

**Draft Agenda**

**Joint-State Columbia River Salmon Fishery Policy Review Committee (PRC)**

August 1, 2019 9 a.m. – 3 p.m.  
Oregon Fish and Wildlife Commission Room  
4034 Fairview Industrial Drive SE, Salem, Oregon

*(Written reference material provided in advance of the meeting shown in footnotes)*

9:00-9:30	<b>1. Opening Remarks and Adoption of Agenda</b> 1) Opening Remarks 2) Adoption of Agenda	Commissioners <sup>i</sup> /Staff Commissioners
9:30-12:00  Break at ~10:30	<b>2. Review of Recent Columbia River Fishery Policy History</b> 1) Overview of Policy Development and Performance i. Overview of Columbia River fishery management ii. Major policy initiative/changes beginning in 2013 <sup>ii</sup> iii. Evaluation of policy performance 2013-18 <sup>iii</sup> iv. Review of PRC process to date <sup>iv</sup> 2) Questions and Discussion after each Segment above, in a Workshop Atmosphere	Staff  Commissioners/Staff
12:00-2:00  Working Lunch 12:00 – 12:45	<b>3. Policies and Regulations in 2020 and Beyond</b> 1) Cursory Review of Issues in the Range of Alternatives under Consideration <sup>v</sup> 2) Refining and Prioritizing Alternatives for Analysis for Increased Upriver Spring Chinook Sport Fishery Stability i. Option Descriptions <sup>vi</sup> ii. Analysis <sup>vii</sup> iii. Decisions 3) Document Format for Final Agreement <sup>viii</sup>	Staff/Commissioners  Staff Staff Commissioners Staff/Commissioners
2:00-2:30	<b>4. Future Process and Schedule</b> 1) Review of draft Process and Schedule Document <sup>ix</sup> 2) Discussion of Future Meeting Dates and Process Expectations	Staff Commissioners
2:30-3:00	<b>5. Conclusionary Matters</b> 1) Review of Expectations for Next Meeting 2) Review of Staff Assignments 3) Closing Remarks	Staff/Commissioners Commissioners Commissioners

## Draft Agenda

### Reference Material:

---

<sup>i</sup> Names and Bios of Commissioners provided by the following links:

- Oregon FWC, including transitional Commissioners: <https://www.dfw.state.or.us/agency/commission/members.asp>
- Washington FWC: <https://wdfw.wa.gov/about/commission/members>

<sup>ii</sup> Oregon policy changes via administrative regulation (635-500-6705 – 635-500-6765): <https://www.dfw.state.or.us/OARs/500.pdf>; Washington Policy C-3620: <https://wdfw.wa.gov/sites/default/files/2019-03/c3620.pdf>

<sup>iii</sup> Summary and Analysis of Columbia River Harvest Reform Activities 2009 – 2017; including Transition Period 2013-2016 and 2017 Policy: [https://www.dfw.state.or.us/fish/OSCRP/CRM/docs/CRHR\\_Compilation\\_Report\\_DRAFT\\_20190114.pdf](https://www.dfw.state.or.us/fish/OSCRP/CRM/docs/CRHR_Compilation_Report_DRAFT_20190114.pdf); Comprehensive Evaluation of the Columbia River Basin Salmon Management Policy C-3620, 2013-2017: <https://wdfw.wa.gov/publications/02029>

<sup>iv</sup> PRC meetings (January 17, February 6, February 26, March 14, August 1) materials:

[https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

<sup>v</sup> A listing of issues and the range of alternatives for each can be found at:

[https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

<sup>vi</sup> Descriptions of status quo and each alternative can be found at:

[https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

<sup>vii</sup> Analysis of the results of implementing each alternative can be found at:

[https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

<sup>viii</sup> A draft document format can be found at: [https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

<sup>ix</sup> A draft process and schedule update can be found at:

[https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR\\_fisheries\\_mgmt\\_reform.asp](https://www.dfw.state.or.us/fish/OSCRP/CRM/LMCR_fisheries_mgmt_reform.asp); <https://wdfw.wa.gov/about/commission/joint-policy-review-committee>

Background Information on Columbia River Fishery Management  
Provided by Oregon and Washington Joint Management Staff  
August 1, 2019

**THE COMPACT/JOINT STATE PROCESS**

The Columbia River Compact is charged by congressional and statutory authority to adopt seasons and rules for Columbia River commercial fisheries. In recent years, the Compact has consisted of the Oregon and Washington agency directors, or their delegates, acting on behalf of the Oregon Fish and Wildlife Commission (OFWC) and the Washington Fish and Wildlife Commission (WFWC). The Columbia River treaty tribes have authority to regulate treaty fisheries.

When addressing commercial seasons for Columbia River fisheries, the Compact/Joint State Process considers the effect of the commercial and recreational fisheries on escapement, treaty rights, and the impact on species listed under the Endangered Species Act (ESA). Working together under the Compact/Joint State Process, the states have the responsibility to address the allocation of limited resources between recreational, commercial, and treaty fishers. This responsibility has become increasingly demanding in recent years. The states maintain a conservative management approach when considering Columbia River fisheries that will affect species listed under the ESA.

Excerpts from “The Columbia River Compact” by Fronda Woods, Assistant Attorney General’s Office, August 2008.

The Columbia River Compact is a Congressionally-ratified interstate agreement between Oregon and Washington. In the Columbia River Compact, the two states promised each other in 1915 to adopt or amend laws for the conservation of fish in the Columbia River where it forms their common boundary only with both states’ mutual consent. The procedures for implementing the Columbia River Compact have evolved over time, and today they reflect a mix of statute, court order, policy, and custom. The Columbia River Compact has proven to be a durable agreement that continues to work well today as a framework for fisheries management in the Columbia River.

Because the United States Constitution forbids states from entering into compacts without the consent of Congress,<sup>2/</sup> Oregon and Washington asked Congress to approve the Columbia River Compact, which it did in 1918.

As adopted by Congress, the Columbia River Compact provides in its entirety as follows:

All laws and regulations now existing [as of 1915], or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be

made, changed, altered, and amended in whole or in part, only with the mutual consent and approbation of both States.

Act of April 8, 1918, ch. 47, 40 Stat. 515.

<sup>2</sup> The Compacts Clause of the United States Constitution provides: “No state shall, without the consent of congress, . . . enter into any agreement or compact with another state . . .” U.S. Const. art. I, § 10, ¶ 3.

### Endangered Species Act

The majority of Columbia Basin salmon and steelhead stocks are listed under the ESA as shown in the table below. The *U.S. v Oregon* TAC has prepared Biological Assessments (BAs) for combined fisheries based on relevant *U.S. v Oregon* management plans and agreements since 1992.

<b><i>Federally-listed Species Found in Columbia River Fishery Management Areas</i></b>			
Species – ESU/DPS	Current Designation	Listing Date	Effective Date
<u>Chinook</u>			
Snake River Fall	Threatened	April 22, 1992	May 22, 1992
Snake River Spring/Summer	Threatened	April 22, 1992	May 22, 1992
Upper Columbia Spring	Endangered	March 24, 1999	May 24, 1999
Upper Columbia Summer/Fall	Not warranted	--	--
Middle Columbia Spring	Not warranted	--	--
Lower Columbia River Spring/Fall	Threatened	March 24, 1999	May 24, 1999
Upper Willamette Spring	Threatened	March 24, 1999	May 24, 1999
Deschutes River Summer/Fall	Not warranted	--	--
<u>Steelhead</u>			
Snake River Basin	Threatened	August 18, 1997	October 17, 1997
Upper Columbia River <sup>1</sup>	Threatened	August 18, 1997	October 17, 1997
Lower Columbia River	Threatened	March 19, 1998	May 18, 1998
Middle Columbia River	Threatened	March 25, 1999	May 24, 1999
Southwest Washington	Not warranted	--	--
Upper Willamette	Threatened	March 25, 1999	May 24, 1999
<u>Sockeye</u>			
Snake River	Endangered	November 20, 1991	Dec. 20, 1991
Okanogan River	Not warranted	--	--
Lake Wenatchee	Not warranted	--	--
<u>Chum</u> – Columbia River	Threatened	March 25, 1999	May 24, 1999
<u>Coho</u> – Columbia River	Threatened	June 28, 2005	August 26, 2005
<u>Green Sturgeon</u> - Southern DPS	Threatened	April 7, 2006	July 7, 2006
<u>Eulachon</u> - Southern DPS	Threatened	March 18, 2010	May 17, 2010

## **Columbia River Salmonid Management Guidelines**

The parties to *U.S. v Oregon* operate under the 2018-2027 Management Agreement (MA) through December 31, 2027. This agreement provides specific fishery management constraints for Upriver spring, summer, and fall Chinook, Coho, sockeye, and steelhead. Excerpts from the *U.S. v Oregon* MA and other agreements applicable to fisheries considered in this report are highlighted below.

### **Upriver Spring Chinook**

The 2018–2027 MA provides for a minimum annual mainstem treaty entitlement to the Columbia River treaty tribes of 10,000 spring and summer Chinook that may be used for ceremonial and subsistence (C&S) purposes. If run sizes and allowed harvest rates do not allow the treaty mainstem fishery to harvest at least 10,000 spring and summer Chinook, the states will provide excess hatchery fish to meet this objective. Tributary harvest of spring and summer Chinook is not included in this entitlement.

Non-treaty and treaty winter and spring season fisheries are managed in accordance with the harvest rate schedule provided in Table A1 of the 2018-2027 MA. This harvest rate schedule was the first to incorporate a sliding scale, with increasing or decreasing allowable impact rates dependent on the total Upriver spring Chinook run size. This harvest rate schedule and the preseason forecast for Upriver spring Chinook are used to plan fisheries based on the available impacts allocated to treaty and non-treaty fisheries. Beginning in 2010, modifications to Table A1 were implemented, which required non-treaty fisheries to meet the Catch Balance provisions in the MA for Upriver spring Chinook. Under these provisions, non-treaty fisheries are managed to remain within ESA impacts and to not exceed the total allowable catch available for treaty fisheries. In addition, prior to the first run size update from TAC, non-treaty fisheries will be managed for the allowed treaty catch guideline based on a run size that is 70% of forecast (i.e., 30% run size buffer).

### **Willamette River Basin Fish Management Plan**

The allocation plan provides recreational fisheries in the mainstem Willamette and Clackamas rivers at hatchery run sizes greater than 23,000 fish and an incrementally larger commercial share (up to 30%) as the run of hatchery fish increases. Limitations on Upriver spring Chinook generally restrict access to the commercial share of the Willamette hatchery surplus in the mainstem Columbia River. At low run sizes (<40,000 hatchery fish), the commercial fishery is restricted to ≤1% of the predicted return to allow for minimal incidental harvest of Willamette hatchery fish during other commercial fisheries.

### **Upper Columbia River Summer Chinook**

Mainstem Columbia River summer Chinook fisheries occurring from June 16 through July 31 are managed in accordance with the harvest rate schedule provided in Table A2 of the 2018-2027 MA. Table A2 follows the general framework described in the table below, but provides a more detailed description of incremental harvest rates and escapement past fisheries. The parties agree to manage upper Columbia River summer Chinook based on an interim management goal of 29,000 hatchery and natural origin adults, as measured at the Columbia River mouth. The

management goal is based on an interim combined spawning escapement goal of 20,000 hatchery and natural adults upstream of Priest Rapids Dam (PRD). Current escapement goals may be reviewed by the parties to *U.S. v Oregon* during the course of the new agreement.

### **Upper Columbia River Summer Chinook Harvest Sharing Guidelines**

The harvest allocation for non-treaty fisheries is determined through a three-tier process that uses policy guidelines set forth in the 2018-2027 MA, the agreement between Confederated Tribes of the Colville Reservation (CCT) and WDFW (CCT/WDFW Agreement), and by current Commission policies. The harvest rate schedule under the 2018-2027 MA determines the sharing formula of harvestable fish between treaty and non-treaty fisheries (shown in previous section). When calculating the harvestable shares, harvest in non-treaty ocean fisheries south of Canada is considered part of the non-treaty share.

The CCT/WDFW Agreement provides a harvest-sharing matrix also based on run strength of upper Columbia summer Chinook. Once the share for non-treaty fisheries is established through the MA matrix, the CCT/WDFW Agreement matrix allocates harvestable Chinook to non-treaty and tribal fisheries upstream and downstream of PRD. The CCT/WDFW Agreement provides the majority of the harvest to fisheries above PRD – recreational and Colville tribal.

### **Lower Columbia River natural origin Coho (LCN Coho)**

As part of the 2018-2027 MA, ocean and Columbia River fisheries are managed to provide treaty and non-treaty fisheries the opportunity to each harvest 50% of the upriver adult Coho available for harvest south of the U.S-Canada border. Non-treaty fisheries include commercial and recreational fisheries in the ocean and mainstem Columbia River. For lower river Coho stocks, the exploitation rate (ER) limits are based on impacts to LCN Coho stocks. These ER limits are set annually by NMFS using a harvest matrix that considers parameters of ocean survival and parental escapement. The matrix was updated in 2015 to include additional reference populations. The allocation of non-treaty catch and ESA impacts between ocean and in-river fisheries is determined annually by the states and occurs during the Pacific Fishery Management Council (PFMC) and North of Falcon (NOF) meetings in March and April.

### **Lower Columbia River natural origin tule Chinook (LCR tule)**

Fall season fisheries in the Columbia River and ocean that harvest LCR tules are currently managed according to an abundance-based ER schedule that depends on the abundance of LRH Chinook. The LRH Chinook are considered a valid indicator of the relative abundance of LCR (natural) tules. The total allowed ER is shared between ocean and in-river fisheries downstream of Bonneville Dam. The allocation of non-treaty catch and ESA impacts between ocean and in-river fisheries is determined annually by the states and occurs during the PFMC and NOF meetings in March and April.

### **Upriver Fall Chinook**

Fall season fisheries in the Columbia River Basin below the confluence of the Snake River are managed according to the abundance-based harvest rate schedule from the 2018-2027 MA (Table A3). If non-treaty mark-selective fisheries are implemented that impact URBs, the non-

treaty ocean and in-river fisheries may not harvest more than 50% of the harvestable surplus of URBs, consistent with the applicable federal allocation case law.

