



# Wild Fish Conservancy

N O R T H W E S T

S C I E N C E   E D U C A T I O N   A D V O C A C Y

October 20, 2020

Director Kelly Susewind

[Kelly.Susewind@dfw.wa.gov](mailto:Kelly.Susewind@dfw.wa.gov)

Washington Department of Fish and Wildlife

PO Box 43200

Olympia, WA 98504-3200

Cc:

Laurie Peterson, Fish Science Division Manager, Washington Department of Fish and Wildlife, [laurie.peterson@dfw.wa.gov](mailto:laurie.peterson@dfw.wa.gov)

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Mike Grossman, Assistant Attorney General, [mikeg1@atg.wa.gov](mailto:mikeg1@atg.wa.gov)

**Re: Supplemental Comments Regarding Revisions to Fish and Wildlife Commission Policy C-3619 (SEPA #20045)**

Director Susewind,

I am writing on behalf of the Wild Fish Conservancy (WFC), to once again urge the Washington Department of Fish and Wildlife (WDFW) to fulfill its statutory obligation to fully consider the potential adverse impacts before adopting significant alterations to C-3619, the Anadromous Salmon and Steelhead Hatchery Policy (Hatchery Policy Revision).

The policy changes are likely to have lasting adverse impacts on Washington's fish and wildlife, including threatened and endangered salmon and steelhead, and the Southern Resident Killer Whales that depend on them. Given the fragility of these populations, such an adverse impact could be catastrophic, undermining federal, state, tribal, and public efforts to recover wild salmon and steelhead populations that can support sustainable fisheries and protect Southern Resident Killer Whales from extinction. This is a poor trade-off for the assumed short-term

increase in fishing opportunities and conservation / mitigation benefits that the policy changes are purported to provide.

As detailed in WFC's comments to SEPA #20045 submitted on October 12, 2020, and its comments to the proposed policy change submitted to the WA Fish and Wildlife Commission on July 28, September 7, and October 12, 2020, the Hatchery Policy Revision ignores the conclusions and recommendations of its own scientists and disregards the conclusions provided in WDFW's Hatchery and Fishery Reform Policy Implementation Assessment, completed earlier this year. In addition to contradicting WDFW's own hatchery reform science, the Hatchery Policy Revision is at odds with federal Endangered Species Act recovery plans, regional salmon recovery plans, and hatchery genetic management plans.

What WFC did not know when it submitted these prior comments is that WDFW has apparently never conducted an environmental review of its hatchery policies as required by the State Environmental Policy Act (SEPA), despite past commitments to do so. A decision to move forward with further significant hatchery policy revisions without performing a thorough environmental review would be indefensible under SEPA, and represent abrogation of the Commission's solemn duty to "preserve, protect and perpetuate fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities."

### **Background on Information Included in Supplemental Comments**

These supplemental comments are based on information that WDFW declined to make available during the SEPA review process, which WFC was not able to obtain until after the October 12, 2020 deadline for comments for SEPA #20045, WDFW's Determination of Nonsignificance (DNS) for the Hatchery Policy Revision. As a result, WFC asks that these comments be considered as part of the file for SEPA #20045, as well as in the agency record for the final decision on the Hatchery Policy Revision.

On September 22, 2020, WFC asked WDFW SEPA Coordinator Lisa Wood to provide any prior SEPA documents related to C-3619, so it could review these foundational documents in preparation for making comments on WDFW's DNS for the Hatchery Policy Revision. The next day, Ms. Wood indicated that WDFW would not agree to make these documents available to the public as part of the SEPA process for changes to C-3619, indicating that they would only be provided in accordance with a formal public records request.

On September 25, 2020, WFC thus submitted a public records request to WDFW for "All SEPA documents relating to WDFW's existing C-3619 'Hatchery and Fishery Reform Policy' as adopted in November of 2009, and updated June 15th, 2018." (PRR No. 20469). While WDFW made an effort to respond to this request in a timely manner, it mistakenly sent its response to the wrong email address on October 2, 2020. Consequently, WFC did not receive WDFW's first response to the request until October 14, 2020, two days after the deadline for comments in connection with SEPA #20045. As a result of this error, the comments that WFC submitted on

SEPA #20045 on October 12 were not informed by the materials contained in these public disclosure documents.

### **Public Disclosure Information Indicates Past Evasion of Environmental Review**

The documents produced by WDFW's first response to PRR No. 20469 indicate that the state's hatcheries policies have *never* undergone the meaningful environmental review required by SEPA. Instead, these records indicate WDFW has continued to evade this statutorily mandated review through a variety of means, including issuing determinations of nonsignificance that were not supported by the facts, making promises of future environmental review that, to our knowledge, it has never fulfilled—and, at times, ignoring its legal responsibilities under SEPA entirely.

This pattern began on June 2, 2009, when WDFW issued a DNS for its original Hatchery and Fishery Reform Policy (Hatchery Reform Policy). See Attachment 1, Revised Determination of Nonsignificance for 2009 Hatchery and Fishery Reform Policy (SEPA log 09-054rev) (June 22, 2009) (indicating initial DNS was prepared on June 2, 2009) and Attachment 2, Environmental Checklist for Hatchery and Fishery Reform Policy (as prepared June 2, 2009 and revised June 22, 2009).

WDFW first insisted that the Hatchery Reform Policy was not likely to have a significant adverse impact on the environment because it was only meant to provide “guidance and support” for WDFW's implementation of the Hatchery Scientific Review Group recommendations. See Attachment 1 at page 2 (language of original DNS).

However, the public was not convinced, as is apparent from the objections to the DNS that WDFW has thus far provided to WFC.<sup>1</sup> For example, the Snoqualmie Indian Tribe protested that WDFW was evading SEPA through a “mischaracterization of the proposal as merely a ‘policy’ to ‘provide guidance and support’ to the hatchery and fishery reform effort.” See Attachment 3 at page 1. The Tribe concluded that “[u]pon closer scrutiny of what your proposal actually entails, it looks as if the proposal will involve the implementation of certain actions that may have an adverse environmental impact that should be considered through the SEPA process.” *Id.* As the Tribe observed, instead of subjecting its preferred proposal to the rigorous comparison of alternatives required under SEPA, WDFW bypassed that process and simply “identified its preferred solution as the proposal.” *Id.* at 2; see *also* Attachment 4 at page 1 (letter from Tulalip Tribe, emphasizing that “some careful and thoughtful analysis of alternatives is required before adopting blanket policies” such as those contained within the Hatchery Reform Policy);

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<sup>1</sup> Because WDFW's response to WFC's document request is ongoing, WFC does not know whether there were more public objections to the 2009 DNS that WDFW has not yet provided.

