

The document below is a draft policy document for discussion at the November 18, 2019 PRC meeting, towards the PRC's noticed purpose to "strive for a recommendation to both full Commissions" on policy and regulatory concurrency in 2020 and beyond. **The document below is a draft for the 3/11 Kennewick meeting replacement conference call, containing edits areas dealing with OR suspension of participation.**

Draft ~~Joint~~ Policy Document

~~November 18 2019~~



~~JOINT-STATE POLICY for~~ COLUMBIA RIVER SALMON FISHERY MANAGEMENT POLICY

WASHINGTON ~~and OREGON FISH and WILDLIFE COMMISSIONS~~
{replace the above with the normal Washington Commission Policy header}

Headers Outline:

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Draft Language

The draft language below follows the headers above and the annotated outline approach shown in the PRC materials for the August 1, August 29 and October 1 2019 PRC meetings.

- The language below in **black font** represents the recommendations reached by the PRC at the February 26, 2019 meeting.
- The language below in **normal purple font** is language moved forward at the October 1, 2019 PRC meeting. **Italicized purple font** is draft language for the new policy topics assigned at the October 1, 2019 PRC meeting.
- The language below in **gray font** is draft language of leading chapeau and adaptive management sections that is intended to generally reflect January, 2019 status quo policy if not altered by the PRC recommendation of February 26, to provide document consistency, and to reflect discussions at PRC meetings to omit or alter content of 2018 policies. As an example of the latter, the action to pursue Marine Stewardship Certification has been omitted from the draft below, based on discussions at PRC meetings. See endnote 1ⁱ that shows the Purpose statement as an example of how gray font language is either identical language from existing policy directives or its equivalent, or reflective of PRC discussions to date.

Purpose

The over-arching purposes of this Policy is to guide management of Columbia River non-Tribal fisheries in a manner that achieves conservation, protection, and perpetuation goals for Columbia River salmon and steelhead; to conduct orderly fisheries in waters in which the states of Oregon and Washington have concurrent jurisdiction; to maintain **and** enhance the economic well-being and stability of the recreational and commercial fishing industries in both States; and optimize overall economic benefits of Columbia River salmon and steelhead fisheries.

Authority Definition and Intent

This Policy is established by the State Fish and Wildlife Commission **s of Oregon and Washington (Commissions)**, and is applicable to the management by the Washington **and Oregon** State Departments of Fish and Wildlife (Departments) of Pacific salmon (spring Chinook, summer Chinook, fall Chinook, sockeye, chum, coho, and steelhead) non-Tribal fisheries in the mainstem of the Columbia River and the Snake River

downstream of Lower Granite Dam.

The intent of this Policy is to be responsive to the comprehensive reviews of Columbia River salmon fishery management policies in place in each State during 2013-17¹. The results of those reviews included identifying several areas where the a policy purposes or expectations were was not met. Additionally, adaptive actions by both Commissions in 2017 resulted in areas where concurrency would not be in place as of January, 2019. While many of the provisions of this policy document are identical or equivalent to policy provisions adopted by either of the Commissions in 2012, the intent is that this Policy supersede the policy directives currently in place, to achieve policy and regulatory concurrency in salmon fishery management from this point forward.

General Policy Statement

This policy provides the Departments with a cohesive set of guiding principles, strategies and actions to improve the fishery management and abundance of wild and hatchery produced salmon and steelhead in the Columbia River basin. Fishery and hatchery management measures should be implemented as part of an “all-H” strategy that integrates hatchery, harvest, hydro-system and habitat actions designed to increase the abundance of Columbia River salmon and steelhead. Although this Policy focuses primarily on fishery management and includes direction on hatchery production, this Policy in no way diminishes the significance of habitat and hydro-system protection and restoration and explicitly supports additional minimization of hydro-system related fish mortality and further protection and restoration of salmon and steelhead habitat throughout the Columbia River basin.

