

ANNUAL AGREEMENT FOR THE 2020-21 HARVEST MANAGEMENT OF WINTER STEELHEAD IN THE QUILLAYUTE RIVER SYSTEM

1. Parties

This document is an agreed to annual management plan for the Quillayute River System, by and between the Washington Department of Fish and Wildlife ("WDFW") and the Quileute Indian Tribe (the "Tribe") for the 2020-21 steelhead harvest. Hereinafter, it shall be referred to in this document as the "2020-21 Harvest Management Agreement".

2. History and General Terms

- 2.1. In *U.S. v. Washington*, 626 F.Supp. 1405 at 1465 (W.D. Wash. 1985) Judge Craig by order of April 21, 1982, provided that "there shall be no steelhead fishing on the Quillayute River System by anyone until the parties have reached agreement on the matters referred to in this Order." The Court also provided for dispute resolution by the Fisheries Advisory Board, if no agreement were reached by December 1, 1982.
- 2.2. This 2020-21 Harvest Management Agreement is for the 2020-21 season only. The applicable Quillayute River Winter Steelhead Harvest Management Model/Schedule that the parties have agreed to utilize is attached in Exhibits A and B, and made a part hereof.
- 2.3. This 2020-21 Harvest Management Agreement recognizes the self-regulatory status of the Quileute Tribe, pursuant to *U.S. v. Washington*. The Tribe's self-regulatory status was previously acknowledged by WDFW by letter dated January 29, 1998. This agreement also recognizes WDFW's regulatory authority over state-licensed fishers. The objective is for each party to manage its share of the fishery resource for its own management objectives in a manner consistent with applicable rulings and orders issued in *U.S. v. Washington* and/or on such terms as the parties may mutually agree to apply to the fishery for the season covered.
- 2.4. No party waives any future rights, claims, appeals, or arguments by entering into this 2020-21 Harvest Management Agreement. This Agreement is the culmination of efforts by the parties to resolve differences in management approaches through the design and implementation of a joint plan for managing winter steelhead returning to the Quillayute River in the winter, 2020-21. For this season only, the parties agree to set aside divergent views on management philosophy and approach, and manage the Quillayute River winter steelhead fishery in accordance with the plan set forth in this document. No part of this management plan or the basis thereof shall be construed as setting any precedent for future years.

3. Specific 2020-21 Management Objectives and Commitment to Continued Fishery Consultations

The management objectives for the Quillayute River winter steelhead fisheries are:

- 3.1. Maintain self-sustaining wild steelhead and their habitats at a healthy level with sufficient harvestable surplus to support robust fisheries.
- 3.2. Provide adequate enforcement of regulations that are designed to protect and conserve wild steelhead. This includes habitat protection and compliance with seasons, bag limits, catch reporting requirements, fishing area and gear restrictions, and release of wild fish as required.
- 3.3. To conduct a season-long Tribal fishery on winter steelhead entering the Quillayute River system.
- 3.4. To conduct a state-licensed season-long sport fishery on winter steelhead entering the Quillayute River system.
- 3.5. To attain a wild winter steelhead spawning escapement minimum of 5,900 adults.
- 3.6. To attain a hatchery steelhead rack return of 200 adults consistent with co-manager agreed to conservation objectives.
- 3.7. To manage for hatchery and wild stocks separately, recognizing future benefits to both fisheries from spawners in excess of escapement goals.

4. Pre-Season Run Size Projections

The run size estimates for winter steelhead runs entering the Quillayute River system are:

<u>Stock</u>	<u>Run Size Estimate</u>
Hatchery Winter Steelhead	4,879
Wild Winter Steelhead	9,271

5. Harvest Management

The parties agree that:

- 5.1. The tribal winter steelhead fishery shall be conducted pursuant to a fixed schedule, as specified in the attached Quillayute River Winter Steelhead Harvest Management Model/Schedule (Exhibit A), and as codified by the Tribe in a regulation.
- 5.2. The winter steelhead sport fishery shall be conducted pursuant to WDFW 2020-21 Regulations, which are attached here to as Exhibit B.

