

1 Bowles discussed Overarching Elements:

- 2 • Premise: Recreational and commercial fisheries are economically viable to both
- 3 states and the region.
- 4 • Objective: Optimize economic value of these collective fisheries within a
- 5 conservation framework.
- 6 • Guiding Principles/Approach for the rulemaking:
 - 7 ➤ Promote recovery; meet terms of *U.S. versus Oregon*; enhance overall
 - 8 economics and stability of Columbia River (CR) fisheries.
 - 9 ➤ Prioritize recreational fisheries in mainstem, commercial in off-channel.
 - 10 ➤ Develop selective commercial gear and techniques; phase out non-
 - 11 selective gill nets in the mainstem after transition.
 - 12 ➤ Enhance off-channel commercial fisheries.
 - 13 ➤ Secure conservation benefits (reduce hatchery fish on spawning grounds).
 - 14 ➤ Provide a transition period for full implementation.
 - 15 ➤ Avoid significant economic loss during transition period; ensure overall
 - 16 economic gains long-term.
 - 17 ➤ Enhance economics specific to commercial fishery through pursuing
 - 18 sustainability certification or endorsements.
 - 19 ➤ Maintain consistent and concurrent fishery policies with WDFW.
 - 20

21 Bowles said the Model Approach is the framework used by staff to manage fisheries
22 annually between Oregon and Washington that is vetted through federal, Tribal, and
23 state forums. The model determines the harvest and the handle numbers for each
24 species and sector based on impact rates and the fishery structure. Staff translates
25 harvest into ex-vessel value for the commercial fleet that is a surrogate index of
26 economics for the commercial fleet based on current average size, weight and value
27 from commercial fish tickets. Staff used angler days for the sports component as the
28 currency of economic value. Bowles said we assume that the commercial fishery is able
29 to access the full share of available impacts and harvestable fish, important for upriver
30 bright fall Chinook. The approach does not include the cost of new alternative gear.

31
32 Bowles noted that Washington Commercial advisor Robert Sudar had submitted
33 modeling questions to staff, which responded to his first questions and were working on
34 his second set of questions.

35
36 Model Updates. Bowles said the spreadsheet had the wrong weight for the off-channel
37 coho gill net fishery and for 2016 and beyond the catch rate for coho in off-channel areas
38 was inflated by 6,000 fish. A primary benefit of economic modeling was the relative
39 comparison between baseline and the future needed to use similar assumptions. Staff
40 assumed in the future that all available impacts and fish were accessed. The baseline
41 left 8,000 fish in staff's original run unharvested in the commercial fall fishery above
42 Sandy River. Staff added that back to the baseline that results in the commercial
43 baseline going up five percent (\$180,000) and the future, whether transition or long-term,
44 decreasing three percent (\$140,000). The update is still within policy guidance of no
45 more than 0-5% negative impacts to ex-vessel value during transition and positive ex-
46 vessel value long-term relative to baseline.

1 Bowles discussed key questions brought up relative to modeling:

- 2 • *Modeled commercial baseline of \$3.6 million too low. People believe it is actually*
3 *\$4.5 million. Staff did not model all the fisheries; the non-modeling fisheries make*
4 *up the majority of this difference. The baseline must be comparable to the*
5 *projections; same approach must be used for both.*
- 6 • *Assume all commercial impacts/fish are used in modeling, but on average only*
7 *77% of preseason fall Chinook predictions have been caught over last three*
8 *years. Staff assumed all impacts/fish caught for both baseline and future. They*
9 *corrected the omission of fall Chinook above the Sandy and added those back*
10 *into the baseline to ensure it was comparable. The preseason prediction of fish*
11 *available for harvest is not relevant to this question because what staff predicts,*
12 *versus what is actual, is going to change every year.*
- 13 • *Off-channel spring Chinook benefits seemed too high and coming too quickly to*
14 *commercial fishery. Bowles said the reprogramming of 250,000 spring Chinook*
15 *was based on Commission direction in 2008; it began in 2010. The estimated*
16 *returns are based on average survival rates and age structure. How many fish*
17 *return is based on ocean conditions and other factors that occur each year.*

18
19 **Final Work Group Recommendations.** Bowles presented the recommendations:

20
21 ***Transition (2013 – 2016+):***

- 22 • Allocations beginning this spring: (NOTE: Ratios are sport recreational versus
23 commercial and either Endangered Species Act (ESA) impacts or other related
24 allocation impacts that staff does for fish with no ESA limitations.)
 - 25 ➤ 70:30 for sport/commercial for spring Chinook and sockeye.
 - 26 ➤ 60:40 initially (2013-14) for summer Chinook and 70:30 later part of transition
27 period. Part of mitigation for shift in summer Chinook is to provide Select
28 Area bright fall Chinook in off-channel areas that is occurring and will be
29 enhanced. Staff would like those fish to return before going to full 70:30.
 - 30 ➤ 65:35 for tule fall Chinook; listed wild fish in the lower river. Bowles said the
31 rule states less than 70% for sports and at least 30% for commercial; a
32 function to play out during transition at 65:35 because staff believes the
33 reasonable objectives established for fall fisheries can be met under that
34 ratio and frees up more upriver Brights for the commercial fishery.
 - 35 ➤ Upriver Bright allocation depends on run size and meeting sport objectives.
36 Model shows ~40:60 for large run sizes experienced of late; provides
37 commercial access.
 - 38 ➤ No substantive change for coho.
- 39
40 • Off-Channel Enhancements: 2013+:
 - 41 ➤ One million new spring Chinook (OR – 750,000; WA – 250,000); 83%
42 increase.
 - 43 ➤ 920,000 coho (OR – 720,000; WA – 200,000); 24% increase.
 - 44 ➤ 500,000 Select Area bright fall Chinook – OR; 33% increase.
- 45
46 • Reasonable fall Chinook sport fishery objectives:
 - 47 ➤ Buoy 10 through Labor Day.

- Tongue Point to Warrior Rock through mid-September with a blend of marked selective fisheries and non-marked selective fisheries.
- Warrior Rock above Lewis River to Bonneville; a full fishery relative to traditional bag and all days of the week.
- Commercial characteristics:
 - Maintaining mainstem opportunity spring, summer, and fall.
 - Tangle and gill nets allowed in mainstem; plus alternative gear if approved.
 - 25% more adult spring Chinook coming to off-channel areas immediately; 25% more adult coho; and 33% more Select Area Bright fall Chinook midway through transition period.
 - Substantive upriver Bright fall Chinook opportunity in mainstem.
 - New opportunity for hatchery tule and coho if alternative gear approved (currently commercial fisheries cannot access these fisheries).
- Recreational Fishery Impacts:
 - 45,000 angler trip increase (13%).
- Commercial Fishery Impacts:
 - \$18,000 to \$760,000 increase (0.5% - 20%) over that time of transition.
 - Includes “pilot” alternative gear harvest of hatchery tules and coho (important for WDFW).
 - Includes full harvest of available upriver Bright fall Chinook.

Long Term (2017+):

- Allocations:
 - 80:20 sport/commercial for spring Chinook and sockeye.
 - 98:2 for summer Chinook. As a result of Work Group process this is nearly all impacts long-term for summer Chinook going to the recreational fishery; another very important piece for the WDFW Commissioners on the Work Group. The two percent (2%) is the incidental impacts needed to have other fisheries so there would be no targeted summer fisheries long-term.
 - Less than 80:20 for tule fall Chinook. Model shows 65:35 will meet sport objective and provide commercial access to hatchery fish.
 - Less than 80:20 for Upriver Brights, depends on run size and meeting sport objective. Model shows ~40:60 for Upriver Brights for large run sizes similar to status quo.
 - No substantive change for coho.
- Off-Channel Enhancements: Majority to be done during transition period but some new enhancements require additional infrastructure.
 - Up to 1.25 million spring Chinook (OR – 1 million; WA – 250,000), 100% increase.
 - Up to 1.92 million coho (OR – 1.72 million; WA – 250,000); 50% increase.
 - 750,000 Select Area Bright fall Chinook (OR), 50% increase.
- “Reasonable” fall Chinook sport fishery objectives:

- Buoy 10 through Labor Day.
 - Tongue Point to Warrior Rock through mid-September.
 - Warrior Rock to Bonneville full fishery.
- Commercial characteristics:
 - Tangle nets and other selective gear/techniques will be in mainstem.
 - Staff anticipates infrequent opportunity for spring Chinook in mainstem.
 - Off-channel: ~100% more adult spring fall Chinook; 50% more Select Area (SA) Brights and coho.
 - Substantive Upriver Bright fall Chinook opportunity in mainstem.
 - New substantive opportunity for hatchery tule, coho and Upriver Bright fall Chinook in mainstem.
 - Recreational Fishery Impacts:
 - 75,000 angler trip increase; 22% increase.
 - Commercial Fishery Impacts:
 - \$232,000 (2017) to \$517,000 (2020); a 6%-14% increase.
 - Includes alternative gear harvest of hatchery tules, coho and Upriver Bright fall Chinook in mainstem.
 - Includes full harvest of available Upriver Bright fall Chinook.
 - Includes increased gillnet harvest of off-channel salmon.
 - Does not include cost of new alternative gear.

Sturgeon (2013+). The Work Group recommended a 10% additional conservation buffer be set aside from harvestable surplus and the remaining harvestable surplus be allocated 80:20 sport/commercial. If abundance does not increase in 2012, allow only non-retention fisheries until decline is reversed. Staff confirmed the 2012 estimate and will ask the Commission to approve rules for a non-retention fishery for white sturgeon.

Additional Measures for Recreational Fishery; or Conservation based on Commercial Advisor input.

- Implement barbless hooks.
- Consider rubbing landing nets.
- Consider requiring recovery boxes if fish removed from water.
- Consider restricting sport fishing within and adjacent to off-channel areas until economic benefits verified.
- Consider a five-fish seasonal limit for CR spring Chinook.
- Consider CR endorsement for Oregon to help fund plan, similar to Washington's.
- Consider creating a limited-entry guide program for CR.
- Begin requiring guide logbooks by 2014.

Bowles discussed **Conservation Impacts:** small escapement increase for wild runs (spring Chinook and lower river coho); increased harvest rate on hatchery salmon; reduced hatchery fish on spawning grounds particularly tules, coho, and spring Chinook; and increased protection of white sturgeon. He said monitoring and adoptive

1 management is important to tracking the potential conservation benefits. The Hatchery
2 Scientific Review Group (HSRG) sub-committee analyzed and provided an assessment
3 (see Attachment 4 - HSRG Draft Report) of the Plan. Because of the higher harvest
4 rate, moving these fish and reprogramming them from important spawning tributaries,
5 and shifting to alternative gear the overall benefits were good. The existing program has
6 stray rates for coho and tules in some cases that are too high, but this Plan will help
7 those rates.

8
9 Bowles said during the Transition Period to track implementation and results **Adaptive**
10 **Management** allows the Commission to assess whether key assumptions are being met.
11 The Commission will do an initial review at the end of 2014 and a comprehensive review
12 at the end of the Transition Period. If the initial assumptions prove wrong, the
13 Commission will determine the causes and make adjustments to correct the course.

14
15 **Governor's Balanced Budget.** In the Governor's 2013-2015 Recommended Budget he
16 asked for \$2 million in General Fund (GF); \$1.6 million Other Funds (OF) (a recreational
17 license surcharge similar to Washington); and a placeholder for \$2 million Federal Fund
18 (FF) limitation (Mitchell Act funding not yet secured) for alternative gear development.

19
20 **Additional Measures (Appendix E in Attachment 3).** Bowles asked the Commission
21 to consider for adoption the following measures:

- 22 • Barbless Hooks. Beginning 2014, barbless hooks required in mainstem Columbia
23 up to Oregon/Washington border (above McNary) and the lower of some of the
24 lower river tributaries. This does not relate to single or treble hooks or bait.
- 25
26 • Off-Channel Control Zone. Beginning 2013, prohibit salmon/steelhead angling
27 August 1 – September 15 at the mouth and within Youngs Bay to ensure that
28 Select Area (SA) Bright Chinook and fall Chinook destined for the off-channel
29 commercial fishery would have a buffer there.

30
31 **Next Steps:**

- 32 • WDFW Commission to consider Work Group recommendations and Oregon
33 action in January 2013.
- 34 • Governor's 2013-2015 Recommended Budget to be considered by Legislature in
35 2013 and beyond.
- 36 • New authorities pursued for gear authorizations and ESA coverage; acquire as
37 needed.
- 38 • Implementation begins in 2013.

39
40 Brett Brownscombe, Natural Resources Advisor to Governor Kitzhaber, distributed a
41 copy of the Governor's letter dated December 7, 2012 to the Commission and said as
42 most recently as yesterday it covers the Governor's thinking on the status quo of the
43 recommendations and the best course for Oregon. Brownscombe read the Governor's
44 letter; highlights follow:

- 45 • Appreciation and support for Chair Levy and Director Elicker's efforts in response
46 to his August letter to undertake action on Lower Columbia River Fisheries

1 Management (LCRFM) to achieve a better fisheries management policy than the
2 status quo or one imposed by a ballot measure.

- 3 • Supports the recommendations of the Work Group titled, *“Management Strategies*
4 *for Columbia River Recreational and Commercial Fisheries: 2013 and Beyond”*.
5 Encourages the Commission to implement these recommendations and draft
6 Oregon Administrative Rules (OARs) along with his suggested modifications and
7 additional actions (see below).
- 8 • Committed to achieving enhanced economic benefits for both commercial and
9 recreational fisheries, and supports continuation of an economically viable lower
10 Columbia commercial fishing industry as one outcome of this effort.
- 11 • Committed to supporting full implementation of measures necessary to achieve
12 these outcomes as reflected in his 2013-15 Recommended Budget investing \$5.2
13 million in LCRFM, including enhancement of commercial fishing opportunities in
14 off-channel areas and advancement of alternative gear types and related
15 mainstem commercial fisheries. Brownscombe said there is \$2 million in GF; \$1.6
16 million in lottery-backed funds for a total of \$3.6 million; and \$1.6 million tied to the
17 CR endorsement recreational fishing fee. The Governor is very committed as this
18 is a key piece. Given that this is a legislative issue that needs to be worked out in
19 the future, the Governor has it included as a plan for revenue source. The \$1.6
20 million in lottery-backed fund is in there because all of this is going to be important
21 to delivering on the outcome and enhanced economic gain for both the
22 recreational and commercial sides.
- 23 • Governor will work with the legislature on other actions: a) the authorization of the
24 Commission to approve alternative fishing gear; and b) an endorsement fee to be
25 paid by CR recreational fishers to cover costs of actions associated with realizing
26 the assumptions around shared economic gain.
- 27 • Pathway to mutual economic gain rests upon important assumptions and an
28 underlying economic analysis. The commercial fishing industry bears a
29 disproportionate degree of risk should either the key assumptions or economic
30 analysis fail to deliver anticipated outcomes. The Governor believes:
 - 31 ➤ The Commission should immediately undertake more vigilant monitoring of
32 these assumptions and economic analysis than proposed in the Work
33 Group recommendations. The Commission should review the status of the
34 assumptions and accuracy of economic analysis at the end of one (1) year
35 - rather than two years - and intervene through adaptive management if
36 anticipated outcomes are not being realized for reasons other than annual
37 variations in run sizes or other natural factors; this is true for subsequent
38 years as well. Adaptive management does not mean scrapping the entire
39 framework of the Work Group’s recommendations but it does mean
40 addressing the reasons behind any failure of key assumptions in achieving
41 outcomes around conservation and recreational and commercial fishery
42 economics including harvest allocations.
- 43 • Propose to the legislature the immediate establishment of a Transition Fund to
44 provide direct assistance to commercial fishing interests in transitioning to off-
45 channel locations and/or alternative mainstem gears, as well as support payments
46 if predicted economic gains are not realized due to unforeseen errors in the

1 economic analysis that threaten otherwise viable fishing operations prior to the
2 Commission's ability to react through adaptive management.

3
4 Brownscombe said in the Governor's letter he asks the Commission to re-examine three
5 specific Work Group items in addition to enhanced monitoring and adaptive
6 management:

- 7
8 1. Instead of assigning 100% of the summer Chinook mainstem harvestable surplus
9 opportunity to recreational interests long-term, develop an alternative gear
10 commercial fishery for this run. Consider revising the proposed OARs to eliminate
11 the proposed long-term allocation and instead commit to revisit this issue with
12 Washington at the end of the transition period and allocate up to 20% of the
13 harvestable surplus to commercial interests if alternative gear opportunities exist.
14
- 15 2. Instead of requiring the use of barbless hooks immediately, consider phasing in
16 this decision after two years in order to minimize near-term impacts on economic
17 interests affected by this change.
18
- 19 3. Instead of immediately implementing the Youngs Bay Control Zone in the OARs,
20 consider approving a recommendation that this closure be adopted into the OARs
21 in the future if ODFW determines commercial economic objectives are not being
22 met.

23
24 Brownscombe said the Governor believes that if adopted and implemented the proposal
25 before the Commission represents a significant policy shift that will meaningfully address
26 a growing but long-standing social dispute, preserve and enhance commercial and
27 recreational fisheries, improve overall benefits to Oregon and the region; and support
28 fish conservation and recovery.

