

Columbia River Salmon Fishery Policy Workgroup Recommendation
June 10, 2020

The Columbia River Salmon Fishery Policy Workgroup (CRW) recommends the Commission approve release of a draft of revised policy language for Policy C-3620, together with two supporting documents, for public review between now and the July 31 – August 1 Commission meeting. The three documents are:

1. The document below containing draft revised language for Policy C-3620.
2. The one-page document below “Implementing the Adaptive Management Intent of the 2013 Columbia River Policy”.
3. A staff analysis on the effects of the spring chinook abundance-based allocation approach on recreational fisheries in Washington waters of the Snake River, particularly in years the high abundance tier is in effect. (This document is to be completed for public review after the June Commission meeting.)

The document below is the recommendation of the Columbia River Salmon Fishery Policy Workgroup (CRW) meeting on June 10, 2020 for draft language revisions to Commission Policy C-3620 to be put forward for public review by the full Commission on June 12, 2020.

COLUMBIA RIVER SALMON FISHERY MANAGEMENT POLICY

WASHINGTON FISH and WILDLIFE COMMISSION

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The draft language below follows the headers above, which is essentially the organization as in the original 2013 Policy C-3620 document. Also, some of the language below is identical or essentially similar to language in the 2013 policy document. However, the language includes some new language and intentional omissions of 2013-adopted language as a result of discussions during the 2019 Joint-State Columbia River Policy Review Committee process, as well as discussions at the March 11, May 27, and June 10, 2020 Columbia River Workgroup (CRW) meetings. This Fishery Specific Provisions section is notably different than the language in the original Policy C-3620 document.

Purpose

The over-arching purposes of this Policy are to guide management of Columbia River non-Tribal fisheries in a manner that achieves conservation, recovery, protection and perpetuation goals for Columbia River salmon and steelhead; to maintain and enhance the economic well-being, and geographic stability of the recreational and commercial fishing industries; and to conduct orderly fisheries in waters in which the states of Oregon and Washington have concurrent jurisdiction.

Authority Definition and Intent

This Policy is established by the Washington State Fish and Wildlife Commission, and is applicable to the management by the Washington State Department of Fish and Wildlife (Department) of Pacific salmon and steelhead (spring Chinook, summer Chinook, fall Chinook, sockeye, chum, coho, summer steelhead and winter steelhead) non-Tribal fisheries in the mainstem of the Columbia River and the Snake River downstream of Lower Granite Dam.

The intent of this Policy is to provide direction, positions, strategies, goals, and actions to the Department to achieve the stated purposes of the Policy. Further, the intent of this Policy is to be responsive to the comprehensive review of Columbia River salmon fishery management policies in place during 2013-17¹. The result of this review included identifying several areas where a policy purpose or expectation was not met. While many of the provisions of this policy document are identical or equivalent to policy provisions adopted by the Commission in 2013, the provisions described in this policy document deliberately and fully supersede the policy directives of the policy adopted in

¹ Washington Policy C-3620 was reviewed in the report "Comprehensive Evaluation of the Columbia River Basin Salmon Management Policy C-3620, 2013-17" (Bill Tweit, Ryan Lothrop, and Cindy LeFleur, November 2018, 204 p.).

2013.

General Policy Statement

This policy provides the Department with a cohesive set of guiding principles, strategies and actions to improve the fishery management and abundance of wild and hatchery produced salmon and steelhead in the Columbia River basin. Fishery and hatchery management measures should be implemented as part of an “all-H” strategy that integrates hatchery, harvest, hydro-system and habitat actions designed to increase abundance of Columbia River salmon and steelhead. Although this Policy focuses primarily on fishery management and includes direction on hatchery production, this Policy in no way is meant to diminish the significance of habitat and hydro-system protection and restoration. Rather, this Policy explicitly supports additional minimization of hydro-system related fish mortality and further protection and restoration of salmon and steelhead habitat throughout the Columbia River basin.

