



Section 9409

Managing Impacts to Commercial, Recreational, and Tribal Fisheries

Table of Contents

Section	Page
9409	9409-1
Managing Impacts to Commercial, Recreational and Tribal Fisheries.....	9409-1
9409.1 Washington State Waters: Process Guide for Shellfish Growing Area Closure and Opening Due to Oil Contamination.....	9409-2
9409.2 Roles Specific to Shellfish Closures and Reopening during a Spill or Potential Spill, Response	9409-3
9409.2.1 Washington State Department of Health	9409-3
9409.2.2 Washington Department of Health Operating Authorities	9409-4
9409.2.3 Commercial Shellfish Rules	9409-4
9409.2.4 Closure Notification.....	9409-4
9409.2.5 Enforcement of Closure	9409-4
9409.2.6 Local Health Authority Role.....	9409-4
9409.2.7 National Oceanic and Atmospheric Administration Seafood Inspection Safety Program Role: Sensory Testing	9409-5
9409.3 Best Management Practice Particular to Shellfishery Closures during an Oil Spill or Potential Oil Spill Incident.....	9409-5
9409.3.1 Initial Washington Department of Health Notification	9409-5
9409.3.2 Communications	9409-6
9409.3.3 Communicating the Closure to the Unified Command and Other/Stakeholders.....	9409-8
9409.3.4 Strategizing the Closing/Opening of a Shellfishery.....	9409-8
9409.3.5 Opening of the Shellfish Growing Area	9409-9
9409.4 Contact List.....	9409-9
9409.5 References.....	9409-9
9409.6 Oregon Shellfish and Aquaculture Facilities	9409-10
9409.6.1 Closures of Oregon Shellfish and Aquaculture	9409-10
9409.6.2 Management/Roles	9409-11
9409.6.3 Best Management Practices	9409-11
9407.6.3.1 Notifications to Regulatory Agencies that May Close Oregon Shellfish and/or Aquaculture.....	9409-11
9407.6.3.2 Notifications to Fishers	9409-11
9407.6.3.3 Notifications within the Incident Command Post....	9409-11
9407.6.3.4 References.....	9409-11
9409.7 On-Water Commercial Federal and State Fisheries.....	9409-12
9409.7.1 Closures of On-Water Commercial Fisheries during a Spill	9409-12
9409.7.2 Management/Roles	9409-13

Table of Contents (cont.)

Section	Page
9409.7.3 Best Management Practices	9409-13
9409.7.3.1 Notification to Regulatory Agencies that May Close On-Water Commercial Fisheries	9409-13
9409.7.3.2 Notification to Fishers.....	9409-14
9409.7.3.3 Notification within the Incident Command Post	9409-15
9409.7.3.5 References.....	9409-15
9409.8 Recreational On-Water Fisheries	9409-17
9409.9 Tribal Fisheries	9409-17
9409.9.1 Closures of Tribal Fisheries	9409-18
9409.9.2 Management/Roles	9409-18
9409.9.3 Best Management Practices	9409-18
9409.9.3.1 Notification to Tribes with Authority to Close Tribal Fisheries.....	9409-18
9409.9.3.2 Notification to Tribal Fishers.....	9409-19
9409.9.3.3 Notification within the Incident Command Post	9409-19
9409.9.3.4 Contact List.....	9409-19
9409.9.3.5 References.....	9409-19

Managing Impacts to Commercial, Recreational and Tribal Fisheries

There are numerous commercial, recreational, and tribal fisheries within the area of the Northwest Area Contingency Plan (NWACP) in both the marine and fresh water environments. This section does not provide a comprehensive review of all fisheries within the NWACP area, but provides an overview of the processes for fishery closures and contact information for fishery managers at the state and federal level, as well as information on the fisheries that may be affected by an oil spill or hazardous materials release.

Members of the Unified Command (UC) (the United States Coast Guard [USCG], United States Environmental Protection Agency, Responsible Party) do not have the legal authority to close or open fisheries affected by an incident, however the Federal On-Scene Coordinator (FOSC) has a responsibility to notify the agencies with authority. The exception is tribal members that may serve as the Tribal On-Scene Coordinator in the UC, tribes have authority to regulate their own fisheries. The following is a list of agency with legal authority over fisheries. The National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator (SSC) can serve as a liaison to NOAA Marine Fisheries Service (NMFS) fisheries staff. Additional information can be found in Tables 9409-1, 9409-2, 9409-3.

Fishery Type	Agency Leads	Contact
Washington Shellfish	Washington State Department of Health (WDOH)	Shellfish Program Emergency Line: 360-789-8962 Shellfish Growing Area
Oregon Shellfish and/or Aquaculture	Oregon Department of Fish and Wildlife (ODFW), Oregon Health Authority (OHA)	ODFW: Ed Bowles, Fish Division Administrator 503-947-6206
On-water Commercial Economic Exclusive Zone (EEZ)	NMFS and United States Food and Drug Administration	Barry Thom, MFS 206-526-6733
Washington On-water Commercial	Washington Department of Fish and Wildlife (WDFW) and WDOH	Kelly Susewind 360-902-2200

Fishery Type	Agency Leads	Contact
Oregon On-water Commercial	Oregon Department of Fish and Wildlife (ODFW)	Curt Melcher, ODFW Director 503-947-6000 Ed Bowles, Fish Division Administrator 503-947-6206
Washington On-water Recreation	WDFW	Lorna Wargo 360-249-1229
Oregon On-water Recreational	ODFW OHA	Mike Gauvin 503-947-6214
Idaho Recreational	Idaho Department of Fish and Game (IDFG)	Lance Hebdon 208-334-3791
Tribal	Each Tribe regulates their own fisheries	FOSC has a list of tribal contacts

Within the Incident Command Post (ICP) it is important that information on fisheries be shared. The following are recommended roles for various elements of the response.

Incident Command System Position	Functions Related to Fisheries
Environment Unit	Provide FOSC with details on fisheries that may be affected by incident. Provide information to agencies with authority to manage fisheries to support their decision making on opening and closing fisheries.
Operations	Ensure that there is situational awareness of any seafood sampling/fishing that may be planned within the area. Seafood sampling/fishing may be necessary to support closing and/or re-opening of fisheries.
Liaison	Ensure that appropriate agencies and/or tribes have been notified of incident and possible impacts to fishery resources. Provide on-going outreach to effected fishers.
Joint Information Center	Work with agencies/tribes with authority over fisheries to notify fishers of openings and closings, if requested
Unified Command	Ensure that UC has awareness of any fishery actions within the incident area.