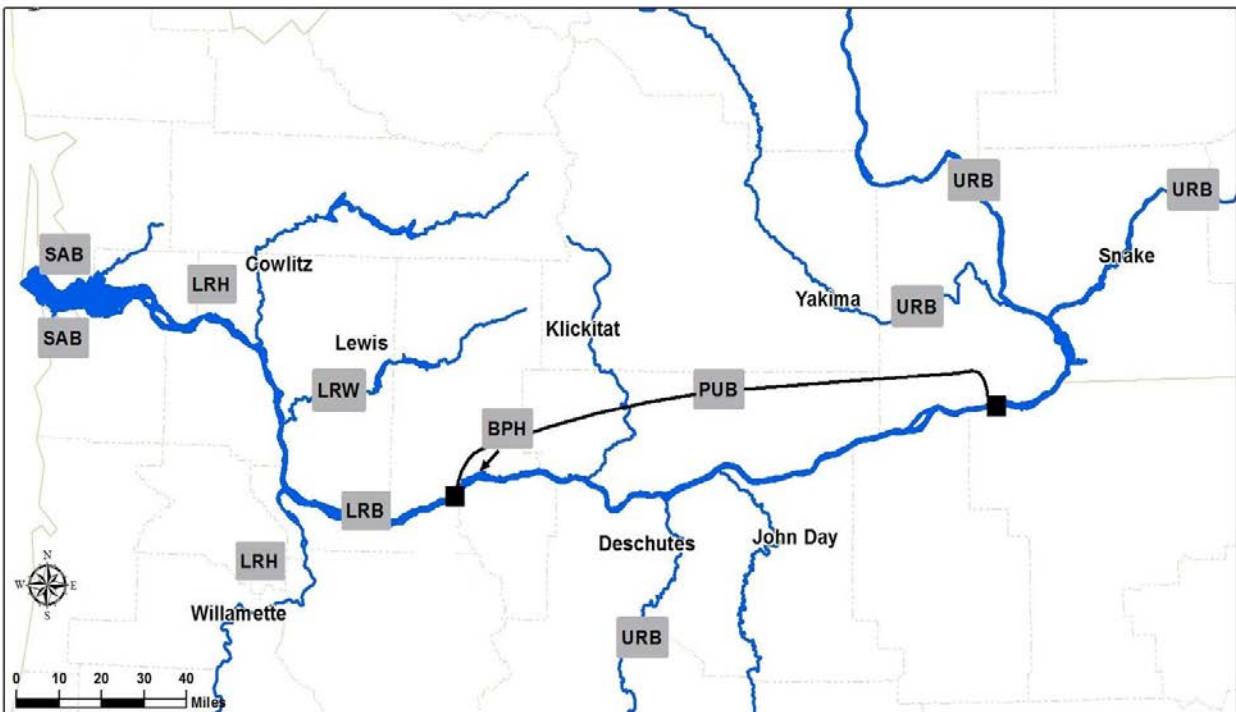
Upriver fall Chinook escapement goals include 7,000 adult Bonneville Pool Hatchery fall Chinook (4,000 females) to Spring Creek Hatchery, and a 60,000 adult Upriver Bright fall Chinook (natural and hatchery) management goal above McNary Dam.

## Fall Chinook in the Columbia River

- Fall Chinook generally enter the Columbia River from late July through October with abundance peaking in the lower river from mid-August to mid-September and passage at Bonneville Dam peaking in early September.
- Columbia River fall Chinook are comprised of six major management components:
  - Lower River Hatchery (**LRH**) – tule stock
  - Lower River Wild (**LRW**) – bright stock
  - Select Area Bright (**SAB**) – bright stock
  - Bonneville Pool Hatchery (**BPH**) – tule stock
  - Upriver Bright (**URB**) – bright stock
  - Mid-Columbia Bright (**MCB**) – bright stocks
    - Pool Upriver Bright (**PUB**)
    - Lower River Bright (**LRB**)
- The upriver run is comprised of stocks produced upstream of Bonneville Dam, and includes URB, BPH, and a portion of MCB stocks.
  - Most of the **URB** Chinook are destined for the Hanford Reach area of the Columbia River, Priest Rapids Hatchery, and the Snake River.
  - Smaller URB components are destined for the Deschutes and Yakima rivers. Snake River wild (**SRW**) fall Chinook are a sub-component of the URB stock.
  - PUBs represent the upriver component within the MCB management stock.
    - **PUBs** are a bright stock reared at Little White Salmon, Umatilla, and Klickitat hatcheries and released in areas between Bonneville and McNary dams.
    - Natural production of fish derived from PUB stock is also believed to occur in the mainstem Columbia River below John Day Dam, and in the Wind, White Salmon, Klickitat, and Umatilla rivers.
  - The **BPH** stock is produced primarily at the Spring Creek Hatchery in the Bonneville Pool, although natural production of tules also occurs in the Wind, White Salmon, and Klickitat rivers.
- The lower river run is comprised of stocks produced downstream of Bonneville Dam, and include LRH, LRW, SAB and a portion of MCB (BUB and LRB) stocks.
  - The **LRH** stock is currently produced from hatchery facilities (four in Washington and two in Oregon).
    - Natural production of LRH stock occurs in most tributaries below Bonneville Dam.



- The **LRW** stock is naturally-produced primarily in the Lewis River system, with smaller components also present in the Cowlitz and Sandy rivers.
- The **LRBs** are a self-sustaining natural stock that spawns in the mainstem Columbia approximately three miles downstream from Bonneville Dam. The LRB stock is closely related to URBs and is thought to have originated from MCB or URB stock.
- **SABs** are a hatchery stock that originated from Rogue River fall Chinook stock egg transfers during 1982-1986. SABs are released from hatcheries and net pens located in Youngs Bay, OR.

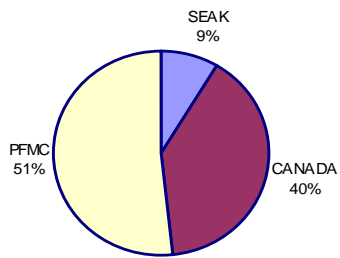


Major Columbia River Fall Chinook Stock Components and General Destination

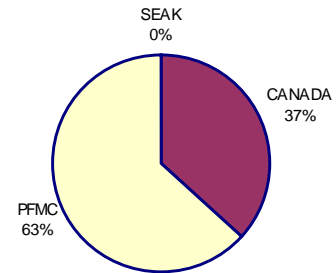
## Historical Fishery Contribution and Ocean Migration

- Tule stock migration occurs primarily off the Washington coast
- LRH and BPH are primary Chinook stocks that contribute to ocean fisheries
  - PFMC – Oregon and Washington coast
  - SEAK – Southeast Alaska

Washington Tules

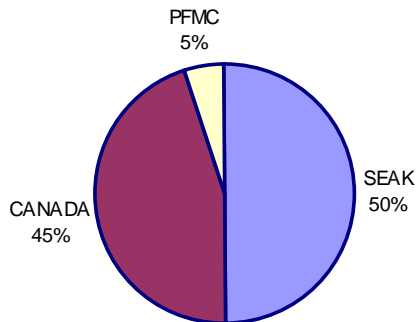


Bonneville Pool Tules

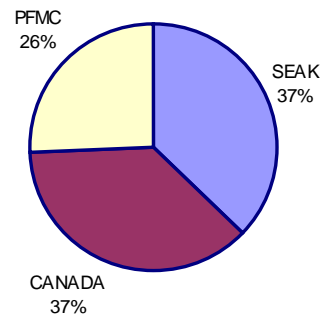


- Bright stock migration occurs much further north
- URB Chinook are major contributors to Alaska and Canadian fisheries
  - PFMC – Oregon and Washington coast
  - SEAK – Southeast Alaska

Upriver Bright



Lewis River Bright



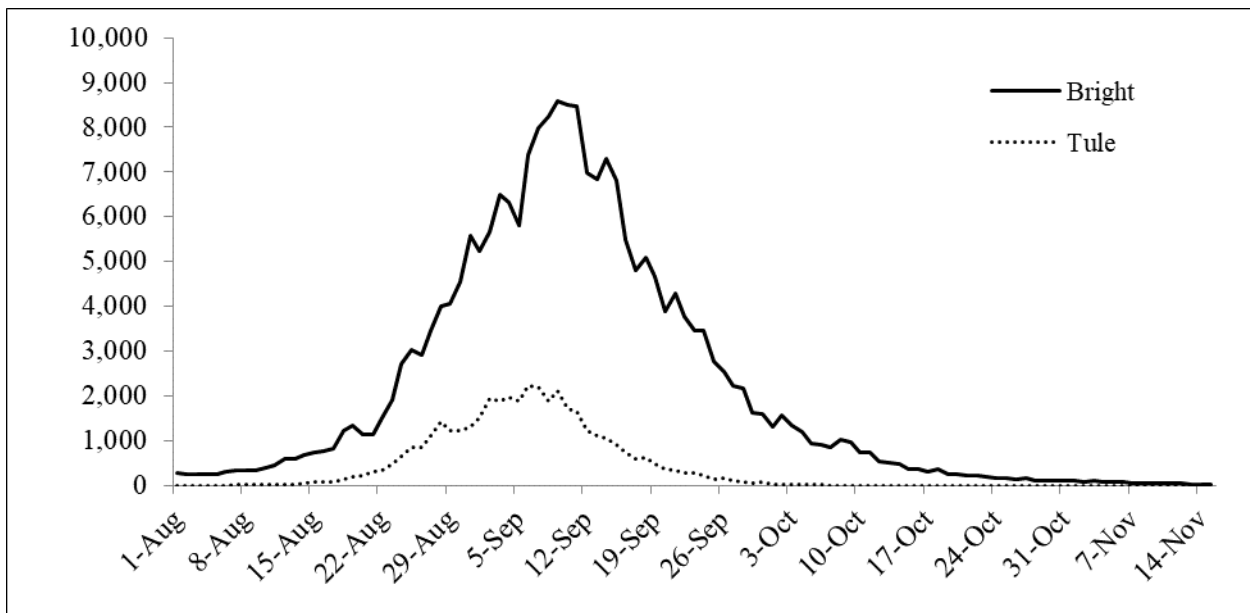
## Run Timing Differences

### Bright stock fall Chinook

- Have a broader migration timing than tule fall Chinook
- Peak spawn time is in November
- Less mature – more “ocean-like”

### Tule stock fall Chinook

- Shorter migration timeframe than the bright Chinook
- Peak spawn time is late September to early October
- More mature when they enter freshwater



Ten-year Average Run Timing of Fall Chinook over Bonneville Dam (2009-2018).

## **Synopsis of Columbia River Fisheries Management in the Context of the Columbia River Compact and Concurrent Jurisdiction with the State of Oregon**

Prepared by Cindy LeFleur, Federal Policy Program Coordinator, Fish Program and  
Jeff Wickersham, Captain, Region 5 Enforcement Program

June 7, 2018

### Disclaimer

This report was developed by the Fish Program and Enforcement staff. A review should be requested from the Attorney General's Office if a legal opinion is desired.

### Background – Columbia River Compact

Excerpts from “The Columbia River Compact” by Fronda Woods, former Assistant Attorney General dated March 2007. Author's note: “The opinions expressed herein are solely those of the author, and are not necessarily shared by the Washington Attorney General's Office, the Oregon Department of Justice, the Washington or Oregon Departments of Fish and Wildlife, or any other person or entity”<sup>1</sup>.

- The Columbia River Compact is a Congressionally-ratified interstate agreement between Oregon and Washington. In the Columbia River Compact, the two states promised each other in 1915 to adopt or amend laws for the conservation of fish in the Columbia River where it forms their common boundary only with both states' mutual consent. The procedures for implementing the Columbia River Compact have evolved over time, and today they reflect a mix of statute, court order, policy, and custom. The Columbia River Compact has proven to be a durable agreement that continues to work well today as a framework for fisheries management in the Columbia River.
- The legislatures of Oregon and Washington began enacting fishing season and gear regulations in the 1870s. Their regulations were not always consistent, however. After a federal court ruled in 1895 that someone fishing legally under Washington law on the Washington side could not be prosecuted for violating an Oregon closure, it became clear that conservation was possible only if the two states had similar laws that could be enforced on both sides of the river.
- Because the United States Constitution forbids states from entering into compacts without the consent of Congress,<sup>2</sup> Oregon and Washington asked Congress to approve the Columbia River Compact, which it did in 1918.

---

<sup>1</sup> Woods, F. 2007. The Columbia River Compact. Assistant Attorney General, Washington Attorney General's Office, Olympia, WA. March 2007.

<sup>2</sup> The Compacts Clause of the United States Constitution provides: “No state shall, without the consent of congress, . . . enter into any agreement or compact with another state . . .” U.S. Const. art. I, § 10, ¶ 3.

- By legislation, Oregon and Washington have specified that the waters subject to the two states' concurrent jurisdiction are those that coincide with the states' boundaries, effectively the Columbia River mainstem from its mouth to the Wallula Gap.
- By custom, Oregon and Washington have applied the Columbia River Compact only to commercial fisheries. In my opinion, the Compact contains no such limitation.<sup>3</sup> The legislative history of the Columbia River Compact does suggest that the Compact applies only to "food fish," however. Thus, in my opinion, the proper distinction is between "food fish" and "game fish," not "commercial" and other fisheries.
- As a practical matter, Oregon and Washington today do work together in adopting regulations for non-commercial fisheries. So, whether the Columbia River Compact applies to them or not, the two states behave as if it does.
- The Columbia River Compact does not specify any particular procedure for adopting laws for protecting fish, so long as they are adopted "with the mutual consent and approbation of both States." Over the past century, the customs and laws that govern the states' interactions have evolved. Today, one person from each state's fish and wildlife administrative agency (the "Compact agencies") represents that state in most negotiations under the Columbia River Compact. Sometimes, people call those two persons the "Columbia River Compact." Legally, however, there is no rule-making entity, administrative body, or process called the "Columbia River Compact."
- In 1937, the Washington Legislature conferred on the Director of Fisheries the authority to work with Oregon to change fishing seasons under the Columbia River Compact.
- Today, that authority is exercised through the Washington Fish and Wildlife Commission, which has generally delegated it to the Director of Fish and Wildlife.
- The Oregon Director of Fish and Wildlife has emergency authority to adopt temporary rules, subject to the Commission's approval.
- According to Oregon law, Compacts must be held in Oregon or Washington within 25 miles of the Columbia River where commercial fishing is permitted.
- No law requires that a record be kept of the hearings.

---

<sup>3</sup> My opinion is contrary to an official opinion of the Oregon Attorney General's Office. 45 OR. ATT'Y GEN. OP. 137, 138, 157-59 (No. 8182) (Nov. 13, 1986).

