

15. Columbia River Spring Chinook Allocation Policy

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GREEN SHEET

Meeting dates:	December 12-13, 2008, Commission Meeting
Agenda item #15:	Columbia River Spring Chinook Allocation Policy
Staff Contact:	Cindy LeFleur, Columbia River Harvest and Hydro Management —Intergovernmental Resource Management
Presenter(s):	Guy Norman, Director—Director's Office-Region 5 Phil Anderson, Deputy Director—Policy-Director's Office

Background:

Columbia River spring Chinook are comprised of lower river stocks returning to Washington tributaries below Bonneville Dam and the Willamette River in Oregon, and upriver stocks destined for areas above Bonneville Dam. Two components of the wild upriver run are listed under the Endangered Species Act (ESA), Snake River spring/summer Chinook and Upper Columbia spring Chinook, and two lower river components are listed as well—Upper Willamette spring Chinook and Lower Columbia Chinook.

The parties to *U.S. v Oregon* developed a conservation-based fish management plan to protect, rebuild, and enhance upper Columbia River fish runs. During 1986-1995, fisheries operated under the Columbia River Fish Management Plan (CRFMP) that limited the non-Indian fisheries to less than 5% of the upriver run. Non-Indian Columbia River fisheries were directed at Willamette spring Chinook by timing of the fishery, with incidental impacts to upriver stocks.

With the advent of mass-marked hatchery fish, mark-selective fishing techniques, and agreements with the *U.S. v Oregon* parties, additional selective fishing opportunities became available beginning in 2001. The states were able to implement mark-selective sport and commercial fisheries that allowed for very small catch and release incidental mortality (i.e. the level of unintended fisheries-related mortality) on the ESA-listed stocks while providing opportunity to harvest abundant hatchery fish. These fisheries have operated under strict limits on the allowable level of incidental-mortality of ESA-listed salmon, and have generally been limited to 2% of the run. Both sport and commercial fisheries use mark-selective fishing techniques that require the release of all spring Chinook with an adipose fin intact.

The *U.S. v Oregon* parties have signed an agreement relative to harvest and production of upriver-bound salmon and steelhead stocks covering the time frame of 2008-2017. A sliding scale harvest rate is in place for upriver spring Chinook that provides limited opportunities at the smallest run sizes and increased opportunities at larger run sizes. This sliding scale harvest rate schedule provides a sound basis for recovery objectives encompassed in the Biological Opinion, and provides for non-Indian and treaty Indian fisheries to harvest abundant hatchery fish, while providing protection to ESA-listed stocks. The harvest rate for non-Indian fisheries ranges from 0.5% to 2.7% of the wild upriver spring Chinook; it varies depending on run size. The sport and commercial fisheries are required to release spring Chinook that are wild or unmarked (with an adipose fin). Although the survival rate for fish that are released is high, (85%-90%), some of the fish that are released will not survive. Each season, the harvest rate is calculated from the number of wild or unmarked fish that are released in sport and commercial fisheries and the estimated number that do not survive.

Previous Allocation Decisions

Until 2002, non-Indian sport and commercial catch of upriver spring Chinook had never been formally allocated, although *U.S. v Oregon* agreements limited seasons for sport and commercial fisheries which resulted in relatively balanced impacts to upriver spring Chinook. Beginning in 2002, a series of policies have provided guidance on allocation of the ESA limits to sport and commercial fisheries. Three two-year policies were in place from 2002-2007. A one-year policy was adopted for 2008. The current policy, C-3617, 2008 (following) expires December 31, 2008 includes attachment 1, Guiding Principles and Fisheries Management Objectives, which have changed very little over the past seven years. The actual allocation of impacts to sport and commercial fisheries has also changed very little ranging from 57% sport/43% commercial to 65% sport/35% commercial. The current allocation is 61% sport and 39% commercial.

