

**13. PROPOSED COMMISSION POLICY ON HATCHERY REFORM - DECISION:**

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## “GREEN SHEET”

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**Meeting dates:** Sept 11-12, 2009

**Agenda item #13** Proposed Commission Policy on Hatchery and Fishery Reform – Decision

**Staff Contacts:** Andy Appleby, Hatchery Reform Coordinator, Fish Program (lead)  
Sara Laborde, Special Assistant to the Director, Director’s Office  
Heather Bartlett, Hatcheries Division Manager, Fish Program

**Presenters:** Andy Appleby, Hatchery Reform Coordinator, Fish Program (lead)  
Sara Laborde, Special Assistant to the Director, Director’s Office  
Heather Bartlett, Hatcheries Division Manager, Fish Program

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### **Background:**

This action request is the result of the Commission’s March 6, 2009, request to the Department for developing a draft Commission policy on hatchery reform (see attached “blue sheet”).

Hatchery reform is the scientific and systematic redesign of hatchery programs to help recover wild salmon and support sustainable fisheries. The intent of hatchery reform is to improve hatchery effectiveness, ensure compatibility between hatchery production and salmon recovery plans and rebuilding programs, and support sustainable fisheries.

In 2000, Congress formed the Hatchery Scientific Review Group (HSRG) – an expert panel of independent scientists funded by federal dollars – to study salmon and steelhead populations in Puget Sound/Coastal Washington and the Columbia River Basin. Conclusions from the 2007 HSRG Progress Report to Congress indicate that, if properly-managed, hatcheries can provide significant benefits to the citizens of Washington. If managed improperly, they can confound efforts to rebuild wild salmon populations and undermine efforts to recover wild fish. The Department has embraced hatchery reform as a means to help protect and restore salmon and steelhead while maintaining economically important harvest opportunities.

Department staff presented a draft proposed policy at the May 8-9, 2009, Commission meeting in Olympia, at which time commissioners suggested various changes and additions. The changes were incorporated into the second draft and subsequently presented to the Commission during the June 5-6 meeting. The Commission also heard public testimony on the draft policy during that meeting. In addition, SEPA was initiated on the DRAFT policy to ensure broad public notification and input. A revised policy that reflected public input was presented by staff for adoption at the July 10<sup>th</sup> Commission meeting.

The Commission received a request from the Northwest Indian Fisheries Commission (NWIFC) (letter of July 9, 2009) to delay any action to adopt the policy until additional discussion with the tribes had occurred. Consistent with this request, the Commission requested suggestions from the tribes for how to improve the policy, and delayed scheduling action on the request until the Sept. 11-12 meeting (letter of July 16, 2009). The Department followed up by sending individual letters regarding the Commission action to each tribe.

The Commission has subsequently received letters from the NWIFC and the Hoh Tribe expressing concerns with the policy (see attachments). The letter from the NWIFC asked the Commission to postpone adoption of the policy until after a meeting with the tribes. The Yakama Nation has also expressed concerns with the policy in a draft letter shared with Department staff.

Given these uncertainties, staff have made no changes to the existing DRAFT 4 Policy.

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

A Commission policy on hatchery and fishery reform will provide guidance and support for the Department's implementation of HSRG recommendations by clearly stating the Commission's commitment to long-term hatchery and sustainable fishery strategies.

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**Public involvement process used and what you learned:**

Comments on the draft policy have been sought from the public through various methods. Following the May 8-9, 2009, Commission meeting in Olympia, the updated DRAFT 2 Commission Policy on Hatchery and Fishery Reform (C-3619) was posted on the Department's web site at <http://wdfw.wa.gov/fish/management/hatcheries.html> , along with web links to related information such as:

- Fish and Wildlife Commission's January 2009 Report to Governor
- Hatchery Scientific Review Group (HSRG) reports
- 21<sup>st</sup> Century Salmon Initiative

The proposal was also posted on the Commission's web page <<http://wdfw.wa.gov/commission/>> and a news release issued on May 13, 2009 was widely distributed (available to view on the Internet at: <http://wdfw.wa.gov/do/newreal/release.php?id=may1309a> ). SEPA was initiated June 3<sup>rd</sup> for a 14 day comment period.

WDFW citizen advisory groups were notified about the draft policy and members were encouraged to provide comments. Department staff announced the comment opportunity during fisheries related advisory committee meetings.