It is acknowledged there is uncertainty in how and when the strategies and measures described in this Policy will achieve the stated purposes, such as the development and implementation of alternative selective fishing gear, securing funding for enhanced hatchery production, and consideration of a commercial license buyback program and a recreational fishery guiding license limitation. It is also recognized that there are likely to be unpredictable challenges to successful achievement of the intent of various strategies and measures, including such matters as changes in the environmental conditions that affect salmon steelhead abundance, rates of recovery of depressed wild populations, and the effectiveness of habitat restoration and population reintroduction initiatives. Consequently, management decisions must be informed by fishery and stock status monitoring and should be adaptively modified as necessary to meet the stated purposes of this Policy, in accordance with the flexibility intended by the adaptive management provisions of this Policy.

¹ Washington Policy C-3620 was reviewed in the report “Comprehensive Evaluation of the Columbia River Basin Salmon Management Policy C-3620, 2013-17” (Bill Tweit, Ryan Lothrop, and Cindy LeFleur, November 2018, 204 p.), and Oregon policies as described in Oregon Administrative Rules 635-500-6700 through 635-500-6765 were reviewed in 2017 Oregon Fish and Wildlife Commission meeting documents and the draft report “Summary and Analysis of Columbia River Harvest Reform Activities 2009-2017” (Oregon Department of Fish and Wildlife 2018, 315 p.).

The Departments will work collaboratively with their governmental partners to strive to achieve the Policy purposes and implement the policy guidelines and strategies. The Departments will work with {insert ODFW} Columbia River Treaty Tribes in a manner that is consistent with *U.S. v. Washington* and *U.S. v. Oregon* and other applicable state and federal laws and agreements; with the National Marine Fisheries Service to achieve compliance with the Endangered Species Act (ESA) in a manner that optimizes the strategies and actions described in this Policy; with other Federal, State, and Tribal agencies with authority and responsibility for Columbia River salmon, including the Northwest Power and Conservation Council, US Fish and Wildlife Service, Columbia River non-Treaty Tribes, Idaho Department of Fish and Game; and with all other entities with authorities collateral with the purposes of this Policy.

Guiding Principles

The Departments will apply the following principles and policy positions as guides and directives toward achieving the purposes of the Policy.

Conservation, Protection, and Perpetuation of Columbia River Salmon

1. Promote the recovery of Endangered Species Act (ESA) listed populations of salmon and steelhead in the Columbia River and ensure that fisheries and hatcheries are operated in a manner consistent with the provisions of the ESA.
2. Promote the conservation of non-ESA listed wild stocks by adopting spawning escapement goals or other management measures and managing fisheries to achieve those goals or set limits on fishery incidental take allowances when spawning escapement goals have not been established or cannot be achieved.
3. Advocate for increased downstream and upstream survival of salmon and steelhead through the Columbia River hydro-power system.
4. Advocate for salmon and steelhead habitat protection and recovery, including reducing predation on sensitive stocks by marine mammals, birds, and fish in areas and situations of particular vulnerability.
5. Advocate for increased hatchery production for unmitigated loss of salmon and steelhead production associated with the construction of dams or from other unmitigated human-caused habitat losses in a manner that avoids or grossly minimizes genetic and ecological impacts to wild salmon and steelhead populations.

Orderly and Concurrently Regulated Fisheries

1. Through the Columbia River Compact and as appropriate in other forums dealing with fishery regulatory matters, strive to adopt regulations that are maximally concurrent in the joint waters of the Columbia River.
2. Non-Tribal fisheries shall continue to be managed to meet the terms of *U.S. v. Oregon* management agreements with Columbia River Treaty Tribes.
3. The Washington Department of Fish and Wildlife shall continue to meet Colville tribal subsistence and ceremonial needs consistent with agreements with the

Confederated Tribes of the Colville Reservation, as well as providing the Wanapum Band of Sokulk Indians a fishing opportunity consistent with Washington RCW 77.12.453.

4. Integrate the use of new alternative commercial gear in the mainstem Columbia River in a manner that maintains orderly commercial and recreational fisheries in the Columbia River and its tributaries.

