16. COMMISSION POLICY DECISIONS REVIEW

TABLE OF CONTENTS

List of Commission Policies 2-3

Current Commission Policy Decisions 4-61
< www.wdfw.wa.gov/commission/policies.html >

POLICY DOCUMENT, adopted 2008 62-66

Delegation of Authority Memo *w/2008 DRAFT updates* 67-72

1996 Delegation of Authority Memo 73-78

ITEM #16
June 5-6, 2009
Commission Meeting

WASHINGTON FISH AND WILDLIFE COMMISSION
POLICIES

POLICY NUMBER	TITLE	EFFECTIVE DATE
Fish / Intergovernmental Policy		
C3001	Lower Columbia Sturgeon Management (**Termination Date 12/31/2009**)	01/01/2009
C3002	North Pacific Fishery Management Council	08/9/96
C3003	Puget Sound Groundfish Management	11/01/96
C3004	Sea Urchin/Sea Cucumber Management	11/01/96
C3006	Aquatic Invertebrate Disease Control	01/03/97
C3007	Kelp Import Permits	01/03/97
C3008	Hood Canal Shrimp Fishery	01/04/97
C3009	Razor Clam Management	01/04/97
C3010	Lake and Stream Rehabilitations	02/08/2002
C3012	Forage Fish Management Policy, Goals and Plans	01/24/98
C3013	Marine Protected Areas	06/13/98
C3014	Ocean Spot Shrimp Fishery	12/05/98
C3601	Management Policy for Pacific Halibut	06/05/2004
C3603	Policy Guidelines for Pacific Fishery Mgmt Council Representation	08/11/2000
C3604	Management Objectives for Coastal Dungeness Crab	08/6/99
C3605	Principles for Negotiating State/Tribal Shellfish Mgmt. Agreements	09/28/96
C3607	Tribal Hunting Coordination *(also listed under **Wildlife**)*	04/3/98
C3608	North of Falcon 2009-2010	02/06/2009
C3609	Puget Sound Crab Fishery	02/05/2000
C3610	Puget Sound Shrimp Fishery	02/10/2003
C3611	Marine Fish Culture	03/10/2007
C3612	Columbia River Smelt (Eulachon)	12/08/2000
C3617	Mainstem Columbia River Spring Chinook Management and Allocation for Non-Indian Fisheries, 2009-2013 (Termination date 12/31/2013)	01/16/2009
C3618	Mainstem Columbia River Summer Chinook Allocation for Non-Indian Fisheries Below Priest Rapids Dam, 2009 (**Termination date 12/31/2009**)	01/16/2009
Operations		
C4001	Budget Reductions FY 2009-2011 (**Termination date 12/31/2009**)	01/09/2009
Habitat		
C5001	Timber/Fish/Wildlife Forestry Module Negotiation Guidance	04/18/97
Wildlife		
C3607	Tribal Hunting Coordination *(also listed under Fish)*	04/03/98
C6001	Policy Guidelines for Negotiation and Maintenance of the Colville Agreement	10/03/97
C6002	Private Lands Access	11/19/2005
C6003	Domestic Livestock Grazing on Department Lands	12/06/2002
C6005	Master Hunter Program	12/07/2007

Commission Policies are posted on the Internet at:
http://wdfw.wa.gov/commission/policies.html

03/23/2009 update

TERMINATED POLICIES

POLICY NUMBER	TITLE	ADOPTION DATE	TERMINATION DATE
C3001	Lower Columbia Sturgeon Management *(superseded by C3001 annual updates 1999-2009)*		
C3005	Puget Sound Crab and Shrimp Fisheries *(superseded by C3609 & C3610)*	11/2/96	02/05/2000
C3010	Lake and Stream Rehabilitations *(superseded by C3010 update)*	8/9/97	02/2002
C3011	Draft Management Goals and Policies to Guide Department's Review and Adoption of 1998-1999 Sportfishing Rules	8/9/97	02/99
C3601	Management Policy for Pacific Halibut *(superseded by C3601 update)*	8/15/97	06/2004
C3602	1997 North of Cape Falcon Harvest Management Planning Process*(superseded by C3606)*	2/1/97	01/01/98
C3603	Policy Guidelines for Pacific Fishery Management Council Representation *(superseded by C3603 update)*	2/1/97	08/11/2000
C3604	Management Objectives for Coastal Dungeness Crab Fishery *(superseded by C3604 update)*	11/1/96	08/06/99
C3606	1998 North of Falcon*(superseded by C3608)*	1/24/98	12/31/98
C3608	1999 North of Falcon*(superseded by C3608 update)*	2/6/99	12/31/99
C3608	2000 North of Falcon *(superseded by C3608 update)*	2/5/00	12/31/2000
C3608	2001 North of Falcon*(superseded by C3608 update)*	2/9/01	12/31/2001
C3608	2002 North of Falcon*(superseded by C3608 update)*	2/9/02	12/31/2002
C3608	2003-2004 North of Falcon *(superseded by C3608 update)*	2/10/03	12/31/2004
C3608	2005-2006 North of Falcon *(superseded by C3608 update)*	2/10/05	12/31/2006
C3608	2007-2008 North of Falcon *(superseded by C3608 update)*	02/02/2007	12/31/2008
C3610	Puget Sound Shrimp Fishery*(superseded by C3610 update)*	2/5/00	02/09/2003
C3611	Marine Fish Culture *(superseded by C3611 update)*	8/1/00	03/10/2007
C3613	Columbia River Spring Chinook Allocation *(superseded by C3613 update)*	1/1/02	12/31/2003
C3614	2005 Wild Winter Steelhead Management in Mainstem Columbia River Fisheries	2/7/05	12/31/2005
C3615	Mainstem Columbia River Spring Chinook Allocation for Non-Indian Fisheries Below Priest Rapids Dam, 2006-2007*(superseded by C3617)*	1/14/06	12/31/2007
C3616	Mainstem Columbia River Summer Chinook Allocation for Non-Indian Fisheries Below Priest Rapids Dam, 2006-2007 *(superseded by C3618)*	3/1/2006	12/31/2007
C3617	Mainstem Columbia River Spring Chinook Allocation for Non-Indian Fisheries Below Priest Rapids Dam, 2008 *(superseded by C3617, 2009)*	02/08/2008* **Amended 02/14/2008*	12/31/2008
C3618	Mainstem Columbia River Summer Chinook Allocation for Non-Indian Fisheries Below Priest Rapids Dam, 2008 *(superseded by C3618, 2009)*	12/31/2008	
C6002	Private Lands Wildlife Management Area *(superseded by C6002 update)*	12/6/96	11/19/2005

EXPIRED

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: 2009 Lower Columbia Sturgeon Management **POLICY NUMBER: C-3001**

Supercedes: POL – C-3001, 2006-2008

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

See Also:

Approved by_____
Washington Fish and Wildlife Commission
Dec. 12, 2009

Lower Columbia Sturgeon Management Policies:

- Manage lower Columbia River sturgeon through a one-year agreement with Oregon, with the ability to reopen policy discussions if there is a substantial change to population abundance or significant new biological information.
- Provide adequate recruitment and regulatory protection to safeguard the broodstock population.
- Manage for optimal sustainable yield (OSY) by setting a combined sport and commercial harvest rate for the legal-sized population.
- Maintain concurrent Washington and Oregon regulations in the Columbia River.
- Maintain viable and diverse recreational and commercial fishing opportunities.
- The base period for determining viability and diversity for recreational opportunity among geographic areas should be calculated using recent years (e.g., 1995-2000).
- Manage sturgeon harvests outside the mainstem lower Columbia River consistent with lower Columbia River sturgeon conservation and management needs.
- Limit incidental impacts on other species needing conservation protection during fisheries directed at white sturgeon.

Management Objectives for 2009:

- Manage for an annual combined sport and commercial harvest of white sturgeon to provide population growth towards OSY.
- Maintain the 80/20 sport/commercial harvest allocation.
- Develop sport fishery regulations consistent with the following objectives:
  - Minimize emergency in-season action;
  - Balance catch between estuary and non-estuary fisheries and maintain a diverse array of sturgeon fishing opportunity; and
  - Maintain fishery monitoring and management capabilities.
- Develop commercial fishery regulations consistent with the following objectives:
  - Optimize economic value (adjust to market needs); and
  - Spread harvest opportunity throughout the year; and
  - No green sturgeon target fisheries.
- Provide sufficient sturgeon spawning sanctuaries or other protection measures where appropriate to ensure adequate recruitment to the population.
- Provide appropriate added protective measures to prevent further decline of green sturgeon.

- Conduct all practical research to assess broodstock abundance and to quantify impacts of commercial and recreational fisheries on broodstock abundance.
- Delegate negotiation and adoption authority to the Director for a new one-year (2009) Lower Columbia Sturgeon Management Plan that is consistent with these policies and objectives.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: North Pacific Fishery Management Council

Cancels:

See Also:

POLICY NUMBER: POL-C3002

Effective Date: August 9, 1996

Termination Date (if applicable):

Approved by: Lisa Ross
Fish and Wildlife Commission Chair

Policies in the North Pacific Fishery Management Council Forum:

General Policies:

1. The health and continued well-being of the resource base is the primary issue for agency support. Positions and actions which reduce stocks below a level which produces long-term sustainable harvest will be opposed. Positions or actions which may cause harm to populations of interdependent resources, such as marine mammals and sea birds, will also be avoided.

2. Under the umbrella of item #1, the agency will support positions which optimize the economic interests of the Washington based fishing industry.

3. Considering the interests of Washington based industries, the agency will encourage: a balance of representation within the industry advisory group(s); and, such economic and social stability among the industry sectors as we can reasonably effect through considerations of equity and fairness.

Specific Policies:

1. **Community Development Quotas (CDQ's)** - The agency has consistently been in opposition to CDQ's. This opposition is based on the premise that this concept results in a permanent, localized social program without any end point objective; disenfranchises those industries and individuals who developed the fishery; and provides questionable benefits to the nation.

2. **Individual Quota System** - The agency is supportive of including quota management in the arsenal of management methods. Such concepts as ITQ, IQ, VBA, etc., are all part of a family of management tools that can be used to bring rational resource management to overcapitalized fisheries. Such concepts can slow the pace of the fishery, reduce management risk, increase the safe operations of a fishery, provide greater economic and social stability to industry and fishery dependent communities, improve the market value of the product, and increase net benefits to the nation. These concepts are not equally applicable nor even appropriate to all fisheries; but it is our continuing policy to not exclude these issues from the debate of appropriate fishery management.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Puget Sound Groundfish Management

POLICY NUMBER: POL-C3003

Cancels:

Effective Date: November 1, 1996

Termination Date (if applicable):

See Also:

Approved by: Lisa Pelly
Fish and Wildlife Commission Chair

Many stocks of Puget Sound groundfish, such as rockfish, sole and flounders, and especially Pacific cod, are in below-average, depressed or critical stock condition. The status of other stocks is unknown because of incomplete stock assessment and/or fishery monitoring information. Under conditions of low stock abundance or insufficient information to assess stocks, the Washington Department of Fish and Wildlife (WDFW) should evaluate the level of conservation in groundfish management.

Policy: It is the policy of the Washington Fish and Wildlife Commission to manage Puget Sound groundfish, especially Pacific cod, in a conservative manner in order to minimize the risk of overharvest and to ensure the long-term of health of the resource.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Sea Urchin/Sea Cucumber Management

POLICY NUMBER: POL-C3004

Cancels:

Effective Date: November 1, 1996

Termination Date (if applicable):

See Also:

Approved by: Lisa Pell
Fish and Wildlife Commission Chair

The management objectives for the commercial urchin and sea cucumber fisheries are:

- Preserve, protect and perpetuate the long-term sustainable harvest of urchins and sea cucumbers.
- Protect the habitat necessary to sustain these populations.
- Ensure the economic viability of the non-Indian fleet.
- Manage the harvest for a 50/50 allocation among non-Indian and tribal fishers.
- Protect public health and safety.

Approve the concept of effort/fleet reduction including federally-funded buy back programs and Legislative/agency action including:

- Diver-funded buy back programs.
- License "stacking" on one vessel.
- Buying licenses two-for-one.
- Continuation of current landing requirements for license renewals.
- Requirement that license owners be aboard the boat while fishing.
- Individual transferable quotas (ITQs)

Approve the concept of permanent area closures in certain areas to commercial dive fisheries, so that stock refuges and research areas may be maintained.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Aquatic Invertebrate Disease Control **POLICY NUMBER: POL-C3006**

Cancels:

Effective Date: January 3, 1997

Termination Date (if applicable):

See Also:

Approved by: Lisa Ross
Fish and Wildlife Commission Chair

The management objectives for the shellfish disease control program are:

- Regulate the import of all aquatic invertebrates to protect wildstock and cultured shellfish species from the introduction and transfer of contagious diseases, harmful pests and predators, and undesirable species.

- Regulate most shellfish transfers within the state through use of a shellfish transfer pamphlet.

Delegate to the Director the responsibility to establish shellfish disease control procedures which include:

- Providing user groups with a pamphlet that substitutes for an in-state transfer permit for certain types of transfer activities. Also describes department requirements for other import and transfer activities for aquatic invertebrates.

- Establishing standards and procedures for quarantine facilities, disease-free tissue certifications, listing of Class A and Class B shellfish diseases, certification of shellfish health specialists, certification of geographic source areas, and specific responsibilities and operating procedures for a shellfish import advisory committee.

- Establishing procedures for import of established species originating from outside of the west coast commerce region and new shellfish species.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Kelp Import Permits

POLICY NUMBER: POL-C3007

Cancels:

Effective Date: January 3, 1997

Termination Date (if applicable):

See Also:

Approved by: Lisa Ellis
Fish and Wildlife Commission Chair

The placement of imported kelp into marine waters may act to introduce fish and shellfish diseases or pests into Washington. The policy of the department is to minimize the risk of introduction of diseases and pests by requiring a kelp import permit for the import of all kelp for use in the herring spawn-on-kelp fishery. The permit shall specify requirements and limitations to protect the environment. Permits shall conform to 75.58 RCW and 220.77 WAC.

Eligibility for a kelp import permit.

- Only persons who are eligible to obtain a herring spawn-on-kelp license may obtain a kelp import permit.
- Kelp imported under the authority of a kelp import permit may be utilized in a herring spawn-on-kelp fishery only.

Criteria for applying for a kelp import permit.

