025 North of Falcon process. Additionally, pink-directed commercial fisheries in Hood Canal are not being considered due to constraints on ESA-listed summer chum stocks identified in the Summer Chum Salmon Conservation Initiative, as well as concerns for Skokomish and Mid-Hood Canal Chinook.

Comment: WDFW received a comment to changing the Puget Sound purse seine pink fishery language to measure Chinook impacts as actual takes (mortalities) rather than encounters, noting that recovery boxes used successfully in Areas 7–7A could also be applied in Puget Sound.

WDFW Response: WDFW estimates encounters of Chinook salmon in purse seine fisheries using onboard observer data, and using agreed to gear-specific mortality rates to estimate chinook mortalities. There is no way to directly measure mortality of released fish in-season with existing resources. Because there is no way to directly measure mortality rates, mortality rates are based on research of past studies which attempted to directly measure gear-specific mortality rates. At this time, sufficient data is not available to evaluate the effectiveness of live-box recovery methods in Puget Sound, and such measures cannot currently be relied upon to offset modeled impacts.

Comment: The Department received a comment from PSVOA stating that during the 2023 Area 10 pink-directed fishery, the 300 Chinook encounter limit was reached early, resulting in a premature closure during peak pink salmon abundance. PSVOA appreciates WDFW’s review of the origin of this limit and requests increasing it or excluding hatchery Chinook from the total. PSVOA opposes separate Chinook encounter limits for gillnetters and seiners, as proposed by Puget Sound Harvesters, and supports expanding the beach closure from 500 to 1,000 feet to reduce Chinook interactions while maintaining access to migrating pinks. Additionally, PSVOA recommends opening the fishery one week earlier than in 2023 to account for possible shifts in run timing.

WDFW Response: WDFW does not support excluding hatchery Chinook from encounter rate calculations due to ongoing conservation and escapement concerns for both hatchery and natural-origin Chinook. However, for the 2025 pink-directed purse seine and gillnet fisheries in Area 10, the non-treaty Chinook encounter limit was increased to 481 fish. To reduce Chinook impacts while maintaining access to migrating pink salmon, the beach closure for purse seines in Area 10 was expanded to 1,000 feet from the eastern shoreline. WDFW evaluated a potential shift in the fishery, but the resulting modeled Chinook impacts exceeded conservation thresholds and did not meet management objectives.

Beach Seine:

Comment: The Department received a comment about proposing starting the beach seine season the week of July 20, with tribal fishers operating on Monday/Wednesdays and All Citizen fishers on Tuesday/Thursdays to maintain separation with minimal effort. To maintain separation of the effort with one day of fishing per week projected, fishing would be Monday for the tribe and Thursday for non-treaty. Due to weak Hood Canal coho returns, coho and chum would not be retained, though pink salmon may be. While chum opportunities are desired, participation may

be limited by timing, marketing, and tendering challenges. This proposal is intended to support management planning.

WDFW Response: WDFW began the beach seine fishery on Thursday, July 27 (Week 31), with fishing scheduled once per week on Thursdays through Week 36. This schedule accommodated the request for alternating fishing days between treaty and non-treaty fishers while maintaining necessary separation of effort. WDFW also discussed the potential addition of a second weekly fishing day (Tuesdays) with co-managers, contingent on broodstock goals being on track and subject to co-manager agreement.

Reef Net:

Comment: The Department received comments about proposing coho management similar to last year, beginning after the Fraser Panel relinquishes control of Area 7 (around 9/14-9/16). A September quota of 2,000-2,500 unmarked coho is proposed, with retention of marked coho, marked chinook, and pink salmon (if U.S. total allowable catch (TAC) remains). If abundances are strong, the unmarked coho quota could increase, and fishing would continue until the quota is reached, after which only marked coho and chinook could be retained, no sockeye retention. A new quota would begin October 1st for 1,000-1,500 coho (marked and unmarked), with incidental chum retention allowed. Chinook retention would not be permitted in October. This proposal emphasizes in-season, abundance-based management flexibility.

WDFW Response: Due to constraints on Thompson coho and the Southern U.S. exploitation rate ceiling of 10% based on 2025 forecasted returns, WDFW and co-managers were unable to increase the September quota for unmarked coho. Thompson coho remains the primary limiting factor affecting fishery expansion.