29
30 Chair Levy referred to page 2, Item 1, of the Governor's letter and asked is this
31 irrespective of the 90,000 or does it include the 90,000? Or does it not include the
32 90,000 trigger number?
33

34 Brownscombe said the Governor feels that the development of an alternative gear
35 fishery on summer Chinook should be in place irrespective of the 90,000 trigger. That is
36 an important development in Washington State. The Chief Joseph Hatchery coming on
37 line is very important to that fishery in the future but there is a concept of shared benefits
38 and responsibilities in this package and the recommendations to the Commission.
39

40 Commissioner Wolley said with this significant enhancement that is occurring is the
41 current capacity of hatchery production adequate for these enhancements? If not, do
42 any of the funds that are being considered or are actually secured available for
43 increasing that production?
44

45 Bowles said the Transition Period production shifts and enhancements are all within the
46 existing infrastructure within our system. It includes capacity issues, particularly for coho
47 as far as hatchery production space, but also net pan space within the off-channel areas.

1
2 Commissioner Anderson referred to the Governor's comment that this was a significant
3 policy shift and said that current fisheries management policy 150 years in the making
4 has been based on equal allocation and fair and reasonable catch opportunity; these are
5 the phrases that are listed and we are moving toward a sport priority. She said given that
6 we are getting information from the Governor's Office based on meetings yesterday, this
7 morning and placing a vote today do you think that four months has been an adequate
8 amount of time to adequately vet this kind of significance in policy change?
9

10 Brownscombe said when the Governor weighted in on this issue in August there were a
11 variety of factors including BM 81. Four months is a compressed time period but part of
12 the Governor's belief is in the ability of the Commission to do this work and the staff to do
13 that analysis based on: 1) the history and underlying conversations and work around
14 these concepts in the past to build on. 2) This is not a done issue but an issue that has
15 been around for 150 years and will continue to be around. He referred to adaptive
16 management and vigilance monitoring and said the results of any move the Commission
17 decides today is fundamentally important to where the Governor is on his feelings of are
18 we ready? The Governor feels the allocation shifts and assumptions around what it will
19 take for the actions to work out both the economics of the commercial and recreational
20 sides are bold and will take investment. The Governor is prepared to make that
21 investment and to work on future investments because it is not, at this point in time, a
22 flash point decision. This is going to be relatively years of implementation of budgets,
23 working with the Legislature, and his work with our congressional delegation and federal
24 entities on delivering FF. He said the Governor's is very focused on this because
25 implementing any decision you make is going to take a lot of commitment on the
26 Governor's behalf and the Commission in monitoring the anticipated desired outcomes.
27 He believes that we can get there but it's going to take monitoring and adaptation based
28 on what we are learning. He expects that the Commission will act and will adapt through
29 the adaptive management portions of this proposal if the underlying assumptions are not
30 working out.
31

32 Commissioner Anderson said clearly the Governor is recognizing the inherent
33 uncertainty in the modeling projections and predicted run sizes and harvest, the
34 effectiveness of the SA enhancements, and the viability of alternative gears. She said in
35 moving this forward rapidly we go into monitoring right away; we want to be able to
36 evaluate the effectiveness. What is a reasonable margin of error given the
37 uncertainties? At what point do we say this is working or not working? At what point is
38 the Governor or the Commission going to look at how much deviation from the
39 assumptions is appropriate or inappropriate?
40

41 Brownscombe said putting a number on it is difficult but the concepts of enhancements
42 on economic benefits of both the commercial and recreational is fundamental to this. The
43 Governor feels that the region has an amazing fishery resource. As a state we should all
44 be building and growing that resource together; all the stakeholders have a commitment
45 to that and stand to benefit from that. The Governor also feels that all interests have the
46 right to expect that they can benefit from that fishery resource. The key assumptions
47 around this are certainly not without actions that will require change and transitions in the

1 short term. In the short term the key assumption is that we can protect the economic
2 interests of both the commercial and recreational industry and if we don't there will be
3 adaptive management. In the long term the key is enhancement of economic benefits.
4 So, how you measure the degree of that the Governor wants the Commission to feel
5 empowered in working with ODFW to really to monitor this closely. That's why he has
6 pushed for a more aggressive monitoring and adaptive management approach than what
7 is in the recommendations starting immediately.

8
9 Brownscombe said if you see in the long run, as this is playing out, that the objectives of
10 economic enhancements as a whole for the commercial or sports industry are not
11 working out then he would fully expect there to be shifts made – the point of adaptive
12 management. The triggers are recognizing that run sizes are going to vary and these are
13 fish and things are going to be different from year to year what he is trying to say is let's
14 take that off the table. Let's not make moves if we're just facing issues of varying sizes
15 and fish runs or other natural factors. But if folks aren't working in good faith to
16 implement this in the key sectors of the public and if there are failures in some of the key
17 assumptions or there are issues unforeseen in the economic analysis that cause the
18 outcomes to not be met around enhanced economic benefits for all here, then the
19 Governor expects the Commission to have the discretion to determine what degree is
20 significant enough and when you feel appropriate to intervene.

21
22 Commissioner Anderson referred to one of Bowles's slides regarding Conservation
23 Impacts (see page 8, bottom slide). She said the Governor's letter is prompting the
24 Commission to be more vigilant in monitoring assumptions. She understands that
25 conservation impacts are based on assumptions from mortality studies between the
26 recreational and commercial fisheries, and regarding recreational fisheries that staff is
27 using data collected by ODFW from professional guides in the Willamette River. She
28 said there is a question that if we are increasing effort of the non-professional
29 recreational fishers in the Columbia whether those numbers that drive those
30 assumptions are going to be accurate. Does staff have plans to improve some of the
31 assumptions that we are putting into the conservation models based on what the
32 Governor is asking in terms of more vigilant monitoring?

33
34 Bowles asked if she was referring to the assumptions of handling mortality for the
35 selective fisheries recreationally which some of them are 10% and are we going to revisit
36 that. Commissioner Anderson said that is correct.

37
38 Bowles said the current assumptions are based on prior studies and existing literature
39 that formed the rates used by staff. Any new changes to the fisheries do warrant
40 revisiting but it would be at the Commission direction whether we invest part of these
41 monies into reassessing that. He was not sure that he would recommend that as a
42 priority just yet until staff is fully investing in the alternative gear development for the
43 commercial fleet; a greater uncertainty.

44
45 Bowles said with regard to the professionals versus the more lay fishermen regarding the
46 handling effects those studies are used by a suite of fishermen in order to get those so
47 that is not an issue. There is an ongoing process that needs to be developed further and

1 that is the educational side of how to effectively handle fish and release them. Currently
2 we do not allow fish that are not going to be retained to be brought into the boat. That is
3 an additional conservation measure that is not part of those studies. Bowles said we
4 should always continue to cushion those numbers by additional effective ways of
5 handling fish depending on the water temperatures.

6
7 Commissioner Anderson said we have reviewed in previous meetings the economic
8 assumptions. How much of the current economic analysis in regards to long-term
9 benefits to commercial fisheries is dependent on the assumption that the alternative gear
10 development is fully successful as opposed to existing gear types?

11
12 Bowles said in Attachment 3, Appendix C, Table C.4 (see page 29), gives the number of
13 fish and breaks it down by fishery sector. During the Transition Period you will have
14 Mainstem Gillnet identified and those disappear in the long-term. The table illustrates the
15 shift into the SA. He said those numbers directly answer Commissioner Anderson's
16 question. To be clear on a long-term we are on a presumptive path of no mainstem non-
17 selective gillnet fishing. The Commission will revisit that and the effectiveness of the
18 alternative gear as we go through the transition. Bowles said on Table C.5, page 30, is
19 where they take that based on the average weights and ex-vessel value in order to get
20 the overall dollars for the commercial. That is all built on the fishery model that is used
21 for Table C.4.

22
23 Commissioner Holly Akenson said the new letter from the Governor is really important
24 because prior to what she has heard today it was very uncertain about the economic
25 viability of this for plan for a policy change. These items do improve the situation for the
26 potential of success for commercial fishermen economically. She asked what the
27 proposed transition funding involves.

28
29 Brownscombe said the transition funding is intentionally aimed at getting to the issues of
30 uncertainty and risk. Like any transition the Governor expects that this is going to
31 require vigilance and monitoring and the willingness to be adaptive. The issue that the
32 transition fund is intending to deal with is the inequity of either issues with the
33 assumptions or underlying analysis. If they don't play out as anticipated and it's for
34 reasons other than what fish do and how fish vary as a natural matter the anticipated
35 approach has been recommended to the Commission by the joint Work Group is okay;
36 adapt to that. If you adapt after that fact that doesn't necessarily help those who have to
37 wait for the adaptation to happen. The transition fund is intended to deal with some
38 protection there so that if there are economic consequences on either side that are not,
39 especially on the side that the Governor feels is most vulnerable here, related to natural
40 variations and more to the assumptions in what we learn about how the assumptions are
41 playing out over time. There is a need for some protection in the interim period to keep
42 people protected before the Commission has had time to do adaptive management and
43 address the new information.

44
45 Commissioner Akenson asked what specific things that money would go towards.
46

1 Brownscombe said that money could go towards transitioning to alternative gear and
2 transitions to adjustments in techniques based on new locations. Another part is
3 specifically payments to a given sector going to achieve the outcome of economic
4 protection through the transition to enhanced economic benefits. He said this could be in
5 the form of direct payments or supports for those who have demonstrated harm based
6 on assumptions not panning out.

7
8 Commissioner Akenson asked who would determine where that funding goes and if it
9 needed to be enacted.

10
11 Brownscombe said they anticipate that being housed within ODFW and being connected
12 to the Governor's oversight of the desire to ensure the outcomes anticipated on the
13 outcomes are being met. It is a relationship with the Governor's Office but housed in
14 ODFW and tied to your role as a Commissioner and engaging with the Commission on
15 reviewing the data, reviewing the monitoring results, and having adaptive management
16 check-ins on how are we doing with this. So it is tied to the Commission's role with the
17 Department and looking at how this is going and then having a funding source available
18 to deal with that protection if you deem it is needed. It would come to the Commission as
19 part of staff's recommendations and the Commission would need to act upon it.

20
21 Bowles said an example is the Ocean Salmon Fishery Disaster Relief that was a federal
22 appropriation that we developed criteria for and then administered. It was brokered
23 through the Pacific States Marine Fisheries Commission (PSMFC). People would submit
24 their claim to be reviewed relative to that criterion. He anticipates that staff would work
25 with others to develop legitimate criteria for those screenings.

26
27 Brownscombe said the desire is to not create an overly bureaucratic and burdensome
28 program that couldn't be administered and implemented nimbly; the key here is funding.

29
30 Commissioner Akenson said the push for more vigilant monitoring is important more than
31 just a recheck in two years because it does seem like there are so many different things
32 that could interact that we really need to look at this in a year if we're going to make this
33 policy change; and look at what kind of changes we need. It's good that the Governor's
34 letter also definitely said the Commission can revisit this and through adaptive
35 management can decide in the future if this doesn't work that we do have alternatives,
36 that we are looking at maintaining the same overriding objectives and putting those
37 pieces together to enhance all of them.

38
39 Brownscombe said the Governor does not want this issue at the ballot box. He wants the
40 Commission to be working with ODFW to manage where the Commission will have the
41 discretion and the ability to work to make implementation happen and not have this
42 continue to rise to political channels outside the Commission.

43
44 Commissioner Akenson said we are looking at economic enhancements to make the SA
45 piece work and long-term beyond this Transition Period. Even though there is a strong
46 commitment by the Governor if we don't have that continued input of funding to keep
47 those SA going then the whole process breaks down because the commercial fishermen

1 don't have those fish returning. She said that is another vulnerability of this whole plan
2 because the new allocations are contingent on funding that goes to just one piece.

3
4 Bowles said right and that is a consistent theme for every long-term ODFW program.
5 There is no funding source or purpose that is risk free so the Governor is taking this very
6 seriously. He said there are two key pieces relative to the fisheries across the seasons.
7 1) Production shifts are important for the spring and summer fisheries. The dollars are
8 important but those are currently in play. It is not necessary for a lot of new money for
9 that and staff knows it can produce the fish. 2) For the fall salmon fisheries the
10 uncertainty is the effectiveness of alternative gear and how it plays out economically,
11 which is why participation is so important in developing alternative gears. If it doesn't
12 play out long-term the Commission has the ability to adapt long-term appropriately to
13 ensure that the economics are still met.

14
15 Commissioner Akenson asked what the process for approving new selective gear is. If a
16 commercial fisherman has an idea they would like to test how do they ask permission to
17 try something new?

18
19 Bowles said right now the only commercial gear allowed for these fisheries in the
20 mainstem are gillnets. Staff would like rather than prescribed gear types in Oregon
21 Revised Statutes (ORS) to have the statutory shift that the Commission would have the
22 authority to promulgate rules for the appropriate gear types and allow that to play out so
23 staff knows which works best. That process is through the Legislature and there is
24 commitments at all levels to make this happen at the appropriate timing. We have time in
25 order to get through most of the Transition Period. Staff is currently doing seines and
26 other ones, e.g., salmon trollers, that are all covered under experimental permits; so we
27 do not need statutory change to do those experiments. WDFW does not need a
28 statutory change to do the seining for commercial profit beginning right away. He said
29 Oregon would need to have the law changed to do seining for a profit.

30
31 Commissioner Akenson said if someone had an idea they would like to try would one of
32 the commercial fishermen go to you and ask can this be an experimental test? Would
33 ODFW work with that person to look at those mortality rates, or can people try things and
34 then bring them to you?

35
36 Bowles said that is right. Staff has talked about incentivizing innovation. For instance,
37 contract dollars to develop those that staff is currently doing with purse and beach
38 seines. But also incentivize it with a pool of impacts towards folks willing to develop
39 these techniques. In other commercial fisheries in marine environments staff has found
40 that working with willing partners for innovations is more successful. Bowles said this
41 could include some gear types that are not currently talked about that much.

42
43 Commissioner Akenson said there is a funding source available for commercial
44 fishermen to apply for funding to test things. Bowles said that is within the Governor's
45 Recommended Budget. Commissioner Akenson said that financial incentive might help
46 to encourage that innovation and allow everybody to learn more and faster.

47

1 Commissioner Webber referred to Item 1 of the Governor's letter dated December 7 and
2 asked would we assign no less than 80% to the recreational and no more than 20% to
3 the commercial to be negotiated with our partners in Washington
4

5 Brownscombe said for those of you who served on the Work Group this is a clear point
6 of deviation from the Work Group recommendation. It is something that the Governor
7 feels is important. The language "...up to 20%..." going towards mainstem commercial
8 fishery if alternative gear opportunities exist is intended to be consistent with other
9 moves on the long-term allocation and recognition that the approach on the summer run
10 to use SA Brights in the off-channel low river run areas as mitigation for impacts on
11 removing gillnet fishery in the mainstem. He said the Governor feels there is still a
12 reason for the commercial industry to have a viable opportunity to pursue an alternative
13 gear fishery on summer Chinook. It is the Commission's discussion in the future. Right
14 now the delicacy is around deviating from the recommendation but the Governor's intent
15 in his letter is to give the Commission space to reengage this ideally in a way that is
16 consistent with WDFW to get to a future allocation and the realization of a mainstem
17 alternative gear fishery. He said it is going to have to be a two-state conversation just like
18 this one is. The Governor is not intending to be too rigid on what exactly he wants other
19 than to say he doesn't agree that there should be a 100% allocation of the harvestable
20 surplus in the long-term to the recreational fishery. He wants to see movement on that to
21 allow for a viable mainstem commercial fishery should be there alternative gear
22 developed that can work.
23

24 Bowles referred back to Commissioner Webber's question and said that the commercial
25 could go up to the 20%.
26

27 Commissioner Webber said how do you write the rule today? Bowles said we would be
28 silent to that piece today because the letter directs us to work with WDFW at the end of
29 the transition. We would simply remove that piece today and it would be open ended.
30 Commissioner Webber said there would be no long-term summer Chinook? Bowles said
31 in today's rule if the Commission should adopt it.
32

33 Commissioner Finley referred to the Transition Fund in paragraph three, page 2, of the
34 Governor's letter and said that Brownscombe in his testimony said it was aimed at
35 uncertainty and risk. He said they talked about other things with the Washington
36 Commission that he wanted to see how comfortable Brownscombe was by including in
37 this Transition Fund; for example, buy outs. The gear support for alternative gear is in
38 the letter. He said Brownscombe expressed the word "nimble" and asked is this an
39 opportunity where the Governor would support expedited acquisition authority for real
40 property or other things? For example, Youngs Bay where the current net pens are.
41 There was an opportunity up river, a distressed seller, and an opportunity to enhance
42 that. In order to be nimble if you work carefully with ODFW to look at all the scattered
43 authorities but actually do a streamlined nimble program that provides not only the
44 Commission the authority but the Director the authority once the Commission authorizes
45 an activity to really use this fund. Is that something that is envisioned but I don't see in
46 text? Could you support those types of things?
47

1 Brownscombe said those things certainly could be on the table as part of this fund. This
2 is a firm commitment of the Governor in terms of what he plans and intends to do with
3 his budget and work with the Legislature to do. He said the legislature is going to have its
4 own feelings on what should be part of this fund to make sure that the transition works
5 and to protect the economic interests on the recreational and commercial side. He
6 recalled the property for sale and said in terms of capital investments like that in the
7 Lottery bond portion of the Governor's budget capital investments are certainly
8 appropriate. In the Governor's budget as a whole there is room for that kind of
9 conversation. In the Transition Fund the intent is let's do what we can to protect in the
10 space between the time we realize how this is playing out on the assumptions and the
11 time the Commission has a chance to adapt through adaptive management; let's be sure
12 that we have something there for protection. How the Transition Fund is implemented,
13 we want the Commission to be engaged with ODFW who can be feeding up from the
14 ground response and the reality of how this is being played out and what is needed. We
15 want the Commission and ODFW directly engaged in making sure that this is
16 implemented in a nimble and practical manner.