## Revised Code of Washington

### RCW 77.75.010

#### Columbia River Compact—Provisions.

There exists between the states of Washington and Oregon a definite compact and agreement as follows:

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia river, or its tributaries, over which the states of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

#### Result of Non-Concurrent Rules in Columbia River

As can be seen from the commentary above, the two states strive for concurrency in regulations. Currently, there are still many areas where the two states do not have the same regulations, but in most cases – and in most of the important areas – the two states have been the same. One example of non-concurrency is the regulation regarding the daily limit for jack salmon; Washington rules say up to six in most cases and Oregon rules say five fish.

Additionally, Oregon does not require recording of jacks on a catch record card (tag) whereas Washington does. Most of the non-concurrent rules in place prior to the Policy have not compromised the ability to manage or enforce fisheries.

One interpretation of the language from RCW 77.75.010 that says “shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states” is that unless both states agree, regulations cannot be changed. The legislature determined “the waters subject to the two states’ concurrent jurisdiction are those that coincide with the states’ boundaries, effectively the Columbia River mainstem from its mouth to the Wallula Gap.” A legal interpretation would be needed to determine if one state could set fisheries that the other state does not agree with.

Another interpretation if fishery regulations are not concurrent in the Columbia River would be that the state boundary line becomes the line of enforcement for the respective jurisdiction. The definition of the state boundary on the Columbia River is contained in RCW 43.58.050, created by the Washington-Oregon Boundary Commission, and is a list of points defined by specific latitude and longitude. For reference purposes, in the lower river most of the waters are in Oregon (Figure 1) but in the upper river (just below Bonneville Dam) more of the waters are in Washington (Figure 2).



Figure 1. Map of Lower Columbia showing state boundary line.

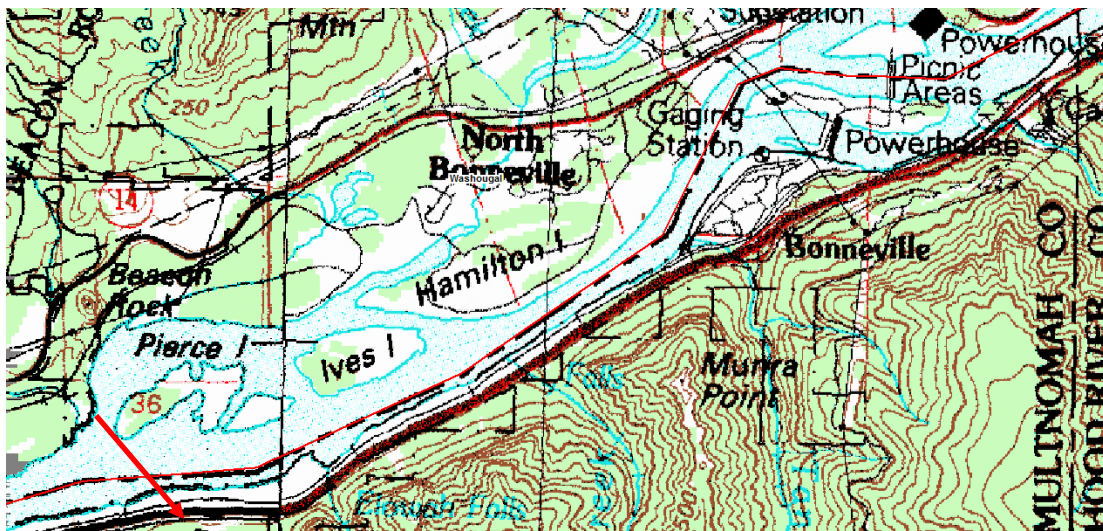


Figure 2. Map of Columbia River downstream of Bonneville Dam showing state boundary line.

If fisheries regulations were different between the states, fishers would need to understand the regulations for the state they are fishing in and adhere to their requirements. Enforcement would also lack proper jurisdiction to enforce another States' non-concurrent rule. A real world example follows:

Oregon does not allow night fishing for salmon or steelhead, Washington does. If Washington Officers contact a Washington or Oregon fisher fishing at night within the territorial boundaries of Oregon, they lack the jurisdiction to address the violation



except to refer information to the Oregon State Police. The same applies for Oregon Officers attempting to enforce a non-concurrent rule in Washington waters. This makes little sense.

The above example is akin to the circumstances in a Federal Court Opinion, *Nielsen v. Oregon*, in which "... the Court observed that when two states have concurrent jurisdiction, the one first acquiring jurisdiction over a crime may prosecute and punish for an act punishable by the laws of both states. The Court noted however that the rule is inapplicable when the act is prohibited in only one of the States, and went on to hold that a State cannot prosecute for a violation of its laws when the act not only occurs within the territory of another State but is also permitted by that State."<sup>4</sup>

*State v. Svenson*<sup>5</sup>, a court case from Pacific County in 1980 where two Washington licensed gillnetters were charged for violating Washington State law while fishing within the territorial boundaries of Oregon, the Washington Supreme Court ruled:

We affirm the trial court's dismissal of the cases against Svenson and Nelson. The Compact permits the States to enact legislation which limits fishing activity but it does not permit enforcement by one state of its own laws in the physical territory of the other absent similar legislation by the other state. When the State of Washington is enforcing its law in Oregon territory, it is the State's burden to prove how its jurisdiction extends from the (Washington) boundary line ... to the high tide on the Oregon side.

This is a large burden for Officers and prosecutors to overcome, to understand and know the intricacies of another States regulations and laws when non-concurrency exists. Loopholes created by such a regulatory landscape make enforcement near the border between the states near impossible. The public also suffers harm in that they have to navigate an unfamiliar regulation landscape and take a risk to participate in a recreational or commercial fishery. Concurrent fishing rules and regulations on the concurrent waters of the Columbia River are paramount to effective multi-agency operations and an informed, law abiding fishing public.

American Jurisprudence, a law encyclopedia which has a section focusing on Fish and Game<sup>6</sup>, had this to say about the Columbia River Compact:

The Compact, as written and interpreted, restricts the right of either state to expand fishing beyond that permitted in 1918, but does not restrict the right of either state to limit fishing. The purpose of the Compact is to assist in preserving the fish in the Columbia and gives both states the authority to act accordingly. The reference to concurrent jurisdiction does require concurrence by the other state,

---

<sup>4</sup> *Nielsen v. Oregon*, [212 U.S. 315](#), 53 L. Ed. 528, 29 S. Ct. 383 (1909)

<sup>5</sup> *State v. Svenson*, 104 Wn.2d 533 (1985), 707 P.2d 120

<sup>6</sup> 35 Am.Jur.2d Fish and Game § 33 (1967); 81A C.J.S. States § 12 (1977)



however, when there is to be enforcement by both states on the entire river. In any event, each state may enforce its own laws with respect to its own citizens on its own side of the river absent concurrence in the law by the other state. However, for a person to be convicted of a Washington crime on the Oregon side of the river, Oregon must have similar legislation.

As outlined above, differences in commercial and recreational fishing laws and regulations between states that result in non-concurrence ensure non-effective regulatory presence and limited enforcement jurisdiction.

#### Non-Concurrent Allocations

Allocation differences can result in non-treaty impacts/shares not being fully utilized or fishing that occurs only in one state's waters. In the past, there have been instances of non-concurrent allocation guidance between the two states. The fishery managers have tried to meet both of the guidelines, with the result that some of the overall non-treaty share of fish has gone unharvested. This has happened with spring Chinook in the past.

#### Example – Summer Chinook Allocation

- Washington applies the unused commercial share to sport fisheries above Bonneville Dam or to spawning escapement. Oregon applies the unused share to escapement.
- Result – unused commercial share goes to escapement. Since Oregon's rule is more restrictive we would follow this rule. We could not allow unused commercial share to go to the sport fisheries because that would violate the Oregon rules.

#### Example – 2019 Fall Chinook Commercial Fishery in Zones 4-5

- Washington Policy states that commercial fisheries would not be able to use gillnets in the fall fishery beginning in 2019, while Oregon rules allow for the use of gillnets in this fishery.
- Washington Policy allocates up to 80% to sport fisheries and Oregon rules allocates 70% to sport fisheries.
- Commercial fishers with an Oregon or Washington license would be able to fish in this fishery on the Oregon side of the river with gill nets. Fishing would be closed to gillnets in Washington waters.
- The allocation would be 70% to sport fisheries as this does not violate either policy. The commercial fishery would occur with 30% of the allocation.

#### Summary

The Columbia River Compact provides a necessary venue for ensuring that the needs of both states and conservation of the fishery resources are considered. In 1914, "the two states promised each other..." to manage fisheries jointly in the Columbia River. Maintaining this relationship is good for the fisheries and the fishing public.

**Columbia River Policy Review**

**Possible Policy Changes for 2020 and Beyond: Range of Alternatives (per Policy Issue or Option) for Analysis**

v 8/1/19

Policy Issue (or Option)	Alternatives					Status	
	PRC Feb 26, 2019 Recommendation	Current Status Quo <sup>1</sup>	Alternative 1	Alternative 2	Alternative 3		
<b>Spring Chinook</b>							
1	Recreational/Commercial allocation	70%/30%	80%/20% (OR); 70%/30% (WA)	60%/40%	Abundance based matrix		Active
2	Allowable mainstem commercial gear	Tangle nets and alternative gear (any period), gill nets (post update)	Tangle nets (post update) (OR); Tangle nets and alternative gear (any period), gill nets (post update) (WA)	Non-tangle net alternative gear (any period)			Active
3	Allocation of Upriver spring Chinook within recreational fisheries (Bonneville to OR-WA state line/ Snake River)	75%/25% (10%/15%)	75%/25% (10%/15%) (OR; WA)	65%/35% (15%/20%)	85%/15% (5%/10%)	75%/25% (10%/15%), plus 500 fish to Snake River from lower river	Active
4	Provide improved season stability for Upriver spring Chinook recreational fisheries, via: <sup>2</sup>	Not addressed	No stability measures beyond the provisions shown below				
	1 License sales	Allocations shown above; lower river fisheries constrained by a 30% pre-run size update buffer; all fisheries constrained by U.S. v OR Catch Balance provision	Allocations shown above; lower river fisheries constrained by a 30% pre-run size update buffer; all fisheries constrained by U.S. v OR Catch Balance provision	Area of license purchase	Area of license residence		Inactive
	2 Origin of stock			Origin of stock			Inactive
	3 Lower river buffer only			Lower river buffer only			Uncertain
	4 Upriver season set			Upriver season set			Active
	5 No upriver Catch Balance			No upriver Catch Balance			Inactive
	6 Lower river 5 days/week			Lower river 5 days/week			Active
	7 Different benefit measure			Different benefit measure			Active
	8 No lower river extension			No lower river extension			Active
	9 Payback to upriver			Payback to upriver			Uncertain
	10 Payback to lower river			Payback to lower river			Uncertain
5	Allocation of unused commercial impacts	Not addressed	To escapement (OR); No restrictions (WA)	To escapement	No restrictions		Active

Policy Issue (or Option)	Alternatives					Status	
	PRC Feb 26, 2019 Recommendation	Current Status Quo <sup>1</sup>	Alternative 1	Alternative 2	Alternative 3		
<b>Summer Chinook</b>							
1	Recreational/Commercial allocation downstream of Priest Rapids Dam	70%/30%	80%/20% (OR); 70%/30% (WA)	50%/50%	Abundance based matrix		Active
2	Allocation of unused commercial impacts	Not addressed	To spawning escapement (OR); to upriver recreational fisheries or spawning escapement (WA)	Unused impacts allocated to spawning escapement	Unused impacts allocated to upriver recreational fisheries or spawning escapement		Active
3	Allowable mainstem commercial gear	Gill net and alternative gear	Alternative gear (OR); Gill net and alternative gear (WA)				Active
4	Definition of harvestable surplus below Priest Rapids Dam	Not addressed	U.S. v OR Management Agreement harvest rate schedule	Only if forecast > spawning escapement over Priest Rapids Dam			Inactive
<b>Fall Chinook</b>							
1	Recreational/Commercial allocation	≤70%/≥30%	≤70%/≥30% (OR; WA)	≤80%/≥20%	≤65%/≥35%		Active
2	Allowable mainstem commercial gear	Gill net (any Zone) and alternative gear	Gill net (Zone 4/5) and alternative gear (OR); Gill net (any Zone) and alternative gear (WA)	Alternative gear			Active
<b>Coho</b>							
1	Recreational/Commercial allocation	Prioritization by fishery segment	Prioritization by fishery segment (OR; WA)	numerical allocation			Inactive
2	Allowable mainstem commercial gear	Gill net, tangle net and alternative gear	Tangle net and alternative gear (OR); Gill net, tangle net and alternative gear (WA)	Non-tangle net alternative gear			Active
<b>Other Measures</b>							
1	Limitation on recreational fishing guide/charter licenses	Not addressed	No limitations (OR); No guides below Longview Bridge (WA)	Pursue guiding limitations			Inactive
2	Commercial license buyback program	Not addressed	Not addressed (OR); Pursued (WA)	Pursue gill net license buyback program			Inactive
TBD	Hatchery production goals	Not addressed	Not addressed				TBD
TBD	Increase alternative gear development/implementation	Not addressed	Pound net testing and rule making to legalize pound net and seines (WA)				TBD

<sup>1</sup> Current Status Quo reflects each state's corresponding policy/rules as of August 1, 2019.

<sup>2</sup> See below for expanded phrasing on Upriver spring Chinook stability issue options

- 1 Use of license sales as the basis for allocation
- 2 Use of origin of stock as the basis for allocation
- 3 Apply buffer only to fisheries below Bonneville Dam
- 4 Establish a set season above Bonneville Dam
- 5 Remove the Catch Balance requirements for fisheries above Bonneville Dam
- 6 Limit lower river seasons to five days per week
- 7 Measure benefit based on harvest instead of economic value
- 8 No lower river extension beyond pre-season plan
- 9 Annual payback to upriver fisheries for lower river fishery overage the year prior
- 10 Annual payback to lower river fishery for foregone opportunity resulting from implementing strategies intended to safeguard upriver fisheries

## Joint-State Columbia River Fishery Policy Review Committee

Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

*August 1, 2019*

Following is an excerpt from the listing of possible policy changes related to non-treaty spring Chinook fisheries as part of the Oregon-Washington review of Columbia River salmon and steelhead fishery management under consideration by the Joint-State Columbia River Fishery Policy Review Committee (PRC) process. Options for the policy issue associated with increasing the stability of upriver recreational spring chinook fisheries that have been introduced for active consideration during the process are listed below, together with a narrative description of identified potential alternatives from current status quo associated with that particular issue. The current status of PRC discussion and/or recommendation on each alternative is also shown, including rationale for any action taken to date to eliminate or de-prioritize an alternative from further consideration at this time.