9409.1 Washington State Waters: Process Guide for Shellfish Growing Area Closure and Opening Due to Oil Contamination

In Washington State waters, the Washington State Department of Health (WDOH) is responsible for evaluating commercial and recreational shellfish growing areas to determine if shellfish are safe to eat, if a shellfish growing area will be closed due to an oil release or potential for release, and when the shellfish growing area will be opened again.

This document is not meant as a comprehensive guide for all the steps of a closure and opening of a shellfish growing area due to oil contamination, but as a quick

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

reference to assist during an oil spill response. The guide should also be scalable to the size of the event; thus, when an On-Scene Coordinator is mentioned, a representative may be sufficient. This document is intended to provide a rudimentary understanding of the authorities governing the closure and re-opening of shellfish harvest, roles of involved agencies, the general process, and guidance on best management practices for the process during the threat of, or actual, petrochemical spill event in shellfish growing areas in Washington State waters.

9409.2 Roles Specific to Shellfish Closures and Reopening during a Spill or Potential Spill, Response

9409.2.1 Washington State Department of Health

WDOH is the state agency responsible for ensuring minimum performance standards for the growing, harvesting, processing, packing, storage, transporting, and selling of shellfish for human consumption. WDOH will temporarily close shellfish growing areas when it is determined that there is an actual or imminent threat to public health during an oil spill or threat of an oil spill. Shellfish growing areas are either closed preventatively for an imminent threat or closed for actual contamination; in both situations, the main objective is to protect public health. WDOH is the only agency that can re-open a growing area closed by them. The decision to close a shellfishery for human health-related concerns is WDOH's; it is not a UC decision. It is important to note that WDOH only regulates bivalve molluscan shellfish. Other fisheries are regulated by the Washington Department of Fish & Wildlife (WDFW), but only on the basis of stock condition, not human health. Note that WDFW regulates recreational shellfish harvests as well, although based on stock assessments. Although WDOH decisions are outside of UC, effective communication between WDOH and the UC is essential.

For reopening the shellfish growing areas following oil contamination, WDOH generally follows criteria from the NOAA document, "Managing Seafood Safety after an Oil Spill." This document has been used following oil spills in Oregon, Washington, and Alaska. The document outlines the following reopening criteria:

- The risk of oil further contaminating the growing area must be abated.
- There must be no visible oil sheen on the water throughout the commercial growing areas.
- Shellfish tissue samples must meet the risk-based criteria for all analytes (substance that is of interest in an analytical chemistry test) of concern in the source oil relative to the potential health risk posed by certain cancer-causing polycyclic aromatic hydrocarbons. Seafood testing may be done by NOAA, the WDOH, or through an independent laboratory.
- Tissue samples must pass an independent sensory test conducted by a panel of experts from the NOAA Seafood Inspection Program.

New guidelines may be jointly developed by NOAA and the Food and Drug Administration (FDA) following oil spills affecting seafood safety, and WDOH may apply new guidelines where appropriate. WDOH will use the best available

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

guidance for reopening shellfish growing areas and will consult with the FDA and NOAA if specific questions arise.

9409.2.2 Washington Department of Health Operating Authorities

For the safe and sanitary control of the growing, processing and shipping of shellfish, WDOH follows FDA guidance and is monitored by the FDA and audited annually.

9409.2.3 Commercial Shellfish Rules

The following regulations apply to oil spills in relation to commercial shellfish:

- Chapter 246-282 Washington Administrative Code (WAC), Sanitary Control of Shellfish:
 - The National Shellfish Sanitation Program Guide to the Control of Molluscan Shellfish national rule is adopted by reference in WAC 246-282-005.
 - In the National Shellfish Sanitation Program, there is no specific reference to oil spills; however, Chapter 2, @.05, “Presence of Toxic Substances in Shellfish Meats,” addresses toxic substances more generally.
- Chapter 69.30 Revised Code of Washington (RCW), Sanitary Control of Shellfish.

Recreational shellfish rules are addressed in:

- WAC Chapter 246-280, Recreational Shellfish Beaches; and
- RCW Chapter 43.20.050, State Board of Health Delegation of Authority.

9409.2.4 Closure Notification

For notification of closures, WDOH manages a listserv of growers, local health authorities, and stakeholders, which is updated regularly. WDOH also manages a tally for which growing areas are closed or open. WDOH will individually notify growers to inform them of closure affecting their shellfish growing area.

9409.2.5 Enforcement of Closure

WDOH has an agreement with the WDFW to patrol commercial harvest areas during closures to ensure no harvesting occurs. WDOH has the authority under WAC 246-282 to confiscate and/or recall unapproved shellfish for sale and issue penalties.

WDFW sets seasons and issues permits for recreational shellfish and can only implement closures based on the conservation of the resource. WDFW does not usually, but can implement closures based on temporary human health concerns.

9409.2.6 Local Health Authority Role

Local health departments, through their public health authority, can close recreational beaches of their own accord and usually follow WDOH recommendation on beach status. WDOH also contracts with local health departments to perform certain tasks in managing recreational shellfish beaches,

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

which include water quality monitoring, pollution source identification and correction, and public notification.

**9409.2.7 National Oceanic and Atmospheric Administration
Seafood Inspection Safety Program Role: Sensory Testing**

WDOH may decide to do sensory testing for affected shellfish. Even when seafood samples from the spill area pass the standard chemical-analytical tests (the levels of polycyclic aromatic hydrocarbons are below the limits permitted as determined by human health risk assessment), flavor or odor still may be affected, known as taint. Taint in seafood renders it adulterated and unfit for human consumption according to U.S. law (Federal Food, Drug, and Cosmetics Act, United States Code 21, Chapter IV, Section 402 [342], a.3) (NOAA 2001). The NOAA Seafood Inspection Program (SIP) has trained expert seafood assessors that use their sense of smell and taste to detect any unusual odors or flavors in seafood.

