

## Agenda Item Summary

### BACKGROUND

Prior to the late 1970s, non-Treaty spring Chinook fisheries in the mainstem Columbia River occurred from February through May and harvested spring Chinook destined for every sub-basin. Non-Treaty fisheries, in this context, are those not involving Native Americans with recognized treaty rights. Commercial fishing seasons were structured to target Willamette and other lower river stocks in February and March and upriver stocks in May. Generally, the commercial fishing season was closed from mid-March through late April to allow escapement during the peak of the run. Recreational fishing seasons were open the entire year but fishing effort typically focused on tributaries prior to the 1940s.

Non-Treaty fisheries for upriver spring Chinook in the main-stem Columbia River were closed from 1978-2000 because of poor returns. Consequently, fishing during this period targeted Willamette spring Chinook and was restricted to February and March. In 2001, a record-high return of upriver spring Chinook allowed managers to re-open non-Treaty fisheries. Since then, these fisheries have operated under strict limits on the allowable level of incidental-mortality of ESA-listed salmon and steelhead stocks (i.e. the level of unintended fisheries-related mortality) and have targeted adipose fin-clipped hatchery spring Chinook.

Over the past twenty years, upriver spring Chinook stocks have been managed under a series of agreements among the fisheries managers. From 1986-95, spring Chinook fisheries operated under a Columbia River Fish Management Plan (CRFMP) that defined upper limits for incidental-mortality of upriver spring Chinook populations. The CRFMP set an upper limit of 5-7% for the Treaty fishery (Native Americans with treaty fishing rights) and less than 5% for non-Treaty fisheries. Since the expiration of the CRFMP in 1995, spring Chinook fisheries have, except for the 2000 season, operated under a series of interim court-approved agreements negotiated under *U.S. v Oregon*. During this period, the allowable incidental-mortality in Treaty fisheries has ranged from 5.0%-8.5% and non-Treaty fisheries from 0.5%-2.0%.

The current interim agreement, which has been extended through at least March 2008 while negotiations continue on a longer-term agreement, sets limits on the allowable level of incidental-mortality of upriver spring Chinook in non-Treaty and Treaty fisheries. These limits, approved by the NOAA Fisheries in its Biological Opinion for the fisheries, vary based on the combined run sizes of all upriver spring Chinook populations and the run size of ESA-listed spring Chinook. For non-Treaty fisheries, these limits currently range from a low of 0.5% when the upriver run is less than 33,000 fish to a high of 2.0% when the upriver run is greater than 82,000 fish.

Because non-Treaty fisheries are selective and able to target adipose fin-clipped hatchery Chinook, managers have been able to optimize fishing opportunity under the limits on incidental-mortality of ESA-listed upriver spring Chinook. In recent years, management of the fisheries has been

guided by a series of agreements between Washington and Oregon. The latest agreement expired on December 31, 2007. That two-year agreement was reviewed and approved in 2006 by the Oregon Fish and Wildlife Commission and Washington Fish and Wildlife Commission.

## **PUBLIC INVOLVEMENT**

- November 13, 2007- Meeting with the Columbia River Salmon Fisheries Visioning Process Stakeholder Group in Vancouver, WA
- November 27, 2007- Meeting with the Columbia River Recreational Fisheries Advisory Group in Vancouver, WA
- November 29, 2007- Meeting with the Columbia River Commercial Fisheries Advisory Group in Rainier, OR
- December 11, 2007- Meeting with Northwest Sport-fishing Industry Association in Clackamas, OR
- December 18, 2007- Meeting with Salmon for All in Astoria, OR
- December 20, 2007- Meeting with the Columbia River Salmon Fisheries Visioning Process Stakeholder Group in Longview, WA
- January 8, 2008- Meeting with the Columbia River Salmon Fisheries Visioning Process Stakeholder Group in Salem, OR
- January 10, 2008- Joint meeting of the Oregon Fish and Wildlife Commission and the Washington Fish and Wildlife Commission in Vancouver, WA
- January 17, 2008- Meetings with the Columbia River Commercial Fisheries Advisory Group and Columbia River Recreational Fisheries Advisory Group in Vancouver, WA
- January 24, 2008- Public testimony taken at the Columbia River Compact/Joint State Hearing in Vancouver, WA
- February 8, 2008- Oregon Fish and Wildlife Commission Meeting in Salem, OR
- February 15, 2008- Columbia River Compact Hearing in Vancouver, WA

