

SEPA Public Comment Summary and WDFW Responses

Project Title: Washington and Oregon Eulachon Management Plan

SEPA DNS 23-005

This response letter includes all comments received during the SEPA public comment period (January 23–February 22, 2023).

Project Summary:

This management plan was developed by the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife for authorization of directed take of the Southern distinct population segment of Eulachon in commercial and recreational fisheries. The objective of this management plan is to update the 2001 Washington and Oregon Eulachon Management Plan for the purpose of harvesting Eulachon in a manner that does not jeopardize their survival and recovery. The management area covered by this plan includes the Columbia River mainstem and adjacent tributaries in Washington and Oregon. The Eulachon fishing period may extend from December through May, with fishing generally occurring in February through April.

Responses to public comments:

Note: All public comments are copied as written by the commenter, except when deemed inappropriate. Edited language is indicated in italics – *[example]*.

Comment Topic(s)	Public Comment Received	WDFW Response
Recreational License Requirements & Commercial Fisheries	Recreational dippers should be required to have fishing licences like in Oregon. Also since the commercial fishery has very low participation it should be eliminated.	The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature. Despite low participation, the Columbia River smelt commercial fishery serves as an important monitoring tool for evaluating in-season run abundance and provides fish on the market for those who may not have the ability or opportunity to harvest for themselves during an open recreational fishing season. Overall, the commercial fishery has a very low impact on this resource.
Recreational License Requirements & Commercial Fisheries	Many people take part in the recreational smelt dipping that don't do any other fishing throughout the year. It's a family friendly activity and should not be required to have a full fishing license to participate. Maybe a 1 or 3 day license, like for clam digging. ALL commercial fishing in the Columbia should be eliminated, especially smelt.	The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature. The Columbia River smelt commercial fishery serves as an important monitoring tool for evaluating in-season run abundance and provides fish on the market for those who may not have the ability or opportunity to harvest for themselves during an open recreational fishing season. Overall, the commercial fishery has a very low impact on this resource.
Restoration	If smelt spawn like herring do in Alaska and British Columbia by anchoring their eggs to seaweed and the rocks therein, I have heard that the native Americans will submerge pine trees along the coastline to allow for more spawning habitat for the herring would this method be feasible for smelt enhancement?	Eulachon smelt do not have similar spawning behaviors as herring. Typically, they broadcast spawn over sandy or small gravel substrates. Therefore, this method is not feasible for enhancing larval smelt survival. We do not think that a population bottleneck is occurring between spawning and hatching, instead bottlenecks may occur in years where low river flows are unable to distribute these larvae back into the marine environment and poor ocean conditions once larvae are within the marine environment.