Attachment 5 (letter from Laura Hudson, contending that a “full EIS is required to show why hatcheries should continue in the face of all the evidence of the damage they do”).

In apparent response to these objections, WDFW revised its DNS to assure the public that there would be full environmental review of subsequent plans and specific actions taken under the Hatchery Reform Policy. In a Revised DNS issued on June 22, 2009, WDFW promised to develop Hatchery Action Implementation Plans (HAIPs) for each region of the state, which would “move through the SEPA process” upon completion. *Id.* at 1 (language added to DNS with June 22, 2009 revision). WDFW further indicated it would “initiate SEPA” on further work products associated with the Hatchery Reform Policy, which would “describe in more detail potential environmental impacts” and provide “more descriptive effects related to activities or actions under consideration for full implementation.” *Id.* at page 2 (promising that “as more defined information is developed associated with some of the identified work products within the DRAFT, additional SEPA would be initiated”).

We expect PRR No. 20469 submitted by WFC to WDFW will include the HAIPs developed for each region, and their associated SEPA review documents, but none have been provided as of the date of this letter.<sup>2</sup> To WFC’s knowledge, these HAIPs were never finalized or submitted for SEPA review, and no subsequent SEPA review has been conducted on any of the actions taken under the 2009 Hatchery Reform Policy over the past decade.

To the contrary, WDFW has spent the past decade causing genetic, ecological, fishery, viral/disease, and water quality impacts in the name of its Hatchery Reform Policy, without subjecting any of these actions to environmental review required by SEPA. Indeed, in 2018 WDFW suspended some of the key environmental protections under the Hatchery Reform Policy, without even making a token DNS. See *Hatchery and fishery reform policy review*, Washington Department of Fish and Wildlife, available at: <https://wdfw.wa.gov/fishing/management/hatcheries/hatchery-reform-policy-review#:~:text=The%20Policy%20was%20originally%20adopted,the%20implementation%20of%20hatchery%20reform> (last visited Oct. 19, 2020). The Commission thus ignored its SEPA obligations entirely when making a decision that for salmon species, it would abandon its previous commitment to use the “principles, standards, and recommendations of the Hatchery Scientific Review Group regarding hatchery operations.” *Id.*

With its current DNS for the Hatchery Policy Revision, WDFW is thus continuing a longstanding practice of ignoring its obligation to carefully consider the environmental impact of its hatchery policy. SEPA requires that state agency consider “total environmental and ecological factors to the fullest in deciding major matters.” *Eastlake Cmty. Council v. Roanoke Assocs.*, 82 Wn.2d 475, 490, 513 P.2d 36 (1973). Yet WDFW has seen fit to develop, amend, and implement a comprehensive hatchery policy over the space of more than a decade, without ever conducting

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<sup>2</sup> If these HAIPs do exist, and went through SEPA evaluation, then they certainly should have been disclosed, discussed, and analyzed during the consideration and SEPA review of the Hatchery Policy Revision.

a full environmental review of that policy, revisions to that policy, or actions implementing that policy.

As WDFW acknowledged in the 2009 DNS for its Hatchery Reform Policy, “[i]f properly-managed, hatcheries can provide significant benefits to the citizens of Washington. If managed improperly, they can confound efforts to rebuild wild salmon populations and undermine efforts to recover wild fish.” Attachment 1 at page 1. Indeed, WDFW’s own scientific review, requested by the Commission, details the litany of adverse environmental impacts that hatchery programs can cause. See *A review of hatchery reform science in Washington State*, Final report to the Washington Fish and Wildlife Commission (Jan. 23 2020), at: [https://wdfw.wa.gov/sites/default/files/publications/02121/wdfw02121\\_0.pdf](https://wdfw.wa.gov/sites/default/files/publications/02121/wdfw02121_0.pdf).

**Without ever having conducted an environmental review of adverse ecological impacts and potential alternatives, how can WDFW be confident that it is managing state hatcheries properly? The answer is that it cannot, and by its own admission, such an error can have catastrophic consequences.**

WFC urges WDFW and the Commission to put the brakes on the poorly considered and scientifically unsupported Hatchery Policy Revision. WDFW and the Commission should reject the Hatchery Policy rewrite and reinstate the Hatchery Reform Policy in full, including the provisions that were revoked in 2018 without SEPA review, until WDFW completes a full Environmental Impact Statement on its proposed revisions.

It is long past time that WDFW takes an approach to management of its hatcheries that complies with the law, follows the science, and fulfills the requirements of WDFW’s mandate to preserve wild fish and their ecosystems.

Respectfully submitted,



Kurt Beardslee, Executive Director  
Wild Fish Conservancy  
[kurt@wildfishconservancy.org](mailto:kurt@wildfishconservancy.org); 206.310.9301

Attachments:

**Attachment 1.** Revised Determination of Nonsignificance (RDNS) for 2009 Hatchery and Fishery Reform Policy (SEPA log 09-054rev) (June 22, 2009)

**Attachment 2.** Environmental Checklist for Hatchery and Reform Policy (prepared June 2, 2009, revised June 22, 2009).

**Attachment 3.** Snoqualmie Tribe's Comments on Proposed Hatchery & Fishery Reform Policy (June 15, 2009).

**Attachment 4.** Letter from Tulalip Tribe re 2009 Hatchery and Fishery Reform Policy (June 17, 2009).

**Attachment 5.** Email from Laura Hudson Re proposed DNS for Hatchery Reform Policy (June 18, 2009)

## **Attachment 1**



**STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N – Olympia, Washington 98501-1091 – (360) 902-2200, TDD (360) 902-2207  
Main Office Location: Natural Resources Building – 1111 Washington Street SE – Olympia, WA

**REVISED DETERMINATION OF NONSIGNIFICANCE (Revised DNS)**

The Department of Fish and Wildlife (WDFW) has considered comments received on the original Threshold Determination for this project and is providing additional information that may be of interest to other agencies or the public. The information provided does not substantially change the analysis of the significant impacts in the existing environmental checklist.