It is acknowledged there is uncertainty in how and when the strategies and measures described in this Policy will achieve the stated purposes, such as the development and implementation of alternative selective fishing gear, securing funding for enhanced hatchery production, consideration of a commercial license buyback program, and a recreational fishery guiding license limitation. It is also recognized that there are likely to be unpredictable challenges to successful achievement of the intent of various strategies and measures, including such matters as changes in the environmental conditions that affect salmon steelhead abundance, rates of recovery of depressed wild populations, and the effectiveness of habitat restoration and population reintroduction initiatives. Consequently, management decisions must be informed by fishery and stock status monitoring and should be adaptively modified as necessary to meet the stated purposes of this Policy, in accordance with the flexibility intended by the adaptive management provisions of this Policy.

The Department will work collaboratively with its governmental partners to strive to achieve the Policy purposes and implement the policy guidelines and strategies. The Department will work with the Oregon Department of Fish and Wildlife (ODFW) and the Columbia River Treaty Tribes in a manner that is consistent with *U.S. v. Washington* and *U.S. v. Oregon* and other applicable state and federal laws and agreements; with the National Marine Fisheries Service to achieve compliance with the Endangered Species Act (ESA) in a manner that optimizes the strategies and actions described in this Policy; with other Federal, State, and Tribal agencies with authority and responsibility for Columbia River salmon, including the Northwest Power and Conservation Council, US Fish and Wildlife Service, Columbia River non-Treaty Tribes, Idaho Department of Fish and Game; local Salmon Recovery Boards, and with all other entities with authorities collateral with the purposes of this Policy.

Guiding Principles

The Department will apply the following principles and policy positions as guides and directives toward achieving the purposes of the Policy.

Conservation, Protection, Recovery, and Perpetuation of Columbia River Salmon

1. Promote the recovery of Endangered Species Act (ESA) listed populations of salmon and steelhead in the Columbia River and ensure that fisheries and hatcheries are operated in a manner consistent with the provisions of the ESA.
2. Promote the conservation of non-ESA listed wild stocks by managing fisheries to achieve conservation goals or set limits on fishery incidental take allowances when optimum population spawning escapement goals cannot be achieved in a given year.
3. Advocate for increased downstream and upstream survival of salmon and steelhead through the Columbia River hydro-power system.
4. Advocate for salmon and steelhead habitat protection and recovery, including reducing predation on sensitive stocks by marine mammals, birds, and fish in areas and situations of particular vulnerability.
5. Advocate for increased hatchery production for unmitigated loss of salmon and steelhead production associated with permanently lost or impaired habitat due to the construction of dams or other human-caused permanent habitat losses, in a manner that avoids or grossly minimizes genetic and ecological impacts to wild salmon and steelhead populations.

Orderly and Concurrently Regulated Fisheries

1. Through the Columbia River Compact and as appropriate in other forums dealing with fishery regulatory matters, strive to adopt regulations that are maximally concurrent in the joint waters of the Columbia River.
2. Non-Tribal fisheries shall continue to be managed to meet the terms of *U.S. v. Oregon* management agreements with Columbia River Treaty Tribes.
3. The Department shall continue to meet Colville tribal subsistence and ceremonial needs consistent with agreements with the Confederated Tribes of the Colville Reservation, as well as providing the Wanapum Band of Sokulk Indians a fishing opportunity consistent with Washington RCW 77.12.453.
4. Integrate the use of new alternative commercial gear in the mainstem Columbia River in a manner that maintains orderly commercial and recreational fisheries in the Columbia River and its tributaries.

Maintaining, Enhancing, and Optimizing the Economic Well-being and Stability of Recreational and Commercial Fisheries

1. In a manner that is consistent with conservation and recovery goals, seek to enhance the overall economic well-being and stability of Columbia River recreational

and commercial fisheries in comparison to that yielded by the policies in place in the three years prior to the harvest reform policy provisions that began in 2013.

2. Acknowledging the variability of salmon runs through time and the conservation mandate of this Policy, seek to provide the maximum fishery stability and predictability possible for fishery-dependent local communities.
3. Develop and implement alternative selective-fishing gear and techniques for commercial mainstem fisheries in a manner that facilitates achieving conservation goals as well as enhancing and optimizing economic benefits to commercial and recreational fisheries. Provide incentives to commercial fishery participants to develop, promote, and implement alternative gear and techniques.
4. Work with the ODFW to maintain and enhance Select Area production of hatchery fish to support off-channel commercial fishing, but strive to improve the access of these fish to Washington fishing license holders and buyers in recognition of the allocation shift that occurred in 2013 coincident with an emphasis on off-channel fishing.

