

COMMENTS RECEIVED ON WDFW DNS 12-084

WASHINGTON FISH AND WILDLIFE COMMISSION
POLICY ON COLUMBIA RIVER BASIN SALMON
MANAGEMENT



LOWER COLUMBIA FISH RECOVERY BOARD

2013 BOARD

January 3, 2013

Tom Linde, Chairman
Skamania County Citizen Designee

F. Lee Grose, Vice Chairman
Lewis County Commissioner

Randy Sweet, Treasurer
Cowlitz County Citizen Designee
Private Property Representative

Taylor Aalvik
Cowlitz Indian Tribe

Blair Brady
Wahkiakum County Commissioner

Chris Brong
Skamania County Commissioner

Irene Martin
Wahkiakum County Citizen
Designee

Tom Mielke
Clark County Commissioner

Todd Olson
Hydro-Electric Representative

Don Swanson
SW WA Environmental
Representative

Charles TenPas
Lewis County Citizen Designee

Dean Takko
WA State Legislative
Representative

Jade Unger
Clark County Citizen Designee

Dennis Weber
Cowlitz County Commissioner

Open
SW WA Cities Representative

~
Jeff Breckel
Executive Director

Bob Zeigler
SEPA/NEPA Coordinator
Regulatory Services Section
Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, WA 98501-1091

Dear Mr. Zeigler:

The purpose of this letter is provide comments on the proposed Determination of Nonsignificance (DNS) for the Washington Fish and Wildlife Commission policy on Columbia River basin salmon management issued December 19, 2012.

The Lower Columbia Fish Recovery Board (LCFRB) was established by state law to oversee and coordinate efforts to recover Lower Columbia salmon and steelhead to healthy, harvestable levels. The LCFRB developed the NOAA-adopted Lower Columbia Salmon Recovery Plan (Recovery Plan) in consultation with federal, state, tribal and local interests and is now working with agencies and other parties to implement the plan. The plan is an integrated and systemic framework for recovering ESA- listed salmon and steelhead. The management of Lower Columbia fisheries is a key element in efforts to recover the region's salmon and steelhead populations. The Recovery Plan's harvest strategies, measures, actions, and impact targets are intended to further recovery efforts while at the same time maintaining a viable sport, commercial and tribal fisheries.

We have reviewed the proposed policy on Columbia River basin salmon management and the supporting DNS and are concerned over the policy's lack of detail and the significant uncertainties associated with the policy's implementation and environmental impacts. We appreciate the policy's assurance that the salmon fisheries will be conducted within ESA constraints and managed in a manner consistent with ESA standards, but the policy and DNS lack the information needed to ascertain how this assurance will be satisfied. Of particular concern is the potential that the proposed fishery management strategies areas could increase the number of stray hatchery fish on natural spawning areas making it difficult, if not impossible, to restore the native fish populations to viable levels required for recovery. This was the case in the Grays River where the large number of stray select area bright Chinook from Youngs Bay made it infeasible to restore the native Grays River tulle fall Chinook population to high viability as called for in the 2006 NOAA-approved Recovery Plan.

The Columbia River basin salmon management policy and DNS do not fully or adequately describe or evaluate how changes in harvest allocations, timing, locations, gear, and hatchery fish releases could affect stray rates and the potential impacts (genetic and ecological) on ESA-listed populations. Nor does the policy or DNS discuss the measures or actions that would be taken to address these risks.

To: Bob Zeigler, WDFW
Re: LCFRB Comments – DNS Columbia River basin salmon management
January 3, 2013, Page 2

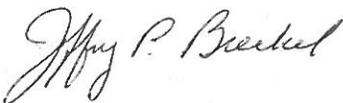
Key uncertainties in the policy and DNS include:

- The number, location, size, operation and economic feasibility of the proposed off-channel fisheries;
- Technical and economic feasibility of alternative commercial harvest gear and their effectiveness in harvesting hatchery fish;
- Whether mainstem or off-channel fisheries will result in increased adult stray rates in tributaries and adverse impacts on ESA-listed natural origin salmon populations; and
- Whether the introduction of additional juvenile hatchery fish will have adverse impacts (competition, predation, disease) on ESA-listed natural origin juvenile salmon are discussed only generally;
- Whether the proposed policy is consistent with existing ESA fisheries consultations and management agreements;
- How the effectiveness and impacts of the proposed actions will be monitored and adaptively managed to meet the policy objectives, including consistency with the Recovery Plan and associated ESA constraints and standards; and
- Whether there is sufficient funding to fully implement the various provisions of the policy.