Maintaining, Enhancing, and Optimizing the Economic Well-being and Stability of Recreational and Commercial Fisheries

1. In a manner that is consistent with conservation and does not impair the resource, seek to enhance the overall economic well-being and stability of Columbia River recreational and commercial fisheries in comparison to that yielded by the policies in place in the three years prior to the harvest reform policy provisions that began in 2013.
2. Acknowledging the variability of salmon runs through time and the conservation mandate of this Policy, seek to provide the maximum fishery stability and predictability possible for fishery-dependent local communities.
3. Develop and implement alternative selective-fishing gear and techniques for commercial mainstem fisheries in a manner that facilitates achieving conservation goals as well as enhancing and optimizing economic benefits to commercial and recreational fisheries.
4. Maintain and enhance off channel (Select Area) production of hatchery fish to support off-channel commercial fishing as a fundamental component of this policy, in recognition of its contribution to optimizing overall fishery economics due to high harvest ratios of hatchery fish per ESA impact.

General Provisions

The Departments will implement the following actions to promote the achievement of the purposes of this policy.

1. Development and Implementation of Alternative Commercial Fishing Gear. The Commissions are committed to the goal that commercial fishing gear being used on the mainstem Columbia River optimize conservation and economic benefits. The Departments shall pursue the development and, as appropriate, implementation of commercial fishing gear alternatives to the gears currently authorized in non-treaty mainstem commercial fisheries. This should be done in a manner that seeks to improve on the catches of target species and stocks in comparison to the mortality of non-target species and stocks, in an economically efficient manner across the commercial fishery infrastructure segments. The development and implementation process shall include the following actions.
 - a. The Departments shall finalize a complete report that will include results of evaluations of current and tested commercial gear types including catches, mortality, and economic measures. The report should include a description of the geographic areas below Bonneville Dam where gears

have been tested and/or implemented, and any pertinent information regarding the use of particular gear types in specific areas. This report shall be a joint-staff effort and provided to both Commissions within one year of adoption of this Policy.

- b. The Departments will work with representatives of the commercial and recreational fishing industries to develop recommendations on the development and implementation of commercial fishing gear that will increase the selectivity potential of commercial fisheries compared to current capabilities, and/or promote state conservation objectives (i.e. controlling hatchery fish on spawning grounds. Important objectives of this effort include gaining broad support from the commercial fishing industry, encouraging creative innovation from the commercial fishing industry, and complimenting the economic potential and stability of the commercial fishery while minimizing impacts to mainstem and tributary recreational fisheries. The Departments shall consider options that provide economic and other incentives for participants to become involved in alternative gear fisheries.
- c. The Departments shall seek funding, as appropriate, to support efforts to develop and implement alternative gears, and work with partners as appropriate to experiment with alternative gear, conduct any necessary studies (in such areas as release mortality, stock compositions, and economic viability), and otherwise facilitate the development of options for alternative gear use. Assessment of alternative gear types in comparison to current gear should include at least catch rates, release mortality rates and overall mortality effects on relevant stocks, economic value, and effect on the commercial fishery infrastructure as a whole. It should also be informed by perspectives from commercial and recreational fisheries.

The Departments shall update their respective Commissions annually on progress on the above policy actions. Both Commissions will need to authorize any successful alternative commercial fishing gears in a manner that achieves concurrent regulations.

2. Hatchery and Natural Production Goals. An increase in salmon and steelhead run sizes in the Columbia River basin would enhance opportunity and economic benefits to recreational and commercial fisheries and move towards perpetuating salmon and steelhead in a magnitude more consistent with historic abundance.
 - a. The Departments shall continue to lead in efforts to increase naturally produced salmon and steelhead from increased survival from the effects of the Columbia River hydro-power system and improvements in the quality and quantity of salmon and steelhead habitat.
 - b. The Departments and Commissions recognize the importance of hatchery production in meeting Columbia Basin mitigation requirements, supporting tribal and non-tribal fisheries, supporting conservation and recovery efforts, and providing forage for dependent marine organisms. Hatchery production must be conducted in a manner consistent with the sustainability of healthy wild populations and recovery of ESA-listed wild

populations. When and where increases are appropriate, the Departments shall seek increased levels of hatchery production in support of these needs. This may include increases in and stability of hatchery produced salmon and steelhead in the Columbia River basin in comparison to recent levels. Increases **may be** associated with situations where full mitigation of losses from human-caused uses has yet to occur, initiatives to provide additional prey to Southern Resident Killer Whales, **or enhancement of Select Area fisheries**. Enhanced hatchery production of salmon and steelhead shall be done in areas and with strategies that avoid or strongly minimize negative genetic and ecological effects on wild populations.