General Provisions

The Department will implement the following actions to promote the achievement of the purposes of this policy.

1. Development and Implementation of Alternative Commercial Fishing Gear. The Department shall work towards the goal that commercial fishing gear being used on the mainstem Columbia River optimize conservation and economic benefits. The Department shall pursue the development and, as appropriate, implementation of commercial fishing gear alternatives to the gears currently authorized in non-treaty mainstem commercial fisheries. This should be done in a manner that seeks to improve on the catches of target species and stocks in comparison to the mortality of non-target species and stocks, in an economically efficient manner across the commercial fishery infrastructure segments. The development and implementation process shall include the following actions.
 - a. The Department will work with representatives of the commercial and recreational fishing industries to develop recommendations on the development and implementation of commercial fishing gear that will increase the selectivity potential of commercial fisheries compared to current capabilities, and/or promote state conservation objectives (i.e. controlling hatchery fish on spawning grounds). Important objectives of this effort include gaining broad support from the commercial fishing industry, encouraging creative innovation from the commercial fishing industry, and complimenting the economic potential and stability of the commercial fishery while minimizing impacts to mainstem and tributary recreational fisheries. The Department shall consider options that provide economic and other incentives for participants to become involved in alternative gear fisheries.

- b. The Department shall seek funding, as appropriate, to support efforts to develop and implement alternative gears, and work with partners as appropriate to experiment with alternative gear, conduct any necessary studies (in such areas as release mortality, stock compositions, and economic viability), and otherwise facilitate the development of options for alternative gear use. Assessment of alternative gear types in comparison to current gear should include at least catch rates, release mortality rates and overall mortality effects on relevant stocks, economic value, and effect on the commercial fishery infrastructure as a whole. It should also be informed by perspectives from commercial and recreational fisheries.

The Department shall update the Commission annually on progress on the above policy actions. The Commission will consider authorizing any successful alternative commercial fishing gears through rule-making in a manner that takes into account allocations and concurrent regulations with Oregon.

2. Hatchery and Natural Production Goals. The Department shall work towards the general goal to increase hatchery and natural production of salmon and steelhead in the Columbia River basin for the purpose of perpetuating a magnitude of abundance more consistent with historic abundance. It is also important to identify short- and long-term hatchery and natural-origin full production goals for individual populations and population aggregates where possible. The Department will pursue achieving these goals consistent with the following provisions.

- a. The Department shall continue to lead in efforts to increase naturally produced salmon and steelhead survival from the effects of the Columbia River hydro-power system and to seek improvements in the quality and quantity of salmon and steelhead habitat.
- b. The Commission recognizes the importance of hatchery production in meeting Columbia Basin mitigation responsibilities, supporting conservation and recovery efforts, supporting tribal and non-tribal fisheries, and providing ecological benefits such as forage for dependent marine animals and marine nutrient transfers. Hatchery production is to be conducted in a manner consistent with the recovery of ESA-listed wild populations, the sustainability of healthy wild populations, and in accordance with the Commission policy on hatchery operations. In a manner consistent with the above policy positions, the Department shall advocate for stability of current levels of hatchery produced salmon and steelhead in the Columbia River basin and increases where possible. The Department shall consider seeking increases in hatchery production where full mitigation of losses from human-caused uses has yet to occur, to accommodate initiatives to provide additional prey to endangered Southern Resident Killer Whales, and where appropriate, enhancement of Select Area and other fisheries. However, enhanced hatchery production of salmon and steelhead shall be done in areas and with strategies that

avoid or strongly minimize negative genetic and ecological effects on wild populations.