- All applications shall be in writing and in advance of the import of kelp.
- All applications shall contain the following information:
  - the name and address of the applicant
  - the species of kelp and the estimated weight of kelp to be imported
  - the area of intended harvest of kelp
  - the location where the kelp is to be placed in Washington marine waters
  - the route of kelp transport in Washington
  - telephone number where the applicant can be contacted.
- All requests to import kelp from Canada must be accompanied by a valid written approval to export kelp from Canada.
- Applications for a kelp permit should be directed to:

Kelp Import Permit Application
Washington Department of Fish and Wildlife
Brinnon District Office
1000 Point Whitney Road
Brinnon, Washington 98320

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Hood Canal Shrimp Fishery **POLICY NUMBER: POL-C3008**

Cancels:

Effective Date: January 4, 1997

Termination Date (if applicable):

See Also:

Approved by: Lisa Ree
Fish and Wildlife Commission Chair

The following management objectives for the Hood Canal shrimp fishery are:

- Determine total allowable catch (TAC) using preseason stock assessment results.
- Provide for annual juvenile and spawning stock escapement through pot design and season length.

Provide a quality recreational shrimp fishing experience.

- Structure the fishery to meet the needs of both local and non-local participants while considering the effects on the business infrastructure that relies on fishing participants.
- Provide adequate public notice of fishing seasons.
- Maintain good catch rates.

Provide a season structure that meets inseason catch accounting and management needs.

- Season structure should attempt to provide a minimum of four fishing days.
- Fishery structures should provide several days between open days when it is established that more than 50 percent of the recreational TAC has been harvested.

Manage the fishery consistent with state/tribal allocation requirements as determined by federal court order.

- Monitor recreational fishery harvest totals to assure that 50 percent of the TAC is not exceeded.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Razor Clam Management | **POLICY NUMBER: POL-C3009**

Cancels: | Effective Date: January 4, 1997

Termination Date (if applicable):

See Also: | Approved by: Lisa Rey
Fish and Wildlife Commission Chair

The management objective for the razor clam fishery are:

- Manage the razor clam resource on all coastal beaches for recreational use with a minor separate commercial fishery located only on detached spits of Willapa Bay.
- Protect public health and safety.
- Manage the resource to maintain stable and healthy populations.
- Maximize recreational opportunity.
- Provide a quality recreational experience.
- Independently manage the razor clam populations on Kalaloch, Mocrocks, Copalis, Twin Harbors and Long Beach while considering the pertinent interactions of seasons, effort, opportunity and tribal allocations.
- Provide for consistent commercial fishing opportunity that does not conflict with the recreational fishery.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Lake and Stream Rehabilitations

POLICY NUMBER: POL-C3010

Cancels:

Effective Date: February 8, 2002

Termination Date (if applicable):

See Also:

Approved by: Russell W. Cahill
Fish and Wildlife Commission Chair

GENERAL POLICIES:

The control of undesirable fish populations using chemical piscicides is a valuable and cost effective management tool for providing quality fishing opportunities and protecting native species in many waters of the state.

Specific policies:

1. **All lake and stream rehabilitations will follow state and federal laws.**
   All proposed rehabilitations will adhere to state water quality requirements (WAC 173-201A), the Washington Pesticide Control Act (RCW 15.58), State Environmental Policy Act (SEPA) and federal Clean Water Act.

   a. **All applicable environmental, health and safety regulations will be followed.**
      All proposed rehabilitations will follow and adhere to chemical piscicides labeling restrictions and chemical materials safety data sheet requirements to ensure protection of the public, Department personnel and environment during rehabilitation treatments.

2. **Waters will not be treated in ways which would cause significant negative impacts to fish or wildlife which are state or federally listed as Threatened, Endangered, Sensitive or Candidate Species.**
   An exception may be granted in the case of a biological emergency.

3. **The public will be part of the decision-making process.**
   A public meeting will be held in the vicinity of the proposed rehabilitation(s) before a final decision is made.

4. **An appropriate assessment of existing fish populations and associated risks will be undertaken for all natural bodies of water proposed for treatment if they have not been previously treated**.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Forage Fish Management Policy, Goals and Plan

POLICY NUMBER: POL-C3012

Cancels: N/A

Effective Date: January 24, 1998

Termination Date:

See Also: N/A

Approved by: Lisa Pell
Fish and Wildlife Commission Chair

Policy

It shall be the policy of the department to maintain healthy populations of forage fish species and individual stocks of forage fish while assuring the integrity of the ecosystem and habitat upon which marine resources depend. If insufficient information exists or the condition of the resource is poor, a conservative approach to fisheries will be taken. Fishery management plans will consider the role of forage fish in the marine ecosystem and the need to supply sufficient quantities of forage fish for ecosystem needs. A precautionary approach to resource management shall be utilized. The department shall consider the best scientific information available.

Goals

Consistent with the general goals established by the Commission for the Department, the following specific goals will guide the management of the forage fish resources of Washington.

- Maintain healthy populations of forage fish in Washington.
- Fisheries shall be permitted, as appropriate, for sustainable resources.
- Washington based fishing industries (fishing, processing and marketing) shall receive consideration of an opportunity to utilize harvestable forage fish resources within state waters and the Exclusive Economic Zone.
- Management plans shall consider by-catch and wastage and provide for estimation of the magnitude of each and recommendations made for their reduction.
- Increase public confidence in forage fish management.
- All significant fisheries will have sufficient monitoring to estimate catch and evaluate resource condition and population trends.
- Stock status summary of principle species of forage fish shall be produced every two years.
- Document and protect spawning habitat of forage fish species.
- Implement the Wild Salmonid Policy as it relates to forage fish and their habitats.

Plan

Following the direction given in the forage fish policy and goals, the following plan of action will be implemented by the Department.

Habitat Surveys and Protection

Forage fish spawning habitat surveys are a high priority for forage fish management. Activities related to spawning ground documentation will include:

- conducting spawning habitat documentation surveys in areas likely to face human caused alterations,
- providing expert testimony in court cases or other legal activities, maintaining and updating databases, depending on funding,
- providing limited surveys in case of urgent need, upon request,
- completing a formal report which summarizes existing information and making it available to the public and interested officials.

Fishery Management

- Management of forage fish shall include provisions for rapid change in abundance.
- Forage fish shall be managed to avoid periods of low abundance.
- The achievement of maximum yield shall not be a goal of forage fish management.
- Consideration will be given to both recreational and commercial fishing interests when stock conditions permit fishing.
- The Department shall conduct a review and report on potential forage fish by-catch in each significant commercial fishery.

Stock Assessment

- Stock assessments shall be based on direct measurement of fish populations whenever possible.

The following plan of action shall be implemented for individual forage fish species:

Sardine

- The Department will participate in interstate planning and research efforts for coordinated management of the west coast sardine resource.
- The Department will investigate and, if feasible, allow a new commercial experimental fishery for sardine. This fishery would require coordinated management and include special monitoring/review for bycatch concerns. Any fishery is dependent on action by the Pacific Fishery Management Council.
- Annually review stock status, fishery results and fishery regulations.

Surf Smelt

- The Department will seek to increase its monitoring of fisheries and resources to:
  a. establish a biological database
  b. estimate growth and mortality rates.
- In the absence of better information, manage each individual spawning ground as a unique stock.

- Spawning habitat surveys shall emphasize potential surf smelt spawning grounds.
- The Department will seek to increase the mapping of surf smelt spawning habitat.
- Annually review stock status, fishery results and fishery regulations.

Anchovies

- The Department will participate in interstate planning and research efforts for coordinated management of the anchovy resource.
- Annually review stock status, fishery results and fishery regulations.
- No other agency action is planned for anchovies during the length of this plan.

Eulachon

- The Department will work with appropriate government agencies and the public, develop a harvest management plan for Columbia River smelt.
- The Department will pursue reduced harvest levels of Columbia River smelt until information is available for scientific management of the resource.
- The Department will seek to document eulachon spawning grounds.
- Annually review stock status, fishery results and fishery regulations.

Sand Lance

- The Department will end commercial fishing for sand lance in all state waters.
- Spawning habitat surveys shall emphasize potential sand lance spawning grounds.
- The Department will seek to increase the mapping of sand lance spawning habitat.
- Annually review stock status.

Herring

- Conduct surveys of known spawning grounds annually.
- Continue to gather biological data from selected spawning stocks.
- Annually review stock status, fishery results and fishery regulations.
- Institute no new commercial fisheries of herring in state waters. Continue the moratorium on commercial fisheries for herring in coastal waters.
- In the absence of information, treat each spawning ground as an individual stock
- Investigate, and report on sources of increased herring mortality.
- Participate in information exchange with herring researchers and managers from British Columbia and other areas.
- Institute a system of marine protected areas which include herring spawning grounds.
- Continue coordinated management with appropriate tribal governments.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Marine Protected Areas

POLICY NUMBER: POL-C3013

Cancels:

Effective Date: June 13, 1998

Termination Date:

See Also:

Approved by: Lisa Pelly
Fish and Wildlife Commission Chair

Marine Protected Areas (MPAs) are sites given long-term protection to protect and enhance some or all of the resources at the site and/or to facilitate some uses of the area. MPAs can serve a variety of purposes including:

Research and Education Areas
Protection of Unique or Sensitive Populations
Fish Production and Fishery Management
Protection of Habitats of Special Importance
Non-Consumptive Use Recreational Areas

A variety of fish and wildlife resources can benefit from establishment of MPAs. Some fish resources require major reductions in harvest pressure and protection from removal as by-catch to establish productive populations of adults. Establishing such areas may be important tools to recover from past over-harvest or prevent future overharvest (e.g., rockfish in Puget Sound). MPAs can also provide areas for non-consumptive use of the resources, allow collection of baseline data on resources at the site, provide reference areas, and protect unique, sensitive, or important habitats and populations. They can facilitate integrated management of all resources within important habitats or areas.

General Policy: The Director of the Department of Fish and Wildlife will use marine protected areas as one of the agency's working tools for resource protection and management. The Director will be responsible for plan development and implementation to manage consumptive and/or non-consumptive uses.

The management objectives for the use of marine protected areas are:

- Preserve, protect, perpetuate and manage the living resources of the state.
- Provide refuges for stocks, substocks, or populations.
- Protect unique or important habitats or species.
- Foster stewardship of unique or important resources or habitats.
- Provide research and education areas.
- Provide baseline areas or reference sites.
- Provide non-consumptive recreational opportunities.

All sites will not meet all objectives but many sites will meet multiple objectives.

The following management principles will be used:

- Designed MPAs are needed in Puget Sound to protect a variety of species, to promote the recovery of some over-harvested species and to protect important habitats.
- To the extent possible, MPAs will be established based on scientific principles and available data.
- MPAs will not be delayed until all potential questions are answered since recovery of some depressed or declining resources will rely on the timely establishment of sites. The agency will rely on existing information to determine resources of concern and begin selection of areas.
- Regulations adopted will be as simple as possible at individual sites and throughout the network.
- Within the constraints of the above principles and objectives, uses compatible with the type of site and resource needs will be permitted.
- Opportunities will made available for public involvement by consumptive and non-consumptive users during development of the network of areas and site selection.
- The agency will use adaptive management, including good neighbor practices, to modify the sites and the network as data is collected.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Ocean Spot Shrimp Fishery **POLICY NUMBER: POL-C3014**

Cancels: N/A

Effective Date: December 5, 1998

Termination Date: N/A

See Also: N/A

Approved by: Lisa Pelz
Fish and Wildlife Commission Chair

Management Goals and Objectives for the Ocean Spot Shrimp Fishery:

Goal 1. Ensure sustainability of the resource.

Objective: Apply an annual harvest guideline (i.e., an informal annual quota) that will prevent over harvesting. Revise the harvest guideline as new fishery performance and biological data becomes available.

Goal 2. Achieve equitable catch allocation between gear types.

Objective: Apply time and/or area management measures that will promote equity in catch allocation and minimize conflict between the competing trawl and pot gear.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Management Policy For Pacific Halibut**

POLICY NUMBER: C-3601

Cancels: POL C-3601 adopted August 15, 1997

Effective Date: June 5, 2004

Termination Date (if applicable):

Approved by:

See Also:

With regard to managing the Pacific halibut resource:

1. The Department shall support management regimes that preserve, protect, and perpetuate the long-term health and stability of the Pacific halibut resource and that minimize the incidental catch of groundfish species subject to rebuilding programs.

2. The Department will participate in and represent the state's interest within the International Pacific Halibut Commission process.

3. The Department shall manage halibut fisheries consistent with the regulations of the International Pacific Halibut Commission and the provisions in the Pacific Fishery Management Council's Catch Sharing Plan.

4. The Department shall support management strategies, including at-sea observer programs, that result in the accurate accounting of halibut bycatch in non-directed fisheries. In addition, the Department will work in cooperation with fishing industry representatives to develop and implement management measures designed to reduce halibut bycatch and bycatch mortality in non-directed fisheries.

5. Allocation between tribal and non-tribal fisheries shall be consistent with *U.S. v. Washington*.

6. The area north of Point Chehalis shall be managed for the primary benefit of the recreational fishery, while providing for incidental catches in the limited entry primary sablefish longline fishery (north of Point Chehalis) and salmon troll fishery (coastwide) consistent with the catch sharing plan.

7. The Department shall manage each recreational sub-area to ensure port sub-quotas are not exceeded.

8. The Department will develop and support management measures that consider historic catch, recent halibut season lengths, utilization of existing allocations, economic benefits derived from the fishery, benefits to the state, and other recreational fishing opportunities.

9. The Department shall work with commercial and recreational constituents through the ad hoc Halibut Advisory Group when developing and implementing management measures.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Policy Guidelines For Pacific Fishery Management Council Representation**

POLICY NUMBER: C-3603

Cancels: N/A

Effective Date: August 11, 2000

Termination Date (if applicable):

See Also:

Approved by: Russell W Cahill

- Preservation, protection, and perpetuation of the living marine resources through coordinated management of fisheries within the Exclusive Economic Zone shall be the primary principle which will guide the Department's position.

- The Department will support harvest strategies that promote optimum long-term sustainable harvest levels.

- The Department will seek the views of the public, including those who represent the consumptive and non-consumptive interest groups when formulating the Department's position on specific issues before the councils.

- The Department will support balanced representation of Washington interest on the councils' advisory groups and committees, including recreational, commercial and non-consumptive.

- The Department will support initiatives and existing programs which more closely align the harvest capacity with the long-term sustained harvest quantities of marine resources. Specifically, the Department supports individual quota programs and license and effort limitations programs which promote economic efficiency and result in maximizing the social and economic benefits derived from the fishery.