6. Special Considerations for the 2020-21 Season

Controls and conditions for delay of the tribal fishery due to a non-fishable (high water and or freshets) status shall be as follows:

- 6.1. The Tribe will inform the WDFW Region 6, District 16 fish biologist Jennifer Whitney within one hour of the decision to delay the scheduled starting time of a weekly fishery.
- 6.2. Delays will be in twenty-four (24) hour increments.
- 6.3. Delays will not result in the actual fishing time per statistical week exceeding the preseason schedule fishing time per statistical week or occurring beyond the statistical week.
- 6.4. The ceremonial and subsistence fish taken during the 2019-20 season are accounted for in the weekly harvest. No ceremonial and subsistence fish harvested outside of the agreed to schedule are anticipated for the 2020-21 season. If such a fishery were to be scheduled, catch will be accounted for separately.

7. Accounting for Each Party's Fishery Related Mortalities

The parties agree to work together during the period of this agreement to evaluate fishery mortalities for both treaty and non-treaty fisheries and how related estimates should be used in management. The primary categories the Parties agree to assess are:

- 7.1. Mortalities associated with catch and release regulations including
 - 7.1.1. The number of wild steelhead encountered and released, estimated through a Department administered creel survey as funding allows, or through a combination of in-season and other relevant information, and
 - 7.1.2. The associated number of released fish mortalities.

7.2. Mortalities associated with encounters with treaty fishing gear that may not be subject to handling by fishers (e.g. those fish that drop off or out of gear), and

7.3. Mortalities associated with predation by marine mammals.

8. Enforcement

8.1. Quileute Enforcement will prioritize patrols on the Quillayute River within the bounds of their commercial fishery with special emphasis on tribal regulatory restrictions. They will also patrol within the entirety of their U & A to monitor Ceremonial and Subsistence fishery activity. Coordination and cooperation with WDFW enforcement will be emphasized to monitor fishing activity throughout the Quillayute watershed.

8.2. WDFW Enforcement will emphasize both overt and covert patrols that will consist of vehicle, boat, foot, and launch monitoring with a focus on the following priorities:

8.2.1. Provide enforcement of established seasons, catch limits, and gear and area restrictions.

8.2.2. Provide presence to reduce user group conflict (tribal-non tribal).

8.2.3. Coordinate with tribal enforcement and other law enforcement entities on an as needed basis.


9. Term of Agreement

9.1. This Agreement shall be effective as of November 1, 2020 and continue through October 31, 2021. It may be amended by written agreement signed by authorized persons for each party hereto

9.2. This Agreement is effective when signed by authorized persons for each party hereto.



Washington Department of Fish and Wildlife



Quileute Indian Tribe

Title Director

Title *Policy Rep*

Date 12/14/2020

Date *12/9/20*

Exhibit A. Tribal Winter Steelhead Harvest Management Model and Schedule

Quillayute River Winter Steelhead				updated	Runsize Projections	
IGN Harvest Management Model: adjusted for effort				12/03/2020	Hatchery	4879
2020/ 2021	'Option: B				Wild	9271

Statistical	Week	Date(Sunday)	Schedule	Effort	Exploitation of		Estimated Catch Per		Total
					Estimated Runsizes		Statistical Week		
					Per Statistical Week		Hatchery	Wild	
	48	22-Nov-20	4.5	29.6	0.018	0.001	88	10	98
	49	29-Nov-20	4.5	26.1	0.024	0.002	118	18	136
	50	06-Dec-20	4.5	26.1	0.039	0.002	189	18	207
	51	13-Dec-20	4.3	26.1	0.034	0.006	165	53	218
	52	20-Dec-20	4.3	26.1	0.018	0.007	88	63	150
	53/1	27-Dec-20	4.3	26.1	0.019	0.009	91	81	173
	2	03-Jan-21	3.3	20.8	0.008	0.009	41	84	125
	3	10-Jan-21	2.3	15.6	0.003	0.009	16	83	99
	4	17-Jan-21	2.5	15.6	0.002	0.013	11	118	129
	5	24-Jan-21	1.5	16.9	0.001	0.013	6	125	131
	6	31-Jan-21	1.5	16.9	0.000	0.016	2	144	146
	7	07-Feb-21	1.5	16.9	0.001	0.014	3	134	137
	8	14-Feb-21	1.5	16.9	0.001	0.012	3	108	111
	9	21-Feb-21	1.5	18.4	0.000	0.015	1	142	143
	10	28-Feb-21	1.5	18.4	0.000	0.014	0	133	134
	11	07-Mar-21	1.5	18.4	0.000	0.012	0	113	113
	12	14-Mar-21	1.5	18.4	0.000	0.015	0	138	139
	13	21-Mar-21	0.0	0.0	0.000	0.000	0	0	0
	14	28-Mar-21	0.0	0.0	0.000	0.000	0	0	0
	TOTALS		46.5	353.306	0.169	0.169	823	1567	2390