Fishery Management

Fisheries in the Columbia River are jointly managed with the state of Oregon, requiring coordination in order to have concurrent regulations. Spring Chinook fisheries have been re-initiated in the Columbia River in times and areas that were previously not available, providing increased opportunities for both sport and commercial fisheries. Both fisheries have increased in time and fishing areas. Fishery management decisions must be conservative to ensure the ESA guidelines are not exceeded. There are many challenges in managing fisheries to achieve sharing objectives and remain within the ESA limits because of variations in fishing effort and catch per unit effort, run sizes and run timing, and weather and water conditions. Moreover, management is complicated by the inability to accurately update the in-season run size until late-April/mid-May after much of the prime fishing seasons have passed. Modifications to the preseason fishing schedules must often be made because of differences from the preseason expectations. Variations from preseason fishing plans can be very frustrating to the fishing communities.

Policy issue(s) you are bringing to the Commission for consideration:

With the advent of the first policy regarding spring Chinook allocation, the Washington and Oregon Commissions have adopted guiding principles and management objectives, which include conservation goals and objectives for fishery management. Also included in the policy is an allocation of the incidental non-Indian ESA impacts between sport and commercial fisheries. No mainstem fishery can proceed without some level of ESA impact allocated to it.

In an attempt to provide for meaningful discussion of sport/commercial fishery sharing of ESA impacts, a collaborative process was initiated in November of 2007. A stakeholder group of sport and commercial interests was convened by the two states to discuss issues surrounding spring Chinook allocation. The process concluded in the summer of 2008 without a recommendation.

Fish and Wildlife Commissions in Washington and Oregon have established a joint advisory group to develop recommendations on a variety of fishery-related issues facing the two states on the Columbia River. The first charge for the Columbia River Fish Working Group (CRFWG), established in September 2008, is to recommend a new plan for apportioning harvest opportunities for spring and summer Chinook salmon between sport and commercial fisheries in the lower river. The group will then consider a broader range of issues, including salmon recovery, selective fisheries, and hatchery reform.

Three Fish and Wildlife Commissioners from Washington and Oregon serve as voting members of the advisory group. Non-voting members include two fishery managers from each state and a total of 10 citizen representatives from communities on both sides of the Columbia River. Citizen representatives were chosen by their respective commissions for their breadth of experience with Columbia River fisheries. The CRFWG is expected to provide a recommendation for spring Chinook allocation at their meeting November 17, and this recommendation will be provided to the Commission at the December meeting.

Public involvement process used and what you learned:

Staff members will meet with the Columbia River Recreational and Commercial Advisor Groups on these issues in December. The CRFWG process is open to the public.

Action requested:

The Commission will accept public testimony on the proposed policy updates and may consider final adoption of an updated policy following public input.

Draft motion language:

I move that the Commission adopt the following policy guidance relative to the mainstem Columbia River spring Chinook fishery:

1. The Policy C-3617 titled "Mainstem Columbia River Spring Chinook Allocation for Non-treaty Fisheries" effective January 1, 2009 through December 31, ____ (?) as presented by Department staff, with the inclusion of Attachment 1 titled "Fishery Management Plan".

Justification for Commission action:

Provides direction to the Director for upriver spring Chinook allocation of incidental impacts in order for the Columbia River Compact to make decisions regarding recreational, commercial, and non-treaty Indian fisheries.

Communications Plan:

A joint staff report will be distributed January 2009 that discusses spring Chinook stock status, review of fisheries and recommendations for future fisheries. A Compact meeting will be held in late January to adopt spring Chinook seasons for 2009. Results of the CRFWG have been posted on the agency Web site <http://wdfw.wa.gov/fish/regions/reg5/stakeholder/index.htm>. Please see November 2008 CRFWG Communications/Outreach Plan following.

Form revised 10/16/2008 - sdy

FISH AND WILDLIFE COMMISSION POLICY DECISION

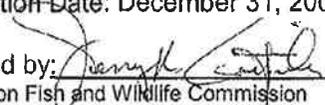
POLICY TITLE: Mainstem Columbia River Spring Chinook Management and Allocation for Non-Indian Fisheries, 2008 **POLICY NUMBER: C-3617**

Supersedes: C-3615

Effective Date: February 8, 2008

Termination Date: December 31, 2008

See Also: Amendment to Delegation of Authority
and ATTACHMENT #1, adopted
February 14, 2008.