In the event that WDOH decides to use sensory testing for the monitoring of taint in shellfish, WDOH would contact the NOAA SSC for connection to NOAA's SIP. The SSC would then contact the Chief Quality Officer at NOAA SIP headquarters. The SSC would act as a facilitator between the SIP and WDOH on a sampling procedure and timeline to test the affected shellfish.

NOAA SIP works together with the FDA on sensory testing, and NOAA sensory testers may be augmented with FDA sensory testers. Testing would most likely happen at the Seattle offices for a Washington oil spill. NOAA SIP is organized nationally, and results from a sensory analysis are not final until cleared through the Chief Quality Officer at NOAA SIP headquarters. The results are then shared with WDOH, which then makes the final decision on the shellfishery status.

**9409.3 Best Management Practice Particular to
Shellfishery Closures during an Oil Spill or Potential Oil
Spill Incident**

Although WDOH is the authority on the closing and opening of shellfisheries in Washington State waters, there are best management practices that can be followed during a spill event impacting shellfisheries that will aid in good communication and information transfer. These "best management practices" are supplemented by a flowchart (Figure 9409-1).

9409.3.1 Initial Washington Department of Health Notification

In the event of an oil spill or potential oil spill near a shellfish growing area, the Washington State Department of Ecology has an early recognition program to notify WDOH of a potential threat to shellfish. WDOH should be notified immediately by the UC if there is an imminent threat to shellfish growing areas or if a major event happens during the response that could lead to contamination, or further contamination, of a shellfish growing area.

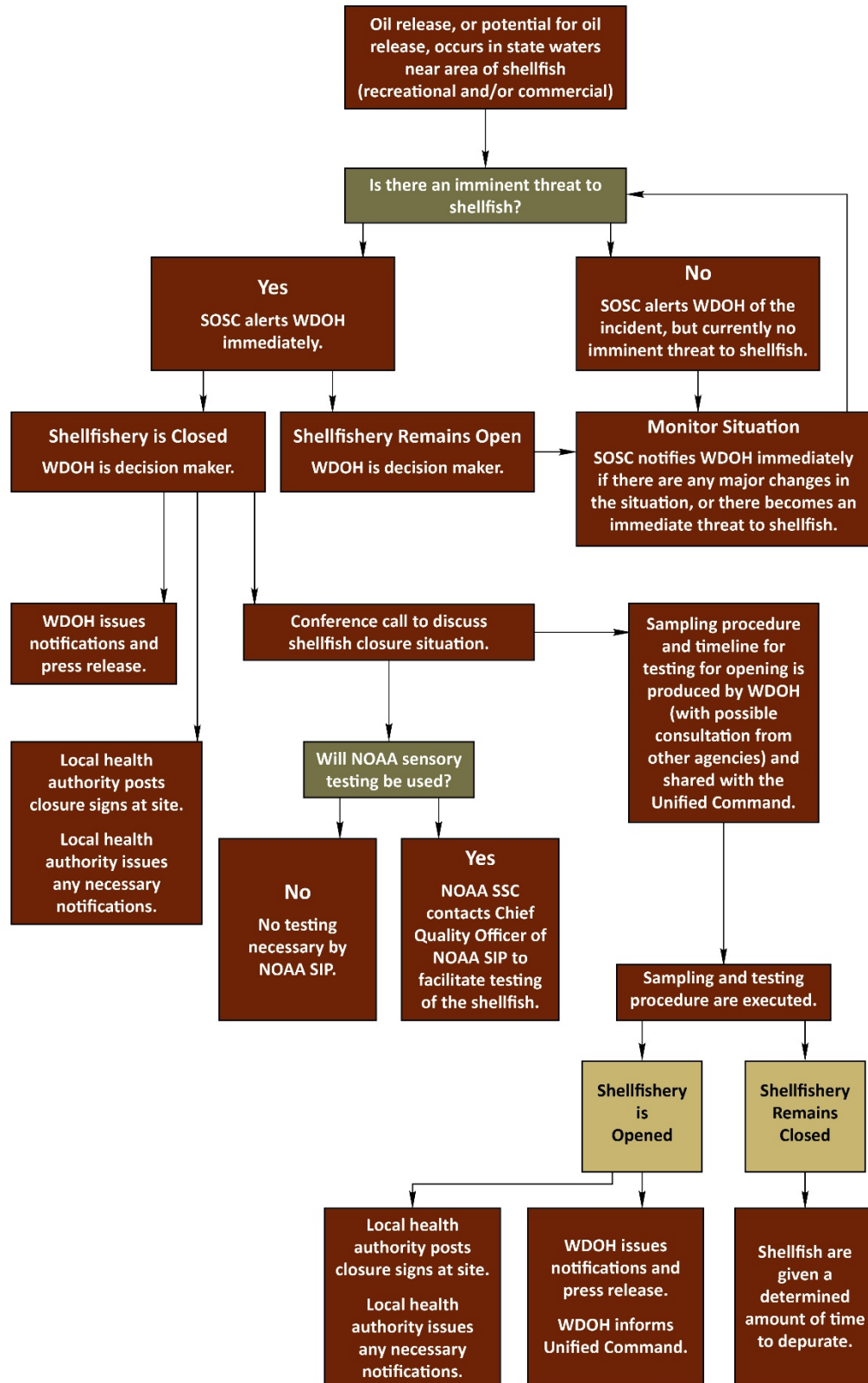
9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

9409.3.2 Communications

To stay informed of on-scene observations and operations, WDOH should be included on daily briefings through the Incident Command Structure.

As applicable, the NOAA SSC will act as a liaison between WDOH and NOAA SIP and can help facilitate the creation of a sampling and procedure plan for sensory testing. The NOAA SSC will keep NOAA SIP informed of on-scene observations and operations.

Figure 9409-1 Flowchart of Shellfish Closures and Opening Process in Washington State



9409.3.3 Communicating the Closure to the Unified Command and Other/Stakeholders

After the WDOH decides that a shellfishery should be closed due to oil contamination, or threat of oil contamination, then the State On-Scene Coordinator should convene a conference call for all stakeholders and subject matter experts. This will ensure that all stakeholders in the response have the same information about the shellfish closure. This call will most likely include representatives from:

- WDOH,
- United States Coast Guard,
- NOAA,
- Washington State Department of Ecology,
- WDFW,
- Local health department,
- Local shellfish grower(s), and
- Identified subject matter experts.

