

6. Columbia River Spring Chinook Policy

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## **“GREEN SHEET”**

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|-------------------------|---|
| <b>Meeting dates:</b>   | October 1-2, 2010, Commission Meeting   |
| <b>Agenda item # 6:</b> | Review of 2010 Columbia River Spring Chinook Fisheries  |
| <b>Staff Contact:</b>   | Cindy LeFleur, Columbia River Policy Coordinator<br>Director’s Office   |
| <b>Presenter(s):</b>    | Cindy LeFleur, Columbia River Policy Coordinator<br>Director’s Office<br>Guy Norman, Region 5 Director<br>Director’s Office |

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### **Background:**

Columbia River spring Chinook return to tributaries throughout the basin including two components of the upriver run that are listed under the Endangered Species Act (ESA); Snake River spring/summer Chinook and Upper Columbia spring Chinook. The *2008-2017 United States v Oregon Management Agreement for upriver Chinook, sockeye, steelhead, coho, and white sturgeon* (MA) provides specific fishery management constraints for upriver spring Chinook, including treaty Indian and non-Indian fishery allocation of available ESA impacts. The MA also includes provisions for equitable catch between non-treaty and treaty Indian fisheries. The Commission has provided policy guidance (Policy C-3617) that highlights conservation as the highest priority and fishery management objectives that are designed to provide broad geographic opportunity while considering the needs of the fishing constituents.

### 2010 Fisheries

Details of the 2010 fisheries are shown in Oregon and Washington Departments of Fish and Wildlife Joint Staff Report – Winter/Spring Fact Sheet – 2010 Preliminary Summary (Attachment 1). Attachment one was distributed to the Commission via email from the Director on July 15, 2010. Based on the preseason forecasts, Commission guidance, and MA requirements fisheries were set based on a run size that was 60 percent of the preseason forecast. This amounted to a 40 percent buffer on fisheries prior to the run size update which was greater than the buffer required in the MA (30 percent). The final run size was 67 percent of the preseason forecast.

### Summary/Key Points

- Non-Indian fisheries combined had a total ESA impact of 1.95 percent compared to the guideline of 2.2 percent and the preseason expectation of 2.6 percent. Because fisheries were managed conservatively prior to the run size update, the fisheries remained within the ESA impact rate limit.
  - Non-Indian harvest (catch and release mortalities) of upriver Chinook remained within the 30 percent buffered run guideline as required under the MA. The total harvest was 37,900 compared to the 30 percent buffered harvest of 38,500.
  - Non-Indian total harvest was less than the tribal harvest but greater than the post-season run size would have dictated.
  - Sport fishing opportunity was provided throughout the basin for a longer period. None of the sport fisheries met the preseason objectives for a full season, but all except the Snake River met or exceeded 100 percent of the catch sharing objectives based on the final run size.
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- Flexibility in Commission guidance allowed the lower river sport fishery to continue through the planned pre-update closing date of April 18.
- The commercial fishery concluded at 74 percent of the catch sharing objective based on the final run size. This was due primarily to the fact that the majority of the commercial harvest is supposed to occur after the run size update – larger buffer on the harvest prior to a run size update.