Purse Seines:

Comment: PSVOA propose adding Thursday purse seine openings during weeks 33, 34, and 36 in Area 7B to increase fishing opportunity for the purse seine fleet during the Chinook management period. This proposal responds to the strong forecast of 53,700 Chinook expected to return to the Samish Hatchery this season. In 2024, purse seine opportunity in Area 7B was limited during Chinook weeks, while the vast majority of the AC share of harvestable hatchery Chinook was taken by the gillnet fleet. Adding Thursday openings would help ensure better access for purse seiners to the available harvest and improve balance across gear types.

WDFW Response: Historically, this fishery operated one day per week over three consecutive weeks. During the NOF process, a side model run was conducted to evaluate the potential impacts of the proposed fishery. Based on that analysis, WDFW concluded that implementing the fishery as proposed would exceed management and escapement objectives for the Chinook and coho stocks expected to be encountered.

Test Fishing Comments:

Comment: The Department received comments requesting that the Apple Cove Point test fishery and co-manager meetings be scheduled later in the week, with gillnet fishers suggesting test fishing on Wednesday or Thursday. PSVOA supports continuing the 2024 approach, where co-managers met on late Thursday or Friday to review catches and approve Area 10/11 AC openings for the following week. They expressed concern that shifting test fisheries and meetings to earlier in the week would create scheduling uncertainty for fishers, push openings

later, lead to weekend processing, increase costs, and lower ex-vessel prices. PSVOA would support Monday meetings later in the season (week 45 or later) if GSI data is needed to support AC openings.

WDFW Response: For the 2025 season, WDFW and the Treaty Tribes agreed to conduct the ACP test fishery on Wednesdays. This decision was informed by input from both the gillnet and purse seine fleets and was made for several key reasons. Conducting the fishery mid-week allows sufficient time to process genetic samples needed to estimate impacts on stocks of concern for the following week. It also provides co-managers time to assess in-season run size estimates and coordinate any potential treaty and non-treaty fisheries later in the week. Given these considerations, Wednesday remains the most effective and practical day for the ACP test fishery in 2025.

Comment: Request test fishing to start earlier in Area 11.

WDFW Response: Due to current budget constraints, we are unable to support test fishing efforts in Area 11 beginning in Management Week 41.

WAC 220-354-140 Puget Sound salmon—Lawful gear—Gillnet:

Comment: The Puget Sound gillnet fleet, including multiple individual fishers and organizations such as the Puget Sound Harvesters Association and the Puget Sound Salmon Commission, request revisions to WAC 220-354-140 to clarify and simplify the language governing the legal use of drift and skiff gillnets.

Fishers expressed unanimous concern that the current language requiring gillnets to be operated "substantially in a straight line" is vague, unenforceable, and does not reflect real-world fishing conditions. Environmental factors like wind, tide, and current can cause unavoidable bends or curves in the net. As currently written, the rule criminalizes normal and historically accepted fishing practices, turning every gillnetter into a potential violator based on subjective interpretation.

To address this, fishers propose removing the "straight line" language entirely and instead clearly banning *round hauling* (i.e., setting a net in a full circle with the ends brought together and drawn in like a purse seine). Several commenters provided suggested replacement language, including:

- "It is unlawful to round haul with gillnet gear."
- "Round haul" defined as setting a net around fish, bringing the ends together, attaching one end to the vessel, and hauling the net closed.
- "Drift gillnets and skiff gillnets shall not be operated in a circle. Nets may include up to 20% of the total length at each end forming a hook to adjust for conditions."
- "A hook, S-pattern, or variation in net shape caused by environmental conditions shall not constitute a circle."
- After the words straight line, add "prior to the net retrieval process".

Fishers also asked that WDFW consult directly with gillnet fishers when considering regulatory language—without influence from other gear groups—to ensure practical, enforceable, and fishery-relevant regulations.

In sum, the fleet supports striking the term “maintain a straight line” and replacing it with a clear prohibition on round hauling. This would improve enforcement clarity, preserve traditional gillnet fishing practices, and better reflect the realities of on-the-water conditions in Puget Sound.

WDFW Response: The Washington Department of Fish and Wildlife (WDFW) recognizes and appreciates the feedback from Puget Sound gillnet fishers, including individuals and organizations such as the Puget Sound Harvesters Association and the Puget Sound Salmon Commission.

