

# Columbia River Topics: Blue Sheet

Dr. Charlene Hurst, Columbia River Division Manager  
Tom McBride, Special Assistant



# Presentation Outline

- Compact processes
- Commercial license buyback proviso history and implementation
- Fishery monitoring





# Compact Processes

# Fisheries Management Framework

**SARA/ESA-listing:** Sets limits to impacts/mortalities to protected stocks

**Pacific Salmon Treaty (PST):** Sharing of allowable harvest and escapement targets for salmon stocks between U.S. and Canada

**Pacific Fishery Management Council (PFMC; North of Falcon):** Salmon fisheries season setting processes for southern US using public input

**U.S. vs. Oregon Management Agreement:** Details treaty Indian and non-treaty fishery harvest constraints (e.g., ESA impact rate) for salmon and steelhead stocks destined for areas upstream of Bonneville Dam

**OR and WA Fish and Wildlife Commission Policies:** Non-treaty allocation

**Compact/Joint State Hearing:** Sets fishery rules and makes decisions in-season



# PFMC/North of Falcon

- Decides preseason plans for summer and fall Chinook, sockeye, coho, and upriver summer steelhead fisheries
- Provides river inputs into PFMC process
- Multiple Columbia River-focused public meetings throughout March and April:

[North of Falcon | Washington Department of Fish & Wildlife](#)



# Columbia River Compact

- Ratified by Congress in 1918
- Agreement between OR and WA to set concurrent commercial fishing regulations (recreational – Joint State Hearing).
  - **RCW 77.75.010** and **RCW 77.75.020**
  - Neither state may make, change, alter, or amend fishing regulations without the consent and approbation of the other in joint-state waters
  - One Decision-making representative each for WA and OR
- More specifically
  - Sets non-NOF seasons and all commercial fisheries
  - Includes tribal fisheries for non-treaty fish buyer regulations
  - Salmon, steelhead, sturgeon, smelt, shad
  - Provides in-season actions to modify fisheries, including NOF pre-season plans
  - ~30-45 Compacts per year



# What occurs at a Compact Hearing?

Meetings are scheduled as needed

- Typically, last for 1-2 hours
- Introduction of fishery proposal topics
- Review prepared Fact Sheet on fishing proposals by staff
- Questions of staff by decision makers
- Solicit input from various tribal and federal (e.g., NOAA) entities
- Opportunity for public testimony on fishery proposals
- Decision maker discussion and motions on fishery proposals

You can sign up for the Columbia River Fishery Notices e-mail list serv to receive info. on fisheries in the mainstem Columbia River:

[WDFW mailing lists | Washington Department of Fish & Wildlife](#)



# Columbia River Advisory Groups

Current advisors are serving through December 2026

- Two groups: commercial and recreational
- Up to 20 members on each Group with a balance of OR and WA residents
- Advisors represent a variety of backgrounds/affiliations
- Advisor role is to be a conduit for information sharing between their contacts and staff by attending and providing input during NOF, Compact Hearings, and advisor meetings

[Columbia River Recreational Fishing Advisory Group | Washington Department of Fish & Wildlife](#)  
[Columbia River Commercial Fishing Advisory Group | Washington Department of Fish & Wildlife](#)





# What is Available for the Public Outside of Compact Hearings?

Walk through of our webpage:

[Columbia River Compact | Washington Department of Fish & Wildlife](#)

## [Compact joint state action notices](#)

Actions and changes to salmon, steelhead, sturgeon, shad, and smelt fisheries.

## [Compact fact sheets](#)

Information about possible actions and changes to certain commercial, recreational and tribal fisheries.

## [Reports, forecasts, returns, and fishery plans](#)

Other information, including joint state staff reports, pre-season fishing plans and forecasts.

## [Myths and facts](#)





# Commercial license buyback

# What is the primary focus of a budget proviso?

A proviso refers to language in a budget that provides funds for a specific purpose. Provisos in budget bills use the term, "***provided solely for***" followed by the specific purpose of the proviso.

Specific to this presentation on the 2022 Buyback, the proviso language states: "**is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.**"



# Budget Proviso Limitations

The Washington State Supreme Court has interpreted Article II, Section 19 of the state constitution to forbid inclusion of substantive law in appropriations bills.