Given these uncertainties, the SEPA process and proposed DNS seem premature. It is not possible to assess the environmental impacts of the proposed actions until these uncertainties are evaluated and addressed. We recommend that the Department of Fish and Wildlife consider putting the SEPA process on hold until a detailed policy implementation plan which addresses these uncertainties can be prepared.

We appreciate this opportunity to comment and look forward to assisting the Fish and Wildlife Commission and Department to develop a fisheries policy that is consistent with and supportive of the Lower Columbia salmon and steelhead recovery efforts.

Sincerely,



Jeff Breckel
Executive Director

Cc: Tom Linde, LCFR Board Chairman
Guy Norman, Director, WDFW Region 5

Salmon For All Comment

From: Salmon For All [info@salmonforall.org]
Sent: Monday, December 31, 2012 10:45 AM
To: SEPADesk2 (DFW)
Cc: Commission (DFW)
Subject: RE: DNS 12-084: FISH AND WILDLIFE COMMISSION POLICY ON COLUMBIA RIVER BASIN SALMON MANAGEMENT - Multiple Counties
Attachments: Comments re SEPA Permit.pdf; SAFE Program Bibliography.pdf

Salmon For All is a nonprofit trade association of Columbia River commercial fishermen and processors, representing the Columbia River non-Indian gillnet fishery. Our members include fishermen and processors both in Washington and in Oregon

Attached please find general comments regarding the Determination of No Significance for the SEPA permit to proceed with the proposed expansion of the Select Area Fishery Enhancement program to Cathlamet Channel. Cathlamet Channel was among the seven sites extensively studied in the mid 1990s for the potential expansion of the successful terminal fishery concept developed originally in Youngs Bay, adjacent to Astoria, Oregon. At that time, Cathlamet Channel, along with Clifton Channel and Wallace Slough were not found to meet the rigorous site selection criteria for the program, which eventually became known as the Select Area Fishery Enhancement (SAFE) program. No reference to the extensive project documents is noted in the DNS-12-084 or the accompanying Environmental Checklist. Without examination of the relevant documents, the DNS as written is woefully inadequate. A full SAFE program bibliography is appended.

Respectfully,

Hobe Kytr, Administrator
Salmon For All

SEPA Permit/Declaration of Non-Significance comments

General Comments:

While the SEPA checklist mentions the possibility of 2 or more locations for net pens, only one of these is actually identified as a certainty in Washington, that in Deep River. Cathlamet Channel is mentioned as a possibility, and there is no third location given, just the comment “or another location in the Lower Columbia River” (p. 1, no. 6). It is also suggested that Oregon may have three sites, and that the two departments are working together, but it is not clear as to whether the Oregon sites are part of this checklist or not. They also are not identified. It is not possible for the public to comment on locations that are not specified, and this situation needs to be rectified and, at a minimum, the SEPA checklist redone and resubmitted for public comment.

While 14 days is the minimum requirement for such a checklist, in fact, in the fourteen days the document was out for review, 4 days were weekend days and two were holidays (Christmas and New Year). While perhaps meeting the letter of the law technically, on a policy change of this magnitude, such a compressed period of time for comment by the public and other agencies is hardly in the interests of generating significant and vital information that might be available with a longer time period in which to comment.