WDFW acknowledges that incidental deviations from a straight line due to environmental factors are a normal part of drift and skiff gillnet operations and do not constitute a violation of the regulation when occurring in good faith.

At the same time, WDFW reaffirms the need to prohibit round hauling and to preserve the overall intent of the “substantially straight line” provision. Puget Sound is a heavily trafficked marine environment with a complex mix of users, including commercial shipping, ferry routes, treaty and non-treaty fisheries, and recreational vessels. These conditions differ significantly from other areas of Washington and Alaska, and they require regulatory provisions that promote gear visibility, navigational safety, and clarity for enforcement. During the Lynnwood NOF meeting, WDFW shared a proposed modification to WAC language that included a “12-ft buoy end J-hook” specification however commercial constituents opposed the draft language changes. The proposed language was considered more confusing and less enforceable than the current rule.

To that end, WDFW has added the following clarifying language to WAC 220-354-140 to address both fisher concerns and operational needs:

“It is unlawful to set such nets in a circle or to set them in other than a substantially straight line. Considering prevailing currents and weather conditions, drift gillnets and skiff gillnets must still be operated in a manner that maintains a substantially straight line.”

This language explicitly prohibits round hauling and sets clear expectations while allowing for the natural and unavoidable impact of environmental factors on net configuration. It provides enforcement clarity without criminalizing normal fishing practices and ensures alignment with federal navigational safety standards.

Federal law governing Puget Sound—specifically, 33 CFR 110.230 and 33 CFR 83.20 (under 72 COLREGS)—requires vessels engaged in gillnet fishing at night in regulated navigational areas to display a white all-around light on the end of the net most distant from the vessel. This federal requirement assumes the net has a definable orientation and directionality—something that cannot be reliably achieved with circular or closed net sets. Thus, maintaining a substantially straight line is essential to ensure both compliance and safety.

WDFW is committed to continued engagement with the commercial constituents to ensure future rulemaking reflects real-world fishing operations, is enforceable in practice, and protects public safety and equitable fishing opportunity. Representatives from different gear groups provided written comments to WDFW throughout the NOF process. All discussion between the public and WDFW regarding PS commercial fisheries were held in open public forums. We appreciate the specific language recommendations offered by fishers. For further details, please refer to the latest proposed revision of the relevant WAC, available in the CR-102 filing.

WAC 220-354-050 Registration and Limited participation salmon net fisheries:

Comment: The Department received comments from several seiners opposing the current Limited Participation (LP) fishery structure and do not support its continuation or expansion. Instead, they propose a cooperative harvest model, similar to Sitka's sac roe fishery, where a small number of boats (5-6)—selected from a state-drawn pool—are hired to harvest the remaining quota when a competitive fishery is no longer feasible. These harvesters would be paid a fee, with remaining profits equally distributed among active fishers. They stress that seiners should have input on how their quota is harvested and is open to alternatives that give the fleet more control.

Comment: PSVOA is concerned about WDFW's plans to expand the use of limited participation to other areas/fisheries including Fraser sockeye, pink, and chum, and Hood Canal Fall chum. In general, PSVOA opposes the use of limited participation as a fisheries management tool because the randomness and inherent uncertainty of limited participation interferes with the ability of commercial fishermen to successfully run their businesses. WDFW must avoid using limited participation unless it is absolutely necessary to achieve management objectives. PSVOA supports the concept of requiring purse seine and gill net participants to register with WDFW pre-season by area and by species, and again in-season, if they intend to participate in a particular fishery. As understood by PSVOA, the goal of the registration requirement is to provide WDFW managers greater certainty about the number of vessels that will participate in all AC commercial salmon openings to ensure that management objectives are achieved. PSVOA looks forward to reviewing and commenting on the proposed changes to WAC 220-354-140 that are necessary to implement and enforce the registration requirement

Comment: The Department received comments from several fishers supporting the current Limited Participation (LP) fishery structure. Registration for fisheries by management area is not a new concept for WDFW. Previous season pamphlets included sections where fishers could select management areas for additional harvest opportunities, requiring mailing for notification. Similarly, in Bristol Bay, fishers must register by fishing district and notify the Department when transferring districts. Limited Participation in the past year usually meant shortened hours of the fishery for gear groups. Even with shortened hours, the seine fleet has a history of going way over the allocation. Registration serves as an effective tool in fisheries with limited harvest margins to control the number of fishers, set harvest limits, and apply time constraints. This is particularly important for the potential summer run sockeye harvest in areas 7 and 7-A this season. Concerns exist regarding electronic registration because some older fishers do not have access to smartphones or computers, which could limit their ability to participate.