- c. In establishing hatchery and natural population goals, the Department shall consider the policy guidance described above, goals described in the NMFS sponsored Columbia Basin Partnership Task Force report, goals adopted by the Northwest Power and Conservation Council, and additional information, initiatives, and recommendations that evolve over the course of this Policy.
3. Commercial Fishery License Reduction Program. The comprehensive review of Policy C-3620 from 2013 – 2017 noted a low level of progress towards the commercial fishery license buyback program advocated by policy intent in 2013. The Commission recognizes that a fully effective program to buyback commercial fishery licenses would need to be implemented by both Oregon and Washington, that statutory changes may be required in one or both States, and that there are many difficulties in designing a concurrent and equitable program. The Department shall work with members of the commercial fishing industry, representatives of the recreational fishery sectors and the ODFW to develop workable objectives and options for a possible commercial license buyback program. The Department shall then strive to convene a policy level joint-State body with appropriate Oregon representatives to develop a report on alternatives for an effective program that is to be submitted to the Washington and Oregon Fish and Wildlife Commissions for consideration and, if warranted, possible transmission to statutory authorities.
4. Limiting the Number of Recreational Guide Licenses in Jointly Managed Waters of the Columbia River. The Commission is aware of public concerns that the lack of a limit on the number of recreational guide licenses issued in Washington and Oregon may have negative effects on the non-guided sector of the recreational fishery, such as overcrowding and a reduction in open fishing days. Further, it is recognized that any effective program to limit the number of recreational guide licenses on jointly managed waters of the Columbia River would need to consider the regulatory frameworks of both Oregon and Washington, that statutory changes may be required in one or both States, and that there are many difficulties in designing a concurrent and equitable program. The Department shall initiate discussions with ODFW and consult with representatives of the recreational fishery sectors to develop objectives and options for a workable license limitation program. In a similar manner as the commercial fishing license buyback program, the Department shall convene a policy level joint-State body with appropriate Oregon representatives to develop a report assessing the effects of limiting guide licenses or other measures and evaluating alternatives for an effective concurrent program. The report is to be submitted to the Commission and appropriate Oregon authorities for consideration and, if warranted, possible transmission to statutory authorities.

5. Scientific Monitoring. In recognition that the scientific monitoring of fisheries, spawning escapements, and other measures of stock status is necessary to execute the provisions of this Policy and achieve its purpose, the Department shall seek the funding necessary, and prioritizing funds available, to properly monitor the stock status of Columbia River salmon and steelhead populations. Further, the Department shall also seek funding to conduct scientific studies of catch and release mortality where significant uncertainty exists in current estimates in either commercial or recreational fisheries.

6. Thermal Angling Sanctuaries. It is recognized that summer and fall water temperatures in the Columbia River can reach levels that adversely affect the health and survival of migrating adult steelhead and salmon. Certain tributaries may provide substantially cooler water than the mainstem Columbia River near their confluences. Research has demonstrated that migrating salmonids, particularly summer steelhead, preferentially use these differentially colder water areas under such conditions. Seasonal recreational fisheries closures in these areas may provide additional protections during these seasonally vulnerable times. In a similar manner as described for commercial and recreational guide license control actions, the Department shall strive to convene a policy level joint-State body with appropriate Oregon representatives to review available information regarding cold water refuge area migrating salmonids and the impacts of fisheries in these areas, and develop a report with recommendations on possible thermal angling sanctuaries. The report is to be submitted to the Washington and Oregon Fish and Wildlife Commissions for their consideration for possible concurrent regulations.

Fishery Specific Provisions

Subject to the adaptive management provisions of this policy, the Departments will manage salmon and steelhead fisheries consistent with the prior sections of this Policy and the following fishery specific objectives.

Spring Chinook Salmon

1. Allocation. The annual pre-season allocation to recreational and commercial fisheries is in accordance with the abundance-based provisions in the table below, with both fisheries constrained by the pre-run size update buffer requirement that is described in the current US v Oregon Management Agreement. Within the proportion of Upriver Run ESA impacts allocated pre-season to the recreational fishery, 75% are allocated to lower river recreational fisheries and 25% are allocated to recreational fisheries above Bonneville Dam. Within the 25% upriver pre-season allocation, 10% points are allocated to OR/WA fisheries from Bonneville Dam up to the state line and 15% points are allocated to the WA fishery in the Snake River and Upper

Columbia River areas. After the run size has been updated with actual Bonneville Dam counts, any projected unused Upriver Run ESA impacts from either the recreational or commercial fishery may be transferred to other fisheries or remain uncaught.

Upriver Spring Chinook Adult Run	Allocation of Allowable Upriver Run ESA Impacts	
	Recreational Fisheries	Commercial Fisheries
< 82,000	80%	20%
82,001 – 217,000	70%	30%
> 217,000	65%	35%

2. Allowable Commercial Gear. Allowable mainstem commercial gear includes gillnet and any alternative gear including tangle nets in both the pre-update and post-update update period.