This call should generally cover the following:

- WDOH will cover when and why the shellfishery was closed;
- What the best available guidance is for opening procedures;
- How WDOH will stay informed of on-scene observations of the situation, including observations of sheen, oiling, etc., and any major events that may lead to contamination or further contamination;
- Discuss the best available guidance for opening procedures; and
- Answer, or attempt to answer, any questions that arise having to do with shellfish testing and reopening procedures.

9409.3.4 Strategizing the Closing/Opening of a Shellfishery

Outside of the overall communication call, a separate call between WDOH, FDA and NOAA (and any other subject matter experts) will likely occur to determine the sampling plan, organize a sensory panel, and organize any other testing that may need to occur for reopening. This communication will likely be an ongoing process throughout the reopening of a shellfish growing area.

The NOAA SSC is a resource for connecting to subject matter experts within NOAA for seafood safety concerns post oil contamination.

After the first sampling and testing has occurred, the test results may indicate that the shellfish are either unsafe to eat or are tainted. The shellfishery may not be opened after the first round of testing. Shellfish need time to depurate, i.e., filter out the petrochemicals. The shellfishery will remain closed until the opening standards have been met. Details on this are available in reference material for this section.

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

9409.3.5 Opening of the Shellfish Growing Area

Once it has been determined that the shellfish growing area will be opened, WDOH will perform their routine notifications and press release. The UC should also be informed. In some instances, a partial reopening may occur if contamination is persistent in a well-defined portion of the growing area. If this occurs, notifications shall include enough detail (map illustration, landmarks, coordinates or beach names) for ready identification of areas that are open and areas that will remain closed.

9409.4 Contact List

- Washington State Emergency Management Division (this number will trigger internal notifications): (800) 258-5990
- WDOH contact for notifying of threat to shellfish growing areas:
 - Working hours: (360) 236-3330.
 - Emergency 24/7 pager: (360) 789-8962
- NOAA SSC: (206) 526-6322

9409.5 References

Washington State Legislature

Washington Commercial Shellfish Rules

Chapter 246-282 WAC, Sanitary control of shellfish
<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-282>

Chapter 69.30 RCW, Sanitary control of shellfish
<http://apps.leg.wa.gov/RCW/default.aspx?cite=69.30>

Washington Recreational Shellfish Rules

Chapter 246-280 WAC, Recreational shellfish beaches
<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-280>

RCW 43.20.050, Powers and duties of state board of health—Rulemaking—Delegation of authority—Enforcement of rules.
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.20.050>

U.S. Food and Drug Administration

National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish 2015 Revision

This document is intended to provide guidance and shall supersede the 2007 National Shellfish Sanitation Program Model Ordinance. It represents the agency's current thinking on the safe and sanitary control of the growing, processing, and shipping of molluscan shellfish for human consumption. It does not create any rights for any persons and does not operate to bind FDA or the public under federal law. However, through their participation in the National Shellfish Sanitation Program and membership in the Interstate Shellfish Sanitation Conference, states have agreed to enforce the Model Ordinance as the

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

requirements which are minimally necessary for the sanitary control of molluscan shellfish.

<https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>

**National Oceanic and Atmospheric Administration
Managing Seafood Safety after an Oil Spill**

This 2002 guide was written to help seafood managers and other spill responders determine appropriate seafood management actions in response to a spill.

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/seafood-safety-after-oil-spill.html>

Guidance on Sensory Testing and Monitoring of Seafood for Presence of Petroleum Taint Following an Oil Spill

This 2001 guidance document describes how to conduct sensory testing on seafood suspect of petroleum taint. In addition, it also contains the following useful information:

- Explanation of sensory evaluation protocols, including flowcharts of the testing sensory testing process
- Normative References—Existing Guidelines, Standard Practices, and Sampling Plans for Sensory Testing
- Definitions, Terminology, and References used in Sensory Training for Petroleum Taint

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/seafood-safety-after-oil-spill.html>

NOAA Seafood Inspection Program: Memorandum of Understanding with the U.S. FDA Regarding Cooperation and Information Sharing in Seafood Inspection

<https://www.fda.gov/about-fda/domestic-mous/mou-225-09-0008>

9409.6 Oregon Shellfish and Aquaculture Facilities

Shellfish are harvested from public recreational areas along intertidal beaches, and beds and channels in Oregon bays and estuaries, or by commercial operations on specific platted lands leased from the Oregon Department of State Lands.

Specific actions and strategies for protection of these resources are described in the Geographic Response Plan that covers their area. Typically, these measures include notification of the type of incident and the known or potential threats to their facility's operations, and coordination on whether to temporarily cease certain operations (such as pumping water to rearing tanks at hatchery facilities) and/or deploy protective booms.

9409.6.1 Closures of Oregon Shellfish and Aquaculture

Commercial shellfish operations are managed by the Oregon Department of Fish and Wildlife (ODFW), and they work with Oregon Health Authority (OHA)

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

and/or Oregon Department of Agriculture (ODA) to determine if shellfish may be or are compromised, necessitating a closure of commercial harvest.

Recreational shellfish harvesting is regulated by the ODFW, and advisories/closure of harvesting from non-commercial areas is done with support from the OHA's Environmental Public Health Division. Aquaculture facilities are regulated by the ODA, who issues temporary closures of harvest when threats of pollution may impact the facilities.

9409.6.2 Management/Roles

ODFW has the authority to close and open shellfish and aquaculture facilities in the state of Oregon. The only exception to this would be aquaculture fisheries and commercial clamming for human consumption. In these instances, ODA would be responsible for closures since they are licensing these fisheries.

9409.6.3 Best Management Practices

9407.6.3.1 Notifications to Regulatory Agencies that May Close Oregon Shellfish and/or Aquaculture

The ODFW, OHA, and ODA should be contacted in the event of an incident that may affect shellfish or aquaculture facilities in state waters or facilities regulated by the state. See Table 9409-3 for contacts in each agency.

9407.6.3.2 Notifications to Fishers

The OHA posts advisories and guidelines for recreational shellfish harvesting and ODA shellfish safety closures. This is a regular practice and could be used to notify shellfish harvesters, both commercial and recreational.