Comment: Gillnet fishers support management strategies such as the Apple Cove Test Fishery and run size break points, which may include trip limits and limited participation, and which tribal groups have agreed to. There has been considerable discussion about using limited participation and trip limits as harvest management tools, especially in the Area 10/11 fishery, when weak runs or stocks are issues. The majority of the chum run consists of wild fish, underscoring the need for conservation to sustain fisheries long-term.

WDFW Response: Salmon populations in Puget Sound can vary significantly from year to year in terms of run size, timing, and overall abundance due to a range of biological and environmental factors. This unpredictability requires responsive and adaptable management tools that can align fishing opportunity with conservation objectives and adhere to domestic and

international treaty requirements. Expanding the registration and limited participation salmon net fishery—outlined in WAC 220-354-050 was developed as a long-term management framework to help WDFW meet key conservation and management objectives under changing conditions, including the ability to regulate effort, prevent overharvest, and respond to data needs in-season.

In the recent past, WDFW has regulated and planned limited participation commercial salmon fisheries in catch reporting area 10 for pink salmon and catch reporting areas 10 and 11 for fall chum salmon. Vessel effort and catch limitations have been set in place to meet conservation objectives for Chinook, coho, steelhead, and summer, fall, and winter chum salmon. In the recent five years, Puget Sound and Fraser River chum, pink, and sockeye have experienced considerable run size variability as compared to historic averages, creating considerable challenges for WDFW to ensure fisheries are planned and regulated to meet core priority objectives, and domestic and international harvest agreements. Additionally, fishing effort in recent years has varied considerably, creating challenges to project catch from week to week. Without regulations in place to effectively assess effort prior to a fishery occurring and ensure commercial fisheries meet management objectives in Hood Canal and North Puget Sound, fisheries have been subject to early emergency closures. In cases where fisheries have not been closed in time, the non-treaty fleet has exceeded domestic and international sharing agreements, creating payback constraints for chum and sockeye in future years.

Conversely, in cases where fisheries have been closed early without an option to limit catch or effort, accessing the full non-treaty share has not been possible. To address WDFW core management objectives, allocation constraints, and catch and effort projections, WDFW revised and expanded WAC 220-354-050 to create registration and limited participation fishery regulations for catch reporting areas 7B for coho, 7/7A for sockeye and pink, and 12/12B/12C for chum, in addition to areas 10 and 11 for pink and chum.

These tools are particularly important in situations where full-fleet participation or uncertain effort could risk exceeding the available harvestable surplus or compromise specific management objectives. The weekly in-season application process allows WDFW to track participation levels based on the best available data, which in turn enables the fishery to proceed when otherwise it may need to be closed due to uncertainty. This structure not only helps ensure the sustainability of the resource but also improves WDFW's ability to better provide equitable fishing opportunities and meet domestic and international conservation objectives.

Additionally, these tools address situations where WDFW experiences temporary delays in receiving fish ticket data. While reporting is typically timely, delays can occur, which creates a lag in our understanding of how much of the non-treaty share has been harvested and a reconstructed in-season abundance. Having prior knowledge of which vessels are participating allows WDFW to better anticipate harvest levels based on historical CPUE and current conditions, resulting in more precise fishery planning week to week. This added precision is essential in the context of domestic and international fisheries management, where accurate, real-time data supports shared decision-making.

WDFW recognizes concerns raised about the online-only format of the registration process, particularly from participants who may not have access to smartphones or computers. The decision to implement an electronic-only system was made to ensure that applications can be processed and reviewed in a timely manner, something that would not be feasible through a manual or paper-based process due to staffing limitations and time constraints.

The registration and limited participation fishery structure enables WDFW to continue providing fishing opportunity while maintaining compliance with domestic and internationally defined conservation and allocation goals. It is designed to support sustainable harvest opportunities, data-driven management, meet domestic and international management obligations, and it gives WDFW the flexibility to respond as circumstances evolve, both within a season and across years. Limitation of effort and/or catch is a tool to be used in time and areas when the weekly share is inadequate to support the full fleet. If a full fleet opening occurred in those weeks, the non-treaty share could be exceeded. Rather than a fishery closure, the registration and limited participation process allows WDFW to offer some opportunity when otherwise, there might be none.