Summer Chinook Salmon

1. Allocation. The amount of the non-Treaty harvestable surplus under the US v Oregon Management Agreement shall be allocated between fisheries above and below Priest Rapids Dam based on the following sliding scale.

River-mouth run size	Percent of non-treaty allocation assigned to fisheries above Priest Rapids Dam
0 – 29,000	>90%
29,001 – 50,000	90%
50,001 – 60,000	70% - 90%
60,001 – 75,000	65% - 70%
75,001 – 100,000	60% - 65%
>100,000	60%

The allocation between recreational and commercial fisheries downstream of Priest Rapids Dam shall be in accordance with the following abundance-based approach.

Summer Chinook Adult Run	Allocation below Priest Rapids Dam	Allocation of Allowable Catch	
		Recreational Fisheries	Commercial Fisheries
< 50,000	10%	80%	20%
50,001 – 100,000	10% - 40%	70%	30%
> 100,000	40%	60%	40%

Unused impacts allocated to the commercial fishery are to be applied to recreational fisheries downstream or upstream of Bonneville Dam if they can be used, or to aid in additional spawning escapement.

1. Allowable Commercial Gear. Allowable mainstem commercial gear includes gillnets and alternative gear.

Sockeye Salmon

1. Allocation. The annual allocation to recreational and commercial fisheries is 70%/30% of allowable non-Treaty Snake River ESA impacts. The 30% commercial share is to be used for incidental impacts in commercial fisheries directed at summer Chinook salmon.

Fall Chinook Salmon

1. Allocation. The annual recreational and commercial allocation is $\leq 70\%$ / $\geq 30\%$ of allowable LRH ESA impacts and allowable non-Treaty Snake River ESA impacts (whichever is more constraining in a given year). The commercial share of such ESA impacts is to cover mainstem Columbia River and Select Area fisheries.
2. Allowable Commercial Gear. Allowable mainstem commercial fishing gear includes gillnet and any alternative commercial fishing gear.

Coho Salmon

1. Allocation. While there is no explicit numerical sharing of Lower Columbia River Natural ESA impacts, the allocation is prioritized as follows: commercial fisheries are to be assigned sufficient impacts to implement Select Area coho and fall Chinook fisheries and mainstem fall Chinook fisheries, and the balance to in-river mainstem recreational fisheries. If these fisheries are expected to be unable to use all of the allowable impacts, the remainder will be assigned to mainstem commercial coho fisheries.
2. Allowable Commercial Gear. Allowable mainstem commercial fishing gear includes gill net and any alternative commercial fishing gear.

Chum Salmon

Commercial fisheries shall be assigned a sufficient share of the ESA-impact for chum to implement Select Area and mainstem fisheries targeting other salmon species. There shall not be retention of chum salmon in recreational or commercial fisheries.

Adaptive Management Provisions

The Commission recognizes that the provisions of this Policy describe a presumptive path forward to achieve the stated purposes, and that considerable uncertainty exists in how and when the purposes will be regarded as achieved. It is noted from the comprehensive review of 2013- 2017 that several aspects of the presumptive path for the policy initiatives that began in 2013 did not occur as expected, including in particular the successful development and implementation of alternative commercial selective fishing gear, the expansion or development of new Select Area fishing areas, and the securing of enhanced hatchery production. It is also noted that some adaptive management provisions were implemented in 2017 in response to policy performance findings at that time. In addition to management performance uncertainty, there are many unpredictable events that could have a substantial effect on the presumptive path forward, including large fluctuations in short-term run sizes, changes in long-term environmental patterns, possible environmental disasters, and population restoration results occurring sooner or later than expected. Therefore, the Commissions acknowledge that adaptive management procedures will be essential to achieve the purpose of this policy and are expected to occur after proper evaluation and as appropriate to achieve the purposes of this Policy.

The Department will track policy implementation and results of the fishery management actions and hatchery production programs and provide the Commissions with annual updates and a comprehensive review as soon as possible after 2025. State-managed fisheries pursuant to this Policy will be adaptive and adjustments should be considered to commercial and recreational fisheries if policy purposes, including fishery economics and stability, are not achieved consistent with the principles of this plan. If the policy purposes are not achieved, efforts will be made to determine why and to identify actions necessary to correct course. Department staff are expected to implement actions necessary to manage adaptively to achieve the purposes of this policy with authorization from the Commission, in order to implement corrective actions.