The Washington State Supreme Court has stated that:

A budget bill, by its nature, appropriates funds for a finite time period - two years - while substantive law establishes public policy on a more durable basis.

Policy legislation must pass or fail on its own merits, taking the normal course of a bill.

When a budget proviso defines rights or amends existing laws, the act violates article 2, section 19.



# What is a Buyback?

Also referred to as fleet or license reduction

A tool that state and federal fishery managers have used to address a range of goals:

- Address overcapacity
- Improve economic returns
- Support conservation and management
- Provide fishery disaster relief
- Support fishery transitions and restructuring



# History of License Reduction Programs on the Columbia River

**1990s**

Three federally funded buybacks 1995-1998.

Fisheries disaster due to habitat degradation, low returns, ESA listings and harvest restrictions.

Retired 40% CR licenses.

**2013**

CR Policy C-3620 Adopted

- Reduced mainstem gillnet fisheries,
- directed development of select off channel fisheries, and
- research alternative gear.

Buyback included to mitigate impacts to commercial sector.

**2019–2021**

2019 – 2021 State funding requests for CR buyback.

2020 - CR Policy revised, C-3630 adopted.

CR-3630 included direction to work with OR to develop a comprehensive joint-state buyback program.

**2022**

CR Buyback included in Governor Inslee's Salmon Recovery Strategy \$16.7M.

Budget proviso included in final budget for \$14.4M.

# 2020 Proviso

“\$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2015-2019 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future participation in the fishery with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. By December 31, 2020, the department shall submit a report to the legislature including the number of license holders that participated in the buyback, the annual landings associated with each license, and an estimate of the funding needed to buyback any remaining voluntary buyback offers that exceeded the available funds. No more than five percent of this appropriation may be spent on administering and reporting on the voluntary buyback.”



# 2020 Proviso Veto

“This proviso directs the Department of Fish and Wildlife to implement a voluntary buyback program to purchase commercial gill net fishery licenses for Columbia River, Grays Harbor, and Willapa Bay. It is premature to move ahead with a buyback program. **To be successful, any gill net fishery buyback needs to be developed in concert with license holders and the state of Oregon.** I encourage the department to continue work with Oregon and commercial gill net license holders on developing a workable buyback program. For these reasons, I have vetoed.”





# 2021 Proviso

“\$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses to mitigate for policy restrictions on the use of gill nets in the mainstem lower Columbia river. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2016-2020 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future fishery participation with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. The department may not purchase a gill net license for an amount exceeding 3.5 times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Columbia river fisheries from 2016 through 2020. The purchase price shall be \$3,000 for Grays harbor-Columbia river or Willapa bay-Columbia river salmon gill net licenses without Columbia river salmon landings in Washington from 2016-2020. Consistent with the mitigation purpose of the buyback and the intent of Columbia river fishery reforms, the department may only authorize mainstem gill and drift net fisheries in zones four and five targeting upriver bright fall chinook and allocate no more than 20 percent of allowable impacts to off-channel and mainstem fall commercial fisheries.”



# 2021 Proviso Veto

“This section provides funding solely for a voluntary buyback of Columbia River commercial gillnet licenses which is something I supported in my proposed budget. However, the last sentence of this section also requires the department to only authorize mainstem gillnet and drift net fisheries in certain areas of the Columbia River for one particular salmon run based on a set allocation for commercial fisheries. **This allocation for commercial fisheries conflicts with Washington’s agreement with the state of Oregon on management of commercial gillnet fisheries on the Columbia River.** In addition, the last sentence potentially limits the department from issuing fishing licenses for other species such as eulachon or shad and from issuing permits for other commercial gear types. This may have unknown impacts on other fisheries along the Columbia River. Although I support the voluntary buyback of commercial gill net licenses on the Columbia River, I cannot support these additional provisions. For these reasons, I have vetoed.”



# 2022 Proviso

“\$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.”