## **ISSUE 1**

### **SPRING CHINOOK NON-TREATY FISHERIES OBJECTIVES IN THE MAINSTEM COLUMBIA AND WILLAMETTE RIVERS**

## **ANALYSIS**

Until 2002, non-Treaty recreational and commercial fisheries objectives for upriver spring Chinook in the mainstem Columbia River were set annually by the Columbia River Compact. From the late 1970s through late 1980s, the fisheries only occurred in February and March and targeted Willamette spring Chinook. In many years, a large proportion (71%) of the allowable catch in the Columbia River occurred in the commercial fishery as a result of efforts to access the allowable commercial catch of Willamette spring Chinook. However, during the early 1990s, non-Treaty fisheries in the mainstem Columbia River were managed so that catches of upriver spring Chinook in recreational and commercial fisheries were comparable.

From 1995 through 2000, with ESA listings of Snake River spring and summer Chinook and upper Columbia River spring Chinook, and poor Willamette Chinook runs, non-Treaty commercial and recreational fisheries in the mainstem Columbia River were either closed or minimal. From 2001 to the present, fisheries have occurred, but have been constrained by a 2% limit on allowable incidental-mortality of ESA-listed upriver spring Chinook. Generally, these fisheries have been managed

with the intent of providing each fishery an opportunity to achieve some reasonable outcome within the constraints imposed by ESA. To date, robust fisheries have generally been implemented, even though annual variation in fishing effort, catch rates, run timing, and run sizes has required in-season adjustments that, in some years, met or exceeded pre-season expectations and, in others, fell short.

In 2008, we are faced with a unique and unusual situation in that we have a relatively small Willamette run of spring Chinook and a relatively large upper Columbia run of spring Chinook. This presents a unique set of challenges and opportunities to provide meaningful fisheries to all our constituents. In this context, staff has completed pre-season estimates of allowable handle and catch in the Columbia and Willamette rivers for use in making policy decisions concerning recreational and commercial fisheries objectives for 2008. These analyses are based on forecasts and assumptions informed by past experiences.

For the Willamette River, the forecasted run size of spring Chinook in 2008 is 34,000. Assuming that unmarked fish comprise 15%-20% of the run, the forecasted run size of hatchery fish is about 27,000-29,000. As defined in the Willamette River Fisheries Management Evaluation Plan, the hatchery escapement goal at these run sizes is 23,000. This results in a "harvestable surplus" for recreational fisheries of about 4,000 to 6,000 fish and for commercial fisheries of about 300 fish.

Under permanent regulations, the Willamette River recreational fisheries are open 7 days per week year round for marked spring Chinook. Assuming a harvest rate of 15% in the Willamette River (mouth to Willamette Falls) and a harvest of 600 fish in the Clackamas, recreational fisheries in the lower Willamette would harvest 4,900 fish. Under this scenario, all Willamette spring Chinook available to the recreational fishery would likely be harvested in the Willamette system given the current fishery structure. For the 300 Willamette spring Chinook available for harvest in commercial fisheries, this level is sufficient only for conducting Select Area spring Chinook fisheries and mainstem sturgeon fisheries in the Columbia River.