- c. In establishing hatchery and natural population goals, the Departments shall consider the policy guidance described above, goals described in the NMFS sponsored Columbia Basin Partnership Task Force report, goals adopted by the Northwest Power and Conservation Council, and additional information, initiatives, and recommendations that evolve over the course of this Policy.

- i. **The current hatchery production goals for release in Select Area fisheries are as follows.**

Spring Chinook: 3.7 M smolts

Fall Chinook: 1.0 M smolts

Coho: 5.255 M smolts

- 3. Commercial Fishery License Reduction Program.** The Commission**s** have heard public concerns about the state of progress towards the commercial fishery license buyback program advocated by policy intent in 2013. The Commission**s** recognize that a fully effective program to buyback commercial fishery licenses would need to be implemented by both Oregon and Washington, that statutory changes may be required in one or both States, and that there are many difficulties in designing a concurrent and equitable program. **A policy level joint-State body is to be convened to develop a report on options for an effective program that is to be submitted to each Commission for consideration and, if warranted, possible transmission to statutory authorities.**

- 4. Limiting the Number of Recreational Guide Licenses in Jointly Managed Waters of the Columbia River.** The Commission**s** have heard public concerns that the lack of a limit on the number of recreational guide licenses may have negative effects on the non-guided sector of the recreational fishery, such as overcrowding and a reduction in open fishing days. Further, it is recognized that any effective program to limit the number of recreational guide licenses on jointly managed waters of the Columbia River would need to consider the regulatory frameworks of both Oregon and Washington, that statutory changes may be required in one or both States, and that there are many difficulties in designing a concurrent and equitable program. **A policy level joint-State body is to be convened to develop a report assessing the effects of limiting guide licenses or other measures and evaluating options for an effective concurrent program. The**

report is to be submitted to each Commission for consideration and, if warranted, possible transmission to statutory authorities.

5. Scientific Monitoring. In recognition that the scientific monitoring of fisheries, spawning escapements, and other measures of stock status is necessary to execute the provisions of this Policy and achieve its purpose, the Commissions commit to seeking the funding necessary, and prioritizing funds available, to monitor the stock status of Columbia River salmon and steelhead populations. Further, the Departments shall seek to conduct scientific studies of catch and release mortality where significant uncertainty exists in current estimates in either commercial or recreational fisheries, if funding is available.
6. Thermal Angling Sanctuaries. The Commissions recognize that summer and fall water temperatures in the Columbia River can reach levels that adversely affect the health and survival of migrating adult steelhead and salmon. Certain tributaries may provide substantially cooler water than the mainstem near their confluences. Research has demonstrated that migrating summer steelhead (hatchery and wild) use these differentially colder water areas under such conditions. Seasonal recreational fisheries closures in these areas may provide additional protections during these seasonally vulnerable times. A policy level joint-State body is to be convened to review available information regarding cold water use by ESA-listed stocks and the impacts of fisheries in these areas, develop a report that describes the needs and benefits of possible Thermal (Cold Water) Angling Sanctuaries, and make recommendations on possible boundaries and regulations for protecting steelhead and salmon residing therein. The report is to be submitted to each Commission for their consideration and if warranted, adoption of concurrent regulations.
7. Select Area fisheries. The Commissions recognize that the economic benefits associated with off-channel commercial fisheries is a fundamental component of a successful Columbia River salmon fishery policy. To date, enhancements have included providing additional hatchery fish for release in these off-channel areas and expansion of winter and summer seasons in off-channel areas. These actions are intended to continue, and additional actions may be undertaken, such as increasing the production of hatchery salmon in off channel areas and further evaluation or implementation of additional off-channel sites, particularly in Washington State.

Fishery Specific Provisions

Subject to the adaptive management provisions of this policy, the Departments will manage salmon fisheries consistent with the prior sections of this Policy and the following fishery specific objectives.

