



Oregon Fish and Wildlife Commission Minutes

Joint Oregon & Washington
Commission Meeting:
December 11, 2008 12:30 p.m.
Embassy Suites Portland Airport
Oak Room
7900 NE 82nd Avenue
Portland, OR 97220

Meeting:
Oregon Fish & Wildlife Commission
December 12, 2008 8:00 a.m.
Embassy Suites Portland Airport
Oak Room
7900 NE 82nd Avenue
Portland, OR 97220

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Commission minutes are considered draft until approved by the Commission at its next meeting.

Notice of these meetings had been made by press release of statewide media circulation. Those attending part or all of the meeting included:

ODFW Commission and staff

Marla Rae, Chair
Dan Edge, Vice-Chair
Jon Englund, Commissioner
Skip Klarquist, Commissioner
Carter Kerns, Commissioner
Bobby Levy, Commissioner
Zane Smith, Commissioner
Roy Elicker, Director
Curt Melcher, Deputy Director
Tom Ruddiman, Deputy Director
Bill Cook, Assistant Attorney General
Steve Sanders, Assistant Attorney General
Steve Williams, Assistant Administrator,
Inland Fisheries, Fish Division
Tony Nigro, Regional Director, *ODFW
Teri Kucera, Executive Assistant

WDFW Commission and staff

Jerry Gutzwiler, Washington Chair
Miranda Wecker, Vice Chair
Ken Chew, Commissioner
Gary Douvia, Commissioner
Chuck Perry, Commissioner
George Orr, Commissioner
Conrad Mahnken, Commissioner
Shirley Solomon, Commissioner
Phil Anderson, Interim Director, **WDFW
Guy Norman, Regional Director, WDFW

*Oregon Department of Fish and Wildlife

**Washington Department of Fish and Wildlife

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MEETING

On Thursday, December 11, 2008 at 12:39 p.m., Oregon Chair Marla Rae called the Joint Oregon and Washington Fish and Wildlife Commissions meeting to order.

WELCOME AND INTRODUCTIONS

Chair Rae welcomed the Washington Commission. After introductions, she noted that public testimony will be given at the Oregon Commission meeting December 12; and at Washington's Commission meeting on December 13. She said today the bi-state Columbia River Fish Working Group (CRFWG) will brief both Commissions on the work they have done.

APPROVAL OF THE AGENDA

Washington Chair Jerry Gutzwiler said approval of the agenda was not necessary.

1
2 **COLUMBIA RIVER FISHERIES WORKING GROUP**

3 Guy Norman, Regional Director of WDFW, introduced Tony Nigro, Inter-jurisdictional
4 Fishery Program Director for ODFW. During a slide presentation, "Columbia River
5 Spring and Summer Chinook Fisheries", they jointly discussed Spring Chinook Fisheries
6 Management and Summer Chinook Harvest Allocation.
7

8 • **Spring Chinook Fisheries Management**
9

10 Management Challenges. Guy Norman discussed managing within ESA limits of 0.5%
11 incidental impact to 2.7%. CRFWG considered the needs of both sport and commercial
12 fisheries and found for both that the early season is very important, as is predictability.
13 He said CRFWG discussed managing the risks associated with uncertain forecasts of
14 run sizes; and responding in-season if changes are needed.
15

16 U.S. vs Oregon Management Agreement. Norman said prior to 2001, the seasons were
17 shorter with no formal allocation. In 2002, both Oregon and Washington Commissions
18 agreed to an allocation that was associated with a matrix-type strategy, which took into
19 account the strengths of both the upper Columbia and Willamette runs. He said in 2004-
20 05 there was a fixed 60% sport and 40% (60/40) commercial allocation regardless of
21 run size. In 2006-07, the allocation was 57/43 regardless of run size. This year the
22 agreement was a 61/39 compromise between the two Commission decisions.
23

24 Public Process. Norman said in 2007 the Columbia River Salmon Fisheries Visioning
25 Process failed to reach consensus in developing a vision for long-term management
26 and recovery objectives. In March 2008, a second group failed to reach consensus on
27 allocation decisions. So, CRFWG was charged with developing a consensus for a
28 management plan (Phase 1), and addressing long-term, broader objectives including
29 conservation goals, hatchery reform and selective fisheries development (Phase 2).
30

31 Fisheries Recommendation by CRFWG. Norman discussed the two recommendations.

- 32 • Near Term: Define objectives and strategies for fisheries management for 2009-13,
33 with periodic reviews;
34 • Long Term: Define objectives and strategies for 2014-18. After 2018, renegotiate the
35 *U.S. vs Oregon* Management Agreement.
36

37 Near-Term Management of Spring Chinook Fisheries. Tony Nigro said recommended
38 objectives include 45 days of fishing in March and April below Bonneville Dam before
39 update, and fishing opportunities through May after update. He discussed
40 recommended objectives for commercial fisheries including harvest levels similar to
41 recent years, and ways to achieve those objectives, including risk management,
42 allocation of ESA impacts, and rebalancing after the run-size update.
43

44 Managing Risks in the Near Term (the Buffer). Nigro said after CRFWG discussed
45 risks, size and allocation of the buffer, they recommended setting aside approximately
46 35% of allowable impacts, and also recommended a sliding scale for use to allocate the
47 buffer between sport and commercial fisheries.