- The Department will support tribal fisheries which are consistent with the applicable federal court orders while recognizing the need for management flexibility to optimize fishing opportunity.

- Resource allocation positions will consider, but not be limited to, social implications, impacts on fishing dependent communities and net economic benefits to the state.

- The Department will support monitoring programs which gather biological, discard, and bycatch data from each of the fisheries.
- The Department will take a precautionary approach in the management of species where the supporting biological information is incomplete and/or the total fishery-related mortalities are unknown.
- The Department will support consideration of the use of risk-averse management tools to protect the resources in the face of management uncertainty.
- The Department will support management measures which conserve, restore, and enhance the quantity and quality of essential fish habitats upon which Council-managed fisheries resources depend.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE:	**Management Objectives For Coastal Dungeness Crab**	**POLICY NUMBER:** C-3604
Cancels:	C-3604 (Effective 11/1/96 - 8/6/99)	Effective Date: August 6, 1999 Termination Date (if applicable):
See Also:		Approved by: Kelly D. White

Goals

- To protect the reproductive capacity of the stock
- To involve the commercial fishing industry representatives in the management of the fishery
- To protect public health
- To maximize the economic benefit from the resource
- To adopt regulations which seek to achieve safe and orderly fisheries
- To provide a sustainable Dungeness crab fishery of high quality product consistent with the "even flow" legislative mandate
- To provide support to industry buyback initiatives
- To protect Dungeness crab habitat

Policies

- Comply with the federal court order relative to treaty/non-treaty sharing of coastal shellfish resources
- Manage the fishery to primarily benefit the commercial fishery
- Cooperate with other states' fish and wildlife agencies
- Seek to achieve a fair and equitable distribution across industry sectors of the effects resulting from the design and implementation of "even flow" management measures
- Manage the coastal Dungeness crab fishery consistent with the preferred alternative in the Even Flow Harvest Management Plan.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Principles For Negotiating State/Tribal Shellfish Management Agreements** **POLICY NUMBER:** C-3605

Cancels: N/A

Effective Date: September 28, 1996

Termination Date (if applicable):

See Also:

Approved by: Lisa Pelz

- Management plans must be consistent with our mandate to preserve, protect and perpetuate the resource.

- Management plans must be consistent with the provisions of the federal court's implementation plan and other applicable law.

- For clams and oysters, the state has developed a list of artificial beds the tribes are not entitled to fish on. Regional management plans include only natural beds. Disputes over which beds are artificial will be resolved in a separate process and not be included in the 1996 harvest planning process. Resources on artificial beds may be used in cases where resource trades result in increased non-Indian harvest opportunities or other measurable benefits.

- For clams and oysters, the tribes must agree to the provisions of the Puget Sound Management Agreement before the state will agree to a commercial tribal harvest.

- WDFW will not agree to the tribes engaging in enhancement activities on public property except when it will significantly benefit non-Indian fisheries.

- For underutilized species, the state will promote common regulations and passive management strategies to govern tribal and non-Indian harvest activities.

- Harvest management plans should generally avoid interannual equitable adjustments.

- The state will only consider state/tribal trades of shellfish species when the benefit to the state is deemed to be equal or greater than the benefit to the tribes. The state will focus on trades that result in increased recreational harvest opportunities on State Parks and other popular beaches.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Tribal Hunting Coordination**

POLICY NUMBER: C-3607

Cancels: N/A

Effective Date: April 3, 1998

Termination Date (if applicable): N/A

See Also:

Approved by: _____

The Washington Fish and Wildlife Commission acknowledges and respects the sovereign status of Washington's federally recognized tribes. Under existing law, the overlapping nature of state and tribal jurisdiction and responsibilities creates a co-management relationship in which it is essential that the parties work together. The Commission recognizes that the preservation of healthy, robust, and diverse fish and wildlife populations is largely dependent on the state and the tribes working in a cooperative and collaborative manner. The Washington Fish and Wildlife Commission is committed to a cooperative management relationship with the tribes. In the spirit of these acknowledgments, the Commission adopts the following policies to guide Department staff in their relationships with the tribes:

1. The Department of Fish and Wildlife will work cooperatively with representatives of each tribal government in an effort to resolve all issues through direct communication and negotiation.

2. The Department of Fish and Wildlife supports tribal self-determination and meaningful self-regulation, enforcement, and prosecution.

3. The Department of Fish and Wildlife will engage tribal representatives in its decision making processes relative to wildlife management issues that affect tribal hunting.

4. The Department of Fish and Wildlife commits to work jointly with the tribes in the development of an information and data exchange system that enhances the parties' ability to effectively communicate and collectively identify resource and hunting issues and concerns.

5. The Department of Fish and Wildlife, in cooperation with tribal governments, will develop enforcement protocols to guide Department officers in their contacts with tribal hunters.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: 2009-2010 North of Falcon **POLICY NUMBER: C-3608**

Supercedes: C-3608, 2007-2008

Effective Date: February 6, 2009
Termination Date: December 31, 2010

See Also: **POL-C3001**

Approved by: Mda Wecker
Washington Fish and Wildlife Commission

North of Falcon Policy

This Policy will guide Department staff in considering conservation, allocation, in-season management, and monitoring issues associated with the co-management process known as North of Falcon. When considering management issues, Department staff will insure that decisions are made consistent with the Department's statutory authority, *U.S. v. Washington*, *U.S. V. Oregon*, the Endangered Species Act, the Puget Sound Chinook Harvest Management Plan, the Pacific Salmon Treaty, the Pacific Fishery Management Council's Framework Salmon Management Plan, pertinent state/tribal agreements, and the applicable Fish and Wildlife Commission policies.

The Department will implement this Policy consistent with the purposes and intended outcomes described in the 21st Century Salmon and Steelhead Planning Project including:

- WDFW shall manage salmon and steelhead to recovery and sustainability in a way that is science-based, well-documented, transparent, well-communicated, and accountable.

- Fisheries are managed to meet or exceed ESA, recovery, and conservation goals; and harvest management measures protect and promote the long-term well-being of the commercial and recreational fisheries.

Harvest Management

General

- On a statewide basis, fishing opportunities will be provided when they can be directed at healthy wild and hatchery stocks.
- Selective fishing methods and gears that maximize fishing opportunity and minimize impacts on depressed stocks and species will be utilized to the fullest extent possible within legal constraints of implementation and budgetary limits associated with required sampling, monitoring and enforcement programs.
- When assessed from a statewide perspective, fishing directed at chinook, coho, pink, sockeye, or chum salmon will not be exclusively reserved for either sport or commercial users.
- When managing sport fisheries, meaningful recreational fishing opportunities will be distributed equitably across fishing areas and reflect the diverse interests of fishers, including retention and catch and release fisheries.
- The Department will seek non-treaty fishing access to unutilized portions of treaty harvest allocations through the implementation of pre-season agreements, taking into consideration changes in abundance, fishery conflicts, and factors that may influence attainment of spawning escapement objectives.

Sockeye, Chum, and Pink Salmon

- Marine area harvest management objectives for chum, pink, and sockeye stocks, except for Puget Sound-origin sockeye, in priority order, are to (1) provide the majority of harvest to the commercial fisheries, and (2) identify and provide meaningful recreational opportunities.
- For fisheries directed at Lake Washington sockeye, the first 200,000 non-treaty harvest will be provided to recreational fishers. If the allowable non-treaty is above this level, commercial harvest directed at this stock may be considered.

Chinook and Coho Salmon

- The Puget Sound harvest management objectives for chinook and coho stocks, in priority order, are to (1) provide meaningful recreational fishing opportunities, and (2) identify and provide opportunities for commercial harvest. When managing sport fisheries in this region, recreational opportunities will be distributed equitably across fishing areas, considering factors such as the: uniqueness of each area, the availability of opportunities for various species in each area throughout the season, desire to provide high levels of total recreational opportunity, and biological impacts.
- Grays Harbor harvest management objectives shall include opportunities for both the recreational and commercial fisheries.
- Columbia River harvest management regimes shall be developed in cooperation with Oregon Department of Fish and Wildlife representatives. Commercial and recreational fishing opportunity will be scheduled to optimize the non-treaty harvest of chinook and coho and to provide a balanced opportunity to each fleet. When developing recreational and commercial fishing options, the Department shall consider fair and reasonable catch opportunity, stability and duration of fisheries, as well as sharing of the conservation responsibility.
- Willapa Bay harvest management shall be consistent with Willapa Bay Framework management objectives. The following general intent shall apply: Willapa Bay harvest management objectives shall include meaningful opportunities for both recreational and commercial fisheries.
- Pacific Ocean harvest shall be managed consistent with the Pacific Fishery Management Council's Framework Salmon Management Plan and the National Standards that provide for fair and equitable allocation of fishing privileges among various fishers.

In-Season Management

- When in-season management actions are taken, they will be implemented in a manner that is consistent with pre-season conservation and harvest management objectives, and the fishery intent developed through the North of Falcon process.

Monitoring, Sampling and Enforcement

- Monitoring, sampling and enforcement programs will be provided to account for species and population impacts of all fisheries and to ensure compliance with state regulations.
- Fishery participants will be required to comply with fishery monitoring and evaluation programs designed to account for species and population impacts.

Gear and Fishery Conflicts

- Recreational and commercial fisheries shall be structured to minimize gear and other fishery conflicts. Unanticipated fishery interaction issues identified in-season, including conflicts with fisheries directed at other species, shall be resolved by involving the appropriate sport and commercial representatives in a dispute resolution process managed by Department staff.

Incidental Mortalities

- The Department will manage fisheries to minimize mortalities on non-target species (e.g. rockfish, sea birds, etc.). Management regimes will include strategies to limit seabird mortalities consistent with the federal Migratory Bird Treaty Act.

Communications

- The Department shall strive to make ongoing improvements for effective public involvement during the North of Falcon planning process and annual salmon fishery implementation, incorporating the following intents:

  - include North of Falcon participants as observers during appropriate state/tribal discussions of fishery issues.

  - maintain a timely record of all significant fishery discussions and decisions during North of Falcon process to all interested parties, both at the meetings and following the process.

  - use a variety of communication tools to effectively communicate with the public and receive timely input on pre-season planning and in-season fishery implementation, including use of recreational and commercial advisory groups, public workshops addressing key issues, the WDFW North of Falcon web site, and in-season tele-conferencing.

Other Species

- The Fish and Wildlife Commission's policy on Lower Columbia Sturgeon Management (POL-C3001) shall guide pre-season and in-season planning of Columbia River and coastal sturgeon fisheries and related incidental impacts. Management of Willapa Bay sturgeon fisheries will be further guided by Willapa Bay Framework management objectives.

Delegation of Authority

On November 10, 1999, the Fish and Wildlife Commission permanently delegated the authority to the Director to make harvest agreements with Northwest treaty tribes and other governmental agencies, and adopt permanent and emergency regulations resulting from the agreements made during the annual North of Falcon process.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Puget Sound Crab Fishery** POLICY NUMBER: C-3609

Effective Date: February 5, 2000

Cancels: C-3005, effective 11/2/96 Termination Date (if applicable):

See Also: Approved by: Russell W. Cahill

General Policies

- Preserve, protect, and perpetuate Puget Sound Dungeness crab resources and associated habitat.
- Minimize, as practical, bycatch mortalities of Dungeness crab from other fisheries, and crab-fishery induced mortalities during the molting/soft shell period.
- Allocate the harvest opportunity between state and treaty Indian fisheries consistent with applicable federal court orders.
- Accurately monitor all recreational and commercial Dungeness crab harvests within budget constraints.
- Ensure regulations pertaining to sex and size limits and the recording of all landings are adhered to.
- Manage the Puget Sound crab fisheries conservatively to prevent over harvest and provide for consistent sustained yields.

Regional Management Policies

- Region 1 - Provide for an economically viable and stable commercial harvest opportunity for high quality crab. Maintain a quality recreational fishery with emphasis on spring and summer seasons and recreational exclusive use areas. Seek to provide reasonable recreational fishing opportunity to recover from impacts of the treaty summer fishery.
- Region 2 - Provide for an economically viable and stable commercial harvest opportunity for high quality crab. Maintain a quality recreational fishery with emphasis on spring and summer seasons and recreational exclusive use areas. Seek to provide reasonable recreational fishing opportunity to recover from impacts of the treaty summer fishery in the western portion of this region. The state fishery in Port Townsend Bay will be managed for the primary benefit of the recreational fishery.

- Region 3 - Provide for an economically viable and stable commercial harvest opportunity for high quality crab. Maintain a quality recreational fishery with emphasis on spring and summer seasons and recreational exclusive use areas. Seek to provide reasonable recreational fishing opportunity to recover from impacts of the treaty summer fishery. The state fisheries in Discovery Bay, Sequim Bay, Port Angeles Harbor, and Dungeness Bay will be managed for the primary benefit of the recreational fishery.

- Regions 4, 5, and 6 - The state fishery in these areas will be managed for the exclusive benefit of the recreational fishery. The Department will consider opening a limited commercial fishery in Region 4 if it is determined that there is a significant increase in crab abundance, provided conservation goals have been met.

Additional Objectives for the Puget Sound Commercial Crab Fishery

- Support the use of federal and/or state funded buyback programs.

- Support the use of buoy and pot tagging programs.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Puget Sound Shrimp Resource and Fishery Policy**

POLICY NUMBER: C-3610

Cancels: POL-C3610
Effective February 5, 2000

Effective Date: February 10, 2003

Termination Date:

See Also:

Approved by

General Policies

- Preserve, protect, and perpetuate Puget Sound shrimp resources and associated habitat.
- Provide for shrimp trawl and shrimp pot fisheries in a manner that is consistent with resource conservation goals.
- Allocate the harvest opportunity between state and treaty Indian fisheries consistent with applicable federal court orders.
- Monitor all non-Indian recreational and commercial shrimp harvests for accurate catch accounting.
- Obtain biological and stock assessment information to improve the Department's understanding of the effectiveness of the current harvest management strategy.
- Manage Puget Sound shrimp fisheries conservatively until fishery impacts to stock abundance are better understood.
- Adopt provisions of this policy for a minimum of five years, unless a buy-back program of commercial licenses succeeds. Region specific allocations will be reassessed if the number of commercial shrimp permits is reduced by at least four.