Written and oral comments were received and summarized (see Public Comments and WDFW Responses 6/15/09) and the Draft 3 Policy was modified to reflect many of those comments and presented at the July 10<sup>th</sup> Commission meeting. Additional guidance was provided by the Commission at that meeting and Draft 4 Policy was provided to Tribal co-managers for comments with an August 15<sup>th</sup> deadline identified. A letter was received from the NWIFC August 19<sup>th</sup> asking for a meeting to discuss the policy and for the Commission to delay adoption until such meeting occurred.

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**Action requested:**

Staff requests the Commission provide guidance on next steps.

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**Draft motion language:**

I move to adopt Commission Policy C-3619 as presented.

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**Justification for Commission action:**

As the governing body for the Department of Fish and Wildlife, the Commission establishes policies to preserve, protect and perpetuate wildlife, fish, and wildlife and fish habitat (RCW 77.04.055, Commission - Duties).

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**Communications Plan:**

Following the Commission approval, Commission Policy C-3619 will be circulated to Department staff, distributed to the public and posted on the Department's website.

# COMMISSION REQUEST TO DEPARTMENT

*a.k.a. "Blue Sheet"*

**Title of Request:** COMMISSION POLICY ON HATCHERY REFORM

**Commissioner:** MAHNKEN

**Priority Level (put one check in each row):**

Importance:  High                       Medium                       Low

Urgency:     High                       Medium     Low

**Date Requested:** March 6, 2009    **Date Assigned:** March 10, 2009  
*[Dep. Director use]*

**Assigned To** (Program/staff person): Fish Program, with IRM  
*[Dep. Director use]*

**Requested Due Date:** May 8-9, 2009, Commission Meeting

**Knowledge or Action Being Requested (narrative). Describe what you want to know. Be specific.**

With Department staff input, develop a DRAFT Commission Policy on hatchery reform, using selective fisheries as a primary harvest management tool to protect and recover natural populations.

**Output Requested (e.g., telephone call, memo, material from files, new report, presentation, other):**

Briefing at the May 8-9, 2009, Commission meeting, along with DRAFT policy for Commission consideration.





## HOH INDIAN TRIBE

PO BOX 2196 • FORKS, WASHINGTON 98331  
TELEPHONE (360) 374-6582 • FAX (360) 374-6549

August 13, 2009

Mr. Phil Anderson, WDFW  
Ms. Miranda Wecker, WFWC  
600 Capitol Way North  
Olympia, WA 98501-1091

Dear Ms. Wecker and Mr. Anderson,

The Hoh Tribe has been notified that the Washington Fish and Wildlife Commission (WFWC) has published a draft “Hatchery and Fishery Reform” policy (C-3619) and has submitted the document for SEPA comment. The Hoh Tribe supports efforts to improve fisheries and hatchery management. Although we agree with the document’s intent to improve fisheries and hatchery management we have objections to both the content of the draft and the process by which the draft policy was developed. We encourage the WFWC and WDFW to consider carefully the Hoh Tribe’s concerns and to pursue a method whereby constructive consultation and discussion of policy reform will occur between the co-managers. Cooperation is the best way to develop an effective hatchery and fishery reform policy.

Simply notifying the Treaty Tribes of fishery and hatchery policy reform through the general public SEPA notice is not a cooperative practice. Consultation with co-managing authorities should occur prior to public notification. As the draft policies first guideline states: “The Department Shall...Work with the tribes...in a manner that is consistent with U.S. v. Washington and U.S. v. Oregon...”, WFWC has not followed this first guideline in developing the draft policy reform to the extent it has. An effective hatchery and fishery reform policy must have the cooperation of the co-managers. As a Treaty Tribe the Hoh Tribes’ rights to co-manage the fisheries resource is established through numerous orders including U.S. v. Washington and Hoh v. Baldrige, these co-management rights specifically include hatchery fish. The Hoh Tribe will not implement any policy that is not of our own determination.

The Hoh Tribe is implementing some HSRG recommendations for improved hatchery operations in the Hoh River watershed, while we are further investigating others. While a formal EIS may not be determined necessary for the proposed policy reform, and a “determination of non-significance” may come through the SEPA action, careful analysis of assumptions and alternatives is absolutely necessary before adopting blanket policies. The draft hatchery and policy reform document presented to the Tribes calls for blanket implementation of policies such as “follow HSRG recommendations”, “make all fisheries mark-selective”, “externally mark all hatchery production” etc.