1
2 Near Term Allocation of Available Impacts. Nigro referred to this chart (page 10) and
3 said CRFWG recommended staff be given some flexibility with the buffer on the sports
4 side, to avoid emergency closures. CRFWG also recommended that the overall share
5 of impacts between sports and commercial fisheries be based on a matrix (page 11) of
6 run sizes, in the Willamette and Columbia rivers. He said the idea is to provide more
7 opportunity for commercial fisheries at the larger run sizes.
8

9 Near-Term Allocations of Impacts Prior to the Run-size Update. Nigro said the Sports
10 Fisheries Share upstream from Bonneville Dam needed 0.3% impacts to avoid
11 emergency closures, which equates to about 25% of their available impacts. He said
12 the Commercial Fisheries Share needs 0.15% impacts to maintain recent Select Area
13 harvest levels, which would leave 0.2% impacts for use by main-stem commercial
14 fisheries in March and April.
15

16 Nigro said CRFWG recommended the sport fish allocation, prior to run size update, be
17 shared 75% downstream and 25% upstream, and also recommended setting aside
18 0.15% for use in the Select Areas, with the balance going toward Commercial
19 Fisheries. CRFWG determined that how the fisheries performed prior to the run size
20 update and how they could be expected to perform afterwards should be taken into
21 consideration. He said CRFWG recommended that any impacts left over should be
22 used to achieve the sport/commercial sharing of impacts, as defined by the matrix, for
23 the updated run sizes. CRFWG also recommended that staff receive flexibility to
24 reassign impacts.
25

26 Long-Term Management of Spring Chinook Fisheries (Phase 2, beyond 2013)

27 Nigro said CRFWG recommended that harvest in the Select Areas for Commercial
28 Fisheries be at least twice the current average, and fishing could occur in March and
29 April, and if impacts remain, in May. He talked about CRFWG's recommendations for
30 risk management and long-term strategies.
31

32 Relationship to the 2008-2017 U.S. v Oregon Management Agreement

33 Guy Norman explained CRFWG's proposal related to the 2008-17 *U.S. vs Oregon*
34 *Management Agreement* involving the Treaty Tribes. He referred to Table 1 which
35 dictates the allocation of the ESA impacts between the Treaty Tribes and the non-treaty
36 fisheries, sport and commercial, depending on run size. The catch table was developed
37 to meet the fisheries' no-jeopardy standards for harvest and for a catch-balancing
38 provision. Other assumptions included a 70% expected marked rate of landed fish;
39 allocation between sport and commercial fisheries; and the proportion of commercial
40 fishery that is tangle net vs. large mesh. He said the agreement calls for a five -year
41 formal review, although any party may call for a review prior to that if a year
42 differentiates from what is expected.
43

44 Fisheries Performance under the Near-Term Management Strategy

45 Norman discussed graphs that compared the near-term harvest of Spring Chinook to
46 previous years. He said over the last nine years the Sport Fishery has averaged 16,600
47 fish. The average proportion that was sport fishing caught of upriver fish was 51%. He

1 said the average catch over nine years for the commercial select area fishery plus main-
2 stem commercial was 13,200.

3
4 Norman referred to page 19, "Projected Spring Chinook Harvest Under Columbia River
5 Fish Working Group Proposal", and discussed the expectations with CRFWG
6 recommendations, in terms of allocation between the two fisheries. He compared
7 scenarios of lowest, highest and average count of fish in the high Willamette run from
8 1999 and 2008. In the 2009 scenario, there is likelihood that there will be fewer than
9 50,000 fish in the low Willamette run.

10
11 Actual Closing Dates for Spring Chinook Recreational Fisheries. Nigro discussed what
12 kinds of seasons might be expected in the Columbia River under various scenarios,
13 using data between 2000 and 2008 (page 19). CRFWG looked at scenarios of different
14 run sizes with a 7-day-a-week fishery and a 3-day-a-week fishery. He also discussed
15 projected sport fishery closing dates under the proposal.

16
17 Chair Rae asked for questions.

18
19 Commissioner Carter Kerns questioned the assumptions about the Tribal fishery catch
20 estimates. He cautioned that the methodology may not be reliable.

