



2018-2027 *United States v Oregon* Management Agreement

NOAA Fisheries signed the [2018-2027 *U.S. v Oregon* Management Agreement](#) for the Columbia River Basin. This decision is based on both our recently completed [Final Environmental Impact Statement](#) (EIS) and the associated [Endangered Species Act \(ESA\) section 7 biological opinion](#).

The *U.S. v Oregon* Management Agreement is a foundational agreement that serves to:

- Support salmon and steelhead fishing opportunities for the states of Oregon, Washington, and Idaho;
- Ensure fair sharing of harvestable fish between tribal and non-tribal fisheries in accordance with Treaty fishing rights and *U.S. v Oregon*;
- Protect and conserve ESA-listed and non-listed species; and
- Ensure NOAA Fisheries fulfills its trust, treaty, and fiduciary responsibilities to Columbia Basin Tribes.

U.S. v Oregon is the on-going Federal court proceeding first brought in 1968 to enforce the reserved fishing rights of the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and the Confederated Tribes and Bands of the Yakama Nation. The 2008-2017 *U.S. v Oregon* Management Agreement, which provides the current framework for managing 12 fisheries and hatchery programs in much of the Columbia River Basin, expired on December 31, 2017. This new Management Agreement extends the prior Management Agreement until 2027.

Frequently Asked Questions

What is the *U.S. v. Oregon* Management Agreement?

The *U.S. v Oregon* Management Agreement provides a framework for managing salmon and steelhead fisheries and hatchery programs in much of the Columbia River Basin. The previous Management Agreement (2008-2017) expired on December 31, 2017.

The 2018-2027 *U.S. v Oregon* Management Agreement extends provisions of the 2008-2017 Management Agreement, but for some updates and minor modifications. In doing so, it assures equitable catch, provides for conservation for the next ten years, and provides a framework for developing annual plans to determine specific fishing opportunities. The Nez Perce, Umatilla, Warm Springs, Yakama, and Shoshone-Bannock tribes; the states of Washington, Idaho, and Oregon; and NOAA Fisheries, U.S. Fish and Wildlife Service (USFWS) and Bureau of Indian Affairs (BIA) are signatories of the Management Agreement.

What are the objectives of the Management Agreement?

The 2018-2027 Management Agreement accomplishes two primary objectives. First, it implements harvest policies that the parties have agreed should govern the amount of harvest. Second, it incorporates hatchery programs and associated production levels in the Columbia Basin that support harvest and are also important to the conservation of salmon and steelhead populations above Bonneville Dam.

What fisheries are included in the Management Agreement?

Both Treaty-Indian and non-treaty salmon and steelhead fisheries are considered in the 2018-2027 Management Agreement. Treaty Indian salmon and steelhead fisheries are guaranteed by one or more treaties and include both commercial, and ceremonial and subsistence (C&S) fisheries. Non-treaty fisheries are those that do not have a treaty guaranteeing a fishing right. These include all state fisheries and certain Indian fisheries operated by tribes that are not party to *U.S. v Oregon*. Non-treaty fisheries consist of both commercial and recreational fisheries.

What guided NOAA Fisheries decision to sign the Management Agreement?

NOAA Fisheries decided to sign the 2018-2027 *U.S. v Oregon* Management Agreement based on our recently completed Final Environmental Impact Statement (EIS), informing us of the impacts of the new Management Agreement, and the associated Endangered Species Act (ESA) section 7 biological opinion, verifying the Management Agreement's compliance with the ESA.

NOAA Fisheries previously released, and solicited comments on, a Draft EIS on the proposed Agreement in June 2017. Comments received were addressed in the Final EIS, published in December 2017.

What are “harvest policies?”

Harvest policies under the Management Agreement provide a framework for setting salmon fishing levels that balance both harvest and conservation objectives. Harvest provides the benefits of catch including those related to treaty rights; conservation seeks to keep stocks healthy and rebuild weak stocks so that all are sustained and can provide for the ongoing benefits of harvest.