p. 2, no. 8. The Department cites a Bonneville Power Administration (BPA) document on its website, “Finding of No Significant Impact for Lower Columbia River Terminal Fisheries Research Project,” as its sole source of environmental information. This document is one of two prepared by BPA in 1993 and 1995, the early years of exploration of SAFE area possibilities. Since that time there have been further studies on this subject, and a bibliography is appended to this commentary. Of particular note are the test data compiled regarding catches of non-local stocks at various sites, including, but not limited to the Cathlamet Channel, contained in Paul Hirose et al. studies, “Columbia River: Terminal Fisheries Research Report,” Annual Report 1994, Bonneville Power Administration (Portland, 1996), pp. 51-73; and “Columbia River: Select Area Fishery Evaluation Project, 1995-96 Annual Reports,” Bonneville Power Administration (Portland, 1998), pp. 81-143. Further, Marc Miller et al. (2002; 1) provided the following comment regarding the history of the SAFE area project: “The project has been conducted in three distinct stages: an initial research phase to investigate potential sites, salmon stocks, and methodologies (Hirose et al. 1996 & 1998); a second phase of expansion in Youngs Bay and introduction into areas of greatest potential as shown from the initial stage; and a final phase of establishment of terminal fisheries at full capacity at all acceptable sites.” The Department has ignored these data on various locales that were tested over a decade ago in declaring newly proposed and in some cases unidentified projects “non-significant.” The expansion of the terminal fisheries concept was not a haphazard process. It was done by respected marine biologists adhering to the highest standards of the best available scientific evidence. They tested the various areas under strict criteria to ensure that conservation standards were met. In order to expand into new areas, their data regarding bycatch and listed species need to be consulted. Further, other species e.g. tule fall Chinook, green sturgeon and lower Columbia coho, have been listed in the interim. The Hatchery Scientific Review Group’s report on hatchery reform plus the development of the Lower Columbia Salmon Recovery Plan have also altered the environmental and scientific background now available from that in place during the BPA study cited. The checklist as it stands is incomplete and inadequate and leads to the false conclusion that the proposal for new select areas qualifies for a “Declaration of Non-significance.”

It would be more appropriate for the Department to issue, at a minimum, a declaration of significance application (DS) instead, or an environmental impact statement (EIS), and submit them for fuller public comment. When the evidence and background material regarding off-channel fisheries of the past decade and a half is examined, a much fuller application for this project is justified under today's conditions.

p. 2, no. 7 states that "WDFW would develop and implement selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits consistent with mainstem recreational objectives." However, on p. 2, no. 10, the Department notes that NOAA Fisheries has already issued a Biological Opinion that fisheries operated under the U.S. v Oregon Management Agreement of May 8, 2002, meet the "no jeopardy" standard. Since NMFS has already said that the gillnet fleet does not pose a jeopardy to ESA listed salmonids, the document begs the question of why the Department keeps insisting that the new gear (as yet still in experimental stages) is for conservation purposes. Further, NMFS has not issued a no-jeopardy declaration for seines or other alternative gear for any area, nor does there appear to be any mention in the SEPA checklist of NMFS re-evaluating what an expanded sport fishery in the mainstem might do to damage listed species.

p. 7 error. Salmon, sockeye U.S.A. should be E.S.U.

p. 8. "NOAA Fisheries has provided a Biological Opinion that fisheries operated under the "U.S. v Oregon" Management Agreement" dated May 2008 meet the "no jeopardy" standard, and do not pose jeopardy to ESA-listed salmonids." The Department specifies in this SEPA checklist (e.g. p. 14, no. 2) that beach seine and purse seine fisheries are the alternative gears being planned under this application. These gears were not part of the May 2008 agreement, and have not been vetted under the U.S. v Oregon agreement, nor under a Sec. 7 Consultation as required under the Endangered Species Act.

p. 11 no. 12 b, Similar to the previous comment, "All fisheries in the mainstem Columbia River are managed conservatively and monitored by highly trained staff with Washington and Oregon departments of Fish and Wildlife...All fisheries are managed to remain within the guidelines of the ESA and other co-manager agreements." If this is what the Washington and Oregon departments are already doing, then why is the new management regime being proposed as a conservation measure? Has the Department in reality not been managing for conservation?

p. 14, no. 5. No mention is made about permitting processes needed in order for commercial fishers to access shorelines for beach-seining. Some shorelines are owned by the federal government, others are privately owned and some are state-owned. What kind of permitting process is in place to assure that fishers will be able to access these sites?

