

Draft Co-Manager Hatchery Policy – Briefing

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Outline

- Changes to draft Co-Manager Hatchery Policy
- Comparison between draft Co-Manager Hatchery Policy and C-3624
- SEPA Checklist
- Questions and discussion





Changes to draft Co-Manager Hatchery Policy

Changes made to draft Co-Manager Policy – 1

Purpose

This Joint Policy Agreement (Co-Manager Hatchery Policy) is entered into between [spell out the Tribes] (the “Tribes”) and the [Fish and Wildlife Commission \(“FWC”\), on behalf of the](#) Washington Department of Fish and Wildlife (“WDFW”). The Tribes and WDFW are hereinafter collectively referred to as Co-Managers or Parties and may be referred to individually as Co-Manager or Party.¹ This policy establishes the Co-Managers’ expectations for collaborative management of tribal and WDFW salmon and steelhead hatchery programs in Washington State.

Co-Managers recognize that legacy habitat² degradation requires ongoing mitigation³. Co-managers further recognize that ongoing habitat loss and changing environmental conditions and ecosystem functions⁴ preclude for the foreseeable future aggregate natural- and hatchery-fish sufficient to meet the recovery⁵ needs and legal requirements of the Co-Managers. Hatcheries are primarily operated to preserve, [reintroduce](#) or supplement, natural production that contributes to both the spawning production of those populations and augments harvest. Hatcheries will contribute to meeting these needs while mitigation, habitat restoration and stock recovery efforts are ongoing.



Changes made to draft Co-Manager Policy – 2

Guiding Principles and Policy Positions

In conducting evaluations needed toward achieving an optimal balance of the various benefits and risks of hatcheries, attention shall be given to the explicit purpose and principles of this Policy and any stated objectives in the individual agreed-to hatchery ~~management~~-program plans.

Principle 1: Tribal Treaty Rights are supreme law of the land⁶. It is acknowledged that hatchery programs are essential components of regional salmonid management plans that support natural resource management responsibilities in sustaining Treaty Rights (*e.g., United States v. State of Wash., United States v. State of Or., Hoh Indian Tribe v. Baldrige* and sub-proceedings).



Scope of Policy

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~~The Co-Manager Hatchery Policy will apply to all Co-Managed anadromous salmon and steelhead hatchery programs operated by the Co-Managers within Washington State. The policy becomes active~~ effective once the FWC approves the policy and at least one Tribal Co-Manager signs the policy. This policy applies to those anadromous salmon and steelhead hatchery programs operated by WDFW and Tribal Co-Managers in the geographic areas associated with the specific Tribal Co-Managers that are signatories to this policy. Following acceptance of this policy, it is the intent of Co-Manager signatories to subsequently provide additional specification of responsibilities, agreements, and operational requirements at the regional or watershed level through comprehensive planning. Hatchery program release goals, genetic management protocols, and other plans agreed to by Co-Managers as of MONTH DAY, 2023, will remain in place until agreed to otherwise in accordance with this Co-Manager Hatchery Policy.

For those hatchery programs that fall under this Co-Manager Hatchery Policy, this policy will supersede all elements of the FWC's Anadromous Salmon and Steelhead Hatchery Policy (Policy C-3624). All other hatchery programs will be operated based on existing regional- or watershed-specific Co-Manager hatchery program agreements, legal requirements, and C-3624 and other applicable policies. Any specific hatchery program plans that are consistent with the Co-Manager Hatchery Policy will supersede direction under the Fish and Wildlife Commission Anadromous Salmon and Steelhead Hatchery Policy (Policy C-3624).

~~Hatchery program release goals, genetic management protocols, and other plans agreed to by Co-Managers as of MONTH DAY, 2023, will remain in place until agreed to otherwise in accordance with this Co-Manager Hatchery Policy. If any Tribal Co-Manager does not become a signatory to this policy and there is not a precursory regional or watershed specific Co-Manager hatchery program agreement currently in place, then hatchery program management will defer to existing legal requirements and policies.~~



Let's assume that the FWC approves Policy

Tribal Co-Manager Approval	Status of Co-Manager Policy	Status of C-3624
None	Not in effect	Policy for all WDFW anadromous salmon and steelhead hatchery programs
One	In effect in the geographic area associated with the one tribe that approved	As above, except in the geographic area of the one tribe
All	In effect in all geographic areas where there is co-management	Policy only in the geographic areas where there is no co-management (e.g., Willapa Bay)
More than one, less than all	In effect in the geographic areas associated with tribal signatories	As top row, except in geographic areas associated with tribal signatories