<p>Recreational Fishing Regulations & Enforcement</p>	<p>If smelt dipping is allowed, there needs to be A lot more regulation enforcement agents all over the place!.... Last year I witnessed several groups <i>[language omitted]</i> seriously exceeding the limit of 1/4 of a 5 gallon bucket. (they completely fill every bucket they can get their hands on , multiple times) Also, i feel that if the smelt population is going to survive, there should also be a rule that the females may not be retained, they must be re- released immediately, after each dip. they are after all the ones who lay the eggs, therefore we may want to protect them a bit better. A viable solution is to employ, (on a temporary basis, for the day smelt dipping is allowed) in the counties that are allowed to participate in dipping, a certain number of members of the public, to earn a set wage of lets say \$100, to cite people they observe retaining more that the specified limit of smelt. Give them legal authority to do so, but a have them wear regular clothes, but deputize them, so they can enforce the laws and regulations. At least for the time they are running and allowing people to smelt dip... There is an issue here in Kelso, with too many <i>[people]</i> coming to the area, and breaking the laws regarding smelt dipping. they Take 10 times their limit for each person in the family, with no regard to the laws. And its not just a few of them that do this, it is all of them. They have no regard for the laws at all, which is why more game wardens or temporary wardens are desperately needed.</p> <p>There are not nearly enough game wardens out there to patrol the majority of the areas where it is permitted. And I do not feel like hiring on 100 more game wardens full time is fiscally responsible, I feel like there could be a fund made available to make members of the public deputies for a day, with pay, to help catch the people who are deliberately and intentionally breaking the law. I am pretty sure that the fines and revenue brought in from the citations that are handed out, would more than pay for the expense of deputizing civilians for a day. If I remember right, it was like a \$1500 fine for fishing out of season, or for not following regulations regarding the particular fish you are catching isn't it? that is still a lot of money coming in, even if you pay people \$100 each to be voluntary game wardens for the day! You figure if each person cites even one person, (which in this area, I can guarantee there will be more than just one citation given out for each person that you employ to do so..). Last year it took my friend and I approx. 10 min. to catch our limit, and we left... but just myself, I saw at least 12 different <i>[people]</i> taking full 5 gallon buckets, dumping them in the trunks of their cars, and coming back to fill several more buckets as well. I sat and waited for a while to see when they left, but ended up having to leave because I needed a restroom. they were there before I arrived, and still there after I left. I attempted to call the game officials, but to no avail... no one ended up coming out to deal with them. There needs to be something done to keep this from happening if we plan to protect these resources for future generations.</p>	<p>WDFW Enforcement is active and present during recreational fishing openers. We are aware of the challenges in regulating this fishery. The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature.</p>
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Recreational License Requirements & Enforcement	License should be required. Better enforcement. The last 2 years, I continue to see certain groups of people take bucket after bucket. I know the wardens are doing their best, but with this very limited duration of fishery, why cant more law enforcement be present preventing this harm that hurts us all.	WDFW Enforcement is active and present during recreational fishing openers. We are aware of the challenges in regulating this fishery. The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature.
Commercial Fishery	I agree with comments that indicate no commercial fishery should be allowed. This is not a food fish in our world, I believe it is primarily being used as bait for sturgeon fishing. Given the challenges associated with the sturgeon population it doesn't seem smart to negatively affect the smelt run to provide bait for that fishery.	The Columbia River smelt commercial fishery serves as an important monitoring tool for evaluating in-season run abundance and provides fish on the market for those who may not have the ability or opportunity to harvest for themselves during an open recreational fishing season. Overall, the commercial fishery has a very low impact on this resource.
Harvest Rates, Predation Concerns, Habitat Protections, & Enforcement	<p>Hello,</p> <p>I have been Smelt dipping since i could walk, it is a heritage enjoyed by my family. Every year it is open, we go. I use them for bait, fry them, smoke them, and enjoy them. We have seen a very cyclical run since as long as I can remember. Some years really good, others not so much. My worry with expanding harvest commercially, and recreationally, is that this plan fails to truly recognize those cycles. This fishery has proved to collapse very easily. Is it really worth another 5 or 10 year moratorium on fishing, just to get a few more dips in a season? Some other things need to be addressed as well. For one, sea lions at the mouth of the Lewis and Cowlitz decimate these fish as they return to spawn. Recent dredging at the confluence has made this problem worse, it has created unnatural conditions for the Sea Lions to utilize. Furthermore, the last few seasons I have seen unprecedented poaching by those who do not follow the rules. Last year I witnessed 4 individuals each harvest 2, 5 gallon buckets a piece before making a getaway. I feel there needs to be heavier enforcement as well. Thank you for taking the time to consider these comments. Kind regards.</p>	<p>A stock-recruit analysis was completed in 2019 (Langness et al. 2019) that showed no correlation in run size to future recruitment to the population. A clear example of this is in 2015, we observed a very large run of smelt that was measured using the spawning stock biomass estimate. Adult smelt typically return to the river to spawn at 3-4 years of age (with some variability between 2-6 years of age). Yet in 2018, three years after the large run of 2015, we experienced one of the smallest runs recently documented at <500,000 pounds of adult smelt returning to the Columbia. Despite the low abundance, the high survival of those offspring led to the larger runs we have observed in 2021 and 2022. The cyclical nature you described can be directly attributed to shifts in the marine environment. Therefore, the low harvest rates proposed in this plan do not jeopardize recovery of the species.</p>
Habitat Protections	<p>Hello! My concern or question is around impacts the dredging is having primarily on the Cowlitz river since this is our go to tributary for harvesting smelt. Why is dredging being allowed during the return of spawning fish? There should be protocols or better management, communication regarding our rivers and streams with care taken during the run cycles</p>	Dredging operations go through a rigorous permitting process, reviewed by both federal and state agencies.
Monitoring, Recreational Fishing Regulations, Harvest Rates, Recreational License Requirements,	<p>Appreciate the opportunity to review the draft management plan. 1). Appreciate the desire and need to monitor the run and conduct test fishing. Would support test fishing over commercial harvest for such a delicate fun. 2). Also appreciate the Harvest phase approach but would desire a focus more on minimum 1 day recreational fishery approach than higher harvest for multiple recreational openings. Fish abundance is cyclical, with many factors. Set minimum return for spawning purposes and then allow for 1 day (5 hour) opening. I think the community would rather have 1 day per year than multiple days every few years. 3). I do like the preseason Phase approach with in-season adjustments and 2/25 date</p>	The Department agrees that test fishing would be a useful tool to improve monitoring for the species and is actively seeking funding to implement it.