SAFE Program Bibliography

- BPA. "Lower Columbia River Terminal Fisheries Research Project: Final Environmental Assessment," Bonneville Power Administration. DOE/BP-2576 (Portland, 1995).
- BPA. "Youngs Bay Salmon Rearing and Release Program: Final Environmental Assessment," Bonneville Power Administration. DOE/EA-0852 (Portland, 1993).
- Clark, Michael L. and L.A. Helfrich. "Comparison of Water Quality and Rainbow Trout Production in Oxygenated and Aerated Raceways," North American Journal of Aquaculture, vol. 68 Issue 1, 2003, pp 41-46.
- Eaton, Bob, et al. "Lower Columbia River Salmon Business Plan for Terminal Fisheries, Final Report," Bonneville Power Administration. DOE/BP-39254-1 (Portland, 1996).
- Hill, J.M. and Olson, T. "Evaluation of a Low-Cost Salmon Production Facility, Annual Report 1988," Bonneville Power Administration, DOE/BP-11887-5 (Portland, 1988).
- Hirose, Paul, et al. "Columbia River: Terminal Fisheries Research Report," Annual Report 1994, Bonneville Power Administration (Portland, 1996).
- Hirose, Paul, et al. "Columbia River: Select Area Fishery Evaluation Project, 1995-96 Annual Reports," Bonneville Power Administration (Portland, 1998).
- Hulett, Patrick, et al. "Select Area Fishery Enhancement Project, FY 2009 Annual Report, October 2008 - September 2009," BPA Project # 199306000, US Dept. of Energy, Bonneville Power Administration, July 2010.
http://www.dfw.state.or.us/fish/OSCRP/CRM/reports/09_reports/2009%20_SAFE%20Annual.pdf (accessed November 8, 2012).
- HSRG (Hatchery Scientific Review Group) Columbia River Hatchery Reform System-Wide Report / February, 2009, and White Papers No. 1 and No. 8.
http://www.hatcheryreform.us/hrp/reports/system/welcome_show.action (accessed December 27, 2012).
- ISRP. "Preliminary Review of FY 2007-09 Proposals for the Columbia River Basin Fish and Wildlife Program," Independent Scientific Review Panel, ISRP 2006-4, June 2006.
- ISRP & IEAB. "Review of the Select Area Fishery Evaluation Project, 1993-2003 Final product Completion Report (J. North et al. June 2004) Project #1990-060-00." ISRP & IEAB 2005-8. March, 2005.
- ISRP & IEAB. "Review of the Select Area Fishery Evaluation Project Reports: Final Completion Report, October 1993 to October 2005 (April 2006) and Economic Analysis Study (November 2006) Project #1993-060-00." Independent Scientific Review Panel and Independent Economic Advisory Board." ISRP & IEAB 2007-3. April 11, 2007.