We have learned through experience as managers of healthy wild populations of salmon and steelhead that the resource is complex and fragile with many environmental and biological variables which impact productivity. We have learned that previous blanket implementation of policy has been to the detriment of the fishery resource. For example Tribes were told that industrial hatchery production would mitigate the impacts of habitat degradation. Blanket implementation of this approach is an example of policy failure! The promised fishery benefits have not materialized. Future policy must be better thought through than previous decisions, and history has taught us that a “one size fits all” policy will not generally benefit the resource.

### **Selective Fisheries**

The draft calls for “full implementation” of selective fisheries, yet does not specify the parameters nor does it define the nature of these selective fisheries. In present application mark-selective sport fisheries are being used to expand opportunities, where total encounters of wild fish is modeled to dramatically exceed the harvestable surplus. Furthermore these wild stocks can be subject to multiple encounters with gear. The uncertainty associated with “estimated” mortality makes this a highly problematic method as fisheries managers should strive to maximize accuracy and precision when estimating fishing impacts.

When mixed stock areas are open to selective fishing, wild stocks will be subject to multiple encounters with gear and release mortality. An inability to collect stock identification and age information from mixed stock selective fisheries (coded-wire tags, genetic samples, scale samples) makes accurate evaluation of a selective fishery’s impacts on mixed wild stocks impossible. Mark-selective fisheries may be a tool for use in providing a mixed stock fishery when an opportunity would otherwise be unavailable, however mark selective fisheries must be honestly portrayed as a means of expanding a certain type of fishing opportunity, not purely a conservation measure.

Mortality rates in mark-selective fisheries are species, time, area, temperature, gear type and angler experience dependent and are known to be highly variable. Data regarding selective fisheries including total fishing encounters by mark type and age group, estimated mortality and potential variance of this estimate of mortality should be reported to constituents and co-managers and management decisions with regard to application of selective fisheries should consider the variance associated with the estimate of total mortality. The wild stocks should receive the benefit of the doubt when considering the extent of mark selective fisheries in mixed stock areas.

Mark Selective fisheries should be considered by the PFMC Selective Fishery Evaluation Committee to evaluate the associated uncertainty.

Time-area management can be more effective in targeting hatchery fish and protecting wild fish. Allowing fish to aggregate in stock groupings in terminal areas makes it much easier for the stocks to be harvested at appropriate rates. Limiting wild stock harvest to appropriate rates is a cornerstone to successful conservation and recovery of wild stocks. Improved certainty with regard to wild stock exploitation rates should be pursued.

### **Mass Marking**

There are problems with calling for 100% external mass marking of hatchery fish. In particular when considering selective fisheries in mixed stock areas. Significant unclipped hatchery fish will be required for Double-Index Tag Groups (DITs) to evaluate the impacts of selective fisheries. Further unclipped hatchery fish may be associated with a

conservation/recovery program, protection from harvest during mixed-stock mark-selective fisheries would be fundamental to project success.

### **HSRG Recommendations**

When available, genetic data should be used to estimate gene flow between hatchery and natural populations. Such comparisons can be made between both integrated and segregated hatchery populations and wild stocks. Real data provide a much better estimate on the relationship of hatchery and wild stocks than using PNI generalities. Genetic data can also be used to estimate effective population size of hatchery and natural segments of a population. This crucial information can be used to evaluate the effect of gene flow of populations of unequal size.

Simple application of HSRG endorsed PNI rules of thumb may require the removal of wild spawning fish from spawning grounds. Such drastic action should only be taken with a strong justification, supported by real data collected from the stocks in question.

The Hoh Tribe is presently conducting a genetic study, in cooperation with our co-managers, WDFW, to gather the necessary hatchery and wild stock genetic data to conduct these important evaluations of population heterozygosity and gene flow.

Important hatchery management decisions should not be made until the data are analyzed by co-managers. With the data in hand we as co-managers will move towards making the most responsible hatchery management decisions possible. These data-based management decisions will be the product of co-management and will reflect the needs of not only WDFW, but also of the Hoh Tribe.

### **Habitat**

The draft fishery and hatchery reform policy stated purpose is to “advance the conservation and recovery of wild salmon and steelhead...” yet the proposed policy reform does not contain a strong commitment to habitat protection and restoration. Without quality functioning habitat all recovery and conservation efforts will be futile. If the salmon and steelhead resource is to be preserved responsible habitat management must be improved.