Outreach and Education	for review (allows for some advance planning), would just like to have you consider lowering the minimum run return requirement and total % of harvest for recreational purposes (no real reason to increase harvest target to 10%). 4). Require recreational harvest license and separate bags/buckets per person - similar to razor clamming or other fisheries - this would increase awareness of rules and regulation and provide offset revenue for enforcement and management of fishery. 5). Increase education/rules in multiple languages, <i>[language omitted]</i> - understand audience who is harvesting to prevent over-harvest.	
Harvest Seasons	Close smelt every other year, offset with the northern pink runs in Puyallup odd year pinks even year smelt must have current fish license for the year	Due to the year-to-year change in run abundance, the Department must monitor and evaluate run size annually to evaluate if and when sustainable harvest may occur. There is no evidence to support a correlation in abundance with alternating run years between eulachon and pink salmon.
Harvest Seasons	When I was a young child, Mackinaw City, MI had an annual fish fry (smelt). Best fry ever. Once a year was not enough so good. Please do just that, and bringing the community together to put on the best fish fry ever. People from all-over will keep coming for more. Thank-you for asking public oppinions.. Good day, from Vancouver, WA	Thank you for your comment.
Commercial Fishery	No commercial fishery. Period.	The Columbia River smelt commercial fishery serves as an important monitoring tool for evaluating in-season run abundance and provides fish on the market for those who may not have the ability or opportunity to harvest for themselves during an open recreational fishing season. Overall, the commercial fishery has a very low impact on this resource.