- Jenkins, K. "Washington Columbia River and Tributary Stream Survey Sampling Results, 2007, Columbia River Progress Report," WDFW, Vancouver, WA, 2008.
- Jenkins, K. "Washington Columbia River and Tributary Stream Survey Sampling Results, 2006. Columbia River Progress Report," WDFW, Vancouver, WA, 2007.
- Joint Columbia River Management Staff. "2012 Joint Staff Report: Stock Status and Fisheries for Fall Chinook Salmon, Coho Salmon, Chum Salmon, Summer Steelhead, and White Sturgeon," ODFW & WDFW, 2012.
- Litton, Rod. Youngs Bay Benthic Invertebrate Study. Prepared for Oregon Department of Environmental Quality under Permit No. 101767, 2007.
- LCFRB, "Lower Columbia "2010 Salmon Recovery and Fish & Wildlife Subbasin Plan," <http://www.lcfrb.gen.wa.us/Recovery%20Plans/RP%20Frontpage.htm> (accessed December 27, 2012).
- Miller, Marc, et al. "Select Area Fishery Evaluation Project, 1997–2000 Annual Reports," Bonneville Power Administration (Portland, 2002).
- North, John, et al. "Select Area Fishery Evaluation Project, 1993–2005 Final Report," Bonneville Power Administration (Portland, 2006). DOE/BP-00004121-1 http://www.dfw.state.or.us/fish/OSCRP/CRM/reports/06_reports/safe_final.pdf (accessed November 8, 2012).
- ODFW. "1994 Youngs Bay Spring Chinook Fishery Fact Sheet & Recommendations," 1994.
- ODFW. Project Proposal Request for FY 2007-2009 Funding (Revised Summer 2006): Proposal 199306000: Select Area Fisheries Enhancement Project.
- ODFW, "Final Draft: Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead, August 6, 2010," http://www.dfw.state.or.us/fish/CRP/docs/lower-columbia/OR_LCR_Plan%20-%20Aug_6_2010_Final.pdf (accessed December 27, 2012).
- Radtke, Hans, and Davis, Shannon. "Lower Columbia River/Youngs Bay Terminal Fisheries Expansion Project: Study of an Expanded Salmon Smolt Acclimation and Release Program in the Lower Columbia River/Youngs Bay Area." Salmon For All, January 1996.
- Takata, Tanna T. "Oregon lower Columbia River Fall and Winter Chinook Spawning Ground Surveys, 1952-2006, Focus on 2006." Oregon Dept. of Fish & Wildlife, Columbia River Management, 2006.
- Takata, Tanna T. "Oregon lower Columbia River Fall and Winter Chinook Spawning Ground Surveys, 1952-2007, Focus on 2007," Oregon Dept. of Fish & Wildlife, Columbia River Management, 2007.

- Takata, Tanna T. "Oregon lower Columbia River Fall and Winter Chinook Spawning Ground Surveys, 1952-2008, Focus on 2008," Oregon Dept. of Fish & Wildlife Columbia River Management, 2008.
- The Research Group. "Select Area Fishery Evaluation Project, Economic Analysis Study, Final Report." Prepared for Bonneville Power Administration, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife. November 2006.
- Vreeland, R. and R. Wahle. "Homing behavior and contribution to Columbia River fisheries of marked coho salmon, *Oncorhynchus kisutch*, released at two Columbia River locations." Fishery Bulletin Vol. 81, No. 1. 1983.
- Vreeland, R.R. et al. "Homing behavior and contribution to Columbia River fisheries of marked coho salmon released at two locations." Fishery Bulletin U.S. 73:717-725.
- Warren, Robert unpublished. "Emigration Rate of Net-pen Reared Spring Chinook Salmon from Youngs Bay, Oregon and an Investigation of the Relationship of Gill ATPase on Migratory Behavior, Draft Summary Report," prepared for Salmon For All. Cooperators: B. Ebberts, Portland District, U.S. Army Corps of Engineers; T. Jones, Clatsop Economic Development Council; C. Schreck, Oregon State University.
- Whisler, Geoffrey, et al. "Select Area Fishery Evaluation Project, 2006 Annual Report," BPA Project #199306000, US Dept. of Energy, Bonneville Power Administration, Portland, Oregon, September 2006.
- Whisler, Geoffrey, et al. "Select Area Fishery Enhancement Project, FY 2007-08 Annual Report, October 2006 – September 2008," BPA Project # 199306000, US Dept. of Energy, Bonneville Power Administration, October 2009.
http://www.dfw.state.or.us/fish/OSCRP/CRM/reports/08_reports/SAFE_07_08AnnRept.pdf (accessed November 8, 2012).

Fred Carson Comment

From: Fred Carson [carsonf.d1552@yahoo.com]
Sent: Wednesday, December 19, 2012 7:36 PM
To: SEPADesk2 (DFW)
Subject: Re: DNS 12-084: FISH AND WILDLIFE COMMISSION POLICY ON COLUMBIA RIVER BASIN SALMON MANAGEMENT - Multiple Counties

Follow Up Flag: Follow up
Flag Status: Completed

more fish a good thing. an acclimated to the area should work an the fish would return to an area that the adult could be caught easier.

