

Agenda Item #12

Columbia River Fisheries Above Bonneville Dam

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Washington Department of
FISH AND WILDLIFE

November 2nd, 2018 Commission Presentation

US v. Oregon

- Regulatory Coordination Committee (RCC), a sub-committee consisting of Law Enforcement and Policy representatives from Oregon, Washington, CRITFC and the four Columbia River Tribes
 - Tasked with identifying specific regulations where lack of consistency between rules caused enforcement and management problems
- Columbia Basin Law Enforcement Council (CBLEC) was used to identify problems and propose solutions
 - Composed of Law Enforcement from Oregon and Washington, CRITFC and Tribal Fish and Wildlife agencies
 - Began in 2010, identified 10 priorities and possible solutions

Adoption of Priorities

- US v. Oregon Policy group agreed on and adopted three of the ten priorities:
 - Tribal Identification
 - RCC Issue #5
 - Gear Identification
 - RCC Issue #5
 - Release of sturgeon
 - RCC Issue #1

Sturgeon Retention – Issue #1

Consensus Recommendation
from
the *U.S. v. Oregon* Policy Committee
to
the Respective Parties to *United States v. Oregon*

On October 16, 2015, the *U.S. v. Oregon* Policy Committee recommended that the respective parties to *United States v. Oregon*, in order to adopt consistent regulations regarding Columbia River sturgeon management, adopt the following as a regulation governing sturgeon harvest:

(Per tribal regulation), all sturgeon not of legal size shall be released to the water unharmed. Sturgeon not captured for legal harvest shall not be possessed on land. For Purposes of this regulation, docks and boat ramps are not considered land.

(“Per tribal regulations” may be inserted for consideration by tribal councils for tribal regulations.)

Identification – Issue #5

ID Requirement/Display

No person shall exercise treaty fishing rights unless that person has in possession a valid identification card issued by the tribal registrar showing the person to be a duly enrolled member of the Nez Perce, Umatilla, Warm Springs, or Yakama tribes who can lawfully exercise Treaty fishing rights. Upon request, such card shall be presented to any federal, state or tribal officer.

ID on Gear

All fishing gear that is actively fishing must be marked as outlined below:

Set Nets, Drift Nets, and Set Lines: owner's tribal affiliation and enrollment number must be placed upon or adjacent to the end corks of set nets and drifts nets, on the anchored ends of setlines and submerged nets, and the anchor floats to which any such gear is attached.

Hoop Nets: owner's tribal affiliation and enrollment number must be either placed on the upper side of the hoop or on a tag attached to the hoop, pole or cable.

Changes to WAC 220-359

- All changes were contained in WAC 220-359, Columbia River Fisheries Above Bonneville Dam.
 - Clean-up of existing language was necessary
 - Some language and definitions pre-dated merger
 - WAC referenced only “salmon” in most sections, changing language to “fish” captured intent of the rules
 - Individuals permitted to participate in Wanapum fishery were previously identified by name in the permanent WAC. This language dated back to at least 1985.
 - One section was removed (WAC 220-359-100) referencing “Lone Pine”, a subsistence fishery occurring on the Oregon Shore at The Dalles, outside the enforcement or management authority of Washington State.

Note on Public Hearing

Due to an issue not recognized until Tuesday morning, a public hearing on this rule was held at the Ridgefield Office at 8AM on Thursday, November 1st, 2018.

Walk through of changes

Commissioners, please turn to
Item #12 in your binders