

Update Columbia River Treaty Fishery Rules

Exhibit B
Feb. 10, 2017

2008-2017 *US v Oregon* Management Agreement

Preamble:

“The purpose of this Management Agreement is to provide a framework within which the Parties may exercise their sovereign powers in a coordinated and systematic manner in order to protect, rebuild, and enhance upper Columbia River fish runs while providing harvests for both treaty Indian and non-treaty fisheries.”

Regulating Fisheries

- The State's and Tribes hold primary responsibilities for establishing and regulating fisheries in the Columbia River.
- Each of these entities have authorities for promulgating and enforcing rules.
- Coordination is needed to ensure that these rules are consistent across these entities.

Regulatory Coordination Committee

- As part of the 2008-2017 MA, the Parties recognized the importance of coordination.
- Formed the RCC to advise the *US v Oregon* Policy Committee on regulatory matters.
- Tasks:
 - Review regulations
 - Identify inconsistencies
 - Notify Parties of conflicting regulations

Policy Committee

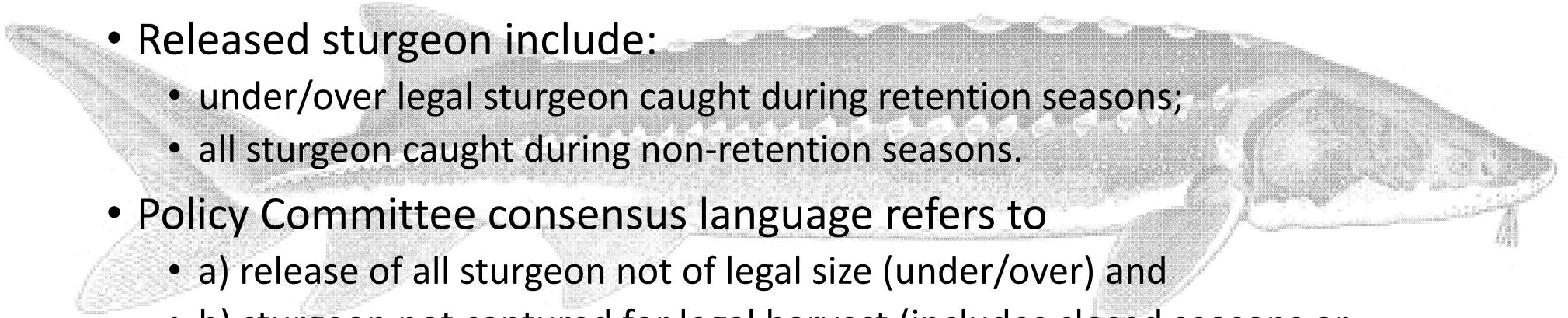
- Composed of a policy and legal representative appointed by each Party signatory to the MA.
- “...facilitate cooperative action by the Parties with regard to fishing regulations...”

Issues Recommended by RCC

- Several ongoing regulatory issues remain under discussion within RCC.
- Consensus recommendations to Policy Committee on:
 - Retention of prohibited fish
 - Per PC guidance, initial focus on sturgeon, referred to Sturgeon Management Task Force for review and input .
 - Returned to PC with comments and recommendations from SMTF.
 - Tribal ID and marking of fishing gears

Release of Sturgeon

- Current Oregon rules for Treaty fisheries do not provide requirements related to releasing sturgeon.
- Released sturgeon include:
 - under/over legal sturgeon caught during retention seasons;
 - all sturgeon caught during non-retention seasons.
- Policy Committee consensus language refers to
 - a) release of all sturgeon not of legal size (under/over) and
 - b) sturgeon not captured for legal harvest (includes closed seasons or captures not taken for subsistence)



Tribal ID and Gear Marking

- All entities have/had rules regarding ID and gear, but most were worded differently, and some content substantively different.
- Changes improve:
 - Consistency of Tribal affiliation ID language and requirements among Parties.
 - Explicit and consistent requirements for active tending of certain gears.
 - Consistency of requirements for attaching identification marking to gears.
- Nearly all issues were already addressed in some way in OARs, but revisions will make language and requirements consistent across entities.

Draft Motion

I move to adopt the amendments to rules for Columbia River System Treaty Indian Fisheries as reflected in draft OARs shown in Attachment 3.