21
22 Washington Commissioner George Orr said there is an assumption that everybody who
23 reports either does or doesn't report accurately; the most complete reporting is by the
24 commercial fishery. He thinks there needs to be a way of tallying the recreational also.

25
26 Chair Rae said the Oregon Commission just received communications from the Treaty
27 Tribes expressing concerns whether the CRFWG recommendation is completely in sync
28 with the *U.S. v Oregon* Management Agreement. She asked Oregon Department of
29 Justice Counsel Steve Sanders to describe the letter and Oregon's response.

30
31 Steve Sanders said the letter received was technically addressed to Fronda Woods and
32 him that reiterated many of the points made in the Columbia River Inter-Tribal Fish
33 Commission's (CRITFC) letter to the two directors several weeks ago. They raised legal
34 points with respect to the way the calculations are done, and interpretations of some of
35 the orders in *U.S. v Oregon*, establishing the legal allocation between the Tribes and the
36 states. Sanders said Fronda and he consulted and believe that staff's proposed course
37 of action is within legal authority. He said it may cause some effort later to rebalance, as
38 staff gets some experience with different runs and how these work out. Sanders also
39 said there are many assumptions which underlie these. Some assumptions tick the
40 catch balance in our favor, and some tick them in favor of the tribal catch. He said it is
41 very difficult to predict with any accuracy, apart from the reporting issues, about how
42 these allocations come out, without some more experience. He noted the *U.S. v Oregon*
43 agreement is for ten years, and said the idea was we practice under the allocation on
44 Table A1. In a few years, staff will look back and see if that worked out as anticipated.
45 Sanders said although he appreciates the Tribe's legal analysis, we are not saying, as a
46 legal matter, that you need to take a different course.

1 Commissioner Englund asked Nigro about the sliding scale dependent on run size in
2 the Willamette and the main-stem. The Willamette dictates it, yet both fisheries are
3 above the I-5 Bridge on upriver fish.

4
5 Nigro said the intent was where fisheries throughout the river were constrained more
6 impacts would be allocated to the Sport Fishery. But when all the fisheries are
7 concentrated above the Willamette, the likelihood of meeting the Sport Fishery
8 objectives would not be significant unless by managing on the right side of that matrix.
9 He said in that particular circumstance, the Commissions could consider footnoting that
10 when you are in that circumstance, you manage off the right side of the table.

11
12 Norman added that the general logic behind the matrix is the lower the runs, the higher
13 the Sport Fishery; the higher the runs, the higher the allocation to the Commercial
14 Fishery. He said when the Willamette runs are low, there's not as much opportunity in
15 the traditional fishing areas in the Lower Columbia for the Commercial Fishery. He
16 added that this approach doesn't address when that opportunity is zeroed out.

17
18 Washington Chair Gutzwiler acknowledged Washington Commissioner Douvia.

19
20 Commissioner Douvia said the intent of the early season for commercial fishermen was
21 in request to have their fish as early as possible for best market value. He said it isn't
22 quite clear that we're going to prioritize March to get them to catch fish as soon as
23 possible and use April if necessary, which would also add to some conservation
24 benefits for steelhead. He asks about the buffer size, relative to the recreational group
25 being able to obtain their share of the take after a May update. He also asks how the
26 variable part of the buffer, the 5% margin that can be increased, works in handling the
27 length of their season.

28
29 Norman said there are harvestable Willamette fish returning. When that occurs, the
30 approach is to have early fishing in late February/early March with large mesh to avoid
31 steelhead and to target Willamette fish. Then having the majority of the fishery in March,
32 moving into tangle nets, and mid-march when the steelhead move out of the river. He
33 said with the situation they saw last year where commercial fisheries were restricted
34 above the Willamette; there was no meaningful abundance available until later in the
35 year; that makes it necessary to move a portion of that fishery into April in order to
36 access those up river fish.

37
38 Nigro refers to the Columbia River fish in March and early April and said it's just a
39 matter of how many days fishing those available impacts would translate to.

40
41 Norman said the recommendation is for a 5% flexibility clause with the recreational
42 fishery. Given the scenario this year and with this forecast there would be a 25% buffer
43 on the before-update Sports Fishery, meaning they could access 75% of their impacts
44 before the update, equating to a 25% buffer. He said if there is a season set associated
45 with those impacts that relate to 75% of their fishery, and with our in-season monitoring,
46 we determine that there wasn't enough impacts to get to that prescribed date, they
47 could use 5% of that buffer, in order to get to that preset date. And that would add

1 stability to the season; they could use up to 80% of their impacts in order to get to what
2 ever season we set.