For the Columbia River, the forecasted run size for upriver spring Chinook in 2008 is 269,300. Using harvest guidelines similar to last year, the allowable handle in non-Treaty recreational and commercial fisheries can be modeled. For the recreational fishery downstream from Bonneville Dam, the allowable handle in 2008 would be about 23,000. Given this level of allowable handle, and assuming no Willamette spring Chinook are available to the recreational fishery in the Columbia River, our analyses indicate that a 7-day per week recreational fishery in the Columbia upstream of the Willamette River could be open from March 1 through April 30. For the commercial fishery, the allowable handle in 2008 would range from about 4,800-10,300 upriver spring Chinook, depending on whether tangle-net or large-mesh gear is used exclusively. Assuming no additional Willamette spring Chinook are available (except for those referenced above for the Select Area and sturgeon fisheries), a main-stem commercial fishery can only occur upstream from the Willamette River.

## OPTIONS

1. Set the following management objectives for 2008. Assign an equal priority to each management objective, but manage risk associated with run forecast and modeling uncertainty by regulating the commercial fishery to harvest no more than approximately 75% of its objective prior to May 1. This buffer is equivalent to 10% of the ESA impacts allowed for the non-Treaty fisheries. This buffer will be used to meet commercial fishery objectives once the preseason modeling assumptions for run size and sport fisheries have been met. As stated above this buffer is necessary to address run forecast and fishery modeling uncertainties. The buffer is placed within the commercial component of the fishery in 2008 because the commercial fishery is better equipped to meet its fishery objectives after the pre-season assumptions are confirmed, the Willamette escapement constraint restricts commercial fisheries from occurring at traditional times or in traditional downriver areas, and the approach allows additional flexibility to meet all fishery objectives.
  - a. Columbia River non-Treaty recreational fishery downstream from Bonneville Dam: Open only from the Interstate-5 Bridge upstream to the recreational fishing boundary-marker below Bonneville Dam through April 30, 6-days per week. (Assumes an allowable harvest of ESA-listed upriver spring Chinook of 0.855% or 42.75% of the limit for non-Treaty fisheries).
  - b. Columbia River non-Treaty recreational fishery from Bonneville to McNary dams: Open from March 16 through May 10, 7-days per week. (Assumes an allowable harvest of ESA-listed upriver spring Chinook of 0.114% or 5.7% of the limit for non-Treaty fisheries).
  - c. Columbia River non-Treaty main-stem commercial fisheries: Open only from the Interstate-5 Bridge upstream to the commercial fishing boundary-marker below Bonneville Dam. The harvest objective for the fishery is 6,000 upriver spring Chinook, although the actual allowable harvest may range from 3,600 to 7,750 depending on the mix of tangle-net and large-mesh gear used by the fishery. (Assumes an allowable harvest of ESA-listed upriver spring Chinook of 0.71% or 35.5% of the limit for non-Treaty fisheries and a mark rate of 75%).
  - d. Columbia River non-Treaty Select Area commercial fisheries: Open winter and spring fisheries in Select Areas from mid-February through mid-June. (Assumes an allowable harvest of ESA-listed upriver spring Chinook of 0.15% or 7.5% of the limit for non-Treaty fisheries).
  - e. Willamette River recreational fishery: Open under permanent regulations 7-days per week, all year.
2. Set the same management objectives as in Option 1 for 2008, with the addition of a Columbia River main-stem non-Treaty recreational fishery downstream from the Interstate-5 Bridge, subject to the following provisions:
  - a. Allocate no more than 500 of the Willamette spring Chinook

available for recreational harvest for use in main-stem  
Columbia recreational fisheries.

- b. Keep the non-Treaty recreational fishery in the Columbia  
between the Interstate-5 Bridge and Bonneville Dam open  
through at least April 26.

**STAFF  
RECOMMENDATION**

Option 1.

<b>DRAFT MOTION</b>	I move to adopt Option 1 as described in the staff report as guidance to the Director for setting 2008 spring Chinook fisheries through the Columbia River Compact.
<b>EFFECTIVE DATE</b>	N/A.