

Comments from LCSRB and WDFW Response in italics

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 tule fall Chinook population to high viability as called for in the 2006 NOAA-approved Recovery Plan.

*WDFW has completed a revision to the environmental checklist required under SEPA. The project element of the proposal is the elimination of spring Chinook acclimation/release in WDFW's existing Deep River net pens and the use of those same pens for expanded coho acclimation/release. As part of the non-project element at this time, increased Washington spring Chinook production could possibly come from future net pen sites in Cathlamet Channel or another location in the Lower Columbia River. WDFW would develop and implement fisheries using alternative selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits consistent with mainstem recreational objectives, as part of the non-project element.*

*The Hatchery Scientific Review Group (HSRG) provided the Columbia River Work Group with a report of the proposed new production in their November 9th, 2012 draft document titled "Additional HSRG Preliminary Analysis of Management Strategies for Columbia River Recreational and Commercial Fisheries". In it they stated "Increased spring Chinook production described in both the short and long term in off-channel areas do not pose additional risk to pHOS limits for fall Chinook (Tule) populations in the lower river because of the difference in spawn timing between spring and fall Chinook populations and the lack of nearby spring Chinook populations and acceptable habitat." The spring Chinook production from a potential net pen release in Cathlamet Channel was not specifically included in the analysis, but current production of spring Chinook has been from Deep River net pens. The closest spring Chinook population is from the Cowlitz River.*

*Further, the report stated “Short and long term SAB Chinook production increases do not pose significant additional risk to Lower River fall Chinook populations as they are proposed to be released from Klaskanine Hatchery (located on an upper Young’s Bay tributary). This will allow for better homing and removal of un-harvested fish at this facility. In addition, the decrease in Tule fall Chinook from Big Creek Hatchery, required to accommodate this increase would be expected to reduce the level of straying to other watersheds now occurring (assumed to be low).*

*However, the existing production of SABs from Young’s Bay as well as the recently initiated (2009) tule production from Deep River do continue to pose a threat to the Grays River population. These hatchery fish are already harvested at fairly high rates and due to the release locations; (very low in the river) may not be subjected to any additional harvest from increased mainstem fishing rates. The existing temporary Grays River weir does remove straying hatchery fish, but the small size of the Grays population and less than 100% weir effectiveness result in pHOS levels above the maximum allowed for the Grays River population (Contributing, 10%). The Mill- Abernathy- Germany population (Contributing) pHOS levels without a weir currently exceed pHOS levels due to existing production but the proposed increases in SABs is not expected to alter this. The Elochoman population (Primary) is still expected to meet pHOS requirements.”*

*They also state that “The general observations above are from our AHA analyses using the assumptions noted. It is critical that monitoring and evaluation occur to verify assumptions of total exploitation rates, harvest differential between HORs and NORs and weir effectiveness. In addition, resulting data obtained must be used in an adaptive management process.” The Department will use an adaptive management approach as changes to fisheries and production materialize and will work to ensure programs are consistent with ESA requirements and meet the objectives of the policy.*

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.

*See response above.*

Key uncertainties in the policy and DNS include:

- The number, location, size, operation and economic feasibility of the proposed off-channel fisheries;

*The Department understands that there are a number of uncertainties associated with the draft policy that will need to be addressed through an adaptive management approach. The Department will manage the off-channel fisheries to be consistent with the ESA limits that are currently in place under the Biological Opinion and the U.S. v Oregon Management Agreement.*

- Technical and economic feasibility of alternative commercial harvest gear and their effectiveness in harvesting hatchery fish;

*The Department has conducted several years of research in cooperation with the Oregon Department of Fish and Wildlife (ODFW) testing the feasibility of beach and purse seines in the Columbia River. The results of this research have helped to inform the analysis that was used in developing the draft policy. The Department realizes that the true test of this gear will be when it is used in an actual fishery. The Department is hopeful that a pilot fishery may occur as early as 2013 to gather information to address these issues. The Department will use an adaptive management approach as changes to fisheries materialize and will work to ensure programs are consistent with ESA requirements and meet the objectives of the policy.*

- 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

*Preliminary analyses provided by the HSRG do not indicate expectations of adverse impacts to ESA-listed stocks, but the Department will continue to monitor and make adjustments to program sizes as appropriate.*

- 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;

*See response above.*

- Whether the proposed policy is consistent with existing ESA fisheries consultations and management agreements;

*The Department will manage the seine fisheries to be consistent with the ESA limits that are currently in place under the Biological Opinion and the U.S. v Oregon Management Agreement.*

- 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;

*The project element of the proposal is the elimination of spring Chinook acclimation/release in WDFW's existing Deep River net pens and the use of those same pens for expanded coho acclimation/release. The Department recognizes the importance of adaptive management and will work with our recovery partners to identify specific monitoring necessary to assess these actions, and seek appropriate funding.*

- 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.

