

Concise Explanatory Statement
Emerging Columbia River Non-Treaty Commercial Fisheries

Rules created as part of this rulemaking:

- WAC 220-360-500 Designation of an emerging commercial fishery in the Lower Columbia River.
- WAC 220-360-510 Columbia River emerging commercial fishery—Qualifications.
- WAC 220-360-520 Columbia River emerging commercial fishery—Issuance of an emerging commercial fishery license and experimental fishery permit—License and permit conditions.
- WAC 220-360-530 Columbia River emerging commercial fishery—Season, area, and gear requirements.

1. Background/Summary of Project:

The purpose of this rule is to allow for alternative commercial fishing gears to be used for commercial fishing in the Lower Columbia River using an emerging commercial fishery license and an associated experimental gear permit. This fishery will be limited entry with participants chosen from a one-time lottery in the first year the fishery is offered. The anticipated effects are that some commercial fishers may use these gears to harvest salmon when fisheries are open for commercial harvest using the existing commercial allocation as described in Policy C-3630 for the Columbia River.

2. Reasons for adopting the rule:

RCW 77.65.400 states that “the director may by rule designate a fishery as an emerging commercial fishery.” In April of 2021, Washington Department of Fish and Wildlife Director, Kelly Susewind, directed staff to begin the rulemaking process for designating an Emerging Commercial Fishery in the Lower Columbia River. This rule will allow alternative commercial fishing gears to be used in a commercial setting so that fishers, fishery managers, and stakeholders will have a better understanding of the commercial viability of alternative gears.

3. Differences between the text of the proposed rule and the rule as adopted:

There are four changes from the proposed rule and the rule as adopted. The first removes the phrase “Under that license or” from part a of WAC-220-360-510. The second change is in WAC 220-360-520 (2) and extends the application deadline from March 15th to April 30th. The third change is in WAC 220-360-520 (3) and extends the license and permit issuance deadline from May 15th to May 30th. The final revision adds text to define the term “TAC.”

4. **Public comments, response to comments, and consideration of comments**

We received no comments on either the draft rule language or the SEPA checklist. We did receive comments from two commenters pertaining to the SBEIS as follows:

1) *One commenter noted that our SBEIS did not provide total costs for each gear type.*

While this is accurate, this was done intentionally as there are many caveats included in our cost analysis that made determining a total for each gear very difficult.

2) *One commenter notes “that processors and communities are not addressed with any real detail, and would suggest more attention be paid to this facet of small business in the fishing industry. The issue of reduced employment in local communities needs some focus, as well as the potential reduction in product processors need to make a profit.”*

We agree that these are important points to consider, but they are outside the scope of a SBEIS, which is meant to focus on the direct costs of a rulemaking. The costs mentioned above are considered indirect costs, but we have added a new section, 2.5.3 Social and economic important of Columbia River commercial fishing businesses, to our SBEIS, which captures these considerations to some degree.

3) *One commenter provided a letter with a number of detailed suggestions for text additions/deletions to clarify a number of points.*

We have considered these suggestions and have incorporated these edits into our document.

4) *One commenter provided us with a list of suggested additions to Section 4 of the SBEIS, which deal with future considerations as we move forward with an ECF, including: a) tax obligations, b) securing a bond to ensure that a trap is removed from the waterway at the appropriate time, c) liabilities regarding grant funding to a commercial enterprise, as well as the potential for the cost of employing a grant-writer, d) Consideration of fishery structure so as not to allow for a monopoly in the fishery, which has implications for fishing and community incomes, e) ESA impacts for alternative gears and the need for bi-state resolution to this issue, and f) safety standards.*

We appreciate these suggested additions and have incorporated them into Section 4 of the SBEIS. We do note that table 3b does detail bond costs for piling removal.