#### Chronology of Events

- Attachment 2 shows the dates and decisions made during the spring Chinook management time frame for 2010.
- Lower river sport fisheries were set at the February 18 hearing and the commercial fishing plan was adopted. The lower river sport fishery was expanded in time and area. The season was expanded in time from the end of March (standard closing date) through April 18 and expanded in area by including some open areas above the I-5 Bridge.
- The sport fishery from Bonneville Dam upstream to McNary Dam was opened from March 16 through May 31.
- The Snake River and Ringold sport fishery announcements were made in mid-April with the Snake River opening on April 20 and Ringold opening on May 1.
- The first commercial fishing period was set on March 29 for a 12-hour period on March 30 and the second fishing period of four hours occurred on April 7.
- The Columbia River Compact (Compact) met on April 20 and closed select area fisheries because of an unusually high number of stray upriver spring Chinook being caught in those fisheries. The United States v Oregon Technical Advisory Committee (TAC) met on April 20 and 26 to review the run status but did not provide a run size update until May 3, at which time they downgraded the run to a range of 310,000 - 370,000 fish. This was a reduction of 66 percent - 79 percent of the preseason forecast of 470,000 fish. Select area fisheries were reopened in early May because the TAC run size update provided enough upriver fish to support those fisheries and the number of upriver strays decrease significantly after mid-May, but the states closed the sport fishery from Bonneville to McNary Dam because of the run size downgrade and the sport allocation was expected to be achieved.
- On May 10, TAC provided a point estimate of 350,000 for the upriver run size and on May 17 another update of 340,000 fish.
- On May 18, the Washington Department of Fish and Wildlife (Department) announced the Snake River and Ringold sport fisheries would close effective May 21.
- On May 19, the treaty tribes announced a closure of their remaining platform and hook and line fisheries, effectively closing all tribal fisheries because based on the run size update, the tribal fishery had exceeded their allocation.
- TAC finalized the run update on June 3 to 315,000 at the mouth of the Columbia River. All spring Chinook directed fisheries had been closed since May 21.

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#### **Policy issue(s) you are bringing to the Commission for consideration:**

None. Commissioner Schmitt requested a briefing on the 2010 spring Chinook season.

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**Public involvement process used and what you learned:**

A total of 25 Compact or Joint State hearings occurred during the winter/spring season. Fact Sheets are usually prepared for each hearing with the most current fishery and run size information. Fact Sheets are posted on Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife web pages.

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**Action requested:**

None. Briefing only.

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**Draft motion language:**

N/A

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**Justification for Commission action:**

N/A

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**Communications Plan:**

N/A

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*Form revised 10/16/2008 - sdj*

**OREGON AND WASHINGTON DEPARTMENTS OF FISH AND WILDLIFE  
JOINT STAFF REPORT – WINTER/SPRING FACT SHEET  
2010 PRELIMINARY SUMMARY  
July 1, 2010**

**Stock Status**

***Total Spring Chinook***

- The total spring Chinook run is comprised of upriver, Willamette, Lower Columbia (Cowlitz, Kalama, Lewis, Sandy) and Select Area spring Chinook.
- The total spring Chinook pre-season forecast was 559,900 fish to the Columbia River.

***Upriver Spring Chinook***

- The pre-season forecast was 470,000 adult upriver fish. The preliminary final run size estimate is 315,100 adults (67% of forecast).
- Bonneville Dam counts between January 1 and June 15 totaled 277,400 adult and 16,300 jack Chinook.

***Willamette Spring Chinook***

- The pre-season forecast for Willamette spring Chinook was 62,700 fish (adults and jacks), with an estimated 25% of the return being unmarked.
- The Willamette Falls counts between January 1 and June 24 totaled 53,200 adult and 1,246 jack Chinook. The spring Chinook counting period continues through August 15. To date, 85,800 Willamette spring Chinook can be accounted for from fisheries and passage.

***Wild Winter Steelhead***

- The pre-season forecast for wild winter steelhead was 20,000 fish. The actual run size will be determined in December. Indicators suggest the actual return is similar to forecast.

**Management Guidelines and Considerations**

- Fisheries operated under management guidelines included in:
  - The 2008-2017 *U.S. v Oregon* Management Agreement (2008-2017 MA)
  - The Willamette River Fisheries Management and Evaluation Plan (FMEP)
  - 2010 Washington and Oregon Fish and Wildlife Commission guidelines
  - 2006-2009 Sturgeon Management Agreement (extended through 2010)
- Policy guidelines for non-treaty spring Chinook fisheries adopted by the Oregon and Washington Fish and Wildlife Commissions allocated available Endangered Species Act (ESA) impacts for upriver spring Chinook among the various fisheries. In order to comply with catch-balancing provisions of the 2008-2017 MA, Washington and Oregon adopted a method for translating the guidance each received from their respective Commissions to shares of available harvest (upriver-stock kept-catch plus release-mortalities) available to each non-treaty fishery.
- In addition to allocating available harvest among the various non-treaty fisheries, guidance from the Oregon and Washington Fish and Wildlife Commission specified the proportion of

each share that was to be used before and after the run-size update. In addition, the 2008-2017 MA also specified a basis by which Oregon and Washington would set management guidelines prior to the run-size update.