17
18 Brownscombe said coming back to Commissioner Webber's point about the negotiation
19 long-term and in terms of how this rule gets implemented, staff has said eliminate that
20 portion of the proposed OARs on the long-term. He said the Governor has made it clear
21 in his letter is if that is the final outcome that the Commission chooses to adopt, be
22 aware even it is not expressed in the OARs that the Governor's intention here is to not
23 come to a discussion with Washington at the end of the transition period and default to
24 the Work Group recommendations. His intention is to deviate from that and have a
25 meaningful opportunity based on what we know or learn about alternative gear
26 development in the interim, having a meaningful opportunity for development of a
27 mainstem summer commercial fishery. If there is silence on that what the Governor
28 wanted to make clear in his letter is that silence in the rules does not imply that he is
29 agnostic on the outcome here.

30
31 Commissioner Wolley was glad to see that the Governor has pushed for more
32 aggressive monitoring than originally outlined in the objectives. Considering whether
33 good faith efforts are occurring, failure and key assumptions are built into the model and
34 failures in the economic analysis model all could be things that could require the
35 Commission to intervene if necessary. He said that type of intervention is not part of our
36 day-to-day lives. How would that happen? How will that communication happen from
37 staff? What will the process be for us to intervene and come together as a body?

38
39 Brownscombe said the intent is that staff is going to be monitoring especially how the
40 assumptions and analysis is playing out. He imagined that when the Commission sets
41 its agendas for its upcoming meetings there would be an intentional point in time when
42 this subject would be on the agenda for review and staff would bring an update to the
43 Commission on the realities of how this is working on the ground and on the water within
44 the fisheries, and have recommendations for the Commission to consider at that point.

45
46 Director Elicker said the main opportunity would be through the annual review; for us to
47 take a hard look at how the fisheries and the runs have performed; the rate of catch and

1 the market share. How all of that performed in last year's fisheries as we look forward to
2 the following year's fisheries. Director Elicker said he had the authority to issue an
3 emergency rule to take immediate action within the department if we think something
4 needed to be changed immediately to a fishery, whether a fishing method or something
5 else within the proper rules or statutes, that would later come before the Commission for
6 approval. He said those are the two ways we can ensure that the Commission is very
7 engaged on this issue and the Department and Commission are poised to make
8 immediate changes if necessary. Within the annual review there will be discussion and
9 opportunity for staff to bring changes and our issues to the Commission for action.

10
11 Commissioner Wolley said is there another level of approval beyond the Commission in
12 terms of the alternative gear selection, a NOAA or NMFS level of approval? If so, how
13 assured or potentially uncertain would that approval be?

14
15 Bowles said yes, the approval for those gear types is needed beyond just the statutory
16 piece. It is called ESA authorizations through different consultation activities. We have
17 different vehicles for that depending on how explicit the federal nexus is, whether it is a
18 funding nexus or other nexus through the Council. Staff could get it through a fishery
19 management evaluation plan approval through one of the sections of ESA or through
20 direct consultation through a biological opinion; for instance *U.S. versus Oregon* is
21 managed through Section 7 authorization. Those would be pursued and largely based on
22 the conservation aspects of those relative to status quo and whether you would be
23 undermining a current jeopardy analysis relative to the fisheries. Bowles said it is a
24 procedural need but he does not foresee any problems on that front. As we get into
25 alternative gears we will be handling different species more than we are now and that
26 piece will be very closely watched by the federal folks overseeing the federal ESA.

27
28 Chair Levy said is the Transition Fund over and above the \$5.2 million already included
29 in the Governor's Recommended Budget or is this part of the \$5.2 million?

30
31 Brownscombe this is intended as part of and if needed in addition to; so, right now in the
32 budget we have an estimation of what the cost would be on the pursuit of alternative
33 gear development and authorization of that as well as pursuit of the enhancements in the
34 off-channel areas both in terms of fish locations, boundaries, and new areas. He said in
35 the Governor's budget there is funding above and beyond what would be required to do
36 those elements tied to those transition pieces. He said you have a commitment from our
37 office and we have discussed internally that this fund needs to be capitalized at a level
38 that is going to be adequate; so the Governor has pledged to make sure that happens.

39
40 Chair Levy said is this specific Transition Fund going to have something tied to it, some
41 caveat that ensures that it does not get spent somewhere else needlessly on something
42 else? She said that it is set aside specifically the way the Governor has it worded now in
43 assistance to commercial fishing interests?

44
45 Brownscombe said the Transition Fund would be protected. As staff indicated earlier the
46 intent would be, like with other programs side boarded with standards on how the money
47 clearly cannot be used, to address transition impacts to all the relevant economic

1 interests. There is some assumption in the Governor's letter about who bears the
2 greatest uncertainty of those actions that are recommended to the Commission today by
3 the Work Group. He said this is intended as a Transition Fund to protect the win-win for
4 all the economic interests at stake here.

5
6 Chair Levy said when do you anticipate our hard look at the numbers and the
7 presentation to the Commission?
8

9 Bowles said staff plans to follow up in the next week or two on questions they were not
10 able to complete or have the Department of Justice (DOJ) review before this meeting.
11 That represents a final scrub of the numbers and the appropriate adjustments. Staff will
12 reassess all of that in the context of the first year's effort in November; we would want to
13 do this before implementing next year's fisheries. Bowles said the focus initially is going
14 to on the implementation elements. Staff will look at some of the metrics that
15 Commissioner Wolley brought up; e.g., did the production shifts occur; did the Governor
16 secure his budget; did the fund get established; are folks participating in alternative gear
17 development? Did we manage the fisheries consistent with the allocation piece? Any
18 new economic information that comes to light will be woven into that as appropriate.
19

20 Commissioner Anderson noted the talk about balance, win-win, and trying to meet
21 multiple objectives. She was struck by the three items in the Governor's letter and said
22 on the one hand we are enacting a very extreme allocation shift in the big picture in
23 advance of demonstrating the success of the key assumptions. We are willing to
24 adaptively manage this in hindsight. With regard to Items 2 and 3, what is the
25 reluctance on the part of the Governor in delaying the requirement of barbless hooks in
26 terms of some of the conservation measures that we are trying to achieve with this
27 policy, and also on delaying the implementation of a Control Zone that could potentially
28 distribute the risks associated with this policy?
29

30 Brownscombe said the Governor read the Work Group's recommendations that came
31 out in late November and has worked up his thinking in response to those
32 recommendations in his letter today. This is the Commission decision and vote and the
33 Governor expressing his opinion on what he wants the Commission to consider; but
34 ultimately the Commission needs to feel comfortable with these considerations if you are
35 going to make them. Brownscombe said the Governor's thinking on barbless hooks is it
36 is a matter not so much of existing single hooks and folks who are trolling bait, it is more
37 a matter of existing inventory that is on shelves and lure manufacturers and retailers that
38 already have barbless hooks on them. The intent here is this is a transition process. The
39 recommendation is to make a clear move on what the future is and to give people time to
40 adapt to that new reality.
41

42 Brownscombe said the intent of the control zone is to address any impacts of
43 recreational fishers on hatchery fish coming back to the off-channel areas that would
44 otherwise be caught by the commercial industry, which is the priority in those areas. He
45 said the assumption is that the off-channel areas are going to work and that we will get
46 enhanced economic gains and fish coming back to those off-channel areas. The
47 Governor's thinking is that both recreational and commercial fishing are important to

1 coastal communities in that part of the state to make this move on closing an area based
2 on information that the off-channel areas are not working instead of doing it in advance
3 and causing the impacts created with that.

4
5 Chair Levy asked to see the map that showed the proposed Youngs Bay Control Zone.
6 Referring to the map and the location she asked what is the difference between moving
7 that deadline farther towards the ocean and not having the control zone at all. Why can't
8 we enlarge the Youngs Bay fishing a little bit and move that deadline farther out?

9
10 Bowles said part of the mandate during the Transition Period and part of the commitment
11 within the budget process is to evaluate not just new sites but also expanded existing
12 sites. We know that as you creep closer out into the mainstem you end up with more
13 encounters of the upriver fish that are the impacts. Where that delicate balance is where
14 the tipping point is where you are ending up hitting your impacts too quickly and shutting
15 down fisheries, we would not want that. He said it depends on the tides and what the fish
16 are doing relative to the flows. We have had some years where the upriver fish nosed in
17 there and it really hit us hard and had other years where it would not be a problem. He
18 said that will be evaluated during the transition period. He said the impacts being
19 allocated to the off-channel areas is doubled under this plan so you can afford to get a
20 little more impacts if it allows you to get more of the targeted fish. But that will be
21 resolved through the Transition Period, not just here but in other areas as well.

22
23 Chair Levy said if we cut that proposed control zone in half, make it smaller but move the
24 deadline up to the half mark for the commercial fishery is that unreasonable to look at as
25 we transition through to enlarge it by half?

26
27 Bowles said he would not recommend doing that now because it needs to through test
28 fisheries and others needs to be determined that you could end up using your impacts
29 such that it would shut the fishery down prematurely for the commercial and we would
30 not want that. He said that is something that staff could look into. And evaluate how
31 much of the sport fishery, for instance Select bright fall Chinook because that is the main
32 intent of this, how much of that is being encountered by the sports fishery. It's currently
33 estimated at just 10%. Staff could look at that during the transition and if the Commission
34 felt the need could put the control zone in then. It could be informed on that better
35 information and could also be combined with a movement of the commercial but he
36 would want the data to help the Commission figure that out because it is a delicate
37 balance.

38
39 Director Elicker asked Captain Samuels to clarify for the record on the Economic and
40 Fiscal Impact Statement that ODFW filed with the Secretary of State back in November.

41
42 Captain Jeff Samuel, Director of Oregon State Police (OSP) Fish and Wildlife Division,
43 said under the suite of proposed rules before the Commission that the Fish and Wildlife
44 Division of OSP could experience an increase in total enforcement effort relative to what
45 comes out of the decisions. He said more information is needed to adequately evaluate
46 what that level of more extra work that we might have to do, but it would have a fiscal
47 impact on my division.

1
2 **Public Testimony:**

3 Chair Levy said through the Work Group process Commissioners Finley and Webber
4 and she were lucky to have a group of commercial and recreational fishing advisors
5 advising them and answering questions. She asked the advisors to come forward and
6 testify as groups so the remaining Commissioners had the opportunity to question them.
7

8 **Commercial Fishery Advisors**
9

10 Robert Sudar from Longview, Washington, a commercial industry fisherman and buyer for
11 41 years, said he finds the Governor opinion guiding this process without any science.

- 12 • Our gillnets are selective in the way we apply them; to describe them as
13 nonselective is not fair. The Monterey Bay Aquarium, the primary organization on
14 the west coast, discusses sustainability and selectivity for consumers in choosing
15 how to buy fish. They rate all the fish available on the market place on the coast
16 and describe our fishery as *“A good choice for consumers when combined with
17 management constraints such as area closures and gear restrictions that are
18 highly selective for salmon and overall bycatch rates that are low.”* They describe
19 the same techniques that we use: gear selection, area closures, and timing to
20 reach certain stocks.
- 21 • Sports priority issue is already in place. He said they fish almost all year. Their
22 request in the lastest document was guaranteeing a fishery through September 7.
23 In the last five years the earliest their fishery closed was September 9. They want
24 a six-week spring fishery but get very close to that every year.
- 25 • The original plan implied we could get our benefits from the SA but those releases
26 were reduced by 35%. Alternative gear fisheries have been inserted to make up
27 the difference. These alternative fisheries have not been proven how effectively
28 they can catch fish while releasing other fish or been proven economically. They
29 are expensive to change and most of the boats on the river are not easily adapted
30 to seining.
- 31 • Economics. How many fish do they have to handle to get the fish they show in the
32 model? What is the mortality rate? He has not received any answers. He said if
33 they have to sort through 50,000-60,000 fish to get 10,000 in the seine fishery
34 then that is a significant issue and not a simple fishery. Their values turn out low
35 returns per boat based on what we've seen so far.
- 36 • Sudar said Bowles discussed my questions about the economic study. There is a
37 difference in the modeling that ODFW does in predicting the runs versus modeling
38 on an economic basis. He said they use the modeling to predict their expectations
39 for the season based on data collected over many years. The way they apply it in
40 the modeling creates a value for our fishery that is \$3.6 million based on the years
41 2009 to 2011. We averaged \$4.4 million in those years off of data staff given him.
42 Bowles included only the salmon. The current value of our fishery is being
43 underestimated. He said if their model under values our fishery by three-quarters
44 of a million dollars on data that we have on hand it's not applicable in that manner.
- 45 • Full harvest of allocated fish. We caught 77% of the preseason fall Chinook
46 allocation 2009 to 2011. To assume that we are going to catch 100% of our fish

1 that is allocated to us and then include that in this economic balance is an
2 unreasonable expectation based on the data they have to compare it to.

- 3 • Sudar referred to Commissioner Anderson's question about how much is involved
4 in the seine fishery. In 2017 they estimate 42% of our income to come from the
5 seine fishery and 7% to come next year. They estimate 6.5% to come from a
6 tangle net coho fishery where the fishermen don't have nets for that yet and that
7 will cost \$4,000. Those are other issues plugged into a model that has several
8 things they didn't model but got a dollar value; those are inadequate applications
9 to that model.
- 10 • Buyout. How can this be an economic balance? Sudar said if it is a "win-win" you
11 should not need to buy any fishermen out because they should be able to
12 continue to make the money they've been making. How would it sell to the public
13 if you had to create a disaster fund of some sort because the transition plan is
14 inadequate: that you have to tell them we have to pay fisherman for the fish that
15 they use to catch from the mainstem that were allocated to them? If the run
16 comes in short we go with the seasonal variations. You are creating a whole new
17 level of complication that does not exist for our fishery.
- 18 • The State talks about science being the foundation of what they are doing. Sudar
19 said we are not seeing any science in this Plan even from the first meeting in
20 Olympia, WA. He said 100% of the funding in Washington for salmon comes from
21 mitigation money and GF money, not from sports licenses. You're cutting the
22 public out of the spring and summer Chinook they pay for and changing when
23 they are going to have access to fall Chinook. He asked what message does this
24 send to businesses when the Governor can say I don't like the way you do your
25 business, do it some other way.

26
27 Greg Johnson, from Vancouver, WA and a CR gillnetter, said he has an operation in
28 Alaska with his family. They make about 80% of their income from commercial fishing; a
29 significant portion comes from the CR. He's an advisor on the CR and was a test seiner
30 for two years for Washington.

- 31 • He talked about risks and read, "*In order to harvest the same number spelled out*
32 *in the policy it would require the seining to occur on abundance in the exact same*
33 *timeframe when the SA are at their peak. Presently in the fall we fish heavily just*
34 *prior to the peak and just after the peak migration over Bonneville allowing the*
35 *opportunity for participants to participate in all three of the major segments which*
36 *would be inclusive of the SA."* He said they fish SA heavily in August in the
37 mainstem. There is a migration to the SA when they are at their peak; as that
38 slows down that's when he goes after the Brights upriver again.
- 39 • If the SA and this new model seine fishery occur at the same time individuals
40 would have to choose and will not be able to be at the same place at the same
41 time. Presently these same individuals do it all and they may derive half their
42 money this way in the mainstem and half out. He said we haven't had the time
43 because of the rush of this to take a good look at what will occur to these families.
44 This is a no win situation and the creation of these fisheries will heavily affect the
45 young Oregon migratory fishermen that are based in the lower river and move up
46 and down the river.

