

The document below contains preliminary discussion draft language developed in a Writing Workgroup process for the purpose of consideration at the November 8, 2021 meeting of the Joint-State Commission Committee working on Columbia River salmon fishery policy and regulatory concurrency. It follows a preliminary discussion draft that emerged from a review by the Committee at its July 28, 2021 meeting.

Italicized font represents new language not included in the July 28 draft; it is focused on fishery-related topics. This language is intended to be the first priority of discussion at the November 8 meeting.

This draft also contains ~~strikeout~~/underline font regarding possible language changes brought forward by the Oregon Commission delegation to the language in the July 28 draft that was focused on conservation-oriented topics. This material may be discussed at the November 8 meeting if time permits.

Yellow highlight represents Commissioner Baker designations during the November 8 meeting for further discussion at the next meeting.

*Preliminary Discussion Draft
November 8, 2021*

**Policy and Regulatory Concurrency Accord
for
Oregon and Washington Jointly Managed Columbia River Non-Tribal Fisheries**

Purpose

As the final document is developed, an opening chapeau is to be inserted that references both Commissions and the purposes/intent of this draft joint-state policy document (Policy Accord).

Concurrent Guiding Principles

1. Promote the recovery of Endangered Species Act (ESA) listed species and the conservation of all wild stocks of salmon, steelhead, sturgeon, and other native species in the Columbia River.
2. Continue leadership on fish recovery and restoration actions, including improved fish survival through the federal Columbia River hydropower system, improved habitat conditions in Columbia River tributaries, mainstem, and estuary areas, including reduced predation by fish, birds, and marine mammals; managing hatchery

production compatibly with wild fish goals; and harvest fishery management that meets conservation and recovery responsibilities.

3. Support the short and long term qualitative and quantitative goals of the Columbia Basin Partnership Task Force, including the 25 year “Healthy and Harvestable” objective. Continue to work with NOAA, Tribal sovereigns, State agencies, and the public as specific management actions are developed to implement those goals.
4. Continue to meet the terms of U.S. v. Oregon management agreements with Columbia River Treaty Tribes.
5. *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 an equitable sharing of investments and benefits.*
6. *Utilize fishing gear and techniques for commercial and recreational mainstem fisheries that achieve the recovery and conservation goals stated in this Policy Accord and are consistent with sound scientific information and analysis.*
7. *In a manner that is consistent with conservation and recovery and does not impair the resource, seek to meet statutory goals, including those related to enhancing the overall economic well-being and stability of recreational and commercial Columbia River fisheries.*

Implementing Provisions

The intent of this Policy Accord is to provide direction, positions, strategies, goals, and actions to the Departments to achieve its stated purposes and guiding principles. Thus, the Departments are directed to implement the following provisions.

1. Conservation and Recovery of ESA-listed and non-ESA Stocks

It is important that this Policy Accord is built on the primary foundation of putting conservation and recovery as the first priority. The Departments will use the following policy positions and directives toward implementing meaningful measures achieving this over-arching goal.

- a. Promote the recovery of ESA-listed populations of salmon and steelhead in the Columbia River by ensuring that fisheries and hatcheries are operated in a manner consistent with the provisions of the ESA.
- b. Promote the conservation and recovery of non-ESA listed wild stocks by managing fisheries to achieve spawning escapement and fishery conservation goals.
- c. Manage towards the general goal to increase natural production of salmon, steelhead and other native fish in the Columbia River basin for the purpose of perpetuating a magnitude of abundance more consistent with historic abundance. As part of this, identify short and long term hatchery and natural origin abundance goals for individual populations and population aggregates

where possible that accomplish full utilization of existing natural habitat and full mitigation for lost and impaired habitat.

- d. As part of this, Identify short- and long-term hatchery and natural-origin abundance goals for each watershed.
- e. In the short-term, support increases in hatchery production where full mitigation of losses from human-caused uses has yet to occur, to accommodate initiatives to provide additional prey to endangered Southern Resident Orca as well as, when possible, within constraints necessary to support natural origin salmon, steelhead and other native species, enhanced fishery benefits. Increased hatchery production of salmon and steelhead shall be done in areas and with strategies that avoid or strongly minimize negative genetic and ecological effects on wild salmonid populations.
- f. Support ladders or other means of passage, and/or reintroduction and restoration of salmon and steelhead in habitat currently blocked by dams without fish ladders.
- g. Integrate the most current understanding of the effects of climate change into all decisions, planning, and implementation efforts associated with this Policy Accord.
- h. Convene a policy level joint State body to review available information, including primarily the 2020 EPA report titled "Columbia River Cold Water Refuges Plan", regarding cold water refuge area migrating salmonids, and the impacts of fisheries in these areas. Develop a report with recommendations on possible additional thermal angling sanctuaries. The report is to be submitted to the Washington and Oregon Fish and Wildlife Commissions for their consideration for possible concurrent regulations. Washington is working to establish cold water refuges and Oregon is initiating a process to address high temperature and low flow conditions uniformly across fisheries. The result will be reported to the WA/OR joint subcommittee by June 2022.

2. Comprehensive Context

The measures in this Policy Accord should be implemented as part of an "all-H" strategy that integrates hydro-system, habitat, hatchery, harvest actions designed to improve the abundance and fishery management of Columbia River salmon and steelhead. Although this Policy Accord focuses primarily on fishery management and hatchery production, it in no way is meant to diminish the significance of habitat and hydro-system protection and restoration. Rather, this Policy Accord explicitly supports additional minimization of hydro-system related fish mortality and further protection and restoration of salmon, steelhead, and other native fish habitat throughout the Columbia River basin. The Departments will use the following policy positions and directives toward ensuring that efforts in all H areas are implemented in a cohesive manner towards achieving the purposes of the Policy Accord.