Regional Management Policies

Region 1 - The recreational spot shrimp fishery will be designed for an annual harvest allocation up to 15% of the state spot shrimp share, and the state commercial fishery will be allocated up to 85% of the state spot shrimp share. The non-spot pot recreational fisheries will be managed for up to 10% of the non-Indian share, and the non-spot pot commercial fishery will be managed for the remaining non-Indian share. The state shrimp trawl fishery in Region 1 will be managed for the exclusive benefit of the commercial fishery.

Regions 2 and 4 – Design the recreational spot shrimp fishery to take up to 60% of the non-Indian spot shrimp share, and the non-Indian commercial spot shrimp fishery to catch approximately 40% of the annual non-Indian share. The state non-spot pot recreational fisheries will be managed for up to 10% of the non-Indian share, and the state non-spot pot commercial fisheries will be managed for the remaining non-Indian share.

Region 3 – The state shrimp fishery in Port Angeles Harbor and Discovery Bay Districts will be managed for the exclusive benefit of the recreational fishery. The state spot shrimp recreational fishery outside the Districts will be managed for up to 15% of the state share, and the state commercial fishery outside the Districts will be managed for the remaining non-Indian share.

The non-spot pot recreational fishery in Region 3 outside the Port Angeles Harbor and Discovery Bay Districts will be managed for up to 10% of the non-Indian share, and the non-spot pot commercial fishery outside these Districts will be managed for the remaining non-Indian share. The state shrimp trawl fishery in Region 3 will be managed for the exclusive benefit of the commercial fishery.

Region 5 – The state fishery in Hood Canal will be managed for the exclusive benefit of the recreational fishery.

Region 6 – The recreational spot and non-spot shrimp fishery in Region 6 will be managed for up to 40% of the non-Indian share, and the commercial spot and non-spot shrimp fishery will be managed for the remaining non-Indian share.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Marine Fish Culture** **POLICY NUMBER:** C-3611

Cancels: N/A Effective Date: August 11, 2000

See Also: Policy C-3003 Approved By: Russell W Cahill

POL-C-3611 MARINE FISH CULTURE

PURPOSE

This policy applies to the use and application of marine fish culture.

The Washington Department of Fish and Wildlife (WDFW) will rely on natural production to meet marine fish conservation objectives unless a stock is designated as depleted and meets the conditions and constraints outlined under the terms of this policy.

1. The term stock means an interbreeding group of fishes and may refer to one or more distinct population segments.

2. The term marine fish means all saltwater fish excluding classified salmon (RCW 77.08.024), game fish (RCW 77.08.020), and sturgeon.

3. Management of natural production will proceed under the precautionary principle previously adopted by the Fish and Wildlife Commission (Policy C-3003, November 1996) and implemented in the Puget Sound Groundfish Management Plan (Palsson et. al., 1998).

4. Marine fishes may be cultured for three purposes:

   a. for scientific research,
   b. to develop hatchery methods in preparation for mass production to augment native marine fish stocks designated as depleted or approaching a status determination of depleted, and
   c. for mass production to augment depleted native marine fish stocks.

5. Augmentation must be conducted so as to:

   a. maintain genetic diversity displayed in the native stock,

5. b. protect the effective population size of the native stock,
   c. preserve ecological balance in the enhanced marine community, and
   d. avoid negative impacts on the recovery of any state or federal species listed as threatened or endangered.

Release of cultured marine fish for a) experimental purposes, may only be directed at native marine fish species that are designated as depleted or approaching a status determination of depleted, and b) for augmentation purposes, may only be directed at native marine fish species that are designated as depleted.

1. Production level fish culture will be used to augment a depleted native marine fish stock only until the stock has recovered to the previously determined target population size, at which time augmentation will cease.

2. When multiple native marine fish stocks are simultaneously designated as depleted, the WDFW must prioritize candidate stocks for augmentation.

3. The WDFW will ensure that all SEPA guidelines are complied with prior to release of any cultured marine fish.

4. All permits issued by the WDFW involving release of cultured marine fish are subject to compliance with the terms and conditions of this policy.

Stock enhancement using cultured marine fish will be conducted under the umbrella of a Project Operational Plan.

1. Project Operational Plans dealing with the enhancement of depleted native marine fish stocks with cultured fish must be peer reviewed.

2. Project Operational Plans are required for all marine fish culture related research and production level projects prior to the release of any fishes.

Marine fish culture research, applied to marine fish species designated as depleted or approaching a designation of depleted, may be conducted to develop methods for:

a. broodstock collection and maintenance,
b. effective spawning techniques,
c. rearing and holding of post-hatching larvae,
d. optimal release strategies to ensure post-release survival to the spawning stock,

e. assessment of techniques to evaluate the effectiveness of the release strategies, and

f. other research as deemed essential for development of effective methods of mass production as approved under the terms of the Project Operational Plan.

The Department will provide the Fish and Wildlife Commission a minimum of biennial reports on the status of depleted marine fish stocks and their progress towards recovery.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Columbia River Smelt (Eulachon)**

POLICY NUMBER: C-3612

Cancels: N/A

Effective Date: December 8, 2000

See Also: Policy C-3012

Approved By: Russ Cahill

This policy provides guidance for the harvest and habitat management of Columbia River smelt (Eulachon).

Conservation Policies:

- The Department shall maintain healthy populations of Columbia River smelt while assuring the integrity of the ecosystem and habitat upon which they depend.
- Fishery management plans will consider the role of smelt in both the marine and the freshwater ecosystems and the need to maintain sufficient populations of smelt for proper ecosystem functioning.
- A precautionary approach to resource management shall be utilized.
- If insufficient information exists, or the condition of the resource is poor, a conservative approach to fisheries will be taken.
- The Department shall consider the best scientific information available and shall strive to improve the information base for Columbia River smelt.

Harvest Policy:

- Commercial and recreational fishing opportunity shall be maintained in the lower Columbia River, to include opportunities in both the mainstem and tributaries for both fleets.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Mainstem Columbia River Spring Chinook Management and Allocation for Non-Indian Fisheries, 2009-2013

POLICY NUMBER: C-3617

Supersedes: C-3617, 2008

Effective Date: January 1, 2009
Termination Date: December 31, 2013

See Also: Attachment 1, and C-3618

Approved by: _____
Washington Fish and Wildlife Commission

Discussion: *This policy is similar to Policy C-3617 for 2008, with changes associated with discussion of the Columbia River Fish Working Group (CRFWG). Attachment #1 from Policy C-3617 for 2008 is replaced with recommendations from the CRFWG as amended by the Washington Fish and Wildlife Commission decision of January 16, 2009.*

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 March-April.

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

The Commission adopts the recommendations of the CRFWG, and except the commercial buffer is reduced by 10% (e.g., 50% to 40%), and except there would be up to 10% flexibility in the recreational buffer in order to meet management objectives.

ATTACHMENT 1
FWC Policy C-3617, 2009

Columbia River Sport and Commercial Spring Chinook Fisheries: Objectives and Strategies for Near- and Long-Term Management

Working Draft – Final
11-25-08

1. **Background:**
   a. Specific state statutes and policies inform the management of spring Chinook fisheries.
      i. It is the policy of the State of Oregon (506.109: "Food fish management policy") that food fish shall be managed to provide the optimum economic, commercial, recreational, and aesthetic benefits for present and future generations of the citizens of this state. Toward that end, the policy defines as a goal "To permit an optimum and equitable utilization of available food fish." It is also the policy of the state (496.012: "Wildlife policy"**)** that wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state.
      ii. Washington wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. The department shall conserve the wildlife and food fish, game fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state (RCW 77.04.012).
   b. Recreational, commercial and tribal fisheries in the Columbia River are significantly constrained by conservation limits associated with the survival and recovery of wild fish listed under the Endangered Species Act (ESA). These limits are set by National Marine Fisheries Service (NMFS) to ensure fisheries do not jeopardize survival and contribute to recovery.
   c. Treaty Indian and non-Indian fishery allocation of available ESA impacts in the Columbia River are determined each year based on forecasted run size according to a sliding scale defined in the "2008-2017 *United States v. Oregon* Management Agreement."
   d. In general, the available impact for non-tribal sport and commercial Columbia River fisheries is approximately 2% but may range from 0.5% to 2.7%. Fisheries are managed conservatively within these strict limits.
   e. State management of these fisheries, including technical methodology is reviewed and approved by NMFS to ensure consistency with ESA, and by other co-managers to ensure consistency with *U.S. v Oregon* agreements.
   f. This proposal represents the consensus recommendation of subcommittees from the Oregon and Washington Fish and Wildlife Commissions on the near-term and long-term management of the Columbia River spring Chinook fishery.

2. **Problems:**
   a. The primary constraint on sport and commercial mainstem spring Chinook fisheries is low numbers and survival of wild and hatchery fish caused by life-cycle mortalities including, but not limited to, the Columbia River hydropower system, habitat degradation, predation and hatchery practices. Reduced hatchery returns constrain fisheries directly; reduced ESA-listed fish returns constrain fisheries by severely limiting access to hatchery fish because of incidental impacts on ESA-listed fish.
   b. Pre-season forecasts of run size are uncertain and run timing is variable, making it difficult to confidently structure fisheries during March and April.
   c. Allocation of the approximate 2% listed-fish impact between sport and commercial fisheries is highly contentious and affects the structure of the fishery. Allocating ESA impacts without commonly endorsed fishery management objectives perpetuates controversy, and pits legitimate fishery interests against each other. This is because an allocation-based focus is a "zero-sum" debate; when one side gains, the other loses.
   d. Complexity of the fisheries and regulatory constraints complicate efforts to explain how management effectively meets fisheries objectives and conservation responsibilities.

3. **Objectives and Priorities:**
   a. **Near Term (2009-2013)**
      i. Mainstem sport fisheries:
         (a) Downstream from Bonneville Dam:
            - Before the run-size update: A high likelihood that the fishery will remain open for at least 45 days in March and April.
            - After the run-size update: If impacts remain, harvest opportunity through May.
         (b) Upstream from Bonneville Dam: A high likelihood that the fisheries in the mainstem Columbia and Snake rivers will not be subject to emergency closures.
      ii. Select Area commercial fishery: Harvest levels at least similar to those in recent years.
      iii. Mainstem commercial fishery:
            - Before the run-size update: Harvest opportunity in March and April.
            - After the run-size update: If impacts remain, maximum harvest opportunity in May given available impacts and consistent with other fishery management objectives.

   b. **Long Term (2014-2018)**
      i. Mainstem sport fisheries: Certainty in when, where, and how long fisheries are open.
      ii. Select Area commercial fishery: Relatively stable harvest of approximately 12,000 or more spring Chinook per year in Select Areas (represents

approximately the total Select Area and mainstem spring Chinook commercial fishery in the recent past).

iii. Mainstem commercial fishery: Harvest opportunity in March and April and, if impacts remain, after the run-size update.

4. **Managing Uncertainty in Run Size Forecasts and Fisheries Performance**

a. **In general**:

i. To account for uncertainties in the information used to plan and implement fisheries, a management buffer in fishery structure will be established and applied to fisheries occurring prior to the run size update (primarily in March and April).

ii. Fisheries managers will use the in-season run size update provided by the *U.S. v. Oregon* Technical Advisory Committee (TAC).

iii. The buffer is intended to be sufficient to cover potential run-size forecasting error and ensure compliance with ESA requirements and *U.S. v. Oregon* allocation provisions.

b. **Near Term**: The buffer will be approximately 35% of the allowable impacts and will be allocated as described below in Table 1. The share of the buffer allocated to the sport and commercial fisheries will vary as a function of the proportion of impacts assigned to each fishery. When the sport fishery share is > 65%, each fishery's contribution to the buffer will be approximately 35% of its assigned impacts. When the sport fishery share is ≤ 65%, the sport fishery's contribution to the buffer will be approximately 25% of its assigned impacts, and the commercial fishery's share will be approximately 50% of its assigned impacts.

To minimize the likelihood of emergency closures of the sport fishery downstream from Bonneville Dam prior to the run-size update, up to 5% of the impacts assigned for use by the sport fishery, but held in reserve as the buffer, may be used to achieve the scheduled season.

c. **Long Term**: The buffer may be less than that used in the near term as improvements are made to run size forecasting ability.

5. **Solutions:**

a. **Near Term**:

i. Sharing the available impacts among the sport and commercial fisheries: Total available impacts, as determined by the *U.S. v. Oregon* harvest schedule, will be shared as described in Table 1. The share assigned to each fishery will vary as a function of the run size of upper Columbia River and Willamette spring Chinook. The sharing formula represents the high priority placed on providing a high likelihood that the sport fishery downstream from Bonneville Dam will remain open for at least 45 days in March and April.

ii. Sharing the impacts assigned to the mainstem sport fisheries: Seventy-five percent (75%) of the impacts allocated to the sport fisheries for use prior to the run-size update will be assigned to the sport fishery downstream from Bonneville Dam. Twenty-five percent (25%) will be assigned and reserved for the sport fishery upstream from Bonneville Dam. Providing a full sport fishery upstream from Bonneville Dam will be the highest sport fishery priority after the run-size update, however, if under certain forecasted run sizes, less than 25% of the impacts available are needed to achieve this objective, the "surplus" can be used to provide additional sport or commercial fishing opportunity downstream from Bonneville Dam.

Table 1. Percent of total available impacts, as determined by the *U.S. v. Oregon* harvest schedule, assigned to sport and commercial fisheries at different run sizes for upper Columbia and Willamette spring Chinook. The base case represents range of run sizes that most frequently have occurred in the recent past.

Run Size of Upriver Columbia Spring Chinook	**Run Size of Willamette Spring Chinook**	
	Low (<50,000)	**High (>50,000)**
Very Low (<33,000)	Share = 85/15%	Share = 75/25%
	Buffer = 35% of sport fishery impact + 35% of commercial fishery impact	Buffer = 35% of sport fishery impact + 35% of commercial fishery impact
Low (33,000 – 55,000)	Share = 75/25%	Share = 70/30%
	Buffer = 35% of sport fishery impact + 35% of commercial fishery impact	Buffer = 35% of sport fishery impact + 35% of commercial fishery impact
Medium-High (55,000 – 271,000)	Share = 70/30%	Share = **65/35% (base)**
	Buffer = 35% of sport fishery impact + 35% of commercial fishery impact	Buffer = 25% of sport fishery impact + 50% of commercial fishery impact
Very High (>271,000)	Share = 60/40%	Share = 55/45%
	Buffer = 25% of sport fishery impact + 50% of commercial fishery impact	Buffer = 25% of sport fishery impact + 50% of commercial fishery impact

iii. Select Area commercial fishery: Commercial fisheries in the select areas will be allocated an impact level of 0.15% for use prior to the run size update. This will enable the fisheries to be managed similarly to recent years.

iv. Sharing the impacts available after the run-size update (post-update): The impacts remaining after the run-size update will be allocated so that the sport/commercial share of the total available impacts is approximately equal to that defined in Table 1 for the updated run size of upper Columbia and Willamette spring Chinook. If the level of post-update impacts available to a fishery, based on Table 1, exceeds that necessary to meet its objectives, the balance will be reallocated to those fisheries that can use it.