**Name of Proposal: PROPOSED HATCHERY AND FISHERY REFORM POLICY**

**Description of Proposal:**

A Commission policy on hatchery and fishery reform will provide guidance and support for the Department's implementation of Hatchery Scientific Review Group recommendations by clearly stating the Commission's commitment to long-term hatchery and sustainable fishery strategies. Hatchery and harvest reform are critical to sustaining healthy fisheries and the future of fishing in the state of Washington.

Hatchery reform has been an ongoing initiative in Puget Sound and Coastal Washington state for several years. Hatchery Reform was initiated in the Columbia River in 2007. The Department has embraced hatchery reform as a means to achieving salmon recovery while maintaining economically important harvest opportunities. The Department believes that hatchery production at levels similar to today can be maintained at most facilities and at the same time provides protection for wild fish and the recovery of wild stocks. If properly-managed, hatcheries can provide significant benefits to the citizens of Washington. If managed improperly, they can confound efforts to rebuild wild salmon populations and undermine efforts to recover wild fish.

**In addition the following clarifications have been made to the initial SEPA Checklist,  
Dated- June 3, 2009:**

**4. Date checklist prepared:**

June 2, 2009. **Revised** June 22, 2009

**7. Do you have any plans for future additions....**

Development of a Hatchery ~~2020~~ Action Implementation Plan will form the basis of the hatchery reform implementation plan and associated schedule as referenced in Policy Guidelines #2 and #4. It is currently under development by geographic regions in the state, but it incomplete at this time. Upon completion, by region e.g. Puget Sound, Washington Coast, the Hatchery Action Implementation Plan will move through the SEPA process. In addition, the mark selective fishery plan and associated implementation schedule (policy guideline #10) may also require SEPA.

**8. List any environmental information you know about that has been prepared....**

~~Does not apply~~ A series of hatchery facility infrastructure reports were prepared by Bogden Engineering following the completion of the Hatchery Scientific Review Process in Puget Sound and Coastal Washington in 2004. In addition, reports developed by the Hatchery Scientific Review Group (HSRG) also include some environment information relative to the policy guidelines provided. For more information see: [http://www.hatcheryreform.us/mfs/about/hsrc\\_show.action](http://www.hatcheryreform.us/mfs/about/hsrc_show.action).

**10. List any government approvals or permits that will be needed for your proposal, if known. Does not apply**

A variety of both federal and state permits may be required to complete implementation, but given the overarching nature of the current DRAFT policy guideline under consideration in this checklist, it is too early to determine what permits will be required where to describe in any detail.

**11. Give brief, complete description of your proposal....**

A Commission policy on hatchery and fishery reform will provide guidance and support for the Department's implementation of Hatchery Scientific Review Group recommendations by clearly stating the Commission's commitment to long-term hatchery and sustainable fishery strategies. Hatchery and harvest reform are critical to sustaining healthy fisheries and the future of fishing in the state of Washington. Recognizing that as the policy is implemented there may be work products, such as that associated with policy guideline numbers 2 and 4 that would describe in more detail potential environmental impacts, government approvals and/or permits, as well as more descriptive effects related to activities or actions under consideration for full implementation, the Washington Department of Fish and Wildlife will initiate SEPA. See attached DRAFT policy for italicized notes reflecting this clarification.

Hatchery reform has been an ongoing initiative in Puget Sound and Coastal Washington state for several years. Hatchery Reform was initiated in the Columbia River in 2007. The Department has embraced hatchery reform as a means to achieving salmon recovery while maintaining economically important harvest opportunities. The Department believes that hatchery production at levels similar to today can be maintained at most facilities and at the same time provides protection for wild fish and the recovery of wild stocks. If properly-managed, hatcheries can provide significant benefits to the citizens of Washington. If managed improperly, they can confound efforts to rebuild wild salmon populations and undermine efforts to recover wild fish.

**12. Location of the proposal...**

Though the policy would be effective statewide, the scope or range for implementation will be done by geographic regions such as Puget Sound, Washington Coast, Lower Columbia River, Middle Columbia River, Upper Columbia River and Snake River that match or are similar to the federal ESA salmon recovery regions. More specific details about sites or locations are not relevant yet, but as more defined information is developed associated with some of the identified work products within the DRAFT, additional SEPA would be initiated.

**Proponent/Applicant:**

Heather Bartlett

Salmon and Steelhead Division Manager

Washington Department of Fish and Wildlife

600 Capital Way N.  
Olympia, WA 98501

**Location of Proposal, including street, if any:** Statewide, Washington- the policy would be effective statewide, the scope or range for implementation will be done by geographic regions such as Puget Sound, Washington Coast, Lower Columbia River, Middle Columbia River, Upper Columbia River and Snake River that match or are similar to the federal ESA salmon recovery regions. More specific details about sites or locations are not relevant yet, but as more defined information is developed associated with some of the identified work products within the DRAFT, additional SEPA would be initiated.

**Lead Agency:** Washington Department of Fish and Wildlife  
WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law<sup>1</sup> does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us..

**There is no comment period for the Revised DNS.**

**Responsible Official:** Teresa A. Eturaspe

**Position/Title:** SEPA/NEPA Coordinator, Regulatory Services Section

**Address:** 600 Capitol Way North, Olympia, WA 98501

If you have questions about this action, please contact:

Teresa A. Eturaspe **Phone:** (360) 902-2575 **Fax:** (360) 902-2946 or  
**email:** [sepadesk2@dfw.wa.gov](mailto:sepadesk2@dfw.wa.gov)

**DATE OF ISSUE:** June 23, 2009

**SIGNATURE:**



Footnotes

1. RCW 43.21C.030(2)(c)

SEPA Log Number: 09 -054rev. dns (also see 09-046)



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207  
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

**NOTICE OF FINAL DETERMINATION  
PROPOSED HATCHERY AND FISHERY REFORM POLICY  
DATE ISSUED-June 3, 2009, Revised June 23, 2009 DATE FINAL-June 23, 2009  
SEPA NUMBER #09-054rev.**

Under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2), the Washington Department of Fish and Wildlife's (WDFW) issued a

- Determination of Nonsignificance (DNS)
- Mitigated Determination of Nonsignificance (MDNS)
- Revised Determination of Nonsignificance (RDNS)**

This threshold determination is hereby:

**[X] Retained**

Withdrawn. WDFW is considering making substantial changes to the proposal based upon an evaluation of new information that was brought to our attention during the comment period. A new threshold determination will be made upon completion of the proposal revision.