The Hoh Tribe urges WDFW and WFWC to improve the partnership with Tribal co-managers as this policy is developed. We are engaged in implementing hatchery reform, and understand intimately the need to preserve the precious wild salmon and steelhead. We hope the WFWC will develop a policy and practice which strengthens our co-management relationship and reflects the unique complexities of our watershed, our Tribe and the broad distribution of our wild salmon and steelhead.

With questions or comments, please contact:  
Joe Gilbertson (360)374-6737 [joseph183@centurytel.net](mailto:joseph183@centurytel.net)  
Fisheries Management Biologist, Hoh Tribe

Sincerely,

Walter Ward, Chairman, Hoh Tribal Council





# Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540  
Phone (360) 438-1180

[www.nwifc.org](http://www.nwifc.org)

FAX # 753-8659

August 19, 2009

Miranda Wecker  
Chair  
Washington Fish and Wildlife Commission  
600 Capitol Way N.  
Olympia, WA 98501-1091

Dear Ms. Wecker:

Thank you for your response letter dated July 16. We are heartened that the Washington Fish and Wildlife Commission has chosen to delay action on this proposed policy on hatchery reform and harvest pending tribal input. We agree that the issues addressed in this policy are important elements of our salmon management and recovery plans.

It is important to remember that every watershed is unique. Every hatchery, harvest and habitat plan for each watershed must be tailored to achieve our salmon recovery goals and objectives for that watershed. A one-size-fits-all plan does not reflect this watershed planning approach and thus the adoption of state-wide standards and guidelines is problematic.

With this in mind and given the shared nature of our management authorities, the state needs to address these issues directly with the treaty tribes through existing co-management processes.

Because the WFWC clearly desires more direct involvement in establishing management policies for the Washington Department of Fish and Wildlife, the commission must engage directly with tribes in these co-management discussions.

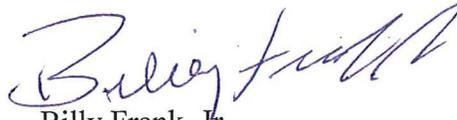
Discussions between the commission and tribes are needed in each watershed to determine appropriate management actions. Sending a letter to the NWIFC asking for tribal comments within a brief time fails to acknowledge the sovereign governmental status of the treaty tribes. As you know, the co-management relationship embodied in *U.S. v. Washington* lies between the individual treaty tribes and State of Washington, which you represent. Further, the governor has directed all state agencies to engage tribes on a government-to-government basis.

If you are to successfully engage the tribes and work with them as equal partners, we must meet face-to-face to conduct dialogue on these specific issues.

Ms. Wecker  
August 19, 2009  
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We suggest that such a meeting be arranged quickly to discuss the elements of your proposed policy and how hatchery reform and harvest management fit into the broader picture of salmon recovery. We recommend that the WFWC postpone adoption of this policy until these discussions occur.

Sincerely,



Billy Frank, Jr.  
Chairman

cc: NWIFC Commissioners  
Phil Anderson

**FISH AND WILDLIFE COMMISSION**  
**PROPOSED POLICY DECISION**  
**DRAFT 4**

07/06/ 07/16/2009

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**POLICY TITLE: Hatchery and Fishery Reform**

**POLICY NUMBER: C-3619**

Effective Date: \_\_\_\_\_ 2009

Supersedes: N/A

Termination Date: December 31, 2012

See Also:

Approved by: \_\_\_\_\_  
Washington Fish and Wildlife Commission

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**Purpose**

The purpose of this policy is to advance the conservation and recovery of wild salmon and steelhead by promoting and guiding the implementation of hatchery reform.

**Definition and Intent**

Hatchery reform is the scientific and systematic redesign of hatchery programs to help recover wild salmon and support sustainable fisheries. The intent of hatchery reform is to improve hatchery effectiveness, ensure compatibility between hatchery production and salmon recovery plans and rebuilding programs, and support sustainable fisheries.