Appendix Tables 1-3 estimate the performance of fisheries under the near-term management strategy described above. The Commissions will periodically review the performance of the near-term management plan with respect to achieving the fishery objectives in Section 3. The Commissions may consider modifications of the near-term plan prior to 2014 if they determine that its fishery objectives are not being met.

b. **Long Term**:

i. <u>In general</u>:

(a) Continue leadership promoting improved life-cycle survival of spring Chinook, including improvements to the Columbia River hydropower system, habitat, predation management, and hatchery practices. Encourage ***all*** fish and fishing groups work together to promote these improvements.
(b) Provide additional resources to ensure conservation effectiveness of spring Chinook fishery management, including enhanced monitoring, improved run size forecasting ability, and improved estimation of catch.
(c) Amend the Willamette River Fishery Management Plan specifically to address reduced hatchery broodstock requirements based on fish health improvements.
(d) Continue moving away from allocation-based fishery management to objective-based fishery management. This shift allows solutions that may improve ***both*** fisheries, rather than improving one fishery at the expense of another. This approach will require both sides to concede some ground on their stated positions in order to gain actual improvements in their fisheries. It will also require investment of additional resources in commercial fishery infrastructure and several years' patience to implement changes.
(e) Maintain hatchery production and funding at levels that ensure viable commercial and sport fisheries. Ensure these fisheries have the capacity to harvest sufficient numbers of hatchery fish to meet hatchery reform provisions.
(f) Ensure that funding is secured for implementation of programs necessary to meet long-term fishery management objectives.
(g) Seek support and commitments from all fishery sectors regarding long-term fishery management plans.

ii. <u>Mainstem sport fishery</u>:

(a) Stabilize fishing seasons. Provide fishing opportunity in April consistent with conservation and other management objectives.
(b) Provide opportunity throughout the lower Columbia River.
(c) Use sport advisory groups and surveys to consider tradeoffs and shape the fishery.
(d) Utilize days per week and other fishery management tools to help meet objectives and priorities.
(e) Base pre-season structure of the fishery on conservative assumptions (e.g., catch rates, effort) to minimize chance of not meeting objectives.
(f) Continue to provide opportunities and resources to further develop selective sport fishing techniques with a goal of reducing mortality of listed fish and increasing access to hatchery fish.
(g) Allocate some proportion of the buffer to the sport fishery

iii. Select Area commercial fishery:

(a) Provide impacts necessary for Select Area commercial fisheries as top priority. Assume at least 10% of allowed non-tribal impacts will be required (minimum of 0.20% on average).
(b) Increase number and priority of smolt releases in Select Areas (up to 1M smolts reprogrammed from other areas e.g. Willamette River);
(c) Provide the infrastructure to support these additional fish (e.g., additional net pens, trucking costs, hatchery rearing space, and personnel);
(d) Pursue opportunities to liberalize regulations of Select Area fisheries (e.g. expanding boundaries in late winter). This will require additional impacts allocated to Select Area fisheries.
(e) Develop new select areas in Washington and Oregon with reciprocity. This will require additional impacts allocated to Select Area fisheries.
(f) Utilize cost-effective area, timing and gear options to maximize harvest and minimize impacts, as necessary.

iv. Mainstem commercial fishery:

(a) Incrementally reduce the impact allocated to the mainstem commercial fishery when run sizes are low and incrementally increase it as run sizes increase.
(b) Continue to provide opportunities and resources to further develop selective commercial fishing techniques with a goal of reducing mortality of listed fish and increasing access to hatchery fish.
(c) Define commercial fishery contribution to the buffer as follows:
- Do not include Select Areas fisheries in the buffer.
- Determine impacts for mainstem commercial fishery based on sliding scale preseason forecast.
- Allocate some proportion of the buffer to the mainstem commercial fishery

Hindcasts of the relative performance of sport and commercial spring Chinook fisheries in the Columbia River prior to the run-size update under the near-term fisheries management plan

Table 1. Allowable impacts assigned to and estimated numbers of upriver spring Chinook harvested by sport and commercial fisheries before the run-size forecast is updated (pre-update) for run sizes forecast in 1999-2008, and for a hypothetical run-size forecast with a low Willamette return. Total allowable impacts equal those allowed under the U.S. v Oregon harvest rate schedule. The share of total allowable impacts assigned to sport and commercial fisheries was determined using a matrix based on run sizes of upriver Columbia and Willamette spring Chinook. For the period before the run-size forecast is updated, sport fisheries are managed not to exceed 65-75% of their total allowable impacts and commercial fisheries are managed not to exceed 50-65% of their total allowable impacts, depending on their share of those impacts. As a result, approximately thirty-five percent of the total impacts allowed under U.S. v. Oregon are held in reserve as a "buffer" until the run-size forecast is updated to account for uncertainty. An impact level of 0.15%, is assigned to select area fisheries. Sport fisheries include areas downstream and upstream of Bonneville Dam. Harvest estimates assume the mainstem commercial fishery uses tangle-net gear.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Average (1999-2008)	Hypothetical w/ low Willamette run size
Forecasted run size	24,600	134,000	364,600	333,700	145,400	360,700	254,100	88,400	78,500	269,300	225,411	300,000
Total allowable impact	0.500%	1.700%	2.300%	2.300%	1.900%	2.300%	2.000%	1.600%	1.500%	2.000%	2.000%	2.200%
Sport/commercial fishery shares of total allowable impact	75/25%	65/35%	55/45%	55/45%	65/35%	55/45%	65/35%	65/35%	65/35%	65/35%	65/35%	60/40%
Pre-update sport fishery impact (65-75% of its share of total allowable, depending on run size)	0.175[a]%	0.829%	0.949%	0.949%	0.926%	0.949%	0.975%	0.780%	0.731%	0.975%	0.975%	0.990%
Pre-update commercial fisheries impact (50-65% of its share of total allowable depending on run size)	0.150%	0.298%	0.518%	0.518%	0.333%	0.518%	0.350%	0.280%	0.263%	0.350%	0.350%	0.440%
Pre-update commercial fisheries impact assigned to Select Area and winter sturgeon fisheries	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%	0.150%
Pre-update commercial fisheries impact assigned to mainstem salmon fisheries	0.000%	0.148%	0.368%	0.368%	0.183%	0.368%	0.200%	0.130%	0.113%	0.200%	0.200%	0.290%
Pre-update sport fishery harvest of upriver fish (assuming 75% mark rate)	325	8,329	25,944	23,745	10,101	25,666	18,581	5,171	4,305	19,693	16,483	22,275
Pre-update select area fishery harvest of upriver fish	37	201	547	501	218	541	381	133	118	404	338	450
Pre-update mainstem commercial fishery harvest of upriver fish (assuming 75% mark rate)	0	1,008	6,836	6,257	1,354	6,763	2,593	586	451	2,748	2,300	4,439

[a] Under this very low forecasted run size, the 0.15% impact level assigned to commercial fisheries in the select areas is more than 25% of the available impact. This means the mainstem commercial fishery would not be assigned any pre-update impacts, and the sport fishery impact = (total allowable impact) x (0.65) - (0.15).

Hindcasts of the relative performance of sport and commercial spring Chinook fisheries in the Columbia River after the run-size update under the near-term fisheries management plan

Table 2. Allowable impacts assigned to and estimated numbers of upriver spring Chinook harvested by sport and commercial fisheries after the run-size forecast is updated (post-update) for run sizes occurring in 1999-2008, and for a hypothetical run-size forecast with a low Willamette return. These impacts equal those allowed under the U.S. v Oregon harvest rate schedule for the final run size minus the impact used before the run size update adjusted for the difference between pre- and post-update run size. Available post-update impacts are shared between the sport and commercial fisheries so that the final percent of impacts used by each fishery approximates that in the matrix for the final upriver Columbia spring Chinook run size. None of the commercial share of the post-update impacts needs to be assigned to select area fisheries because their season is over. Sport fisheries include areas downstream and upstream of Bonneville Dam. Harvest estimates assume the mainstem commercial fishery uses large-mesh gear.

Year	1999	2000	2001	2002	2003	2004[a]	2005[a]	2006	2007	2008[a]	Average (1999-2008)	Hypothetical w/ low Willamette run size
Final run size	38,700	178,600	416,500	295,100	208,900	193,400	106,900	132,100	86,200	178,700	199,600	300,000
Total allowable impact	1.000%	1.900%	2.500%	2.200%	1.900%	1.900%	1.600%	1.700%	1.600%	1.900%	1.900%	2.200%
Sport/commercial fishery shares of total allowable impact	70/30%	65/35%	55/45%	55/45%	65/35%	65/35%	65/35%	65/35%	65/35%	65/35%	65/35%	60/40%
Post-update allowable impact (total minus impact used before the run-size update, adjusted for difference in pre- and post-update run size)	0.793%	1.055%	1.216%	0.542%	1.024%	0%	0%	0.991%	0.695%	0%	0.404%	0.770%
Post-update sport fishery impact (adjusted so overall share approximates that in matrix)	0.588%	0.613%	0.544%	0.137%	0.590%	0%	0%	0.583%	0.374%	0%	0.134%	0.330%
Post-update commercial fisheries impact (adjusted so overall share approximates that in matrix)	0.205%	0.442%	0.672%	0.405%	0.434%	0%	0%	0.408%	0.321%	0%	0.270%	0.440%
Post-update sport fishery harvest of upriver fish (assuming 75% mark rate and sport fishery uses all its impacts)	1,707	8,214	17,008	3,035	9,249	0	0	5,776	2,418	0	2,005	7,425
Post-update mainstem commercial fishery harvest of upriver fish (assuming 75% mark rate and commercial fishery uses all its impacts)	149	1,479	5,248	2,240	1,698	0	0	1,010	519	0	1,010	2,475

a: final run size and total allowable impact were less than forecasted and impacts used by the fisheries pre-update would have exceeded those allowed under the final run size. As a result, no impacts would be available for fisheries post-update.

Hindcasts of the relative performance of sport and commercial spring Chinook fisheries in the Columbia River overall under the near-term fisheries management plan

Table 3. Summary of allowable impacts assigned to and estimated numbers of upriver spring Chinook harvested by sport and commercial fisheries for run sizes occurring in 1999-2008, and for a hypothetical run-size forecast with a low Willamette return. Assumes fisheries are able to use all the impacts assigned to them. Total allowable impacts equal those allowed under the U.S. v Oregon harvest rate schedule for the final run size. Sport fisheries include areas downstream and upstream of Bonneville Dam. Commercial fisheries include select areas.

Year	1999	2000	2001	2002	2003	2004[a]	2005[a]	2006	2007	2008[a]	Average (1999-2008)	Hypothetical w/ low Willamette run size
Forecasted run size	24,600	134,000	364,600	333,700	145,400	360,700	254,100	88,400	78,500	269,300	225,411	300,000
Final run size	38,700	178,600	416,500	295,100	208,900	193,400	106,900	132,100	86,200	178,700	199,600	300,000
Total allowable impact	1.000%	1.900%	2.500%	2.200%	1.900%	1.900%	1.600%	1.700%	1.600%	1.900%	1.900%	2.200%
Total sport fishery harvest of upriver fish (assuming 75% mark rate and sport fishery uses all its impacts)	2,032	16,543	42,952	26,780	19,349	25,666	18,581	10,948	6,724	19,693	18,488	29,700
Projected closing date for sport fishery downstream from Bonneville Dam pre-update (assumes open 7 days/ week)	23-Mar	8-Apr	15-Apr	15-Apr	9-Apr	29-Apr	14-May	6-Apr	8-Apr	23-Apr	15-Apr	16-Apr
Projected closing date for sport fishery downstream from Bonneville Dam pre-update (assumes open 3 days/ week)	28-Mar	16-Apr	2 May	7 May	16-Apr	14-May	14-May	12-Apr	16-Apr	14-May	9-May	14-May
Total commercial fishery harvest of upriver fish (assuming 75% mark rate and commercial fishery uses all its impacts)	185	2,689	12,631	8,997	3,270	7,304	2,974	1,729	1,087	3,152	3,648	7,364
Total sport fisheries impact	0.700%	1.235%	1.375%	1.210%	1.235%	1.769%	2.318%	1.105%	1.040%	1.469%	1.235%	1.320%
Total commercial fisheries impact	0.300%	0.665%	1.125%	0.990%	0.665%	0.965%	0.832%	0.595%	0.560%	0.527%	0.665%	0.880%
Final sport fisheries share of allowable impacts	70%	65%	55%	55%	65%	65%	74%	65%	65%	74%	65%	60%
Final commercial fisheries share of allowable impacts	30%	35%	45%	45%	35%	35%	26%	35%	35%	26%	35%	40%

a: final run size and total allowable impact were less than forecasted. As a result, no fishing would have occurred post-update and total impacts used by sport and commercial fisheries would have exceeded those allowed. Sport/commercial shares of impacts used approximate that planned pre-update.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Mainstem Columbia River Summer Chinook Allocation for Non-Indian Fisheries below Priest Rapids Dam, 2009

POLICY NUMBER: C-3618

Effective Date: January 1, 2009

Supersedes: C-3618, 2008

Termination Date: December 31, 2009

See Also: C-3617, 2009

Approved by: _____
Washington Fish and Wildlife Commission

Discussion: *This policy is the same as the previous two policies on summer Chinook. The recommendation of the Columbia River Fish Working Group (CRFWG) was to maintain this policy through 2013. The CRFWG will likely discuss summer Chinook in Phase 2.*

Guiding Principles

- Meet the conservation requirements for summer Chinook, expressed as the escapement goal of 20,000 natural and hatchery spawners.
- Meet treaty/non-treaty sharing objectives in the U.S. v Oregon Management Agreement.
- Address Colville and Wanapum tribal subsistence and ceremonial harvest needs.
- Provide recreational fishing opportunity above Priest Rapids Dam as the highest recreational fishery priority.