Extended. A final threshold determination has not been made. This SEPA proposal is under additional review. You will be notified when a final determination is made.

Any comments received for this proposal are attached. Comments received may affect future permits required for this proposal. Please review all comments and respond accordingly.

This document is a part of the official SEPA record; retain this with your original checklist and determination.

Sincerely,

Teresa A. Eturaspe  
SEPA/ NEPA Coordinator

TAE:tae

cc: Regions 1,2,3,4,5,6,

## **Attachment 2**

## WAC 197-11-960 Environmental checklist.

### ENVIRONMENTAL CHECKLIST

#### *Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

#### *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

#### *Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

**For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.**

#### A. BACKGROUND

##### 1. Name of proposed project, if applicable:

Hatchery and Fishery Reform Policy for Washington Department of Fish and Wildlife Commission (FWC)

##### 2. Name of applicant:

Washington Department of Fish and Wildlife

##### 3. Address and phone number of applicant and contact person:

Heather Bartlett

Salmon and Steelhead Division Manager

Washington Department of Fish and Wildlife

600 Capital Way N.

Olympia, WA 98501

360-902-2662

##### 4. Date checklist prepared:

June 2, 2009. Revised June 22, 2009

##### 5. Agency requesting checklist:

Washington Department of Fish and Wildlife

##### 6. Proposed timing or schedule (including phasing, if applicable):

FWC will receive Commission public testimony during their June 5-6 2009 meeting held at the Natural Resource Bldg. in Olympia

The FWC will look to adopt the Hatchery and Fishery Reform policy during their July 10-11 2009 meeting also held in Olympia

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Development of a Hatchery Action Implementation Plan will form the basis of the hatchery reform implementation plan and associated schedule as referenced in Policy Guidelines #2 and #4. It is currently under development by geographic regions in the state, but it ~~incomplete at this time. Upon completion, by region e.g. Puget Sound, Washington Coast, the Hatchery Action Implementation Plan will~~ move through the SEPA process. In addition, the mark selective fishery plan and associated implementation schedule (policy guideline #10) may also require SEPA.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A series of hatchery facility infrastructure reports were prepared by Bogden Engineering following the completion of the Hatchery Scientific Review Process in Puget Sound and Coastal Washington in 2004. In addition, reports developed by the Hatchery Scientific Review Group (HSRG) also include some environment information relative to the policy guidelines provided. For more information see [http://www.hatcheryreform.us/mfs/about/hsrg\\_show.action](http://www.hatcheryreform.us/mfs/about/hsrg_show.action).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Does not apply.

10. List any government approvals or permits that will be needed for your proposal, if known.

A variety of both federal and state permits may be required to complete implementation, but given the overarching nature of the current DRAFT policy guideline under consideration in this checklist, it is too early to determine what permits will be required where to describe in any detail.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

A Commission policy on hatchery and fishery reform will provide guidance and support for the Department's implementation of Hatchery Scientific Review Group recommendations by clearly stating the Commission's commitment to long-term hatchery and sustainable fishery strategies. Hatchery and harvest reform are critical to sustaining healthy fisheries and the future of fishing in the state of Washington. Recognizing that as the policy is implemented there may be work products, such as that associated with policy guideline numbers 2 and 4 that would describe in more detail potential environmental impacts, government approvals and/or permits, as well as more descriptive effects related to activities or actions under consideration for full implementation, the Washington Department of Fish and Wildlife will initiate SEPA. See attached DRAFT policy for italicized notes reflecting this clarification.

Hatchery reform has been an ongoing initiative in Puget Sound and Coastal Washington state for several years. Hatchery Reform was initiated in the Columbia River in 2007. The Department has embraced hatchery reform as a means to achieving salmon recovery while maintaining economically important harvest opportunities. The Department believes that hatchery production at levels similar to today can be maintained at most facilities and at the same time provides protection for wild fish and the recovery of wild stocks. If properly-managed, hatcheries can provide significant benefits to the citizens of Washington. If managed improperly, they can confound efforts to rebuild wild salmon populations and undermine efforts to recover wild fish.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While

you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Though the policy would be effective statewide, the scope or range for implementation will be done by geographic regions such as Puget Sound, Washington Coast, Lower Columbia River, Middle Columbia River, Upper Columbia River and Snake River that match or are similar to the federal ESA salmon recovery regions. More specific details about sites or locations are not relevant yet, but as more defined information is developed associated with some of the identified work products within the DRAFT, additional SEPA would be initiated.

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . .

Does not apply. Not site specific.

b. What is the steepest slope on the site (approximate percent slope)?

Does not apply.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Does not apply.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Does not apply.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Does not apply.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Does not apply.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Does not apply.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Does not apply.

## 2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Does not apply. Not site specific.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Does not apply.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Does not apply.

**3. Water**

**a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Does not apply. Not site specific.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Does not apply.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Does not apply.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Does not apply.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Does not apply.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Does not apply.

**b. Ground:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Does not apply.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Does not apply.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply. Not site specific.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Does not apply.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Does not apply.

4. Plants

a. Check or circle types of vegetation found on the site:

N/A \_\_\_ deciduous tree: alder, maple, aspen, other

N/A \_\_\_ evergreen tree: fir, cedar, pine, other

N/A \_\_\_ shrubs

N/A \_\_\_ grass

N/A \_\_\_ pasture

N/A \_\_\_ crop or grain

N/A \_\_\_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

N/A \_\_\_ water plants: water lily, eelgrass, milfoil, other

N/A \_\_\_ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Does not apply.

c. List threatened or endangered species known to be on or near the site.