- 1 • Of serious concern should be the ability of fishermen to remain financially viable in
2 the proposed commercial fisheries. Only 20 fishermen have gear currently to
3 move forward in the seine fisheries proposed and are the only ones with any real
4 experience. Johnson said not every tester that tested in this program was
5 successful.
- 6 • Recent forecast spring and summer Chinook is lower for 2013. If the Commission
7 votes for this policy fishers will make even less money than expected to in a
8 normal season. These people are expected to make a significant investment to
9 this fishery. He doesn't see anyone rushing out to do that.
- 10 • Five percent mortality rate in the model. Coming out of the fall it looked more like
11 20% but numerous issues were involved and they thought they could get it lower.
12 They have no idea where it will go at this point. He talked to an individual in
13 Washington working on this who was hopeful that they could get it to 10%. He
14 said if it ends up at 10%, the values in the models would cause significant harm to
15 this fleet on the assumption that we are going to be able to move forward.
- 16 • Incentives. He listened to the November 16 Washington Commission
17 teleconference. One description of incentivizing the fleet in the transition stage
18 was to further remove impacts from fish from the fall gillnet fishery during the
19 transition stage beyond that described in the Transition Period. You are going to
20 force guys to get interested in this program during this transition state by pulling
21 gillnet opportunity. The group of guys behind the Commission that were not paid
22 to learn how to do this now have to compete with guys that have some
23 knowledge; it will turn out to be a very competitive fishery. He asked how the
24 younger guys with low capital will be able to compete. He fears the seine fishery
25 will end up in very hands and in a few years we will be back in front of the
26 Commission trying to justify how 20 guys that are catching all the fish are doing
27 well but the rest of the fleet is not.

28
29 Jim Wells, from Astoria and an advisor for Salmon for All (SFA) and to the states in
30 setting seasons, spoke for the gillnetters. He said changes were made this morning. He
31 assumed that most of the Commission were business people and said if you sat down to
32 negotiate a business contract and the other person said they knew there were some
33 blanks in the contract and a few vague assumptions involved but to just sign it and trust
34 them, they would make it right in the end, how many of you would do something like that
35 on a business contract? They were being asked to trust the other side but after this
36 process and how it was handled they have no trust left with ODFW. They have been
37 treated very poorly.

- 38 • Wells said the economic numbers have been changed and shifted around. Long -
39 term it said they would probably have a half million dollars gain above what
40 they're doing right now. He said they have about 150 fishermen that fish and
41 sometimes 200 in the spring in the tangle net when it is viable; so, half a million
42 dollars is \$3,750 each after they make the purchase of their selective gear; the
43 boat is the expensive part. We have gillnet boats not seine boats and there is a
44 void in our area. Historically there never has been the smaller boats you would
45 need for this fishery. They don't exist – you have to build one or find a boat you
46 can convert.

- 1 • Barbless hooks. He asked isn't us retooling everything else a big burden. Isn't
2 that a big burden? You can take a pair of pliers and pinch a barb down on a hook.
3 We have tens of thousands of dollars in nets that are going to become obsolete
4 with this program needlessly because they are a selective tool. Wells said that the
5 Commission has staff that works on the ground with the fishermen and not the
6 policy makers. He asked the Commission to ask staff when a gillnet is used in the
7 proper manner, time, area and mesh size, is it a selective tool? Is it a
8 conservation problem? Ask the staff; don't ask the policy guys.
- 9 • No Control Zone below Youngs Bay. Wells said they argued for that, it's in the
10 paperwork. There is a line drawn from Nygard's Dock to the green line and it runs
11 up to the bridge that gives the guys in Youngs Bay a fair chance and reasonable
12 expectation that some of this enhanced fish is going to get back to them. They
13 met with the Governor yesterday and it wasn't even discussed, yet today it was
14 dropped on the Commission in the Governor's letter; that is not fair in and of itself.
15 He said now there is no Control Zone; that is outrageous and leads back to his
16 comment about shoddy behavior they have dealt with.
- 17 • Summer Chinook if you use it in alternative gears. Wells had provided the
18 Commission before with seine data that said there is heavy bycatch in the
19 summer of sockeye and steelhead, not a net to be used in that time of year. We
20 use a big mesh gillnet now. We harvest our summer Chinook and never see the
21 sockeye or summer steelhead, they pass through. That's the key to being a
22 selective net. They would not attempt to seine there in the summer; the test
23 fishing has shown that is not good. The Governor's offer of summer Chinook is a
24 mute point.

25
26 Wells asked the Commission to listen to the advice offered by the one million Oregon
27 voters, Treaty Tribes, Association of Oregon Counties – all 36, Clatsop County where SA
28 are located, commercial fishermen of the lower CR, and all associated business down
29 there – to either scrap this Plan or at least delay it until a proper economic and scientific
30 audit has been completed.

31
32 Wells spoke to the Governor's letter and his reasoning to have this Plan:

- 33 • Divisive conflicts between recreational and commercial fishers. There has been
34 five ballot measures spanning 1964 to 2012; all defeated. There have been
35 numerous legislative bills. The sporting industry introduced a bill to take the
36 equitable share out of the food fish statute in the Oregon; it failed. Plus
37 many requests to the Commission to reduce our share. They have never initiated
38 any of this against the recreational fishery. He believes a lot of this originates from
39 an uncontrolled guide fishery with no limited entry.
- 40 • Gillnets are nonselective and a conservation problem. They kill birds, beaver,
41 mink, otter, muskrat and all kinds of mammals out in the mainstem. If true why
42 would the sports groups be pushing them into the SA and letting us use gillnets?
43 Wells trapped as a kid. He said these back sloughs are what you keyed on
44 because that is where all of these animals live. He said this is a lie and not
45 provable.
- 46 • Wells said seining was outlawed by the voters in 1948 because the rich cannery
47 owners had a monopoly on the whole river with their seines and traps; there

1 wasn't much left for the common man. He said there is not enough surplus fish
2 available today in this system to justify a big seine fleet. If implemented it will go
3 back to where it ways – concentrated in the hands of a few while the current small
4 boat fleet is out of business.

- 5 • Seining only works in the peak of the run and in the fall. There isn't enough fish in
6 the spring. You can't use it in the summer because of bycatch so it is designated
7 as a fall fish. It can only operate in the daytime because you are hand sorting
8 seine with a skiff. Who will referee that fight when it comes down to operating with
9 the sports fishery on the same grounds? Will we be asked to rotate the days so
10 we can operate a seine fishery? You can't be there together. He said the sports
11 fishery has a good fishery now. They fish spring and summer that starts August 1
12 at Buoy 10 and runs seven days a week until the end of the year if they want; they
13 just have to move up the river to different zones.

14
15 Bruce Buckmaster is from Astoria, Oregon, and communities advocate; fly fisherman,
16 and commercial fisherman, said a year ago at the end of the legislative session he was
17 talking to Bowles about the emerging plan from the Governor's Office and that the
18 Governor opposed BM 81; it was a retooled Safe for Salmon (SFS) Plan that was done
19 by a number of people and presented to the Governor. He said they have dealt with that
20 plan in the previous two sessions where it failed. The Governor recognized the
21 inequity of that plan and tried to fashion something more fair.

- 22 • He said Mr. Wells mentioned the bill in the legislature about 10 years ago that
23 wanted to strike the word equitable from the statute that guided ODFW. He
24 argued for the side of equitable.
- 25 • Buckmaster said he also talked to Bowles about seines and if approved by the
26 Legislature how you do get NMFS to approve their use. He said that Bowles said
27 it would be easy because we don't have any mortality rates so just tell them that
28 we will use the 40% that we have on some of the gillnets and we can get it
29 approved that way.
- 30 • Buckmaster said when Bowles presented an economic study to the Commission
31 he used five percent (5%). He didn't know if Bowles had said it had changed but it
32 is 40% with all the other issues on the economic study that is out the window.
- 33 • Buckmaster believes in the law of unintended consequences so when major
34 changes are made the burden should be shared equally. He said the burden of
35 the uncertainty of this falls fully on the lower river communities – it is inequitable. It
36 is not our plan; it was Jim Martin's plan, then Mr. Bowles and the Governor, then
37 the Work Group and now it comes to the Commission to see if it is your plan.
38 Buckmaster said if the Commission adopts the Plan to take at least take some of
39 the burdens of uncertainty for things like a fish run that is crucial to making this
40 work. The upper river fall fishery is still a sports priority. Why isn't that particularly
41 run at least a commercial priority?
- 42 • Buckmaster said the Governor's proposed three changes this morning actually
43 served in the best interest of the sports fleet in that they: 1) took off the barbed
44 hooks; and 2) took away the buffer zone to protect fish coming back in and those
45 are to be delayed because they are uncertain; we don't want them to have to deal
46 with that. Yet this idea that maybe we can still fish on some summer fish, which
47 the Governor looked us in the eye and said we would be on the mainstem, we'll

1 put that off for the future and hopefully you can do something. They have
2 suggested that fact that new fish are real fish and they should be counted in
3 allocation.
4

5 Buckmaster asked the Commission to delay allocation changes for one year in this Plan
6 that would give them the opportunity on your yearly reviews without injuring. We are not
7 going to need that fund to write checks; you don't need to do that. You can make sound
8 and equitable policy. You can spread and put the burden where it belongs on the Plan
9 without hurting the sports fishermen, without crippling lower river communities and with
10 making changes that the Commission feels are beneficial.

- 11 • Conservation in this Plan is if any a very small byproduct. This is an allocation
12 shift so if the Commission is going to do it, talk about where the uncertainty lies
13 and where the burden of that should go. You should in fairness and equitability
14 accept that.
15

16 Commissioner Anderson said she heard from Mr. Wells to scrap or delay and Mr.
17 Buckmaster said perhaps delay the allocation change for one year. She said we have to
18 ask ourselves as Commissioners what are the consequences of not approving a policy
19 change today and what that would do to the commercial fleet. Clearly there is a conflict.
20 She asked Jim Wells if he was prepared to deal with the consequences of not approving
21 a policy. If there were a delay, what would be an adequate amount of time to work
22 through the issues that are still on the table?
23

24 Wells said he wasn't sure what the consequences would be of not developing a policy
25 today or what that is. He said the way they have been operating with the current gear
26 they have and with the impact splits they have it goes back to the old saying if it isn't
27 broke don't fix it. He said the Tribes, guides, sportsmen, and consumers are getting fish
28 and nobody is exceeding their ESA impacts under ESA guidelines. If the Transition
29 Period was delayed a year, don't change the impacts until you see some returning fish in
30 the SA that have already been released. That's not going to be much of a change – half
31 a million springers. He doesn't see a radical change for economics in the coming year.
32

33 Sudar said they are proposing a tangle net fishery in October. There are fishermen who
34 would like to try it, but we need to see what we can catch in that fishery. He would like to
35 see that implemented and fishermen be willing to invest in that fishery knowing that in
36 our existing fishery they can afford to pay for that \$4,000 net. He said Mr. Martin had
37 mentioned several numerous times that nobody remembers the gillnet fishery on the
38 coast when it went away. If you kill our gillnet fishery today that is the battle we would
39 ever face in the adaptive management if this fails; is that our fishery has been
40 designated for execution. It would be hard to get it back in place again when we are a
41 clean fishery staying within our quotas recognized by major sources as a sustainable
42 fishery. Delaying it would give us a chance to see if these others things are really going
43 to work.
44

45 Commissioner Akenson said Mr. Sudar said that science was really lacking in the Plan.
46 What one piece do you see would greatly benefit this Plan regarding the science topic?
47

1 Sudar said every part of this. Staff has repeatedly identified us a selective fishery. To say
2 that you are moving nonselective gillnets wouldn't impact much of what we do now on
3 the river because we are a selective gillnet fishery. Regarding the sports priority and the
4 expansion in the summer fishery those fish come in on the early part of the run on that
5 six week period. The staff report states they are going to have this huge expansion and
6 participation. When those summer fish are gone the fishermen are going to stop going
7 out. Economics is science and we are ignoring the realities of our fishery when we fail to
8 take into account what we are making now and how closely we can come to our
9 assigned quotas. We have not vetted a single aspect of this Plan in our Work Group
10 methods; we simply ask questions and put together a new plan.

11
12 Commissioner Akenson asked Mr. Johnson how he thought other commercial fishermen
13 can learn from the test seiners about that methodology.

14
15 Johnson said when it was originally presented to them most everybody was against this.
16 This was supposed to be a method to remove surplus hatchery fish from the grounds
17 that we wouldn't be able to do with our current allocation of impacts or if we had more.
18 How the people could have learned in this process is as it was sold to us this was
19 supposed to go along with our gillnet fishery. If your normal income is based upon the
20 gillnet fishery existing and you are investing in this new gear to take care of this surplus
21 in addition to what you are already doing, the cost of learning and investing is tied up.
22 You're not taking a lot of risk. Now these people are suppose to take their \$40,000 of
23 gillnet gear and go to this one set of gear. A lot of people in this room vary from 10 to 50
24 years of experience but got no experience with this. To answer her question he didn't
25 know.

26
27 Commissioner Akenson asked if within the commercial fishermen community you would
28 do something on your own to help others.

29
30 Johnson said if anybody gets hold of him, he certainly would help them in any way if he
31 could. This doesn't come down to a willingness to fish but is going to be an issue of do
32 they have the finances available, not to buy the gear but to compete and be able to
33 afford to fish in that manner.

34
35 Commissioner Wolley said that Johnson said not all testers were successful. Do you
36 have anything more specific about that in terms of numbers or percentages?

37
38 Johnson said no, but the Department can get you that. Some of it is site specific; some
39 of it was the assumption that fishermen went in with. He said 50% of the assumptions we
40 made their first year were wrong. We're going from a 150 fishermen average in the fall
41 main fisheries. If we end up with 25 successful guys that would be reasonable, that's the
42 issue of delaying it a year. Let people earn the money, tell them what the Plan is so they
43 can pay for it themselves and not have to take a loan from the state. Don't change the
44 allocation and let people in this room fish and sit on committee and develop a reasonable
45 fishing plan that has the potential to be successful.

46
47 **Recreational Fishery Advisors**

1 Jim Bridgewell, a volunteer from CCA and an advisor to the Work Group, said he
 2 supports the Governor's Plan. CCA asks to get to a selective fishery and to look at the
 3 live capture of fish. We want something that is sustainable. BM 81 was a result of the
 4 frustration of trying all these years and not getting that done. CCA wants a
 5 conservation-based fishery and a selective fishery.

6
 7 Chair Levy said many people had signed the Witness Registration thinking it was a sign-
 8 in sheet for the meeting. The following people did testify.

9
 10 **Public Testimony:**

<p>Luke Gardner Naselle, WA</p>	<p>Luke Gardner said things are happening too quickly. He supports postponing the decision for a year to ensure we are doing the right things before doing the wrong things. He bought commercial fish in Deep River, WA, this year and there are not many fishers. He said they catch hooks in their gillnets. This fall he asked a lot of fishermen what their break off rates is for hooking a fish and then having that fish break off. He found it's not happening that often especially with silvers. He said if the breakoff rate is one percent it represents the 99 fish that didn't get away. In a small fishery that only produced 4,200 silvers for only 50 hooks caught that represents 5,000 fish. He said we need to take a good look at the safe zones, not just Tongue Point but other fisheries. Implement bold safe zones around those areas regardless of what the allocations do and what we do in the mainstem if you want to see where those fish are actually suppose to go.</p>
<p>Blaine Ackley Hillsboro, OR</p>	<p>Blaine Ackley is a licensed sport fisherman that primarily fishes for salmon on the CR. He hopes that the proposed Control Zone requested by the Governor will evaporate. He said before we establish any Control Zone we need data. Everything is data-driven but we have no data on the intercept rate that sports fishermen have on the Youngs Bay fishery. If you fish in the afternoon those northwest winds will blow you off the river. If you cut off that portion proposed in the Control Zone an entire section of the river will be lost because the only safe place to fish is in behind the Skipanon River. If you were to push it off there, there would be no place else to fish for those with 12-foot or 14-foot open boats out of Warrenton, WA. He asked the Commission to consider that safety concern. Then there is the enforcement issue that the OSP officer mentioned. He noted that of the panel members questioned by the Commission there has not been any question about the impact on sports fishermen that deserves to be mentioned.</p>

<p>Josh Lemly Oregon City, OR</p>	<p>Josh Lemly, a citizen, believes that sport fishermen distribute a lot of their catch to the public; he gives 75% of his fish away to his friends, family, and co-workers; people that live here and pay for these fish instead of the world markets. The five-fish limit would severely impact that for all sport fishermen. The 500,000 in smolts being taken from the Sandy and Willamette tributaries would be better served to plant them in their home hatcheries. They would still pass through the safe zones. The netters would be in and it would spread the fish along more miles of river, benefit both groups, save transportation costs, less stress to smolts, and more fish in the river degraded from the 10-year average. The Willamette and its tributaries are producing more smolts for other rivers than its own, and it's being targeted by nets at ODFW's command. Catch rates are down and you propose to take 500,000 in smolts to Youngs Bay. There will only be a few miles of fishing opportunity. They will have an extra fee to fish, part of which will be closed part of the time. These upriver fish will compete with Willamette fish and there will be a lower amount of smolts released.</p>
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1
2 Commissioner Finley asked Gardner to explain that we need some "bold" safe zones.
3
4 Gardner said a few miles is a pretty narrow zone to say it is the only place these fish are
5 safe. He uses divers, a weighted device with 30-feet of line towing behind it, at Buoy 10.
6 He talked about using three-quarter inch hooks used in tandem to rig a cut bait fish to put
7 in tow for sports angling. That fish will break its line on the sports boat and end up at the
8 Tongue Point and Rocky Way point line. If that fish is strong enough to tow a diver how
9 many fish does that represent that didn't make it? He said the Commission needs to
10 take a look at how many fish are broken off a sports rig to figure out how many fish that
11 set of hooks represents. If your breakoff rate is one percent that set of hooks represents
12 100 fish. He said not including this year, our average harvest has been over 10,000 fish
13 per year; this year it was near 4,200. He saw more fish hooks this year than ever. He
14 said if we are forced into these terminal areas then we don't even have the opportunity to
15 go out and harvest those on the mainstem. You've got to allow those fish to come to us.
16