## **Fisheries Review**

### ***Recreational Fisheries***

- Recreational spring Chinook fisheries below Bonneville Dam
  - Under permanent rules, the Columbia River was open for Chinook retention 7 days per week during January and February from Buoy 10 upstream to the I-5 Bridge with a two fish daily limit. Catch totaled 128 Chinook kept and 40 released from 7,614 angler trips. Catch and effort was very high compared to previous years.
  - Under temporary rules, the area from Buoy 10 upstream to the I-5 Bridge was open 7 days per week for Chinook retention with a one Chinook daily bag limit from March 1 through April 18, except closed March 9, 16, 23 and 30. Catch (March-April) totaled 26,256 Chinook kept and 3,974 released from 148,947 angler trips.
  - Under temporary rules, the area from the I-5 Bridge upstream to the Bonneville Dam was open 7 days per week with a one Chinook daily bag limit from March 1-14 (except closed March 9) and 3 days per week (Thu-Sat) from March 15 - April 3. Only bank angling was allowed in the area upstream of the I-205 Bridge. Catch totaled 2,863 Chinook kept and 422 released from 15,214 angler trips.
  - No emergency action was taken in-season for recreational fisheries below Bonneville Dam. Total Chinook catch below Bonneville includes 29,247 kept and 4,436 released from 171,775 angler trips.
  - During February through April, winter steelhead catch is estimated at 946 kept and 218 released.
- The area from Bonneville Dam upstream to McNary Dam (Zone 6), except for specific fishing sanctuaries, was scheduled to be open for Chinook retention (2 fish daily limit) from March 16 – May 31. The fishery closed on May 10 because the guideline was reached due to higher than expected catch rates. Catch in this fishery is estimated at 3,075 Chinook kept and 831 released.
- The Ringold sport fishery was open during May 1 through May 22. The fishery closed prior to the scheduled closure date of June 16 in response to a run size downgrade for upriver Chinook. Catch is estimated at 466 Chinook kept and 44 released.
- The Snake River sport fishery was open to Chinook retention during April 24 through May 22. The fishery closed prior to the scheduled closure date of June 16 in response to a run size downgrade for upriver Chinook. Catch is estimated at 1,663 Chinook kept and 199 released.
- Under permanent rules the steelhead fishery opened below the I-5 Bridge on May 16.
- The Wanapum Band harvested 13 Chinook in a tribal fishery.

### ***Non-Treaty Commercial Salmon Fisheries***

- Mainstem spring Chinook commercial fisheries
  - The 2010 commercial spring Chinook fishery consisted of two fishing periods, totaling 16 hours. The fishery took place from the Columbia River mouth upstream to the I-205 Bridge. Tangle-net gear ( $\leq 4 \frac{1}{4}$  - inch mesh) was used in both periods.

- The first period occurred on March 30 for 12 hours (noon to midnight). Catch totaled 3,119 Chinook kept and 588 released from 174 deliveries. A second and final fishing period occurred on April 7 for four hours (5:30 p.m.-9:30 p.m.). Catch totaled 6,008 Chinook kept and 1,112 released from 198 deliveries.
- Chinook landings totaled 9,127 for the spring season and 80 Chinook landed during the winter sturgeon fishery. Wild winter steelhead mortalities total 91 fish.
- Select Area spring Chinook fisheries
  - Select Area winter and spring commercial fisheries occurred during February 21 through June 11.
  - The combined landings of 23,862 spring Chinook were the highest ever recorded and far exceeded expectations, especially in Youngs Bay where landings totaled 19,764 Chinook. Impacts to upriver stock spring Chinook were also much greater than predicted primarily due to an unusually high abundance in Youngs Bay in mid-April.