Does not apply.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Does not apply.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: N/A

mammals: deer, bear, elk, beaver, other: N/A

fish: bass, salmon, trout, herring, shellfish, other: N/A

b. List any threatened or endangered species known to be on or near the site. Does not apply.

c. Is the site part of a migration route? If so, explain.

Does not apply. Not site specific.

d. Proposed measures to preserve or enhance wildlife, if any:

Does not apply.

## 6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Does not apply.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Does not apply.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Does not apply.

## 7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Does not apply.

1) Describe special emergency services that might be required.

Does not apply.

2) Proposed measures to reduce or control environmental health hazards, if any:

Does not apply.

## b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Does not apply.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Does not apply.

3) Proposed measures to reduce or control noise impacts, if any:

Does not apply.

**8. Land and shoreline use**

a. What is the current use of the site and adjacent properties?

Does not apply.

b. Has the site been used for agriculture? If so, describe.

Does not apply.

c. Describe any structures on the site.

Does not apply.

d. Will any structures be demolished? If so, what?

Does not apply.

e. What is the current zoning classification of the site?

Does not apply.

f. What is the current comprehensive plan designation of the site?

Does not apply.

g. If applicable, what is the current shoreline master program designation of the site?

Does not apply.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Does not apply. Not site specific.

i. Approximately how many people would reside or work in the completed project?

Does not apply. Not site specific.

j. Approximately how many people would the completed project displace?

Does not apply. Not site specific.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Does not apply. Not site specific.

1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable.

**9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Does not apply. Not site specific.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Does not apply. Not site specific.

c. Proposed measures to reduce or control housing impacts, if any:

Does not apply. Not site specific.

**10. Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Does not apply. Not site specific.

b. What views in the immediate vicinity would be altered or obstructed?

Does not apply. Not site specific.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Does not apply. Not site specific.

**11. Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Does not apply. Not site specific.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Does not apply. Not site specific.

c. What existing off-site sources of light or glare may affect your proposal?  
Does not apply. Not site specific.

d. Proposed measures to reduce or control light and glare impacts, if any:  
Does not apply. Not site specific.

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

Does not apply. Not site specific.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Does not apply. Not site specific.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Does not apply. Not site specific.

**13. Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Does not apply. Not site specific.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Does not apply. Not site specific.

c. Proposed measures to reduce or control impacts, if any:

Does not apply. Not site specific.

**14. Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Does not apply. Not site specific.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Does not apply. Not site specific.

c. How many parking spaces would the completed project have? How many would the project eliminate?

Does not apply. Not site specific.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

Does not apply. Not site specific.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Does not apply. Not site specific.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Does not apply. Not site specific.

g. Proposed measures to reduce or control transportation impacts, if any:

Does not apply. Not site specific.

**15. Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Does not apply. Not site specific.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Does not apply. Not site specific.

**16. Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Does not apply. Not site specific.

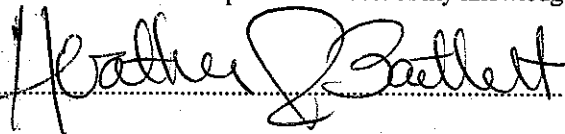
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Does not apply. Not site specific.

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



Date Submitted: June 22, 2009

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Would not affect any of these elements.

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The policy upon full implementation will likely reduce negative impacts of hatchery salmonids on wild fish, as well as increase conservation measures and enhancing protection of wild fish during salmon and steelhead fisheries. Would not affect plants, animals nor other marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Reduce hatchery production of salmon and steelhead and implement mark selective fisheries that focus harvest on more abundance hatchery fish than current.

3. How would the proposal be likely to deplete energy or natural resources?

Would not affect any of these elements.

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Would not affect any of these elements.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Would not affect any of these elements.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

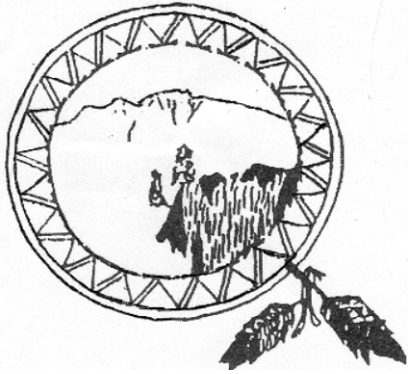
Would not affect any of these elements.

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Policy unlikely to be in conflict with any local, state, or federal law in place to protect the environment.

## **Attachment 3**



## SNOQUALMIE TRIBE

8130 Railroad Ave. Ste. 103

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Fax: 425-888-6727

E-Mail: [Snoqualmie1855@snoqualmienation.com](mailto:Snoqualmie1855@snoqualmienation.com)

*Via E-mail*

June 15, 2009

Teresa A. Eturaspe  
SEPA/NEPA Coordinator  
WDFW Regulatory Services Section  
600 Capitol Way North  
Olympia, WA 98501-1091  
E-mail: [SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)

Re: Snoqualmie Tribe's Comments on Proposed Hatchery & Fishery Reform Policy

Ms. Eturaspe,

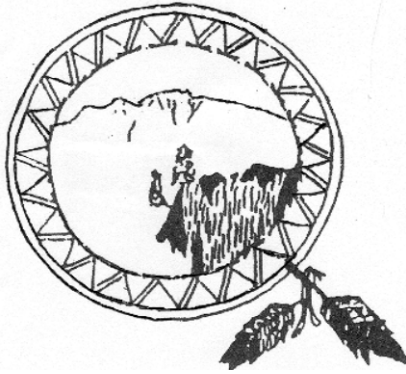
The Snoqualmie Indian Tribe submits the following comments on the Washington Department of Fish & Wildlife's (WDFW) Proposed Hatchery & Fishery Reform Policy. We are extremely supportive of WDFW's desire to develop a policy concerning long-term hatchery and sustainable fishery strategies. We concur with your statement that hatchery and harvest reform are critical to ensure a sustainable fishery in Washington state. Given the current state of our wild fish populations (especially in the Tribe's traditional areas), something has to be done to get us on a track towards sustainability. That being said, we have some concerns with how you are characterizing the policy for purposes of SEPA review.