When the Co-Manager Policy is in effect, it supersedes the entirety of C-3624



From C-3624

“This Hatchery Policy serves as the State’s **interim guidance** until a joint policy agreement is developed with Puget Sound, Coastal, or Columbia River Tribal Co-Managers. When completed and approved by Tribal Co-Managers and the Commission, new Tribal Co-Manager joint policy agreements shall **supersede the provisions of this Policy in the geographic area applicable to the particular agreement.**” (emphasis added)



Changes made to draft Co-Manager Policy – 4

Principle 4, last bullet

- It is recognized that there are hatchery program plans in varying stages of consultation, in specific geographic areas, which are agreed-to by Co-Managers. These hatchery program plans will not be modified without Co-Manager agreement. ~~Development of new hatchery program plans will require approval by and involvement from the affected Co-Manager(s) with fishing Rights consistent with *United States v. State of Wash.*, *United States v. State of Or.*, *Hoh Indian Tribe v. Baldrige*, and/or other applicable law.~~





Comparison Draft Co-Manager Policy & C-3624

Development of Hatchery Plans - Process

Policy	ESA Consultation	ESA Consultation Status	Hatchery Plan Development	Environmental Review
Co-Manager	Required	Initiated	HGMP written and submitted	NEPA & SEPA
C-3624	Required	Initiated	HGMP written and submitted	NEPA & SEPA
Co-Manager	Required	Not initiated	HGMP developed using Principle 4	NEPA & SEPA
C-3624	Required	Not initiated	HGMP developed using Guideline 4	NEPA & SEPA
Co-Manager	Not Required	No Required	Hatchery Plan developed using Principle 4	SEPA
C-3624	Not Required	No Required	Hatchery Plan developed using Guideline 4	SEPA

Co-Manager Policy: Hatchery Program Plans

C-3624: Hatchery Management Plans



Development of Hatchery Plans - Process

Policy	ESA Consultation	ESA Consultation Status	Hatchery Plan Development	Environmental Review	172 Programs Statewide
Co-Manager	Required	Initiated	HGMP written and submitted	NEPA & SEPA	121 (70%)
C-3624	Required	Initiated	HGMP written and submitted	NEPA & SEPA	
Co-Manager	Required	Not initiated	HGMP developed using Principle 4	NEPA & SEPA	0 (0%)
C-3624	Required	Not initiated	HGMP developed using Guideline 4	NEPA & SEPA	
Co-Manager	Not Required	No Required	Hatchery Plan developed using Principle 4	SEPA	51 (30%)
C-3624	Not Required	No Required	Hatchery Plan developed using Guideline 4	SEPA	

Co-Manager Policy: Hatchery Program Plans

C-3624: Hatchery Management Plans



Comparison Guideline 4 and Principle 4¹ - Similarities

- Hatchery plans for both draft Co-Manager and C-3624 polices include:
 - All-H approach (hatcheries in context with habitat, harvest, and hydro)
 - Clear hatchery goals
 - Adaptive management and monitoring & evaluation programs
- Geographic scale of hatchery plan development
 - Co-Manager: regional or watershed scale
 - C-3624: Not specified, except Fishery Supplemental Programs at watershed scale; HGMPs at regional or watershed
- Hatchery benefits
 - Co-Manager: Ecosystem services, harvest, cultural, economic, conservation, and ecological
 - C-3624: Ecosystem services, harvest, conservation (genetic and ecological)
- Risks to natural-origin populations from hatchery production
 - Co-Manager: Genetic and ecological risks viewed in terms of environmental conditions (e.g., habitat degradation)
 - C-3624: Genetic and ecological

¹ Guideline 4 and Principle 4 are the descriptions of hatchery plans. Components of the hatchery plans can be found in other places within each policy



Comparison Guideline 4 and Principle 4¹ - Differences

- Development of the hatchery plans:
 - Co-Manager: Not specified, but includes WDFW and Tribes with co-management at specific region or watershed; HGMPs
 - C-3624: Explicit, as per technical procedures document (not completed)
- Components of the hatchery plans
 - Co-Manager: “Scientifically-sound and defensible”; evaluation tools jointly developed or agreed to by Co-Managers; hatchery contributes to natural-origin population ecology and genetics – emphasis on hatchery **benefits**; HGMPs
 - C-3624: Based on “best-available science” on **risks**; broodstock collection, mating protocols, and juvenile rearing and release strategies to mitigate risks; HGMPs
- Balancing risks and benefits
 - Co-Manager: Not specified; risks and benefits reflect perspectives, values, and biological factors that should be considered in both social and ecological contexts
 - C-3624: achieved through a structured decision-making process, making use of a science-based risk management framework, incorporating uncertainty.