<p>Don McBride Richland, WA</p>	<p>Don McBride, a recreational sports fisherman, fishes every year in Oregon and Washington. He:</p> <ul style="list-style-type: none"> • Supports the Governor's proposal to eliminate mainstem gillnetting and the collaboration of both Commissions to implement reprioritization towards recreational fishing. • Is concerned that annual catch limits, rubber nets, barbless hooks, and guide requirements are being
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	<p>proposed by commercial fishermen in retaliation against sport fishers to divide and distract them.</p> <ul style="list-style-type: none"> • Asked the Commission to implement measures with a tangible conservation benefit, and to adjust mortality rate assumptions to reflect these improvements. If there are no tangible benefits, the changes should not be implemented. • Urged the Commission to not relax or delay completion of the Transition Period. • Recommended that tangle nets not be considered a selective technique. He said delayed mortality due to scale loss is not being adequately considered for tanglenet mortality rates. • Emphasized that full harvest of upriver Brights uses overly liberal harvest rates, both commercial and sport, that can impact a number of the naturally spawning upriver Brights in the Hanford Reach.
<p>Leo Wilhelm Umatilla, OR</p>	<p>Leo Wilhelm buys Oregon and Washington fishing licenses. He agreed with everything Mr. Wilhelm said and supports the Governor's proposal.</p>
<p>Bradley Skilperoort Pasco, WA</p>	<p>Bradley Skilperoort, a sports fisherman, supports the Governor's proposal to ban gillnetting. He said the runs don't stop at Bonneville Dam. He believes that the Snake River and Hanford Reach fisheries and the upriver fisheries for the summer and fall fish allocations are unfair as they are currently handed out below Bonneville Dam. He said that needs to be looked at because our runs are fragile and not accurately being looked at especially above McNary Dam with upriver Brights. With the improvements with the Snake River fishery runs and the fall Brights going over Priest Rapids Dam, the upriver Bright fall fishery in the Hanford Reach could potentially be impacted.</p>
<p>Kathy Olson Astoria, OR</p>	<p>Kathy Olson, a commercial gillnetter, spoke for her seven-year old grandson Gunner who is the 6th generation fisherman in her family. Gunner has fished with his dad and hopes to continue to do so as he grows older. She asked what you tell a seven-year that you won on election day but their vote did not count. She doesn't have an answer that would be fair. She said the Commission is the people that are deciding Gunner's future on the river. She asked the Commission to do what they know is fair and what is right. Olson said the Governor's Plan is not fair – it is slow death to the gillnet fishery as we know it.</p>

<p>Mike Backman Cathlamet, WA</p>	<p>Mike Backman, a member of Wahkiakum County Marine Resources Committee (MRC), distributed a white paper, <i>A Mixed-Use Fishery for Wahkiakum</i>. They are concerned about the future of commercial fishing on the mainstem CR and propose an experimental mixed-use fishery in the Cathlamet Channel (details in handout). He offered their services because they have people who live in the lower CR area. He said if there is not enough sturgeon for anybody then keeps them; they should not fish for them. He said hook and release is still taking a chance. By doing that they will end up going after the big sturgeon because they can't keep any sturgeon and that will increase the pressure on those; they will end up aborting. MRC is trying to bring the fish back don't let them fish for no reason. He said the Governor appoints the Commission but they have the right to make their own choice and do what is right.</p>
<p>Frank Hall Deer Island, OR</p>	<p>Frank Hall, member of CCA, said he approves the Governor's Plan but wishes he had not gotten involved. BM 81 had a 60% approval rating so the netters being continued to net is really a gift from the Governor. He said:</p> <ul style="list-style-type: none"> • An estimated 3,000 gillnets have been lost in the CR. Thousands of dollars have been spent to retrieve these nets that drift and some are hung up underneath; that's how animals get tangled in them. • Hatcheries are adequate to supply these fish down below but that doesn't mean it will make up for all the fish they would normally release. If not adequate for both then this fish supply they are sending down to the SA are all taken away from the upper part of the river and the rest of the fishery. • Giving funds to any organization opens a can of worms; it's hard to police or monitor. Transition funds should be used for a buyout instead of giving it away. • With about 300,000 sports fishermen and 150 commercial fishermen it is hard to say what the equality could end up being between them. The commercial fishery is funded by our tax and utility dollars through Bonneville. Over 95% of salmon consumed in Oregon comes from out of state. • Sturgeon harvest could be limited by what people use for bait. He doesn't see a problem with people fishing them for sport. If there is a problem go back to those hatcheries and do something. We are not doing enough regarding predation, e.g. sea lions, cormorants and terns.

	<ul style="list-style-type: none"> • Tangle nets are a smaller variety of gillnets. • Gillnets should not be placed across the end of streams or within 500-feet of the mouth of any stream or river that these fish are trying to get up.
<p>Jim Myron N/A</p>	<p>Jim Myron represented the Native Fish Society (NFS) and said NFS does not support the Governor’s proposal on barbless hooks and believes this requirement represents the biggest conservation benefit in the package. They would rather see an expansion of the barbless hook requirement beyond the area proposed in the current rules. He said we need to expand the requirement preferably statewide but at least to the rest of the Willamette and the other tributaries of the CR.</p>
<p>Bill Bakke N/A</p>	<p>Bill Bakke, for NFS, distributed his <i>Guiding Principles of Harvest Allocation Agreement</i>, with contingency plans that would allow changes and shifts of allocation to the various groups. He asked the Commission to adopt conservation requirements for lower CR wild salmon and steelhead in the harvest allocations agreement, by providing the fish with a spawner allocation so the breeding population could be maintained within these watersheds and to maintain the fisheries over the long-term. Bakke spoke from his handout:</p> <ul style="list-style-type: none"> • Are ESA impacts supporting recovery in the individual watersheds? It is being used to justify aggregate management of salmon from these watersheds and that the conservation under that restriction is ample for protecting threatened and endangered species and to support recovery. • The rules’ Guiding principles point out that conservation non-impairment of the resource and the management of harvest to meet conservation responsibilities is primary and consistent with Native Fish Conservation Policy. The rules do not define these responsibilities. How would the guiding principles be effectively applied and compliance monitoring established? • What does promotion of the recovery of ESA listed species in the conservation of wild stocks mean unless defined in rule? There is no specific allocation for recovery or conservation. How will ODFW achieve conservation responsibilities when those responsibilities are not spelled out in rule? <p>Bakke said these rules are not designed to protect or</p>

	<p>recover ESA-listed salmonids or conserve wild stocks by making sure that harvest management meets conservation responsibilities. All these rules establish is a harvest allocation while mentioning some non-specific aspiration for conservation.</p>
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2 Commissioner Wolley asked Mr. Hall where his information came from about the 3,000
3 gillnets retrieved from the CR. Hall said it was estimation from one of their magazines.
4 Commissioner Wolley asked about his comment that 95% of salmon consumed was
5 from out of state. Hall said that was in the paper. The biggest percentage of them came
6 from Alaska and the other fisheries out in the ocean that we received fish from.
7 Commissioner Wolley said from which newspaper? Hall didn't remember which
8 newspaper; he gets a couple of them.
9

<p>Tom Wolf Hillsboro, OR</p>	<p>Tom Wolf, Chair for Oregon Council of Trout Unlimited (TU), represented 3,500 Oregon members. He said TU supports the recommendations of the Work Group and thinks those are a good start. TU supports:</p> <ul style="list-style-type: none"> • Conservation items and the barbless hooks. They are sympathetic to the industry to change over but ask to require that people who don't use plugs to pinch their barbs. • If white sturgeon population is shown to be low curtail all harvest on white sturgeon. • The plan to release less hatchery fish on the spawning areas in the upper Willamette and Sandy. • Escapement goals need to be looked at in the future. TU's dream is to someday have enough wild fish in the CR to harvest and not need hatchery fish. He said all of us should be charged with restoring wild fish in the CR so we need to continue look at that as a goal and ways to do that.
<p>Matthew Evans Astoria, OR</p>	<p>Matthew Evans has gillnetted for over 15 years. He doesn't know about seining. He said mainstem gillnetting is about 65% of his annual income that he supports his wife and three kids with. If you take away the mainstem how will he support his family then? He doesn't want welfare or food stamps. Mainstem gillnetting should not be taken away because greedy people want more. The people of Oregon voted and want to be able to buy fresh salmon and they want us to supply it for them. He does not favor the Governor's Plan and wants what is fair. He said the sports should not be able to take away the industry that feeds Oregonians and are trying to support their families. He said please don't take away my job and</p>

	livelihood and the livelihood of future generations like his two sons.
Joe Hawkins Astoria, OR	Joe Hawkins, a commercial gillnetter, said his family has gillnetted on the CR for close to 40 years. It is all he has been raised doing and all he knows how to do. It supported his family growing up and how he plans to support his future family. His fiancée and he have a son due next month and he would really like to keep his job and support them that way. He said some sports might say get a real job but if you come from where he comes from that is as real as it gets.
Wallace Beck McMinnville, OR	Wallace Beck, a sports fisherman (NW Steelheaders) and a conservationist (CCA), said he: <ul style="list-style-type: none"> • Supports the work of the Commission and others. • Appreciates the increased opportunity to catch more fish. • As a conservationist thanks the Commission for giving the fish a better shot surviving for the next generations. • Regarding the words “equal” and “fair” the numbers of 30,000 licensed buying sports fishermen and 150 gillnetters is a disproportionate number of fishermen going after the same fish. He doesn’t believe that the work done thus far has been purely an allocation adjustment as suggested. It will certainly have the effect of giving more fish to those that have footed the bill for the fish. • Appreciates the conservation aspects of barbless hooks but read that 80% of fish in the river are hatchery fish. How beneficial is that? He said it is harder to land a fish with a barbless hook. • Exclusion zone proposed in front of Youngs Bay. He is one of those small boat owners. Being able to use that area enables him to fish and utilize the lower river in the fall fishery by ducking out of the wind and the dangerous waves. This restriction would make it very difficult to fish the lower river.
Dave Schamp N/A	Dave Schamp, Board Chairman for CCA Oregon, spoke on behalf of 1,000 members. <ul style="list-style-type: none"> • The compromise solution is an important step toward protecting wild ESA-listed salmon and steelhead on the CR. • The removal of gillnets from the mainstem without

	<p>triggers or escape clauses remains the keystone of the proposed Plan.</p> <ul style="list-style-type: none"> • According to the HSRG experts eliminating nonselective harvest is critical in wild fish recovery and realizing the benefits of other restoration efforts. Protecting and enhancing wild steelhead and salmon benefits commercial fishers, public-at-large, recreational anglers, and the fish. • All mixed-stock fisheries when allowed should be prosecuted using live capture selective methods that result in the greatest benefit to the resource and region. Schamp said the proposed Plan when fully implemented does just that. <p>CCA remains committed in the process with the goal of adopting conservation policies that protect wild fish and provide sustainable harvest. Schamp asked the Commission to approve the Work Group recommendations with the modifications requested by the Governor.</p>
<p>Dean Graham Castle Rock, WA</p>	<p>Dean Graham, a mainstem gillnetter, said the Plan to put them in off-channel areas is a pipe dream. Those areas don't exist and they are too small. He said Oregon is thinking too small, \$4.4 million, why not \$44 million? The reason why we are here is that people in Washington and Oregon and the Commission has not had the government abide by the Mitchell Act. You are supposed to replace the fish due to dams. He referred to CCA and the Governor and said he doesn't know who's been sold out by BPA; this doesn't add up. He said these runs should be building. They're not and will never build because there is no habitat. To have fish in the CR we need major production up above Bonneville. The fish above Bonneville are not endangered; they've been sacrificed and condemned. He asked the Commission if they are bound to one man, the Governor, or to a million voters in Oregon.</p>
<p>Todd Dielman Astoria, OR</p>	<p>Todd Dielman, a full time fishing guide, said sturgeon is a huge part of his fishery. This is the one place in the United States to catch and keep sturgeon. He said the population is decreasing. Last year there was a six-week season. This year it seems there is not going to be any season. He has not heard any discussion on a shorter season; a smaller quota; or dropping from an annual limit of five fish per year down to one but he would support all of those. Shutting down sturgeon completely is economically damaging to him and for Astoria. This should be considered as a last resort only.</p>

<p>Irene Martin Skamokawa, WA</p>	<p>Irene Martin, a writer and member of Lower CR Fishery Recovery Board, distributed her paper <i>Commentary on the Statement of Need and Fiscal and Economic Statement</i>. Her husband is a gillnetter. She compiled this review of science documents to inform in the decision-making process. She discussed the various issues and said they should be looked at with a view to ODFW's own research (taken from pages 1-2):</p> <ul style="list-style-type: none"> • Justification for re-allocation of fishery impacts from the commercial to the recreational sector. • Consumer issues and the policy's effect on them. • Flaws in economic methodology. • Mitigation for loss of access to salmon production funded by federal and private utility mitigations programs. • Environmental impacts of massive expansion of SAFE area production, and their effect on salmon recovery. • Selective gear, its legality, funding and salmon recovery plan constraints. • Effects on both state and department budgets for long-term increased SAFE hatchery production and increased monitoring needed for increased mark-selective sport fisheries. • Social issues in commercial fishing communities. <p>Martin said during Bowles discussion about the process for getting alternative gear up and running he did not mention the federal process consultation under the ESA – the “Section 7 Consultation Handbook”. The feds will have something to say about any gear that affects this species. She said adaptive management does not tell us a lot if this process doesn't work. We will have lost markets and adapted our gear and changed our boats. How do we go back? Given that there is no Plan B and the Transition Fund is modeled on a disaster fund that ODFW has had in the past what inducement would there be for you to invest in the gillnet fishery business today?</p>
<p>Hobe Kytr Astoria, OR</p>	<p>Hobe Kytr, Salmon for All (SFA), said many of the expectations in staff's modeling of economic returns for commercial fisheries in 2013 and beyond appears overly optimistic. He referred to his handout <i>Select Area Spring Chinook Totals</i> and said increased harvest in SA fisheries due to increase smolt releases may be unrealistic. For</p>

	<p>past SA spring Chinook harvest there is a greater correspondence between SA harvest and overall CR spring Chinook returns than between SA harvest and smolt releases 3-5 years earlier. The numbers in 2010 correspond to smolt releases over one-third lower than the corresponding numbers of 2007; yet harvest in 2010 was 3.5 times greater. Kytr said releasing more smolts doesn't mean more fish will be caught. You are trusting that the economic return for the commercial fishery will be increased by what could turn out to be phantom fish. There will be no enjoyment from trying to eat a phantom fish.</p>
<p>Chuck Hagland Astoria, OR</p>	<p>Chuck Hagland, SFA, has fished since he was seven-years old. He said the risk of losing this industry is comparable to shutting down mills and forests in the logging industry, and eliminating cattle ranching and farming statewide. Not only would the resulting money be lost from doing away with these activities but the added value of these economies would be lost. He said poverty-wage jobs provided by the tourist industry and big box stores have not eased the pain of the logging and commercial fishing cutbacks in their area. The unique value of this industry brings money to the area before they ever fish. If the fishing is shut down the \$10-\$40 million provided by the fleet may be lost as well. He asked the Commission to consider these concerns.</p>
<p>Barbara Wells Astoria, OR</p>	<p>Barbara Wells, SFA and life-long resident of Astoria, asked how giving more fishes to the sports is considered conservation. She doesn't understand how shedding a small buffer area in the lower CR makes it not enough area for the sports fishermen to fish in the mainstem CR. She pays \$1,400 per year to renew their two gillnet permits while guides pay \$50. She said who is paying to raise these fish? She said the Governor should have stayed out of this and let BM 81 go forward. She disagrees that it would have been a successful measure; the past four initiatives failed. She said the \$125,000 they struggled to raise to defeat this measure was a huge waste because it is being ignored. The sports group could walk away with impunity with this Plan hanging over it; they didn't have to worry if BM 81 passed. She hopes the Commission does not award the sports group's divisive behavior and give them more than they have now at her expense.</p>
<p>Katie Fielding Camas, WA</p>	<p>Katie Fielding, a student at Portland State University, has fished her whole life. She said a section of the population</p>