Responses to Comments Received during the Comment Period for WSR 25-10-93 (rule-making comments after filing of the CR-102)

The CR-102 setting forth the proposed rules for the 2025 non-treaty commercial salmon fisheries in Puget Sound was filed on May 6, 2025 (WSR 25-10-93). The comment period for the proposed rules closed on June 12, 2025, and an APA rulemaking hearing was held via webinar at 10:00 a.m. on June 12, 2025. Two individuals provided comment during the public testimony relevant to Puget Sound commercial salmon fisheries at that hearing. One commenter expressed concern that removing unmarked coho retention in WAC 220-354-180 section 2 (b) (i) would eliminate a large portion of the reefnet fleets opportunity to harvest coho, especially during traditional October openings, where landings dropped from 1,000 marked and unmarked coho last year to only marked coho this year. Another commenter, representing PSVOA, raised concerns about WAC 220-354-050 stating that if the registration requirements do not achieve their intended purpose, they become a burden without benefit. They also noted that limited participation is not well suited to commercial fisheries as a business model and that vague language such as “other management objectives” creates confusion, doubt, and mistrust in the regulated community.

WDFW received comments on the 2025-26 Puget Sound commercial fisheries through noticed public meetings, on-line commenting portal on WDFW’s website and through communications received by individual staff within the Department. In addition, the Department considered substantive comments received during the 2025 NOF salmon season setting process.

Comment: PSVOA opposes the expanded use of Limited Participation (LP) fisheries in Puget Sound salmon management, citing concerns over uncertainty and business disruption for purse seine operators. While WDFW states that new preregistration requirements aim to reduce LP use and provide better vessel participation data for tribal coordination, PSVOA believes the proposed rule changes need clarification to meet those goals.

Key concerns include:

- LP should only be used when necessary to meet harvest targets.
- The current Monday deadline for in-season registration does not align with tribal coordination timelines, typically held on Fridays.
- Unclear rules around registering for multiple areas, no-shows, or unapproved area shifts create confusion and hinder compliance.
- Why registration and limited participation requirements have not been applied to pink fisheries in Areas 8/8A and Chinook fisheries in Area 7B.
- Other management objectives are vague.

WDFW Response: The registration and limited participation fishery structure enables WDFW to continue providing fishing opportunity while maintaining compliance with domestic and

internationally defined conservation and allocation goals. It is designed to support sustainable harvest opportunities, data-driven management, meet domestic and international management obligations, and it gives WDFW the flexibility to respond as circumstances evolve, both within a season and across years. Limitation of effort and/or catch is a tool to be used in time and areas when the weekly share is inadequate to support the full fleet. If a full fleet opening occurred in those weeks, the non-treaty share could be exceeded. Rather than a fishery closure, the registration and limited participation process allows WDFW to offer some opportunity when otherwise, there might be none. WDFW amended WAC language as mentioned above to provide clarity and specific examples for management objectives.

The Monday deadline for in-season registration is for the following management week. This was done to ensure that in-season registration aligns with tribal coordination meetings that typically occur the previous week. The Monday registration deadline is independent of any weekly management meetings. In-season commercial salmon applications must be submitted online during the weekly registration window between each Tuesday at 12:01 a.m. and the following Monday at 12:00 p.m. (noon). Management weeks start on Sunday and end on Saturday for commercial salmon fisheries. Applications submitted during each weekly registration window are only valid for the following management week. This timeline allows WDFW adequate timing to complete the weekly in-season registration and limited participation process the following management week.

Fishers must submit a separate pre-season commercial salmon application for each fishery they intend to participate in. In regards to the weekly in-season commercial salmon application: Applicants can select more than one fishery, including multiple fisheries on the same day, as long as the applicant submitted a pre-season application for each fishery. This allows flexibility to choose where to fish or fish both areas based on conditions. There is no penalty if an applicant decides not to fish a selected fishery. We use this information to estimate maximum potential effort for management purposes. To fish in any registration or limited participation fishery under WAC 220-354-050, you must submit both a pre-season commercial salmon application and a weekly in-season commercial salmon application for the fisheries you intend to fish. Missing either makes you ineligible and can be cited for fishing in a registration and limited participation fishery if they did not complete and submit both a pre-season and in-season commercial salmon application by the deadline.