<https://www.oregon.gov/oha/PH/HealthyEnvironments/Recreation/FishConsumption/Pages/fishadvisories.aspx#shellfish>

9407.6.3.3 Notifications within the Incident Command Post

If shellfish fisheries, either commercial or recreational, are closed during a response, the liaison officer and Joint Information Center (JIC) should be notified to ensure their ability to address questions that may arise. If there is a tribal liaison, he or she should also be notified.

If seafood safety operations are planned within or near that area of the incident, the liaison officer, the JIC, Environmental Unit (EU), and operations should be notified. It is particularly important that on-water activities for seafood safety operations be coordinated with operations.

When fisheries are re-opened, the responsible agencies (ODFW, OHA, and ODA) should notify the ICP and the liaison officer, JIC, EU, and operations. The JIC may be useful for disseminating information about fishery openings and closing, if needed.

9407.6.3.4 References

<https://www.dfw.state.or.us/MRP/>

9409.7 On-Water Commercial Federal and State Fisheries

On-water commercial federal and state fisheries include all fisheries that are managed by NOAA's NMFS and/or the state Fish and Wildlife agencies. The Pacific Fisheries Management Council (PFMC) is the advisory body for commercial fisheries and is one of eight management councils around the country. The management councils are required under the Magnuson Stevens Fisheries Management and Conservation Act (MSA) and are made up of representatives from the federal and state agencies with authority to regulate commercial fisheries, tribes, and private citizens. The PFMC manages approximately 119 species of fish throughout their area of responsibility: Washington, Oregon, California, and Idaho. Responsibility and the authority to regulate commercial fisheries lies with these agencies through various federal and state laws. Commercial fisheries are those for which the catch is sold and not kept for personal use. Tribes participate in commercial fisheries and serve as co-managers. Tribal fisheries are under a different management regime than non-Tribal fisheries and are addressed below.

9409.7.1 Closures of On-Water Commercial Fisheries during a Spill

In the event of an incident, three methods can be used to prevent the operations of commercial fisheries in and around the area of a discharge or release:

1. The Captain of the Port (COTP) may issue a safety zone to prevent vessels (including commercial fishing vessels) from entering an area.
2. The state-specific Department of Health, in coordination with the appropriate state agencies, may close state fisheries and/or fishing in state waters.
3. NOAA's NMFS may exercise their authority under the MSA to implement an emergency closure and prevent fishing in areas where fish may be contaminated. Closures due to contamination would be coordinated with the FDA.

If the size of the spill and other considerations indicate that a fisheries closure should be implemented, NOAA/NMFS and FDA will follow the general procedures exemplified in the *Protocol for Interpretation and Use of Sensory Testing and Analytical Results for Re-Opening Oil-Impacted Areas Closed to Seafood Harvesting Due to the Deepwater Horizon Oil Spill*. See <https://www.fda.gov/food/food-safety-during-emergencies/protocol-interpretation-and-use-sensory-testing-and-analytical-chemistry-results-re-opening-oil>.

Trajectories may be used to predict surface oil movement and thus inform the closure decision. Closure areas may include a precautionary buffer zone around oiled waters.

9409.7.2 Management/Roles

There are four Federal Fishery Management Plans (FMPs), and all are co-managed to some extent within the states. Tribes share management responsibility for some federal fisheries. See Table 9409-1 for additional information on federal fisheries and points of contact.

There are numerous state fisheries and these generally occur within state waters (0 to 3 miles offshore). However, state fisheries may occur beyond state waters if there is no FMP in place. Due to collaborative management of most fisheries, it is recommended that state directors be contacted at the same time as federal fisheries managers. The contact information is provided in Tables 9409-1, 9409-2, and 9409-3.

9409-1 Federal and State Fisheries Contact Information

On-Water Commercial Fishery Type	Point of Contact and Title	Agency	Phone Number	Email
Federal	Barry Thom, Regional Administrator	National Marine Fisheries Service	206-526-6733	Barry.thom@noaa.gov
Federal	Ryan Wulff, Assistant Regional Administrator, Fisheries	National Marine Fisheries Service	916-930-3600	Ryan.wulff@noaa.gov
Washington State	Kelly Susewind, Director	Washington Department of Fish and Wildlife	360-902-2200	director@dfw.wa.gov
Oregon State	Curt Melcher, Director	Oregon Department of Fish and Wildlife	503-947-6044	Curt.melcher@state.or.us
Idaho State	Lance Hebdon, Anadromous Fisheries Manager	Idaho Department of Fish and Game	208-334-3791	Lance.hebdon@idfg.idaho.gov

9409.7.3 Best Management Practices

9409.7.3.1 Notification to Regulatory Agencies that May Close On-Water Commercial Fisheries

In the event of a spill in federal waters (the Exclusive Economic Zone) where a UC has been established, the EU Leader (EUL) will typically be responsible for notifying NMFS and FDA if conditions suggest that consuming seafood from the spill area may pose a threat to human health. The NOAA SSC can assist with notifications to NMFS. If the tribes are co-managers of the affected fisheries then the tribes should be notified. The Tribal Liaison can assist in identifying appropriate tribal contacts. The EUL will provide NMFS and FDA, and tribes as

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

appropriate, with information on the spill. NMFS, in consultation with FDA, will decide whether fisheries of fishing in specific areas of federal waters should be closed to protect public health. If there is no UC, but a spill may have impacts on fisheries, then the SSC should notify NMFS.

In the event of a spill in state waters, the UC EUL will typically be responsible for notifying the affected state(s) Fish and Wildlife agencies and Health Departments. Similar to above, the EUL should provide information to the state(s) Fish and Wildlife agencies and Health Departments, and the state agencies would determine if a fishery closure is necessary. As with federal fisheries, some state fisheries are co-managed by tribes, thus, the applicable tribes should be contacted. Generally, if state fisheries occur in tribal Usual and Accustomed (U&A) areas, the tribe serves as co-managers. If there is no UC, but a spill may have impacts on fisheries in states' waters, the affected state(s) should contact their Fish and Wildlife agencies and Health Departments.