Approved by:  , Chair
Washington Fish and Wildlife Commission

Guiding Principles

- The Department serves as the trustee of this public resource and as such is responsible and accountable for sustainable fisheries.
- Conservation and recovery are the highest priorities and will take precedence in managing the resource.
- The Department will comply with the provisions of the U.S. v Oregon Management Agreement for upriver spring Chinook.
- Tradeoffs between current harvest benefits and long-term stock well-being will be resolved in favor of the long-term stock well-being.
- The Department must be consistent with prescribed recovery measures in National Marine Fisheries Service Biological Opinions, and safeguard the health and viability of all salmon stocks as a precondition for harvest.
- Manage harvest to meet hatchery goals.
- The Department must meet conservation requirements for wild spring Chinook and wild winter steelhead, including populations listed under the federal Endangered Species Act.
- The Department will manage harvest consistent with the applicable recovery management objectives.

Selective Fishery and Enforcement Guidelines

- All fishers will comply with selective fisheries rules and standards.
- The Department will continue to make improvements in the selectivity of recreational and commercial fishery gear through research and feasibility studies.
- The Department will develop and implement a strategy for public communications and outreach on compliance issues.
- The Department will continue to pursue strategies to enhance enforcement efforts and successful prosecution through the use of observer programs, increased enforcement presence, and cooperative work with local prosecutors.
- The Commission expects recreational and commercial fishing sectors to demonstrate responsibility for continuous learning and skills development for selective harvest practices.

C-3617 – Adopted February 8, 2008; amended Feb. 14, 2008

Stakeholders Visioning Process

- The Commission supports the Stakeholder Group process in 2008 to assist in development of policy recommendations for 2009 and beyond.
- The Commission recommends that the Stakeholder Group provide incentives for sectors that reduce release mortalities.
- The Commission recommends that the Stakeholder Group include stronger penalties for those fishers that have repeat violations of selective fishery rules.

Fisheries Management Objectives

- The Department will manage the mainstem Columbia River spring Chinook fisheries to limit the wild winter steelhead impact to less than 2%.
- The Department will exercise in-season management flexibility to utilize the non-Indian upriver spring Chinook impact allocation to meet the objectives of both fisheries, i.e., upriver impact sharing adjustments in response to in-season information pertaining to catch and run size.
- Adjustments to the sport fishery may occur in-season if it is estimated the fishery will not continue through April. In-season adjustments may include such options as days/week and area closures.
- The Department will recognize the economic benefits of recreational and commercial fisheries in the Columbia River.
- The Department will provide for sport fisheries throughout the Columbia River downstream of McNary Dam, sport/tribal fisheries in the Snake River and upper Columbia River, and commercial and sport fisheries in select areas, as well as in the mainstem below Bonneville Dam.
- The Department will ensure broad geographic distribution of the sport fishing opportunity in the main-stem Columbia River.
- Harvestable Lower Columbia River spring Chinook should provide opportunity to areas below the Willamette River.
- Extend sportfishing opportunity as far into April as possible downstream of Bonneville Dam.
- Utilize days of the week as a management tool.

Allocation of Upriver Spring Chinook Impacts

The Director shall manage Columbia River non-Indian spring Chinook fisheries that are covered by the allowable ESA upriver impact rate (currently 2%) based on the following allocation guidelines. The recreational fishery allocation should be 65% of the allowable impact rate with the remainder to the commercial fishery.

Delegation of Authority

The Washington Fish and Wildlife Commission delegates the authority to the Director, through the Columbia River Compact process, to set seasons for sport and commercial fisheries in the Columbia River consistent with C-3617 Attachment #1, "2008 Management Measure Recommendations to the Columbia River Compact Process," and to adopt permanent and emergency regulations to implement these fisheries. The Director shall work with the Oregon Department of Fish and Wildlife to achieve implementation of this Commission action in a manner that results in concurrent regulations between the two states. The Director shall consult with the Commission if it becomes necessary to deviate from the Commission's Policy to achieve concurrent regulations with Oregon.

