



# 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 82<sup>nd</sup> Avenue  
Portland, OR 97220

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

*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:

Marla Rae, Chair	Roy Elicker, Director
Dan Edge, Vice-Chair	Curt Melcher, Deputy Director
Jon Englund, Commissioner	Tom Ruddiman, Deputy Director
Skip Klarquist, Commissioner	Bill Cook, Assistant Attorney General
Carter Kerns, Commissioner	Steve Sanders, Assistant Attorney General
Bobby Levy, Commissioner	Teri Kucera, Executive Assistant
Zane Smith, Commissioner	

Chair Marla Rae opened the Friday, December 12, 2008 Oregon Department of Fish and Wildlife (ODFW) Commission at 8:00 a.m.

## **DIRECTOR'S REPORT**

### Field Reports

Director Elicker welcomed everyone to the Commission meeting and asked Craig Ely and Chip Dale to give their reports.

### Northeast Region

Craig Ely, Region Manager, reported that the deer and elk fall hunting seasons are wrapping up this month. He said waterfowl hunting has been slow. Ely also said the Payette National Forest issued for public comment, a supplemental draft environmental impact statement to amend its Forest Plan for the protection of Bighorn Sheep. He participates on the Interdisciplinary Team. ODFW is in the process of putting together some recommendations on this matter.

Commissioner Smith apologized that he sent incorrect information to the Capital Press on the Bighorn Sheep grazing issue. It reported 12,000 head of sheep instead of 1,200. He said they never mentioned the offer of three allotments to make up for that 1,200.

### High Desert Region

Chip Dale, Region Manager, said most of the region saw variable conditions for elk season hunting. He said his new district biologist in Ontario, Oregon discovered a small population of free ranging feral swine in the Vale area. Nobody has admitted to bringing these swine to the area. Wildlife Services has set up eradication efforts. Dale said an

1 80-acre parcel called the Roger's Access Area was purchased in the Malheur District to  
2 provide wildlife viewing and hunting opportunities to the public. He also said at the  
3 Commission's February meeting, Suzanne Knapp from the Governor's Office will give  
4 an update on the progress with the Klamath Restoration Agreement  
5

#### 6 Northwest Region

7 Chris Wheaton, Region Manager, said the North Coast Salmon Rendezvous hosted by  
8 local fishing guides and volunteers raised over \$75,000 for the North Coast Salmon and  
9 Steelhead Enhancement Fund. He said the first coastal rifle bull season was slow, but  
10 the second season was better. ODFW biologists are seeking ways to encourage  
11 Western Meadowlarks to fly higher because they're being hit by cars. He said daily  
12 Jewel Elk Viewing Tours are scheduled December 2 - March 1, 2009. Wheaton said the  
13 Commission will meet in Astoria February 19-20 and will tour fisheries, hatcheries and  
14 processing facilities. Commissioner Englund will host the Commission on several of  
15 those stops. Chair Rae said it will be important for the Commission to see a safety  
16 equipment demonstration during the tour.  
17

18 Commissioner Klarquist asked if Wheaton had noticed any additional interest on the  
19 part of the crab boating community in safety awareness. Wheaton said anything ODFW  
20 can do to encourage safety participation will help. Chair Rae said the Commission  
21 discussed having a Coast Guard representative join them for the safety presentation on  
22 February 19. Wheaton said he will try to arrange it.  
23

#### 24 Southwest Region

25 Steve Denney, Region Manager, reported on staff trapping and relocating wildlife. He  
26 said ODFW entered into an agreement to capture and mark brown trout at Lemolo Lake  
27 to determine causes of blue-green algae and find solutions to the problem. He said an  
28 Oregon State Marine Board meeting was held in Medford and North Bend to discuss  
29 boat motor ban issues with private landowners on the South Fork Coquille River.  
30

#### 31 Information and Education

32 Roger Fuhrman, Administrator, said I&E launched another new website service called  
33 "Really Simple Syndication" that allows users to stay up-to-date on new information. He  
34 said staff is working on a new look for the agency's website and updating it to provide  
35 information on commercial and sports fishing on the Columbia River. Fuhrman said  
36 staff gave an update on the Mentored Youth Hunter Program before the House  
37 Agriculture and Natural Resources Committee.  
38

#### 39 Oregon Conservation Strategy

40 Holly Michael, Conservation Strategy Leader, said ODFW is incorporating research  
41 from the last three years and work of the Fish, Wildlife and Habitats Subcommittee in to  
42 the Conservation Strategy to address alternative energy and climate change. Michael  
43 recommended that the Commission check out the conservation strategy section of the  
44 website. She thanked the Northwest Region staff for their work on the issue with the  
45 City of Portland and Metro Regional Government.  
46

1 Chair Rae said Commissioner Bobby Levy recently met with the Oregon Water  
2 Congress on this issue at their annual meeting in Hood River. Chair Rae distributed a  
3 brochure, "*the OREGON CONSERVATION STRATEGY in action*", and said it was  
4 intended to educate legislators on ODFW's conservation strategies. She also  
5 acknowledged the work of Warren Aney from the Wildlife Society.

6  
7 *Marine Resources Program*

8 Kelly Ames, Groundfish Management and Developmental Fisheries Program Leader,  
9 discussed a partnership with the Recreational Fishing Alliance. She passed to the  
10 Commission for inspection, a special hook and line gear to access underutilized  
11 yellowtail rockfish seaward of the Oregon 40-fathom recreational management line to  
12 minimize by-catch of overfished species. She said Humboldt squid commonly found  
13 from the coast of Peru through the Gulf of California have washed up on the shore.

14  
15 *Oregon State Police, Fish & wildlife Division*

16 Captain Walt Markee said two state troopers recently stopped an out-of-state hunter for  
17 the illegal taking of game. They traced the illegal hunting to a ranch in Christmas Valley,  
18 where they found evidence of four other deer kills. The rifles of all parties involved were  
19 seized. He talked about the 2008 Oregon State University Fish and Wildlife Class that  
20 concluded with a field trip to the E.E. Wilson Wildlife Area. Markee commented on clam  
21 bed thefts near Coos Bay and said over 200 crab pots have been recovered.

22  
23 **Expenditure Report**

24 Tom Ruddiman, Deputy Director of Administration, gave an update on the October 2008  
25 financial statement. Overall fishing license revenue is down 1.5% from 2007, and about  
26 3% above projections. He said expenditures are in line with the budget. In response to  
27 the Governor's Recommended Budget (GRB), some staffing positions have been  
28 eliminated. Ruddiman said the Legislative Fiscal Office has asked ODFW for another  
29 10% list of reductions in General Funds and 5% in Lottery Funds in the agency's 2009-  
30 11 budget. He said about 10 permanent full-time positions will be eliminated, as well as  
31 50-60 seasonal positions. There has been a hiring freeze. Human Resources and  
32 managers are working with those employees to give them opportunities to remain  
33 employed with ODFW.

34  
35 He also said as of December 2008, state government revenue was \$140 million down.  
36 The Governor enacted a straight across-the-board 1.1% reduction for the current 2007-  
37 09 biennium. Those cuts have been identified, some through savings and not  
38 implementing new programs. No permanent, full-time employees will be affected at this  
39 time. He said Internet sales went live on November 19. About 1,375 documents have  
40 been sold for \$17,000.

41  
42 Chair Rae said the Governor's Recommended Budget is more a "reality" budget. She  
43 said ODFW is an Executive Branch agency, with no real authority to request money  
44 back. She said ODFW will go along with the GRB and work hard to provide information  
45 to legislators as they request it. She anticipates the 2009 Legislative Session will be  
46 very sobering due to finite resources and lots of need.

1 **Adopt Temporary Rules**

2 Director Elicker requested the Commission ratify the following three temporary rules.  
3 The three temporary rules were previously adopted by the Director under his  
4 emergency action authority.

5  
6 **635-005-0055**

7 **Commercial Fishing Vessels Allowed to Retrieve Derelict Ocean Dungeness Crab**  
8 **Gear in season**

9 Adopted November 24, 2008; effective December 1, 2008 through May 29, 2009.

10 Amended rule specifies conditions under which commercial fishermen are allowed to  
11 retrieve derelict commercial ocean Dungeness crab fishing gear and transport it to  
12 shore. Commercial fishermen may retrieve up to six Dungeness crab pots not belonging  
13 to their vessel each fishing trip provided the pots are un-baited, no crab from these pots  
14 is retained, and they document the activity in their logbook.

15  
16 **635-004-0019**

17 **In season Actions Implemented by the Federal Government for Commercial**  
18 **Groundfish Fisheries**

19 Adopted December 1, 2008; effective December 4, 2008 through December 31, 2008.

20 Amended rule adopts in-season adjustments to the Pacific Coast Groundfish Fishery  
21 regulations implemented by the federal government as noticed by means of Federal  
22 Register/Vol. 73, No. 231/Monday, December 1, 2008; and National Marine Fisheries  
23 Service, Public Notice, NMFS-SEA-8-07, Dated December 1, 2008. In-season actions  
24 by the federal government for commercial groundfish fisheries include changes to  
25 limited entry trawl petrale sole trip limits.

26  
27 **635-010-0170**

28 **Shipping and Handling Fees for Mail-Order and Fax Sales of Big Game Raffle**  
29 **Tickets**

30 Adopted December 9, 2008; effective December 9, 2008 through June 6, 2009.

31 Amended rule exempts Big Game Raffle tickets purchased by mail-order or fax from a  
32 shipping and handling fee. In October 2008 the Fish and Wildlife Commission adopted  
33 rules implementing a fee for shipping and handling for all licenses, tags or documents  
34 available by mail-order or fax. This rule was adopted after the Oregon Big Game  
35 Regulations were published. The rule change was not anticipated prior to publication of  
36 the regulations, resulting in the shipping and handling fee not being specified in the  
37 regulations, or on the raffle ticket order form.

38  
39 *Action: Commissioner Jon Englund moved to ratify the three temporary rules.*  
40 *Commissioner Bobby Levy seconded the motion. The motion passed*  
41 *unanimously.*

42  
43 **PUBLIC FORUM.** Chair Rae said there were no public comments.

44  
45 **Exhibit A: COMMISSION MINUTES**

46 Commissioner Edge referred to page 13, paragraph 2 change "me" to "be". On page 15,  
47 line 3, the word "sampled" should read "samples".