<p>Enforcement, Education and Outreach, Recreational License Requirements</p>	<p>Hello, Responding to your feedback request regarding smelt. I am a recreational fisherman. My use for smelt is limited to sturgeon fishing and maybe eating a batch every few years just to remind me I don't care for them that much. With that, the 10 pound limit more than meets my needs.</p> <p>During the public dips on the Cowlitz, it was sad and frustrating to see so many people violating the 10 pound limit. I read in our local paper (The Daily News 2/5/23) that you wrote 51 citations for 2022. That would certainly be a place I suggest that you could do more policing! <i>[language omitted]</i> Not sure if I saw bilingual signage informing of the limits as we see at other harvest places (Hood Canal, Wa), just a thought of something to do or just more officers to ticket the violators would be better to me.</p> <p>I read you are considering requiring a license? Guaranteed that will cut down on dippers. Not sure how long you have worked for WDFW, but this was tried years ago and very few licenses were sold, so very few dippers participated. Appears this "fishery" is more of a family outing than a food provider. The good of that is with less dippers, the smelt numbers should/could continue to grow which should be better for sturgeon numbers which are also struggling. A win-win situation as I see it.</p> <p>One thing I can't find is where will the money for the proposed license go and what will it be used for? Hopefully it will go to something that benefits the smelt/sturgeon and not to the general fund.</p> <p>Thanks for reading,</p>	<p>WDFW Enforcement is active and present during recreational fishing openers. We are aware of the challenges in regulating this fishery. The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature. As proposed, an annual or temporary freshwater fishing license would have covered the license requirement for this fishery. It will be up to the state legislature to determine if and how to implement a license requirement and where the funding for this license will go.</p>
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<p>Coastal Runs, Commercial Fishery</p>	<p>The lack of management in the Columbia river on smelt has affected several rivers on the Columbia river that used to have strong smelt runs, and it has affected streams on the Oregon coast, and Washington coast by over harvesting the Columbia River. It has also affected the smelt runs on Willapa Bay and Grays Harbor bay. For years we harvested smelt on Willapa Bay and it's rivers and ever since they've overharvesting on the Columbia river. It's affected Willapa Bay. The tribes used to fish smelt on several coastal rivers, and they still do but again overfishing the Columbia has affected those rivers. You have so many rivers that used to have strong smelt runs in them on the Columbia River, and now they have no smell runs due to over harvest. and what about all the creatures and critters that rely on smelt in the Columbia river system, and coastal, rivers and bays? A and what about the gillnet fishery? and what about the gillnet fishery on the Columbia river for smelt look at how many other species it affects salmon Smoltz, steelhead, Smoltz, baby, sturgeon, and other species get entangled in these gillnets this fishery has got to stop.</p>	<p>Smelt declined across the range in the mid-1990s due to climate shifts in the ocean environment. For more information regarding the species decline and recovery efforts, please see the recovery plan: https://www.fisheries.noaa.gov/resource/document/recovery-plan-southern-distinct-population-segment-eulachon-thaleichthys</p> <p>The commercial fishery fishes before many other ESA-listed species are present within the system and bycatch is extremely low. We do not anticipate encountering any other ESA-listed species during the commercial fishery.</p>
<p>Recreational License Requirements, Recreational Fishing Regulations, Harvest Seasons, Commercial Fishery</p>	<p>Thanks for allowing comments from citizens of Washington State.</p> <ol style="list-style-type: none"> 1. No free lunch, to dip for smelt, legally, there should be a required license. WDFW has created a monster by allow, short season and a no license requirement. To many people, in to limited space on to short of time frame. 2. Everyone should have to dip their own limits, except hand capped persons that have the special license from WDFW. Anyone that has been to the Cowlitz during the shortened seasons know that when you watch families head to the river, many buckets, 1 net..... mmmm all leave with limits. 3. There needs to be a general State wide season.....there are other rivers systems that have smelt runs. WDFW Region 5, isn't the only Region that has smelt, in river. 4. Commercial seasons need to be reduced.....test fishery <i>[language omitted]</i>, I'd believe that is the product caught were given to food banks, not a profit motivation for the netters. 5. Sport License fee should be \$5 - \$10 	<p>The Department recently pursued legislation to require a recreational fishing license for smelt in freshwater (HB 1226); however, this bill was not passed by the Washington State Legislature. Current recreational fishing requirements do require anglers to harvest their own smelt and to possess their own separate container for their limit of fish. Anglers may choose to take turns using a fishing rod when fishing for other species and similarly, anglers may choose to take turns using a net when fishing for smelt. Current rules require individual containers per angler. The Columbia River has the most consistent smelt runs year-to-year and is the location of all monitoring activities. To sustainably manage the population, the department must be able to monitor the total harvest to assess impacts to the overall run. These monitoring resources are not currently available outside of the Columbia River and tributaries. The Columbia River smelt commercial fishery serves as an important monitoring tool for evaluating in-season run abundance and provides fish on the market for those who may not have the ability or opportunity to harvest for themselves during an open recreational fishing season. Overall, the commercial fishery has a very low impact on this resource.</p>
<p>Recreational Fishing Regulations</p>	<p>We could add that the limit is 10 pounds OR 5 quarts (which is the same for squid). 5 quarts would equal to about 10 pounds of smelt and then if we could find the money to have free 5 quart buckets at the weigh stations that would be good so that people who didn't bring a scale wouldn't have to worry that they are over limit and it would help make sure people are using separate containers.</p>	<p>Managers will take your comments into consideration when crafting future recreational fishing regulations.</p>

<p>Commercial Fishery, Recreational Fishery, Monitoring</p>	<p>Fishing for smelt commercially in the Columbia River should be banned. Recreational smelt dipping should be closed for a few years to measure if the smelt are making a come back. The study should include measuring each year over three years or so to see if the smelt are making a come back. Thanks</p>	<p>A stock-recruit analysis was completed in 2019 (Langness et al. 2019) that showed no correlation in run size to future recruitment to the population. A clear example of this is in 2015, we observed a very large run of smelt that was measured using the spawning stock biomass estimate. Adult smelt typically return to the river to spawn at 3-4 years of age (with some variability between 2-6 years of age). Yet in 2018, three years after the large run of 2015, we experienced one of the smallest runs recently documented at <500,000 pounds of adult smelt returning to the Columbia. Despite the low abundance, the high survival of those offspring led to the larger runs we have observed in 2021 and 2022. The cyclical nature you described is largely a result of shifts in the marine environment. Therefore, the low harvest rates proposed in this plan do not jeopardize recovery of the species. As described in the plan, annual monitoring is conducted to evaluate the run abundance and compared to the target abundance goals set by NOAA Fisheries.</p>
<p>Predator Management</p>	<p>*Mail-in letter received, inserted below.</p>	<p>The management of predators is not included within the Washington and Oregon Eulachon Management Plan; however, we are aware of the challenges predators present in managing and recovering Columbia River fisheries. Your comments will be shared with the appropriate managers within WDFW.</p>

Lisa Wood
SEPA/NEPA Coordinator
WDFW Habitat Program, Protection Div.
P. O. Box 42300
Olympia, WA 98504

RECEIVED

Bernard Bjork
56 Miller Point Rd.
Rosburg, WA 98643

FEB 28 2023

HABITAT PROGRAM

February 17, 2023

REF: SEPA Comment For Eulcheon/Smelt, Columbia River Basin. Management of avian and seal/California Sea Lions needs to be a top priority. Early 1970s Endangered Species, and Marine Mammal Acts, too restrictive.