	<p>not being considered by this is young people like herself who enjoy fishing and find themselves coming on hard times and have to fish to feed themselves. From what she has heard today nobody has a solid argument for this legislation being a good idea or a bad idea. She asked the Commission to consider the legislation itself and not the arguments. There are a lot of gillnetters here trying to defend their industry and lot of fishermen trying to defend their passion. She said ultimately this should come down to the quality of the legislation.</p>
<p>Nathan Rogol Warrenton, OR</p>	<p>Nathan Rogol, a commercial fisherman, said the Governor's safe proposal is a solution for a problem that does not exist. His opponents seem to think gillnets are a problem but only because they misunderstand the fishery or are exercising unbridled greed. They fish without interference by the gillnet fleet almost all the time. He said:</p> <ul style="list-style-type: none"> • Vast majority of population only accesses the fish resources through commercial fishermen. • During last year's spring season they fished twice: once for 10-hours and two weeks later for four hours. This occurred after test fishing to assure the targeted fish were there with very little bycatch. • 5,000 fish were marketed when quality and demand were high and SA were producing very little. This benefited the public and sports fishery that then had the whole river to themselves for two months. • Due to the summer run's health the commercial fleet was allowed one day to harvest. High quality fish were put on the market with economic benefits through the chain of distribution to the end consumers. He said if his opponents and the Governor have his way this will all be taken away. During this time the sports fleet fished seven days a week. The sports bycatch of nontargeted sockeye were multiple times what the gillnet bycatch was. • The different net requires a different boat that is very expensive and not proven to be any more fish friendly than current methods. • The sports fleet wants the allocation shifts that would make this a foolish investment for a gillnetter. It is impossible to replace the public's fish from the existing safe areas. He said only with the addition of a generous part of the lower Willamette for a safe area could this begin to work. • The people voted by a 2-to-1 ratio to not legalize

	<p>seines, to not ban gillnets in the mainstem, and to maintain current fishing practices for fishing in the mainstem CR. Why isn't the Governor listening?</p> <p>Rogol asked the Commission to save the public's resource access to the fish, and to their jobs and his way of live and vote no on the Governor's Plan.</p>
Dan Griffith Gresham, OR	Dan Gresham, a sports fisherman, said he supports the Governor's Plan.
Kelly Short Hammond, OR	<p>Kelly Short, a professional guide for 27 years in Oregon, said he has seen it go from a three-fish limit to a two-fish limit to a one-fish limit in the Lower CR. He was grateful five or six years ago because he saw an increase in his catch. He said 72% of his clients are from out-of-state and they bring dollars into Oregon. For a one fish-sturgeon limit he could see that if you progressed into this proposal but he has not heard them say to step into it gradually like a two-fish limit and to see how that goes and then maybe next year go to a one-fish limit if needed. He has seen test nets done early in the year but if they could test nets in June or July when the fish are there in full numbers, they could see if their numbers are correct. He said 45% of his income is from his sturgeon season there. Depleting this means he is gone. Only 2% of his customers will do catch and release. He asked the Commission to phase this down and to look at studies before they just chop this off. He asked if the Governor has in place any funding for displaced workers if this happens.</p>
Cary Johnson Astoria, OR	<p>Cary Johnson, a fourth generation commercial fisherman, spoke on behalf of his family. He is very concerned about their economic future and what this would mean to his community and to family. He said support and disaster payments do not sound like a "win-win" situation to him. He doesn't want to be on welfare but wants to work. He has thousands of dollars of nets that would become obsolete if moved off the mainstem and into the SA. What's to become of all their investment they have made? He asked the Commission to not shift any allocation until this can be proven and until we can see numbers returning</p>
Terry Ostling Cathlamet, WA	<p>Terry Ostling, a commercial fisherman, said from the start they were told this was conservation but we've seen from the data that it is not. It's a total grab for allocation. They say on our tangle nets that we're 14% but wasn't</p>

	<p>mentioned is that two percent of that 14% is what the sea lions ate. On the sports 10% they don't give them two percent more. Some kind of percentage should be put on them; it would be more widespread because they are on the river more days. He said putting me in the SA is not right. Taking me from the river where everybody and the fish is spread out gives you all a fair chance to catch these fish. He said the Commission works for the people and has to do what is right. The Governor said he was for jobs but it looks like he wants to take 200 jobs away.</p>
<p>Chris Doumot Cathlamet, WA</p>	<p>Chris Doumot, SFA, said this fall the lower river passed tens of thousands of fish over Bonneville prior to the fall opening in September. The catches above the dam were not reflecting what had gone over the dam. As gillnetters in the lower river they have infrastructure, markets, clear drifts on the mainstem out of the ship channel, and the gear boats and knowledge. They have the high quality product the consumer wants and that brings the best price. That translates into serious money, which will eventually drive the situation. He wants to see fish come over their dock. The proposal before the Commission holds no promise of that. The proposal relies on gear types not legal and there are no assurances that they will be. The Plan assumes that there will be smolts available for the SA; there's no assurance to that. Doumot said there are no assurances that any of these imaginary SA will even be suitable for whatever smolt might be available; it would take years to find out. He asked the Commission to vote no on the Plan.</p>
<p>Neil Branze Seaside, OR</p>	<p>Neil Branze, CCA, is retired and concerned over the proposed Youngs Bay bubble because he fishes that exclusively to stay out of the northwest winds there in the afternoon. He asked the Commission to not adopt that. In general he favors most of the other issues. He asked the Commission to take a strong look at the total closure on the sturgeon season because it will have a large impact on the coastal community. He would like to see some sort of a retained sturgeon fishery adopted even if minimal.</p>
<p>Trevor Storlie Corbett, OR</p>	<p>Trevor Storlie, a fishing guide, has lived in Oregon for 43 years. He lives on the Sandy River where Trout and Gordon Creek enter its mouth so he is close to these wild fish. He lives in Corbett and a lot of people fish and utilizes that resource heavily. The practices on the river right now have worked very well. Once we start into this</p>

	<p>NFS advocacy by pulling these fish out of that system and this loss of recreation what is going to happen to these fisheries and to these fish in the future? He asked the Commission to look ahead at some of these policies because this is something that has to be shaped. We will lose 50% of our fish runs in those two areas that is very important to his community and not just Astoria. He said we have done a really good job of bringing these fish back on the CR since 1995 to some of the best runs we see today. We're going back to the same policies that will get us back to where we were in 1996.</p>
<p>Brenda Wall Astoria, OR</p>	<p>Brenda Wall, SFA, said her family has commercially fished the CR for over 100 years. She asked the Commission to reject the Governor's Plan. Last April the Governor held a luncheon in Portland called "The Gateway to the Globe". He discussed a trip he took overseas to promote Oregon products and to get Oregonians back to work. She said it is obvious to rural communities that the Governor forgot to include the CR salmon. Rural communities would flourish if those in office would focus on producing more commodities for the rural market instead of a small group of elite friends. The Governor's Plan will close her business in three years; her family business employs nine people every year. Rural communities cannot survive on assumptions made by ODFW. The Governor's Plan is void of real science. She asked the Commission to oppose the Governor's mandate and stand for the rural communities and small businesses.</p>
<p>Paul Alexander Salem, OR</p>	<p>Paul Alexander said he grew up on the mouth of the CR. He was raised on salmon and his parents worked in canneries. He is back in the commercial fishing industry and he bought a trawler nine years ago. He spoke in support of the gillnetters and the industry. He said the Governor is an ardent supporter of getting gillnets off of the river. Alexander suggested that sports fisherman get off the main channel and fish only in the tributaries and use only alternative gear and in time take away your rights to fish any summer Chinook. He said none of the options are fair for commercial gillnetters.</p>
<p>Mike Barksdale Boring, Oregon</p>	<p>Mike Barksdale, charter business owner, operates out of the Warrenton area. He said it is unfortunate they are losing the sturgeon resource for the sport industry and travel industry in the lower Astoria area. The sturgeon is very important and that needs to be addressed.</p>

<p>Norm Ritchie Portland, OR</p>	<p>Norm Ritchie, Government Affairs Director for Association Northwest Steelheaders (ANWS), said ANWS submitted a letter that covered their main points but he had three more points:</p> <ol style="list-style-type: none"> 1. Exclusion Zone in front of Youngs Bay is excessive and it eliminates a safety area for smaller boats. That area could be reduced to the Skipanon mouth to the west point of Astoria docks and provide a good exclusion for fish destined for Youngs Bay while providing some safe area for smaller boats. 2. Barbed hooks delay. He asked if the Commission was aware of the study done by ODFW that proved that there is no increased mortality by barbed hooks. He said don't feel there is any urgency in the standpoint of conservation; there isn't. 3. Voters voted against BM 81. A third of the population voted despite the fact that ANWS and other supporters told people to vote against it because we favored what the Governor had proposed and trusted the initial moves by this Commission. <p>Richie said it had been questioned what would happen if the Commission did not approve this policy change or delayed it. He suspected there would be a less advantageous effort again to do something like an initiative. He said this solution gives you the flexibility and opportunity to do what the science says to do, while the initiative is a little bit more rigid.</p>
<p>Trey Carsicadon Oregon City, OR</p>	<p>Trey Carsicadon, Board member of Northwest Sportfishing Industry Association, said before the Commission goes into its deliberations he hopes that part of the discussion is what happens to the sport fishing industry? He said:</p> <ul style="list-style-type: none"> • The Governor wants to optimize the economics of this river. Here we are looking for a better future for the CR that will optimize the economics that will benefit the lower CR communities to the tune of several hundred thousand more angler days a year. That's what's being forfeited today under the status quo. What we will get with this could be as great a benefit as 30% to the commercial community. • He asked the Commission to move this forward to realize the Governor's vision. • The barbless hook proposal will be an impact to the sports fishing industry; those items become sail

	<p>proof. We are asking your indifference to the manufacturers' transition.</p> <ul style="list-style-type: none">• "Graveyard of the Pacific" (Youngs Bay) is one of the most dangerous bodies of water on the planet and to put small boats at risk with overly large bubble raises a legitimate safety concern.
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2 Commissioner Anderson said Mr. Carsicadon alluded to the presumed economic
3 benefits to the lower CR communities that might be realized from this. She was struck by
4 Mayor Halbert's testimony from the City of Warrenton, letters from the Clatsop County
5 Board of Commissioners, City of Astoria, Port of Astoria, Chambers of Commerce in
6 Seaside and Astoria, and Senator Betsy Johnson that are opposed to moving forward
7 with this policy as is. Are they out of touch with the economics how they see things
8 differently than you do?
9

10 Carsicadon said they certainly see things differently than he does. When he was in
11 Seaside the Mayor of Seaside said tourism is the backbone of this economy and the
12 driving force here. The Mayor of Cathlamet said the same thing. He said if you went up
13 and down the river you would find very similar impressions and that is why we need to
14 support the gillnetters. It doesn't make sense to him. When he was on the Marine Board
15 they had a hearing with the City of Rainier who didn't have any money. When he drives
16 down Hwy. 30 and looks at hotels in Clatskanie and the infrastructure in place is the
17 status quo going to fill that up? Or is adding another 200,000 angler days per year going
18 to fill that up, those restaurants and retail operations and the infrastructure in place in
19 Astoria? This Plan gives a fair chance to see what can happen with as little economic
20 damage as possible. That standard as never been applied to the sports community.
21

22 Commissioner Anderson lives in Newport and said that shifting dollars towards
23 restaurants and hotels come from somewhere: gear stores, fishing processing plants,
24 commercial fuel docks, from moorage, etc. It is a questionable argument as far as who
25 determines best the economics for the lower CR communities.
26

27 Commissioner Finley said Mr. Barksdale described his experience guiding with clients
28 and concern about the sturgeon. He asked him to tell this Commission some of his
29 suggestions. What might we do to safeguard this species?
30

31 Barksdale said over the years there has been conversation about cutting down on
32 quotas and the number of days fished. To wipe out potentially a 45-day to 55-day
33 season now for sport fishing is substantial. He also fishes the ocean and Buoy 10 for
34 ocean salmon. He would lose one-third of his income if the Commission closed
35 completely the retention season of sturgeon. He said that also translates to the hotels
36 and local restaurants that depend on the sturgeon season. The clients that come in
37 would be a large economic loss for a community down there. He said shrink it down to
38 an annual two-fish or one-fish instead of five-fish. If we have to cut down the number of
39 days fishing or quota without totally shutting it down right now.
40

<p>Jody Mather Astoria, OR</p>	<p>Jody Mather said he started his business 16-years ago and it has been primarily sturgeon. He has more clients than he has days to fish. This is 60% of his annual income. Last year the season was 54 days long and he had 50 trips; almost every trip was a full boat. He said he didn't limit four of those days. The best day he had they caught 58 and the worst day was 19 or 20. The fishery has changed but the fish are there in good numbers. He doesn't deny there are some changes in the population; it is going down. They don't live or spawn at Bonneville anymore because they get eaten or chased. Last year with the 54-day season five-fish annual limit how can you take that away from me completely? He spoke to all 50 of his clients and only two would commit to catch and release. He cannot make a living that way but he does want to save the fish. He asked the Commission to use some biology and science and make the right decision. Slow it down. Don't take the fishery and say it is gone because of the politics and because of guilt.</p>
<p>Darren Crookshank Longview, WA</p>	<p>Darren Crookshank, President of Columbia River Fishermen's Protective Union (CRFPU), said CRFPU has been in existence since 1884. He fishes the CR but not Youngs Bay. Most of his income comes off the CR mainstem fishery; this is going to seriously impact his income.</p> <ul style="list-style-type: none"> • He has done alternative gear studies. How can you run a fishery starting next year when the long-term mortality rate hasn't even been finished? We have one more year of tagging to do. He has done tooth net fishing for Washington for spring Chinook salmon and has been highly successful. We use our big mesh gear to stay away from summer steelhead and sockeye; it works. • On summer Chinook their actual take right now is 18% and that is sharing 50% of the impacts below Bonneville. Sixty percent of that run is allocated to above Bonneville and 40% is allocated below Bonneville which they have to share between the sports groups, ourselves and whatever goes on out in the ocean. You take 18% and give me 20% of that I'm not even going to untie my boat; that is not enough fish to go around. • He is against this Plan. Jobs are going to be lost. He employs up to 20 people at times as does those in the fish buying business. It is going to be over 1,000 jobs lost not just 150.

	<ul style="list-style-type: none"> • This Plan is made up of assumptions not reality and targets one commercial group and none other. He said you might be looking at a lawsuit down the road. There are people already talking about it: discrimination and denying the public to its natural resource and it is the public's resource and not the Governor's. • Alternative gear is not going to be fair to everybody. It is very expensive to get into; people are not going to be able to do it. It is not going to complement the whole group as a whole. It will make a few people rich while others will starve. • Conservation. They wanted no fishing harvest on sturgeon. They want catch and release; there is no conservation in that. That one week of marked selective fall fishery they had for every three fish they kept two were killed.
<p>Bob Rees Tillamook, OR</p>	<p>Bob Rees, President of Northwest Guide and Anglers Association (NWGAA), distributed written testimony and noted the pictures of vandalism on one of his member's vessels in Astoria just hours after testifying at the Seaside meeting in November. We sat side by side with the gillnet fleet in opposition to BM 81. We're expected to go the Legislature and advocate for a fee increase on our own against our fleet to help support this change. Rees said NWGAA supports the Governor's vision for CR management. He advocated for some limited opportunity for sturgeon. They were told throughout the year they would not have an abrupt closure and an immediate catch and release for sturgeon. The new movement towards catch and release opportunity beginning in 2013 would be a very hard hit for our industry and those folks that participate in this fishery. He asked for any sort of limited consumptive fishery in 2013 as a transition year. Conservation of this species is very important to our industry. He noted that members already have a lot of deposits collected for a lot of trips in 2013.</p>

1
2 Commissioner Webber said in regard to the sturgeon if there was one-fish season limit
3 would that be something you could work with?
4
5 Bob Rees said absolutely. He thinks he could even get his membership to voluntarily
6 give up their one sturgeon opportunity as a user group. It's about honoring the
7 reservations we have and the deposits we've collected. We wouldn't care if it is a three

1 or six-fish size limit; whatever it takes to get some consumptive opportunity for 2013 to
 2 honor our reservations and to market catch and release opportunities for the future.
 3

<p>Georgia Marencovich Astoria, OR</p>	<p>Georgia Marencovich, CRFPU, fishes and her family has been in the fishing business for five generations. She hopes the Commission will vote no on this Plan. If you don't vote no to have more information before implementing this Plan because there is so much not correct. This is an attack and has been for 50-years. Yesterday they spoke with the Governor to try and dissuade him from his Plan to destroy commercial fishing on the CR. His Plan includes allocation of commercial fish to sports fishermen. One million Oregonians voted to save this fishery. How can you justify taking commercial fishing off the CR and give our fish to the sports? We have fished for the people of Oregon for 150-years selling fish all over the world and fish for 90% of the citizens of Oregon who don't sport fish. Our salmon is the perfect food for protein and health. She said the Transition Period is a huge experiment with little scientific study or fishing background. – we are the sacrificial lambs losing our jobs and playing havoc with our families while the Governor play God, picks up his rod and reel and goes fishing.</p>
<p>Jack Marencovich Astoria, OR</p>	<p>Jack Marencovich, CRFPU, has read the Governor's Plan and is frustrated. We've spent our entire lives on the CR and you can see the statements that aren't true. The end result is to take our historical fishing grounds away from us and we've protected the river all those years since CRFPU was organized. He had mailed a letter to Chair Levy that contains what CRFPU has done through the years. Yesterday they traveled to the Governor's Office. Over the years he has made trips to Salem to defend their livelihood but they've never had a bill to penalize the other industry. The Governor's Plan said it's time to settle the agreement between user groups. It's been one-sided; the sports have been attacking us. He said on a Capitol wall is a painting of a commercial fisherman and others that built this state. Are you going to replace that with a rod and reel? If the Commission votes in favor of the Governor's Plan that would not be fair and not equitable. This is the opposite direction of protecting jobs. He asked the Commission to think about the million people who voted on BM 81.</p>
<p>Bruce Polley Sherwood, OR</p>	<p>Bruce Polley, CCA Oregon, said CCA has never called for an end to commercial fishing just the end of the use of gillnets. The HSRG recognizes that a selective</p>

	commercial fishing capable of live sorting is needed for salmon recovery in the CR. This Plan makes room for the commercial fishing industry that keeps the public invested as a stakeholder in salmon recovery. He said delay of action brought about the filing of BM 81. The Governor asked CCA and coalition partners to allow him and the Commission to work out a compromise plan that we have trusted you and him to carry this through. He said let's move toward a new era of sustainable selective fisheries that take the utmost care for our precious fishery resources. He said please pass this Plan today.
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2 Commissioner Anderson referred to 2013 and beyond and said CCA clearly feels
3 strongly about establishing a sport priority for mainstem CR. She said it doesn't seem to
4 be just about gillnets, economic models and distribution of dollars. If successful in this
5 effort are there designs on other commercial salmon fisheries or other fisheries to
6 establish sport priority? Is this something that I can say I will be dealing with for the next
7 three and a half years in my term as a Commissioner?
8