C-3617 – Adopted Feb. 8, 2008; amended Feb. 14, 2008

**C-3617
ATTACHMENT #1**

**2008 Management Measure
Recommendation to the Columbia River Compact Process**

Fishery Management Objectives

- The pre-season structure will be designed based on a 61% allocation of the ESA impacts to the sport fishery and 39% allocated to the commercial fishery.
- For the Lower Main-stem below the Willamette River, provide a 12 consecutive day recreational fishery in late March and early April, and a one fish bag limit as a buffer against management uncertainty.
- For the Upper Main-Stem above Willamette River, provide a March 16 – April 30 recreational fishery, six days per week (Wednesday through Monday), and a one fish bag limit as a buffer against management uncertainty.
- For the main-stem commercial fishery, restrict the fishery to the upper-river and establish a total catch objective of 6,800 fish. Prior to April 30, manage the commercial fishery to total catch of 5,200 fish as a buffer against management uncertainty.
- After April 30, additional fishing opportunity for the recreational and/or the commercial fishery will be based on a 61%-39% allocation of the available ESA impacts.

Buffer

- Reserve 10% of the allowable ESA impacts
 - 75% of the buffer will be reserved from the commercial fishery through managing the total catch to a level that is 76% of the total catch objective.
 - 25% of the buffer will be reserved from the sport fishery through the use a one fish bag limit.
- Half of the buffer may be used inseason for the sport fishery to meet the upper river's season management objective of April 30.
- Half of the buffer will be held as a precautionary measure until the inseason run size update is completed to ensure that our conservation objective is met.

Catch Projections

Upper River recreational Main-Stem

15,800 fish kept

Lower River

2,950 total kept catch. 2,250 upriver fish, 450 Willamette fish 250 Cowlitz, Kalama, Lewis fish

Commercial Fishery – Mainstem

Before Buffer: 6,800 upriver fish kept (@ 18.5% mortality)

With Buffer: 5,200 upriver fish kept (@ 18.5% mortality)

Communications/Outreach Plan

Columbia River Fish Working Group

November 2008

Objectives:

- Inform fishers and other stakeholders about the role of the Columbia River Fish Working Group in developing policies for consideration by the Fish and Wildlife Commissions of Washington and Oregon.
- Generate support for the collaborative public process that guides the recommendations made by the Working Group.
- Promote public awareness of policy decisions reached by Washington and Oregon Fish and Wildlife Commissions on the recommendation of the Working Group.

Audiences:

- Recreational fishers
- Commercial fishers
- General public
- Counties/Cities
- Columbia River tribes
- Local recovery boards
- Legislators
- RFEGs

Messages:

The Working Group was established to facilitate collaborative decision-making between the states of Washington and Oregon, and among key stakeholders in both states.

Three Commissioners from each state serve as voting members of the group. Non-voting members include two members of each state's fish and wildlife department and six citizen advisors, selected from key stakeholder groups, e.g. fishers and local communities.

Phase I of the Working Group's charge is to make recommendations to the respective commissions for allocating the harvest of spring and summer Chinook salmon between recreational and commercial fisheries below Bonneville Dam by November 2008.

In Phase II its efforts, the Working Group will develop recommendations on a broader range of Columbia River issues, including salmon recovery, selective fisheries and hatchery reform.

Communications:

- **News releases:** News releases will be distributed prior to each meeting of the Columbia River Fish Working Group advising the public of the time, place and focus of each meeting. Public Affairs will also work with members of the group to develop news releases on policy recommendations and other issues within the group's purview. For example, WDFW will issue a news release when the Working Group announces its allocation plan for spring chinook and when a plan is adopted by the Washington Fish and Wildlife Commission.
- **Website:** Public Affairs developed and launched a website for the Working Group in October 2008 that includes meeting notices, news releases and other information distributed during the Working Group sessions. Public Affairs continues to maintain that website and post new information as requested.
- **Briefing papers:** Public Affairs worked with the Fish Program to develop eight briefing papers for Work Group members on issues ranging from selective fishing strategies to the U.S. v. Oregon agreement. The briefing papers were distributed to the Working Group and posted on the website in September and October.
- **Brochure:** Public Affairs will develop a brochure for distribution to legislators and other interested parties explaining the mission of the Work Group and the issues it plans to address.

Communication/outreach leads

- Policy: Guy Norman
- Communications: Public Affairs (Craig Bartlett)
- Outreach: Director's Office

Evaluation:

- Feedback to Washington/Oregon Fish and Wildlife Commissions
- Feedback to WDFW/ODFW
- News media coverage

Note: This plan will be updated to reflect specific communications plans for Phase II of the Working Group's activities.