### **Spring Chinook**

#### **Issue 4: Provide improved season stability for Upriver spring Chinook recreational fisheries**

For the past 15 years, WDFW has heard from southeast Washington stakeholders about the perceived inequity of spring Chinook fisheries above Bonneville Dam and the Snake River compared to below Bonneville Dam. The stakeholders believe they have compelling reasons why WDFW/ODFW and the Fish and Wildlife Commissions should reconsider the current 75%/25% below/above Bonneville recreational allocation policy that guides recreational spring Chinook fisheries in the Columbia River. On July 17, 2018 WDFW staff, IDFG staff (Lance Hebdon), ODFW Staff (Chris Kern), WDFW staff (i.e., Bill Tweit, Ryan Lothrop, Chris Donley) and Washington Fish and Wildlife Commissioners Graybill and Thorburn met with a group of stakeholders in Kennewick, Washington. The meeting focused on discussing methods to increase the number of spring Chinook allocated to above Bonneville Dam fisheries. The input heard at the meeting and resulting correspondence generated the list of concepts presented below. In the end, southeast Washington stakeholders are seeking increased access to spring Chinook above Bonneville Dam with assurances that there is a reasonable recreational fishery above Bonneville Dam every year.

- The basis for allocation is the allowable impacts on constraining ESA listed stocks as follows.
  - Sharing of spring Chinook between lower river and upriver recreational fisheries is based on the allocation of impacts on ESA-listed Upriver spring Chinook allowed for in non-treaty recreational fisheries, with 75% of that allocation currently provided for lower river fisheries and 25% provided to upriver fisheries.
  - Catch sharing of spring Chinook impacts between recreational fisheries from Bonneville Dam to the Oregon-Washington state line area are allocated 10% (40% of 25%) and recreational fisheries in the Snake River are currently allocated 15% (60% of 25%).

## Joint-State Columbia River Fishery Policy Review Committee

Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

August 1, 2019

Under the *U.S. v Oregon* Management Agreement, prior to the first run size update from the Technical Advisory Committee (TAC), non-treaty fisheries will managed for the allowed treaty catch guideline based on a run size that is 70% of forecast (i.e. 30% run size buffer).

### Option 1: Use license sales as the basis for allocation

- Status Quo
  - The basis for allocation is the allowable impacts on constraining ESA listed stocks as follows.
    - Sharing of spring Chinook between lower river and upriver recreational fisheries is based on the allocation of impacts on ESA-listed Upriver spring Chinook allowed for in non-treaty recreational fisheries, with 75% of that allocation currently provided for lower river fisheries and 25% provided to upriver fisheries.
    - Catch sharing of spring Chinook impacts between recreational fisheries from Bonneville Dam to the Oregon-Washington state line area are allocated 10% (40% of 25%) and recreational fisheries in the Snake River are currently allocated 15% (60% of 25%).
    - Under the *U.S. v Oregon* Management Agreement, prior to the first run size update from the Technical Advisory Committee (TAC), non-treaty fisheries will managed for the allowed treaty catch guideline based on a run size that is 70% of forecast (i.e. 30% run size buffer).
- Alternative 1
  - Rather than the current allocations within the recreational fishery, alter each percentage based on the geographic distribution of Columbia River Salmon and Steelhead Endorsement purchases in eastern and western counties in both Oregon and Washington. In Oregon, the purchase split is 20% east and 80% west based on 2014-18 sales data. In Washington, the purchase split is about 42% east and 58% west. Combined endorsement purchases are about 30% east and 70% west. During the 2019 Washington legislative session, the Columbia River Salmon and Steelhead Endorsement was not extended and is currently not required after June 30, 2019. Also, ODFW implemented an electronic licensing system effective in 2019 which affects tracking of geographic sales. Therefore, this analysis of endorsement sales by geographic location cannot be consistently applied in future years with direct comparison to past years.
- Alternative 2

## Joint-State Columbia River Fishery Policy Review Committee

### Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

August 1, 2019

- Rather than the current fixed percentage allocations within the recreational fishery, alter each percentage based on the place of residence.
- *Status of Consideration: This option was placed in a category of “likely to be removed from the list of active consideration” by the PRC at the March 14 meeting, in part because of discomfort with license sales reflecting allocation and complications due to electronic sales, and origin of out-of-state anglers travelling to destination fisheries.*

#### **Option 2: Use origin of stock as the basis for allocation**

- Status Quo
  - As described above (Option 1).
- Alternative 1
  - Rather than the current fixed percentage allocations within the recreational fishery share, alter each percentage based on where the fish were released (hatchery of origin). This concept was proposed by southeast Washington stakeholders as a method to consider equitably sharing harvest into the upper basin. The logic for this proposal was based on the perception that most of the spring Chinook available for harvest in the Columbia River originate in southeast Washington or further upstream. Southeast Washington residents perceive they have sacrificed the most in resources lost but also in regulatory impact as a result of ESA listings. As such, they believe most of the ESA recovery burden has been placed on their respective geographic area with minimal reward returning in the form of spring Chinook fisheries. The perception is that a minimal amount of the regulatory or economic burden of spring Chinook recovery is placed on the residents below Bonneville Dam, while they receive the greatest recreational and economic benefit. Most of the spring Chinook returning to the Columbia basin above Bonneville Dam originate from hatchery facilities in Idaho and to a lesser extent Oregon.
  - *Status of Consideration: This option was placed in a category of “likely to be removed from the list of active consideration” by the PRC at the March 14 meeting in part due to many stocks originating from outside Washington/Oregon waters and annual shifts in production throughout the basin.*

#### **Option 3: Apply buffer only to fisheries below Bonneville Dam**

- Status Quo
  - The buffer is applied to all recreational fisheries (described in Option 1).
- Alternative 1
  - Rather than applying the same Upriver spring Chinook run-size buffer to all fisheries as currently occurs, this concept would not subject

## Joint-State Columbia River Fishery Policy Review Committee

### Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

August 1, 2019

recreational fisheries upstream of Bonneville Dam to the run size buffer, similar to what currently occurs with Select Area commercial fisheries (see description of 30% buffer in Issue 3 – Status Quo).

- *CLARIFICATION NEEDED. Status of Consideration: In preparing for the August 1 PRC meeting, it was unclear if this option had been de-prioritized from further consideration, inactive, or was active for further analysis. This Option is included in the results.*

#### **Option 4: Establish a set season above Bonneville Dam**

- Status Quo
  - Allowed impacts based on current allocation sharing policies are applied to mainstem Columbia River fisheries above and below Bonneville Dam to develop a season structure with a planned end date, which occurs prior to the run update. However, the fisheries are monitored and evaluated during the season and may be closed early, or extended, based on in-season performance. Recreational fisheries in the Snake River start prior to the run update and are also managed in-season based on the run size update and available allocation, but occur later in the year, with the majority of the annual fishery in this area occurring after a run size update.; in-season management can expand planned seasons or cancel them.
- Alternative 1
  - This concept would establish a set-season for fisheries upstream of Bonneville Dam.
- *Status of Consideration: Active for further analysis.*

#### **Option 5: Remove the Catch Balance requirements for fisheries above Bonneville Dam**

Since non-treaty spring Chinook fisheries typically use mark-selective fisheries, they are able extract more hatchery fish for harvest with the available ESA impacts when compared to treaty fisheries. The Catch Balance provision of the *U.S. v Oregon* agreement was implemented to cap total non-treaty harvest of upriver spring Chinook so that it does not exceed the number allowed in treaty fisheries. Catch balancing is generally more constraining for recreational fisheries than ESA impacts.

- Status Quo
  - Catch Balancing is applicable to all non-treaty fisheries.
- Alternative 1
  - Under this alternative recreational spring Chinook fisheries upstream of Bonneville Dam would not be subject to the Catch Balance provision under *U.S. v Oregon*.

## Joint-State Columbia River Fishery Policy Review Committee

### Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

August 1, 2019

- *Status of Consideration: This option was placed in a category of “likely to be removed from the list of active consideration” by the PRC at the March 14 meeting due to Catch Balancing for all non-treaty fisheries being a requirement of U.S. v Oregon. Removing the catch balance requirement for any non-treaty fishery would be inconsistent with the terms of the US v Oregon Management Agreement. Staff note: This option from the public may have assumed that if Catch Balance were not applied to upriver fisheries, the lower river fisheries would need to make up the difference in order to meet the U.S. v Oregon requirements. This aspect was not discussed at the PRC meetings. Analysis of this Option under this revised assumption is included in the analysis/results document.*

#### **Option 6: Limit lower river seasons to five days per week**

- Status Quo
  - No restriction on days per week in lower river fisheries.
- Alternative 1
  - This alternative would set restrictions on the number of days per week in the recreational fishery below Bonneville Dam.
- *Status of Consideration: Active for further analysis*

#### **Option 7: Measure benefit based on harvest instead of economic value**

- Status Quo
  - Allocations are based on the values described in the status quo section of Option 1. Economic value are not the driver of allocation.
- Alternative 1
  - This concept relates to the belief by southeast Washington stakeholders that the economic value of the fishery below Bonneville Dam for spring Chinook drives the current 75%/25% allocation split. Anglers in the upper basin believe that the ESA allocation should be more equitable and allow for a greater number of the fish to pass over Bonneville Dam and be subject to fisheries in both Zone 6 and the Snake River, thus allowing those fish to be harvested closer to where they originated. Some stakeholders in southeast Washington believe that increasing harvest upriver will have greater economic benefits for smaller rural economies in southeast Washington and northeast Oregon.
- *Status of Consideration: Active for further analysis.*

#### **Option 8: No lower river extension beyond pre-season plan**

- Status Quo
  - Extensions are allowed as a normal in-season measure.
- Alternative 1



## Joint-State Columbia River Fishery Policy Review Committee

### Narrative Descriptions of Policy Issues, Alternatives and Options under Consideration and Status of Decision-Making Consideration

August 1, 2019

- This option sets restrictions on operation of the recreational fishery below Bonneville Dam by not allowing fisheries extensions prior to the run update. Proponents of this option intended for no fishery extension in the lower river prior to a run update.
- *Status of Consideration: Active for further analysis.*

#### **Option 9: Annual payback to upriver fisheries for lower river fishery overage the year prior**

- Status Quo
  - The allocation formula is used each year regardless of the prior year outcomes as described in Option 1.
- Alternative 1
  - This option would allow for increase in upriver allocation in one year if lower river fisheries exceeded their allocation in the previous year.
- *CLARIFICATION NEEDED. Status of Consideration: In preparing for the August 1 PRC meeting, it was unclear if this option had been de-prioritized from further consideration, inactive, or was active for further analysis. This Option is included in the results.*

#### **Option 10: Annual payback to lower river fishery for foregone opportunity resulting from implementing strategies intended to safeguard upriver fisheries**

- Status Quo
  - There are currently no “payback” accounting procedures when upriver fisheries do not use their full allocation. The allocation formula in place is used each year regardless of prior year outcome as described in Option 1.
- Alternative 1
  - This concept is would transfer unused upriver allocated impacts from the upriver to the lower river the following year. This scenario would increase allocation to the lower fisheries and decrease allocation for upriver fisheries.
- *CLARIFICATION NEEDED. Status of Consideration: In preparing for the August 1 PRC meeting, it was unclear if this option had been de-prioritized from further consideration, inactive, or was active for further analysis. This Option is included in the results.*

# Joint-State Columbia River Fishery Policy Review Committee

Analysis of Results of Policy Issues, Alternatives under Consideration

August 1, 2019

Following are is analysis of the results associated with implementation of possible policy changes to spring Chinook Issue 4 as part of the Oregon-Washington review of Columbia River salmon and steelhead fishery management under consideration by the Joint-State Columbia River Fishery Policy Review Committee (PRC) process. Issues and options previously removed from the list are excluded.

## Spring Chinook

### **Issue 4: Provide improved season stability for upriver spring Chinook recreational fisheries**

For the past 15 years, WDFW has heard from southeast Washington stakeholders about the perceived inequity of spring Chinook fisheries above Bonneville Dam and the Snake River compared to below Bonneville Dam. The stakeholders believe they have compelling reasons why WDFW/ODFW and the Fish and Wildlife Commissions should reconsider the current 75%/25% below/above Bonneville recreational allocation policy that guides recreational spring Chinook fisheries in the Columbia River. On July 17, 2018 WDFW staff, IDFG staff (Lance Hebdon), ODFW Staff (Chris Kern), WDFW staff (i.e., Bill Tweit, Ryan Lothrop, Chris Donley) and Washington Fish and Wildlife Commissioners Graybill and Thorburn met with a group of stakeholders in Kennewick, Washington. The meeting focused on discussing methods to increase the number of spring Chinook allocated to above Bonneville Dam fisheries. The input heard at the meeting and resulting correspondence generated the list of concepts presented below. In the end, southeast Washington stakeholders are seeking increased access to spring Chinook above Bonneville Dam with assurances that there is a reasonable recreational fishery above Bonneville Dam every year.

#### **Option 3: Apply buffer only to fisheries below Bonneville Dam**

##### Results:

Since the available allocation by area is partly driven by run size, this concept would increase Upriver spring Chinook mortalities available to recreational fisheries upstream of Bonneville Dam prior to the run update. As a result, the recreational fishery downstream of Bonneville Dam would need to be managed to a larger run buffer (and fewer available Upriver mortalities) prior to a run update in order to maintain the collective 30% buffer provision in the *U.S. v OR* Management agreement. This would result in a shorter recreational season below Bonneville prior to the run update, and the potential for a longer pre-update fishery in the mainstem Columbia River above Bonneville Dam. If this were to be instituted, it would increase the risk of the Zone 6 fishery exceeding its portion of the above Bonneville allocation, resulting in a possible fishery closure within other areas, including the Snake River. Excluding the increased risk by the Zone 6 fishery exceeding its allocation, the Snake River fishery would not likely be affected since the fishery is typically managed to the actual run-size due to later timing unless the above Bonneville allocation used.