Dear Ms. Wood;

Hope all is well with you and yours.

I am writing to comment on the management of smelt on the Lower Columbia River. I live on Deep River, Wahkiakum County., WA I own 3 parcels of Deep River front property comprising approximately 10 acres, down river of the SR 4 Highway Deep River bridge. approximately 1 ½ miles above where Deep River enters the Columbia River.

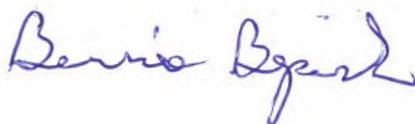
My main concern for writing this comment has to do with the need to manage/control the populations of birds (cormorants, Caspian Terns, Pelicans, etc.) and the seal and CA Sea Lion populations. These predators have increased to the point that has led to an unsustainable problem for our local fish populations. The latest incident that I witnessed on my property which occurred on January 30th, was the arrival of two groups of CA Sea Lions that came up Deep River. I have now lived here for over 3 years and have never before seen CA Sea Lions up this far. I have seen harbor seals here before several times. I called a neighbor who is in his late 70s and he told me that, "the Sea Lions were most likely up the river because of the smelt". Another neighbor I spoke to, said that he witnessed CA Sea Lions eating salmon above the SR 4 Deep River bridge "a while back".

I will be 70 years old April 2023. Since I was 11 years old I have grown up on the Lower Columbia, and it's tributaries. As a youngster in the 1960s (I grew up south of Astoria on the Walluski and Youngs river) we were always out on the rivers hunting and fishing (both commercial and sport). Our parents told us it was a good thing to shoot any cormorants (black shags) or mergansers (hell divers) we came upon, because the largest employer on the Lower Columbia at the time, Bumble Bee Seafoods, depended on salmon (and smelt, shad, etc.) fishing. Also, there were no Caspian terns or pelicans around at that time. There was a bounty on seals, and there were no CA Sea Lions on the tributaries of the Lower Columbia. Bumble Bee Seafoods ended up leaving the Lower Columbia.

The federal government and the states of Oregon and Washington need to manage this resource, and that means manage the predators that are decimating our fish populations.

Thank you for allowing me to comment. The best to you and yours.

Truly;
Bernie Bjork





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

February 16, 2023

Via Electronic Mail

Lisa Wood
SEPA/NEPA Coordinator,
Washington Department of Fish and Wildlife Habitat Program, Protection Division
P.O. Box 43200, Olympia, Washington 98504-3200

Dear Ms. Wood:

This letter regards the National Marine Fisheries Service's (NMFS) comments on the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife (collectively, states) draft Washington and Oregon Eulachon Management Plan (FMP), 2nd Edition.

Background:

On March 18, 2010, NMFS published a final rule in the *Federal Register* (75 FR 13012) to list eulachon as threatened under the Endangered Species Act. This listing extended from the Skeena River in British Columbia south to the Mad River in Northern California, and encompassed all eulachon within the states of Washington, Oregon, and California.

Following the listing of eulachon, the states enacted permanent rules prohibiting directed harvest of eulachon in recreational and commercial fisheries in the Columbia River and its tributaries; commercial fishing closed permanently effective December 1, 2010, and recreational fishing closed permanently effective January 1, 2011.

In 2012, the states met with NMFS to explore a limited-opportunity eulachon fishery in select areas of the Columbia River. NMFS was supportive of the state's interest in implementing this commercial, recreational, and tribal eulachon fishery during strong return years if it was limited, conservatively managed, and well-monitored to ensure consistency with recovery.

NMFS offers the following comments on the state's FMP for consideration to better align the fishery management strategies described in the FMP with the recovery goals and objectives set forth in the Eulachon Recovery Plan.