Fisheries Management Objectives

- Specific structure of sport and commercial fisheries will be set by the Columbia River Compact following stakeholder consultation in the North of Falcon process on an annual basis to meet adopted allocation policies and fisheries objectives after run size forecasts are available.
- Provide for in-season management flexibility to utilize the non-treaty summer Chinook harvest to meet the objectives of both fisheries.

- In shaping fisheries, consult with stakeholders to recognize economic benefits of sport and commercial fisheries in the Columbia River.
- Provide for sport fisheries throughout the Columbia River downstream of Priest Rapids Dam and commercial fisheries below Bonneville Dam.

Recreational and Commercial Allocation of Upriver Summer Chinook Impacts
The allocation of available harvest downstream of Priest Rapids Dam shall be 50 percent for the recreational fishery and 50 percent for the commercial fishery. The Washington Fish and Wildlife Commission (Commission) recognizes that when allowable harvest is either very large or very small, adjustments may need to be made to the allocation based on the capabilities of each fleet.

Delegation of Authority
The Commission delegates the authority to the Director, through the Columbia River Compact and North of Falcon stakeholder consultation processes, to set seasons for sport and commercial fisheries in the Columbia River, 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 Chair if it becomes necessary to deviate from the Commission's policy to achieve concurrent regulations with Oregon.

- Insofar as is possible the Agency will retain core functions and assure that State and Federal legislative directives are achieved in a manner that maintains the reputation and credibility of the agency.

- Because the reductions needed are very large, costs cutting must be strategic. Core activities need to be funded sufficiently to allow high quality performance, while lower priority activities that we can no longer afford need to be greatly reduced or eliminated.

- Across-the-board cutting by program is not the preferred approach to resolving the budget crisis. Instead, the benefits of organizational restructuring should be seriously considered including reductions in the number of programs and the number of high-level management positions.

- The Agency will maintain a high presence and quality of service to the public in the Regions. A reduction in the number of regions should be considered only as a last resort after major significant reductions in central office expenditures.

- Opportunities for innovative partnering with other agencies to find economic operating efficiencies should be fully explored, including potential options for sharing facilities, resources, and combining functions where possible. The Agency should seek opportunities to coordinate with federal, other state and local agencies (including colleges and universities) to work together on activities of common interest. Such partnerships may allow important activities to be accomplished that would otherwise not be achievable within budget restrictions.

- The Agency should involve local citizens groups across the state and seek their cooperation. Furthermore, the public should be enlisted to help develop and enhance partnerships to pursue agency objectives that might not otherwise be affordable.

- The Agency must maintain its enforcement capability as a necessary function to protect and conserve fish and wildlife resources.

- The Agency should maintain regular, clear, and effective communications with the public to ensure that complete and up-to-date information on proposed and adopted changes to WDFW functions and priorities is readily available.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: BUDGET REDUCTIONS FY2009-11 **POLICY NUMBER: C-4001**

Supercedes: N/A

Effective Date: January 9, 2009

Termination Date: December 31, 2009

See Also: Policy Document, and
2007-09 Goals & Objectives

Approved: January 9, 2009

By: _____
Washington Fish and Wildlife Commission

Policy: Budget Reductions for 2009-2011 Biennium

Washington State's impending budget deficit will force policymakers to consider all options for dramatically reducing the costs of state agencies. At minimum, the Department will be called upon to explore ways to redesign, downsize, and focus our resources to assure that the agency can carry out its mission, perform core functions, and deliver the services expected by the public. The Governor's Office has directed that we place priority on retaining field staff that most directly accomplishes our core mission.

This Policy is intended to ensure that the budget reductions undertaken in response to the deficit will be consistent with the priorities of the Commission and the guidance provided by the Governor's Office. It is understood that the Commission Policy Document and Director's Goals and Objectives developed earlier this year remain in effect; however, some of the agreed upon goals may be modified or temporarily set aside for budget reasons. Deviations from the Goals and Objectives of January 2008 will be identified by agreement between the Commission and the Director during the second quarter of 2009.

The Director and the Commission will communicate frequently to ensure timely and accurate review of proposed Department changes.

Priorities for Budget Decisions:

The Director will be responsible for decisions on budget reductions based on the following guiding principles:

- Conservation is the first priority of this Agency. Resource utilization is also among the highest priorities, but it must be considered only after the conservation mission is secured.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Timber/Fish/Wildlife Forestry Module Negotiation Guidance

POLICY NUMBER: C5001

Cancels:

Effective Date: April 18, 1997

Termination Date (if applicable):

See Also:

Approved by: Lisa Pelz

The Fish and Wildlife Commission supports the agency's involvement in the Timber, Fish, and Wildlife (TFW) forum for riparian habitat protection, provided that a) substantial progress is being made, and b) these negotiations have a goal of conforming with state law, the federal Endangered Species Act, and the Clean Water Act.

The Commission views the TFW forum and its proposed work plan as an ideal opportunity for WDFW to begin early progress toward addressing the issue of fish habitat protection on nonfederal forest lands.

WDFW will provide periodic briefings on progress TFW is making on this important aspect of fish habitat conservation.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE:	**Policy Guidelines for Negotiation and Maintenance of the Colville Agreement**	**POLICY NUMBER:**	**C6001**
Cancels:		Effective Date: October 3, 1997	
		Termination Date:	
See Also:		Approved by: Lisa Pelly	

Goals for the Agreement:

- Create partnerships with the Colville Tribe
- Provide maximum non-Indian hunting and fishing recreation compatible with healthy fish and wildlife populations.

Elements for the Agreement:

The following elements will be incorporated in the agreement.

- A cooperative law enforcement element.
  - * Includes access to the Colville tribal radio system.

- A commitment to cooperative fish and wildlife management.
  - * Includes data collection and sharing.
  - * Includes management consultation.
  - * Includes access to wildlife for reintroduction efforts.
  - * Includes salmon restoration

- Hunting opportunity for upland birds, migratory birds and small game.
  - * Includes pheasant and doves.

- Tribal commitment to assist landowners, especially on-reservation landowners experiencing damage from big game or problems with dangerous wildlife.

- The tribe commits to maintenance or enhancement of existing non-Indian fishing opportunities on the reservation.

- The tribe and state would recognize the state license for non-Indian fishers on boundary waters.
  * Includes revenue sharing.

- The tribe and state commit to mule deer conservation. This conservation effort will include both habitat and harvest strategies.

- The agreement shall include a dispute resolution process.

- The agreement shall include provisions for five-year review by the Colville Tribal Council and the Fish and Wildlife Commission.

- Other elements the Director deems as required to meet the goals set out above.

Delegation of Authority:

Consistent with this policy, the Commission delegates to the Director the authority to finalize a new agreement with the Colville Tribe. Subsequent changes will normally be incorporated in the "five-year review" element stated above. The Director has the authority to make changes to maintain this agreement within the framework of this policy.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: Private Lands Access

POLICY NUMBER: C-6002

Supercedes: C-6002 dated Dec. 6, 1996

Effective Date: Nov. 19, 2005

See Also: RCW 77.04.055
RCW 77.12.320
RCW 77.32.535
WAC 232-28-260
WAC 232-28-271

Termination Date: N/A

Approved: Ron Ozment, Chair

Policy:
Over half the state of Washington is privately owned, and some of the most important fish and wildlife resources are found on private lands. It is the policy of the Washington Fish and Wildlife Commission to maintain a viable private lands access program that encourages formal partnership agreements with private landowners:

- To secure public access for hunting, fishing, and other wildlife associated recreation.
- To provide recognition and incentives for participating landowners.
- To encourage protection and enhancement of fish and wildlife habitat.

Nothing in this policy or the private lands program shall be construed to infringe on the treaty rights of Native Americans. As stated in Commission policy C-3607: "The Department of Fish and Wildlife will engage tribal representatives in its decision making processes relative to wildlife management issues that affect tribal hunting."

Minimum Operating Standards and Guidelines of the Access Program:
The Department will develop a variety of public access options for landowners. It is the Commission's highest priority to encourage partnership opportunities that provide general public hunting opportunity and those with passive restrictions rather than requiring special permits or additional access fees for hunters.

- The Department will clearly communicate program expectations to cooperators and the general public and will have a contract with each cooperator.
- Fish and wildlife are the property of the state (RCW 77.12.010) and nothing in any contract should be construed as transferring ownership from the public to the private sector. The Fish and Wildlife Commission authorizes hunting seasons, including time, place and manner as directed in RCW 77.04.012.
- Fencing or other activities designed to control natural wildlife movement or migrations will not be permitted.
- Fish and wildlife management on lands under contract will be limited to endemic fish and wildlife, including currently managed introduced fish and wildlife species.
    - Every person hunting or fishing on private lands under contract must have in possession valid licenses, tags, and permits.

    - Persons hunting on lands under contract with the Department for restricted access (e.g. Hunt By Written Permission and Register To Hunt) must also possess a valid access permit (permission slip).
- Hunting programs will be conducted within the highest standards of fair chase and ethical behavior.
    - Cooperators must provide a report as required by the Department no later than March 31 each year.
    - The boundaries of lands under contract must be clearly defined and/or marked as required by the Department.
    - Locations of lands under contract must be made available to the public.
    - The Department may develop procedures to implement and manage the private lands access program within the guidelines of this policy.

Landowner Hunting Permits:

- Landowner Hunting Permits are designed for private lands held by an individual or corporation that provides a hunting opportunity for the public which otherwise would not exist and/or that helps resolve crop damage problems.
- Landowner Hunting Permits may only be authorized by Fish and Wildlife Commission rule.
- Those receiving Landowner Hunting Permits shall make provisions for significant public benefit and participation. General hunting season opportunity is encouraged as well as special accommodation for hunters with disabilities, youth, senior, and Advanced Hunter Education designated Master Hunters.
- Equitable allocation of Landowner Hunting Permit opportunity between cooperating landowners and WDFW will be as follows:

1. Antlerless deer or elk – minimum of 50% allocated by WDFW.
2. Buck deer or bull elk – minimum of 25% allocated by WDFW.
3. Exceptions to these minimums may only be provided through Commission rule.
    - Cooperators must allow equal hunting opportunity whether the hunter received a permit allocated by the Department or the cooperator.
    - Cooperators wishing to sell access associated with the landowner's portion of the special hunting permits must waive all claims for wildlife damage that may occur on their lands.
    - Landowner incentives may include the following;
        1. Customized hunting seasons.
        2. Second tag opportunity.
        3. Technical services to the landowner.
    - Landowner Hunting Permit levels, number of cooperators enrolled, and implementation of this program are subject to funding, availability of staff, ability to meet management objectives, and Department priorities.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Domestic Livestock Grazing on Department Lands**

POLICY NUMBER: C-6003

Cancels: N/A

Effective Date: December 6, 2002

Termination Date: Not Applicable

See Also: RCW 79.01.295
WAC 232-12-181
WAC 232-12-174
RCW 77.12.204
RCW 90.58

Approved by: Russ Cahill

The Washington Department of Fish and Wildlife acquires and manages land to protect fish and wildlife and their habitats, maintain biodiversity and provide opportunities for fish and wildlife related recreation.

GENERAL POLICIES: Domestic livestock grazing on Department owned or controlled lands may be permitted if determined to be consistent with desired ecological conditions for those lands, or with the Department's Strategic Plan.

1. Livestock grazing on Department lands is a practice that can be used to manipulate vegetation for fish and wildlife, accomplish a specific habitat objective, or facilitate coordinated resource management. If permitted, livestock grazing must be integrated with other uses to ensure the protection of all resource values, the most important of which is maintaining ecological integrity.

2. Grazing permits are of agency-wide interest. The Department will develop procedures that include a cross-program review to ensure all grazing permits are subject to the best available science.

3. New grazing permits will be made available for Commission review before being forwarded to the Director for approval. All grazing permits, excluding temporary permits, must include a domestic livestock grazing management plan that includes a description of ecological impacts, fish and wildlife benefits, a monitoring and evaluation schedule, and a description of the desired ecological conditions.

4. Coordinated Resource Management Plans will be encouraged where appropriate.

5. The Department will promote adaptive management and continued improvement of programs and practices as new knowledge and understanding of habitat ecology becomes available.

FISH AND WILDLIFE COMMISSION
POLICY DECISION

POLICY TITLE: **Master Hunter Program** **POLICY NUMBER: C-6005**

Cancels: *N/A*

Effective Date: December 7, 2007

Termination Date: *N/A*

See Also: WAC 232-12-073

Approved by: _____
Washington Fish & Wildlife Commission

Discussion: As the human population of Washington State continues to increase and expand into areas previously used by wildlife, negative interactions between humans and wildlife continue to increase. There are two primary categories of interaction: 1) incidents of humans with potentially dangerous wildlife (cougar, bear, coyote, etc.) and small problem wildlife such as raccoon, possum, rodents, etc.; and 2) large browsing and foraging wildlife, primarily deer and elk.

The scope of this policy addresses category 2 wildlife. Deer and elk populations in Washington have been displaced from some traditional habitat areas by residential outbuilding and development, agricultural expansion and, in some instances, inappropriate use of off-road vehicles including snowmobiles, two- and four-wheel recreational vehicles and other technologies.

In addressing the problem of deer and elk being forced to migrate from their traditional habitats to locations that affect human residential and agricultural resources, the Department will explore two options:

1) Develop a comprehensive road management program that defines seasonal and permanent road closures on Department lands and, where possible, on other ownerships to minimize disturbance of wildlife outside of hunting seasons; and

2) Develop a Master Hunter program that will:

a) provide the necessary hunter assets to resolve deer and elk encroachment that produces significant damage on agricultural lands;
b) reduce elk and deer populations in certain residential areas where they are a nuisance;
c) reduce wildlife populations in areas where vehicle or accidents with deer and/or elk on public highways is concentrated; and
d) use Master Hunters as appropriate in situations where other wildlife species such as turkeys and geese are a nuisance.

Policy: The Washington Department of Fish and Wildlife will develop a Master Hunter Program that provides an adequate number of hunters, with specific qualifications, to address the wildlife/human interaction outlined in the discussion above.

It must be understood and fundamental to the policy that Master Hunter certification is a privilege and not a right. Further, the Master Hunter resource is a tool that will be employed by the Department to resolve certain human/wildlife conflict situations. These hunting situations will require hunting in areas that may be highly visible to the public and may be on private property. In all cases, these hunting situations will require good judgment and professional conduct by Master Hunters. Violations of hunting rules or regulations will not be tolerated and will result in loss of Master Hunter privileges and possibly all hunting privileges, depending on the violation.