#### **Option 4: Establish a set season above Bonneville Dam**

##### Results:

Although this approach would in theory provide more season stability, adopting seasons without consideration of the annual run size is not done in other mainstem seasons. Fixed

## Joint-State Columbia River Fishery Policy Review Committee

Analysis of Results of Policy Issues, Alternatives under Consideration

August 1, 2019

seasons above Bonneville Dam would increase the likelihood of fisheries exceeding their allocation of available impacts, which could negatively affect post-update fisheries in other areas, and potentially exceed available recreational shares in the event of a significant run downgrade, triggering effects on commercial fisheries. Differential migration timing makes it difficult to offer consistent dates for fishing in the Snake River that will occur during times when the fish are present and attractive to anglers. Snake River fisheries are structured around when the fish arrive in the Snake River to ensure that anglers will have meaningful harvest opportunity and the fishery is not extended over a protracted period of time to prevent over-expenditure of a limited creel survey budget. Estimating catch and release numbers for this fishery is required under the *U.S. v. OR* Management Agreement. Fishery days cannot be offered without fishery monitoring. Lastly, if the risk of exceeding the above Bonneville allocations are properly accounted for, the set seasons might be quite small and would even then need to be cancelled or adjusted if the run size did not materialize as to forecasted level, so as to accomplish the conservation goals in place; thus season stability could not be assured even with a “set” season.

### **Option 5: Remove the Catch Balance requirements for fisheries above Bonneville Dam**

#### Results:

*This option was removed from consideration by the PRC at the March 14 meeting due to Catch Balancing being a requirement of U.S. v. Oregon. Removing the catch balance requirement for any non-treaty fishery would be inconsistent with the terms of the US v Oregon Management Agreement.*

#### Staff note:

This option from the public may have assumed that if Catch Balance were not applied to upriver fisheries, the lower river fisheries would need to make up the difference in order to meet the *U.S. v Oregon* requirements. This concept is similar to Option 3 described above. If this option were in place, other fisheries, presumably the recreational fishery downstream of Bonneville Dam, would need to be further reduced to compensate for the additional harvest allowed upstream of Bonneville Dam in order to meet the collective Catch Balance provision required in the Management Agreement. Fisheries management would be further complicated in that the amount needed to be removed from lower river fishing opportunity would be difficult to estimate. Further, the in-season adjustment if run sizes exceed forecast are such that the allocation to upriver fisheries would likely be exceeded every year this occurs.

### **Option 6: Limit lower river seasons to five days per week**

#### Results:

This concept only addresses how the below Bonneville allocation can be used, not the allowed allocation, therefore it would have no impact on recreational fisheries above Bonneville Dam. This option, or versions of, has been used in the past years to manage the lower river fishery. Limiting the fishery below Bonneville to five days per week may extend the fishery somewhat, but the fishery would still be managed to the same pre-update

## Joint-State Columbia River Fishery Policy Review Committee

Analysis of Results of Policy Issues, Alternatives under Consideration

August 1, 2019

allocation. A days-per-week approach would theoretically slow the fishery, and might reduce the likelihood of the recreational fishery downstream of Bonneville Dam exceeding its pre-update allocation. However, the difference between five and seven days per week is minimal due to angler effort shift, resulting in more angler trips and higher catch per day when the season is constrained. However if effort shift did not occur, any reduction in days per week of fishing would translate into more opportunity later in the season.

Staff Note: Staff recommends this item be removed from further consideration since it will not address the objective of Issue 4 (provide improved season stability for Upriver spring Chinook recreational fisheries).

### **Option 7: Measure benefit based on harvest instead of economic value**

Results:

*No analytical results provided at this time.*

Staff Note:

It is unclear what this proposal actually entails, and how such measurements would be made. Therefore staff are uncertain how to proceed.

### **Option 8: No lower river extension beyond pre-season plan**

Results:

Proponents of this option intended for no fishery extension in the lower river prior to a run update. This concept would have no impact on recreational fishery allocation for below and above Bonneville Dam, but could affect how much of the lower river pre-update allocation is used, depending on how it was implemented. Spring Chinook fisheries are typically managed in-season based on area-specific sub-allocations. Prior to the run-update, each fishery is generally allowed access to its impact share which is then adjusted after the run-update. If mainstem Columbia River fisheries (below and above Bonneville Dam) have not reached their allocation by the end of the fishery planned preseason, they are generally provided extensions. This concept would prohibit recreational season extensions below Bonneville which could result in fewer fish landed in the initial season, potentially providing a larger buffer in the event of a run-size downgrade. This could help prevent emergency closures for fisheries above Bonneville in years with a significant run downgrade. Stakeholders above Bonneville view this concept as a conservative way to ensure that exceeding the lower river allocation on the above Bonneville allocation will not occur. However, not extending the lower river fishery to its pre-update allowable catch can result in the fishery not being able to access its allocation after the run-update (and prior to June 15) since the majority of the run has crossed Bonneville Dam. This has become more of an issue with later run timings observed in recent years. In response to these later returns, the agencies have managed the pre-update lower river fishery more conservatively in the early season, generally setting projected pre-update closure dates to be relatively early in the season. Once catches are assessed for the early portion of the fishery, decisions are made about adding additional days, generally in small amounts (1-3 days) to remain well under the pre-update allowances. In the past, managers had frequently used a different approach,

## Joint-State Columbia River Fishery Policy Review Committee

Analysis of Results of Policy Issues, Alternatives under Consideration

*August 1, 2019*

with either a less conservative (later) projected closure date, or no closure date projection, and in-season action was taken to close the fishery when it was projected to attain its allocation. If this past strategy were reinstated, extensions of the fishery would not occur, no changes in allocation would occur, but risk of the lower river exceeding its pre-update allocation would likely increase.

### **Option 9: Annual payback to upriver fisheries for lower river fishery overage the year prior**

#### Results:

This concept could affect the current fixed percentage allocations within the recreational fishery. It proposes to alter each year's allocation percentage based on the previous year's results for the fishery downstream of Bonneville Dam. In years when the below Bonneville Dam fishery exceeds its sub-allocation and cuts into the above Bonneville Dam sub-allocation, the lower river recreational allocation in the following year would be reduced and shifted to upriver fisheries as compensation. Typically, exceedances have occurred in years where the run is substantially over predicted, resulting in reduced in-season catch and/or ESA limits. This can result in reduced harvest or a complete fishery closure above Bonneville Dam. This does not occur often but it has occurred enough that upriver stakeholders are concerned that these types of fishery interruptions will continue into the future. The 30% run forecast buffer was put into place to prevent this and other over exploitation scenarios from occurring. The buffer has been effective in remaining within area-specific sub-allocations, except in 2017, which was the latest spring migration timing on record and the run was far below forecast. This approach could become complicated since upriver Catch Balance allocations change annually based on the Upriver run size. A small 5% overage on a larger run year could equate to a much larger percent payback requirement the following year, if the available allocation is reduced. Decisions would also need to be made on what the units of payback are, number of fish, percentage of allocation, or other.

## **Joint-State Columbia River Fishery Policy Review Committee**

Analysis of Results of Policy Issues, Alternatives under Consideration

*August 1, 2019*

### **Option 10: Annual payback to lower river fishery for foregone opportunity resulting from implementing strategies intended to safeguard upriver fisheries**

#### *Results:*

This option would increase allocation to the lower river fisheries following a year when the upriver fisheries did not fully utilize their Catch Balance share. Since annual run size and corresponding Catch Balance allocations differ annually, the un-equal payback issue described in Option 9 would apply here also. In years when the above Bonneville Dam fishery does not use its sub-allocation, the lower river recreational allocation in the following year would be increased. Typically, unused allocations have occurred in years where the run is substantially under predicted or poor fishing conditions, resulting in reduced in-season catch and/or ESA limits. Increasing allocation to the lower river on a one-year basis would initially provide the lower river fishery increased opportunity, and if not used, could be then transferred to upriver fisheries in-season if unused. This approach could become complicated since upriver Catch Balance allocations change annually based on the Upriver run size. Decisions would also need to be made on what the units of payback are, number of fish, percentage of allocation, or other.



# **JOINT-STATE POLICY for COLUMBIA RIVER SALMON FISHERY MANAGEMENT**

***WASHINGTON and OREGON FISH and WILDLIFE COMMISSIONS***

---

Headers Outline:

**Purpose**  
**Authority Definition and Intent**  
**General Policy Statement**  
**Guiding Principles**  
**General Provisions**  
**Fishery Specific Provisions**  
    **Spring Chinook Salmon**  
    **Summer Chinook Salmon**  
    **Sockeye Salmon**  
    **Fall Chinook Salmon**  
    **Coho Salmon**  
    **Steelhead**  
    **Chum Salmon**  
**Adaptive Management**  
**Delegation of Authority**

---

See below for

- [Annotated headers outline](#)
- [Current Oregon Columbia River Non-Tribal Fishery Policy Documentation](#)
- [Current Washington Columbia River Non-Tribal Fishery Policy Document](#)

## Annotated Headers Outline:

### **Purpose**

*Short, simple statement, as in WA Policy C-3620*

### **Authority Definition and Intent**

*Non-Tribal fisheries designation, as in OAR 635-500-6700  
Joint State Agreement*

### **General Policy Statement**

*Process paragraph as per WA Policy C-3620 and OAR 635-500-6705  
Intent to deal with/support 4 H approach  
Other, such as US v OR and ESA compliance, co-manager recognition, etc.*

### **Guiding Principles**

*Listing of principles, such as in OAR 635-500-6705 and WA Policy C-3620  
Some deletions, such as Marine Stewardship Certification  
Some additions, such as Mitigation Hatchery Production element*

### **General Provisions**

*Listing of intended target actions, such as in WA Policy C-3620 and parts of OAR  
635-500-6705*

### **Fishery Specific Provisions**

*Allocations, gear allowances, objectives, contingencies, etc.*

**Spring Chinook Salmon**  
**Summer Chinook Salmon**  
**Sockeye Salmon**  
**Fall Chinook Salmon**  
**Coho Salmon**  
**Steelhead**  
**Chum Salmon**

### **Adaptive Management**

*As in OAR 635-500-6765 and WA C-3620*

### **Delegation of Authority**

*As in WA C-3620; reference to Columbia River Compact*



## Current Oregon Columbia River Non-Tribal Fishery Policy Documentation



### Oregon Administrative Rules Oregon Department of Fish and Wildlife

#### **635-500-6700**

##### **Organization of Rules**

These rules (OAR 635-500-6700 through 635-500-6765) establish the Commission's policy for the non-tribal Columbia River Recreational and Commercial Fisheries Management Framework.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 12-7-12, f. 12-27-12, ef. 1-1-13

#### **635-500-6705**

##### **Guiding Principles for Columbia River fisheries management:**

- (1) Promote the recovery of ESA-listed species and the conservation of wild stocks of salmon, steelhead, and sturgeon in the Columbia River.
- (2) Continue leadership on fish recovery actions, including improved fish survival through the federal Columbia River hydropower system, improved habitat conditions in the tributaries and estuary, hatchery reform, reduced predation by fish, birds, and marine mammals, and harvest management that meets conservation responsibilities.
- (3) Continue to meet terms of *U.S. v. Oregon* management agreements with Columbia River Treaty Tribes.
- (4) In a manner that is consistent with conservation and does not impair the resource, seek to enhance the overall economic well-being and stability of Columbia River fisheries in Oregon.
- (5) For steelhead, salmon and sturgeon, prioritize recreational fisheries in the mainstem and commercial fisheries in off-channel areas of the lower Columbia River. Toward this end:
  - a) Assign mainstem recreational fisheries a sufficient share of ESA-impacts and harvestable surplus to enhance current fishing opportunity and economic benefit.
  - b) Assign commercial fisheries a sufficient share of the ESA-impacts and harvestable surplus to effectively harvest fish in off-channel areas and harvest surplus fish with selective techniques in the mainstem Columbia River.
- (6) Limit the use of gill nets in non-tribal commercial fisheries, other than shad and smelt, in the mainstem Columbia River to fall fisheries in Commercial Zones 4 and 5. Limit other non-tribal gill net use to off-channel areas only.
- (7) Enhance the economic benefits of off-channel commercial fisheries, in a manner consistent with conservation and wild stock recovery objectives. Enhancements include:

(a) Providing additional hatchery fish for release in off-channel areas by shifting currently available production, and where possible providing new production for release in off-channel areas, emphasizing complementary conservation benefits in tributaries.

(b) Expanding existing seasons and boundaries in off-channel areas and/or establishing new off-channel areas, allowing increased harvest in areas where the likelihood of impacting ESA-listed stocks is lower than the mainstem.

(8) Develop and implement selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits consistent with mainstem recreational objectives, combined with incentives to commercial fishers to expand the development and implementation of these gear and techniques.

(9) Maintain consistent and concurrent policies between Oregon and Washington related to management of non-tribal Columbia River fisheries, to ensure orderly fisheries as well as the sharing of investments and benefits.

(10) To maximize economic return, develop a program that seeks to implement Marine Stewardship Council or other certification of commercial salmon and sturgeon fisheries in the Columbia River as sustainably managed fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: Adopted 3-17-17, f. 3-22-17, ef. 4-4-17



**Oregon Administrative Rules**  
**Oregon Department of Fish and Wildlife**

**635-500-6710**

**Columbia River Fisheries**

Department staff shall manage fisheries consistent with the guiding principles and the allocation framework and provisions in OAR 635-500-6715 through 635-500-6765.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 12-7-12, f. 12-27-12, ef. 1-1-13

**635-500-6715**

**Spring Chinook**

(1) Transition Period (2013-January 31, 2017).

(a) In 2013, assign 65%, then 70% of the ESA-impact for upriver spring Chinook stocks to mainstem recreational fisheries.

(b) In 2013, assign 35%, then 30% to off-channel and mainstem commercial fisheries.

(2) Long Term (February 1, 2017 and Beyond).