WDFW intended to use registration and limited participation as tools to propose net fisheries in Areas 8 and 8A. These tools are useful when historical data is lacking, allowing WDFW to manage effort while collecting the information needed for future decisions. However, several biological, policy, and conservation constraints prevented WDFW from moving forward with these fisheries in 2025.

WDFW is not opening commercial fisheries for Chinook, sockeye, chum, or pink in Areas 8 and 8A in 2025 due to a combination of conservation concerns, policy priorities, and limited stock abundances. Under Fish and Wildlife Commission Policy C-3608, Puget Sound-origin sockeye and Chinook are prioritized for recreational harvest, and the non-treaty share of Skagit Bay sockeye has been allocated to the recreational sector. Chinook stocks migrating through Skagit Bay including Stillaguamish, Snohomish, and Skagit populations remain a conservation concern, and any new net fishery would increase impacts that must be offset elsewhere. Chum stocks in these river systems have also been depressed for over a decade, limiting opportunities. Additionally, the 2025 Stillaguamish pink salmon forecast is below the escapement goal, and modeling showed that a pink-directed net fishery would exceed allowable Chinook impacts. As a

result, WDFW will not open net fisheries in these areas in 2025 but will revisit future opportunities if stock conditions improve.

In 2025, Area 7B Chinook was not identified as a high priority for a Chinook fishery. WDFW did not pursue a registration and limited participation fishery in this area due to limited initial interest. However, WDFW will consider including a 7B Chinook fishery in the registration and limited participation process for 2026. Historically, annual purse seine effort in Area 7B has been low, with fewer than five landings in most years. In addition, there have been occasional, undocumented instances where both coho and Chinook were landed, but available data is limited. Including 7B in future planning could provide an opportunity to improve data collection and better manage this portion of the fishery. Additional Areas could be considered for Registration and Limited Participation as discussed during subsequent North of Falcon and Rule Making processes.

Comment: For the Fall chum fishery, what happens if someone registers only for South Sound but the tribes don't agree to open that area for All-Citizen's? If Hood Canal does open, can that person still fish there even though they didn't register for Hood Canal?

WDFW Response: No, a fisher cannot fish in Hood Canal if they did not submit a pre-season commercial salmon application (registration form) for this area by the required deadline. The rules (WAC 220-354-050) treat Hood Canal chum (Area 12/12B/12C chum) as a completely separate fishery from South Sound chum (Area 10/11 chum) or Fraser chum (Area 7/7A chum). Each fishery area requires its own pre-season application per license. Hood Canal and South Sound are managed separately with different co-manager meetings, separate in-season updates, and different tribes involved in managing those fisheries. Registering for one fishery does not give you access to fish in other areas.

Comment: What is the window of days for the weekly registration? eg. can you register over the weekend for the following week?

WDFW response: The Monday deadline for in-season registration is for the following management week. This was done to ensure that in-season registration aligns with tribal coordination meetings that typically occur the previous week. The Monday registration deadline is independent of any weekly management meetings. In-season commercial salmon applications must be submitted online during the weekly registration window between each Tuesday at 12:01 a.m. and the following Monday at 12:00 p.m. (noon). Management weeks start on Sunday and end on Saturday for commercial salmon fisheries. Applications submitted during each weekly registration window are only valid for the following management week.

Comment: Can you really make it mandatory for a person that's held a license for 30 to 40 years to now have a valid email and a cell phone to fish that renewed license? I think you should allow for exceptions within the rule. Would that requirement be upheld if challenged in a court?

- A license holder should not be limited to list one area a week in advance of a fishery if there is multiple areas open. For example, during a fall fishery, if areas 10, 11 and 12 are all open, a license holder should be able to list all possible areas he or she may intend to fish for that given week. Many of us don't decide what area we intend to fish in the fall till the day before.

Will I get ticketed for fishing in an area that I previously didn't register for but hold a valid license to fish that area?

- I believe registration could and should be used as informative tool for WDFW but not a regulatory requirement.