Master Hunters are role models for the rest of the hunting community and, through their actions, act as ambassadors for the Department. Qualifications for the Master Hunter program are:

1) No wildlife convictions in violation of WAC rules imposed under the authority of Title 77 RCW within the last ten years;
2) Commitment to completing Master Hunter training as outlined by the Department, including the revised Advanced Hunter Training, Eyes in the Woods, etc.;
3) Achieve a minimum of 40 hours of service to the Department every 5 years. This may include wildlife population surveys, assistance with hunt administration, creek surveys, manning game check stations, teaching hunter education classes, or other activities that support the Department;
4) The Master Hunter Program will have an advisory group that will provide to the Department recommendations on how to improve the Master Hunter Program and will develop processes that improve efficiency and effectiveness of Master Hunter qualification, monitoring, and administration. The advisory group will not be involved in determining when or where Master Hunters will be utilized. This responsibility rests with the Department.
5) Master Hunters will consider safety and public perception as fundamentals when engaged in any hunt.

The Director will designate a manager accountable for the Master Hunter Program. The responsibilities of the manager include, but are not limited to:

1) Development of a systematic approach to tracking and monitoring Master Hunters (educational status, service hours accomplished and validated by the Department, background check for violations, and process for updating data) hunter participation and success. No one should get more than two animals of the same species in any one year.
2) Development of an Advanced Hunter Education Program, which includes all aspects of hunting safety, public perception, standards of conduct, program focus on problem animals. These are not intended to be trophy hunts.
3) Working with regions on the development of meaningful activities that Master Hunters can engage in to support region staff.
4) Development of an approach to screen new applicants and recertify current population of Advanced Hunters to Master Hunter status.
5) Working with Master Hunters on development of an efficient management and communication network that supports the needs of the Department and the Master Hunters.
6) Working with region staff to identify Master Hunter opportunities within the scope outlined above. Development of, within the Master Hunter group, an organization that will assist the Department in planning and administering these hunts.

The Director is accountable to the Commission for staffing the Master Hunter Program and will report on the Master Hunter Program implementation and performance twice annually or as otherwise requested by the Commission. The Commission recognizes the dynamics of wildlife populations and habits and understands that future wildlife situations may warrant expanded use of Master Hunters.

RESOLUTION OF THE WASHINGTON FISH AND WILDLIFE COMMISSION ADOPTING POLICIES TO SUSTAIN AND REBUILD WILD SALMONID STOCKS

WHEREAS, since 1994, the programs and actions of the Department of Fish and Wildlife, Tribes, other government agencies, and the private sector have been reviewed to determine what changes are needed to protect and rebuild wild salmonid stocks. The Department and Tribes have a particular interest in the rebuilding of these irreplaceable natural resources, in partnership with other governments, citizens, and the private sector and, therefore, have sought to enter a joint policy to sustain and rebuild such wild salmonid populations, and

WHEREAS, the Washington Fish and Wildlife Commission recognizes that Indian Tribes are committed to adoption of a joint Wild Salmonid Policy to address the mutual interests of the Department and Tribes in rebuilding and protecting wild salmonids and their ecosystems. The Commission, as governing body of the Department of Fish and Wildlife, strongly supports the Tribes in that effort, and

WHEREAS, the Commission recognizes that Tribal governing bodies have not yet approved the document labeled "*Policy of Washington Department of Fish and Wildlife and Western Washington Tribes Concerning Wild Salmonids*" (Joint Policy). The Commission, therefore, invites Tribal adoption of this Joint Policy, or Tribal resolution that will lead to a Joint Policy in the near future. The Department of Fish and Wildlife and this Commission shall work in good faith with Tribal governing bodies to resolve issues and merge Department and Tribal Policies into a jointly adopted Wild Salmonid Policy, and

WHEREAS, the Commission also recognizes that certain issues that may be necessary for salmonid rebuilding are not resolved in the Joint Policy and are deferred for implementation and resolution at the watershed level with concerned tribes and public.

NOW THEREFORE, by adopting the document labeled "*Policy of Washington Department of Fish and Wildlife and Western Washington Treaty Tribes Concerning Wild Salmonids*" dated December 5, 1997, the Commission expresses its commitment to reaching a joint Wild Salmonid Policy with Washington Treaty Indian Tribes, and the Commission adopts the "*Additional Policy Guidance on Deferred Issues Concerning Wild Salmonid Policy*" to notify interested persons of the Department's policy direction and to guide the Department efforts at the watershed level, and to further ensure that Department programs and actions will lead to rebuilding and sustaining wild salmonids.

The Commission action today arises from substantial scientific review by the Department and western Washington Tribes, as well as public review and input. The Commission hereby directs the Department to follow these policy directions, to work with the public, Tribes, neighboring states, and Canada as directed in these documents, and to take further actions with the Tribes in conjunction with the Commission to allow Tribal joinder in a Wild Salmonid Policy.

Resolved this 5th day of December, 1997.

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
POLICY DOCUMENT

January 12, 2008

With the broad range of resource responsibilities designated by state government, it is imperative that the Washington Department of Fish and Wildlife operates efficiently and with well-understood and consistent goals and objectives. This policy document outlines the legal mandate for the Department and defines the role of the Commission and the Director as outlined in RCW 77. It is the role of the Commission, as a body, to develop/establish policy, and it is the Director's role and responsibility to implement policy through Department management. This document recognizes the absolute necessity for a strong partnership between the Director in developing and implementing policy. This partnership should be marked by trust, mutual respect, and cooperation. Department leadership is a shared responsibility. It is implicit in this document that there will be consultation between the Commission and the Director on all major issues affecting the Department

For purposes of this document, "Commission" means the Fish and Wildlife Commission; "Director" means the Director of Fish and Wildlife; and "Department" means the Fish and Wildlife Commission, the Director, and all employees.

Mandate (RCW 77.04.012)

"Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

"The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

"The commission may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.

"The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

"Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

"Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property."

Role of the Commission

The Commission sets policy for the Department of Fish and Wildlife and is an access point for constituents interested in policies affecting Washington's fish and wildlife resources. The Commission is authorized by Referendum 45 and RCW 77 to establish policies to preserve, protect, and perpetuate fish and wildlife; set broad goals and objectives; appoint the Director; approve the Department budget and monitor implementation; enter into agreements with other agencies and governments; and adopt rules regulating all fishing, hunting and other uses of the state's fish and wildlife.

The Commission is explicitly responsible for:

1. Establishing policies, goals, and objectives to guide the Department's management of Washington's fish, wildlife, and habitat resources. Key specific responsibilities include:
    a. establishing the basic policy and guidelines to preserve, protect, and perpetuate the resource as reflected and implemented through Department actions (e.g., species/ecosystem recovery plans, fish, shellfish, and wildlife management plans, land management plans, collaboration with private land managers, and other policy initiatives);
    b. establishing guidelines and policies for allocating use of fish and wildlife resources and Department lands;
    c. setting the time, place, and manner of fishing, hunting, and trapping for all species in Washington, whether food fish, game fish, shellfish, hunting, recreational or commercial seasons;
    d. submitting the annual status report on the state's fish and wildlife resources to the Legislature and Governor; and
    e. determining the management status of species as provided by statute.
2. Adopting goals and objectives to guide Department management:
    a. ensuring the Department is managed in a manner that meets ethical, legal and sound business standards and is responsive to the public, the employees, and the resource; and
    b. establishing and monitoring performance expectations for the Department through the Director.
3. Appointing, supervising, and evaluating the performance of the Director.
4. Approving the Department's biennial budget before submittal to the Governor and the Legislature.

5. Appointing, supervising, and evaluating the performance of Commission staff.

6. Establishing and maintaining cooperative management relationships with Indian tribes by:

   a. maintaining state/tribal communications on a government-to-government basis;

   b. recognizing standards and procedures for state/tribal resource management established in various court orders and state/tribal management plans;

   c. providing direction on upcoming fishing and hunting negotiations and issues; and

   d. meeting basic resource stewardship policies/guidelines and federally mandated treaty allocations requirements through management planning and negotiation responsibilities delegated to the Director.

7. Cooperating with other governments and agencies to implement Commission policies.

8. Approving Department request legislation for submittal to the Governor.

9. Informing the Governor and the Legislature about resource management issues, thus gaining their support for legislation that benefits fish, wildlife, and habitat and the Department's ability to protect, restore, and enhance it.

10. Authorizing acquisitions, land exchanges, leases and sales of Department lands.

Role of the Director

The Director is the chief executive officer for the Department and directs the Department's day-to-day operations as authorized by the Commission. The Director's role recognizes the strong partnership the position maintains with the Commission in developing policy and implementing it, as well as responsibility for Department leadership.

The Director shall implement the Commission's goals, delegate resource management decision-making to staff; effectively organize, appoint, and manage Department staff; maintain accountability and sound management of the Department's resource and business functions; represent the Department in discussions/negotiations with other governments; develop programs and agreements with other agencies and private land owners, and exercise specific authorities delegated by the Commission and generally outlined as follows.

The Director is responsible for:

1. Assisting in the development and implementation of policies adopted by the Commission.

2. Providing the Commission completed staff work and necessary public involvement support to assist informed decision-making by the Commission.

3. Directing day-to-day business of the Department including:

   a. appointing Department employees;

   b. expending funds in a manner consistent with adopted budgets and in accordance with OFM business and accounting standards and, where not in conflict with the former, Commission policies;

   c. overseeing the Department's programmatic functions and delegating authority as necessary for effective, efficient, accountable and responsive Department management;

   d. ensuring that scientific procedures used by Department staff are objective and the best available, and that science and data employed by the Department in guiding or influencing policy development are complete, objective, and unbiased;

   e. developing and implementing specific internal operational policies and procedures;

   f. administering collection and proper disposition of license and other revenue;

   g. revoking or denying and reinstating or reissuing commercial and recreational licenses;

   h. developing programs jointly with other agencies and governments, and private landowners; and promoting Department personnel/programs partnering with other organizations and individuals where additional benefits for fish and wildlife, as well as user groups, can occur;

   i. managing and maintaining the Department's real property;

   j. signing correspondence, memorandums of agreement, emergency purchases, contracts, grants, and agreements as necessary to operate the Department;

   k. directing the sale of state resources as provided in statute including oysters from state oyster reserves and surplus salmon eggs/carcasses;

   l. developing and implementing procedures and rules for entering cooperative agreements after consultation with the Commission; and

   m. preparing the annual report to the Governor and the Legislature for submittal by the Commission.

4. Setting the time, place and manner of taking fish, shellfish, and wildlife and regulating the possession, disposal, landing, and sale of food fish and shellfish in emergency situations as defined in RCW 34.05.350, including rapidly changing in-season commercial and recreational fisheries and hunts where the actions must be taken with limited available time.

5. Determining and setting Department structure and organization to most effectively and efficiently achieve the Department 's goals, policies and objectives.

6. Developing budgets for approval by the Commission and submitting approved budgets to the Governor and the Legislature.

7. Representing the Department on councils and boards.

8. Representing the Department and negotiating management agreements with Tribal Governments consistent with federal court mandates, state laws and agreements, and Commission direction.

9. Representing the Department with the Governor and the Legislature and in other state, national and international forums as delegated by the Commission.

10. Monitoring and reporting on the status of the state's fish, wildlife and habitat resources.

11. Monitoring performance of employees with measurable goals and objectives and ensure professional, ethical standards are being met within the Department.

12. Developing and implementing an effective public communication and outreach program that informs, educates, and improves public opinion of the Department and its resource management programs.

Jerry Gutzwiler, Chair
Washington Fish and Wildlife Commission

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
FISH AND WILDLIFE COMMISSION

March 31, 2008 *[**DRAFT UPDATES** to 1996 memo]*

TO: Jeff Koenings, Director
Department of Fish and Wildlife

FROM: Jerry Gutzwiler, Chair
Washington Fish and Wildlife Commission

SUBJECT: DELEGATION OF AUTHORITY

The Fish and Wildlife Commission was given broad statutory powers to govern the Department of Fish and Wildlife as provided under RCWs 43.300.040, 77.04.020, 77.12.047 and 77.04.080. However, the Commission recognizes the need for expedient Department business and recognizes that many functions under Commission authority can be delegated. All actions shall be consistent with relevant Commission policies.

For purposes of this document, "Commission" means the Fish and Wildlife Commission; "Director" means the Director of Fish and Wildlife; and "Department" means the Fish and Wildlife Commission, the Director, and all employees.

The Commission delegates the following powers and duties vested in the Commission by statute to the Director of the Department of Fish and Wildlife. This delegation is subject to modification and repeal at any time.

A. EMERGENCY RULE MAKING AUTHORITY

The Director shall have the authority to set the time, place and manner of taking fish, shellfish, and wildlife and regulating the possession, disposal, landing, and sale of food fish and shellfish in emergency situations as defined in RCW 34.05.350, including rapidly changing in-season commercial and recreational fisheries and hunts where the actions must be taken with limited available time. The Commission shall be notified of the actions taken and the need for such actions.

B. ADMINISTRATIVE HEARINGS

The Director may issue decisions on granting or denying commercial fishing licenses following Advisory Review Board recommendations as described in 77.70.040; decisions regarding commercial fishing license suspension under RCW 77.15.552; decisions regarding hydraulic project approval permits under RCW 77.55.021; decisions on hunting license revocations and license denials

under RCW 77.15.700 and Chapter 77.32 RCW; and decisions on forfeiture of property under RCWs 77.15.070 and 77.15.085.

[See also Chapter 34.05 RCW, Administrative Procedures Act]

C. INTRAJURISDICTIONAL COMPACTS AND AGREEMENTS

1. Magnuson Fishery Conservation and Management Act
   The Director or staff designee shall sit on the North Pacific Fishery Management Council (NPFMC) and Pacific Fishery Management Council (PFMC), as provided in RCW 77.12.045, shall represent the Fish and Wildlife Commission, and communicate regularly with the Commission on its activities.

   The Director shall have the authority to adopt rules pertaining to harvest of fish and wildlife in the federal Exclusive Economic Zone (EEZ) by vessels or individuals registered or licensed under the laws of the state, and consistent with RCWs 77.12.295 and 77.75.020. The intent of this delegated authority is to ensure that the rules of the state of Washington are consistent with those passed by the Pacific Fishery Management Council in the EEZ.

2. Interstate Compacts
   The Director or staff designee shall sit on the Columbia River Compact as provided in RCWs 77.75.010 and 77.75.020, and shall represent the Fish and Wildlife Commission and communicate regularly with the Commission on its activities.