Oregon Administrative Rules  
Oregon Department of Fish and Wildlife

- (a) Assign 80% of the ESA-impact to mainstem recreational fisheries. If the recreational allocation, including areas upstream of Bonneville Dam and in the Snake River, is unlikely to be fully used, the unused portion of that allocation shall be transferred to the commercial fishery.
- (b) Assign 20% to commercial fisheries. Mainstem commercial fisheries may occur only after the run size update and will use tangle nets or other selective gear, if developed. Unused commercial impacts will not be transferred to recreational fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 3-17-17, f. 3-22-17, ef. 4-4-17

**635-500-6720**

**Summer Chinook**

- (1) Transition Period (2013-April 4, 2017).
  - (a) In 2013-14, assign 60%, then 70% of the harvestable surplus available for use downstream from Priest Rapids Dam to mainstem recreational fisheries.
  - (b) In 2013-14, assign 40%, then 30% to off-channel and mainstem commercial fisheries.
- (2) Long Term (April 5, 2017 and Beyond).
  - (a) Assign 80% of the harvestable surplus available for use downstream from Priest Rapids Dam to mainstem recreational fisheries.
  - (b) Assign 20% of the harvestable surplus available for use downstream from Priest Rapids Dam to off-channel and mainstem commercial fisheries using gears other than gill nets. Unused commercial harvest will not be transferred to recreational fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 3-17-17, f. 3-22-17, ef. 4-4-17

**635-500-6725**

**Sockeye**

- (1) Transition Period (2013- January 31, 2017).
  - (a) Assign 70% of the ESA-impact for Snake River sockeye to mainstem recreational fisheries.
  - (b) Assign 30% to mainstem commercial fisheries for incidental harvest of sockeye in Chinook-directed fisheries.
- (2) Long Term (February 1, 2017 and Beyond).
  - (a) Assign approximately 80% of the ESA-impact for Snake River sockeye to mainstem recreational fisheries.
  - (b) Assign the remaining balance to commercial fisheries for incidental harvest of sockeye in Chinook-directed fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 1-20-17, f. & ef. 1-25-17



**Oregon Administrative Rules**  
**Oregon Department of Fish and Wildlife**

**635-500-6730**

**Tule Fall Chinook**

(1) Transition Period (2013-April 4, 2017).

(a) Assign no more than 70% of the ESA-impact for lower Columbia River Tule fall Chinook to mainstem recreational fisheries.

(b) Assign not less than 30% to off-channel commercial fisheries, mainstem commercial fisheries that target Upriver Bright and Lower River Hatchery Fall Chinook.

(2) Long Term (April 5, 2017 and Beyond).

(a) Assign no more than 70% of the remaining ESA-impact for lower Columbia River Tule Fall Chinook to mainstem recreational fisheries.

(b) Assign not less than 30% of the remaining ESA-impact for lower Columbia River Tule Fall Chinook to off-channel commercial fisheries and mainstem commercial fisheries that target Upriver Bright and Lower River Hatchery Fall Chinook and hatchery coho. Use up to 2% of commercial ESA impacts of the most constraining stock for use in lower river commercial fisheries using alternative gears. The Department shall approve alternative gears for use.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 3-17-17, f. 3-22-17, ef. 4-4-17

**635-500-6735**

**Upriver Bright Fall Chinook**

(1) Transition Period (2013-April 4, 2017).

(a) Assign no more than 70% of the ESA-impact for Snake River Wild Fall Chinook to mainstem recreational fisheries.

(b) Assign not less than 30% to off-channel and mainstem commercial fisheries. Provide additional mainstem commercial harvest when recreational fishery objectives (OAR 635-500-6760) are expected to be met.

(2) Long Term (April 5, 2017 and Beyond).

(a) Assign no more than 70% of the ESA-impact for Snake River Wild Fall Chinook to mainstem recreational fisheries.

(b) Assign not less than 30% to off-channel and mainstem commercial fisheries. Provide additional mainstem commercial harvest when recreational fishery objectives (OAR 635-500-6760) are expected to be met. Use up to 2% of commercial ESA impacts of the most constraining stock for use in lower river commercial fisheries using alternative gears. The Department shall approve alternative gears for use.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 3-17-17, f. 3-22-17, ef. 4-4-17



**Oregon Administrative Rules**  
**Oregon Department of Fish and Wildlife**

**635-500-6740**

**Coho**

(1) Transition Period (2013-January 31, 2017).

(a) Assign commercial fisheries a sufficient share of the ESA-impact for Lower Columbia Natural coho to implement off-channel coho and fall Chinook fisheries and mainstem fall Chinook fisheries.

(b) Assign the remaining balance to in-river mainstem recreational fisheries. If these fisheries are expected to be unable to use all of the ESA-impact for Lower Columbia Natural coho, assign the remainder to mainstem commercial coho fisheries.

(2) Long Term (February 1, 2017 and Beyond).

(a) Assign commercial fisheries a sufficient share of the ESA-impact for Lower Columbia Natural coho to implement off-channel coho and fall Chinook fisheries and mainstem fall Chinook and hatchery coho fisheries.

(b) Assign the balance to in-river mainstem recreational fisheries. If these fisheries are unable to use all of the ESA-impact for Lower Columbia Natural coho, assign the remainder to mainstem commercial coho fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 1-20-17, f. & ef. 1-25-17

**635-500-6745**

**Chum**

(1) Transition Period (2013-January 31, 2017).

(a) Assign commercial fisheries a sufficient share of the ESA-impact for chum to implement off-channel and mainstem fisheries targeting other salmon species.

(b) Prohibit the retention of chum salmon in recreational and commercial fisheries.

(2) Long Term (February 1, 2017 and Beyond).

(a) Assign commercial fisheries a sufficient share of the ESA-impact for chum to implement off-channel and mainstem fisheries targeting other salmon species.

(b) Prohibit the retention of chum salmon in recreational and commercial fisheries

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: Adopted 1-20-17, f. & ef. 1-25-17



Oregon Administrative Rules  
Oregon Department of Fish and Wildlife

**635-500-6750**

**White Sturgeon**

(1) Transition Period (2013-January 31, 2017).

(a) In years when retention is allowed, allocate 90% of the harvestable surplus downstream from Bonneville Dam for use in non-tribal fisheries and hold 10% in reserve as an additional conservation buffer above the maximum harvest rate allowed in Oregon's white sturgeon conservation plan.

(b) Assign 80% of the white sturgeon available for harvest to the recreational fishery.

(c) Assign 20% to off-channel and mainstem commercial fisheries.

(2) Long Term (February 1, 2017 and Beyond).

(a) In years when retention is allowed, allocate 90% of the harvestable surplus downstream from Bonneville Dam for use in non-tribal fisheries and hold 10% in reserve as an additional conservation buffer above the maximum harvest rate allowed in Oregon's white sturgeon conservation plan.

(b) Assign 80% of the white sturgeon available for harvest to the recreational fishery.

(c) Assign the balance (20%) to off-channel and mainstem commercial fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: Adopted 1-20-17, f. & ef. 1-25-17

**635-500-6755**

**Additional Commercial Opportunity**

Additional opportunity for mainstem commercial fisheries shall be provided:

(1) If recreational fisheries are predicted to be unable to use their allocated impacts;

(2) If established objectives for mainstem recreational fisheries are predicted to be met; or

(3) If needed to remove lower river hatchery tulle Chinook and coho using selective techniques to meet conservation objectives.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 12-7-12, f. 12-27-12, ef. 1-1-13

**635-500-6760**

**Fall Recreational Fishery Objectives**

Within limitations described in OAR 635-500-6730 thru OAR 635-500-6750, fall recreational fishery objectives include:

(1) Buoy 10 to Tongue Point.

The recreational fishing objective for Buoy 10 is defined as a season beginning August 1 and continuing through Labor Day (34 days; assuming Labor Day is September 3).

(2) Tongue Point to Warrior Rock.

The recreational fishing objective for the area from Tongue Point upstream to Warrior Rock is defined

as a season beginning August 1 and continuing through September 7 as non-mark selective with an additional week of mark selective fishing during September 8-14 (45 days).

(3) Warrior Rock to Bonneville Dam.

The recreational fishing objective for the area from Warrior Rock upstream to Bonneville Dam is defined as a season beginning August 1 and continuing through October 31 when the season is assumed to be essentially complete (92 days).

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 12-7-12, f. 12-27-12, ef. 1-1-13

### **635-500-6765**

#### **Adaptive Management**

(1) The Department shall use adaptive management principles within its statutory authority in support of achieving the expectations outlined in the guiding principles of this plan.

(2) The Commission will monitor implementation of the plan with an initial review in 2014 and undertake a comprehensive review at the end of the transition period. If the guiding principles are not being met, efforts will be made to determine why and the Commission will direct the Department to identify and evaluate alternative or additional management actions necessary to meet the principles.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 12-7-12, f. 12-27-12, ef. 1-1-13



**Oregon Administrative Rules**  
**Oregon Department of Fish and Wildlife**

## FISH AND WILDLIFE COMMISSION POLICY DECISION

---

**POLICY TITLE:** Columbia River Basin  
Salmon Management

**POLICY NUMBER:** C-3620

Cancels or  
Supercedes: C-3617, 2009  
C-3620, 2013

Effective Date: January 14, 2017  
Termination Date: December 31, 2023

Approved by:



Chair, Washington Fish and Wildlife Commission

---

### **Purpose**

The objectives of this policy are to promote orderly fisheries (particularly in waters in which the states of Washington and Oregon have concurrent jurisdiction), advance the conservation and recovery of wild salmon and steelhead, and maintain or enhance the economic well-being and stability of the fishing industry in the state.

### **Definition and Intent**

This policy is applicable to the management by the Washington Department of Fish and Wildlife (Department) of Pacific salmon (spring Chinook, summer Chinook, fall Chinook, sockeye, chum, and coho) fisheries in the mainstem of the Columbia River and the Snake River.

### **General Policy Statement**

This policy provides the Department a cohesive set of guiding principles and a progressive series of actions to improve the management of salmon in the Columbia River basin. The actions will be evaluated and, as appropriate, progressively implemented in a transitional period occurring from 2013 through 2016. There is uncertainty in this presumptive path forward, including the development and implementation of alternative selective fishing gear, securing funding for enhanced hatchery production, and the expansion or development of off-channel fishing areas. Consequently, the Commission recognizes that management decisions in the transitional period, and subsequent years, must be informed by fishery monitoring (biological and economic) and may be modified as necessary to meet the stated purpose of this policy.

The Department will promote the conservation and recovery of wild salmon and steelhead and provide fishery-related benefits by maintaining orderly fisheries and by increasingly



focusing on the harvest of abundant hatchery fish. The Department will seek to implement mark-selective salmon and steelhead fisheries, or other management approaches that are at least as effective, in achieving spawner and broodstock management objectives.

Fishery and hatchery management measures should be implemented as part of an “all-H” strategy that integrates hatchery, harvest, hydro-system and habitat actions. Although it focuses on hatchery and harvest reform, this policy in no way diminishes the significance of habitat and hydro-system protection and restoration.

In implementing the policy guidelines, the Department will work with the 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.

### **Guiding Principles**

The Department will apply the following principles in the management of salmon fisheries in the Columbia River:

1. Promote the recovery of Endangered Species Act (ESA)-listed species and the conservation of wild stocks 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. Continue leadership on fish recovery actions, including improved fish survival through the Columbia River hydropower system, improved habitat conditions in the tributaries and estuary, hatchery reform, reduced predation by fish, birds, and marine mammals, and harvest management that meets conservation responsibilities.
3. Continue to meet the terms of *U.S. v. Oregon* management agreements with Columbia River Treaty Tribes.
4. Meet Colville tribal subsistence and ceremonial needs consistent with agreements with the Confederated Tribes of the Colville Reservation.
5. Provide Wanapum Band fishing opportunity consistent with RCW 77.12.453 (“Salmon fishing by Wanapum (Sokulk) Indians”).
6. In a manner that is consistent with conservation and does not impair the resource, seek to enhance the overall economic well-being and stability of Columbia River fisheries.
7. Subject to the adaptive management provisions of this Policy, for steelhead and salmon, prioritize recreational fisheries in the mainstem and commercial fisheries in off-channel areas of the lower Columbia River.
8. Subject to the adaptive management provisions of this Policy, and after thorough evaluation, seek to phase out the use of non-selective gill nets in non-tribal

commercial fisheries in the mainstem Columbia River, and transition gill net use to off-channel areas.

9. In a manner consistent with the Department's licensing authorities, develop and implement alternative selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits. Provide incentives to commercial fishers to develop and implement these gear and techniques.
10. Enhance the economic benefits of off-channel commercial fisheries in a manner consistent with conservation and wild stock recovery objectives.
11. Seek to maintain consistent and concurrent policies between Oregon and Washington related to management of non-tribal Columbia River fisheries.
12. Develop a program that seeks to implement Marine Stewardship Council or other certification of salmon fisheries in the Columbia River as sustainably managed fisheries.

### **General Provisions**

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

1. Gill Net License Buyback Program. Aggressively pursue the development (with Oregon) of a program to buyback non-tribal gill net permits for the Columbia River and implement that program as soon as the appropriate authority and financing is secured. Efforts should be made to also develop, evaluate, and implement other tools (e.g., minimum landing requirements) to reduce the number of gillnet permits.
2. Development and Implementation of Alternative Selective Gear. The Department will investigate and promote the funding, development, testing, and implementation of alternative selective gear with a target date for full implementation of 2019. The development and implementation of alternative selective gear such as traps, purse seines and beach seines should provide area-specific opportunity to target fishery harvests on abundant hatchery stocks, reduce the number of hatchery-origin fish in natural spawning areas, limit mortalities of non-target species and stocks, and provide commercial fishing opportunities. To facilitate the timely development of and transition to alternative selective gear and techniques, Washington should work with Oregon to develop incentives for those commercial fishers who agree to use these gear and techniques. The Department shall provide the Commission in December 2017 with a proposed approach for providing incentives to commercial fishers to promote the transition to alternative selective gear.
3. Development and Implementation of Alternative Selective Gear in Long Term. Subject to available legal authorities and the adaptive management provisions of

this Policy, and after thorough evaluation, non-tribal mainstem commercial fisheries should be restricted to the use of alternative selective gear and fishing techniques beginning in 2017. With respect to Upriver Bright fall Chinook, the presumptive path forward regarding targeted commercial harvest upstream of the Lewis River is to access these Chinook with alternative selective gear and techniques. Because the alternative gear is not yet fully implemented, the presumptive path allows for a gill net fishery upstream from the Lewis River in 2017 and 2018 to provide access to Upriver Bright fall Chinook. Because access to Upriver Bright fall Chinook is critically important to ensuring the long-term economic health of commercial fishers, adaptive management will be used to ensure available gear types and techniques are effective and that commercial fishers continue to have profitable mainstem access to these important salmon stocks.

4. Additional Opportunities for Mainstem Commercial Fisheries in the Transition Period. During the transition period, opportunities for additional mainstem commercial fishing directed at Upriver Bright fall Chinook and hatchery coho salmon using alternative selective gear, or gill nets if alternative selective gear is not available and practical, may be provided under the following conditions:
  - a. If mainstem recreational fisheries are predicted to be unable to fully use their shares of ESA-impacts or harvestable surplus, or
  - b. If reasonable goals<sup>1</sup> for mainstem recreational fisheries are predicted to be met, or
  - c. If alternative selective gear programs, off channel fishing opportunities, or other commercial fishing program elements of this Policy are unable to provide the anticipated catch and economic expectations to the commercial salmon fishing industry.
  
