

Washington Fish and Wildlife Commission Briefing Memorandum
Columbia River Management Policy
 Draft March 23, 2017

- 1) **February - Governor Brown Requested Oregon Commission Reconsider Decision.** In a letter of February 9, 2017, Governor Brown requested that the Oregon Fish and Wildlife Commission (OFWC) change its decision to reflect the policies of her administration and the law of the state of Oregon, and to ensure concurrent rules with Washington. She indicated that both the policy update adopted by the Washington Fish and Wildlife Commission (WFWC) and the Oregon staff recommendation were consistent with that direction.
- 2) **March - Commissions Exchanged Letters.** Chairman Finley of the OFWC sent a letter on March 7, 2017, to the WFWC with proposals for spring Chinook, summer Chinook, and fall Chinook salmon. Chair Smith of the WFWC responded on March 15, 2017, stating that the “WFWC will carefully consider any proposal supported by the OFWC as a whole that is consistent with the vision for Columbia River management reform and within the sideboards of Governor Brown’s letter.”
- 3) **March 17 OFWC Meeting.** The OFWC adopted new rules at the March 17, 2017, commission meeting that were generally consistent with the Oregon staff recommendation. Key differences between the newly adopted rules and the WFWC updated policy are summarized in the table below:

Element	OFWC Updated Rules	WFWC Updated Policy
Spring Chinook Tangle Net Fishery	Mainstem commercial fisheries may occur only after the run size update and will use tangle nets or other selective gear, if developed. Unused commercial impacts will not be transferred to recreational fisheries.	No mainstem tangle net commercial fishery.
Fall Chinook Commercial Share	≥ 30% Use up to 2% of commercial ESA impacts of the most constraining stock for use in lower river commercial fisheries using alternative gears.	≥ 25%

- 4) **Effects of Non-concurrent Rules.** The ideal outcome is that the states have consistent policy direction and concurrent fishery rules. A lack of concurrent rules and management objectives, if poorly handled, could result in conservation conflicts, issues for US v. Oregon, license reciprocity issues, and subject fishers to different enforcement regimes they may not be able to apprehend, thus increasing the risk of violations. However, in the past, the states have been able to manage around relatively minor policy differences (e.g., a 5% difference in the spring Chinook commercial allocation).
- 5) **Options for WFWC Response.** Successful completion of the annual preseason planning process, ending with the PFMC meeting occurring from April 6-10, would be promoted by the Commission quickly fulfilling the commitment to “carefully consider any proposal supported by the OFWC”. WFWC options for responding to the OFWC adoption of new rules include the following:

Option A. Commission Reconsiders Policy. The WFWC could schedule a special meeting within 7-10 days to receive a full staff analysis and public comment on the newly adopted Oregon rules. If the WFWC did not choose to adopt the Oregon rules, a lack of concurrency would remain between the states.

Option B. Commission Representatives Meet. Representatives of the OFWC and WFWC could meet next week to attempt to resolve the remaining differences between Oregon's newly adopted rules and the updated WFWC policy. Assuming a joint recommendation could be reached, subsequent action would be required by each commission to review and, potentially, adopt the recommendation. These steps could be challenging to complete within the next two weeks.

Option C. Director Negotiates 2017 Fisheries With Existing Policy Guidance. The policy currently states "The Director will work with the Oregon Department of Fish and Wildlife to achieve implementation of this Commission action in a manner that results in concurrent regulations between the two states. The Director will consult with the Commission Chair if it becomes necessary to deviate from the Commission's policy to achieve concurrent regulations with Oregon."

Consistent with this existing delegation authority and the emphasis on concurrent regulations, and after consideration of the newly adopted Oregon rules, the Commission could instruct the Director to proceed with the planning and implementation of 2017 fisheries. The Director would, in turn, be guided by existing policy guidance including the desired season structure for recreational fisheries¹, the adaptive management provisions regarding mainstem commercial fisheries, and analysis of the various factors affecting fisheries in the lower Columbia River in 2017.

¹ Current policy states for fall Chinook salmon that the "Department will seek to achieve the following recreational fisheries objectives:

- a. Buoy 10 season – August 1 to Labor Day
- b. Tongue Point to Warrior Rock season – August 1 to September 7 as non-mark-selective and September 8-14 as mark-selective.
- c. Warrior Rock to Bonneville Dam season – August 1–October 31.