48  
49 *Action: Commissioner Dan Edge moved to approve the November 14, 2008*  
50 *minutes as corrected. Commissioner Zane Smith seconded the motion. Motion*  
51 *passed unanimously.*

1 **Exhibit B: ACCESS AND HABITAT PROGRAM PROJECTS**

2 Matthew Keenan, Program Coordinator, introduced Access and Habitat (A&H) Board  
3 Chair Tally Patton, and Landowner Representative Ron Borisch. During a slide show,  
4 Keenan discussed two habitat renewal projects: 1) the Blue Mountain Elk Initiative; and  
5 the Rogue Meadows Enhancement (RME) project. He said staff recommended  
6 adoption of both projects as recommended by the A&H Board.  
7

8 Commissioner Zane Smith said he disagreed with the Blue Mountains Elk Initiative. He  
9 proposed a reinstatement of the \$100,000 in A&H funds to allow the priorities to fall out  
10 on their own.

11  
12 Tally Patton said the Board placed a high priority on the Blue Mountain Elk issue. Over  
13 the past year, they attempted to match the Board's intent with available funds. She  
14 explained A&H does not have a lot of money to fund its projects, so they look at each  
15 project and decide how to best utilize the money. Ron Borisch agreed with Patton.  
16

17 Chair Rae supported reinstating the original request of \$100,000, and Commissioner  
18 Edge agreed. Commissioner Englund agreed with Commissioner Smith's proposal.  
19

20 Chair Rae asked for a motion, which Commissioner Smith had modified.  
21

22 *Action: Commissioner Smith moved to approve the recommendations of the*  
23 *Access and Habitat Board for projects 200814 and 200815, as modified to match*  
24 *the original submission by the RME Coordinator, that is, \$100,000.*  
25 *Commissioner Kerns seconded the motion. The motion passed unanimously.*  
26

27 Chair Rae thanked Board Chair Patton and Ron Borisch for their service on the board.  
28

29 **Exhibit C: ACCESS AND HABITAT BOARD APPOINTMENTS**

30 Matthew Keenan, A&H Program Coordinator, said Board Chair Tally Patton and Hunter  
31 Representative Reinard Okeson will be vacating their positions December 31, 2008. He  
32 explained the board chair application process and noted the three applicants: Robert  
33 Jaeger, Steve McClelland, and James Morrell. The Board recommended the  
34 Commission appoint one applicant as Chair of the A&H Board.  
35

36 Chair Rae recommended the Commission appoint current board member Steve  
37 McClelland as the Board Chair. She said this will give the opportunity to make two new  
38 appointments to the board now. Counsel has confirmed they can do this without having  
39 to reopen the process and delay a decision for another month.  
40

41 Commissioner Smith agreed, and said McClelland has an extraordinary amount of  
42 experience. Commissioner Edge concurred.  
43

44 *Action: Chair Rae moved to appoint Steve McClelland to the position of Chair of*  
45 *the Access and Habitat Board. Commissioner Edge seconded the motion.*  
46 *Motion passed unanimously.*  
47

1 Keenan recommended that the Commission appoint two new vacancies on the board.  
2 He explained the Hunter Representative application process, and presented the five  
3 top-ranking applicants to the Commission.  
4

5 Chair Rae said the Commission has reviewed the applications. She recommended that  
6 the Commission appoint Jim Morrell and Thomas Alkire.  
7

8 *Action: Chair Rae moved to appoint Jim Morrell and Thomas Alkire to the*  
9 *positions of Hunter Representatives on the Access and Habitat Board.*  
10 *Commissioner Smith seconded the motion. The motion passed unanimously.*  
11

## 12 **Exhibit D: PROPOSE DRAWING PROCESS FOR PEREGRINE FALCON CAPTURE** 13 **PERMITS**

14 Martin Nugent, Wildlife Diversity Program Manager, said his request establishes the  
15 permitted take of falcon young for 2009 for falconry purposes; and amends the rules to  
16 allow a method of allocations for permits. The recommendation for the 2009 season is  
17 for seven nestlings or fledglings to be taken, and to move the date that applications  
18 have to be received from April 1 to March 1; permitting via lottery draw; permittee must  
19 be present while the nestling is being removed.  
20

21 Chair Rae noted for the record the addition of new *Supplemental Draft OAR 635*  
22 *Division 055.*  
23

24 *Action: Commissioner Edge moved to amend the falconry rules, OAR 635*  
25 *Division 055, as outlined in the supplemental material, and authorize the take of*  
26 *seven peregrine falcons for falconry purposes. Chair Rae: In addition to that*  
27 *supplemental information, note also the lottery process. And in our packets that*  
28 *were prepared ahead of time, that motion would include a lottery Administrative*  
29 *change. Commissioner Smith seconded the motion as amended. Motion passed*  
30 *unanimously.*  
31

32 The Commission took a break at 10:00 a.m., and reconvened at 10:12 a.m.  
33

## 34 **EXHIBIT E: MANAGEMENT OF SPRING AND SUMMER CHINOOK AND WHITE** 35 **STURGEON FISHERIES IN THE MAINSTEM COLUMBIA RIVER**

36 Chair Rae said the day before staff gave a very detailed presentation to both the  
37 Oregon and Washington Fish and Wildlife Commissions. She said today staff would hit  
38 the highlights of their report yesterday for the benefit of the public and the Commission.  
39

40 ***Commissioner Jon Englund proclaimed a potential conflict of interest as his***  
41 ***company sells equipment to both recreational and commercial fishermen.***  
42

43 Chair Rae noted Commissioner Englund's potential conflict of interest for the record.  
44 She said it did not prevent him from participating in the discussion or eliminate him from  
45 the voting.  
46

1 **Commissioner Dan Edge also declared a potential conflict of interest, as some of**  
2 **the groups providing information today provide scholarships to the students in**  
3 **their program at Oregon State University (OSU).**

4  
5 Chair Rae noted for the record Commissioner Edge's potential conflict of interest which  
6 didn't prohibit him from participating or voting.

7  
8 Stephen Williams, Assistant Administrator for Fish Division, introduced Tony Nigro,  
9 Ocean Salmon & Columbia River Program Manager, and John North, Columbia Rivers  
10 Fisheries Manager.

### 11 **Spring Chinook Fisheries Management**

12  
13  
14 Tony Nigro talked about management challenges the Columbia River Fishing Work  
15 Group (CRFWG) faced. He said under the biological opinion issued for the *U.S. v.*  
16 *Oregon* Management Agreement, incidental mortality of listed upriver spring chinook  
17 can be no more than 0.5% to 2.7% depending on run size. He said staff's management  
18 of spring chinook in recent years has been guided by a series of two-year agreements  
19 between Washington and Oregon. Under these agreements, the sports fisheries share  
20 the ESA impacts. Nigro said given the ESA limitations, it is challenging to manage both  
21 fisheries in ways that provide some predictability in when, where and for how long the  
22 fisheries occur. He discussed the public process by the different groups, which led to  
23 CRFWG's development of two fisheries recommendations for consideration by the  
24 Oregon and Washington Commissions: Near Term and Long Term.

#### 25 26 **Near Term is a five year period between 2009 and 2013 with periodic reviews.**

27  
28 For Near Term Sport Fisheries, Nigro discussed these objectives:

- 29 • Provide at least 45-days of fishing in March and/or April below Bonneville Dam, prior  
30 to the run size update; and  
31 • Provide fishing through May, after the run size update if impacts are available. For  
32 the area upstream from Bonneville Dam minimize the impact of emergency closures.

33  
34 For Near Term Commercial Fisheries, he discussed the following objectives:

- 35 • In the Select Areas, provide harvest at levels comparable to recent years; and  
36 • For main stem fisheries, as with the sports fishery downstream from Bonneville  
37 Dam, for the period prior to the run size update, provide fishing opportunity in March  
38 and/or April for main stem commercial fishing. After the run size update the objective  
39 would be to maximize harvest in May.

40  
41 **Risk Management – the Buffer.** Nigro said CRFWG recommends the following:

- 42  
43 • Set aside approximately 35% of allowable impacts.  
44 • Use a sliding scale to allocate this buffer between sport and commercial fisheries.

1 Nigro said CRFWG recommended the overall share of impacts between both fisheries  
2 be determined using a matrix based on the run size of Upriver Columbia spring chinook  
3 and Willamette spring chinook. He said CRFWG recommended:  
4

- 5 • The sport fisheries allocation of preupdate impacts to be shared 75% to the  
6 downstream fisheries and 25% for the upstream fisheries.
- 7 • Set aside a preupdate 0.15% impacts for use in commercial fisheries in the Select  
8 Areas with the balance made available for commercial fishing in the main-stem.
- 9 • Give staff flexibility to utilize 5% on the sports' share of the buffer to avoid  
10 emergency closures when a fraction more of impacts is needed to achieve the  
11 preupdate objective for the sport fishery downstream from the Bonneville Dam. Also  
12 give staff flexibility to reassign those impacts to the fisheries that could use them.
- 13 • Establish a check-in point at year three to see if objectives are being met.

14  
15 **Long Term defines the period of 2014 through the end of the *U.S. v. Oregon***  
16 **Management Agreement in 2018.**  
17

18 Nigro said CRFWG established a basis for long term conservation and management  
19 planning by recommending fisheries management objectives and strategies with the  
20 intent that these would be further developed in Phase Two of the planning process. He  
21 gave a brief overview of the following recommendations by CRFWG:  
22

23 For Long Term Commercial Fisheries:

- 24 • Harvest levels in the Select Areas for commercial fisheries to be about twice the  
25 current average and main stem fishing in March and/or April; and if impacts remain,  
26 in May.

27  
28 For Long Term Risk Management:

- 29 • Improvement in forecasting methods, which could result in a smaller buffer.

30  
31 For Long Term general and specific strategies for both fisheries:

- 32 • Continuing leadership and improving overall life cycle survival of spring Chinook;
- 33 • Continuing objective-based management of spring Chinook;
- 34 • Enhancing monitoring and improve run forecasting;
- 35 • Adequately funding fishery management programs;
- 36 • Managing fisheries based on conservative assumptions; and
- 37 • Further exploring and developing selective fishing techniques.

38  
39 For Long Term Sport Fisheries:

- 40 • Stabilize sport fishing seasons;
- 41 • Providing opportunity throughout the Lower Columbia River; and;
- 42 • Using days per week and other management tools to achieve the objectives.

43  
44 For Long Term Commercial fisheries:

- 45 • Provide at least 0.2% impacts for Select Area fisheries;



- 1 • Expand those Select Area fisheries by increasing smolt releases by a million fish;
- 2 and
- 3 • Increase main-stem fishing opportunity in the long run as run sizes increase.

4  
5 Nigro said these recommendations relate to the *U.S. v Oregon* Management Agreement  
6 in two significant ways. The harvest matrix in the agreement is used to determine the  
7 amount of available impacts to non-treaty fisheries. The agreement calls for a formal  
8 review after year five relative to catch-balancing, but any party can request a review  
9 before then. Nigro said the Commission may consider the consistency with the  
10 agreement as a criterion used to evaluate their proposal at the three year check-in or  
11 before then, if the need is identified based on adjustments to the agreement.