5. Additional Opportunities for Mainstem Commercial Fisheries in the Long Term. After the transition period, opportunities for additional mainstem commercial fishing directed at Upriver Bright fall Chinook, lower river hatchery fall Chinook, and hatchery coho salmon may be provided under the following conditions:
  - a. If mainstem recreational fisheries are predicted to be unable to fully use their shares of ESA-impacts or harvestable surplus, or
  - b. If reasonable goals for mainstem recreational fisheries are predicted to be met, or

---

<sup>1</sup> NOTE: The following is an original document footnote. See Appendix B of Mainstem Strategies for Columbia River recreational and Commercial Fisheries: 2013 and Beyond. Recommendation of the Columbia River Fishery Management Workgroup to the Fish and Wildlife Commissions of Oregon and Washington. November 21, 2012.

- c. As needed to remove lower river hatchery tle Chinook and coho consistent with conservation objectives, or
  - d. If alternative selective gear programs, off channel fishing opportunities, or other commercial fishing program elements of this Policy are unable to provide the anticipated catch and economic expectations to the commercial salmon fishing industry.
6. Off-Channel Commercial Fishing Sites. Seek funding (with Oregon) to evaluate the feasibility of establishing new off-channel sites. Seek funding to invest in the infra-structure and fish rearing and acclimation operations necessary to establish new off-channel sites in Washington, as identified by evaluations completed during the transition period.
7. Barbless Hooks. Implement in 2013 the use of barbless hooks in all mainstem Columbia River and tributary fisheries for salmon and steelhead.
8. Logbooks. Evaluate the benefits of requiring licensed recreational fishing guides and charters to maintain and use logbooks. Logbook reporting could provide fishery managers with additional catch and harvest data on guided salmon, steelhead, sturgeon fishing trips on the Columbia River. In addition, evaluate the use of volunteer trip reports in private boat fisheries.
9. Enhance Fishery Management. Because implementation of this policy will change the current management of fisheries and because run-size forecasts play a vital role in shaping fisheries, two enhancements will be put in place during the transition period.
- a. Increase Management Certainty. Increase management certainty, and ensure conservation effectiveness by: implementing outreach programs to increase compliance with recreational fishing rules; seeking means to increase the effectiveness of enforcement programs; and conducting enhanced fishery monitoring that more accurately accounts for harvest and fishing-related mortality. In 2017 and 2018, the Department shall estimate the encounters of sturgeon and steelhead in the gill net fishery upstream of the Lewis River through onboard or other field methods, with particular respect to Group B steelhead. In addition, the Department shall seek funding to improve estimates of salmon release mortality in recreational mark-selective fisheries during the summer and early fall months when water temperatures are high.
  - b. Improve Management Tools. Explore and develop alternative approaches to improve: pre-season forecasts of run size and timing; in-season updates of run-size estimates; and in-season estimates of the harvest impacts by fishery.

## Spring Chinook Salmon

The presumptive path for the management of spring Chinook salmon fisheries is summarized in Appendix Table A. Subject to the adaptive management provisions of this policy, the Department will manage spring Chinook salmon fisheries consistent with the Guiding Principles and the following objectives:

1. The Department will exercise in-season management flexibility to utilize the non-Indian upriver spring Chinook impact allocation to meet the objectives of both fisheries, i.e., upriver impact sharing adjustments in response to in-season information pertaining to catch and run size.
  - a. Fishery Management Buffer. To account for uncertainties in the information used to plan and implement fisheries, a management buffer in fishery structure will be established and applied to fisheries occurring prior to the run size update (primarily in March and April). The buffer is intended to be sufficient to cover potential run-size forecasting error and ensure compliance with ESA requirements and *U.S. v. Oregon* allocation provisions. Prior to the run size update, the Department will manage non-treaty fisheries for a run size that is 70% of the pre-season forecast (30% buffer) or other fishery management buffer as agreed through *U.S. v. Oregon*. During the transition period, the overall buffer will be achieved by applying: a fishery management buffer of 20% of the sport fishery impact to the sport fishery; and a fishery management buffer of 40% of the commercial fishery impact to the commercial fishery.
2. Recreational-Commercial Allocation During Transition Period (2013-2016). In 2013, the Department will assign 65% of the ESA-impact for upriver spring Chinook stocks to mainstem recreational fisheries and the balance (35%) to off-channel and mainstem commercial fisheries.

During 2014-16, the Department will assign 70% of the ESA-impact for upriver spring Chinook stocks to mainstem recreational fisheries and the balance (30%) to off-channel and mainstem commercial fisheries
3. Recreational-Commercial Allocation in Long Term (2017 and Beyond). The Department will assign 80% of the ESA-impact to mainstem recreational fisheries to meet management objectives and the balance (20%) to commercial fisheries for use in off-channel areas. The commercial fishery ESA-impact share will not be subject to the pre-run-size update buffer in the off-channel areas.
4. The Department will ensure broad geographic distribution of recreational fishing opportunity in the main-stem Columbia River including the Snake River. Seventy-five percent (75%) of the impacts allocated to the sport fisheries will be assigned to the sport fishery downstream from Bonneville Dam. Twenty-five percent (25%) will be assigned and reserved for the sport fishery upstream from Bonneville Dam.

After the run-size update, the Department will place the highest sport fishery priority on providing for a sport fishery upstream from Bonneville Dam.

5. The Department will provide to the Commission each year a briefing on the effectiveness of fishery management actions in meeting spring Chinook recreational fishery allocation objectives throughout the Columbia River basin. The Commission may consider changes to the recreational allocation in this policy in the future to balance recreational fishery objectives in the areas below Bonneville Dam, above Bonneville Dam, and in the Snake River.
6. Without compromising the objectives for recreational fisheries upstream of Bonneville Dam, the Department will seek in the long-term to extend recreational fishing opportunity downstream of Bonneville Dam as long into April as possible, with a high probability of an uninterrupted 45-season beginning March 1.

**Summer Chinook Salmon**

The presumptive path for the management of summer Chinook salmon fisheries is summarized in Appendix Table B. Subject to the adaptive management provisions of this policy, the Department will manage summer Chinook salmon fisheries consistent with the Guiding Principles and the following objectives:

1. The Department will manage the upper Columbia summer Chinook populations for sustainable natural production and for the artificial production programs that are necessary to meet mitigation requirements and provide conservation safeguards.
2. The Department will manage for population specific performance goals for Wenatchee, Methow and Okanogan natural populations, and for hatchery escapement goals.
3. Non-treaty Sharing Above and Below Priest Rapids Dam. The highest priority for state managed summer Chinook fisheries is recreational fishing opportunity above Priest Rapids Dam. In light of the changing abundance of summer Chinook, the Department will adjust the allocation of the non-treaty (including the Confederated Tribes of the Colville Reservation) harvest assigned to fisheries above Priest Rapids Dam to be consistent with the following guidelines:

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%

4. Nontreaty Sharing Below Priest Rapids Dam. The harvestable surplus available for nontreaty fisheries below Priest Rapids Dam will be allocated as follows:
  - a. Through 2014, assign 60% of the nontreaty harvestable surplus to mainstem recreational fisheries and the balance (40%) to mainstem commercial fisheries.
  - b. Beginning in 2015 and for the remainder of the transition period (through 2016), assign 70% of the harvestable surplus to the recreational fisheries and the balance (30%) to commercial fisheries.
  - c. Beginning in 2017, assign 80% of the harvestable surplus to the recreational fishery and the balance (20%) to the commercial fishery. Of the commercial share, up to 75% may be used for mainstem fisheries using non-gill net selective gear and fishing techniques (currently undetermined) that minimize impacts on sturgeon, steelhead, and sockeye. If the commercial share is unlikely to be used, transfer the allocation to the recreational fishery upstream of Bonneville Dam (if it can be utilized) or to aid spawning escapement.
5. Provide for in-season management flexibility to utilize the non-treaty summer Chinook harvest to meet the objectives of all fisheries.

### **Sockeye Salmon**

Subject to the adaptive management provisions of this policy, the Department will manage sockeye salmon fisheries consistent with the Guiding Principles and the following objectives:

1. During 2013-2016, assign 70% of the ESA-impact for Snake River sockeye to mainstem recreational fisheries and the balance (30%) to mainstem commercial fisheries for incidental harvest of sockeye in Chinook-directed fisheries.
2. Beginning in 2017, assign approximately 80% of the ESA-impact for Snake River sockeye to mainstem recreational fisheries to meet management objectives and the balance (approximately 20%) to mainstem commercial fisheries for incidental harvest of sockeye in Chinook-directed fisheries.
3. If NOAA Fisheries increases the allowable ESA-impact for Snake River sockeye, the Department will provide opportunities for increased commercial harvest using alternative selective gear if developed and practical, within the constraints of achieving escapement objectives for other sockeye populations in the Columbia River Basin.

### **Tule Fall Chinook Salmon**

The presumptive path for the management of tule fall Chinook salmon fisheries is summarized in Appendix Table C. Subject to the adaptive management provisions of this policy, the Department will manage tule fall Chinook fisheries consistent with the Guiding Principles and the following objectives:

1. During 2013-2016, the Department will assign no more than 70% of the ESA-impact for lower Columbia River tule fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 30%) to: off-channel commercial fisheries; mainstem commercial fisheries that target Upriver Bright fall Chinook; and, if selective gear is developed during the transition period, mainstem commercial fisheries that harvest Washington Lower River Hatchery Chinook to help reduce strays.
2. In 2017 and 2018, the Department will assign no more than 75% of the ESA-impact for lower Columbia River tule fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 25%) to: off-channel commercial fisheries; mainstem commercial fisheries that target Upriver Bright fall Chinook upstream of the Lewis River; and mainstem commercial fisheries that harvest Washington Lower River Hatchery Chinook with selective gear to help reduce strays.
3. Beginning in 2019, the Department will assign no more than 80% of the ESA-impact for lower Columbia River tule fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 20%) to: off-channel commercial fisheries; mainstem commercial fisheries that target Upriver Bright fall Chinook; and mainstem commercial fisheries that harvest Washington Lower River Hatchery Chinook with selective gear to help reduce strays.
4. The Department will seek to achieve the following recreational fisheries objectives:
  - a. Buoy 10 season – August 1 to Labor Day
  - b. Tongue Point to Warrior Rock season – August 1 to September 7 as non-mark-selective and September 8-14 as mark-selective
  - c. Warrior Rock to Bonneville Dam season – August 1-October 31.

### **Upriver Bright Fall Chinook Salmon**

The presumptive path for the management of Upriver Bright fall Chinook salmon fisheries is summarized in Appendix Table D. Subject to the adaptive management provisions of this policy, the Department will manage Upriver Bright fall Chinook fisheries consistent with the Guiding Principles and the following objectives:

1. During 2013-2016, the Department will assign no more than 70% of the ESA-impact for Snake River Wild fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 30%) to off-channel and mainstem commercial fisheries.



2. In 2017-2018, the Department will assign no more than 75% of the ESA-impacts for Snake River Wild fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 25%) to off-channel and mainstem commercial fisheries upstream of the Lewis River.
3. Beginning in 2019, the Department will assign no more than 80% of the ESA-impact for Snake River Wild fall Chinook to mainstem recreational fisheries to meet management objectives and the balance (not less than 20%) to off-channel and mainstem commercial fisheries.
4. a) The Department will allow mainstem commercial gill net fisheries to target Upriver Bright fall Chinook in the area upstream of the Lewis River in 2017 and 2018 where the incidental take of lower river tule Chinook is reduced;  
  
b) Harvest of Upriver Bright fall Chinook in the area downstream from the Lewis River will occur in selective fisheries that target Washington Lower River Hatchery Chinook and coho.
5. The presumptive path forward regarding targeted commercial harvest of Upriver Bright fall Chinook upstream of the Lewis River will be to access available Chinook with alternative selective gear and techniques. Because access to Upriver Bright fall Chinook will be important to ensuring the long-term economic viability of commercial fishers, adaptive management will be used to ensure alternative selective gear and techniques are effective and that commercial fishers continue to have profitable mainstem access to these economically important salmon stocks.

### **Coho Salmon**

The presumptive path for the management of coho salmon fisheries is summarized in Appendix Table E. Subject to the adaptive management provisions of this policy, the Department will manage coho fisheries consistent with the Guiding Principles and the following objectives:

1. During 2013-2016, the Department will assign: commercial fisheries a sufficient share of the ESA-impact for Lower Columbia Natural coho to implement off-channel coho and fall Chinook fisheries and mainstem fall Chinook fisheries; and the balance to in-river mainstem recreational fisheries (currently in-river mainstem recreational fisheries are assigned a sufficient share of the allowable incidental-take of ESA-listed coho to meet fishery objectives). If these fisheries are expected to be unable to use all of the ESA-impact for Lower Columbia Natural coho, the Department will assign the remainder to mainstem commercial coho fisheries. As selective techniques and alternative gear are developed, the Department will provide additional commercial mainstem coho fisheries with an emphasis on harvesting hatchery coho in October when wild coho are less abundant.

2. Beginning in 2017, the Department will assign: commercial fisheries a sufficient share of the ESA-impact for Lower Columbia Natural coho to implement off-channel coho and fall Chinook fisheries and mainstem fall Chinook fisheries; and the balance to in-river mainstem recreational fisheries. If these fisheries are unable to use all of the ESA-impact for Lower Columbia Natural coho, the Department will assign the remainder to mainstem commercial coho fisheries. It is expected that substantial new opportunities for selective mainstem commercial fisheries will be available for hatchery coho, particularly in October.

### **Chum Salmon**

The Department will maintain the current practice of opening no fisheries that target chum salmon and assign commercial fisheries a sufficient share of the ESA-impact for chum to implement off-channel and mainstem fisheries targeting other salmon species (retention in recreational fisheries is currently prohibited).

### **Adaptive Management**

The Commission recognizes that appendix tables A-E describe a presumptive path forward for salmon fishery management in the Columbia Basin. Uncertainty exists in some aspects of the presumptive path, including the development and implementation of alternative selective fishing gear, the securing of funding for enhanced hatchery production, and the expansion or development of off-channel fishing areas. Under these conditions, adaptive management procedures will be essential to achieve the purpose of this policy. As indicated in the General Policy statement, management actions will be evaluated and, as appropriate, implemented in a progressive manner.