Some state fisheries occur outside of state waters and, therefore, the state(s) may be responsible for closing fisheries in the exclusive economic zone. State waters are generally defined as the shore to 3 nautical miles out and federal waters are 3 to 200 nautical miles offshore. The states may regulate fisheries in federal waters if there is not a federal FMP in place. State-regulated fisheries, whether in state or federal waters, would be closed and re-opened by the state fish and wildlife agencies in cooperation with the state Health Departments.

The contact information for each state with regulatory authority to close and re-open commercial on-water fisheries are listed in Tables 9409-1, 9409-2, and 9409-3.

9409.7.3.2 Notification to Fishers

Generally, the responsibility for notification to participants in a commercial on-water fishery falls upon the agency with regulatory authority over the fisheries. If requested, the Incident Management Team could provide support to notify fishers. Notification to commercial fishers of a fishery closure can be done in a number of ways, including the following:

1. USCG Broadcast Notice to Mariners (BNM) to notify commercial vessels of the closure (or an impending closure). NOAA and the states routinely request BNMs to notify fishers of closures and/or changes in fishing practices (e.g., time and area closures), so this method is commonly used to inform commercial fishers.
2. States initiate contact to fishers. Most fisheries require state permits, either fishery permits or landing permits, thus, the states have databases of fishery participants. This database could be used to notify fishers.
3. NMFS may promulgate an emergency rule and publish it in the Federal Register and this could serve as notification to fishers. In addition, NOAA maintains permit databases for various fisheries and these could be used to notify fishers. NOAA also maintains a fisheries hotline that could provide information on closures (800-662-6825).

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

9409.7.3.3 Notification within the Incident Command Post

If fisheries are closed during a response, the Liaison Officer and JIC should be notified to ensure their ability to address questions that may arise. If there is a Tribal Liaison, he or she should be notified.

If seafood safety operations are planned within or near that area of the incident, the Liaison Officer, the JIC, EU, and Operations should be notified. It is particularly important that on-water activities for seafood safety operations be coordinated with Operations.

When fisheries are re-opened, the state and/or federal agencies should notify the ICP and the Liaison Officer, JIC, EU, and Operations should be made aware. The JIC may be useful for disseminating information about fishery opening and closing if needed.

9409.7.3.4 Contact List

The following is a list of contacts for federal on-water commercial fisheries. Information for individual states can be found in Tables 9409-1 and 9409-3.

9409.7.3.5 References

Information on commercial fisheries is available from the following sites sources:

- The NMFS West Coast Regional Office
http://www.westcoast.fisheries.noaa.gov/about_us/sustainable_fisheries_division.html
 - The Pacific Fisheries Management Council, the advisory body to NMFS on fisheries <https://www.pccouncil.org/>
 - Comprehensive information on fisheries along the U.S. West Coast: Pacific Coast Fishery Ecosystem Plan http://www.pccouncil.org/wp-content/uploads/FEP_FINAL.pdf
 - Washington commercial fisheries [Washington state waters](#) (commercial and sport WDFW) <https://wdfw.wa.gov/fishing/regulations>
 - Washington fishing hotline 360-902-2500
- Oregon commercial fisheries [ODFW Marine Resources Program](#)
- <https://www.dfw.state.or.us/resources/fishing/index.asp>

9409-2 Contact Information for Federal On-Water Commercial Fisheries

Fishery		Management			Areas	Point of Contact ¹
Name/Type	Federal	State	Tribal	State/Federal Waters Marine/Freshwater		
Coastal Pelagic Species	Coastal Pelagic Species FMP	Yes,	Yes	<ul style="list-style-type: none"> Both state and federal waters Marine waters only, no fresh water component 	Aja Szumylo 206-526-4746 aja.szumylo@noaa.gov Frank Lockhart 206-526-6142 frank.lockhart@noaa.gov	
Groundfish	Groundfish FMP	Yes	Yes	<ul style="list-style-type: none"> Both state and federal waters Marine waters only, no fresh water component 	Aja Szumylo 206-526-4746 aja.szumylo@noaa.gov Frank Lockhart 206-526-6142 frank.lockhart@noaa.gov	
Salmon	Salmon FMP Salmon are managed spatially. Ocean, Puget Sound, Columbia River, Coastal Bay and Tributary Fisheries	Yes	Yes	<ul style="list-style-type: none"> Both state and federal waters. Marine and fresh water. Regulations on spatial/temporal elements of the fishery are changed annually. Regulations are published in May. 	Allyson Purcell 503-736-4736 Allyson.purcell@noaa.gov Susan Bishop 206-526-4587 susan.bishop@noaa.gov	
Highly Migratory Species (HMS)	Highly Migratory Species FMP	Yes		<ul style="list-style-type: none"> Both state and federal waters. HMS FMP extends to the high seas. Marine 	Heidi Taylor 562-980-4039 Heidi.taylor@noaa.gov	

¹ Additional points of contact information is available on the PFMC website <https://www.pcouncil.org/council-operations/council-and-committees/council-and-committee-rosters/>

9409.8 Recreational On-Water Fisheries

This section addresses on-water recreational fisheries. Recreational fisheries for shellfish are addressed in the sections above for Washington and Oregon shellfish fisheries. Recreational fisheries on marine and fresh water are managed by the respective states and most require licenses and/or permits. The level of management of recreational fisheries varies by area and species targeted. For example, there are time and area closures for many salmon fisheries, including limits on the number and size of fish that can be kept. Due to these constraints, the states provide regular updates to fisheries on regulations and have in place mechanisms to notify recreational fishers. These mechanisms could be used during an incident to advise fishers of incidents in specific areas.

States may follow the protocols described above (commercial and state on-water fisheries) to close, monitor, and re-open recreational fisheries.

The contracts for state recreational fisheries are provided in Table 9409-3.

Information on recreational fisheries is available on the following web sites:

- **Washington:** [Washington state waters](https://wdfw.wa.gov/fishing/) (commercial and sport) –
<https://wdfw.wa.gov/fishing/>.
WDFW Hotline: 360-902-2500
- **Oregon:** [Oregon state waters](https://www.dfw.state.or.us/resources/fishing/index.asp)
<https://www.dfw.state.or.us/resources/fishing/index.asp>
- **Idaho:** [Idaho fishing regulations](https://idfg.idaho.gov/fish) <https://idfg.idaho.gov/fish>

9409.9 Tribal Fisheries

There are numerous tribal fisheries in both marine and fresh water in the Pacific Northwest. The tribes manage commercial fisheries, both on-water and aquaculture, as well as subsistence fisheries. Many tribes in the region have treaties with the U.S. government that retain their rights to fish well beyond the water adjacent to tribal lands. The areas where fishery rights are retained are usually referred to as U&A areas. There are also a number of treaties related to management of salmon. The tribes have representation on the PFMC with a tribal seal.