12  
13 Regarding Summer Chinook, Nigro said CRFWG recommended:

- 14 • Maintain the status quo relative to allocating the non-treaty harvest downstream from  
15 Priest Rapids Dam; and that status quo, being the available harvest is to be shared  
16 equally between sport and commercial fisheries; and
- 17 • The fisheries would be constructed consistent with the *U.S. v Oregon* Management  
18 Agreement, and with Washington’s harvest framework in agreement with the Colville  
19 Tribe’s fisheries upstream from Priest Rapids.

20  
21 **Extension of the 2006-08 Sturgeon Management Accord for One Year through**  
22 **2009**

23  
24 Tony Nigro said the current accord sets an annual harvest quota 40,000 fish, which is  
25 divided 80% sport fishing and 20% commercial fishing. The sports share is further  
26 divided: 60% to fisheries downstream from Wauna; and 40% to fisheries upstream from  
27 Wauna. He said staff requests that the current accord be extended for one year to give  
28 staff an additional year of population assessments to factor into their conservation and  
29 management planning. Washington is also in the middle of developing a statewide  
30 management plan for sturgeon. Both of these planning efforts are scheduled for  
31 completion in late 2009, and will provide the framework that staff needs for future  
32 fisheries planning. He said in 2009, as dictated under the accord, staff will roll over any  
33 deficits or surpluses in harvest from the last three years into this fourth year.

34  
35 Chair Rae asked if the Commission had any questions. Hearing none, she moved to  
36 public comments. She noted that yesterday both the Oregon and Washington  
37 Commissions received a copy of the Columbia Inter-Tribal Fish Commission’s letter.

38  
39 **Public Testimony**

40

Joseph Oatman Nez Perce Tribes	Joseph Oatman, a Nez Perce Tribal member and Deputy Program Manager for the Nez Perce Tribes Department of Fisheries Resource Management, has served serve nine years on the Tribes’ Fish and Wildlife Commission. He spoke on behalf of the Yakima, Umatilla, Warm Springs and Nez Perce Tribes. He referred to the Tribes letter dated November 20, 2008 to the Directors of ODFW and WDFW about the impacts of the current
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	<p>proposed sport/commercial allocation decisions on the <i>U.S. v Oregon</i> Management Agreement. He said the Tribes entered into <i>U.S. v Oregon</i> with the understanding that the Non-Treaty Main Stem Spring Chinook Fisheries would not catch more Spring Chinook than is allowed for the Tribal Fishery; however, another significant imbalance occurred in 2008. He said by allocating more fish to the sport fishery without constraints on the total number of fish harvested, the Non-Treaty Main Stem fishery will harvest significantly more spring chinook than is allowed for the Treaty Fishery in 2009 and beyond.</p> <p>Oatman said if the states continue to proceed with fisheries that are contrary to <i>U.S. v Oregon</i>, the Tribes may be forced to seek relief from the court consistent with their understanding of the agreement's intent, and possibly seek an amendment that would resolve harvest sharing imbalances by significantly reducing non-tribal harvest.</p> <p>Oatman also said with the upcoming proposals for marked selective Summer season sport fisheries and marked selective ocean and in river fall chinook sport fisheries, the Tribes are concerned about the potential impacts on the Tribes' ability to harvest 50% of the harvestable summer and fall Chinook. He said if the states' actions diminish the commercial fishery processing and distribution infrastructure, it will have a negative affect on the Tribes' fisheries and economy.</p> <p>He said the Tribes support the increased buffers proposed in the Spring allocation framework. They don't believe it is appropriate to manage fisheries prior to May, and are uncertain that the proposed buffers will be enough, but they appear to be a meaningful step in conservative management, as well as, helpful in insuring more fish reach Bonneville Dam early in the season.</p>
<p>Stuart Ellis Nez Pierce Tribes</p>	<p>Stuart Ellis said he was there to support and answer any questions from the Commission.</p> <p>Chair Rae said the Commission appreciates very much working with the Treaty Tribes on the Columbia River issue. It is the Commission's hope and expectation that that relationship will continue to be strong. She said there are all kinds of avenues that are available and that the Commission is sensitive and mindful; but, also recognizes the complexities of co-management responsibilities.</p>
<p>Deborah McQueen Scappoose, OR</p>	<p>Deborah McQueen, Executive Director for the Oregon Marine Trade Association, said the boating industry in Oregon is suffering</p>

	<p>because boat dealerships, marine service providers, and small mom and pop tackle shops are closing. She said 70% of boats sold in Oregon are sold for fishing. Without an appropriate opportunity, 1-2 days a week, that isn't enough opportunity to convince families to invest in this recreation. She asked the Commission to help save the marine industry in Oregon, who relies on that Spring fishery.</p>
<p>Darren Crookshanks Longview, WA</p>	<p>Darren Crookshanks, a commercial fisherman, is President of the Columbia River Fishermens Protective Union (CRFPU). He belongs to the Puget Sound Harvesters, Fish Alaska - Puget Sound, and has a marine repair shop. He supports the impact split for Spring Chinook at 50/50. Crookshanks thinks the buffer should be proportionate to how much each group gets. He favors getting an ample number of early fish to Tribal fishermen for their ceremonial needs. He said the matrix is too complicated and the split ratio should be made, no matter what the run sizes are. He doesn't want to get stuck in Youngs Bay, which is only big enough for 50 boats. He pays \$1,200 per year for an Oregon commercial fishing license, but guide licenses are only \$50. Since it is a commercial entity, it should be fairly distributed.</p>
<p>Marty Kuller Skamakway, WA</p>	<p>Marty Kuller, a commercial fisherman, also tests fish. He said sport groups want opportunity for their fishery. He asked the Commission to consider an annual bag limit, for instance 5 or whatever the number may be. If we got them down to where they weren't harvesting vast amounts of fish, it would spread the fish out for a larger number of people for a longer period of time. He said everyone is having economic problems. Fishing is the economic engine that drives the community where he lives.</p>
<p>John McKinley Skamakaway, WA</p>	<p>John McKinley, a non-resident, possesses an Oregon commercial gill net license that he pays \$1,250 a year to renew. He said it takes years to build up these markets for these fish. He loves to sport fish, and wants to see the day when commercial sport groups, tribes, and everybody works together to cure some of these problems. He supports a 50/50 impact sharing and a proportionate share on the buffer for each fishery.</p>
<p>Barney Currigan Portland, OR</p>	<p>Barney Currigan, a third generation sport fisher, advocated for a full sport fishing season through the month of April. He said very few salmon are caught by sport fishers in March. He referred to staff's handout regarding managing fish in a conservation manner. He thinks you cannot get a more conservation minded plan than Safe for Salmon, which takes care of the nonfishing public, sport fishers, and the commercial fishermen (especially when you add the tribes' commercial fishing). He'd like to see those Spring</p>

	Chinook in the stores.
John Raichl Astoria, OR	<p>John Raichl, a Clatsop County Commissioner, distributed a copy of the Board of County Commissioners' <i>Resolution and Order</i> dated December 11, 2008, which opposes the plan recommended by CRFWG and asks the Commission to reject the proposal. He said although both the commercial and recreational fisheries are a long-established culture in Clatsop County, his Commission is concerned with what they saw as an imbalance of the quota system of the reallocation.</p> <p>Chair Rae said the <i>Resolution and Order</i> will remain in the public record. She asked who provided the number in the statement, "the commercial gillnetters generate \$2 million or more annually in direct and indirect economic benefit to Clatsop County." Raichl said it was provided by the processors. Chair Rae said the Commission is still interested in having an independent economic analysis done of all the fisheries in the Columbia.</p>
Jim Hogan Clatskanie, OR	<p>Jim Hogan, a commercial fisherman, testified as a member of the Columbia River Fishermen's Protective Union. He is opposed to the harvest plan, particularly pertaining to the Spring salmon. He believes it is illegal and violates ORS 506-109, the Food Fish Management Policy. He said the goal in the law of permitting an optimum and equitable utilization of food fish, by the sport and commercial fisheries, is where the plan fails. He asked the Commission to ask, "Does this harvest plan treat the sport and commercial fisher groups equally, equitably, and comply with the law?" He submitted that the answers are, "no" and "no."</p>
Nathan Rogol Hillsboro, OR	<p>Nathan Rogol, a concerned citizen and fisherman, doesn't think the plan is equitable. Sport fishing is not to be treated as the preferred activity while the commercial activities are left to disappear. He said commercial fishers, since 2000, have gotten about 16% of the harvest while sports fishers have gotten over 80%. The sturgeon resource is upside down; it is managed for sport harvest. He wants to break the myth that the sport fishery is a clean fishery. It has been studied and observed, and he believes the sports mortality rates are low and biased in their favor. He said they need serious study, and not just by questions at the boat ramp. He asked the Commission to viably maintain main stem Columbia gill net fishery. He supports Select Areas, but don't diminish the commercial fishermen in the Columbia River.</p>
Jim Wells Astoria, OR	<p>Jim Wells, a fisherman and Salmon for All president, said he objects to four retired recreational fishermen seeking additional sport fishing time, putting together a master plan, and selling it as</p>

	<p>a win-win for everybody, without consulting the commercial industry for any input. The commercial fishermen need the opportunity to work and earn a living; this plan is not any thing they could ever consider to be fair and equitable. He asked the Commission to land on a fair split, at least 57/43. He also asked for a fair buffer proportionate to each side's allocation, and to establish the three to five year timeframe.</p>
<p>Chris Doumit Cathleen, WA</p>	<p>Chris Doumit, Doumit Fish Co. and Bristol Pacific Fish Co. said his family has been in the wholesale salmon business in the Columbia River for over 50 years. He said their local fleet has traditionally produced a substantial portion of the allowable main stem catch in both the fall and winter-spring seasons. He supports a 50/50 sport/commercial split of allowable impacts, with some sort of improved catch reporting on the sport side and prioritizing main stem commercial opportunity, not just Select Areas.</p>
<p>Steve Bailey Garden Home, OR</p>	<p>Steve Bailey said his family has a long history on the Columbia and Willamette rivers. He asked the Commission to make conservation their No.1 goal as they set upcoming Chinook seasons on the Columbia River, and move toward a vibrant and healthy sports and commercial fishery. He said it must be selective in nature so that both fisheries are ensured for the future; also, don't impede recovery efforts of already depleted stocks in individual runs. This includes removal of gill and tangle nets from state waters. He opposes non-selective harvest methods that damage wild fish and impede salmon recovery. He didn't advocate for open net fishery this year, but understands why it's closed.</p>
<p>Cary Johnson Astoria, OR</p>	<p>Cary Johnson, a fourth generation gillnet fisherman, is concerned about proposed changes to the gill net fishery. His family owns five Columbia River gill net permits. He talked about new and improved methods of harvest, and ways to eliminate by-catch to ensure Salmon return to the Columbia for future generations. He is director of the Clatsop Soil and Water Conservation District, and believes in conservation. He said the latest proposal to place a gill net fleet only in Select Areas is a terrible idea and not based on science. It would be devastating to gillnet fishermen, their families, the community and all people who enjoy eating salmon. He said the buffer should be 50/50 to be fair.</p>
<p>Steve Fick Astoria, OR</p>	<p>Steve Fick distributed a letter from Astoria Mayor Willis VanDusen, and a letter from the West Coast Seafood Processors Association. He said everyone was in a tough bind economically, so two to seven days on the Columbia River will not save a recreational boat industry. He said the harvest of Spring salmon in Oregon is at least 80/20, and this proposal will put us at a 90/10 harvest for the</p>