Under SEPA, if the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a DNS. WAC 197-11-340. The WDFW made this determination and issued the DNS on June 3, 2009. The Tribe feels that this determination was in error because the proposal may have significant adverse environmental impacts that should be analyzed, not ignored, in the SEPA process.

The fundamental problem with the WDFW's SEPA determination is due to your mischaracterization of the proposal as merely a "policy" to "provide guidance and support" to the hatchery and fishery reform effort. Upon closer scrutiny of what your proposal actually entails, it looks as if the proposal will involve the implementation of certain actions that may have an adverse environmental impact that should be considered through the SEPA process.

Under WAC 197-11-060(3)(iii), "proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions." Here, the agency has clearly identified its preferred solution as the proposal: "the Department believes that hatchery production at levels similar to today can be maintained at most facilities and at the same time provides protection for wild fish and





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the recovery of wild stocks.” This shows that the WDFW has gone one step further than proposing a mere policy to reform hatchery operations to achieve a sustainable fishery. The proposal should be to achieve a sustainable fishery and reforming hatchery operations; not a description of one alternative as to how to achieve that laudable goal.

Moreover, many of the policy guidelines call for on-the-ground action that will undoubtedly have an impact on wild fish. It is these impacts that must be analyzed in the SEPA process. For example, policy guideline (4) calls for the development of an action plan that implements hatchery reform. Will these action plans be subject to individualized environmental review? If so, at what stage? Policy guideline (6) is an action that the Tribe undoubtedly supports, but it is an action the environmental effects of which should be analyzed in the SEPA process. Similarly, policy guideline (8) has the potential to have a huge impact on wild fish. If this requirement becomes “policy,” how will its environmental impacts be adequately assessed?

By submitting these comments, the Tribe is in no way disputing the recommendations of the Hatchery Scientific Review Group, nor is it suggesting that the recommendations be ignored. The Tribe fully supports the notion that hatchery and fishery management be based on sound science. The reason for these comments is that implementation of these recommendations will have an on-the-ground impact on wild fish, and it is that impact that must be analyzed through the SEPA process so that the public can have an opportunity to comment on the proposed actions.

It also appears that the WDFW failed to accurately complete the environmental checklist in accordance with WAC 197-11-960. For example, question (8). Wouldn't the Hatchery Scientific Review Group's recommendations qualify as environmental information that directly relates to the proposal? Question (10): I imagine several government approvals and/or permits would be required to implement some of the activities discussed in the policy guidelines (e.g. policy guideline (5)). Even though the policy may not be site-specific, the WDFW should describe the potential environmental impacts associated with implementing the activities outlined in the policy guidelines.

Thank you for providing the Tribe the opportunity to comment on this proposal. We support the WDFW's efforts in hatchery and fishery reform, but urge the department to be more precise in its description of the actual actions that will be implemented as part of the policy, so that their environmental effects can be more fully analyzed. If you have any questions, I can be reached at (425) 888-6551 ext. 112.

Sincerely,

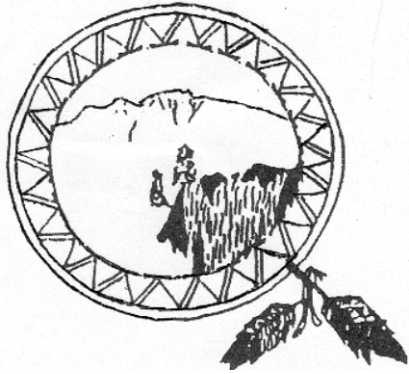
/s Andrea K. Rodgers Harris

/s Matthew Baerwalde

Andrea K. Rodgers Harris  
In-House Legal Counsel

Matthew Baerwalde  
Envtl. & Natural Resources Dept.





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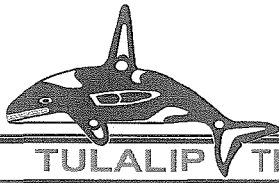
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## **Attachment 4**



THE TULALIP TRIBES

**Board of Directors:**

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6700 TOTEM BEACH ROAD  
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(360) 651-4000  
FAX (360) 651-4032

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and band signatory to the Treaty of Point Elliott

June 17, 2009

Teresa A. Eturaspe  
SEPA/NEPA Coordinator  
WDFW Regulatory Services Section  
600 Capitol Way North  
Olympia, WA 98501

Dear Ms. Eturaspe:

The Tulalip Tribes received notice that the Washington Fish and Wildlife Commission (WFWC) has developed a proposed Hatchery and Fishery Reform Policy and has published this proposed policy for SEPA comment. Although we support and practice improved management of hatcheries we do have some objections regarding both the substance of the policy and the process by which it was developed.

With regard to the process, notifying the Treaty Tribes of a new hatchery reform policy through a general public SEPA notice is not sufficient. WFWC consultation with co-managing Treaty Tribes should occur prior to publication and notice to the general public. We request that the WFWC engage and collaborate with the Tulalip Tribes directly in the development of this policy document, which impacts the Tribes' Treaty rights. It is ironic that the first guideline in the proposed policy is working with the Tribes in implementing hatchery reform, but that WFWC appears to have bypassed the Tribes entirely in developing the hatchery reform policy itself. As a Treaty Tribe, the Tulalip Tribes' rights to co-manage the fisheries resource is well established through numerous orders in *U.S. v. Washington*, and such co-management rights specifically include hatchery fish. See *U.S. v. Washington*, 759 F.2d 1353, 1358-59 (9th Cir. 1985).

While we have a number of concerns with this policy, we do strongly support the improvement of hatchery programs and the work of the Hatchery Scientific Review Group (HSRG). The hatchery reform process, and specifically, the recommendations of the HSRG, have the potential to greatly improve and modernize hatchery operations throughout the Pacific Northwest. Over the past several years, in our Snohomish-Stillaguamish region, Tulalip has worked diligently with our comanager, the Washington Department of Fish and Wildlife, to put the HSRG's recommendations into effect. We believe that currently we are addressing each and every one.