3
4 Chair Rae said she wanted everyone to understand the buffer and how it will be used,
5 because last year there was confusion and erroneous information circulating about it.

6
7 Washington Commissioner Orr said he needed to reiterate. He understands the
8 commissioner from Oregon's concern about the Tribal catch and accounting.

9
10 Chair Rae clarified that Oregon Commissioner Carter Kerns is concerned about that.

11
12 Washington Commissioner Orr stated if he was a tribal member and for your half of the
13 fish you had one method for counting one half and another method for counting another
14 half which were not in sync, he would wonder what you were doing and why he had to
15 do what he was doing. He said if we know relatively scientifically what the commercial
16 by-catch and mortality is why we don't use that for our whole half when we talk to the
17 Tribes. He thinks that would cause a little more level playing ground with the Tribes.

18
19 Chair Rae asked Guy Norman to respond.

20
21 Norman said for the Commercial Fishery on the Lower Columbia River there are landing
22 ticket requirements that are turned into numbers of fish. For incidental catch and
23 release, there are monitors on a portion of commercial vessels that have a number of
24 unmarked Spring Chinook released, as well as, steelhead handled and released. For
25 incidental impacts of non-retained catch that is done with onboard monitoring
26 information. For the Sport Fishery, staff conducts effort flights and counts the number of
27 boats in the water by area and the number of bank rods. He said samplers at boat
28 ramps get a catch per effort, and require information of the number of unmarked fish
29 that were released. For the Tribal fishery, a large portion of their Spring Chinook is
30 ceremonial and subsistence catch. For their ceremonial catch, the Tribes submit permits
31 for individual fishermen in order to catch specific numbers which are shared with the
32 state. Norman said subsistence is based on monitoring and catch rates from the
33 platforms the Tribes conduct. He said there is also an over-the-bank sale based on
34 dockside monitoring, similar to the sport fishery, and a landed commercial catch that
35 falls under the same landing ticket requirements as the non-Indian fishery.

36
37 Washington Chair Gutzwiler acknowledged Commissioner Chuck Perry.

38
39 Commissioner Perry said he didn't hear any discussion of the SAFE fisheries that are
40 used mainly by the commercial folks. He asked how this relates to the impacts that
41 might occur on the main-stem above and below the I-5 Bridge.

42
43 Norman said the recommendation includes a 0.15% impact set aside for SAFE Area
44 fisheries and Commercial Fisheries that equates to the average being set aside for that
45 fishery. He said the catch is largely 90%-plus Willamette fish destined for those areas.
46 He added that less than 10% of the catch is upriver fish, so staff set aside impacts for
47 those fish taken from the Commercial Fisheries.

1
2 Chair Rae moved the discussion to Summer Chinook Harvest Allocation.

3
4 **Summer Chinook Harvest Allocation.**

5 Norman referred to page 20 and said there are provisions in the *U.S. v Oregon*
6 Management Agreement relative to Treaty and non-treaty allocation. One main
7 consideration is Washington's harvest framework for fish above Priest Rapids Dam that
8 are headed for Washington tributaries above the dam. There is a sharing arrangement
9 with non-Indian fisheries above and below the dam, and with the Colville Tribe fishery
10 near the Okanagan River. He said CRFWG recommended continuing the 50/50
11 allocation for that portion of the non-treaty share below Priest Rapids Dam. This plan
12 would be consistent with provisions in the ten-year management agreement, and with
13 Washington's harvest framework, and the 2007 agreement with the Colville Tribe.

14
15 **Upper Columbia Summer Chinook Run Sizes**

16 Norman gave a quick overview of the 10-year management agreement. He said the
17 goal is 29,000 hatchery and natural fish returning to the Columbia River mouth, which
18 equates to 20,000 over Priest Rapids Dam. Once the return is over 29,000, some
19 harvestable fish will be available for the Treaty and non-treaty Indian fisheries. The table
20 on page 22 shows the allowable harvest rate for the Treaty and non-treaty harvest.
21 Norman said the majority of the harvest is above Priest Rapids Dam, where fish
22 originate. But the share below increases as run sizes get larger.

23
24 Norman discussed mainstem recreational and commercial fishery catches, and said
25 CRFWG's recommendation was to maintain the current allocation, as part of Phase 1.

26
27 Oregon Chair Rae thanked the staff and her Commission colleagues for their time
28 working on this issue. She said during her tenure on the Oregon Commission, she has
29 seen few issues that can be any more complicated than fisheries management on the
30 Columbia. She said since public testimony was scheduled before both Commissions,
31 she would not ask her colleagues what they thought before hearing from the public on
32 Friday and Saturday. Chair Rae acknowledged that consensus from the CRFWG is just
33 that - consensus to move forward.