	<p>consumer. He said Peter Roscoe, board member of The Restaurant Association, asked him to tell the Commission that they support a 44/55 impact share. Fick asked the Commission to stay focused on what is equitable and fair. He suggested starting the fishing day later or using the “rack a rod” method.</p>
<p>Larry Pfund Astoria, OR</p>	<p>Larry Pfund, President of Port of Astoria, distributed a copy of the Port’s <i>Resolution 2008-27 - Salmon Allocation</i>. Pfund said the proposed allocation erodes away rural jobs and income to the benefit of urban guides and others with recreational, expendable income. It doesn’t stay within the mandate for equitable sharing of the resource between user groups. He said ports in the lower Columbia River will not have any social or economic benefits by giving more of the consumer share to an urban sport fishery. Pfund said the Port supports the fishery industry, and requests the ODFW Commission to adopt an allocation that is fair and responsible to all fisheries. He said the guided fishing boats are becoming another industry; the Port of Astoria wants equitable treatment for local gill netters on the lower Columbia River.</p>
<p>Bill Hunsinger Astoria, OR</p>	<p>Bill Hunsinger, a Port of Astoria commissioner, said he was a fourth generation gill net fisherman on the Columbia River. He said the Port just received a \$4.5 million Connect Oregon grant for air service. He said all of their local processors now have an advantage where they can move their fish products faster, which helps the Port of Astoria. All the local communities would like to see a 50/50 split. He said if there are further cutbacks in the commercial fisheries, it will devastate the small communities.</p>

1  
2 Chair Rae adjourned the Commission for lunch at 12:00 p.m. and reconvened at 12:50  
3 p.m. She continued the public testimony.

<p>Ron Cox Clatskanie, OR</p>	<p>Ron Cox has gill netted for 34 years and been sports fishing for 40. He read a fishing synopsis and counted 547 areas with regulations and different places to fish in Oregon. He also counted 32 different fish that have regulations not counting the coastal area. He said the gill netters basically harvest three fish varieties. He talked about changes to the industry and said they are losing more every year and a percentage of the fish too. He referred to staff’s handout and said it states an actual number of sports caught fish, but there is no actual number of sports-caught fish. He said he’s never been called about his fishing cards and doesn’t know how the numbers of sports caught fish were arrived at. Cox doesn’t see anything wrong with a 50/50 split.</p>
<p>Bruce Jolma</p>	<p>Bruce Jolma, a fourth generation commercial fisherman, is a</p>

Clatskanie, OR	<p>member of CRFPU; Alaska Independent Fisherman’s Market Association; Alaska Marine Conservation Council; South Puget Sound Salmon Enhancement Group; and Salmon for All. He said if Columbia River commercial fishermen are able to get fishing time, they are accused of robbing a public resource. If not successful, due to loss of fishing time from weak stock management, they are labeled as being marginal and should be eliminated. He said commercial fishermen must have an equal share of salmon allocation to assure the non-taxpayer access to Mitchell Act salmon resources. The present 60/40 allocation works out in actual harvest numbers, if you count the tributaries, to roughly 80/20. He favors harvest buffers to guard against over-harvest, but the buffers must be carried equally by each group, proportionally to their respective allocations to be equitable.</p>
Hobe Kytr Astoria, OR	<p>Hobe Kytr, staff for Salmon for All, has spent over half his life living and working in rural Northwest Oregon and Southwest Washington. In October 2007, he was asked to participate in the visioning process. He said CRFWG’s final recommendations bore little resemblance to any of the public testimony, and that some of the stated objectives and recommendations never were discussed in public. He is disappointed in the outcome, and said if this plan is upheld, it will come at the expense of lower river communities, at the benefit of the metropolitan area. He said if the long-term plan for Select Areas is implemented, they need to know exactly where the money is coming from. He believes the SAFE program is neither technically feasible nor remotely equitable. He said this is a public resource and people who do not fish should still have a right to buy these fish.</p> <p>Chair Rae stated that this had been and still was very much a public process. She said the Commission has always retained the final decision making and was advised by the CRFWG, but it is public and that’s why the Commission was meeting today. She said within the government, there is no such thing as a secret document; it’s all public record.</p>
Kent Martin Skamokawa, WA	<p>Kent Martin, a commercial fisherman, said the commercial fishery has undergone strenuous license reduction. He said they have developed Select Area fisheries, and spent in excess of \$1 million to retool for new technology to minimize interactions with sensitive stocks. The latest research, which is about 2 years old on the tangle net fishery, assigns a release mortality of 14.7%. He said their tangle net release mortality is within 2.5% of the Willamette River sport fishery, but the main stem sport fishery is charged with no marine mammal associated mortalities. The flip side is a recreational fishery, especially guides, who refuse to</p>

	<p>rationalize its fishery with a license reduction or a moratorium. Martin said they catch in excess of 30% of total production in SAFE areas but contribute nothing and ignore conservation opportunities. He said it seems that 80% of the science has been focused on the sector that catches about 20% of the fish.</p>
<p>Irene Martin Skamokawa, WA</p>	<p>Irene Martin, who writes about fishery subjects, said she understood this process was leading into a longer-term process. We have talked about rewards for selectivity, and obviously in today's climate we are going to have to find ways to do more with less. She said commercial and recreational fleets need to be defined and what society wants out of those fleets. We need to ask whether the resource will support in the long-term planning process. She talked about resilience in biological and social systems and achieving a fair balance between different users.</p>
<p>John Kallunki Clatskanie, Or</p>	<p>John Kallunki, a third-generation commercial fisherman from the Lower Columbia area, read a letter from the owner of Columbia Pacific Marine Works in Astoria. He said Columbia Pacific, a local marine repair shop for sports and gill net boats experienced a 30-40% reduction in business due to restrictive fishing seasons and gas prices. He said Columbia River gill netters provided enough work for Columbia Pacific to stay in business. Further reductions in the gill net fishing seasons will reduce its business; maybe put it out of business. Other businesses would be affected by any further reductions of the gill netters' fishing seasons.</p>
<p>Trey Carskadon Portland, OR</p>	<p>Trey Carskadon said he hoped the Commission had a chance to read the testimony from the Northwest Sport Fishing Industry Association (NSFIA). He said last year, NSFIA applauded ODFW and the Commission's efforts to move to objective-based season setting. They believe changes underway will benefit all stakeholders. Carskadon has been in the sport fishing industry 30 years and has never seen the market so tough. He asked for a full Spring Chinook season. He has confidence in staff's abilities to manage this properly in terms of conservation; the 10% buffer achieves that. NSFIA supports a season from March 1 to May 1, five days a week, and to slow the catch down. He asked the Commission to get to a 60/40 ratio.</p>
<p>Paul Mayer</p>	<p>Paul Mayer, President of the Oregon Marine Trade Association (OMTA), said they represent 100 different companies with a vested interest in the success of the sport fisheries. He is also president of Stevens Marine, and board member for Balmoral Boats. Mayor said the early closure last year stymied any momentum for fishermen to pursue their sport. He said businesses are in tough shape and several have gone out of</p>



	<p>business this year. The abbreviated season has resulted in a \$250 million reduction with dealers, manufacturers, ancillary companies, and the businesses created from them. He said 600 to 1,000 jobs have been lost, especially in rural communities where boat manufacturers typically are located. He asked the Commission to consider a five-day season, beginning in March and through May. He asked for a 70/30 split for sport fishermen.</p>
<p>Darian Santer Portland, OR</p>	<p>Chair Rae said Darian Santer of Portland had to leave, but left written testimony for the Commission and public record. She said Santer asked the Commission to reduce or eliminate main stem commercial gill netting in the Columbia. His letter also asked the Commission to encourage commercial operators to find alternative harvest methods by limited main stem gill nets.</p>
<p>Joe Schwab Columbia County</p>	<p>Joe Schwab retired from OSP in 1994 after serving 20-plus years with the Fish and Wildlife Division. The majority of that time was spent on the Columbia River enforcing commercial fishing regulations. Since 1972, he said little has changed in the methods and manner of taking fish for commercial use. He talked about gill nets and reducing by-catch and lowering mortality rates. He believes the nets need to be looked at and completely removed from the Columbia River and replaced with more efficient, less indiscriminant means. He said the Commission is obligated under the rules of protection of non-target fish to do whatever it takes to minimize the intake of non-target species. He said guides provide a service to get sportsmen on the water.</p>
<p>Don Schwartz Milwaukie, OR</p>	<p>Don Schwartz, a retired fish biologist, worked for ODFW for over 30 years. For five years, he was chairman of the Oregon Technical Advisory Committee. He believes the proposed buffer is excessive. He said the listed objectives said that unused fish would be transferred to the other fishery. Now, the gill net fishery, because of their effectiveness, can easily catch those kinds of impacts in a few days, even among the tail end of the run. But the sport fishery just isn't effective enough, and you can't keep people interested when the catch rate has gone down that far.</p>
<p>Lauren Matthews Astoria, OR</p>	<p>Lauren Matthews, President of Astoria/Warrenton Area Chamber of Commerce, is a 50-year resident of Astoria. He worked 31 for the school district and served 12 years on Astoria City Council. He said the Chamber is not against sports fishing, which provides some economy to the area; but, they believe both fisheries can get by on a 50/50 catch split. Matthews said commercial fishermen are there 12 months out of the year. He was a member of the Clatsop Economic Development Committee, and said it was the commercial fishermen who gave their money to start the</p>