With regard to the substance of this proposed policy, we have a number of comments, including those outlined below. The ostensible purpose of this SEPA action is to obtain a Determination of Nonsignificance in order to avoid the need to prepare an Environmental Impact Statement. Although we have no comment as to whether or not a formal EIS is necessary here, it is very clear to the Tulalip Tribes that some careful and thoughtful analysis of alternatives is required before adopting blanket policies such as "follow HSRG recommendations", "make all fisheries mark-selective", "externally mark all hatchery production", and the like. Our Tribe's long experience as a manager of the salmon resource, including the past few decades as a comanager with the State of Washington, has

taught us that this resource is complex and fragile and is not usually helped by "one size fits all" solutions. Many of the simple answers of the past have yielded fewer benefits and incurred more costs than originally believed. For example, large scale hatchery production was touted as the solution to allowing large scale environmental degradation without losing fisheries. We have come to find out that the promised fishery benefits have not materialized, while we continue to live with the broad consequences of the environmental degradation. It is clear to us that this policy of hatchery "reform" must be much better thought through than was the original move to large-scale hatchery production.

Some of the specific aspects of the proposed policy that cause concern include:

- The blanket call for a move to selective fisheries. Selective fisheries aren't well defined in the policy, although the policy implies a strong preference for mark-selective fisheries since it also calls for external marking of all hatchery production. But in many cases, time-area management has been shown to be much more effective in targeting hatchery fish and protecting wild fish. When many mixed-stock areas are opened for mark-selective fisheries, wild fish from many stocks are vulnerable to catch-and release mortality, sometimes incurring double, triple, or more, jeopardy through multiple encounters with gear. But under time/area management, those same areas would often be closed, allowing fish to return to terminal areas where they can sort themselves into stock groupings that can be harvested at appropriate rates. Mark-selective fisheries may be an effective tool to allow mixed stock fisheries where they otherwise wouldn't be possible. But they should be honestly portrayed as a way of allowing a certain kind of fishery, not as a pure conservation measure.
- The call for an increased "... focus on the harvest of abundant hatchery fish." This statement assumes that hatchery fish are infinitely abundant and always harvestable. However, hatchery fish are needed to perpetuate hatchery runs, often to supply more than one facility. Also, hatchery fish passing through preterminal areas are often needed for terminal area fisheries. So, like natural runs, each hatchery run has its own harvestable level and individual management needs. A blanket call for more harvest of hatchery fish ignores this complexity and might lead people to assume that all hatchery fish are always harvestable.
- The call for 100% external mass-marking of hatchery fish without a concurrent call for work to address some of the identified uncertainties associated with this. One important uncertainty concerns the compromising of the quality of data from the coded-wire tag database due to the presence of many unmarked and untagged salmon in mixed-stock areas. Any policy that calls for this kind of mass-marking must also call for the work necessary to develop and implement methods for obtaining stock composition data in mixed-stock fisheries in the face of many mass-marked fish. Another important uncertainty concerns the mortality rate of fish caught and released in mark-selective fisheries, which are an inevitable consequence of wide-scale mass-marking. These mortality rates are species-, time-, area-, and gear-dependent and are known to be highly variable. A policy that calls for mass-marking and selective fisheries should also call for continued research regarding the mortality rate of fish that are caught and released. Court orders and memoranda of understanding among the comanagers specify that mass-marking and selective fisheries should follow guidelines developed by the Pacific Salmon Commission's Selective Fisheries Evaluation Committee in order to guard against this type of uncertainty. We were surprised to find no mention of this in the draft policy.
- The call for a plan for "full implementation" of mark-selective fisheries. This assumes that we now know all we need to know about the nature, location, time, gear, seasons, etc., regarding which mark-selective fisheries are appropriate. However, this assumption flies in the face of what we know about fisheries management: the only constant is change and despite the criticisms we sometime hear, we managers usually get better at what we do over time. So, for example, suppose someone develops a new kind of fish wheel, or is successful at getting the old kind of fish wheel re-legalized by the State of Washington? Would a selective fishery using this gear be

prohibited because it was not in the "full implementation" selective fisheries plan? If so, that would preclude a fishery that could proceed with much less catch-and-release mortality than the current mark-selective fisheries. If not, and such a fishery could be part of the package, what's the point of having a "full implementation" selective fisheries package that could be modified so easily?

- The inclusion of the phrase "fishery reform" in the title. The proposed policy does not in any way comprehensively cover salmon fishery management. The use of the word "reform" implies that there has been something major wrong with fishery management to date. In fact, salmon fishery management is both intensive and comprehensive, it considers the cumulative effects of fishery actions on both the entire resource as well as on the individual components that comprise it, it includes frequent assessment of the resource as well as the effectiveness of management measures, and incorporates adaptive management as needed. None of the other activities that affect natural salmon production are managed as thoroughly or as well as fisheries. Furthermore, to the extent that fisheries management is in need of modification, this policy does not address it. The only fishery management measure addressed in this policy is a call for more mark-selective fisheries. Many other aspects of fisheries management that could be improved, such as improved stock assessment, catch reporting, stock composition sampling, enforcement, fisheries targeted at single stocks, etc., are ignored. There may well be a need for a WFWC policy regarding improved fishery management, but this is not it. And, of course, any new fishery management plan should be done within our current comanagement system; that is, with equal participation by the Tribes and the State of Washington.
- The policy refers to PNI values for integrated hatchery programs but ignores their basis in guidelines related to gene flow. Where we have estimates of gene flow, we should be using them, for both integrated and segregated programs. Simply endorsing the recommendations of the HSRG with the PNI guideline given seems to endorse removal of possibly large numbers of natural-origin fish from natural spawning areas if necessary to help meet PNI or gene flow guidelines in a hatchery program. Removal of wild fish from natural spawning areas, especially of ESA-listed fish, should only be done with strong and well thought-out justification.

We are concerned that broad application of simple PNI guidelines might result in inappropriate removal of natural-origin fish from parts of a river system. In the Snohomish system, WDFW and Tulalip have guarded against this potential problem by agreeing that removals of natural-origin Chinook can only come from two specific places where habitat-based modeling shows that this is appropriate. Without similar detailed watershed-specific analysis, efforts to improve hatchery brood stocks might well directly counteract other efforts toward salmon recovery. The important point is that management decisions should be made specific to the situation in each watershed.