9 Dave Schamp said the primary focus of BM 81 was to change the method and the tool
10 that is used to execute the commercial fishery in the lower CR. BM 81 made it illegal to
11 use a gillnet and legal to use a seine. It also established a base level of harvest for the
12 sport fishing community based on today's catch. He said it did not establish a sport
13 priority and did not change allocation. It eliminated the use of gillnets and the reason for
14 that is to protect the 13 ESA-listed salmon and steelhead stocks in the lower CR. By
15 protecting the fish and doing the right thing for the fish we all benefit. Schamp said 51%
16 of the original stocks in the CR are already extinct. Now we have 13 more and are talking
17 about the impacts to sturgeon; we don't want to see sturgeon listed. Our goal is to
18 eliminate the use of nonselective gear in the mainstem CR.
19

20 Commissioner Anderson said she understood that, he didn't answer her question. The
21 staff has demonstrated that the conservation argument is nebulous. We're still going to
22 be killing the same number of fish regardless; it's just a matter of who has access to
23 those fish. Where is CCA on barbless hooks today?
24

25 Dave Schamp said CCA supports any change in regulations that is conservation based.
26 If that is the case with barbless hooks and it can be quantified CCA supports that change
27 in regulation. But we would hope recognizing that that change results in a decrease in
28 mortality that that decrease then would be allocated to the sports fishery.
29

30 Commissioner Akenson said she didn't see that connection between conservation and a
31 change in equipment because these impacts are already set. There is a set limit of how
32 many ESA-listed fish can be killed each year and that is divided between those two
33 fisheries. No matter what equipment is used when that impact occurs that fishery is
34 done. How does that translate into improved conservation if the allocation is changed?
35

1 Dave Schamp said that goes to a philosophical difference between conservation
2 organizations such as CCA and other user groups. The assumption is that we have to kill
3 what we're legally able to kill. We believe that if you can save a fish you should do
4 everything you can to save a fish. The mortality rates associated with using seines,
5 based on multiple year's worth of use by the Colville Tribes at the mouth of the
6 Okanogan and the recent test fisheries that have been conducted by WDFW, is one
7 percent or less. The mortality rates associated with gillnets are 40% up to 100%. The
8 bulk of the gillnet fisheries executed in the CR are 100% kill. Schamp said they talk
9 about the tangle net fishery which has a much lower mortality rate in the range of 14.5%.
10 Only five percent of the commercial catch is obtained using tangle nets; the other 95% is
11 obtained using gillnets; essentially a 100% kill. If we can harvest the same number of
12 hatchery fish, which is the goal, we need to get as many hatchery fish out of the system
13 as possible without killing the wild fish. Instead of focusing on killing two percent the
14 focus should be on catching as many of the hatchery fish as we can and letting as many
15 of those wild fish go as possible.

16
17 Commissioner Akenson said, so are you proposing then for conservation purpose we
18 would actually not even use our allocation?
19

20 Schamp said no, I am not suggesting that. I am suggesting that we should strive to
21 remove as many hatchery fish as possible with the least impact on the wild component
22 as possible.
23

24 Commissioner Akenson said if the commercial fishermen changed gear and decreased
25 their mortality rate, should they be the ones then to have those additional fish because
26 they've improved their efficiency?
27

28 Schamp said that was the reason that the base level was established by BM 81. That the
29 sport fishing community's fear that if that commercial gear is so successful and has a low
30 impact on mortality and they get 20%, if you're only impacting one percent that 20%
31 represents a huge component of the fishery. That was the reason not to gain the
32 allocation but to ensure that if this gear is as effective in wide use as it has been in the
33 limited fisheries that the sports fishermen would not be cut out of the fishery totally.
34

35 Commissioner Anderson said regarding mortality of the gear types she understands that
36 it's a function of time and location. With regard to the overarching objective of wanting to
37 harvest maximum number of hatchery fish while allowing escapement of ESA species
38 she has heard from the gillnetters that wide mesh gillnets do exactly that in the right time
39 and place. Why do we have to be so prescriptive in terms of saying what gear is
40 appropriate in a large complex ecosystem rather than working together towards
41 understanding mortalities better and minimizing it and achieving harvest hatchery fish
42 and let wild endangered fish escape? Do we have to prescribe a gear type? Is there
43 any way around that for your organization?
44

45 Schamp said CCA in 2008 and 2009 introduced House Bill 2579 with the goal of making
46 it legal to use a wider breadth of tools to harvest these fish and use gear that has been
47 demonstrated to not have as much impact on wild fish but we were rebuffed. In the next

1 session we supported the SFA bill which was not nearly robust as the Governor's Plan
 2 today. The same thing happened last session. He said CCA has made a good faith effort
 3 to find other mechanisms to answer this question and provide opportunities. We started
 4 with an initiative petition two years prior to BM 81 and did not go forward with that to
 5 provide the opportunity at two additional legislative sessions to find others way to work
 6 through this issue. He said the commercial industry has not stepped up to the table; they
 7 want the status quo and don't want to change.

8
 9 Commissioner Anderson said there have been some positive aspects that have come
 10 out of this process. The commercial industry has indicated places where changes and
 11 improvements can be made whether the package in its entirety given the time allocated
 12 to develop it is going to achieve what we're trying to achieve.

13

<p>Otis Hunsinger Astoria, OR</p>	<p>Otis Hunsinger, CRFPU, is a CR gillnetter that supports a family of five. He said if this Plan passes his family will be forced to relocate. To build a small business from start to finish and have one man take it away doesn't seem right. People's votes no longer matter; we saw this with BM 81. He said to deny 94% of the people their right to consume a mainstem salmon but to bend over backwards for six percent of the people of the Oregonians with the angler licenses, while the sports only gains 10% allocation the gillnetter is losing 33% on the mainstem. We still don't have a hook mortality study which concerns him since this is a conservation issue yet the gillnetter is constantly under the watchful eye. He said there is no biology behind this Plan and Oregon cannot afford to lose these small businesses or afford to fund this Plan.</p>
<p>Andy Betnar Warrenton, OR</p>	<p>Andy Betnar, a fishing guide, owns a bait and tackle shop in Astoria that also does fishing processing for sports anglers. He has fished 26-years at Buoy 10 and sturgeon at Astoria and seen the dramatic changes. Important is the protection of the resource and what is going to be best for the fishery to protect that and how the resource is best served for the communities. The sturgeon are coming later. He suggested new guidelines on the population studies because of the increased water flows and shortage of food supplies in early spring. When canneries used to dump their excess scrap into the CR it brought a lot of sturgeon in the system early but they no longer do that. He doesn't think there is a population decline just the sturgeon are coming later because of conditions. He urged the Commission to do population studies later in June and July. He offered to help by tagging or taking researchers out on his boat.</p>

<p>Liz Hamilton Oregon City, OR</p>	<p>Liz Hamilton, NSIA, said compared to the past today is really different. .</p> <ul style="list-style-type: none"> • She said since 2003 more fish have been caught in the SA by the commercial gillnet fleet than the entire 140 miles of mainstem CR by the sports. That is not a sports priority but a current imbalance. NSIA supports the Plan on the table and did back off from BM 81. They have faith in this process that will allow a complete and more complex approach to resolving the issue. • We have double the amount of smolts put into the SA, not only is there a large amount of fish returning there now this agreement puts even more fish there from the tributaries where they are sport caught. They support that. • Economics. She asked the Commission that as they monitor and check in later that they also check the sports side. Trip expenditures are a great measure of wealth from urban to rural communities but it doesn't measure the rural jobs in boat building and lure manufacturing. They ask to see more about the durable goods sold in the sport fishery. • NSIA is concerned about safety in the exclusion zone. • Sturgeon. Back in 2005 the guides told us these fish were in trouble and we needed to do better. NSIA is not opposed to going to a one-fish bag and then to catch and release while we figure out what the problems are. She said stellar sea lions are a major problem; no one is working on a delisting. ODFW needs to work on a management program to deal with sea lion predation. The things pushed for in the biological lawsuit for the salmon are the same things the sturgeon need.
<p>David Quashnick Astoria, OR</p>	<p>David Quashnick, a commercial fisherman, has fished for 40 years. He said the Kitzhaber Plan will take away the jobs of working men in rural areas that rank among the poorest in the Oregon, so sports fishermen can get in a few more days of fishing time. They fish nearly year round now. Communities with fishing dependent economies would be devastated by this proposal. He said Robert Sudar is right about everything he said and Jimmy Wells is right. He asked the Commission to listen to them. Quashnick said we are 150 gillnetters but we supply millions of fish eating consumers. He's listened to the guides talk about their livelihoods going downhill and he</p>

	<p>feels for them. He's fished for 40-years and has been fighting for 40-years to keep his job. He makes half his income fishing in Alaska. He supports sturgeon fishing for a couple weeks when those fish are there but they should fish on those migratory fish coming out of the ocean and the line should be Tongue Point.</p>
<p>Joe Quashnick Astoria, OR</p>	<p>Joe Quashnick, fourth-generation gillnetter, asked the Commission to not take away their mainstem gillnetting rights; their families depend on it and it would take away about two-thirds of his income. He said last fall on Youngs Bay was a complete bust. Hardly any coho returned to the area but the mainstem had a good run of fall Chinook salmon and he had a good season. He cannot afford to start a seine operation; even if he could it is not a money maker. The Kitzhaber Plan takes a lot of their allocation and shifts it to the sports fishery. We will not be able to make a living using a seine; it takes 4-to-5 people. He said the people of Oregon obviously want their gillnet fisherman in the river and not seine fisherman. The commercial gillnet fishery provides the non-fishing public with fresh caught salmon while generating millions of dollars in the local economy. The CCA is all about greed; please don't let them take our fish away.</p>
<p>Chad Huddleston Astoria, OR</p>	<p>Chad Huddleston, a commercial gillnet fisherman, said he does not approve of the Governor's proposal. He voted no on BM 81 and said Oregonians want gillnetting on the mainstem and also recreational fishing but not just one or another. He said Oregonians want the choice to purchase gillnet caught salmon from the mainstem fishery. How is it fair for one person who claims to want to create jobs and economic growth for commercial gillnet fishing to ban gillnetting on the mainstem which will create job loss? Equal rights for all? Why is right that sports gets more than gillnetters and are trying to take it all?</p>
<p>Lawrence Pfund Gearhart, OR</p>	<p>Lawrence Pfund, Chair of Port of Astoria Commission (the Port), said the Port is unanimous in opposition to the Governor's Plan that will hurt business in the local economy in the Astoria and Clatsop County area. The Port's natural resource jobs are their lifeblood whether it be ocean fishing, river fishing, logging or some agricultural. He questioned how the men and women who live on the natural resources somehow got this negative reputation like that's a bad thing. Pfund said we have renewal resources and the gillnetters have always been at the</p>

	<p>forefront of trying to maintain healthy fish stocks. He's fished commercially on the ocean and doesn't have an economic interest in this industry but gillnetters have been his neighbors and his friends all his life. Regarding BM 81 he understands the supporters put in a half million dollars and then didn't try harder and he doesn't buy into that. He said the gillnetters took it serious because it's their job and they won big. This vote happened but we're going to ignore that result. Pfund asked the Commission to vote with their conscience and dig deep and do the right thing. Let this historic fishery survive.</p>
<p>Art Israelson Gresham, OR</p>	<p>Art Israelson, NWSN, said one million people voted 2-to-1 against BM 81. He asked how many of them would have voted that way if the sponsors had not withdrawn their thoughts. He's heard today that there is no conservation in this Plan. We're putting 300,000 to 500,000 smolts into the SA that are coming out of the Willamette and Umpqua watersheds and they're being brought to the coast. He said all of these fish are being released and there is no chance for them after acclimating here for those fish to get into the wild fish areas. Regarding recovery boxes at the present time guides can't take those fish out of the river period. He's heard that gillnetting are real jobs, living wage jobs, and working class jobs. He said if this is true why are a great many of these people on food stamps? He heard they are supplying the world market with fish. He can't even buy a CR fish in Portland in major stores.</p>
<p>Jeremy Wright Portland, OR</p>	<p>Jeremy Wright represents Stop Gillnets Now Coalition, the coalition of organizations that placed BM 81 on the ballot and subsequently stepped down from the ballot measure. He said the Commission has heard a lot of compelling personal testimony but the people of Oregon have also spoken in support of the Governor's proposal. Over the last four weeks they asked Oregonians to write in and tell them what they thought of the Governor's proposal. Wright entered into the record and said "Over 2,000 postcards in the last three weeks have been *mailed in to you addressed to the Oregon Department of Fish and Wildlife urging you to support the Governor's proposal and adopt it." He said over 5,000 people signed the petition from every single county in Oregon in support of the Governor's proposal. The people of Oregon do support this proposal and he urged the Commission to adopt it.</p> <p><i>(Note for the Record. Postcards are addressed to and</i></p>

	<p>were mailed to: Oregon Department of Fish and Wildlife, c/o Stop Gillnets Now, P.O. Box 11247, Portland, Oregon 97211).</p>
<p>Grant Putman N/A</p>	<p>Grant Putnam, a fishing guide for 16 years, said he supports the Governor's proposal and the current letter issued today. The Governor's proposal is to best utilize our fish for the best economic value for all of the user groups and to provide increased angling opportunity for all. Putnam said closing the sturgeon fishery will affect the economy for his and other businesses. He made 300 calls and surveyed his clients about what they have spent with him annually. Last year he guided 50 days and there was a revenue generation last year of \$99,950 produced by his customers and clients in the Astoria area. He said that breaks down to \$635 per day spent by clients in the Warrenton, Astoria, Hammond and many areas for a total of \$31,750 leaving \$68,200 that was ran through guides like himself and other fisherman and guide operators to provide the services to share our fishery. He said this represents 43% of my business. He said we as a guide community want to support these fish.</p>
<p>Bill Hunsinger Astoria, OR</p>	<p>Bill Hunsinger, Commissioner for Port of Astoria, said three times gillnetters have voted against taking gillnets off the river and won each time. He said:</p> <ul style="list-style-type: none"> • The real story is if the commercial fishery is not in the CR you're not getting any federal money for your hatcheries and you know it. • His vote means nothing when the Governor can take away his vote. He asked how important is the six votes on this Commission today to the people's jobs. He said the Governor wants to take away jobs – this is wrong. • If you put too many fish in Youngs Bay watershed you're going to kill all of the wild stock. Where is CCA on this point? They know this. He said at Crystal Bay, 2.3 million up the Quijack, we got 12 million fish back that we harvested so said let's put 10 million up the Quijack. We did it for five years and it never recovered. That is what you're going to do here, kill the trout, steelhead, and whatever wild stock salmon there are in that creek by putting too many fish in there. • He feels sorry for the guides but welcome to the real world. We're getting our butts kicked here as commercial fisherman.

	<ul style="list-style-type: none"> • This is a tremendous economic blow to the county he lives in. Some guys have their boats half paid for but we are not seiners. Oregon and Washington banned seining 75 years ago now this Governor wants him to use something illegal. • Does the Commission honestly think it has all the information it needs to make an honest decision here?
<p>Bruce Hansen Portland, OR</p>	<p>Bruce Hansen, commercial gillnetter, lives on Sauvie Island (SI) and has fished on the CR for 60 years. He asked for assurance that he is going to have an area to fish in the Portland area. He sport fished for spring salmon last year and in two days he turned seven native fish loose that were used with a barbed hook. You bring them up to the boat and get pliers to pull them out and they swim away. He sees no advantage at all in barbless hooks. For fish start using rubber netting in your dip net because the nylon used in most those nets have a tendency to take scales off and/or slime which leads to bacteria. He sells fishing lures for the sports industry and raised money to put his grandkids in college. He and his son raise over one million trout per year on SI and they are the second largest private trout producer in Oregon. He said the State should look at using their hatchery for raising fish in this area; they can raise them cheaper than the State can.</p>
<p>Mike Wullgoir Astoria, OR</p>	<p>Mike Wullgoir, a commercial fisherman, said if you're going to put those smolts in Youngs Bay and if we're going to gain any economic return from being taken of the mainstem we need the bubble.</p> <ul style="list-style-type: none"> • Youngs Bay is a shallow water fishery. The tide goes out exposing mud flats and the sun beats on it in August and September and when the tide comes in the water is warm. The fish bound for Youngs Bay tend to lay outside in deeper water off Hammond and that's where the sports fleet likes to sit on them. He said if they have safety concerns they can go up to the east end of the basin in Astoria and come out and fish off town above the bridge in a lot calmer waters. They want to move it from the Skipanon to the Port docks where essentially they fish right now for the best fishing. It would be no different if you moved the boundary in from where it is now. • He said brought up earlier was the 2% mortality attached to our tangle net fishery and that is right.