							3	118	
							0	0	
Sport Exploitation									2510
Hatchery=	0.2624						826	1684	
							0.169	0.182	
							1280	548	1828
Wild (NHM)=	0.0591						200	5,900	
Catch & Release as of 2017							2773	7039	
Sports rates estimate;							2340	1686	4025
hatchery = recent 5 year average 15/16-							1514	1	1515
19/20.							-64.7	-0.1	-37.6
wild (NHM) = 3 year creel avg. 13/14-15/16									

Estimate of catch for IGN fishery Wks 15-18 calculated using average of post-wk- 14 catches for 18/19 - 19/20 (see IGN catch summary table.)

Tribal fishing effort estimate = 5 yr. Avg. '12/13-16/17 for each grouping of weeks. See calculation page.

Fishery Advisory Board decision allows up to 10% over on shares

US vs. Washington allows shares to be calculated on total of Hatchery and Wild combined

Note: Most Tribal C & S accounted for in updated weekly IGN ticketed catch.

Exhibit B. Quillayute River Winter Steelhead Sport Fishery Regulations

Recreational fishery

The WDFW recreational fishing regulations are set forth in the 2020-21 *Sportfishing Rules Pamphlet*. However, the state is implementing steelhead regulation changes to all Coastal Rivers in that will go into effect in December 14, 2020. Rules will be implemented through Fishing Rule Change (Emergency Regulation) and will supersede the rules in the Sport Fishing Rules pamphlet. These regulation changes are expected to result in a reduction of wild steelhead encounters by sport anglers of greater than 50 percent.

The Pacific Coastal Area segment of the Quillayute basin is within the boundaries of Olympic National Park. Recreational fishing for steelhead in this coastal strip is conducted under Olympic National Park regulations. The current Olympic National Park regulations separate the Pacific Coastal Area from the upper Sol Duc and upper Bogachiel areas, and can be found at <http://www.nps.gov/olym/fishing.htm>

All areas follow Statewide General Rules. No retention of wild steelhead allowed. Only 1 barbless hook allowed.

Rules going into effect December 14, 2020 via Emergency Regulation;

In the following areas;

- Bogachiel River (Clallam Co.), from the mouth to Olympic National Park boundary.
- Calawah River: (Clallam Co.), from the mouth to the forks.
- Calawah, South Fork (Clallam Co.), from the mouth to Olympic National Park boundary.
- Dickey River (Clallam Co.), from the Olympic National Park boundary upstream to the confluence of the east and west forks.
- Quillayute River (Clallam Co.), from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers.
- Sol Duc River (Clallam Co.), from mouth to Hwy. 101 Bridge upstream of Klahowya campground.

The following rule changes will go into effect for steelhead and trout;

- Fishing from a floating device prohibited.
- Season closed beginning April 1, 2021 (open through March 31) except the South Fork of the Calawah which closes March 1 (open through the last day of February).
- Selective Gear Rules in effect (no bait), and only one single-point barbless hook allowed.
- Daily limit statewide minimum size/daily limit (20"/2 fish) except on the Calawah and Quillayute rivers, Nov. 1 through the last day of February, minimum size 20" and daily limit 3 hatchery steelhead.
- Release all rainbow trout, Cutthroat trout minimum size 14 inches.