--- On Wed, 12/19/12, SEPADesk2 (DFW) <SEPADesk2@dfw.wa.gov> wrote:

From: SEPADesk2 (DFW) <SEPADesk2@dfw.wa.gov>
Subject: DNS 12-084: FISH AND WILDLIFE COMMISSION POLICY ON COLUMBIA RIVER BASIN SALMON MANAGEMENT - Multiple Counties
To: "SEPADesk2 (DFW)" <SEPADesk2@dfw.wa.gov>
Date: Wednesday, December 19, 2012, 6:54 PM

The Washington Department of Fish and Wildlife has prepared the attached DNS in accordance with the State Environmental Policy Act regulation. This DNS is being circulated for review by all agencies with jurisdiction. We are circulating it for comments on the **environmental impacts** of this action. Additional background information may be found on WDFW's SEPA Web Site:
http://wdfw.wa.gov/licensing/sepa/sepa_comment_docs.html

We appreciate your review of the proposal and return of comments no later than **January 3, 2013**. This proposal will not be acted upon before that time.

Note: These documents are presented to evaluate the environmental impacts that would occur if Department of Fish and Wildlife proceeds with the Management Strategies for Columbia River Recreational and Commercial Fisheries and construction and use of additional fish rearing pens in off-channel areas . This process evaluates impacts only on to the natural and the built environments.

Any potential economic impacts are discussed in WDFW's Small Business Impact Statement that is part of the rule development process. The decision on whether to proceed or not proceed with this Plan is with Washington's Fish and Wildlife Commission. Comments on that question should be sent directly to the Commission COMMISSION@dfw.wa.gov

Bob Zeigler

Dan Pietila Comment

From: Dan Pietila [dan_pietila@yahoo.com]

To: SEPADesk2

Wed 12/19/2012 11:20 AM

What would happen if both States (Oregon and Washington) do not have the necessary funds to fund the hatcheries to produce these fish? Won't the hatcheries need more fish in the returns so they can produce these "extra" fish? If so, how do they go about getting those extra fish? Are more hatcheries going to be in operation or do they have enough facilities running now to produce the necessary increase in fish production?

I would just like to point out that I live in Oregon. I am a sport angler by heart and have never been a commercial fisherman, but this attack on commercial fisherman by our stupid Governor is very appalling! I'm ashamed to reside in Oregon and I really hope the great State of Washington does not make the same mistakes the State of Oregon has.

Thanks,

Daniel Pietila
Warrenton, OR

Palinkapatazza



January 2, 2013

Mr. Bob Ziegler
SEPA/NEPA Coordinator
WDFW Regulatory Services Section
600 Capitol Way North
Olympia, WA 98501-1091

Subject: SEPA DNS 12-084 Deep River Fish Net Pens

Dear Mr. Ziegler:

Thank you for the opportunity to comment on this project.

We have reviewed the proposed net pen expansion project SEPA determination and checklist and have the following comments:

- 1) It appears that this proposed project is located on DNR managed land on which DFW had a lease, Aquatic Lease No. 20-A70803, which has expired. According to the lease file, our staff has been working with Marc Miller from DFW to finalize a new lease. If these new net pens are ultimately sited on Deep River instead of the alternative upland facility, these areas will need to be incorporated into the lease area.
- 2) The photo of the existing net pens on the Deep River appear to be secured to creosote piling. Any new piling, if needed, would need to be reviewed and approved by our habitat stewardship staff.
- 3) If any anchoring is needed for the net pens, these systems will also require DNR review and approval with the goal of avoiding impacts to the benthic ecosystem.

Since both the DFW and DNR share many of the same stewardship goals, I suspect that the proposed improvements will likely be in alignment with DNR criteria. However, DNR review and approval will be necessary for any action proposed on state lands managed by the DNR.

I am including Denise Wilhelm in this communication since she will be the contact from our office. Her phone number is 360-740-6824.



Mr. Bob Ziegler
January 2, 2013
Page 2 of 2

Sincerely,

Carol Piening, District Manager
Pacific Cascade Region/Rivers District

C: Denise Wilhelm, Aquatic Land Manager (via email)