The Treaty Tribes of Washington and Oregon have both exclusive and shared authority to manage fisheries and natural resources. Each tribe independently enters into agreements with state and federal agencies on the management of fisheries. The independent sovereign authority of each tribe is recognized through a series of treaties negotiated and signed during 1854–1855 (Treaty with the Tribes of Middle Oregon [1855]; Treaty with the Walla Walla, Cayuse, and Umatilla Tribes [1855]; Treaty with the Yakama [1855]; Treaty with the Nez Perce [1855]; Treaty of Medicine Creek [1854]; Treaty of Neah Bay [1855]; Treaty of Olympia [1855]; Treaty of Point Elliott [1855]; and Treaty of Point No Point [1855]). Treaty rights have been reaffirmed by judicial review (e.g., *US v. Oregon* [SoHappy v. Smith] 302 Supp. 899 [D. Oregon, 1969] and *US v.*

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

Washington 384 Supp. 312 [W. Dist. Wash., 1974]) and administrative policies (e.g., Executive Order 13175 and Secretarial Order 3206).

9409.9.1 Closures of Tribal Fisheries

As sovereign nations, tribes maintain the authority to manage treaty-protected fishery resources. In some cases, tribes serve as co-managers for federal fisheries and are co-managers for state fisheries that occur in the tribes' U&A areas. The authority to close and re-open tribal fisheries rests with the individual tribes. NMFS, the FDA, the state Fish and Wildlife offices and/or state Departments of Health may make recommendations to the tribes, but individual tribes retain the authority for management (including closures and re-opening) of their own fisheries. In some areas, the state Department of Health has entered into agreements with tribes to close specific areas. The Department of Health would be notified of possible impacts to fisheries from an incident and would coordinate with tribes as appropriate.

The tribes may work with NMFS, FDA, the state Fish and Wildlife departments, and Departments of Health on any planned closures by the federal and state agencies to aid in determining if tribal fisheries should be closed. In addition, the tribe may adopt and support a COTP-issued safety zone to prevent vessels from entering the area.

9409.9.2 Management/Roles

In the event of a spill, it is the responsibility of the FOSC to notify affected tribes. However, the FOSCs primary contact may or may not be the tribal member with expertise in fisheries or natural resources management. The FOSC or their designated liaison must ensure that health and safety issues that may affect tribal fisheries are communicated clearly and in a timely manner to the tribal point person for each tribe impacted (or likely to be impacted).

9409.9.3 Best Management Practices

9409.9.3.1 Notification to Tribes with Authority to Close Tribal Fisheries

The FOSC has an obligation to notify tribes if there may be effects to tribal resources, including fisheries. The FOSC will work with the Tribal Liaison, DOI, BIA, the tribes, and perhaps the Columbia River Inter-Tribal Fish Commission and the Northwest Indians Fish Commission, to determine if U&A areas occur in the area of the incident and/or if tribal fishery resources may be affected by an incident beyond its immediate vicinity. For example, an incident in the main stem of a river could have impacts on tribal fisheries in associated tributaries. It is expected that notification to tribal staff of fisheries closure recommendation will occur simultaneously, and not subsequent to, notification of federal, state, or recreational fisheries management agencies.

The FOSCs maintain a separate list of tribal contacts. Generic contact information for Bureau of Indian Affairs Superintendents and Tribal Official in Idaho, Oregon, and Washington are provided in Section 9106.2.

9409. Managing Impacts to Commercial, Recreational and Tribal Fisheries

9409.9.3.2 Notification to Tribal Fishers

As described above, a BNM can be used to notify on-water fishers. The states and NMFS may also provide means to notify fishers based upon their respective permitting program. For shellfish or aquaculture closure, the Departments of Health issue notices. There is also a Tribal Fishery Hotline: 800-562-6142.

9409.9.3.3 Notification within the Incident Command Post

As with all fisheries, if tribal fisheries are closed, it is recommended that the Liaison Officer, including the Tribal Liaison, the JIC, the EU, and Operations be notified.

9409.9.3.4 Contact List

See NWACP the United States Bureau of Indian Affairs and tribal contact list.

9409.9.3.5 References

<https://nwifc.org/>

<https://critfc.org/>

For additional information on tribes and fisheries, see the Pacific Coast Fisher Ecosystem Plan, Sections 3.4 and 3.5.

http://www.pcouncil.org/wp-content/uploads/FEP_FINAL.pdf

9409-3 Fisheries and Contact Information by State

Closure Type	Jurisdiction/Authority	Point of Contact
Washington		
Public Health Consumption of fish and shellfish (non-tribal)	<p>State Department of Health and 34 local health jurisdictions: State public health protection in Washington State is a shared responsibility between the DOH and 34 local health jurisdictions. This responsibility includes informing citizen of the possible health hazards associated with eating chemically contaminated fish and shellfish from contaminated waters. Due to the lack of a statewide fish consumption advisory program, the basis for and science supporting each of these advisories varies between issuing organizations.</p>	<p>WDOH: Shellfish Program Emergency Line: 360-789-8962 Shellfish Growing Area Section Email: sf.growingarea@doh.wa.gov</p> <p>Local Health Departments/Districts: https://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions</p>
Recreational Fisheries	<p>WDOH: Closures and advisories related to the safety of bivalve shellfish for consumption. DOH issues the closure or advisory and coordinates with the local health jurisdiction(s). Closures for Recreational Harvest of intertidal shellfish.</p> <p>WDFW: Can open and close recreational fisheries for harvest management purposes (to protect populations). Can close beaches or restrict harvest on WDFW owned property.</p>	<p>WDOH: Shellfish Program Emergency Line: 360-789-8962 Shellfish Growing Area Section Email: sf.growingarea@doh.wa.gov</p> <p>WDFW Puget Sound Shellfish Manager Bob Sizemore Bob Sizemore360-302-3030 ext 303 Robert.sizemore@dfw.wa.gov</p> <p>WDFW Puget Sound Shellfish Policy Coordinator: Christopher Eardley Christopher Eardley360-302-3030 ext. 302 Christopher.eardley@dwf.wa.gov</p> <p>WDFW On-Water Recreational Fisheries: Lorna Wargo 360-249-1229 lorna.wargo@dfw.wa.gov</p> <p>WDFW Director: Kelly Susewind 360-902-2200 director@dfw.wa.gov</p>