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Comments from SFA and responses from WDFW in italics

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.

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*The non-project elements do not include current or potential net pen sites in Oregon. The Department intends to conduct test fisheries and other research to evaluate the feasibility of net pen sites in Washington. During the work group process, Cathlamet Channel was discussed as a potential site. Spring Chinook releases from the Deep River net pens have not produced the desired number of fish at return, and the Department is interested in accelerating the transition to a different release location. In the initial assessment, Cathlamet Channel seemed a reasonable place to begin the evaluation.*

*The Department will use an adaptive management approach as changes to fisheries materialize and will work to ensure programs are consistent with ESA requirements and meet the objectives of the policy. WDFW will complete a supplemental SEPA to address the non-project elements when those actions materialize and require SEPA compliance.*

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.

*Seпа Rules WAC 197-11-340 requires 14 (calander) day review for a DNS. WDFW provided 15 calander day review for this proposal. WDFW received no requests for time extension for comments.*

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.

*WDFW recognizes that additional test fishing information will be necessary before a final site can be determined. Test fishing conducted in 1994 was conducted over the period of 20 April through 2 June and during 1995 was conducted over the period of 25 April through 31 May. The Department will be conducting test fishing during late March and April in 2013. The incidence of upriver fish in 1994 was estimated to be 1/18 and in 1995 there were coded-wire tags recovered from the Deschutes and Klickitat rivers which do not include fish listed under the Endangered Species Act (ESA). Increased ESA impacts allocated to Select Areas in the future may provide more flexibility when considering Cathlamet Channel as a Select Area. The Department will use an adaptive management approach as changes to fisheries materialize and will work to ensure programs are consistent with ESA requirements and meet the objectives of the policy.*

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."

*For the non-project elements of the proposal, WDFW did not rely only on the previous DNS regarding the original SAFE programs but also supplemented that with additional information that has become available since that time, including the additional ESA listings.*

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.

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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, 2102, 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.

*Seine fisheries are initially expected to target on hatchery tule fall Chinook in the area downstream of the Lewis River. By using mark-selective fishing techniques the seines are intended to harvest hatchery tule fall Chinook and coho above the numbers that can be harvested using current methods. The conservation objective is to remove excess hatchery fall Chinook from reaching the spawning grounds. Reduced hatchery Chinook on the spawning grounds should make the proportion of hatchery-origin spawners more consistent with the Hatchery Scientific Review Group (HSRG) standards and Department objectives.*

*The Department will manage the seine fisheries to be consistent with the ESA limits that are currently in place under the Biological Opinion and the U.S. v Oregon Management Agreement.*

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

*Noted*

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.

*The Department will manage the seine fisheries to be consistent with the ESA limits that are currently in place under the Biological Opinion and the U.S. v Oregon Management Agreement.*

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?

*The Department considers their role in conservation of the resources to be the highest priority and fisheries are managed to meet the policies, agreements and federal guidelines that are in place. The primary conservation benefit to the addition of seines to mainstem fisheries is from the increased harvest potential for hatchery tule fall Chinook and coho (see answer above).*

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?

*This will need to be developed. WDFW would develop and implement alternative selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits consistent with mainstem recreational objectives, as part of the non-project element. WDFW will complete a supplemental SEPA to address the non-project elements when those actions materialize and require SEPA compliance.*

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Comments from DNR and responses from WDFW in italics

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.

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*The Department staff is in the process of securing a new lease from DNR for the Deep River net pens. Wolf Dammers and Pat Hulett, Department staff, are the current managers for this program and will be working with DNR staff to acquire a new lease for the existing program. If additional net pens are located at Deep River, the Department will work with DNR for the appropriate permits. If a new site is found for additional net pens, the Department will work with DNR or other permitting agencies to secure appropriate leases or permits, including new pilings, new nets pens or anchoring for new or existing net pens. WDFW will complete a supplemental SEPA to address the non-project elements when those actions materialize and require SEPA compliance.*

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Comments from Fred Carson and WDFW Response in italics

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.

*WDFW thanks you for your comments on the SEPA Permit/Declaration of Non-Significance on the "Draft Washington Fish and Wildlife Commission Policy: "Columbia River Basin Salmon Management".*

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Comments from Dan Pietila and responses from WDFW in italics

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.

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*The increased production is associated with the non-project element of the proposal. WDFW will use an adaptive management approach as changes to production and fisheries materialize and will work to ensure programs are consistent with ESA requirements and meet the objectives of the policy. WDFW will complete a supplemental SEPA to address the non-project elements when those actions materialize and require SEPA compliance.*