Section 2: Monitoring and Evaluation

- The FMP describes several fishery monitoring and sampling procedures, including a spawning stock biomass (SSB), but the FMP does not include an SSB monitoring plan as an explicit part of the FMP. Therefore, we cannot tell if the states plan to implement a stock assessment monitoring program in conjunction with the fishery, or not, and if not, it is unclear to us how the states will ensure that they can sustainably harvest eulachon – the stated objective of the FMP.
- The fishery management strategies described in the FMP are predicated on an abundance-based management approach that hinges on an analysis of (1) the mean run-size over the previous three years, (2) the two-year trend in abundance, and (3) the trend in estimated abundance for the upcoming season to determine which harvest phase to set for a given fishery season. Therefore, the fishery management strategies presented in the FMP only work if there is an active stock assessment program in place to collect the necessary biological data to implement the decision-making framework presented in the FMP.

Therefore, as the fishery management strategies in the FMP are interdependent on an active stock assessment program, NMFS recommends that the states revise the FMP to include a stock assessment program as an explicit part of the FMP.

Section 3: Decision-Making Framework

- We agree that using the 3-year¹ arithmetic mean SSB for the subpopulation is an appropriate metric to assess short-term abundance trends.
- The FMP does not appear to include escapement goals for any of the eulachon river-specific cohorts that comprise the Columbia River subpopulation. Thus, NMFS recommends that the states not only set annual harvest goals, but also set annual escapement goals. Preferably, the states would set escapement goals for each eulachon river-specific cohort in the Columbia River basin.
- The pre-season harvest indicator approach used in the FMP does not forecast spawner recruitment, but simply provides a preseason estimation of run strength, i.e., strong or weak, based on past performance. Therefore, NMFS recommends that the states revise the FMP so the fishery is based on something more systematic, like an age-structured, state-space spawner-recruit model, so the states can forecast spawner recruitment.
- As noted throughout the development of the FMP, without a spawner-recruit model as an explicit part of the FMP, the abundance-based management approach is unenforceable. As such, NMFS recommends the states replace the percent-based harvest management approach with a biomass-based harvest approach (pounds or metric tons), similar to other

¹ Three years is the average age-at-return for eulachon in the Columbia River.

forage fisheries, such as the Pacific sardine fishery. This management approach would permit the states to set specific harvest limits that can be effectively managed and enforced in real-time. As such, NMFS recommends the states revise the FMP with harvest specifications to include the following biomass-based parameters:

- A biomass estimate
- An overfishing limit
- An acceptable biological catch
- An annual catch target
- And, eulachon river-specific cohort escapement goals
- NMFS also recommends that the states revise the FMP to include a minimum fishery trigger of 5.9 million pounds² to better align the FMP with the recovery goals and objectives of the species set forth in the Eulachon Recovery Plan. Therefore, when the 3-year arithmetic mean SSB is less than 5.9 million pounds, the fishery would be restricted to a research-only fishery, and NMFS recommends the exploitation rate be set at a maximum of 500 pounds.

Section 4: Effects on ESA-Listed Species

- This section would suggest that the states were including a systematic analysis of the impact of the fishery on eulachon. However, this section contains only a series of tables with estimates of “take” of eulachon, and salmon, and steelhead as part of the fishery, but no systematic impact analysis.
 - The Eulachon Recovery Plan calls for the development of a fishery evaluation and management plan (FMEP) that ensures that exploitation rates associated with a eulachon fishery do not negatively impact subpopulation productivity. We interpret ... *development of an FMEP that ensures that exploitation rates associated with a eulachon fishery do not negatively impact subpopulation productivity* ... to mean that any fishery would not reduce the number of spawners to an extent that the loss of spawners would have a measured effect on subpopulation productivity.
 - Therefore, to better align the FMP with the recovery goals and objectives set forth in the Eulachon Recovery Plan, NMFS recommends that the states include a systematic impact analysis of the fishery on subpopulation productivity as an explicit part of the FMP.

² 5.9 million pounds (6 out of 30 years) is the LOW abundance demographic recovery target for the Columbia River subpopulation. The demographic recovery criteria for the Columbia River subpopulation also includes LOW and HIGH (20.5 million pounds 24 out of 30 years) abundance targets, plus presence/absence criteria for river-specific spawning cohorts.

Thank you for the opportunity to provide comment on the draft Washington and Oregon Eulachon Management Plan. Please feel free to contact Robert Anderson at: 503.231.2226 or robert.c.anderson@noaa, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chris Yates" followed by a horizontal flourish.