**General Policy Statement**

The Washington Department of Fish and Wildlife (Department) shall promote the conservation and recovery of wild salmon and steelhead and provide fishery-related benefits by implementing a establishing clear goals for each hatchery, conducting scientifically-defensible operations, and using informed decision-making to improve management. Artificial production programs ~~with~~ will be designated as one of the following characteristics:

- Conservation Programs. Artificial production programs implemented with a conservation objective shall have a net aggregate benefit for the diversity, spatial structure, productivity, and abundance of the target wild population.
- Harvest Programs. Artificial production programs implemented to enhance harvest opportunities shall provide fishery benefits while allowing watershed-specific goals for the diversity, spatial structure, productivity, and abundance of wild populations to be met.

Commercial and recreational fisheries will need to increasingly focus on the harvest of abundant hatchery fish. As a general policy, the Department shall implement mark-selective salmon and steelhead fisheries, unless the wild populations substantially affected by the fishery are meeting spawner and broodstock management objectives.

In addition, the Department may consider other management approaches provided they are as or more effective than a mark selective fishery in achieving spawner and broodstock management objectives.

### **Policy Guidelines**

The Department shall:

- 1) Work with the tribes in implementing hatchery reform and selective fisheries including acting in a manner that is consistent with U.S. v. Washington and U.S. v. Oregon and other applicable state laws and agreements or federal laws and agreements.
- 2) Use the principles, standards, and recommendations of the Hatchery Scientific Review Group (HSRG) to guide the management of hatcheries operated by the Department.
- 3) The Department will prioritize and implement improved broodstock management (including selective removal of hatchery fish) to reduce the impacts of hatchery fish and improve the fitness and viability of natural production, working toward a goal of achieving the HSRG broodstock standards for 100% of the hatchery programs by 2015.
- 4) Develop an action plan that systematically implements hatchery reform as part of a comprehensive, integrated (All-H) plan for meeting conservation and harvest goals at the watershed and Evolutionarily Significant Unit (ESU)/Distinct Population Segment (DPS) levels. Action Plans will include development of stock (watershed) specific population designations and application of HSRG broodstock management standards. ~~appropriate PNI and PHOS levels to their management.~~ In addition, plans will include a timeline for implementation, strategies for funding; estimated costs including updates to cost figures each biennium.
- 5) Externally mark all artificial salmon and steelhead production that is intended to be used for harvest except as modified by state-tribal agreements or for conservation or research needs.
- 6) Secure necessary funding to eEnsure that Department-operated hatchery facilities comply with environmental regulations are “wild fish friendly” with for passage facilities, water intake screening, and pollutant control systems. ~~that comply with environmental regulations.~~
- 7) Implement hatchery reform actions on a schedule that meets or exceeds the benchmarks identified in the 21<sup>st</sup> Century Salmon and Steelhead Framework.
- 8) Provide an annual report to the Fish and Wildlife Commission on progress of implementation.
- 9) Develop, promote and implement alternative fishing gear to maximize catch of hatchery-origin fish with minimal mortality to native salmon and steelhead.

- 10) Seek funding from all potential sources to implement hatchery reform and selective fisheries.
- 11) Define “full implementation” of mark selective fisheries and develop an implementation schedule.
- 12) Work with tribal co-managers to establish a network of ~~w~~Wild Salmonid Management Zones (WSMZ)<sup>1</sup> ~~stock gene banks.~~ ~~Establish a network of wild stock gene banks~~ across the state where wild stocks are largely protected from the effects of same species hatchery programs. ~~Establish~~ The Department will have a goal of establishing at least one WSMZ wild stock gene bank for each species in each major population group (bio-geographical region, strata) in each ESU/DPS. Each stock selected for inclusion in the WSMZ must be sufficiently abundant and productive to be self-sustaining in the future. Fisheries can be conducted in WSMZ if wild stock management objectives are met as well as any necessary federal ESA determinations are received. ~~Single population strata, ESU or DPS may be excluded from this requirement based on the need for conservation hatchery programs. A candidate for wild stock gene bank must meet criteria below:~~
- ~~a) Each stock selected for inclusion in the gene bank must be sufficiently abundant and productive to be self-sustaining in the future.~~
  - ~~b) No release of same species hatchery fish will occur in streams where spawning of the stock occurs, or in streams used exclusively by that stock for rearing.~~
  - ~~c) Fisheries can be conducted in wild stock gene banks if wild stock management objectives are met as well as any necessary federal ESA determinations are received.~~

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<sup>1</sup> Wild Salmonid Management Zone is equal in meaning and application to the term of “Wild Stock Gene Bank” as used and defined in the Statewide Steelhead Management Plan.