Delegation of Authority

The Commission delegates the authority to the Department Director, through the North of Falcon stakeholder consultation process and the Columbia River Compact, to set seasons for recreational and commercial fisheries in the Columbia River, to adopt temporary or emergency regulations to implement these fisheries, and to make harvest agreements with Columbia River Native American Tribes, the State of Idaho and other government agencies in a manner consistent with the provisions of this Policy. The Director shall work with the Director of the Oregon Fish and Wildlife to achieve implementation of the fishery regulation provisions of this Policy in a manner that results in concurrent fishing regulations between the two states in common boundary waters of the Columbia River. In the event circumstances result in a reason the Directors believe that non-concurrent fishing regulations must be considered, the Commission shall be consulted to seek resolution of the situation.

Implementing the Adaptive Management Intent of the 2013 Columbia River Policy

During the Commission's comprehensive review process of the [Columbia River Basin Salmon Management Policy, No-C3620](#) (Policy), the Joint-State Policy Review Committee process, and the ongoing Washington Policy Workgroup process, there has been repeated public testimony urging the Commission to "honor the commitment" made in the original Policy to permanently remove gill net gear from the Columbia River mainstem, and to maintain the 80% recreational/20% commercial allocation of allowable impacts on Chinook and steelhead stocks for directed fisheries on Spring, Summer, and Fall Chinook. However, as set forth below, no such unconditional commitment is expressed in the Policy.

In adopting the Policy in 2013, the Commission recognized that there was "uncertainty" in "some aspects" of the Policy affecting the commercial fishery, including the ability to develop and implement alternative fishing gear to replace gill net gear in the mainstem, the securing of funding for enhanced hatchery production, and the expansion or development of off-channel fishing areas for gill net gear to offset the loss of revenue to the commercial fishing industry as result of the removal of gill nets from the mainstem fishery. Policy, at p.1. Given these uncertainties, the Commission inserted language in the Policy stating that the "Policy will be adaptive and adjustments may be made to mainstem fisheries if policy objectives, including catch or economic expectations for commercial or recreational fisheries, are not achieved consistent with the principles of this plan." Policy, at p.11. The Policy goes on to state: "[i]f these expectations are not achieved, efforts will be made to determine why and to identify actions necessary to correct course." Policy, at p.11. The Policy sets forth six circumstances where the Commission may reconsider the fisheries management measures called for in the Policy, which include: (1) lower than anticipated catch and economic expectations to the commercial salmon industry; (2) insufficient space within off channel sites to accommodate the commercial fleet; (3) biological, fiscal, and/or legal circumstances that delay or preclude implementation of alternative fishing gear, buyback of commercial fishing permits, and/or additional off channel hatchery investments; (4) management objectives are not achieved for commercial or recreational fisheries; (5) conflicts with terms of U.S. v. Oregon management agreements with Columbia River Tribes; or (6) failure to meet conservation objectives. Policy, at p.11.

These six items and the achievement of other stated Policy purposes and goals were thoroughly evaluated as part of the comprehensive five-year review of the Policy. The review found that the first four of these six circumstances occurred. See [Comprehensive Evaluation of the Columbia River Basin Salmon Management Policy C-3620, 2013-2017](#).

The Joint-State Policy Review Committee process (PRC) also included a review and analysis of these six considerations and began work on the development of a set of recommended changes to the Policy to present to the Washington and Oregon Commissions to address the deficiencies of the Policy identified in the comprehensive review and by the PRC. The Washington Policy Workgroup is continuing this work and is currently scheduled to submit its recommendations for changes to the Policy for public review and comment on June 10, 2020. The Washington Commission is scheduled to take final action on these recommendations at the August 2020 Commission meeting. As directed by the Policy, the Commission will consider the Working Group's recommendations for changes to the Policy to correct deficiencies identified in the Policy, and to successfully achieve the stated purpose of the Policy regarding the economic well-being of the fishery. Thus, the current process to reconsider phasing out gill net fishing gear and the 80%/20% allocation shifts is consistent with the stated purpose and adaptive management provisions of the Policy adopted in 2013.