	<p>fisheries in the tributaries. Matthews does not believe moving the gill net fishery into the tributaries will work yet, when it has not been proven that that kind of fishery in there will be successful.</p>
<p>Bruce Polley Sherwood, OR</p>	<p>Bruce Polley, a member of the Coastal Conservation Association (CCA) of Oregon, said they look forward to a discussion about conservation recovery. He said CCA encourages the Commission to manage the resource in a way that considers wild fish recovery and sustainability first, while allowing maximum access to abundant hatchery stocks by all user groups through marked selective harvest. He said the Hatchery Scientific Review Group (HSRG) identified the development of selective harvest methods as a critical step in maximizing wild fish recovery, while realizing optimum harvest benefits created by modernized fish hatchery programs. Polley said CCA supports HDRG's view, but is not taking a position on the buffer yet there should be one.</p>
<p>Bryce Devine Longview, WA</p>	<p>Bryce Devine holds an Oregon limited entry permit for gill netting on the Columbia River and is a member of the Columbia River Fishermen's Protective Union, Salmon for All, and the Puget Sound Harvesters. He pays \$15,000 in annual nonresident license fees. Over the last 20 years, there have been three attempts by initiative petition to eliminate gill net fishing on the Columbia River. He said if this proposal is implemented, it is the end of commercial fishing. The Select Areas will not allow for the size of fleet they have. He fishes in Youngs Bay, but 50 boats is a big load. He is concerned about sport fishery accountability. In the summer fisheries the last 2 years, sport fisheries went over its quota. He said they take marked or unmarked ESA-listed fish in the tributaries, but they are not counted.</p>
<p>Tom Wolf OR</p>	<p>Tom Wolf said he represents about 3,000 members of Trout Unlimited Oregon, a conservation group, and 160,000 tribal members nationwide. He likes the large buffer to err on the side of prudence. He is concerned when the commercial people talk about their economic needs. In all the strategy Trout Unlimited does in Oregon, the sport fishing community has helped them. He has great sympathy for the sport fishing community, and said let's end the acrimony, the name calling and let's solve this.</p>
<p>Randy Woolsey Tigard, OR</p>	<p>Randy Woolsey said he printed out joint state report sheets that go on during these Spring Chinook fisheries, and asked the Commission to look at them and see the river temperatures; all the different ways that they can judge the timing and the runs. He said staff is good and it's a testimony to them that in the last eight years we have barely tweaked over an ESA listing once. He did not see any need for large buffers. He talked about the bad</p>

	economy and its impacts on everyone. He is a proponent of SAFE for Salmon, which is being presented to the Legislature. He believes it to be the answer to many of these questions.
Carmen MacDonald West Linn, OR	Carmen McDonald said she sat for one day on the visioning process, and is committed to work through and try to be solutions driven. Sport fishing is too important to her not to. She said this is the first time the tribes have acknowledged that there is one singular commercial channel in this state; a commercial and sport fishery. Also, it was the first time she has heard the strides made by the sport community to minimize impact on wild stock. She said the sports fishermen fund the lion's share of ODFW, not only with license dollars, but with their 10% Dingle-Johnson funds, that are reallocated to the state, back to the federal government. She hopes that the Commission will acknowledge and reward their efforts and partnership along those lines.
Liz Hamilton Portland, OR	Liz Hamilton, Director of Northwest Sportfishing Industry Association (NSIA), talked about finding solutions that keep communities whole, protect hatchery production, and improve the reduction of by-catch in the main stem. She said the 60/40 allocation has not yet provided a full recreational season. She said the length of the agreement (3-5 years) is too long; it's too complex. She also said ODFW figures show that 61% of all fish are commercially landed in Oregon; and if you add treaty fish that equals 65%. There's good public access to fish that are landed. She asked for a selective season, in order to turn that season into a longer season. They look forward to the sturgeon planning process because sturgeons are being overharvested.
Lee Cain Astoria, OR	Lee Cain, a science teacher at Astoria High School, said the superintendent of Astoria schools asked him to represent 2,000 students in their area. He said the importance of commercial fishing to the students, families, staff, and other programs cannot be understated. He said in 1972, a program was started that teaches students how to raise salmon; it has evolved into a state-of-the-art applied science center. As a part of the Select Area Fisheries Program, students learn how to raise and release 10-20,000 salmon that are caught by the gill netters and recreational fisheries. Cain said student numbers were declining due to the decline of the main stem Columbia fisheries. He asked the Commission to consider how their decisions on the allocations would impact the families and students in Astoria school district.
Robert Sudar Longview, WA	Robert Sudar, a Washington buyer for 25 years, has been on all the visioning processes over the last year as a commercial representative. He said the buffer was raised to 35% as a

	<p>conservation issue, but the 35% is a miserable number in light of the estimates. In that regard, he supports the buffer, but doesn't support the unequal sharing of it. Each industry should share based on their allocation. He handed out models and discussed difference scenarios of the matrix and buffers. He said the differences between the two fisheries continue to spread; having a run of 300,000 fish and 5,000 allocated to the commercial fishery is not very much. He depends on having fish in the spring; it's important to his markets. He said it is an unreasonable request to force the commercial industry to carry the burden of having very little early fishing time on most of these run sizes.</p>
<p>Brian Tarabochia Astoria, OR</p>	<p>Brian Tarabochia, a commercial fisherman/buyer of Columbia River salmon and sturgeon for tribal and nontribal fisheries, has been active in several groups to protect and advocate for the good of the resource. He said this is not a biological decision, and both groups are equally guilty of harvesting endangered species incidentally. He does not support the 70/30 split. The commercial industry needs to maximize their share, including what percent to use for Select Areas. He supports the 50/50 split with equal buffers, which would allow a full select fishery with some main stem fishing. He said both groups need to coexist. He said the terns and sea lions are doing business as usual. He talked about fish with net marks from the sport side and suggested using a dip net that is the same size as a tooth net.</p>
<p>Bruce Buckmaster Astoria, OR</p>	<p>Bruce Buckmaster served on every working group and said they were very tough meetings. He agreed with Don Schwartz's comment that the buffer is too excessive. He said the math of creating a 35% buffer, based on three years where we went over the run sizes, were over-estimated. He thinks a 25% buffer is fine, but realizes if there is a total collapse of a run we are in trouble. He said we all remember the years past when most of the tribal commercial fish was sold out of pickups. Our community began to work with the tribal community on those fish not for ceremonial and subsistence. He said the tribes are building their own processing plant and they continue to forge those alliances. He believes that 70% should be allocated to the sport fishery and 30% to the non-fishing public through the commercial fishing. He said to have staff use impacts, buffers, and all the tools they have to justify how they are going to meet the mandate, so people will no longer seek relief.</p>
<p>Jack Glass Troutdale, OR</p>	<p>Jack Glass, a professional sports fisherman and full time guide, fishes at tournaments and derbies, provides sport fishing seminars and a live radio show, and was part of CRFWG. He said the matrix system is confusing, and the 70/30 split with a</p>

	<p>35% buffer doesn't pan out. He asked the Commission to provide as many sport fishing days as possible to give the industry an economic boost. He supports the 70/30 allocation with a 10% buffer for the 2009 season; spring and summer. He also supports the SAFE for Salmon plan. He said no more than a two fish, two year plan, because it needs to be reevaluated every two years. Also, no pre-season netting before run-up date. He said guides do provide a service and economic value to Oregon, but most of gill net fishers are part-time and do it for the income. He talked about the Legislature and said ODFW and the Commission needs to evaluate guides and how they are operating.</p>
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Chair Rae said ODFW and the Commission have no intention of going to the Legislature and seeking any changes with how guides are operating and regulated in Oregon. She said they were aware that others may be doing that, but ODFW and the Commission is doing nothing more than responding to questions about guide operations. She said Director Elicker had been in contact with his counterpart at the Oregon Marine Board where the guide program is presently located.

Commissioner Edge stated that there were three staff and four people in the audience who attended a number of meetings and provided input to CRFWG for the two commissions. He said probably none of those seven would say that the recommended plan represents something that they would have come up with. He said their input was used, but the plan presented by staff, put together by the working groups, was not endorsed by any of the advisors.

The Commission took a break at 3:00 p.m. and reconvened at 3:10 p.m.

Chair Rae asked the Commission for questions or comments. Commissioner Edge asked staff to rationale the buffer size.

Nigro talked about the math behind the buffer and said staff looked at the years where the preseason forecast was greater than what the run actually turned out to be. Staff looked at the range of those overages and found the average to be about 35%.

Williams said not having a buffer of this magnitude puts staff up against ESA obligations. Also, if the run size is downgraded substantially or equivalent to the 35%, we immediately put both the Zone 6 Sport Fishery and the Select Area Fishery at risk because they are the ones that have remaining impacts that staff would have to use to immediately cover themselves in terms of ESA impacts.

Commissioner Klarquist, a member of CRFWG, said the group wanted to be careful in their predictions and building in a buffer. He said after hearing the testimony today, he is concerned about being able to utilize the remaining impact, if the run size comes in as predicted. He asked staff to help the Commission understand what to expect, both from the sport and commercial fishery, if at the beginning of May we confirm that the estimate

1 was correct. How long it will take either group to utilize or what circumstances it will take  
2 for either group to utilize this remaining impact?

3  
4 Melcher said there will be circumstances where fisheries may not be able to access  
5 their full allocation after the run size update; particularly, if the run is actually larger than  
6 forecast. If the run is similar to forecast, or assuming the forecast is accurate, staff has  
7 through June 15 of the Spring Chinook Management period in the Lower Columbia. He  
8 said with a large buffer, staff will be planning on a late season opportunity which could  
9 change their ability to promote and access fishery in that window.

10  
11 Williams added that in recent years, ODFW has not been able to conduct a Zone 6  
12 Fishery at the peak time because of smaller buffers and impacts running out. However,  
13 the Zone 6 Sport Fishery did show some ability to catch Spring Chinook last year.

14  
15 John North discussed the commercial fishery buffer, and said the catch rate depends on  
16 when the update is available. He said there is a big difference between having an  
17 update on May 1 versus May 15, because the declining abundance makes a difference.

18  
19 Commissioner Klarquist said CRFWG discussed off-ramps as a possibility for reviewing  
20 what the Commission adopts today. If the Commission discovers that the buffer is not  
21 working for either the commercial or sport fishery, wouldn't we want to have an off ramp  
22 built into this agreement?

23  
24 Melcher said absolutely that's the kind of thing to consider and further discuss.

25  
26 Commissioner Klarquist referred to the Tribes' comments about a shift in allocations  
27 that would affect the *U.S. v Oregon* agreement. He asked if there was a mechanism  
28 within *U.S. v Oregon* to do any kind of rebalancing.

29  
30 Counselor Steve Sanders said there is system built into the *U.S. v Oregon* that requires  
31 annually a run reconstruction; then, at the conclusion of each year to compare the  
32 performance with the catch expectations. If those don't come out near what staff  
33 expected, there is an obligation for the parties to meet and discuss whether  
34 modifications of the agreement are necessary. Sanders said If things are out of sync,  
35 the parties have an opportunity to give a 30-day notice that they intend to withdraw from  
36 the agreement, or to trigger a dispute resolution mechanism by which the parties would  
37 meet and then try to work out disputes like this. The default position, of course, is the  
38 Table A1 that allocates the ESA impact.