**FISH AND WILDLIFE COMMISSION
PROPOSED POLICY**

POLICY TITLE: **Mainstem Columbia River
Spring Chinook Management and
Allocation for Non-Indian Fisheries, 2009-?** POLICY NUMBER: C-3617

Supersedes: C-3617, 2008

Effective Date: January 1, 2009
Termination Date: December 31, ?

See Also:

Approved by: _____
Washington Fish and Wildlife Commission

Discussion: This policy is similar to Policy C-3617, 2008 with changes associated with discussion of the Columbia River Fish Working Group (CRFWG). Attachment #1 from Policy C-3617 is replaced with recommendations from the CRFWG.

Policy:

Guiding Principles

- The Department serves as the trustee of this public resource and as such is responsible and accountable for sustainable fisheries.
- Conservation and recovery are the highest priorities and will take precedence in managing the resource.
- The Department will comply with the provisions of the *U.S. v Oregon* Management Agreement for upriver spring Chinook.
- Tradeoffs between current harvest benefits and long-term stock well-being will be resolved in favor of the long-term stock well-being.
- The Department must be consistent with prescribed recovery measures in National Marine Fisheries Service Biological Opinions, and safeguard the health and viability of all salmon stocks as a precondition for harvest.
- Manage harvest to meet hatchery goals.
- The Department must meet conservation requirements for wild spring Chinook and wild winter steelhead, including populations listed under the federal Endangered Species Act.
- The Department will manage harvest consistent with the applicable recovery management objectives.

Selective Fishery and Enforcement Guidelines

- All fishers will comply with selective fisheries rules and standards.
- The Department will continue to make improvements in the selectivity of recreational and commercial fishery gear through research and feasibility studies.
- The Department will develop and implement a strategy for public communications and outreach on compliance issues.
- The Department will continue to pursue strategies to enhance enforcement efforts and successful prosecution through the use of observer programs, increased enforcement presence, and cooperative work with local prosecutors.
- The Commission expects recreational and commercial fishing sectors to demonstrate responsibility for continuous learning and skills development for selective harvest practices.

Columbia River Fish Working Group (CRFWG)

- The Commission supports the CRFWG Phase I process to develop short-term recommendations regarding sport/commercial allocation of spring and summer Chinook.
- The Commission supports the CRFWG Phase II process to develop long-term fishery management plans and strategies to assist in recovery of Columbia River salmon and steelhead resources.

Fisheries Management Objectives

- The Department will manage the mainstem Columbia River spring Chinook fisheries to limit the wild winter steelhead impact to less than 2%.
- The Department will exercise in-season management flexibility to utilize the non-Indian upriver spring Chinook impact allocation to meet the objectives of both fisheries, i.e., upriver impact sharing adjustments in response to in-season information pertaining to catch and run size.
- The Department will recognize the economic benefits of recreational and commercial fisheries in the Columbia River and associated value of the early portions of the fisheries.
- The Department will provide for sport fisheries throughout the Columbia River downstream of McNary Dam, sport/tribal fisheries in the Snake River and upper Columbia River, and commercial and sport fisheries in select areas, as well as in the mainstem below Bonneville Dam.
- The Department will ensure broad geographic distribution of the sport fishing opportunity in the main-stem Columbia River.
- Harvestable Lower Columbia River spring Chinook should provide opportunity to areas below the Willamette River.
- Extend sport fishing opportunity as far into April as possible downstream of Bonneville Dam, with a high probability of an uninterrupted 45-day season beginning March 1.

Delegation of Authority

The Washington Fish and Wildlife Commission delegates the authority to the Director, through the Columbia River Compact process, to set seasons for sport and commercial fisheries in the Columbia River consistent with Policy C-3617, and to adopt permanent and emergency regulations to implement these fisheries. The Director shall work with the Oregon Department of Fish and Wildlife to achieve implementation of this Commission action in a manner that results in concurrent regulations between the two states. The Director shall consult with the Commission if it becomes necessary to deviate from the Commission's Policy to achieve concurrent regulations with Oregon.

Allocation of Upriver Spring Chinook Impacts and Fishery Management Plan Attachment 1 Recommendations of the CRFWG.