¹ Guideline 4 and Principle 4 are the descriptions of hatchery plans. Components of the hatchery plans can be found in other places within each policy



Comparison Policy Purpose Statements

- Co-Manager
 - Co-Managers' expectations for collaborative management
 - **Emphasis on past and continuing habitat loss** and the need to supplement natural-origin populations with hatchery production
 - Hatcheries primarily operated to preserve, reintroduce or supplement, natural production
- C-3624
 - **Conservation and recovery** of natural-origin populations through hatchery reform
 - Provide sustainable economic benefits to recreational, commercial, and tribal fisheries



¹ Guideline 4 and Principle 4 are the descriptions of hatchery plans. Components of the hatchery plans can be found in other places within each policy



SEPA Checklist

SEPA Checklist:

- Contents:
 - Part A: Background – 12 questions
 - Part B: Environmental Elements – 16 sets of questions (*Not required for nonprojects*)
 - Part C: Signature
 - Part D: Supplemental environmental questions (7) for nonprojects (*Required only for nonprojects*)
- Draft Co-Manager Hatchery policy = nonproject proposal
- Proposal review is phased
 1. Draft policy SEPA
 2. Hatchery Program Plans – separate environmental evaluation



SEPA Review

- Proposal = draft Co-Manager Hatchery Policy [FWC Policy]
- SEPA Checklist response: WDFW working with FWC
- SEPA Determination: Will be made WDFW's SEPA Coordinator, with consultation
- WDFW = Lead Agency
 - ❖ WDFW submission [WAC 197-11-926]
 - ❖ Only agency determined to have fish and wildlife expertise, among other environmental elements [WAC 197-11-920]
- Proposal = nonproject (WAC 197-11-774)
 - ❖ Concerns a policy that does not require federal approval, and which directs the development of a series of connected actions (WAC 197-11-704(b)(iii))
- Phased review
 - ❖ Review sequence moves from this nonspecific nonproject policy to documents of narrow scope (WAC 197-11-060(5ci))
 - ❖ Documents of narrow scope = connected actions = HGMPs (or Hatchery Program Plans)



SEPA Review – Response to Checklist Summary

- Proposal = draft Co-Manager Hatchery Policy
 - ❖ Establishes expectations for Co-Manager collaborative management
 - ❖ Includes a series of principles that outline the Co-Managers' values
 - ❖ Does not establish specific hatchery goals (e.g., does not address hatchery production)
 - ❖ This SEPA Checklist and the environmental review is limited to the policy itself and not the hatchery program plans
- Nonproject with phased review: (1) policy; (2) Hatchery Management Plans
- Timing / schedule for proposal: Policy begins once FWC and at least on Tribal Co-Manager signs policy
- Location of proposal: Geographic areas of Tribal Co-Manager signatories
- Government approval: None for policy. ESA Consultation of HGMPs
- Policy represents no change in discharge, emissions, production of noise or hazardous substances; use of energy, environmental sensitive areas, shorelines areas; or demands on transportation of public utilities.



SEPA Review – Response to Checklist Summary

- Primary values
 - ❖ WDFW and Tribal Co-Managers will work collaboratively to manage anadromous salmon and steelhead hatcheries,
 - ❖ Hatcheries are primarily operated to preserve, reintroduce, or supplement natural production,
 - ❖ Hatchery programs help support Tribal Treaty Rights, especially when natural-origin populations are insufficient to sustain tribal harvest,
 - ❖ State-regulated recreational and commercial fishing opportunities are important culturally and economically to Washington State,
 - ❖ Hatcheries are best managed locally at the regional or watershed level,
 - ❖ Hatcheries should be managed in ways that would reduce or mitigate their risks to natural-origin populations (e.g., size appropriately, local adaptation, diverse genetically),
 - ❖ Hatchery benefits and risks must be considered when establishing hatchery program goals, and
 - ❖ Hatcheries are operated in a scientifically-sound and defensible manner using adaptive management to achieve hatchery program goals
- Values have no direct affect on “plants, animals, fish, or marine life.”
- Values may have indirect affect through the development of hatchery goals and hatchery management plans.





Questions and Discussion