Chris Yates
Assistant Regional Administrator
for Protected Resource Division



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

July 20, 2023

Chris Yates
Assistant Regional Administrator for Protected Resource Division
National Marine Fisheries Service, West Coast Region
National Oceanic and Atmospheric Administration
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Dear Mr. Yates:

Thank you for your comments in response to the draft Washington and Oregon Eulachon Management Plan. Upon receipt of this letter, we, the states of Washington and Oregon, requested a series of meetings to work through the more detailed, technical points raised in their letter. Those meetings occurred on Friday June 9th, 2023 and Thursday June 15th, 2023. The key take aways from those meetings are highlighted below.

Plan Section 2: Monitoring and Evaluation

- The States added more detail on our fishery and stock assessment monitoring methods to this section.
- Just this year, the Washington State legislature included a line item within the FY2023–2025 operating budget to support ongoing sturgeon and smelt monitoring. Therefore, we anticipate the baseline SSB monitoring to continue into the near future.

Plan Section 3: Decision-Making Framework

- The states and NMFS agreed to continue collaborating on increasing our knowledge of the presence/absence of eulachon in lower Columbia River tributaries as funding and other resources allows. We all recognize that additional funding will be needed for this work and will work collaboratively to pursue those additional funds.
- The states and NMFS also agree that while data does not exist at this time to support a more quantitative eulachon forecasting model, this does remain a goal for the future. We all agreed that because recruitment appears to be highly stochastic, and fish return at a range of ages, the forecasting approach outlined in the plan is appropriate for pre-season planning at this time.
- The states have revised and added language to this section of the plan clarifying our in-season management approach for effectively managing the fishery, including evaluating harvest after each fishery opener prior to proceeding with an additional day of fishing.

Chris Yates
July 20, 2023
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Plan Section 4: Effects on ESA-Listed Species

- The states have revised this section of the plan to only include those ESA-listed species that could be incidentally impacted by our eulachon fishery.
- The states and NMFS agreed that sections 2 and 3 of the draft plan, which discuss monitoring and sustainable harvest strategies, characterize the potential impacts to the Eulachon run within the Columbia River.

We appreciate NMFS' dedication to eulachon recovery and collaboration with WDFW to develop an updated management plan. We look forward to continuing these productive conversations and collaborative efforts, with the joint-agency goal of improved eulachon monitoring to benefit future recovery and management actions of this species.

Sincerely,



Kelly Cunningham
Fish Program Director

cc: Laura Heironimus
Charlene Hurst

Enclosure: Comment Letter received from the National Marine Fisheries Service – Draft Washington and Oregon Eulachon Management Plan, SEPA DNS 23-005



Cowlitz Indian Tribe

February 21, 2023

Ms. Lisa Wood
SEPA/NEPA Coordinator
WDFW Habitat Program, Protection Division
PO Box 43200
Olympia, WA 98504
Via email to eulachonplan@publicinput.com

Re: Draft Washington and Oregon Eulachon Management Plan, SEPA DNS 23-005

Dear Ms. Wood:

Thank you for the opportunity to comment on the Washington and Oregon Eulachon Management Plan. The stated objective of this plan is “to update the 2001 Washington and Oregon Eulachon Management Plan for the purpose of sustainably harvesting [e]ulachon in a manner that does not jeopardize their survival and recovery” (p. 9). With this aim in mind, we offer several comments and questions below.

The Cowlitz Indian Tribe is a federally recognized Indian Tribe of southwest Washington and northern Oregon. Our aboriginal territory features many rivers, including the Cowlitz and mighty Columbia. Eulachon are a particularly significant species for the Tribe. In the pre-European contact era, our people would catch and cold-smoke eulachon, and then trade the commodity throughout the region. Today, the Tribe continues to engage in an annual smelt ceremony, organizes monitoring and research initiatives, serves on the Eulachon Technical Recovery and Implementation Team, and comments on projects and actions affecting eulachon or their habitat, reaffirming the Tribe’s resource management tradition within Cowlitz aboriginal lands since Time Immemorial. In fact, the Cowlitz Indian Tribe successfully spearheaded the petition that led to the federal listing of the Southern Distinct Population Segment of eulachon in 2010.

Coordination with Harvest Entities. The draft plan describes annual coordination with harvest entities, including Tribes, but offers few details (p. 31). The Cowlitz Indian Tribe has always harvested smelt sustainably and safely. We are willing to work with the Washington Department of Fish and Wildlife (WDFW) and are interested in continued discussion and coordination on eulachon. In recent years, the Tribe and WDFW have enjoyed a collaborative partnership focused on sustaining healthy fish and wildlife populations across southwest Washington. We hope that this partnership will continue in the future. The Tribe shares many conservation and recovery goals with WDFW for eulachon and other listed species.

