The recent failure of the Washington Department of Fish and Wildlife (WDFW) and Treaty Tribes to reach agreement on salmon fishing in Puget Sound has caused some observers to associate this impasse to the public controversy surrounding the 1974 *United States v. Washington* court decision, commonly referred to as the Boldt Decision. This is an inaccurate view as the recreational fishing community recognizes Tribal Treaty fishing rights, supports 50/50 harvest sharing requirements, and is urging all parties to come to the table and restore effective state-tribal co-management.

While the short term focus of WDFW, Tribes, and federal agencies is rightly on reaching an agreement to allow fisheries this year, moving forward we must fix the broken system for setting salmon seasons (known as North of Falcon, or “NOF”) in a manner that complies with harvest sharing requirements, supports Treaty and Non-Treaty fishing, and meets conservation needs.

It is important for those following the issue – including members of the news media – to have the necessary background to help explain why the NOF process fell apart in 2016 and what can be done to restore effective state-tribal co-management to avoid future breakdowns.

**Sharing Salmon Harvests:** The Boldt Decision and subsequent court decisions mandated a 50/50 sharing of salmon harvests. Over the past decade, state-tribal fishing agreements adopted through the NOF process have resulted in Tribal fisheries harvesting about 65% of the available Puget Sound Chinook and Coho salmon (data source - WDFW).
**Shared Conservation:**

Under the Endangered Species Act (ESA) both State and Tribal fisheries must limit the percentage of ESA-listed salmon stocks that can be harvested or killed. This percentage is referred to as “impacts” and must fall within limits approved by NOAA Fisheries. The combined effect of State/Tribal fisheries cannot exceed 100% of the total allowable impact for each stock. Fishing opportunity is directly affected by the share of impacts allocated to each side and the purpose of the NOF process is to negotiate a fair sharing of the conservation burden. But in recent years, sharing of the impacts between state and tribal fisheries has been one-sided.

For example, in an effort to reach agreement in 2016, WDFW agreed to fisheries that were heavily weighted in the Tribes’ favor. Of the 13 ESA-listed Puget Sound Chinook stocks, the State would have exceeded 50% sharing on just two. The Tribes would have exceeded 50% for 11 of the 13 stocks.

While Coho are not ESA-listed they are the focus of significant concern this year due to low forecasted returns. Under the proposed fisheries the Tribes would have exceeded 70% sharing in 5 out of 7 Coho stocks under the proposal. The state’s fisheries would only exceed 50% for one stock. This offer was rejected by certain Tribes who demanded even greater restrictions to state-managed fisheries (data source - WDFW).
In recent years, recreational anglers have reduced their impacts to wild Chinook and Coho using mark-selective fishing (MSF) practices where only marked, hatchery-reared salmon are kept and wild, unmarked fish are released (catch and release). This shift towards mark-selective sport fisheries – at an annual cost of over $1 million for fishery sampling and monitoring – has resulted in a significant reduction in the State’s impacts to ESA-listed Chinook and wild Coho. Instead of providing more stability and flexibility to the state’s fisheries, these impact savings have largely been transferred to Tribal fisheries.

**Restoring Effective, Equitable Co-Management:** The current NOF salmon season setting process suffers from the lack of an effective dispute resolution system to resolve technical or policy conflicts between the co-managers. Additionally, NOAA Fisheries through its implementation of the ESA has created an uneven playing field for state-tribal negotiations that requires WDFW to reach agreement with the Tribes to get the state’s fisheries approved, but allows Tribal fisheries to take place without a state-tribal agreement. A handful of Tribes have taken full advantage of this in recent years by creating arbitrary reductions in state fisheries, including the closure of popular sportfishing areas. This year, the new Director of WDFW worked in good faith to reach a more equitable agreement, but negotiations eventually fell apart.

Governor Inslee and Washington’s Congressional Delegation should help bring the state, Tribes, and key constituencies together to restore a salmon season-setting process that is effective, inclusive, and respects an equitable sharing of harvests through co-management. A successful outcome would pave the way for additional progress on other important issues, including habitat restoration, hatcheries, and funding for salmon conservation.

NOAA Fisheries must ensure a level playing field for future salmon season-setting negotiations by providing an alternative pathway for approving the state’s fisheries, if needed.

The recreational fishing community, anglers and businesses, would fully support a fair and balanced co-management process. We also support efforts – and provide millions of dollars annually through the purchase of recreational fishing licenses - to restore salmon habitat and produce hatchery fish. Unfortunately, hundreds of thousands of recreational anglers – key stakeholders in our region’s efforts to conserve salmon – have been disenfranchised by the broken system that ignores the requirement for an equitable sharing of the conservation responsibility and fishing opportunity. While the sharing of harvest won’t always be exactly 50/50 each year, the current process is broken. Our organizations stand ready to work in good faith to reach a solution that works for the citizens of Washington, Tribes, and our region’s iconic salmon resource.