The process intent has been that the PRC would consider policy alternatives to the February 26, 2019 recommendations below and, over the course of 2019, strive to reach a recommendation for comprehensive salmon fishery policies for 2020 and beyond. However, if for some reason a comprehensive salmon fishery policy recommendation could not be reached from good faith negotiations, the provisions below were intended by PRC motion to remain in place until such comprehensive policy is adopted.

Spring Chinook Salmon

1. Allocation. The annual allocation to recreational and commercial fisheries is 70%/30% of allowable non-Treaty Upriver Run ESA impacts with both fisheries constrained by the pre-run size update buffer requirement that is described in the current US v Oregon Management Agreement. Within the 70% of Upriver Run ESA impacts allocated to the sport fishery, 25% (17.5% of the total allocation) is allocated to sport fisheries above Bonneville Dam. Within that 25% upriver allocation, 40% is allocated to OR/WA fisheries from Bonneville Dam up to the state line and 60% is allocated to the WA fishery in the Snake River and Upper Columbia River areas. The remaining amount of the 70% (52.5% of the total allocation) is allocated to sport fisheries below Bonneville Dam.
2. Allowable Commercial Gear. Allowable mainstem commercial gear includes tangle nets allowed pre-update and post-update and gillnet gear in the post update period.

Summer Chinook Salmon

1. Allocation. The amount of the non-Treaty harvestable surplus under the US v Oregon Management Agreement shall be allocated between fisheries above and below Priest Rapids Dam based on a sliding scale². The harvestable amount for the areas below Priest Rapids Dam is to be shared 70% /30% between recreational and commercial fisheries, with 5% of the commercial share (1.5% of the total allocation below Priest Rapids Dam) allocated for incidental take in Select Area fisheries.
2. Allowable Commercial Gear. Allowable mainstem commercial gear includes gillnets and alternative gear.

Sockeye Salmon

1. Allocation. The annual allocation to recreational and commercial fisheries is 70%/30% of allowable non-Treaty Snake River ESA impacts. The 30% commercial share is to be used for incidental impacts in commercial fisheries directed at summer Chinook salmon.

² See the allocations in the current Washington Policy Document C-3620 "Columbia River Basin Salmon Management": <https://wdfw.wa.gov/sites/default/files/2019-03/c3620.pdf>

Fall Chinook Salmon

1. Allocation. The annual recreational and commercial allocation is $\leq 70\%$ / $\geq 30\%$ of allowable LRH ESA impacts and allowable non-Treaty Snake River ESA impacts (whichever is more constraining in a given year). The commercial share of such ESA impacts is to cover mainstem Columbia River and Select Area fisheries.
2. Allowable Commercial Gear. Allowable mainstem commercial fishing gear includes gillnet, tangle net, and seine gear.

Coho Salmon

1. Allocation. While there is no explicit numerical sharing of Lower Columbia River Natural ESA impacts, the allocation is prioritized as follows: commercial fisheries are to be assigned sufficient impacts to implement Select Area coho and fall Chinook fisheries and mainstem fall Chinook fisheries, and the balance to in-river mainstem recreational fisheries. If these fisheries are expected to be unable to use all of the allowable impacts, the remainder will be assigned to mainstem commercial coho fisheries.
2. Allowable Commercial Gear. Allowable mainstem commercial fishing gear includes gill net, tangle net, beach seine, and purse seine fishing gear.

Chum Salmon

Commercial fisheries shall be assigned a sufficient share of the ESA-impact for chum to implement Select Area and mainstem fisheries targeting other salmon species. The retention of chum salmon in recreational and commercial fisheries shall continue to be prohibited.

Adaptive Management Provisions

The Commission recognizes that the provisions of this Policy describe a presumptive path forward to achieve the stated purposes, and that considerable uncertainty exists in how and when the purposes will be regarded as achieved. It is noted from the comprehensive reviews of 2013- 2017 that several aspects of the presumptive path in the policy initiatives that began in 2013 did not occur as expected, including in particular the successful development and implementation of alternative commercial selective fishing gear, the expansion or development of new Select Area fishing areas and the securing of enhanced hatchery production. It is also noted that some adaptive management provisions were implemented in 2017 in response to policy performance findings at that time. In addition to management performance uncertainty, there are many unpredictable events that could have a substantial effect on the presumptive path forward, including large fluctuations in short-term run sizes, changes in long-term environmental patterns, possible environmental disasters, and unexpectedly successful population restoration results. Therefore, the Commission acknowledges that adaptive

management procedures will be essential to achieve the purpose of this policy and are expected to occur after proper evaluation and as appropriate to achieve the purposes of this Policy.