34
35 Chair Rae said she was under no illusions that the Oregon Commission will be
36 unanimous in its direction to Director Elicker. She was mindful that what the
37 Commissions were hopefully putting in place is solid enough to be the grounds to move
38 forward to focus on the long-term management of the Columbia River. She added the
39 Commission needed to give the director some flexibility to get to that middle ground.
40 She thanked Commissioner Dan Edge for leading the Oregon delegation.

41
42 Commissioner Edge agreed the issue was difficult and thanked staff for doing a great
43 job. He supports the plan and hopes both Commissions will move toward a long-term
44 vision. He said none of the advisors fully supported the plan, but the plan is a joint
45 product of the committees and subcommittees. He said that subcommittee members
46 like him struggled over some issues but he believes the proposed recommendations are
47 a solid approach to management of the river resources.

1
2 Both Commissions took a break at 2:05 p.m.

3
4 Chair Rae reconvened the meeting at 2:20 p.m., and asked staff to answer questions.
5 She acknowledged receipt of a letter from Rob Walton of NOAA Fisheries to both Chair
6 Gutzwiler and her, pledging their continued work with both Commissions.

7
8 Washington Interim Director Phil Anderson referred to page 8 of the slide presentation,
9 *Uncertainty in Estimates of Spring Chinook Abundance*, and noted that the table looked
10 at 1999 - 2008 for both the upriver and Willamette, and at predictive versus actual. He
11 looked at 2002, 2004, 2005, and 2008, where the predicted run size was over the actual
12 run size for upriver component, and then focused on 2004, where the prediction was
13 139,000 over the actual. He took 35% of the 126,000, it was over by 139,000. He
14 noted that 35% doesn't cover that overage amount. He also did the same thing for
15 2005, where we were 147,000 over in our prediction and 35% of the prediction equals
16 89,000. He said 2008 is much closer being over by 90,000, but 35% is 94,000. He
17 asked whether the 35% is adequate to cover our experience in our predictions that have
18 over-predicted the run size from a conservation perspective, to make sure that our
19 fishing plans don't result in an over-harvest.

20
21 Norman said staff looked back at the overall forecast record and reacted to the years
22 Anderson just referred to. He noted it would be difficult to say a 35% buffer would guard
23 against a year like 2005 when the run was less than half of forecast. He said what is
24 most pertinent are how many adults will come out of the jack returns.

25
26 Nigro said the magnitude of error varied between 20% and 60%; the error tends to be
27 larger when you forecast large runs. But the 35% is the average over the full database
28 that staff used when they looked at those circumstances under which our forecast
29 exceeded the actual.

30
31 Interim Director Anderson referred to the slide *Near-Team Allocation of Available*
32 *Impacts* (page 10) and said the table looks at planned impacts vs. actual impacts for
33 both fisheries. He said the real question is whether holding back 25% or 35% in the
34 Sport Fishery, and holding back 35% or 50% in the Commercial Fishery is needed
35 based on the past performance of both. He asked when you look at the post in-season
36 update, and providing as appropriate whether there is enough opportunity to take
37 advantage of the remaining buffer, is there a table that would help us understand the
38 CRFWG recommendations as they relate to the buffer size being recommended for
39 both the Sport and Commercial Fisheries prior to the end-season update.

40
41 Norman said Table 2 (see page 6, Joint Briefing Paper dated 12-11-08) gives an
42 account of the pre-season impact rate for both fisheries, and how much of the impact
43 rate was used post-season, in terms of percentage. That table is just a portion of the
44 actual impacts used between the two fisheries, but shows how much each respective
45 fishery used of their allotted impact.

1 Interim Director Anderson continued that the 2005 pre-season allocation for the Sport
2 Fishery was 60%. He asked so prior to the end season update they used, does that
3 represent 1.2%, and is that what they actually used.
4

5 Norman answered no; the 1.2% is 60% of a 2% impact allowed. So pre-season, they
6 were managed for a 1.2% impact for the sport fishery, during the course of the season.
7 The post is not post-update, it's post-season. So, at the end of the season once
8 everything is accounted for, we actually used up 1.05%.
9

10 Interim Director Anderson asked if Table 2 in that particular year tells him what portion
11 of 1.2% was used prior to the update. Norman said this table does not tell him that.
12

13 Interim Director Anderson said he was still trying to understand and referred to the Sport
14 Fishery and the 25% as an example. He said, so we're using 75% of impacts prior to
15 the update. He asked where to find a table that tells him that is a needed and necessary
16 thing to do, in order to provide certainty that that particular sector of the fisheries is
17 going to stay within their allocation.
18

19 Norman said you won't find a table in this package that would specifically address how
20 much pre-update vs. post-update allocation was used by the Sport Fishery.
21