   The Director or staff designee shall sit on the Pacific States Marine Fisheries Commission as provided in the Pacific Marine Fisheries Compact under RCWs 77.75.030 and 77.75.040.

3. Federal Agreements
   The Director shall have the authority to make agreements with the United States to protect Columbia River fish as defined in RCW 77.12.285.

   The Director shall have the authority to carry out the provisions of the Columbia River Anadromous Fish Sanctuary Restrictions as provided in RCW 77.55.160.

   The Director may negotiate agreements with the United States Department of Defense to coordinate fishing in state waters as detailed in RCW 77.12.275.

4. United States and Canada Treaty Concerning Pacific Salmon

   The Director shall represent the Fish and Wildlife Commission in Pacific Salmon Commission management forums and communicate regularly with the Commission on its activities. For sockeye and pink salmon in Puget Sound, the Director shall have the authority to authorize commercial fishing by rule, and determine the kind of gear that may be fished as authorized in RCWs 77.50.010 and 77.75.140. The intent of this delegation of authority is to allow the Director to manage effectively the allocation of Fraser River stocks actively as provided under the U.S.-Canada Treaty.

5. International Pacific Halibut Commission

   The Director shall have the authority to represent the Department at proceedings of the International Pacific Halibut Commission under RCW 77.12.045.

6. Treaty Indian Tribal Agreements

   The Director shall have the authority, after communication with the Commission, to enter into annual co-management agreements with recognized treaty Indian tribes as defined and required under U.S. v. Washington, Hoh v. Baldrige, and U.S. v. Oregon.

D. ACCEPTANCE OF COMPENSATION, GIFTS AND GRANTS

The Director shall have the authority to receive funds from the United States for construction, maintenance and operation of fish cultural stations, laboratories, and devices under RCW 77.12.285.

The Director may acquire the use of lands where construction or improvement is to be carried on by the United States per RCW 77.12.285.

The Director may accept and spend gifts, grants, or other funds to further the purpose of the Department on behalf of the Commission as provided in RCW 77.12.039.

The Director is delegated authority to enter into contracts and agreements on behalf of the Department.

E. OTHER AGREEMENTS

The Director shall have the authority, in consultation with the Commission, to enter into other agreements on behalf of the Commission.

F. REPORTS TO THE GOVERNOR AND LEGISLATURE

The Director shall submit required reports as provided in RCWs 75.08.460, 77.65.430 and 77.04.120.

G. REAL AND PERSONAL PROPERTY

The Director may acquire water rights, rights-of-way, and construct and maintain necessary facilities on behalf of the Commission under RCW 77.12.037.

The Director may approve: temporary use permits; leases of Department of Natural Resources, federal and other lands; renewal of land use agreements; transfer of management/maintenance ability to other state agencies, counties, or municipalities; and rental of buildings, offices, etc., provided the Commission is informed periodically on those actions. The purchase, sale, leasing or rental of Department lands, new land exchange agreements, and conveyance of less than fee interests in Department lands must be approved by the Commission.

The Director may approve commodity or product sales, including products resulting from agricultural agreements derived from Department lands. The

The Director shall place before the Commission any proposals that should be reviewed and/or approved by the Commission.

The Director may approve timber sales less than or equal to 100,000 board feet for areas not under an approved management plan. Where there is an approved management plan, the Director may approve timber sales not to exceed 250,000 board feet and, where there is a need to salvage timber affected by fire, disease, or other disaster-related conditions, the Director may approve an emergency sale up to 500,000 board feet on Department lands.

The Commission approves new livestock grazing lease proposals not accompanied by a grazing management plan. Recurrent leases on land with a previously approved management plan are subject to the Director's approval as described in WAC 232-12-181, WDFW Policy 2255 and WDFW Procedure 2255-A.

H. SPECIAL PROJECTS, PROPOSALS, POLICIES AND PLANS

The Director shall provide for the operation and support of Regional Fisheries Enhancement Groups and exercise all authority provided in RCWs 77.95.090 and 77.95.110.

The Director shall provide for the operation and support of the Recreational Salmon and Marine Fish Enhancement Program as provided in RCW 77.105.

I. APPOINTING AUTHORITY

The Director shall have the authority to commission Fish and Wildlife Enforcement Officers as defined in RCW 77.08.010.

J. AUTHORITY TO ISSUE LICENSES AND PERMITS

The Director shall have the authority to issue permits as defined in RCW 77.12.457.

The Director may prohibit the introduction, transportation, or transplanting of food fish, shellfish, organisms, material, or other equipment which, in the Director's judgment, may transmit any disease or pests affecting food fish or shellfish under RCW 77.12.455.

The Director shall have the authority to revoke and reinstate license privileges under RCW 77.15.710.

The Director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps as provided in RCW 77.15.191.

K. COLLECTION AND EXPENDITURE OF FUNDS

The Director shall have the authority to use money received under RCW 77.12.177 as an unanticipated receipt.

L. ACQUISITION, REMOVAL, DISPOSITION, OR SALE OF FISH AND WILDLIFE

The Director may specify by rule the statistical and biological reports required by fishers, dealers, boat houses or processors of food fish and shellfish under RCW 77.12.047(1)(g).

M. TORT SETTLEMENTS

The Director may negotiate and approve tort settlements. The Director shall place before the Commission any negotiations that should be reviewed and/or approved by the Commission

N. MISCELLANEOUS

All other duties of the Director and the Commission as described in Title 77 RCW remain in effect and, wherever the word Department is used, the Director is authorized to act.

DRAFT 3-31-2008

cc: Fish and Wildlife Commission
The Honorable Christine Gregoire, Governor
Joe Shorin, Senior Counsel, Office of the Attorney General

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
FISH AND WILDLIFE COMMISSION

July 1, 1996

TO: Bernard Shanks, Director
Department of Fish and Wildlife

FROM: Mitchell S. Johnson, Chairman
Washington Fish and Wildlife Commission

SUBJECT: DELEGATION OF AUTHORITY

The Fish and Wildlife Commission has been given broad statutory powers to govern the Department of Fish and Wildlife as provided under RCWs 43.300.040, 77.04.020, 77.04.055, 75.08.080 and 75.08.014, as amended by Referendum Number 45 (SB 6074) and ESHB 2793. However, the Commission recognizes the need for a smooth transition of Department business under Commission authority and recognizes that many functions under Commission authority can be delegated. All actions shall be consistent with relevant Commission policies.

For purposes of this document, "Commission" means the Fish and Wildlife Commission; "Director" means the Director of Fish and Wildlife; and "Department" means the Fish and Wildlife Commission, the Director, and all employees.

The Commission delegates the following powers and duties vested in the Commission by statute to the Director of the Department of Fish and Wildlife. This delegation is subject to modification and repeal at any time.

A. <u>EMERGENCY RULE MAKING AUTHORITY</u>

The Director shall have the authority to set the time, place and manner of taking fish, shellfish, and wildlife and regulating the possession, disposal, landing, and sale of food fish and shellfish in emergency situations as defined in RCW 34.05.350, including rapidly changing in-season commercial and recreational fisheries and hunts where the actions must be taken with limited available time. The Commission shall be notified of the actions taken and the need for such actions.

B. ADMINISTRATIVE HEARINGS

The Director may issue decisions on granting or denying commercial fishing licenses following Advisory Review Board recommendations as described in RCW 75.30.060; decisions regarding commercial fishing license denial under RCWs 75.10.120, 75.10.130, and 75.10.140; decisions regarding hydraulic project approval; conditional approval or conditions for project modification after appeal under RCW 75.20.100; decisions on hunting license revocations under RCWs 77.21.020 and 77.21.030; decisions on license denials under RCW 77.21.060; and decisions on forfeiture of property under RCWs 75.10.030 and 77.12.101.

C. INTRAJURISDICTIONAL COMPACTS AND AGREEMENTS

1. Magnuson Fishery Conservation and Management Act

The Director or staff designee shall sit on the North Pacific Fishery Management Council (NPFMC) and Pacific Fishery Management Council (PFMC), as provided in RCW 75.08.070, and shall represent the Fish and Wildlife Commission after consultation at a scheduled Fish and Wildlife Commission meeting or workshop.

The Director shall have the authority to adopt rules pertaining to harvest of fish and wildlife in the federal Exclusive Economic Zone (EEZ) by vessels or individuals registered or licensed under the laws of the state, and consistent with RCWs 75.08.058 and 75.08.070. The intent of this delegated authority is to ensure that the rules of the state of Washington are consistent with those passed by the Pacific Fishery Management Council in the EEZ.

2. Interstate Compacts

The Director or staff designee shall sit on the Columbia River Compact as provided in RCWs 75.40.010 and 75.40.020, and shall represent the Fish and Wildlife Commission after consultation at a scheduled Fish and Wildlife Commission meeting or workshop.

The Director or staff designee shall sit on the Pacific States Marine Fisheries Commission as provided in the Pacific Marine Fisheries Compact under RCWs 75.40.030 and 75.40.040.

3. Federal Agreements

The Director shall have the authority to make agreements with the United States to protect Columbia River fish as defined in RCW 75.08.055.

The Director shall have the authority to carry out the provisions of the Columbia River Anadromous Fish Sanctuary Restrictions as provided in RCW 75.20.110.

The Director may negotiate agreements with the United States Department of Defense to coordinate fishing in state waters as detailed in RCW 75.08.025.

4. United States and Canada Treaty Concerning Pacific Salmon

The Director shall represent the Fish and Wildlife Commission in Pacific Salmon Commission management forums after consultation at a scheduled Commission meeting or workshop. For sockeye and pink salmon in Puget Sound, the Director shall have the authority to authorize commercial fishing by rule, and determine the kind of gear that may be fished as authorized in RCWs 75.12.010 and 75.40.060 and after consultation with the Commission at a scheduled Commission meeting or workshop. The intent of this delegation of authority is to allow the Director to manage effectively the allocation of Fraser River stocks actively as provided under the U.S.-Canada Treaty.

5. International Pacific Halibut Commission

The Director shall have the authority to represent the Department at proceedings of the International Pacific Halibut Commission under RCW 75.08.070.

6. Treaty Indian Tribal Agreements

The Director shall have the authority, after consultation with the Commission, to enter into annual co-management agreements with recognized treaty Indian tribes as defined and required under U.S. v. Washington, Hoh v. Baldrige, and U.S. v. Oregon.

D. ACCEPTANCE OF COMPENSATION, GIFTS AND GRANTS

The Director shall have the authority to receive funds from the United States for construction, maintenance and operation of fish cultural stations, laboratories, and devices under RCW 75.08.055.

The Director may acquire the use of lands where construction or improvement is to be carried on by the United States per RCW 75.08.055.

The Director may accept and spend gifts, grants, or other funds to further the purpose of the Department on behalf of the Commission as provided in RCW 75.08.045.

The Director is delegated authority to enter into contracts and agreements on behalf of the Department.

E. OTHER AGREEMENTS

The Director shall have the authority, in consultation with the Commission, to enter into other agreements on behalf of the Commission.

F. REPORTS TO THE GOVERNOR AND LEGISLATURE

The Director shall submit required reports as provided in RCWs 75.08.460, 75.28.770, 75.50.050, and 75.50.120.

G. REAL AND PERSONAL PROPERTY

The Director may acquire water rights, rights-of-way, and construct and maintain necessary facilities on behalf of the Commission under RCW 75.08.040.

The Director may approve: temporary use permits; leases of Department of Natural Resources, federal and other lands; renewal of land use exchange agreements; transfer of management/maintenance ability to other state agencies, counties, or municipalities; and rental of buildings, offices, etc., provided the Commission is informed periodically on those actions. The purchase, sale, leasing or rental of Department lands, new land use exchange agreements, and conveyance of less than fee interests in Department lands must be approved by the Commission.

The Director may approve commodity or product sales, including products resulting from agricultural agreements derived from Department lands. The

Director shall place before the Commission any proposals which should be reviewed and/or approved by the Commission.

The Director may approve timber sales less than or equal to 100,000 board feet for areas not under an approved management plan. Where there is an approved management plan, the Director may approve timber sales not to exceed 250,000 board feet and, where there is a need to salvage timber affected by fire, disease, or other disaster-related conditions, the Director may approve an emergency sale up to 500,000 board feet on Department lands.

New livestock grazing lease proposals not accompanied by a grazing management plan are approved by the Commission. Recurrent leases on land with a previously-approved management plan are subject to the Director's approval as described in WAC 232-12-181, WDFW Policy 2255 and WDFW Procedure 2255-A.

H. SPECIAL PROJECTS, PROPOSALS, POLICIES AND PLANS

The Director shall provide for the operation and support of Regional Fisheries Enhancement Groups and exercise all authority provided in RCWs 75.50.100 and 75.50.110.

The Director shall provide for the operation and support of the Recreational Salmon and Marine Fish Enhancement Program as provided in RCW 75.54.

I. APPOINTING AUTHORITY

The Director shall have the authority to commission Fisheries Patrol Officers as defined in RCW 75.08.011 and Wildlife Agents as provided in RCW 77.04.080.

J. AUTHORITY TO ISSUE LICENSES AND PERMITS

The Director shall have the authority to issue permits as defined in RCWs 75.08.274 and 75.08.295.

The Director may prohibit the introduction, transportation, or transplanting of food fish, shellfish, organisms, material, or other equipment which, in the Director's judgment, may transmit any disease or pests affecting food fish or shellfish under RCW 75.08.285.

The Director shall have the authority to revoke and reinstate license privileges under RCW 77.16.135.

The Director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps as provided in RCW 77.32.199.

K. COLLECTION AND EXPENDITURE OF FUNDS

The Director shall have the authority to use money received under RCW 75.08.230(6) as an unanticipated receipt.

L. ACQUISITION, REMOVAL, DISPOSITION, OR SALE OF FISH AND WILDLIFE

The Director may specify by rule the statistical and biological reports required by fishers, dealers, boat houses or processors of food fish and shellfish under RCW 75.08.080(1g).

M. TORT SETTLEMENTS

The Director may negotiate and approve tort settlements. The Director shall place before the Commission any negotiations which should be reviewed and/or approved by the Commission.

N. MISCELLANEOUS

All other duties of the Director and the Commission as described in Titles 75 and 77 RCW remain in effect and, wherever the word Department is used, the Director is authorized to act.

MJ:jm

cc: Fish and Wildlife Commission
Governor Mike Lowry
Rob Costello, Assistant Attorney General