The harvest policies in the 2018-2027 Management Agreement include abundance-based management, fixed harvest rate, and fixed escapement goal policies.

What options do managers have in setting harvest policies?

The choice between harvest policies depends primarily on the type of fishery and the information available. Policy choices for a fishery directed at a single stock near the spawning grounds may be different than a fishery directed at a mix of many stocks in the ocean or in the mainstem Columbia River. Harvest policy options for healthy and abundant stocks may be different than for depressed and rebuilding stocks. Specific harvest policy options are addressed under each alternative analyzed in the Final EIS.

Are salmonid hatcheries included in the *U.S. v Oregon* Final EIS?

The 2018-2027 Management Agreement does include reference to levels of hatchery production to support harvest policies and conservation needs NOAA Fisheries completed a separate EIS on Columbia River hatchery operations (Final EIS to Inform Columbia River Basin Hatchery Operations and the Funding of Mitchell Act Hatchery Programs) on September 12, 2014. The Mitchell Act EIS analyzed the impacts of Columbia Basin-wide hatchery policies and the resulting production. We incorporated that analysis of effects to the environment into our Final EIS on the Management Agreement.

Why was the *U.S. v Oregon* negotiation process confidential?

Since 1974, salmon and steelhead fisheries in the Columbia River have been managed subject to provisions of *U.S. v Oregon* under the continuing jurisdiction of the federal court. The *U.S. v. Oregon* parties, including NOAA Fisheries, entered into a confidentiality agreement that limited disclosure of information shared during the negotiations for the new ten-year Management Agreement.

Tribes also shared information with NOAA Fisheries that they considered confidential or proprietary during this process.

Why was the *U.S. v Oregon* EIS separate from the Columbia River System Operations (CRSO) EIS on hydrosystem operations? Are the two processes related?

The two National Environmental Policy Act (NEPA) processes – one for the Federal Columbia River Power System and the other for the *U.S. v Oregon* Management Agreement – assess separate actions. The *U.S. v Oregon* action assessed the impacts of NOAA Fisheries’ decision to sign a new harvest Management Agreement with *U.S. v Oregon* parties and issue coverage for incidental take of species listed under the ESA through the associated biological opinion. The CRSO hydrosystem EIS assesses the impacts of the operation of the Federal Columbia Power System by the Army Corps of Engineers and Bureau of Reclamation, producing power marketed by the Bonneville Power Administration. NOAA Fisheries will develop an associated biological opinion examining the impacts of the FCRPS operations on listed species and providing recommendations for mitigating those impacts. Moreover, the CRSO process is ongoing and is expected to conclude in 2021, while the new *U.S. v Oregon* Management Agreement will take effect this year.

What was the timeframe for NOAA Fisheries’ decision to sign the Management Agreement?

On July 1, 2016, NOAA Fisheries and USFWS published the Notice of Intent (NOI) to prepare a joint Environmental Impact Statement (EIS) conducting a programmatic review of harvest actions for salmon and steelhead in the Columbia River Basin to inform the signing of a post-2017 *U.S. v Oregon* Management Agreement and the associated ESA section 7 consultation process to verify the Management Agreement’s compliance with the ESA (81 FR 43187, July 1, 2016). NOAA Fisheries was the lead agency developing the EIS, with USFWS and BIA as cooperating agencies. The Draft EIS was published for public review with a 45-day comment period (82 FR 28656, June 23, 2017). In response to public requests, an amended notice of availability was published (82 FR 35200, July 28, 2017) to extend the Draft EIS public comment period an additional 14 days from August 7, 2017, to August 21, 2017. NOAA Fisheries received 15 comment letters that were used to inform, shape, and improve the EIS. The Final EIS was made available November 17, 2017 (82 FR 54340) for a 30-day public review period. No substantive comments were received.

For more on this Management Agreement, please refer to the Record of Decision, which provides information on NOAA Fisheries’ decision to sign onto the new Management Agreement and the alternatives that were considered in the Final EIS.