22 Nigro explains that in the Appendix to CRFWG's proposal are three tables that illustrate
23 how the fisheries would have performed under the run forecasts and actual runs that
24 occurred through the years 1999-2008 and for the year 1999 average to 2008 average.
25 He said Table 1 illustrates what the catch would be if the fisheries used all that impact
26 prior to the run size update. The second table illustrates how the fisheries would
27 perform for the period after the run size update, once the total available impacts were
28 adjusted for the actual run size. The third table summarizes the information, given the
29 fact that the fisheries were managed pre-update and the forecast was managed post-
30 update based on the actual. For instance, for 2004, 2005, and 2008 (table 3), if the
31 fishery or forecast was reduced significantly from or the actual was reduced significantly
32 from the forecast, the Sport Fishery would have used all of the available impacts and
33 gone over their pre-season share. Nigro noted the information did not specifically
34 answer Director Anderson's question but showed the power of the fishery pre-season
35 where the actual run size is less than the forecast. He said staff did not do an analysis
36 in terms of on average and what proportion of the impacts was used by the sport fishery
37 pre-season.
38

39 Washington Chair Gutzwiler acknowledged Commissioner Gary Douvia.
40

41 Commissioner Douvia referred to Director Anderson's thoughts and discussed two
42 primary policies in his group. One was to give early access to the commercial fishermen
43 to take advantage of market opportunity. The second one was provide a consistency of
44 days on the water for the recreational group. He agreed this was lot of science, but very
45 inaccurate and said the 35% error is almost too much to deal with. He called the model,
46 in his language, more of a scientific wild guess. He said to look at the 5% buffer to
47 ensure they get their 45 days; maybe expand that to 10 or 15. Douvia talked about

1 Washington and Oregon's economic conditions and what the recreational industry is
2 facing, and why it is a critical decision to ensure that they get days on the water in order
3 to help cover and recoup, bring in revenue for the states and keep people working. He
4 believes the 5% buffer needs to be tweaked, which doesn't mean the Commissions are
5 changing allocation between the two groups. It just means it will help us achieve our
6 policy if we need to. He has more faith in the biologists getting daily updates of the fish
7 season and said to let it be their decision and have the discretion to keep those people
8 on the water. We can do that without hitting the conservation problems.

9
10 Chair Rae said the same is true for the commercial side. Of importance in these
11 economic times, is to keep as many fishing as possible, in both industries. She noted
12 the unfortunate timing for asking for an appropriation for the independent analysis of the
13 economic benefits of both fisheries and related industries. Although state and agency
14 economists are available, a non-biased independent economic firm will be used.

15
16 Chair Rae asked for further comments. Hearing none, she asked staff to report on how
17 CRFWG would contemplate and manage a five-year agreement with a three-year
18 automatic review and annual staff reports in the meantime.

19
20 Norman said they envision a five-year period of management with a formal three-year
21 review, focused on whether the assumptions used to make these decisions held out for
22 three years. Staff would provide annual reports on how the fishery performed in terms of
23 the management objectives. He said if some substantial change was needed, the
24 annual review would reflect that and there would be an opportunity to address that
25 before the three-year review.

26
27 Chair Rae asked for a report about any off-ramps and concerns to staff.

28
29 Norman said if there was a significant change in the *U.S. v Oregon* provisions due to
30 discussions with the Tribes, relative to expectations versus what has happened that
31 resulted in any adjustment affecting this decision's objectives that would trigger an
32 automatic review.

33
34 Nigro added that if both the effort and the catch per effort of the Sport Fishery during
35 that period were significantly greater than what staff assumed and had observed that
36 would trigger, at least discussion, about whether to go back and revisit some of the
37 assumptions when the plan was put together.

38
39 Chair Rae acknowledged Commissioner Jon Englund.

40
41 Commissioner Englund said he had an objection about the allocation. He sent a letter to
42 Paul deMorgan on November 23, after receiving Tables 1, 2, and 3 at the final meeting.
43 Englund said the five-year plan is very reasonable, but missing is the million smolts that
44 were going to be moved to the SAFE area. He said it was a win/win plan that got a lot of
45 traction. His biggest objection was dropping of the allocation. He said 57/43 has been
46 the average but dropping down to 65/35 means not 80% for recreation and 20% for
47 commercial, but 85% for recreation and 15% for commercial.

1
2 Chair Rae asked Englund if he was talking about actual fish caught.