WDFW response: WDFW recognizes concerns raised about the online and text messaging format of the registration and limited participation process, particularly from participants who may not have access to a text enabled phone device or computers. The decision to implement an electronic-only-system was made to ensure that applications can be processed and reviewed in a timely manner, something that would not be feasible through a manual or paper based process due to staffing limitations and time constraints. WDFW will attempt to assist any commercial salmon license holder through the registration and limited participation process that does not possess a valid email and cell phone. License holders must submit both a pre-season and weekly in-season commercial salmon application before participating in any fishery that requires registration and limited participation; failure to do so will result in the fishery becoming ineligible to participate in that fishery. Fishers must submit a separate pre-season application for each fishery they intend to participate in, but only one per season is required. Fishers can select more than one area on the weekly in-season commercial salmon application, as long as they submitted a pre-season application for each fishery they intend to fish. This allows flexibility for those who decide where to fish closer to the opener. A license holder can be cited for fishing in a registration and limited participation fishery if they did not complete and submit both a pre-season and in-season commercial salmon application by the deadline.

Comment: I think brailing in 10/11 should not be required when observers are on boats and we have recovery boxes, more work and safety also!

WDFW response: Brailing is required during fisheries to reduce impacts to non-target species. In fisheries where ESA-listed Chinook salmon mortality impacts occur brailing will always be required. Current science suggests that a leading stressor to fish is time exposed to air, thus lowering their chance of survival. When done properly, brailing in conjunction with recovery boxes, minimizes the air exposure time for non-target Chinook salmon. At this time, sufficient data is not available to evaluate the effectiveness of live-box recovery methods in Puget Sound, and such measures cannot currently be relied upon to offset modeled impacts to listed stocks. Observers ensure that independent catch composition data can be collected during the fishery, allowing for successful estimation of mortality impact to non-target species. Observer safety is paramount and WDFW trains them to work in and around crews when brailing and recovery boxes are in use.

Comment: Good Morning Sec 2(b)(i) Allowing no retention of unmarked coho after Oct is a major change to the management of previous years. The Oct fishery has allowed unmarked coho retention for many years and has accounted for a substantial percentage of the reefnet coho harvest. The removal of this harvest opportunity will impact all reefnetters and limit the incidental catch of chum salmon by the fleet.

I would hope that a cap of 1000 marked and unmarked coho after Oct 1 can be accommodated. Thank you

WDFW response: WDFW had to make reductions to the retention of unmarked coho in October due to conservation and management concerns with Interior Fraser coho.

CONCLUSION

WDFW has considered all the facts and circumstances surrounding the 2025-2026 Puget Sound commercial salmon season schedule. WDFW carefully reviewed and responded to all input from industry representatives and the public during the North of Falcon rule development process. WDFW believes the 2025-2026 Puget Sound commercial salmon fishing regulations are reasonably developed to comply with WDFW's statutory mandates and to be consistent with WDFW's management objectives for these fisheries.

Table 3. Chum catch, licenses, and economic values DGPDEF adjusted for gillnet and purse seine, in the combined south Puget Sound and Hood Canal fisheries, 1976-2024 and estimates of catch and ex-vessel value for 2025 proposed fisheries, using recent 5-year average (2018 – 2024*) for years with similar run size estimates and when fisheries for South Sound chum were open, thus, excluding 2020 and 2023.