39  
40 Commissioner Klarquist asked whether they gave up their ability to make management  
41 decisions like what the Commission was contemplating today by reaching the  
42 agreement with *U.S. v Oregon*.

43  
44 Sanders said no, the expectation is that we've set the general framework; but if it  
45 doesn't come out that way, we meet again. He said four meetings a year are scheduled  
46 for *U.S. v Oregon*, to discuss these fisheries and see how things worked out.

47

1 Chair Rae said the forecast reconstructions are the same kind of review that they would  
2 contemplate doing in Columbia River fish management issues if we were to extend the  
3 near-term agreement to five years with a three year review and annual reports.

4  
5 Sanders said there are specific provisions that in 2012, the Technical Advisory  
6 Committee will reconvene and do an overall review, then return to the policy committee.

7  
8 Commissioner Klarquist referred to managing the sports fishing season and asked if  
9 staff needed a specific authority under this agreement to do such things as one fish per  
10 day, or a rack your rod after you've tagged your fish. Melcher said staff has that  
11 flexibility and will bring to the Commission in February a package of regulations that will  
12 implement this agreement for 2009. Williams said staff will work closely with  
13 Washington staff to develop that framework.

14  
15 Commissioner Edge asked what cell on the matrix we are working in this year.

16  
17 Melcher said the forecast that was released December 10 was 298,800. He said  
18 assuming that we're using the matrix that's described on page 4 of the working draft; we  
19 also know that the Willamette run is going to be small, certainly less than 50,000. He  
20 referred to the lower left-hand corner of that matrix, which corresponds to 60/40 sharing.

21  
22 Chair Rae asked Melcher to translate the percentages into the number of fish. She said  
23 what she was looking at said the total sport catch would be 29,700, and the total  
24 commercial catch would be 13,100. She asked when you do the different kind of  
25 percentages, after you do the ESA impacts, would the percentage catch by the sport  
26 fishery be 69% and the percentage catch by the commercial fishery would be 31%.

27  
28 Melcher clarified that this assumes full utilization of the available impacts; it includes the  
29 Select Area fisheries catch in the 13,100 figure.

30  
31 Chair Rae said the Commission needs to provide Director Elicker direction with flexibility  
32 and room to maneuver in his negotiations with Washington Acting Director Phil  
33 Anderson. She said WFWC will take their action tomorrow. She said decision points  
34 currently before the Commission were Near-Term and Long Term, including duration,  
35 the buffer and moving fish; also, Spring Chinook, Summer Chinook and Sturgeon.

36  
37 Commissioner Klarquist said in negotiating with Washington, the Commission may want  
38 to look at the summer salmon fishery and not sign off a five year transaction. He is  
39 concerned about getting an equitable share of that fishery vis-à-vis Washington.

40  
41 Chair Rae moved to the Spring Chinook recommendation. She said staff and the  
42 consensus of the bi-state CRFWG is a 65/35 split on the ESA impact; a 35% buffer, and  
43 a five year duration with an automatic review in 3 years, annual staff presentations and  
44 reviews to the Commissions in the meantime. She said transition in the link between  
45 Near Term and Long Term is the ability to move 1 million Smolts; which translate into a  
46 round figure of 7,000 catchable fish.

1 Commissioner Edge clarified that the 65/35 split is the base number on the matrix.

2  
3 Commissioner Smith asked for clarification on what is the 65/35 result.

4  
5 Chair Rae said 32,400 for sport fish and 13,800 for commercial fish; so the percentage  
6 catch is 70/30. She noted that she was looking at page 19 of the handout distributed  
7 yesterday; "Projected Spring Chinook Harvest Under Columbia River Fish Working  
8 Group Proposal." She said the numbers she just read is the average of the lows/highs,  
9 and that is the 65/35 on the Impact Allocation, which translates into fish caught, 70/30.

10  
11 A very lengthy discussion followed regarding the different matrix splits and what  
12 fisheries were included and whether tributary recreational fisheries were included.

13  
14 Chair Rae said it was appropriate to have all the user groups be coequals, as opposed  
15 to one bouncing ahead of the pack. She said the Oregon statutes say that all members  
16 of the Commission shall represent the public interest of this state, and make decisions  
17 affecting the wildlife resources of this state for the benefit of those resources. The  
18 Commission shall provide for the equitable and sustainable utilization of wildlife  
19 resources for all groups of users. She asked the Commission for their comments.

20  
21 Commissioner Edge suggested the Commission give Director Elicker the flexibility as  
22 proposed for negotiating with Washington. He supports the recommendations made by  
23 Oregon and Washington staffs. He said the large buffer is appropriate, given the  
24 inaccurate run forecasts, especially those that occur primarily at the larger runs. He  
25 thinks the long term is something new in the fishery but it allows ODFW to move in that  
26 direction, because the Commission will not resolve any of the problems until that  
27 happens. He wanted to go on record that CRFWG is not contemplating the SAFE for  
28 Salmon proposal or taking commercial fishermen off of the main stem. He said CRFWG  
29 wants to ensure they remain in the Main Stem for three reasons: 1) to keep commercial  
30 fishermen engaged in management of the Columbia River; 2) to ensure the sports  
31 community is engaged in funding the SAFE area fisheries; and 3) that they continue to  
32 support that as a proposal. Edge believes they're doing the right thing regarding fish  
33 recovery. He said having large runs, as predicted for this year, is going to be the normal  
34 mode of operation. So when there are a lot of fish in the river, there's no reason we  
35 wouldn't have commercial fisheries in the river.

36  
37 Commissioner Smith has confidence in staff's provision for conservation. He is  
38 concerned about what is fair and equitable, and worried about the severity of impact in  
39 the near term and on people's livelihoods in rural and coastal communities. He said the  
40 sports season was given the highest priority, he gives it equal priority but there are ways  
41 to mitigate that in terms of days off or bag limits. Smith believes in giving the sports  
42 fishery a full season, if planned right. He said something needs to be done with guides  
43 although they do provide an important service to individual fishermen. He doesn't want  
44 a proliferation of guides occupying space, particularly in the Select Areas. Smith thinks  
45 the SAFE areas are an excellent idea, but it's not near-term, you have to find a place to  
46 increase production and invest in it. He doesn't think the commercial fishery is cut off  
47 by calculating what might happen in Select Areas. He believes there needs to be a



1 transition period. He doesn't endorse eliminating gill nets on the river. Smith deferred  
2 the size of the buffer to staff but said it needs to be shared equitable.

3  
4 Commissioner Kerns agreed with many of Commissioner Smith's points. Kerns said he  
5 supports a 55/45 split, regardless of the matrix. He supports the 25-35% buffer at the  
6 discretion of staff. He agrees it should be divided equally and administered  
7 proportionally between both fisheries and not be negotiable. He hopes the Commission  
8 can live with what it decides for the next several years, so their successors won't have  
9 to go through this too soon.

10  
11 Commissioner Englund said he supports the five year plan with the three year off-ramp.  
12 He objected to the allocation base and said it should be 57/43, which equates into an  
13 80% recreational catch and 20% commercial catch. Commissioner Englund said he  
14 takes the tribal testimonies very seriously, and is cautious about fooling with that matrix.  
15 He said Oregon statutes talk about what is fair and equitable. His biggest concern is  
16 moving a million fish into Youngs Bay over five years. He said mitigating river impacts  
17 from out in the river and into Youngs Bay is controversial, and he wants that matrix  
18 changed. He said it is not fair the gill netters are being told fish will be moved down to  
19 them but their allocation will be shortened, and they are being asked to invest into new  
20 and evolved fisheries, yet their economic intake will be shortened. He supports a 57/43  
21 split and a 35% buffer. He also supports as many days on the water as possible for the  
22 recreational fisheries; it's imperative to their industry. He said they are taking 80% of the  
23 run. We have to use some tools in that fishery to slow that down.

24  
25 Commissioner Klarquist said he supports CRFWG's recommendation. He said the  
26 major issue is what's fair and equitable. And there's no black and white answer to  
27 what's fair and equitable. He said CRFWG tried to take all things into account. Klarquist  
28 said one principle was to give the sports fishery some certainty into the length of the  
29 season that will ultimately be part of a longer term plan. Another principle was certainty  
30 in the number of fish that can be captured by the commercial fishermen. He said that all  
31 the fish are not being shifted to the SAFE area right away; if the Commission  
32 implements the change we've suggested now, it affects the commercial fishery in the  
33 short-term. We are also trying to have an effect on the sports fishery right now which is  
34 a necessary one to help some portion of our citizenry that is hurting. He said CRFWG  
35 built in a buffer, and tried to be conservative with what impact we have on the wild fish.  
36 He said he was not sure if the Sport Fishery will be capable of catching their fish if the  
37 buffer is that large. He doesn't know that the commercial fishery can either, but  
38 suspects it can more readily capture fish using nets.

39  
40 Commissioner Levy agreed that the Commission needs to be fair and equitable. She is  
41 bothered by the actual counting and then coming back to make changes. She asked if a  
42 way could be figured to do it sooner so the Commission would know what the impacts  
43 are. She doesn't think 65/35 is equitable, and believes it's costly for both the sport and  
44 commercial fisheries. Both fisheries are losing money and shows in the communities.  
45 Levy said revisiting the five year plan in three years is good, but she would rather revisit  
46 it in two years. She said the economic downturn will severely impact all small  
47 communities, no matter what the Commission does. Levy said the sooner the

1 Commission can be proactive instead of reactive, is a better way to go as a  
2 commission.

3  
4 Chair Rae said the Commission needed to give Director Elicker, Melcher and others  
5 flexibility, whether 5% one way or another. She said the relief both fisheries asked the  
6 Commission to provide is a painful story to hear and not limited to just one sector. She  
7 is mindful of the importance of the commercial fleets, to the coastal communities in  
8 Oregon, and also mindful that Oregon statutes direct the Commission to not pick  
9 favorites. She asked the Commission to continue to be coequal in their treatment. She  
10 supports 5% either way, as currently exists, because it falls within the flexibility to give  
11 to Director Elicker. She said that is very close to the subcommittee's working groups'  
12 recommendations. She said she will support a longer term agreement, as proposed,  
13 with the three year automatic review, and annual reviews and reports by staff to the  
14 Commission.

15  
16 Commissioner Edge said CRFWG recommended a matrix process. Under the proposed  
17 matrix this year's allocation would be 60/40, due to a low Willamette run and a high  
18 Columbia run. He asked Chair Rae if the Commission was still keeping with the matrix,  
19 or did she want to keep with a 60/40 allocation, regardless of the conditions.