3
4 Commissioner Englund said actual fish taken out of the harvest; dead fish. This is not
5 conservation, this is allocation. We are under the 2% that protects us from conservation.
6 As we move into that, then we pick up the Willamette matrix schedule, and that shoves
7 it down to 70/30, which is 90% recreation/10% commercial. If you add the new buffer of
8 35%, you're awfully close to half a day or a whole day of fishing depending on when you
9 put them in the river. Englund also said 1 million smolts were going to be moved down
10 the river over five years, but there is no money for that and nothing has been done.
11 Then you go back and say, while you wait we're going to take 5% off your allocation, or
12 in some cases, 10%. He said that was not very good business. Englund suggested a
13 57/43 allocation to allow the commercial people the opportunity to harvest as normal,
14 and at five years, look at the allocation. Englund said the Oregon Statutes tell the
15 Commission to be fair and equitable, but 90/10 or 85/15 is not fair and equitable.

16
17 Commissioner Englund referred to the Tribes' letter and expressed concern whether the
18 Tribes were treated fairly through the allocation process. He said the Tribes need 50/50
19 and the Commission should protect them in their matrix of 57/43, and the buffer should
20 be split fairly; otherwise, the Commission is opening themselves up to *US v Oregon*
21 again. The more the Tribes are involved below the Bonneville Dam; he doesn't think
22 that's an issue that we should allow. Englund said he agreed with putting people on the
23 water; but not having 80% of the fish harvest and not allowed to work it over 45 days.

24
25 Chair Rae asked Steve Williams to discuss moving the fish, and the transition from the
26 near-term phase to the long-term phase.

27
28 Williams said staff had begun exploring this and anticipated it would be possible to
29 move some portion of those fish early next year with existing facilities, if the guidance is
30 to do that. He said there will be a need for some staff resources, but if the priority was
31 provided the agency would find those resources and make that happen.

32
33 Chair Rae asked Guy Norman when Washington might start moving some production,
34 since this was a bi-state process. She agreed Commissioner Englund was right about
35 being mindful of our Tribal co-managers and the Treaty Tribes in *U.S. v Oregon* as well.

36
37 Norman talked about the potential for a Washington contribution in transferring spring
38 Chinook production into SAFE areas and said their Spring Chinook production is largely
39 from the Lewis and Cowlitz facilities, which are FERC facilities under mitigation license
40 requirements. He said Spring Chinook are raised in the Kalama at a Mitchell Act facility.
41 At this time there were very little viable options for increasing Spring Chinook on the
42 Washington side of the river. The Deep River is not a good option given the track
43 record of that fishery. He said immediate options would be the existing sites on the
44 Oregon side of the river. But, they have not explored the possibility for being able to use
45 fish in the near-term but would commit to exploring what those options might be in the
46 future.

1 Chair Rae said okay and acknowledged Oregon Commissioner Edge.

2
3 Commissioner Edge asked if Summer Chinook in the Washington harvest framework
4 was analogous to Oregon's Willamette plan and why it had Washington dominance.

5
6 Norman said it was close to the Willamette Plan, although it had two components. He
7 discussed the non-Indian Sport Fishery opportunity, and the order of understanding with
8 the Colville Indian Tribe.

9
10 Chair Rae noted the complexity of this issue and the task given to both Commissions
11 versus their state legislatures. She acknowledged Oregon Commissioner Zane Smith.

12
13 Commissioner Smith referred back to the issue of guides and said he hoped staff was
14 teeing that up for the future because Oregon has no regulation and there's unlimited
15 numbers. He has a hard time finding relative reliability in calculating the by-catch of
16 release for sports by dockside interviews and for commercial fisheries by monitoring.

17
18 Melcher responded that commercial monitoring and estimates of by-catch are all done
19 with both Washington and Oregon agency staff out on vessels randomly, on a relatively
20 small proportion of those vessels. The by-catch estimates are made by expanding the
21 ratio of observed by-catch on the water to the landed catch. He said for recreational
22 fisheries the estimates of by-catch are made based on dockside interviews, which
23 means staff relies on anglers to accurately report what they've caught and released and
24 what they've landed. Melcher added that ODFW has no proposed legislation but other
25 non-agency folks are looking at a legislative agenda relative to guides.

26
27 Chair Rae said she appreciated Commissioner Smith's concerns and that she read
28 Interim Director Phil Anderson's letter related to how it's handled in Washington. She
29 said many bases would need to be touched if a legislative change were initiated by
30 ODFW, which hasn't happened. The Commission is available to answer questions for
31 legislators who have an interest in a particular issue. She noted that the guide industry
32 is a user group to be mindful of. She asked staff to comment on sturgeon.

33
34 Melcher said Oregon's current three-year Sturgeon Management Accord expires in
35 December 2008. Staff is reviewing the population estimates and other fishery
36 information, and will recommend to the Oregon and Washington Commissions that they
37 roll over the existing agreement for one more year, as staff continues to look at the
38 biology and population stock status.

39
40 Chair Rae asked for an update on the conservation plan.