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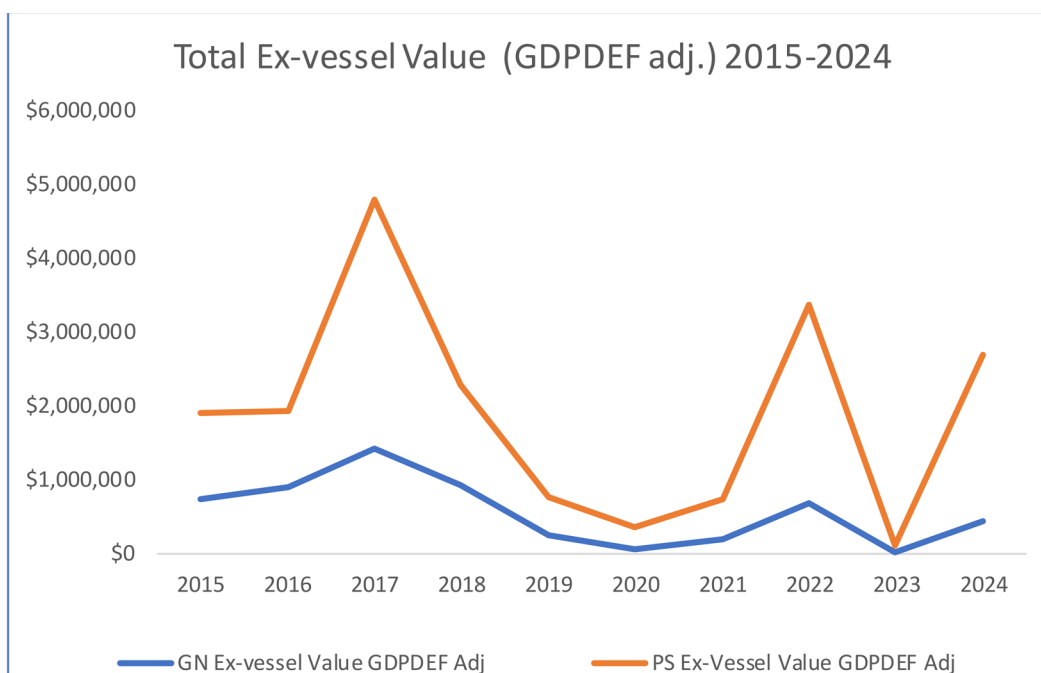


Figure 1. Trends in annual, GDPDEF-adjusted ex-vessel value of gillnet and purse seine chum salmon landings for south Puget Sound (Areas 10 and 11) and Hood Canal (Areas 12, 12B and 12C), 2015 – 2024.

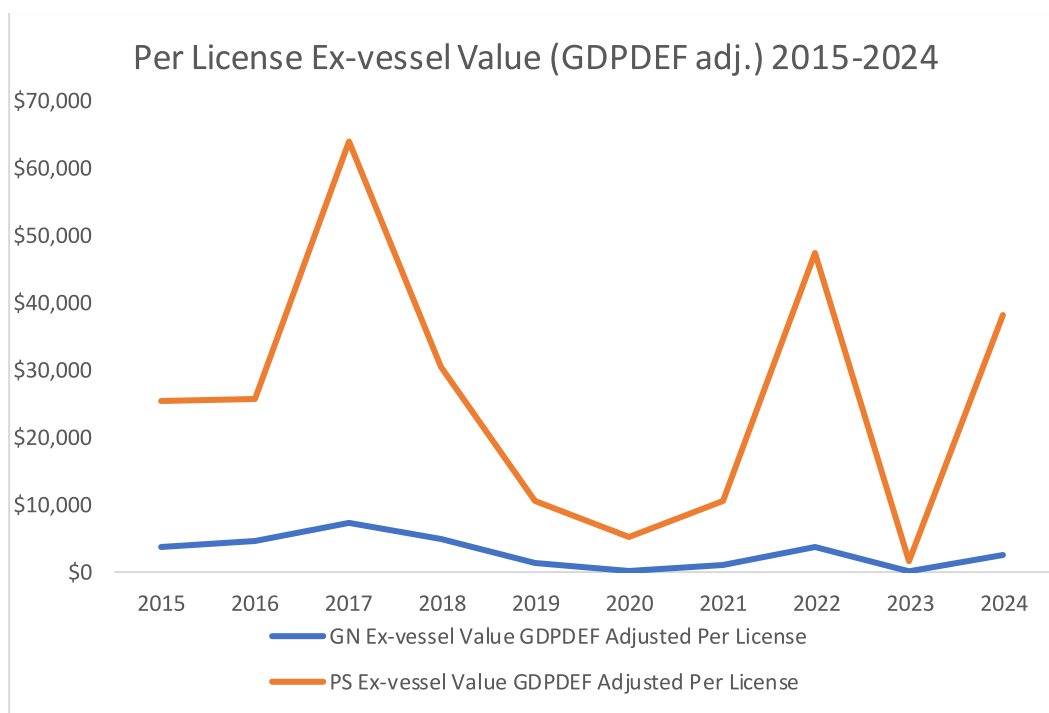


Figure 2. Trends in annual, GDPDEF-adjusted ex-vessel value per license for gillnet and purse seine chum salmon landings for south Puget Sound (Areas 10 and 11) and Hood Canal (Areas 12, 12B, and 12C), 2015– 2024.