### ***Treaty Fisheries***

- The 2010 treaty sturgeon guideline for all of Zone 6 is 2,735 white sturgeon. Sturgeon setline fisheries are open under permanent regulations January 1-31. A total of 131 sturgeon were landed during this fishery.
- A gillnet season occurred from February 7 through March 21. No mesh restrictions were in place and sales of platform caught fish were allowed. Landings included 2,118 white sturgeon, zero Chinook, 12 steelhead, and one walleye. Bonneville Pool closed for sales of fish on February 12.
- Permit C&S gillnet fisheries occurred in Zone 6 for spring Chinook. Catch was 8,600 Chinook.
- Weekly commercial fishing periods took place during April 27-30 and May 11-14. Landings include 27,938 Chinook, 85 steelhead and 35 walleye. An additional 510 adult Chinook were landed from platform and hook and line fisheries when commercial Zone 6 gillnet fisheries were closed.
- Yakama, Warm Springs and Umatilla tribes conducted C&S fisheries on the mainstem Columbia River immediately below Bonneville Dam as prescribed in individual Memoranda of Agreement (MOAs) with the Washington and Oregon Departments of Fish and Wildlife. Landings included 5,120 adult and 122 jack Chinook, and no steelhead.
- Effective May 22, the tribes closed all ongoing mainstem fisheries (platform hook and line) in response to the run size downgrade and ESA concerns. Chinook catch from all mainstem treaty fisheries is estimated at 42,168 fish.

## **Summary of Catch Balancing and ESA Impacts**

### ***Catch Balancing***

- The primary objectives of the 2008-17 MA are to stay within ESA limits and to balance the catch of non-treaty and treaty fisheries. Under the MA, non-treaty catch should roughly match the allowable treaty catch as per Table 1A of the agreement. In most circumstances, catch balance requirements are more restrictive than ESA limits for non-treaty fisheries.

- For 2010, catch balancing provisions of the MA require Oregon and Washington to assume a run-size no more than 70% of the pre-season forecast of 470,000 (30% buffer) when designing non-treaty fisheries scheduled to occur prior to the run size update. This equated to a run size of 329,000 (Table 1).
- For 2010, because of the large uncertainty in the pre-season forecast, Oregon and Washington opted to be more conservative than what was required under the MA and designed non-treaty fisheries under the assumption that the run size was no more than 60% of the pre-season forecast (40% buffer). This equated to a run size of 282,000.
- In 2010, treaty fisheries harvested 42,168 fish and non-treaty fisheries harvested 37,919 fish.

### ***ESA Impacts***

- Pre-season ESA impacts to upriver spring Chinook were limited to 2.6% for non-treaty and 13.4% for treaty fisheries. The final run size estimate of 315,100 provides ESA impact limits of 2.2% for non-treaty fisheries and 10.8% for treaty fisheries.
- Post-season, non-treaty impacts to listed upriver spring Chinook are estimated to be 1.07% in sport fisheries and 0.88% in commercial fisheries, for a total of 1.95%, or 89% of the 2.2% limit (Table 1).
- Treaty impacts to listed upriver spring Chinook are estimated at 13.38% compared to the limit of 10.8%.
- Upriver spring Chinook impacts for treaty and non-treaty fisheries combined total 15.33 % impact, or 118% of the total ESA limit of 13.0%.
- Wild winter steelhead impacts from non-treaty fisheries are estimated at 0.50% compared to the 2.0% ESA limit.

### **Summary of Non-Treaty Fisheries Performance**

- As described above, the Oregon and Washington Fish and Wildlife Commissions provided policy guidance for managing non-treaty fisheries on upriver spring Chinook before and after the run-size update.
- Consistent with this guidance, for fisheries scheduled to occur before the run-size update, Oregon and Washington apportioned approximately 71% of the available harvest of upriver spring Chinook to recreational fisheries and 29% to commercial fisheries. The corresponding management guidelines for these non-treaty fisheries are shown in Tables 1 and 2 (in the 282,000 run-size column).
- Although the Oregon and Washington Fish and Wildlife Commissions recognized that uncertainty in run-size forecasts may, in some years, preclude fishing after the run-size update, each provided guidance on how to allocate available ESA impacts and harvest if and when the opportunity to fish after the update occurred.
  - For 2010, the final run size of 315,100 afforded no opportunity for non-treaty fisheries after the update. However, if such an opportunity was available, fisheries would have been managed consistent with the management guidelines shown in the right-hand column of Table 2.
  - If non-treaty fisheries could have occurred after the run-size update in 2010, the management guidelines shown in the right-hand column of Table 2 indicate that