The Departments will track policy implementation and results of the fishery management actions and hatchery production programs and provide the Commissions with annual updates and a comprehensive review as soon as possible after 2025. State-managed fisheries pursuant to this Policy will be adaptive and adjustments should be considered to commercial and recreational fisheries if policy purposes, including fishery economics and stability, are not achieved consistent with the principles of this plan. If the policy purposes are not achieved, efforts will be made to determine why and to identify actions necessary to correct course. Department staff may implement actions necessary to manage adaptively to achieve the purposes of this policy with authorization from the Commissions, in order to implement corrective actions.

Delegation of Authority

The Commissions delegate the authority to the Department Directors, through the Columbia River Compact and North of Falcon stakeholder consultation process, or other processes, to set seasons for recreational and commercial fisheries in the Columbia River, to adopt temporary or emergency regulations to implement these fisheries, and to make harvest agreements with treaty tribes and other government agencies. The Directors of the Departments will work to achieve implementation of the policy provisions described in this document in a manner that results in concurrent fishing regulations between the two states. In the event circumstances result in a reason the Directors believe that non-concurrent fishing regulations must be considered, the Commission Chairs will be consulted to seek resolution of the situation.

Signatory Page

Needs insert

End Notes:

¹ In this draft document, unitalicized gray font is draft language that is intended to be identical to or essentially equivalent to language in the policy documents adopted by the Oregon or Washington Commissions in 2013, new language or intentional omissions from discussions, or is a blend of such language consistent with PRC actions or discussions. For example, the gray font paragraph below is compared to the black-font, yellow highlighted original language in Washington Policy C-3620 under the “Purpose” header; there is no “Purpose” section in the Oregon

OAR sections delineating Oregon policy for Columbia River salmon fishery management. This comparison shows the changes with strike-outs of original words and italicizing new words; the primary changes are to relocate the conservation purpose language to first mention position and to add an ending phrase that comports with an Oregon statutory mandate. The unedited original language in Policy C-3620 is also shown below.

Purpose

The over-arching purposes of this Policy is to guide management of Columbia River non-Tribal fisheries in a manner that achieves conservation, protection, and perpetuation goals for Columbia River salmon; to conduct orderly fisheries in waters in which the states of Oregon and Washington have concurrent jurisdiction; to maintain and enhance the economic well-being and stability of the recreational and commercial fishing industries in both States; and optimize overall economic benefits of Columbia River salmon and steelhead fisheries.

The over-arching purposes objectives of this Policy are *is to guide management of Columbia River non-Tribal fisheries in a manner that achieves* advances the conservation, *protection, and perpetuation* goals and recovery of wild Columbia River salmon and steelhead; conducts orderly fisheries in waters in which the states of Oregon and Washington have concurrent jurisdiction; and maintains or *and* enhances the economic well-being and stability of the *recreational and commercial* fishing industries in both States, *and optimize overall economic benefits of Columbia River salmon and steelhead fisheries.*

Washington Policy C-3620 current “original” language:

The objectives of this policy are to promote orderly fisheries (particularly in waters in which the states of Washington and Oregon have concurrent jurisdiction), advance the conservation and recovery of wild salmon and steelhead, and maintain or enhance the economic well-being and stability of the fishing industry in the state.

Addendum 1. Fact Sheet on Columbia River Salmon Fishery Policy Elements.

It is recognized that there are elements of this Policy than could be unintentionally misunderstood, perceived differently than intended, or inaccurately characterized. The purpose of this addendum is to address these possibilities by presenting facts, context, and rationale about elements of this Policy. However, this addendum is not fully drafted on November 18, 2019 and will be forthcoming at some point in the future.