41
42 Nigro said the target completion date is late 2009 for the conservation planning under
43 the Native Fish Conservation Policy. Oregon staff hopes that Washington has initiated
44 their statewide sturgeon management planning, because combining the two would set
45 the conservation framework and basis for a more informed fisheries management
46 agreement between the states going forward.

1 Washington Chair Gutzwiler acknowledged Washington Commissioner Conrad
2 Mahnken.

3
4 Commissioner Mahnken said he heard rumors about by-catch in the commercial
5 sturgeon fishery and asks if there is some significant by-catch of Chinook in the
6 sturgeon fishery.

7
8 Norman said staff uses mesh size as a regulator of by-catch in the sturgeon fisheries. If
9 the sturgeon fishery is corresponding with the Chinook target fishery as well, the mesh
10 size is set so that they can catch both Chinook and sturgeon. But, if it's a sturgeon only
11 target fishery, then there's a large mesh used in order to minimize that incidental impact
12 of Chinook.

13
14 Commissioner Mahnken asks if there is significant by-catch in either option.

15
16 Norman said in the large mesh there is not; mesh over nine-inches is targeted
17 specifically on sturgeon. If you have eight-inch mesh, then you can have Chinook
18 intercepted but typically the eight-inch mesh is not allowed unless there is Chinook to be
19 harvested. However, in terms of steelhead and other species no. He said if we have
20 Coho fisheries that include sturgeon catch, then that particular gear would have the
21 ability to intercept more steelhead. But, those Coho fisheries are designed during the
22 timeframe when the steelhead is largely not present.

23
24 Washington Chair Gutzwiler acknowledged Washington Commissioner George Orr.

25
26 Commissioner Orr noted the economy and said Washington is hurting. He quoted
27 President Lincoln who said, "They will not long remember who was here or what we
28 said, but what they did." Orr said the staff of both the states had tremendous loyalty to
29 this issue and would carry this out even though the Commissions would change.

30
31 Chair Rae thanked Commissioner Orr for his comments and noted that the Columbia
32 River is not the only issue both Commissions work together on. She welcomed Phil
33 Anderson in his new assignment and said he was no stranger to Oregon. She asked
34 Commissioner Smith to talk about a non-Columbia River fish matter.

35
36 Commissioner Smith said he is impressed with the interaction of the Oregon and
37 Washington staff working together. He introduced the Blue Mountain Elk Initiative, an
38 idea for both Commissions to address in the future. He said staff suggested to him, a
39 special Blue Mountain Elk auction tag, one for each state. Their expectation is that it
40 would be very popular.

41
42 Chair Rae acknowledged Interim Director Phil Anderson.

43
44 Director Anderson noted his 25-year relationship with ODFW and said he looks forward
45 to working with staff and the Oregon Commission. He referred to Commissioner Smith's
46 suggestion about the Blue Mountain Elk Initiative and promised to take it back to
47 Washington for discussion. He noted that both Commissions would be taking up the

1 Columbia River Chinook issue over the next two days and asked that Washington be
2 notified of Oregon's decision. He asked what the next steps will be if the Commission's
3 two decisions are not consistent with each other.

4
5 Chair Rae responded that Anderson will hear immediately from whoever Director Elicker
6 designates to contact him about the direction the Oregon Commission provides to the
7 Director. She reminded everyone that it's simply direction in order to give Director
8 Elicker some flexibility to work with Washington. She said if the Commission's actions
9 are far apart and would result in non-concurrent regulations, the Commissions will figure
10 out appropriately how to work it out one way or another.

11
12 Washington Chair Gutzwiler acknowledged staff's hard work to provide the materials
13 presented, and expressed appreciation to Washington Commissioners Douvia and
14 Mahnken and the Oregon Commissioners who sat on the CRFWG. He said the
15 Commissions are never going to make everybody happy given the circumstances and
16 limited resources and the population that's interested in using it. He talked about
17 getting back together and laying out the plan and how it is going to proceed. He said the
18 framework allows everyone to gain experience, learn more and develop a database of
19 information to assist staff in doing this better in the future.

20
21 Chair Rae expressed both Commissions' gratification to Steve Williams, Tony Nigro,
22 Guy Norman and Curt Melcher and their team. She said the Oregon Commission
23 looked forward to hearing the public comments tomorrow here in Oregon, and certainly
24 Saturday in Washington. She said both Commissions will get back together as needed;
25 and sooner rather than later on other matters. She confirmed with Chair Gutzwiler that
26 he is hosting their next joint Commission meeting.

27
28 Washington Chair Gutzwiler said she was right.

29
30 **ADJOURN**

31
32 Chair Marla Rae adjourned the meeting at 3:20 p.m.