In many areas, genetic data exist which can be used to calculate a much better estimate of gene flow between hatchery and natural segments of an integrated population or between segregated hatchery populations and the natural stocks they are intended to be segregated from. Where they exist, these data give a much more firm estimate of the impacts of hatchery fish on their target natural populations than using pHOS or PNI rules of thumb. In addition to estimating gene flow in terms of migrants per generation, genetic data can be used to estimate effective population size of hatchery and natural segments of populations which is the crucial figure for determining the effect of gene flow between populations of unequal effective size. Hatchery programs tend to have genetic variability reduced in proportion to the length of the program, both from genetic drift and inadvertent domestication, and are therefore less able to penetrate natural populations with higher effective genetic sizes, and also are more susceptible to introgression from planned integration efforts. Where these data exist they should be used, and where they have not yet been collected, they should be.

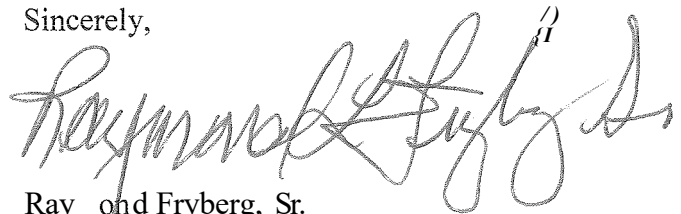
We are also concerned that broad application of pHOS and PNI guidelines may also result in the inappropriate removal of hatchery-origin fish from natural spawning areas as well. When we measure gene flow directly, we sometimes get a different result that requires less removal of hatchery fish from spawning areas than implied by the blanket PNI guidelines. For example, a recent examination of DNA composition of the two natural Chinook populations and the associated Wallace Hatchery population in the Snohomish basin has revealed that gene flow is much less than what was predicted using the All-H Analyzer (AHA) model, which uses the proportion of hatchery-origin spawners (pHOS) to estimate gene flow. In the Snohomish system, all natural Chinook salmon populations assayed for genetic variation have a ratio of effective population size to mean escapement (a standardization of effective population size estimates against the number of fish present) that is equal to or greater than the Wallace River Hatchery stock. This strongly suggests that fewer natural-origin fish would need to be taken into the hatchery to increase PNI, and that hatchery strays onto spawning grounds would have a diminished negative effect on PNI relative to natural-origin spawners.

This result holds despite past pHOS rates that exceeded the recommended benchmarks in this draft policy while PNI rates fell short of the benchmarks in this Assessment, which could have been further exacerbated by the past use of non-integrated, non-native Green River Fall Chinook for hatchery propagation in this region. Recent data indicates that the Skykomish Chinook populations carry little of the signature of the non-native Green River Chinook stock that was propagated for many years in the Snohomish system. Meanwhile, current DNA data has shown that the native Skykomish summer Chinook currently used in regional hatchery programs is very similar genetically to the native Skykomish Chinook population it was founded from. This leads us to also strongly question whether this policy, which mandates pHOS and PNI benchmarks that, besides requiring the removal of natural-origin spawners to meet hatchery integration benchmarks, also requires the removal of hatchery-origin fish, regardless of their origin, the relative effective population size of the natural and hatchery populations involved, and/or measured gene flow. Our concern here is that this could also impede salmon recovery efforts if these properly operated hatchery programs that use native, integrated stocks, are actually making valuable contributions to recovering our native natural spawning populations.

- e The policy ignores ecological interactions, the spread of disease, and the masking of the true status of wild populations, three of the principal hazards and risks of hatchery production that have been well documented. Yet, the Tribal and State managers of this resource have done a lot of work in all three of these areas, and the WFWC should include all of these in any comprehensive policy addressing hatchery production.
- e Finally, and perhaps most importantly, although this policy mentions "all-H" management, it does not express a strong commitment to the habitat protection and habitat restoration that will be necessary to achieve State and Tribal goals for the salmon resource. In fact, functioning good quality habitat is necessary to support sustainable hatchery production as well as wild stocks, but that fact is not even mentioned in this policy. Any future we envision that includes a sustainable salmon resource must include a much more responsible approach to habitat management than we now see. In fact, if any of the "H's" requires "reform" in management, it is habitat.

Given the above, we would urge WDFW and the WFWC to revise this policy so that it will better reflect our mutual intent to manage the salmon resource for sustainability and abundance. We would also suggest that you seek a partnership with the Tribal managers in developing this policy. We are actively implementing hatchery reform recommendations in the Stillaguamish/Snohomish region as part of comprehensive salmon recovery, and we would like the WFWC policy to reflect more of the complexities and realities of doing this in the right way. If you have any questions regarding these comments, please contact Kit Rawson (360 716-4621; [krawson@tulaliptribes-nsn.gov](mailto:krawson@tulaliptribes-nsn.gov)) or Mike Crewson (360 716-4626; [mcrewson@tulaliptribes-nsn.gov](mailto:mcrewson@tulaliptribes-nsn.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Fryberg, Sr.", written in a cursive style.

Raymond Fryberg, Sr.  
Director of Fisheries and Wildlife

Cc: Heather Bartlett – WDFW  
Danny L. Simpson  
Terry R. Williams  
Kit Rawson  
Mike Crewson

## **Attachment 5**

**Eturaspe, Teresa A (DFW)**

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**From:** llh2747@yahoo.com  
**Sent:** Thursday, June 18, 2009 8:46 PM  
**To:** SEPADesk2 (DFW)  
**Subject:** Re proposed DNS for Hatchery Reform Policy

I don't see how you can issue a DNS for this policy when the published evidence indicates that hatcheries THREATEN wild fish. (See the recent paper by Michael Blouin et.al. in Biology Letters)

Any continuation of hatchery operations represents a clear threat to listed species in the basins where the hatcheries are located. At best, you could issue a mitigated DNS with appropriate monitoring and mitigation of the water quality, competition and disease threats to wild fish associated with hatchery operation. Personally, I think a full EIS is required to show why hatcheries should continue in the face of all the evidence of the damage they do.

Laura Hudson  
401 Monterey Way  
Vancouver, WA 98661