Monitoring Recommendations. The draft plan identifies several monitoring recommendations, including increased public outreach, eDNA monitoring, a test fishery, and acoustic surveys (p. 16-17). We agree that eulachon are a “data-poor species” and support additional monitoring efforts. However, we did not see any recommendations for evaluating genetics and species identification questions raised at recent Eulachon Technical Recovery and Implementation Team meetings. Addressing these data gaps and uncertainties will be important for advancing eulachon recovery, improving forecasts, and conducting sustainable harvest. Will WDFW pursue funding to support any of these initiatives? Well-funded, standardized monitoring programs will be critical for success.

Habitat Considerations and Threats beyond Harvest. The draft plan focuses on eulachon harvest and does not directly address habitat needs (marine, freshwater, or estuarine) or other threats affecting population status. Climate change effects and changes in oceanic productivity are only mentioned briefly, mainly in relation to forecasts. Dredging impacts, issues of water quality and quantity, dams, and shoreline construction are a few other examples of concern to the Tribe; these were identified in the last National Marine Fisheries Service [5-year review](#) (2022, Table 3, p. 7) as ‘moderate’ threats to the Columbia River eulachon subpopulation. In that same review, recreational harvest and commercial harvest were classified as ‘low’ threats, and Tribal/Indigenous Nations fisheries were classified as a ‘very low’ threat. How is WDFW contemplating these factors and what more can be done to address the most severe threats? Achieving a healthy eulachon population will require a holistic approach to conservation.

Thank you for considering these comments. If you have any questions concerning this letter, please contact Dalton Fry, Interim Director of Natural Resources, or Christina Donehower, Policy Analyst. Dalton can be reached at dfry@cowlitz.org or (360) 575-6225, and Christina can be reached at cdonehower@cowlitz.org or (360) 506-1848. The Cowlitz Indian Tribe looks forward to continued discussion and consultation with WDFW on Columbia River eulachon.

Sincerely,

Patricia Kinswagaiser

Patty Kinswa-Gaiser
Cowlitz Tribal Chairwoman

CC: Jim Woods, WDFW Director of Tribal Affairs
Chris Conklin, WDFW Region 6 Director and Acting Region 5 Director
Laura Heironimus, WDFW Sturgeon, Smelt, and Lamprey Unit Lead



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
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July 20, 2023

Patty Kinswa-Gaiser
Cowlitz Tribal Chairwoman
Cowlitz Indian Tribe
PO Box 2457
Longview, WA 98632-8594

Dear Chairwoman Kinswa-Gaiser:

Thank you for your comments in response to the draft Washington and Oregon Eulachon Management Plan. The Washington Department of Fish and Wildlife (WDFW) identifies the Cowlitz Indian Tribe (CIT) as a valuable partner in the effort to conserve and recovery eulachon. Further, we acknowledge that eulachon in the Cowlitz River have been an important resource for the CIT since time immemorial.

Your comments regarding the evaluation of genetics and species identification are warranted and we will incorporate those additional recommended monitoring actions into the final revision of the management plan. Our agency has been actively seeking additional eulachon monitoring funding, and we're happy to share that we have successfully secured ongoing funding for baseline spawning stock biomass monitoring in the Columbia River, provided by the Washington state legislature. WDFW will continue to seek out funding to further address data gaps and uncertainties, improve forecasts, and evaluating sustainable harvest goals. As an active member in the Eulachon Technical Recovery and Implementation Team, a collaborative multi-agency team working towards the recovery of the southern distinct population segment of eulachon throughout their range, we will continue to strive for coordinated funding and collaboration opportunities with other interested parties.

We appreciate the strong cooperation and communication that exist between the CIT and WDFW, which sets the foundation for multiple collaborative efforts to maintain healthy fish and wildlife populations in Southwest Washington. We look forward to continuing those efforts with regard to eulachon and other species, and to continued productive conversations.

Sincerely,

Kelly Cunningham
Fish Program Director

Patty Kinswa-Gaiser
July 20, 2023
Page 2

cc: Laura Heironimus
Charlene Hurst

Enclosure: Comment Letter received from Cowlitz Indian Tribe – Draft Washington and Oregon
Eulachon Management Plan, SEPA DNS 23-005