20  
21 Chair Rae said that was what the Commission was debating and deciding. She  
22 personally supported having the base at 60/40 with the Director having the latitude in  
23 his negotiations.

24  
25 A very lengthy discussion followed about the appropriate split in order to give Director  
26 Elicker enough flexibility in his negotiations with his counterpart in Washington. The  
27 Commission also speculated on what split the WFWC would agree to on Saturday.

28  
29 Director Elicker said the Commission needed to make its best decision today on what it  
30 would like to do. He said staff could always call a special meeting of the Commission if  
31 Washington's decision is so much different.

32  
33 Chair Rae said she wanted to reach a consensus, and referred to page 7 of the matrix  
34 in Exhibit E, and said the ESA base allocation is 65/35. She suggested a base  
35 allocation of 60/40 with the Director having the flexibility to go 5% either way in his  
36 negotiations.

37  
38 Commissioner Kerns said he prefers the status quo over the last few years, which is  
39 55/45 and 5% sideboards either way for the Director.

40  
41 Chair Rae said that was one view. She returned to 60/40 as the base allocation, with  
42 the Director having the flexibility to go 5% either way in his negotiations. She said "No"  
43 by Commissioners Levy and Klarquist.

44  
45 Commissioner Klarquist said he supported 65/35 with 5% either way. Commissioner  
46 Englund said he supported 55/45, with 5% either way. Commissioner Smith said he  
47 would go 55/45. Commissioner Levy agreed with 55/45.

1  
2 Chair Rae said the decision of 4-2-1 authorizes the Director to negotiate with  
3 Washington a base allocation of 55/45, with 5% either direction. She said a vote was  
4 not required but noted for the record, that the majority preference was expressed by  
5 Commissioners Englund, Smith, Kerns and Levy. Chair Rae said Commissioners  
6 Klarquist and Edge support CRFWG's 65/35, and she is at 60/40, with 5% either way.  
7

8 Commissioner Edge asked if the vote can actually be recorded that way.  
9

10 Chair Rae said the Commission did not need a motion because they are providing  
11 direction to the staff. She said the next recommendation is for the Near Term to be five  
12 years with an automatic three year review, annual reports from staff, and the  
13 appropriate triggering mechanisms that could occur sooner. She asked for comments.  
14

15 Commissioner Edge thinks five years is appropriate with a three year comprehensive  
16 review. He pointed out the five year period corresponded to CRFWG's view that it  
17 would be five years before they saw a significant enhancement in the SAFE fishery.  
18

19 Chair Rae asked if there were any dissents.  
20

21 Commissioner Klarquist said the allocation was a significant deviation from what  
22 CRFWG came up with. He suggested an earlier review and didn't support the five year  
23 deal at all. Now that there is such a deviation from the CRFWG, he is concerned what  
24 this ultimately will look like, and whether it's something he would endorse for five years.  
25

26 Chair Rae noted for the record that Commission Klarquist objected to the five year plan.  
27 Chair Rae said she didn't know how much of a deviation was made from the modeling  
28 done on behalf of CRFWG. She supports moving the fish, although doesn't think there  
29 will be anything to report in a year, because the base allocation was not the only one,  
30 and then presuming that the balance of the subcommittees or work group's  
31 recommendations remain enforced.  
32

33 Commissioner Smith said he was okay with the three or two year review, and talked  
34 about identifying some off-ramps with the Washington side that would trigger a review.  
35

36 Chair Rae agreed. She said when the initial stakeholder group was set up nobody  
37 could even imagine the economies would be where they are today. She said with the  
38 base allocation of 55/45 on ESA impacts, is as much a statement about protecting those  
39 economies at a time when everybody's in peril. She thinks a longer term would give  
40 time to staff to get it done and provide direction to start moving fish. She talked about  
41 Washington starting to share in the movement of those fish. Chair Rae said she  
42 supported a longer-term agreement even with the modifications made today.  
43

44 Chair Rae asked if there were other objections. Hearing none, she said the rest of the  
45 Commission is supportive of a five agreement, three year automatic review, and annual  
46 staff reports.  
47

1 Chair Rae said the next recommendation is the buffer; 35% off the top. She noted there  
2 is concern about how the buffer may be utilized in different ways.

3  
4 Director Elicker noted the buffer has been a source of misunderstanding and asked Curt  
5 Melcher to lay out CRFWG's proposal for the buffer as a starting point.

6  
7 Melcher referred to the matrix on page 7, Attachment 2, and said CRFWG's  
8 recommendation had a base of 65/35. He said now that base is 55/45. He explained  
9 the buffer by walking through several scenarios. He said whatever the fishery allocation  
10 is; the buffer comes off the top so it's shared proportionally between both sectors. He  
11 asked the Commission if they wanted to continue with the 35% buffer or wanted the big  
12 buffer, and whether it continues to be applied as recommended by CRFWG.

13  
14 Chair Rae asked if there was any objection to the establishment of a 35% buffer as  
15 recommended from the CRFWG, or if they wanted something different.

16  
17 Commissioner Kerns said the buffer should be applied equally to both in all cases.

18  
19 Commissioner Klarquist talked about CRFWG's reasoning for establishing the disparate  
20 buffer. The ability of the sports fishermen to utilize the unused portion of their impact  
21 rate is not the same as for the commercial fishermen. It would take quite a number of  
22 fishing days or weeks in order to do that. Where the run predictions were for higher  
23 runs, that was where we had the lower buffer applied to the sports, because it would  
24 take many more fish for them to use that up and take many more days of fishing in  
25 order to accomplish their impact. Whereas, the commercial fishers were expected to be  
26 able to capture the fish at the end, after the run-up date was given, much more readily.

27  
28 Commissioner Englund said he was open to the look on very high runs, but not for  
29 loading one side against the other. But for now going in he did not want to adopt this.

30  
31 Chair Rae noted said for the record that she has two colleagues objecting to the buffer  
32 as recommended by CRFWG.

33  
34 Commissioner Levy said the 50% didn't make sense to her; it seemed extremely  
35 disproportionate.

36  
37 Director Elicker asked staff to give the Commission an example of how the buffer works.  
38 For example, if the projected run is 300,000, how many fish are set aside that cannot be  
39 harvested, what's the harvest level of the 300,000?

40  
41 Commissioner Edge pleaded with the Commission to not deviate too much from the  
42 recommended plan. He said one objective was to get the sport fishery through April. He  
43 said with the major changes to the allocation matrix the Commission just set, if the  
44 buffer is changed significantly, there is not a chance of getting through April.

45  
46 Chair Rae asked if there was any concern about the Long Term objectives and the Long  
47 Term game plan. Hearing none, she said this was an absolutely critical element of their

1 decisions today. She said the plan would require a substantial amount of staff work and  
2 directs the concept to start moving the fish.

3  
4 Commissioner Smith said he endorsed the Long Term objectives and Long Term gain  
5 plan but the Commission needs realistic expectations to accomplish it within a  
6 framework of time.

7  
8 Commissioner Edge said he strongly endorses the Long Term objectives. He believes it  
9 to be a way to resolve many of the issues with this fishery.

10  
11 Chair Rae clarified that the following example was illustration purposes only, as  
12 requested by Director Elicker.

13  
14 Nigro said using the Sport Fishery, it would have 1.1% impact multiplied by the runs,  
15 then divided by the mark rate, it would then divided by the release mortality. If this  
16 fishery were allowed to use the 1.1% impact, they would handle and keep 44,000 fish.  
17 He said under a 25% buffer, if you held back 25% of that 1.1% impact that equates to  
18 11,000 fish the Sport Fishery would have caught, if allowed to use 100% of their impact  
19 that is held in reserve. He said of the 44,000 potentially they could catch, they would be  
20 allowed to catch 33,000 and enough impact would be held back that equates to 11,000.

21  
22 Nigro said for the Commercial Fishery, start with 1.1% and divide that by 100 because  
23 it's a percent, multiply that by the 300,000 run size; divide that by the .75% mark rate.  
24 He said regarding the release, if it's all tangle net, a non-buffered catch for the  
25 commercials would be 29,093. He said about 15,000 would be held in reserve that they  
26 could have caught if they didn't have the buffer. Nigro said these upriver fish would  
27 convert to total fish, and some assumptions about Willamette and other stocks would  
28 have to be made.

29  
30 Chair Rae said okay, she didn't see any objection on either the 0.15% or the post-  
31 season buffer. She said staff had the green light without objection on the Long Term,  
32 which should be the sum and substance of today's efforts on Spring Chinook. She  
33 asked Director Elicker if he was clear on what authority he had in negotiations. Director  
34 Elicker said yes he was clear.

35  
36 Chair Rae moved to Summer Chinook. She asked Steve Williams to recap the Summer  
37 Chinook recommendation.

38  
39 Williams said the recommendation is to split the available impacts or available harvest  
40 50/50 consistent with what has been done in the past.

41  
42 Chair Rae asked the Commission if there was any objection on the Summer Chinook to  
43 50/50 as recommended. Hearing none, she said Commissioner Levy needed to leave  
44 shortly to catch a flight.

45  
46 Chair Rae moved to the Sturgeon recommendation and said it rolls over the existing  
47 agreement for one more year, in order to give folks time to complete the work on the

1 conservation plan. She asked if there was any objection to the recommendation on  
2 sturgeon. Hearing none, she directed staff to go forward on that one.

3  
4 Chair Rae asked Director Elicker if he needed any more direction. Director Elicker said  
5 no, staff had the information needed to move ahead.

6  
7 Chair Rae raised an issue on the statutory directives to the Commission. She said the  
8 Commission discussed last time around in the allocation matters, there's got to be a  
9 different way to do this. She personally believes the balancing process is important.  
10 She also believes that the Legislature reinforced that by saying all user groups are co-  
11 equals in both wildlife policy and food fish policy, and the Commission has been told to  
12 look out for all equally.

13  
14 Chair Rae said she was aware that there may be legislative requests, not by legislators  
15 necessarily; but perhaps legislators at the request of some advocacy groups, to amend  
16 those statutes that would move one user group more  
17 ahead of the others in legislative considerations, and thus for the Commission. She  
18 believes that those statutes are important to the Fish and Wildlife managers, and thinks  
19 it's important the Commission be poised to let the Legislature know that they would  
20 resist and oppose changes to that statute that would have one user group move ahead.  
21 She asked for comments and said it was important for the Commission to make that  
22 policy statement for the Director and Deputy Director, in the event they are asked during  
23 the legislative process, what we think about that.

24  
25 Commissioner Kerns said the Commission often hears arguments on an economic  
26 basis. He agrees that it should be based on user groups and that the Commission has  
27 to decide what its policy is going to be or principles.

28  
29 Chair Rae: Economics is but one of the factors that we are to consider. And, this allows  
30 us to take it up and do that balancing act on a circumstance-by-circumstance basis,  
31 taking into consideration whether it's the economy, whether it's a particular whatever.