Rules in effect prior to December 14, 2020 Emergency Rule change;

BOGACHIEL River (Clallam Co.) from mouth to Hwy. 101 Bridge (398)

Feb. 16 – Apr. 30

Bait Prohibited

Sat. before Memorial Day-Aug 31

Bait Prohibited

TROUT

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit, except release wild rainbow trout. Cutthroat min. size 14".

STEELHEAD (Hatchery)

Sat. before Memorial Day-Oct 31 Statewide minimum size/daily limit.
Nov. 1- through Feb.: Min size 20", daily limit 3.
March 1-April 30 Statewide minimum size/daily limit.

BOGACHIEL River (Clallam Co.) Hwy. 101 Bridge to Olympic National Park Boundary (398)

TROUT & STEELHEAD

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit, except release wild rainbow trout. Cutthroat min. size 14". Bait prohibited.

CALAWAH River (Clallam Co.) from mouth to Hwy. 101 Bridge (400)

Feb. 16 – Apr. 30 Bait Prohibited
Sat. before Memorial Day-Aug 31 Bait Prohibited

TROUT

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit, except release wild rainbow trout. Cutthroat min. size 14".

STEELHEAD (Hatchery)

Sat. before Memorial Day-Oct 31 Statewide minimum size/daily limit.
Nov. 1- through Feb.: Min size 20", daily limit 3.
March 1-April 30 Statewide minimum size/daily limit.

CALAWAH River (Clallam Co.) from Hwy. 101 Bridge to forks (400)

TROUT & STEELHEAD

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit, except release wild rainbow trout. Cutthroat Min. size 14". Bait prohibited.

CALAWAH RIVER, South Fork (Clallam Co.) from mouth to Olympic National Park boundary (400)

TROUT & STEELHEAD

Sat. before Mem. Day-last day Feb. Statewide minimum size/daily limit, except release wild rainbow. Cutthroat Min. size 14".
Bait prohibited.

DICKEY RIVER (Clallam Co.) from Olympic National Park boundary upstream to the confluence of the East and West Fork Dickey rivers **(402)**

TROUT & STEELHEAD

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit except release wild rainbow. Cutthroat Min. size 14".
Feb. 16 – Apr. 30 Bait Prohibited
Sat. before Memorial Day-Aug. 31. Bait Prohibited

DICKEY RIVER, East Fork and West Fork (Clallam Co.) **(402)**

TROUT & STEELHEAD

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit except release wild rainbow trout. Cutthroat Min. size 14". Bait Prohibited

QUILLAYUTE RIVER_ (Clallam Co.) from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers **(404)**

TROUT

Year-round Statewide minimum size/daily limit, except release wild rainbow trout. Cutthroat Min. size 14".

STEELHEAD (HATCHERY)

March 1 – Oct 31 Statewide minimum size/daily limit
Nov. 1- through Feb.: Minimum size 20", daily limit 3.

SOL DUC RIVER (Clallam Co.) from mouth to concrete pump station at Sol Duc Hatchery **(406)**

TROUT & STEELHEAD

Year-round Statewide minimum size/daily limit, except release cutthroat and wild rainbow trout.

Feb. 16 – Apr. 30
July 16 – Aug. 31

Bait Prohibited
Bait Prohibited

SOL DUC RIVER (Clallam Co.) From concrete pump station at Sol Duc Hatchery to Hwy. 101 Bridge upstream of Klahowya Campground *(406)*

TROUT & STEELHEAD

Sat. before Memorial Day-Apr. 30 Statewide minimum size/daily limit, except release cutthroat and wild rainbow trout. Bait prohibited

SOL DUC RIVER (Clallam Co.) From Hwy. 101 Bridge upstream of Klahowya Campground to Olympic National Park boundary *(406)*

TROUT & STEELHEAD

Sat. before Memorial Day-Oct 31 Statewide minimum size/daily limit, except release cutthroat and wild rainbow trout. Bait prohibited.