managers would have strived for a “final” apportionment of the available harvest of upriver spring Chinook of approximately 64% to recreational fisheries and 36% to commercial fisheries.

- Given the pre-update harvest by non-treaty recreational and commercial fisheries in 2010, at a 315,100 run size for upriver spring Chinook, post-update fishing opportunity likely would have been primarily afforded to commercial fisheries since recreational fisheries would have met their guideline during the pre-update period.

| Fishery                               | Catch Balance <sup>2</sup>           |  |   |                                    | ESA Impact                     |                             |        |
|---------------------------------------|--------------------------------------|--|---|------------------------------------|--------------------------------|-----------------------------|--------|
|                                       | Actual kept and released mortalities | States' Pre-Update (40% buffer) <sup>3</sup> Assumed run size =282,000 | U.S. v Oregon (30% buffer) Assumed run size = 329,000 | U.S. v Oregon Balance <sup>4</sup> | Actual Impact <sup>5</sup> (%) | ESA Limit                   | % Used |
| Select Area                           | 1,485                                | 423  | 494   | -991                               | 0.41                           | 0.15                        | 273%   |
| Mainstem Commercial.                  | 7,604                                | 8,321  | 10,558  | 2,954                              | 0.47                           | 0.84                        | 56%    |
| Total                                 | 9,089                                | 8,744  | 11,052  | 1,963                              | 0.88                           | 0.99                        | 89%    |
| Lower Columbia River Recreational     | 23,506                               | 17,172   | 21,703  | -1,803                             | 0.83                           | 0.83                        | 101%   |
| Zone 6 Recreational                   | 3,158                                | 2,290  | 2,894   | -264                               | 0.12                           | 0.11                        | 113%   |
| Snake River Recreational              | 1,683                                | 1,796  | 2,270   | 587                                | 0.06                           | 0.17                        | 38%    |
| Upper Columbia Fisheries <sup>6</sup> | 483                                  | 455  | 575   | 92                                 | 0.11                           | 0.17                        | 69%    |
| Total                                 | 28,830                               | 21,713   | 27,442  | -1,388                             | 1.07                           | 1.10                        | 97%    |
| Non Treaty Total                      | 37,919                               | 30,457   | 38,494  | 575                                | 1.95                           | 0.11 (un-allocated)<br>2.20 | 89%    |
| Treaty Total                          | 42,168                               |  |   |                                    | 13.38                          | 10.80                       | 124%   |
| Grand total                           |                                      |  |   |                                    | 15.33                          | 13.00                       | 118%   |

1. All data preliminary
2. Includes upriver kept and release mortalities
3. States designed pre-update season with a 40% buffer to provide additional assurance of meeting U.S. v. Oregon provisions and fairly distribute non-treaty catch in the basin
4. Compared to allowable harvest at the required U.S. v. Oregon 30% buffered run-size
5. Total impacts calculated using the highest of the Snake River or Upper Columbia fisheries
6. Includes Wanapum and Ringold fisheries