32  
33 Commissioner Klarquist said he thinks their statutory direction is to be equitable. He  
34 does not see that means an equal division, watershed by watershed, fish run by fish  
35 run. He said he doesn't see that it means equal here, that the Commission divide fish  
36 somehow equally among user groups, whether it's opportunity or whatever. Our job is to  
37 be equitable in all circumstances, not just merely mathematics and numbers.

38  
39 Chair Rae said he was right, and that is precisely what the statute contemplates. She  
40 asked if there were any objection to that, and hearing none said that will be noted for  
41 the records as well, that the Commission supports the existing statutory framework.

42  
43 Chair Rae excused Commissioner Levy for the balance of the meeting (at 5:22 p.m.),  
44 and moved to Exhibit F. She thanked Kelly Ames for her patience.

45  
46 **Exhibit F: ANNUAL REVIEW OF THE DEVELOPOMENTAL FISHERIES PROGRAM**

1 Kelly Ames, Groundfish Management and Developmental Fisheries Program Leader,  
2 gave an overview on the developmental fisheries species list, regulation modifications  
3 and the annual review. After discussing the developmental species categories, Ames  
4 discussed the following issues:

- 5
- 6 1. Move species from Category A to Category B. These species are not covered under  
7 any other state or federal plan.
- 8 2. Move blue sharks from Category A to Category C. Blue sharks are managed  
9 federally and there have been minimal permits issues.
- 10 3. Northern Anchovy and Pacific herring amendments. Staff recommends moving the  
11 5/500 pound landings from annual landing requirements because they are not  
12 economical.
- 13 4. Hagfish fishery rule Amendments 1, 2, 3, 4 and 5.
- 14 5. Spot prawn fishery rule amendments. Reduce annual landing requirements from  
15 1,000 to 500 lbs. and remove annual landing requirement of 5 landings of 100 lbs.
- 16 6. Flat abalone fishery. Staff recommends Option 1, which prohibits commercial  
17 harvest of flat abalone by removing it from the Developmental Species List. She said  
18 the Board recommends Option 2, which maintains the 2008 fishery regulations with  
19 harvest area closures. Option 3 maintains the status quo.
- 20

21 Commissioner Kerns said he could not believe that one permit holder would have  
22 enough affect on the abalone population that would cause the Commission to disallow  
23 the harvest of it. He said the Commission discussed this issue last year and he cannot  
24 believe anything has changed. He asked when you talk about available management  
25 tools that have been unsuccessful are you talking just Oregon, or do you encompass  
26 other states too. Which I don't think is particularly relevant to Oregon, like California.

27

28 Ames said that staff reviewed the commercial fisheries that occurred on the West Coast  
29 and that those all resulted in commercial fishery failures and stock collapse. They spent  
30 time looking at what other areas did in their recovery plans. She talked about  
31 California's use of comprehensive fishery independent surveys to determine when they  
32 hit certain benchmarks, they allow for certain fisheries to close.

33

34 Commissioner Kerns said there is a lot of poaching of abalone in California, and he  
35 feels Oregon's policy is being driven by California's failure. He can't believe that one  
36 guy is going to have that great of an affect along the entire coast. He asked if the man's  
37 permit was for all abalone or just one species.

38

39 Ames said the permit is just for flat abalone in Oregon. She said abalone is very  
40 sensitive to any type of fishing pressures. She said the density of declines they are  
41 seeing in the survey data and the fact that abalone require high density in order to  
42 reproduce that is very concerning to staff. Staff is more focused on what they are  
43 seeing in the data as an indicator of an unsustainable fishery.

44

45 Commissioner Kerns said he was not convinced it was unsustainable.

46

47 **Public Testimony**

1

<p>Kevin Hiersche Gold Beach, OR</p>	<p>Kevin Hiersche said he discussed a proposal last year with the Commission for Developmental Fisheries. He supports Option 2, which maintains the 2008 fishery regulations with harvest area closures. He said last year the 3,000 pound quota was reduced to 2,000 pounds with a size limit increase of ¼ inch, but he had a successful season again and was able to get his quota. He thinks the abalone fishery is sustainable for a long period of time and likes the idea of increased size limit. If there is a real issue long-term, he is willing to give up some areas in order to maintain a fishery.</p>
<p>Joe Rohleder Waldport, OR</p>	<p>Joe Rohleder said he represents the Desert Springs Trout Farm, a large live trout producer in Lake County that sells live trout all over the west. He said they want to get a brine shrimp permit, so they can feed the brine shrimp to a selective group of fish to see if they can develop a better sports fish. He hoped the Commission could do a more direct thing like issue them an experimental permit. He said they are interested in working with staff on this potential source of food.</p> <p>Chair Rae asked Rohleder if he just asked the Commission to just give him a permit and not put his name in a lottery.</p> <p>Joe Rohleder said no, what he originally proposed was that the Commission would issue them an experimental permit, just like they would issue an experimental permit in other fisheries for one year or a short duration, so they could look at the fishery. He said over the years, about 12 people participated in the developmental fisheries. In about 2001, it was limited to three permits.</p>

2

3 Chair Rae told the Commission to be aware that those permits are limited to three by  
4 Oregon statute, and not by the Commission.

5

6 Williams said brine shrimp were originally a developmental species but not a  
7 developmental fishery; they were moved and put into a state limited entry. There are  
8 three permits, and only one has been issued. He said the current rules will not allow  
9 staff to issue any of those permits which was why staff recommended this change.

10

11 Chair Rae said she gets concerned when biologists tell the Commission that they may  
12 be facing extinction. She said if that's the kind of alarm, then the Commission needs to



1 be prepared to respond to it by shutting it down for the time being. Chair Rae said she  
2 hoped this was only a temporary closure, and asked for a motion.

3  
4 *Action: Commissioner Edge moved to amend OAR 635 Divisions 005 and 006 as*  
5 *proposed by staff in Attachment 5. Commissioner Klarquist seconded the motion.*  
6 *The motion passed by a vote of 5-1. Commissioner Kerns opposed the motion.*  
7

8 **Exhibit G: AMENDED PROCESS FOR ADOPTING RULES FOR SARDINE,**  
9 **GROUND FISH AND NEARSHORE FISHERIES**

10  
11 Chair Rae noted that staff was just reporting on a slightly different process.

12  
13 Kelly Ames, Groundfish Management and Developmental Fisheries Program Leader,  
14 said the National Marine Fishery Service will delay implementing regulations for  
15 groundfish and sardines. The annual regulations will be published in March 2009. Staff  
16 will issue temporary rules for commercial groundfish and sardines, and return to the  
17 Commission in April to explain the new regulations. Concerning the sport fishery, the  
18 2008 regulations were published in the 2009 Oregon Regulations Book. They will  
19 remain in effect for two months. Ames said if ODFW chooses to adopt new regulations,  
20 they will be published in April.

21  
22 **Exhibit H: 25-YEAR RECREATIONAL ANGLING ENHANCEMENT PLAN**

23 Mary Buckman, Biometrician for Recreational Fisheries Program, said an internal  
24 agency work group looked at the plan and focused on enhanced angling opportunities  
25 throughout Oregon. It responds to increasing population, promotes angling through  
26 strategic marketing, and develops pilot programs. Staff met with the public and partners  
27 and received input from the Sport Fish Leaders Group. She discussed the Recreational  
28 Fisheries Enhancement Policy and its two goals:

- 29  
30 1. Provide diverse, stable and productive angling opportunities through naturally  
31 produced fish, hatchery fish, by providing better information and access.  
32 2. Increase angling participation through education, marketing and reducing barriers in  
33 participation, e.g., language barriers.

34  
35 Buckman talked about expanding partnerships and retooling the STEP program. Staff is  
36 looking for money to fund two recreational fisheries specialist positions, and proposes a  
37 recreational fishery advisory board. She said the angling group will meet with the Sport  
38 Fish Leaders Group, and present the redrafted plan and rules in January 2009 to the  
39 Commission for approval.

40

Russell Bassett Molalla, OR	Russell Bassett said the Native Fish Society (NFS) have seen some positive input happen from the first draft, but the draft today goes another direction that NFS would like to see it go. He said his job is to protect native fish, even from sport and commercial anglers. NFS does not want this plan to increase hatchery fish on wild fish in flowing waters, especially using triploid trout to increase harvest. He said
--------------------------------	--

	<p>they don't want to see increased harvest of wild fish, but want to see trout that don't flow into out-flowing water, and increased fishing on non-native fisheries or warm water fisheries. He talked about the conservation goals of the organization and a focus on creating recovery and conservation plans. He said to help this plan staff should go 70/30.</p> <p><b>Commissioner Kerns excused himself from the meeting at 6:20 p.m.</b></p> <p>Chair Rae said the Commission will develop this in concert with their other existing plans, whether it's the Native Fish Conservation Policy.</p>
<p>William (Bill) Egan Molalla, OR</p>	<p>Bill Egan, a member of the Warm Water Working Group and the Inland Sport Fish Leaders Group, said he doesn't care for the triploid plan; it isn't about the triploid in as much as what it costs. He said their free fishing day isn't fishing; they take them to a hatchery and he wants to get away from that concept. He said as group, they didn't feel that the stationary sites were a good idea because of maintenance needs and lack of field biologists to do the work. He discussed two proposals: 1) a mobile truck that travels to the schools statewide to present fishing to kids; and 2) locate a Cabelos or a Pro Shop near Salem that would pull in the tourists with a STEP-like program they would maintain (not the state) and seminars on fishing. He said Oregon doesn't rear any warm water fish. They are in relatively good shape and pretty much self-sustaining, but need regulation to protect them from over-harvest.</p>

- 1
- 2 Mary Buckman asked the Commission for input so she could incorporate their
- 3 comments into the next draft.
- 4
- 5 Chair Rae said the Commission will have opportunities within the next month to review
- 6 the draft and that Buckman would have their comments within the next couple of weeks.
- 7
- 8 Commissioner Edge commented on the issue of angler ethics as part of the educational
- 9 program. He asked whether the plan includes moving non-native fish into water bodies
- 10 where they do not currently exist, which he objects to.
- 11
- 12 Mary Buckman said there is no one-size-fits all and that staff is going to develop
- 13 management strategies unique to each situation.
- 14

1 Chair Rae said in due course they will need to put price tags and priorities on this issue  
2 in concert with other matters that are before ODFW and the Commission. She said they  
3 needed to put this little reality overlay of what's going to happen with our 2009-11  
4 budget in the next Legislative Session, in addition to trying to do things differently  
5 through the hard economic times. She thanked Buckman for her work.

6  
7 **ADJOURN**

8  
9 Chair Marla Rae adjourned the meeting at 6:38 p.m.