Closure Type	Jurisdiction/Authority	Point of Contact
<p>Commercial Fisheries (non-tribal)</p>	<p>Co-Managers/Trustees WDOH: Will work in cooperation with WDFW (see below). WDNR: Is the trustee that controls commercial harvest of sub-tidal sessile animals (geoducks, other clams, etc.). WDFW: Can control non-tribal commercial harvest of fishing (e.g., salmon, rockfish, smelt) and non-sessile animals (crabs, urchins, sea cucumbers, etc.)</p>	<p>WDOH: Shellfish Program Emergency Line: 360-789-8962 Shellfish Growing Area Section Email: sf.growingarea@doh.wa.gov WDNR Shellfish Operations Manager: Brad Pruitt 360-902-1083 brad.pruitt@dnr.wa.gov WDFW Puget Sound Shellfish Manager Bob Sizemore Bob Sizemore 360-302-3030 ext 303 Robert.sizemore@dfw.wa.gov WDFW Puget Sound Shellfish Policy Coordinator: Christopher Eardley Christopher Eardley 360-302-3030 ext. 302 Christopher.eardley@dwf.wa.gov WDFW Director: Kelly Susewind 360-902-2200 director@dfw.wa.gov</p>

Closure Type	Jurisdiction/Authority	Point of Contact
<p>Aquaculture on Private or Public Lands</p>	<p>Property and product owners. DOH and other health authorities.</p> <p>WDOH and Local Health Authorities: WDFW Director: Closures and advisories regarding the health and safety and consumption of fish and shellfish (commercial and recreational).</p> <p>WDFW: Oyster reserves and other WDFW-owned or managed properties. Under RCW 77.12.047, WDFW has the authority to create an emergency rule to close fisheries on public lands. This does not apply to private sector culture aquatic products. WDFW can declare such an emergency during an oil spill in cooperation with WDOH.</p>	<p>WDOH: Shellfish Program Emergency Line: 360-789-8962 Shellfish Growing Area Section Email: sf.growingarea@doh.wa.gov</p> <p>Local Health Departments/Districts: https://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions</p> <p>WDFW Puget Sound Shellfish Manager Bob Sizemore Bob Sizemore360-302-3030 ext 303 Robert.sizemore@dfw.wa.gov</p> <p>WDFW Puget Sound Shellfish Policy Coordinator: Christopher Eardley Christopher Eardley360-302-3030 ext. 302 Christopher.eardley@dwf.wa.gov</p>
Oregon		
<p>Public Health Consumption of fish and shellfish (non-tribal)</p>	<p>OHA: The OHA has responsibility for issuing advisories regarding health concerns related to consuming shellfish. They have also issued advisories for finfish in fresh water (lakes).</p>	<p>OHA</p>
<p>Recreational Fisheries</p>	<p>OHA: Closes and advisories related to the safety of bivalve shellfish for consumption. OHA issues the closure or advisory and coordinates with the local health jurisdiction(s). Closures for recreational harvest of intertidal shellfish.</p> <p>ODFW: Can open and close recreational fisheries for harvest management purposes (to protect populations). Can close beaches or restrict harvest on ODFW-owned property.</p>	<p>ODFW Curt Melcher 503-947-6000 Curt.melcher@state.or.us</p> <p>Troy Buell 541-867-0300 ext. 225 troy.v.buell@state.or.us</p>

Closure Type	Jurisdiction/Authority	Point of Contact
<p>Commercial Fisheries (non-tribal)</p>	<p>Co-Managers/Trustees:</p> <p>OHA: Closures and advisories regarding the health and safety and consumption of fish and shellfish (commercial and recreational).</p> <p>Unknown: Is the trustee that controls commercial harvest of sub-tidal sessile animals (geoduck, other clams, etc.).</p> <p>ODFW: Can control non-tribal commercial harvest of fish (e.g., salmon, rockfish, smelt) and non-sessile animals (crabs, urchins, sea cucumbers, etc.).</p> <p>NMFS: Four federal fisheries are co-managed by the states, including ODFW. Outside of state waters, NMFS would likely close the FMP fisheries if necessary. Closures would be conducted in coordination with ODFW, OHA, and FDA.</p>	
<p>Aquaculture on Private or Public Lands</p>	<p>Property and Product owners. OHA and other health authorities.</p> <p>ODFW for oyster reserves etc.??</p>	
<p>Notification</p>	<p>ODFW: has social media presence to notify commercial or recreational fishers of closures or potential closures. They have an email notification list, Facebook, and Twitter accounts which are generally used to advise of fisheries changes (e.g., openings and closings of salmon fisheries). They may coordinate with the JIC on notifications to fishers.</p>	
<p>Idaho</p>		
<p>Public Health Consumption of fish and shellfish (non-tribal)</p>		
<p>Recreational Fisheries</p>	<p>Idaho Department of Fish and Game (IDFG)</p>	

Closure Type	Jurisdiction/Authority	Point of Contact
<p>Commercial Fisheries (non-tribal)</p>	<p>Co-Managers/Trustees: IDFG (https://idfg.idaho.gov/old-web/docs/fish/planFisheries.pdf)</p> <p>NMFS: Anadromous species (i.e., fish species that travel between fresh and salt water) are managed collaboratively with NMFS, other states, and tribes. In addition, some fish stocks that are subject to fishing in Idaho rivers are listed under the Endangered Species Act, which is administered by NMFS.</p>	<p>IDFG Director: Virgil Moore</p> <p>IDFG Anadromous Fisheries Manager: Lance Hebdon 208-334-3791 lance.hebdon@idfg.idaho.gov</p>
<p>Aquaculture on Private or Public Lands</p>		