The Commission will track implementation and results of the fishery management actions and artificial production programs in the lower Columbia River during the transition period, with annual reviews beginning at the end of 2013 and a comprehensive review at the end of the transition period (e.g., 2016) and at the end of 2018. State-managed fisheries pursuant to this 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. If these expectations are not achieved, efforts will be made to determine why and to identify actions necessary to correct course. Department staff may implement actions necessary to manage adaptively to achieve the objectives of this policy and will coordinate with the Commission, as needed, in order to implement corrective actions. Reconsideration of state-managed mainstem fisheries may take place under the following circumstances:

1. Lower than anticipated catch and economic expectations to the commercial salmon fishing industry, or
2. Insufficient space within off-channel sites to accommodate the commercial fleet, or

3. Biological, fiscal and/or legal circumstances that delay or preclude implementation of alternative selective gear, buyback of commercial fishing permits, and/or additional off-channel hatchery investments, or
4. Management objectives are not achieved for commercial or recreational fisheries, or
5. Conflicts with terms of *U.S. v Oregon* management agreements with Columbia River Tribes, or
6. Failure to meet conservation objectives.

Planned enhancements of salmon and steelhead production upstream from Bonneville Dam may have implications to harvest management contemplated in this plan. For production enhancements that come on-line and produce adult salmon on or after 2017, Oregon and Washington staff should evaluate the implications of the increased mainstem production on these harvest strategies, including *U.S. v. Oregon* harvest agreements, and make additional recommendations to the Commission as needed, consistent with the guiding principles.

#### **Delegation of Authority**

The Commission delegates the authority to the Director, through the Columbia River Compact and North of Falcon stakeholder consultation process, to set seasons for recreational and commercial fisheries in the Columbia River, to adopt permanent and emergency regulations to implement these fisheries, and to make harvest agreements with treaty tribes and other government agencies. The Director will work with the Oregon Department of Fish and Wildlife to achieve implementation of this Commission action in a manner that results in concurrent regulations between the two states. The Director will consult with the Commission Chair if it becomes necessary to deviate from the Commission's policy to achieve concurrent regulations with Oregon.

**Appendix A.** Tabular Summary of the Presumptive Management Framework for Non-Tribal Mainstem Columbia River Recreational and Commercial Fisheries - **Spring Chinook Salmon.**

**Sharing Metric:** Incidental-take of ESA-listed upriver spring Chinook

Fishing Year	Recreational Fishery		Commercial Fishery		
	Impact Share	Location	Share	Location	Gear
2013	65%	Mainstem Columbia River and Snake River	35%	Mainstem Columbia below Bonneville Dam Off-Channel Areas	Tangle Net Tangle-Net/ Gill Net
2014-2016	70%	Mainstem Columbia River and Snake River	30%	Mainstem Columbia below Bonneville Dam	Tangle Net
				Off-Channel Areas	Tangle Net/ Gill Net
2017+	80%	Mainstem Columbia River and Snake River	20% <sup>1</sup>	Off-channel and mainstem areas of the Columbia River	Tangle Net/ Gill Net <sup>2</sup> Beach Seine/ Purse Seine/Other Alternative Selective Gear

<sup>1</sup> Not subject to pre-update buffer.

<sup>2</sup> Gillnets confined to off-channel areas

**Appendix B.** Tabular Summary of the Presumptive Management Framework for Non-Tribal Mainstem Columbia River Recreational and Commercial Fisheries – **Summer Chinook Salmon.**

**Sharing Metric:** Harvestable share of summer Chinook available downstream from Priest Rapids Dam

**Fishery-Specific Objective:** Meet terms of agreements with the United Tribes of the Colville Reservation.

Fishing Year	Recreational Fishery		Commercial Fishery <sup>1</sup>		
	Share	Location	Share	Location	Gear
2013-2014	60%	Mainstem Columbia River below Priest Rapids Dam	40%	Mainstem Columbia River below Bonneville Dam	Gill Net
2015-2016	70%	Mainstem Columbia River below Priest Rapids Dam	30%	Mainstem Columbia River below Bonneville Dam	Gill Net
2017+	80%	Mainstem Columbia River below Priest Rapids Dam	20%	Mainstem Columbia River below Bonneville Dam	Non-gill net selective gear and fishing techniques (currently undetermined) that minimize impacts on sturgeon, steelhead, and sockeye.

<sup>1</sup>To offset reductions in mainstem commercial harvest of summer Chinook, Oregon will enhance the fisheries for Select Area Bright Fall Chinook.

**Appendix C. Tabular Summary of the Presumptive Management Framework for Non-Tribal Mainstem Columbia River Recreational and Commercial Fisheries – Tule Fall Chinook Salmon.**

**Sharing Metric:** Incidental-take of ESA-listed Lower Columbia River natural (tule) fall Chinook

Fishing Year	Recreational Fishery		Commercial Fishery		
	Share	Location	Share	Location	Gear
2013-2015	≤70%	Mainstem Columbia below Bonneville Dam	≥30%	Mainstem Columbia River below Bonneville Dam and off-channel areas	Gill Net/ Pilot Beach Seine/ Pilot Purse Seine
2016	≤70%	Mainstem Columbia below Bonneville Dam	≥30%	Mainstem Columbia River below Bonneville Dam	Beach Seine/ Purse Seine
				Off-channel areas	Gill Net
2017-2018	≤75%	Mainstem Columbia below Bonneville Dam	≥25%	Mainstem Columbia River below Bonneville Dam	Beach Seine/ Purse Seine/ Other Alternative Selective Gear
				Above Lewis River, off-channel areas	Gill Net
2019+	≤80%	Mainstem Columbia below Bonneville Dam	≥20%	Mainstem Columbia River below Bonneville Dam	Beach Seine/ Purse Seine/ Other Alternative Selective Gear
				Off-channel areas	Gill Net

**Appendix D. Tabular Summary of the Presumptive Management Framework for Non-Tribal Mainstem Columbia River Recreational and Commercial Fisheries – Upriver Bright Chinook Salmon.**

**Sharing Metric:** Incidental-take of ESA-listed Snake River wild fall Chinook

**Fishery-Specific Objective:** Implement mainstem commercial fisheries in Zones 4 and 5 upstream of the Lewis River to remove excess hatchery-origin bright Chinook and harvest surplus wild bright Chinook

Fishing Year	Recreational Fishery		Commercial Fishery		
	Share	Location	Share	Location	Gear
2013-2016	Necessary to meet recreational objectives, but not more than 70% <sup>1</sup>	Mainstem Columbia below Bonneville Dam	Dependant on recreational fisheries need, but not less than 30%	Mainstem Columbia River below Bonneville Dam	Gill Net <sup>2</sup> / Beach Seine <sup>3</sup> / Purse Seine <sup>3</sup>
2017-2018	Necessary to meet recreational objectives, but not more than 75%	Mainstem Columbia below Bonneville Dam	Dependant on recreational fisheries need, but not less than 25%	Mainstem Columbia River below Bonneville Dam	Beach Seine/ Purse Seine/ Other Alternative Selective Gear
				Above Lewis River	Gill Net
2019+	Necessary to meet recreational objectives, but not more than 80%	Mainstem Columbia below Bonneville Dam	Dependant on recreational fisheries need, but not less than 20%	Mainstem Columbia River below Bonneville Dam	Beach Seine/ Purse Seine/ Other Alternative Selective Gear
				Above Lewis River	Alternative Selective Gear <sup>4</sup>

<sup>1</sup> It is expected that recreational fishery objectives (Buoy 10 season August 1-Labor Day; Tongue Point to Warrior Rock season August 1-September 7 as non-mark selective and September 8-14 as mark selective and Warrior Rock to Bonneville Dam season August 1-October 31 when the season is assumed to be essentially complete) will be met in most years at less than a 50% share of Snake River Wild fall Chinook impacts (see Appendix B, Table B.3). However, the recreational fishery share will likely need to be increased to meet objectives in years when Upriver Bright fall Chinook returns are significantly less than recent years.

<sup>2</sup> The mainstem gill net fishery will be restricted to the area above the Lewis River in 2016.

<sup>3</sup> Beach seine and purse seine fisheries will be pilots in 2013, 2014 and 2015.

<sup>4</sup> The presumptive (expected) path forward regarding targeted commercial harvest of Upriver Bright fall Chinook upstream of the Lewis River will be to access available Chinook with alternative selective gear and techniques. Because access to Upriver Bright fall Chinook is critically important to ensuring the long-term economic viability of commercial fishers, adaptive management will be used to ensure alternative selective gear and techniques are effective and that commercial fishers continue to have profitable mainstem access to these economically important salmon stocks.

**Appendix E. Tabular Summary of the Presumptive Management Framework for Non-Tribal Mainstem Columbia River Recreational and Commercial Fisheries – Coho Salmon.**

**Sharing Metric:** Incidental-take of ESA-listed coho

Fishing Year	Recreational Fishery		Commercial Fishery		
	Share	Location	Share	Location	Gear
2013-2016	1	Mainstem Columbia below Bonneville Dam	1	Mainstem Columbia River below Bonneville Dam and off-channel areas	Gill Net/ Tangle Net <sup>2</sup> / Beach Seine <sup>2</sup> / Purse Seine <sup>2</sup>
2017+	3	Mainstem Columbia below Bonneville Dam	3	Mainstem Columbia River below Bonneville Dam and off-channel areas	Tangle Net/ Beach Seine/ Purse Seine/ Other Alternative Selective Gear

<sup>1</sup> Maintain current sharing except provide sufficient additional impacts to the commercial fishery to implement the pilot alternative selective gear fisheries.

<sup>2</sup> Tangle net, beach seine and purse seine fisheries will be pilots in 2013, 2014 and 2015.

<sup>3</sup> Assign commercial fisheries a sufficient share of the ESA-impact for Lower Columbia Natural coho to implement off-channel coho fisheries, fall Chinook fisheries as described above, and alternative selective gear fisheries to reduce the number of hatchery-origin coho in natural spawning areas. Assign the balance to mainstem recreational fisheries. If these recreational fisheries are unable to use all of the ESA-impact for Lower Columbia Natural coho, assign the remainder to mainstem commercial coho fisheries.



**Joint State Columbia River Salmon Fishery Policy Review Committee (PRC)  
Process and Schedule**

August 1, 2019

**Detailed Process and Schedule**

<b>2018</b>	
November 1	Joint Commission Meeting, Vancouver, WA
November 15	WA 'Comprehensive Evaluation of the Columbia River Basin Salmon Management Policy C-3620, 2013-17' finalized
<b>2019</b>	
January 15	OR draft 'Summary and Analysis of Columbia River Harvest Reform Activities 2009-17' shared
January 17	Meeting #1 – PRC meeting in Salem, OR <ul style="list-style-type: none"><li>• Process established (e.g., chair, order, public, timeframe)</li><li>• Initial 2019 options developed for analysis</li><li>• 2020 and beyond modification discussion</li></ul>
January 25	WA Commission conference call – PRC update
February 1	Provide February 6 materials to PRC
February 6	Meeting #2 – PRC meeting in Ridgefield, WA <ul style="list-style-type: none"><li>• Primary focus on analysis of options for 2019</li><li>• Secondary focus on policy and regulatory matters for 2020 and beyond modification<ul style="list-style-type: none"><li>○ Complete full listing of ideas</li><li>○ Culling/narrowing of candidate ideas</li></ul></li></ul>
February 7-8	OR Commission meeting – Portland, OR
February 8-9	WA Commission meeting – Olympia, WA
February 22	Provide February 26 materials to PRC
February 26	Meeting #3 – PRC meeting in Salem, OR <ul style="list-style-type: none"><li>• Continue primary focus on 2019 policies and regulations<ul style="list-style-type: none"><li>○ Strive for a single recommendation</li></ul></li><li>• Potentially finalize recommendations for 2019 to present to full commissions</li><li>• Continue discussion of 2020 and beyond<ul style="list-style-type: none"><li>○ Develop a range of options for each appropriate issue, for staff analysis</li></ul></li></ul>
March 1-2	WA Commission meeting – Spokane WA <ul style="list-style-type: none"><li>• Modify policy for 2019 based on PRC recommendation</li></ul>
March 7-12	Pacific Fishery Management Council #1, Vancouver, WA
March 8	Provide March 14 materials to PRC
March 14	Meeting #4 – PRC meeting in Ridgefield, WA <ul style="list-style-type: none"><li>• Continue discussion on 2020 and beyond</li></ul>

**Draft**

	<ul style="list-style-type: none"> <li>○ Staff presentation on analysis of the range of options of each issue</li> <li>○ PRC discussion to narrow the range of options under consideration</li> </ul>
March 15	OR Commission meeting – Salem, OR
March 18	Columbia River North of Falcon Meeting, Ridgefield, WA
March 26-28	East of McNary North of Falcon Meetings, Wenatchee, Tri-cities, and Clarkston, WA
April 2	Columbia River North of Falcon #2, Ridgefield, WA
April 10-16	Pacific Fishery Management Council #2, Rohnert Park, CA
June 6-7	OR Commission meeting – Salem, OR
June 14-15	WA Commission meeting – Port Angeles, WA
August 1	Meeting #5 – PRC meeting in Salem, OR <ul style="list-style-type: none"> <li>● PRC overview/update</li> <li>● Continue discussion on 2020 and beyond</li> <li>● PRC scheduling</li> </ul>
August 2	OR Commission meeting – Salem, OR
August 2-3	WA Commission meeting – Olympia, WA
August 29	<i>Meeting #6 - TBD</i> <ul style="list-style-type: none"> <li>● <i>Significant progress towards selection and refinement of remaining alternatives</i></li> <li>● <i>Initial consideration of possible policy language</i></li> </ul>
September 13	OR Commission meeting – District 4, OR
September 13-14	WA Commission meeting – Winthrop, WA
October 1	<i>Meeting #7 - TBD</i> <ul style="list-style-type: none"> <li>● <i>Focused analysis and policy consideration of remaining alternatives</i></li> <li>● <i>Consideration of possible policy language alternatives</i></li> </ul>
October 10-11	OR Commission meeting – District 2, OR
October 18-19	WA Commission meeting – Olympia, WA
November 7	<i>Meeting #8 - TBD</i> <ul style="list-style-type: none"> <li>● <i>Consider remaining technical analysis and possible policy language</i></li> <li>● <i>Strive to finalize a recommendation to both full Commissions</i></li> <li>● <i>Consideration of future PRC scheduling if necessary</i></li> </ul>
December 6	OR Commission meeting – Salem, OR
December 13-14	WA Commission meeting – Bellingham, WA
<b>2020</b>	
March 3-9	Pacific Fishery Management Council #1, Rohnert Park, CA
April 3-10	Pacific Fishery Management Council #2, Vancouver, WA