| Table 2. 2010 Non-Treaty Spring Chinook Fisheries Performance |                                |  |  |   |
|---|--------------------------------|--|--|---|
| Fishery   | Actual Kept Catch (All Stocks) | Actual Kept Catch and Release Mortalities (Upriver stocks) | Actual Pre-Update Management Guideline for Upriver Stocks Assumed run size = 282,000 | Management Guideline for Upriver Stocks If Non-Treaty Fisheries Could Have Occurred Post-Update Assumed run size = 315,100 <sup>1</sup> |
| Select Area   | 23,687                         | 1,485  | 423  | 473   |
| Mainstem Commercial.  | 9,207                          | 7,604  | 8,321  | 11,816  |
| Total   | 32,894                         | 9,089  | 8,744  | 12,289  |
| Lower Columbia River Recreational                             | 29,247                         | 23,506   | 17,172   | 17,037  |
| Zone 6 Recreational   | 3,075                          | 3,158  | 2,290  | 2,272   |
| Snake River Recreational                                      | 1,663                          | 1,683  | 1,796  | 1,982   |
| Upper Columbia Fisheries <sup>6</sup>                         | 479                            | 483  | 455  | 451   |
| Total   | 34,464                         | 28,830   | 21,713   | 21,742  |
| Non Treaty Total  | 67,358                         | 37,919   | 30,457   | 34,031  |

<sup>1</sup> Actual allowable catch may have been constrained by available ESA impacts shown in Table 1.

*Washington Department of Fish and Wildlife  
Oregon Department of Fish and Wildlife  
Preliminary data*

## 2010 Decision Dates for Spring Chinook Management

| <b>Date</b>   | <b>Group</b>                       | <b>Topic</b>   | <b>Result</b>   |
|---------------|------------------------------------|--|---|
| December 2009 | TAC                                | Preseason Forecasts                                  | Upriver run forecast of 470,000.  |
| February 18   | Compact/<br>Joint State<br>Hearing | Stock status and<br>recommendations for<br>fisheries | Set sport fisheries up to McNary Dam and<br>select area commercial fisheries                                      |
| March 22      | Compact                            | Considered<br>commercial fishing<br>period           | No Action taken.  |
| March 29      | Compact                            | Considered<br>commercial fishing<br>period           | Set first commercial period for 12 hours.   |
| April 1       | Compact                            | Consider SAFE<br>fisheries                           | Rescinded final winter period in Deep River<br>and Youngs Bay due to high number of<br>upriver fish being caught. |
| April 5       | Compact                            | Considered<br>commercial fishing<br>period           | Set second commercial period for 4 hours.   |
| April 13      | WDFW                               | Snake River sport<br>fishery                         | Announced expansion of the sport fishery in<br>time and area to begin April 20.                                   |
| April 20      | TAC                                | Run Size Update                                      | No update   |
| April 20      | Compact/<br>Joint State<br>Hearing | SAFE fisheries                                       | Closed select area commercial and sport<br>fisheries.   |
| April 22      | WDFW                               | Ringold sport fishery                                | Announced expansion of sport fishery<br>through June. Fishery opens May 1.  |
| April 26      | TAC                                | Run Size Update                                      | No update.  |
| May 3         | TAC                                | Run Size Update                                      | 310,000-370,000 run size.   |
| May 4         | Compact                            | SAFE fisheries                                       | Reopened select area commercial fisheries for<br>1 week.  |
| May 7         | JS Hearing                         | SAFE fisheries                                       | Reopened select area sport fisheries effective<br>May 8. Closed sport Bonneville to McNary<br>effective May 10.   |
| May 10        | TAC                                | Run Size Update                                      | 350,000 run size (Range 330,000-370,000).   |
| May 10        | Compact                            | SAFE Fisheries                                       | Reopened select area commercial for rest of<br>season.  |
| May 17        | TAC                                | Run Size Update                                      | 340,000 run size.   |
| May 17        | Compact                            | Treaty fishery                                       | Closed treaty platform fisheries below Bonn.  |
| May 18        | WDFW                               | Ringold sport fishery                                | Announced closure effective May 21.   |
| May 18        | WDFW                               | Snake River sport<br>fishery                         | Announced closure effective May 21.   |
| May 19        | Compact                            | Treaty fishery                                       | Closed treaty platform fisheries above Bonn.<br>All treaty fishing closed.  |
| May 24        | TAC                                | Run Size Update                                      | 315,000 run size.   |
| June 3        | TAC                                | Run Size Update                                      | 315,000 final run size.   |