## 72% Licenses Retired

---

	Willapa Bay - Columbia River	Grays Harbor – Columbia River	Total
Beginning # Washington Columbia River Gillnet Licenses (January 2022)	181	59	240
Active licenses retired	116	38	154
Inactive licenses retired	13	5	18
License not renewed in 2022	1		1
<b>Remaining</b>	<b>51</b>	<b>16</b>	<b>67*</b>

\*13 had landings within the Columbia River from 2017-2021



# Subsection b – Fisheries Management

*“...in a manner consistent with state-tribal fishery management agreements.”*

**SARA/ESA-listing:** Sets limits to impacts/mortalities to protected stocks

**Pacific Salmon Treaty (PST):** Sharing of allowable harvest and escapement targets for salmon stocks between U.S. and Canada

**Pacific Fishery Management Council (PFMC; North of Falcon):** Salmon fisheries season setting processes for southern US using public input

**U.S. vs. Oregon Management Agreement:** Details treaty Indian and non-treaty fishery harvest constraints (e.g., ESA impact rate) for salmon and steelhead stocks destined for areas upstream of Bonneville Dam

**OR and WA Fish and Wildlife Commission Policies:** Sector allocation

**Compact/Joint State Hearing:** Sets fishery rules and makes decisions in-season



# 'Subsection b' calculation completed

Columbia River Commercial Fisheries by season from 2017-2021		
Spring	Summer	Fall
Mainstem tangle net (Mark-selective for Chinook)	Mainstem gillnet/alternative gear (Gear not concurrent between states)	Mainstem gillnet (Took place in zones 4 & 5 to target upriver fall Chinook)
Select area gillnet (Off-channel select areas encounter few ESA-listed species)	Select area gillnet (off-channel select areas encounter few ESA-listed species)	Select area gillnet (off-channel select areas encounter few ESA-listed species)
		Mainstem coho tangle net (Mark-selective for coho)

<span style="display:inline-block; width:15px; height:15px; background-color: #f08080; border: 1px solid black;"></span> Fishery did not occur from 2017-2021
<span style="display:inline-block; width:15px; height:15px; background-color: #ffff00; border: 1px solid black;"></span> Fishery occurred, not included in calculation
<span style="display:inline-block; width:15px; height:15px; background-color: #38a84d; border: 1px solid black;"></span> Fishery included in calculation

[Columbia River license reduction program | Washington Department of Fish & Wildlife](#)



# Subsection b implementation: Fall 2023

At the September 13 Compact Meeting, following the Director's statement for staff to:

- Focus on the most constraining stock (LCR tules)
- Reserve 16% of the allowable non-treaty commercial share exploitation rate

WDFW did not agree to a second zone 4/5 gillnet period.

ODFW decided to set an Oregon waters only fishery for that second period.



# WDFW fully Implemented 2022 Proviso

- 'Subsection a' of 240 commercial licenses, 173 purchased (roughly 72%) leaving 67 licenses in the fishery.
- 'Subsection b' calculation completed and in September of 2023, Washington attempted to reserve impacts below the authorized ER.
- 'Subsection c' Recommendations provided to the Legislature in December of 2022 centered around the Emerging Commercial Fishery process for Beach Seines, Purse Seines, and Pound Nets.





# Summary of Issues Addressed

## 1. Forbid future participation

- Tricky as contract with express language
- Not correct to try without language from 2020/2021

## 2. Implement policy changes without Oregon

- No allocation by individual state or license
- Evidence: two vetoes and OR decision to fish alone

## 3. Measuring success

- All had opportunity to sell
- 72% is a significant reduction and is expected to provide more fishery management certainty

## 4. Legislative intent

- Does not create new language
- Court tool used if actual language ambiguous



# 2023 Policy Bill

- Senate Bill 5297 was introduced to ban the use of gillnets on the lower Columbia River.
- The bill failed to pass out of the initial policy committee.





# Fishery Monitoring

# In-season Monitoring: Catch, effort & impact estimates

## Recreational



### Angler Surveys (i.e., creel)

Generate a representative sample of harvest, release, and effort data, and collect biological data, including mark status, species, adult/jack, and coded wire tags (CWT).



### Catch Record Cards

Not currently used for mainstem fisheries in-season. E-CRC may be able to be integrated in the future and fill data gaps.



### Effort (e.g., trailer counts and aerial flights)

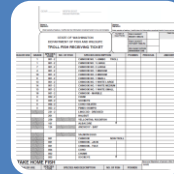
Used to estimate total fishery estimates by expanding the harvest, release, and effort data collected from angler surveys.



### Snouts with CWTs

Used for stock composition of the catch. In-season assessment of stock composition from CWTs are unique to the Columbia River fisheries; most other fisheries assess CWTs post-season.