- a. Advocate for increased downstream and upstream survival of salmon steelhead and other native fish through the Columbia River hydro-power system
- b. Advocate for salmon and steelhead habitat protection and restoration, including reducing predation on sensitive stocks by marine mammals, birds, and fish in areas and situations of particular vulnerability.

- c. Advocate for hatchery production for unmitigated loss of salmon and steelhead production associated with permanently lost or impaired habitat due to the construction of dams or other human-caused permanent habitat losses, in a manner that avoids or grossly minimizes genetic and ecological impacts to wild salmon and steelhead populations.
- d. Manage the harvest in fisheries in a manner that is consistent with conservation and recovery goals described in this Policy Accord and, when possible under those same goals, optimize the socio-economic benefits and stability of Columbia River recreational and commercial fisheries.

3. Actions to Achieve Short- and Long-Term Goals

In the spirit of the October 2020 Governor's Agreement between the States of Washington, Oregon, Idaho and Montana pledging collaboration in rebuilding Columbia River salmon and steelhead and to advance the goals recommended by the Columbia River Basin Task Force, the Departments shall develop and implement actions consistent with these recommended goals and the policy directives of this Policy Accord.

4. Co-Management with Columbia River Tribes

Oregon and Washington will maintain our obligation to the Columbia River Treaty Tribes for resource recovery and equitable sharing of the associated cultural, economic, social and ecological benefits through our steadfast commitment to implementation of the U.S. v. Oregon management agreements.

- a. Non-Tribal fisheries shall continue to be managed to meet the terms of U.S. v. Oregon management agreements with Columbia River Treaty Tribes.
- b. The Washington Department of Fish and Wildlife shall continue to meet Colville tribal subsistence and ceremonial needs consistent with agreements with the Confederated Tribes of the Colville Reservation, as well as providing the Wanapum Band of Sokulk Indians a fishing opportunity consistent with Washington RCW 77.12.453.
- c. The Oregon Department of Fish and Wildlife shall continue to meet subsistence and ceremonial needs consistent with agreements with federally recognized tribes.

5. Orderly Fisheries

The Departments shall make good faith efforts to develop concurrent fishery regulations in the Columbia River Compact forum that are consistent with the guidelines and provisions of this Policy Accord and implement them in a manner that achieves orderly fisheries.

Note: As a next step, there is a need to insert language in this section that describes the objectives for allocation of catch in fisheries. This section would also provide definitional clarity on matters associated with orderly fisheries, such as "equitable sharing of investments and benefits" (Policy Guideline 5 language).

6. Fishing Gear

The Departments shall authorize fishing gear and design fishing seasons that use the most selective gear available towards a goal of selectively harvesting healthy hatchery and wild stocks while minimizing the handle and mortality of weak, threatened, or endangered wild stocks and avoiding incidental by-catch. Fishing gear evaluations for commercial and recreational fisheries will be based on the best available ~~sound~~ scientific information, and the Departments shall seek additional funding for scientific monitoring or evaluation as needed to achieve the guidelines and provisions of this Policy Accord.

- a. *For commercial fisheries, the Departments shall consider time, area, mesh size and other restrictions using gillnet, tangle-net, beach seine, purse seine, pound net and/or other alternative commercial fishing gear to optimally achieve the guidelines and provisions of this Policy Accord.
 - i. *The Departments shall support the development of alternative fishing gear for commercial fisheries. Important objectives of in this effort include gaining broad support from the commercial fishing industry, complimenting the economic potential and stability of the commercial fishery, and minimizing impacts to mainstem and tributary recreational fisheries.**
- b. *For recreational fisheries, the Departments shall utilize time, area, fish mark-rates, hook types and other gear restrictions to optimally achieve the guidelines and provisions of this Policy Accord.*

7. Fishery Stability and Economic Well-Being

Within the context of the conservation and recovery objectives set out in this policy, the Department shall seek to enhance the overall economic well-being and stability of both the recreational and commercial Columbia River fisheries. In doing so, the Departments shall:

- a. *Advocate for increased abundance of wild stocks and **enhanced** production of hatchery fish in accordance with the provisions of this Policy Accord.*
- b. *Provide for broad geographic distribution of socio-economic benefits of recreational and commercial fisheries, to the extent possible while optimizing achievement of conservation goals and objectives.*

Note: The Writing Workgroup did not reach agreement on language in this section brought forth by the Washington Commission delegation regarding (a) a process to consider how a reduction in the commercial fishing licenses and a limitation on recreational fishing guide licenses would improve the economic well-being and stability of commercial and recreational fisheries, and make appropriate recommendations to the Commissions, and (b) language describing an economic base period from which to gauge progress in enhancing economic well-being and stability of recreational and commercial Columbia River fisheries.

Adaptive Management

The Commissions recognize that the provisions of this Policy Accord describe a presumptive basis to achieve its stated purposes, and that considerable uncertainty exists in how and when progress in implementing the guiding principles and actions will be regarded as achieving the purposes of this Policy Accord. In addition to management performance uncertainty, there are many unpredictable events that could have a substantial effect on the presumptive path forward, including large fluctuations in short-term run sizes, climate change and changes in short-term environmental patterns, possible environmental disasters, and population restoration results occurring sooner or later than expected. Therefore, the Commissions acknowledge that an adaptive management approach implemented within policy, rule or statute constraints will be essential to achieve the purpose of this policy and are expected to occur after proper evaluation and as appropriate to achieve the guidelines and provisions of this Policy Accord. The Departments shall provide the Commissions at least biennially with an update on progress in achieving the guidelines and provisions of this Policy Accord.