## Commercial



### Fish Tickets

Generate harvest and delivery (proxy for effort) estimates.



### Fish Buyer sampling

Used to collect biological data, including mark status, species, adult/jack, and CWTs for harvested fish



### Onboard observation/Logbooks

Used to collect kept and release data, including mark status, species, adult/jack for all fish handled

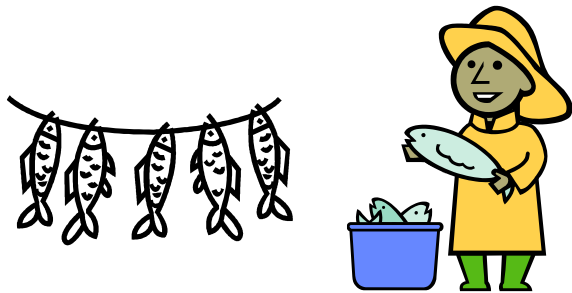


### Snouts with CWTs

Used for stock composition of the catch. In-season assessment of stock composition from CWTs is unique to the Columbia River fisheries; most other fisheries assess CWTs post-season.

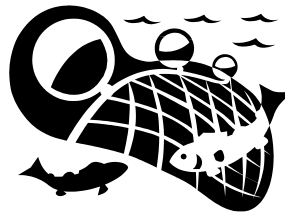


# Estimating Catch



## Sub-sample

You sample a proportion, but not all, fishers to estimate the catch per fisher per day or catch per net per day



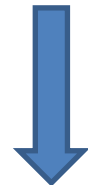
## Effort

You count your fishing effort – net counts or boat counts, etc.



## Time

Then use the length of your fishery.



## Catch Estimate

Combined, these will estimate the catch.

Slide courtesy of Stuart Ellis, CRITFC



# On-Board Observation

Fishery	Observation?
Spring Chinook Tangle-net test fishery	Yes, required of all fishers in their contract
Spring Chinook Tangle-net	Yes, required of fishers when approached by staff
Select Areas	No. Observation occurred during the initial implementation/research of sites in the 1990's-early 2000s
Zone 4-5 Drift Gillnet	No. Required during 2009, 2012, and 2017 from fishers when approached staff. There have been opportunistic volunteer efforts since 2017.
ECF	Yes, required of all fishers in WAC
Coho Tangle-net	Yes, a voluntary subsample of fishers



# What Does On-board Observation Tell Us?

- Validates handle of non-target species
- Provides data to review fishery modeling estimates and assumptions (e.g., release mortality rates; see [PRC presentation](#) on this topic)
- Logbooks filled out by fishers provide similar data as observation and are often incorporated into fishery assessments.



# What considerations do staff make when deciding to use on-board observation?

- Funding to train and hire additional staff
- Staff safety, particularly in fisheries occurring at night
- Fisherman liability
- Necessity of the data collected
- How it is integrated into the joint state sampling and estimation methods





# Next steps to improve fishery information



## Coordination

- Continue to coordinate w/ ODFW on fishery sampling and estimation
  - Heightened focus on staff safety and training
- Continue current suite of observation and volunteer log-book data collection



## Technology

- Technology improvements (data collection, data flow, data management)
  - eCRC
  - guide logbook data
  - Electronic monitoring



## Funding

- Seek funding to maintain current work and support additional data collection to fill gaps and improve precision/accuracy



# Next steps to improve fishery information



## Education

- OR recreational catch/effort estimate website (new in fall 2024)
- OR commercial landings website (on-going)
- Educational videos on CR fisheries
  - A balancing act: managing sustainable fisheries in the Columbia River
  - Science, sharing, and sustainability: Demystifying the annual Columbia River salmon management cycle



## Rule-making

- Rule-making on required commercial logbooks in the Columbia River
- WDFW has initiated rule-making: CR-101 filed January 3, 2024
- Requires coordination with ODFW for jointly managed fisheries



# Key takeaways

- CR Compact
  - Hearings occur almost weekly throughout the year
  - All information is posted on both states' websites
- Buyback
  - ~70% of licenses were purchased by WA
  - Increased fishery management certainty
- Monitoring
  - Multiple tools used to monitor fisheries
  - Different fisheries use different tools
  - Continually improving methods/data