	<p>The last time he took his boys spring salmon fishing the last three fish on our lures the sea lion got everyone of them but yet there is no mortality attached to the sports. If they want more impacts then they need to pay their impact dollar.</p> <ul style="list-style-type: none"> • Conservation. He questioned treble hooks on quikfish and said are they considered selective?
<p>Steve Fick Astoria, OR</p>	<p>Steve Fick, fish processor and seller, said is this Plan necessary for the implementation of harvest in the CR both recreationally and commercially?</p> <ul style="list-style-type: none"> • NOAA only allows sustainable fisheries to occur and based on the ESA guidelines we're working under this is a sustainable fishery that we currently have. • This Plan takes away 60% of his income potentially from mainstem harvest at the benefit of big runs on spring Chinook of about 1-to-2 days of additional recreational opportunities and 3,000 to 5,000 more summer Chinook that would get harvested by recreational fishermen instead of for the consumer. • Have the Tribes been consulted on whether their issues have been addressed which will play into the implementation of any Plan brought forward? • Working in collaboration. As an industry group about four years ago the sports group walked away from the table and refused to negotiate. He said his industry has kept the high road and been professional. • Fick processes and sells salmon in Oregon and Washington. If he loses 60% he loses continuity in fish available to him potentially as this Plan rolls along. He has full-time employees with benefits and for a small rural community with not a lot of options it's hard to fix. • He asked the Commission to consider that over a million people voted down BM 81 and said they wanted the status quo.
<p>Jesse Kinnune Astoria, OR</p>	<p>Jesse Kinnune, a fourth generation commercial fisherman, is 22-years old with a child. He said statistically someone in his age group with a child would be the one to have food stamps and he never has and never will have food stamps. He supports his family by gillnetting and not by the government. He commented on:</p> <ul style="list-style-type: none"> • Youngs Bay bubble and avoiding the northwest

	<p>wind. He said go buy a bigger boat because that is what you're telling me to do. You can't afford it and neither can I. His boat is halfway paid off but there is a good chance if this goes through he won't be able to pay his boat off before going out of business.</p> <ul style="list-style-type: none"> • A gentleman mentioned that 95% of the fish sold in Oregon are from other places such as Alaska. Kinnune fishes Bristol Bay and the harvest there alone was 22 million fish. He said obviously there is going to be more Alaskan fish on the Oregon market than Oregon fish because there's a much larger volume of fish. • They want to kick us off the river because we have a negative impact on the salmon population and we're indiscriminate killers. He said we have 14% mortality with a tangle net and already adapted other gear and revival boxes and they're asking us to change it again. When does it stop? We don't want status quo we want healthy salmon runs. We don't deserve to be kicked off the CR and shoved into a mud puddle where people don't want to give us a buffer because of the wind. • Report of vandalism on a sports boat. Kinnune said a river net was burned at the Red Lion in Astoria that was about a \$3,000 to \$4,000 net. • A woman said we count more fish in the SA than they have in the river in the past 10 years. Two years ago they had the biggest run ever in Youngs Bay; a onetime thing. <p>Kinnune said the 150 gillnetters are his family. He asked the Commission to not put them all out of business.</p>
<p>Jack Glass Troutdale, OR</p>	<p>Jack Glass, is a second generation fishing guide, said former chair Marla Rae put together a working group from both states to develop a plan that he participated on. The WDFW Commission voted in favor of their plan but Oregon rejected it. He fishes only in the CR and really depends on this income seven to eight months of the year. He wished the Commission the best of luck and to keep the sports industry involved. He does support the Governor's Plan.</p>
<p>Brandon Glass Fairview,</p>	<p>Brandon Glass, a third generation fishing guide, said he fishes the CR for seven to eight months of the year. They have had to adapt to their fisheries and adjust to a lot of things depending on the seasons, the fisheries and water conditions. He said careers and tactics have to change to</p>

	make money and live. He thanked the Commission for helping them out.
Tim Heuker Cascade Locks, OR	Tim Heuker, a fisherman, who attended the first Work Group meeting in Olympia, WA, noted all the testimony over the meetings held. He still doesn't see how we can do this and how anybody can make a sound decision in four months to fix all these things that are going to happen. For instance the Governor came with new paperwork just this morning and he's changing his mind. He asked the Commission to extend this process in order to come up with a sound decision to solve these problems. He said this is nothing conservation; it's nothing for the future and strictly politics.
Steve Gray Seaview, WA	<p>Steve Gray, an owner of Bell Buoy Crab Company, said a few points:</p> <ul style="list-style-type: none"> • A guy talked about 3,000 lost gillnets. Gray said he is talking about Puget Sound Indian nets that gotten a log in them and now out of the deal. He's fished 45-years in CR and he's seen one net they retrieved that somebody has lost. • The Commission represents the people in Oregon. He hopes this isn't what he's watched for 40+ years and the Commission listens to what people are telling them. • The gillnet fishery is being pegged as a fishery that is in conflict. We have had no conflict for the sports fishery. We fish at night and on no weekends. We tow them in if broke down; they're the folks trying to push the conflict. • Sturgeon are absolutely in deep trouble. You don't need hook and release when they find sturgeon with 10-15-20 hooks in their belly; adult and spawned sturgeon dead. Everybody is going to have to step back from the sturgeon. He said the guides take a new guy out every day and fish one per day; the rest of us catch one and you're done. • Status quo. The spring season last year was a record run of spring salmon. We fished 20-hours with a selective tangle tooth net and caught 4,500 fish. During summer season we fished 12-hours and caught 1,500 fish. If you have Chief Joseph hatchery coming on line that will put a lot of fish into that fishery and it should be for everyone. On the August fishery for Bright salmon over 120,000 surplus fish that no one caught beyond all of the

	<p>escapements that were needed. We don't fish silvers anymore, steelhead or bluebacks. He said that's why we ask for status quo.</p> <ul style="list-style-type: none"> • Alternative fisheries. They've done every bit of it every year. He said it will catch several salmon in some places. Where will their alternative fisheries take place? They're going to be fishing on a sand beach that has a fairly good slope and on that beach is probably going to be 50 sports fishermen. He will lay those beach seines down that beach and they will have conflict like you've never seen. As they come down the river with a seine boat they'll encounter hog lines of people. • Some people are saying let's have an alternative fishery that is very selective. We could probably do that but it is a huge conflict because we will run right over the sports fishermen unless they are not there. It only really works from mid-August to mid-September. Now the sports fishery may want to fish first on all the way through it and then the Commission puts in an alternative fishery; that won't work. We have to fish the same timeframes so they don't fish. If we fish all of the hatchery fish what is left for them to fish?
<p>Bob Singley N/A</p>	<p>Bob Singley, CCA, fishes on the CR. He said he is tired of gillnets on the river. He covered:</p> <ul style="list-style-type: none"> • He initially supported BM 81 but supports the Governor's Plan. It provides fish for the commercials and provides more opportunity for the sports fishery and it protects fish. • Gillnetters have a 40% mortality rate. If they go to seines it's one percent to harvest. Seines on the CR are the way to protect the wild fish. • Constraints with Tribes. There are catch balances and total numbers of fish available to be harvested. • The commercial fishery doesn't want to change at all. He said 150 gillnetters choose to take their jobs and some of them have been in it for generations. This is 2012 and just because something has been done for a long time doesn't make it right. We have a better way to harvest these fish. • If he had his way BM 81 would have been to make freshwater salmon be like steelhead in freshwater or east of the coastline; they should be a game fish. • Commercial fishery is still going to be viable and

	<p>coastal towns in lower CR are not going to fold up. Processors will still get fish to process but harvested in a little different place with a little different manner.</p> <ul style="list-style-type: none"> • Barbless hooks. He does not net any salmon until he can see they're fin-clipped. They lean over the boat and use pliers. The fish is never taken out of the water and is released. This is to totally penalize the sports fishermen and there is no reason for it.
<p>Rod Sando Woodburn, OR</p>	<p>Rod Sando, NSIA and a retired natural resources manager, spent 45-years in this business. He said the real solutions are strategic that persist over long timeframes.</p> <ul style="list-style-type: none"> • Engaging in conflict resolution is critical. We come to you in conflict and ask you to resolve it. • Hopes this painful process can be completed and we can move ahead and work together as a total fish community working toward total solutions. • Effective policy is to maximize the value added from the consumption of limited resources like fish in the sense of harvesting and changing that status into moving it into the economic system. How do we get the most value to our society? <p>Sando asked the Commission to make this decision with good faith and confidence. He urged them not to get into the morass of totally tactical but think in terms of long-term strategies and what is best for the totality of Oregon citizenry.</p>
<p>Derryck Wait Astoria, OR</p>	<p>Derryck Wait, a second generation gillnetter, asked the Commission to vote no because it will have a dramatic impact on his family's income and they will not be able to stay in this industry. They will have to find a different way to survive.</p>
<p>Matt Bergeson Astoria, OR</p>	<p>Matt Bergeson, a third generation commercial fisherman, is 16-years old and fishing is everything in his family. He said if this goes through everything is pretty much going to be a loss. His fishing job is money for school and when that goes away he doesn't know what he will do. He thanked the Commission for listening.</p>
<p>Andrew Bergeson Astoria, OR</p>	<p>Andrew Bergeson, a third general commercial fisherman, is 17-years old who has fished throughout his life. He said we are already very limited on the river. As gillnetters they have set times that they can fish. A lot has changed and if they get completed vote off what is he going to do with his</p>

	<p>life? He's been saving money and restoring a boat so he can fish when he gets out of high school. It's taught him a work ethic and it's what he wants to do. He asked the Commission to vote no on the Kitzhaber Plan.</p>
<p>Gene Elliott Astoria, OR</p>	<p>Gene Elliott, SFA and commercial fisherman, cannot understand why the sports seem to think we need to give when killing used to be south of the CR. We have to the point now there is not much more give left. How can we sit here and legislate greed and selfishness? He asked how the Commission could support this Governor's Plan now, it would be shameful.</p>
<p>Joseph Parker Seaside, OR</p>	<p>Joseph Parker, a commercial fisherman, likes and reads history and sees a direct correlation here. He is seeing a minority of people being run over by the majority of people in relocation, e.g., plains Indians to reservations. He said 120 miles of the CR has been his happy hunting grounds. He has been a lower river gillnetter for 30 years and said he is being relocated to those mud ponds. There is no room for us. This has been tried before and it failed and we're doing it again.</p>
<p>Dale Ballard Molalla, OR</p>	<p>Dale Ballard, CCA volunteer, commented on:</p> <ul style="list-style-type: none"> • Conservation question by Commissioner Anderson about why gillnets couldn't be selective. We have heard that time and placement they can be selective. He said when they fish on mixed-stocks whatever swims into them is caught. They're not selective. • Currently 90% of gillnet fishery is 100% catch and kill: the spring, fall, and summer fishery. • Difference between sports and gillnet fishers is 100% of wild fish are released by the sports fleet with a very small mortality rate, that relates to more time fishing for hatchery fish. Harvest of those fish is important according to HRSG findings that recognize that lethal handle of ESA-listed fish will make recovery extremely difficult. • The 66% of voters who voted for BM 81 did so without awareness; there was no campaign supporting that measure. Polling of Oregonians indicated that most were unaware that the fishery existed. <p>He asked the Commission to carry out the Governor's directive</p>

1
2 Chair Levy began discussion on the Governor's letter dated December 7, 2012.
3

4 Commissioner Finley said the Governor asked the Commission to look at three items
5 that were a deviation from the Work Group recommendations.

- 6 1. The 100% assignment of summer Chinook mainstem harvestable surplus and
7 looking at it as 80:20 at the end of the transition period. Commissioner Finley
8 suggested that if the Commission addresses each of these items individually to be
9 silent on this item, not to adopt it now but work on this in the future.
- 10 2. Instead of requirement to use barbless hooks immediately, phase in after two
11 years to minimize near-term impacts on economic interests. Commissioner Finley
12 said it makes sense to have a two-year phase in.
- 13 3. Immediate implementation of Youngs Bay Control Zone in the OARs and consider
14 recommendation that this closure be adopted into the OARs in the future. He
15 recommended tabling this item in order to give it more analysis. He said the
16 Commission heard from both sides of the issue from safety for small boat
17 fishermen to the need by the commercial folks to have it.
18

19 Chair Levy agreed with Commissioner Finley's suggestions except for remaining silent
20 on Item 1. She said in 2016 this would go to 100:0 and not remain at 80:20. She won't be
21 on the Commission then and does not want to testify before the Commission to remind
22 them what the Governor had said now. She said if the Commission could be reminded
23 of this in the future then she would be fine with that.
24

25 Commissioner Finley said the Commission could be reminded and noted that Chair Levy
26 would be on the Commission when they review it in one year. He recommended tabling
27 Items 1 and 2 until the Commission reviews it in one year. Chair Levy agreed.
28

29 Commissioner Webber said they were talking about the long-term summer Chinook
30 allocation of 98:2 now and the Governor suggested 80:20. He supported taking the 98:2
31 out and leaving it to discuss later.
32

33 Commissioner Akenson said she would like to see it decided on at the same time; it's a
34 piece that the Commission should address while addressing the rest of the allocations.
35

36 Commissioner Anderson said regarding the overall request that the Commission
37 supports this policy she would like to see: an alternative that does include some measure
38 of demonstration of benefits and enhancements before allocation shifts occur, that is no
39 different than waiting two years to require the use of barbless hooks; and an amount of
40 time to consider phasing this in because 2013 is three weeks away and the shifts being
41 suggested in the policy are significant. She said Item 3, Youngs Bay Control Zone, would
42 be a small concession to distribute risk while we are evaluating impacts.
43

44 Commissioner Wolley said he was not sure if the Commission was talking about the finer
45 points of Items 1, 2 and 3 and deciding if the Commission was putting those in the
46 package or if the Commission was giving overall testimony. Chair Levy said they were

1 focusing just on the Governor's letter of December 7, 2012 and whether they had any
2 recommendations that would go farther than that.

3
4 Commissioner Wolley was fine with delaying the barbless hook requirement; it is not an
5 immediate need. He said the Commission does not need to immediately implement a
6 Control Zone and should look at it more closely and consider it in the future. Regarding
7 Item 1 he has concerns about the immediate allocation shift and the amount of time
8 everyone had available to work with on this issue.

9
10 Commissioner Wolley was impressed with the showing of young people that make a
11 livelihood from commercial fishing. He discussed the lack of alternatives to make money
12 and the ability to get retraining of skills in rural communities. He said this is an
13 occupational minority and because of their lack of economic power they tend to be
14 marginalized. The Commission is looking at long-term overall economic benefit to the
15 state and to preserve the resource. It's a leap of faith on everybody's part while there are
16 some day-to-day economic and survival issues with folks in our coastal communities.
17 He would like to see more time taken with this.

18
19 Chair Levy asked what item. Commissioner Wolley said they could vote today but there
20 are some caveats to consider. He said he concurred with Item 1, instead of assigning
21 100% of summer Chinook it should go to a lesser number. He can work with Item 1.

22
23 Chair Levy said Commissioner Finley recommended tabling Item 1 just until the end of
24 the year.

25
26 Commissioner Finley said the joint recommendation allocates later the 100%. We would
27 not vote on to implement that but would just put it aside. It would not be included in any
28 thing the Commission voted on to adopt today and we could revisit it later while Chair
29 Levy was still chair. He said 80:20 is better and fairer to the commercial fishermen so he
30 supports 80:20. Chair Levy agreed.

31
32 Commissioner Akenson asked if the Commission was still discussing just Item 1. Chair
33 Levy said yes. Do you want to go to Item 2? Commissioner Akenson asked if the
34 Commission would vote on whether to include this or not. Chair Levy said she was okay
35 with that. She asked the Commission if they wanted to vote on the package as a whole
36 irrespective of Item 1.

37
38 Chair Levy said at Director Elicker's suggestion the Commission will go to Issue 1 which
39 states: **the Commission will either adopt a non-Tribal Columbia River Recreational
40 and Commercial Fisheries management framework for 2013 and beyond, including
41 the use of adaptive management tools; and as to whether the Commission is
42 going to accept the recommendations from the Work Group and adopt those
43 regulations implementing the guiding principles and management strategies for
44 non-Tribal commercial and recreational fisheries in the Columbia River as
45 proposed by staff in *Attachment 5 – Draft Oregon Administrative Rules; or
46 whether the Commission wants to tweak something in the OARs.***
47

1 Commissioner Webber said when the Commission looks at that they would have to
2 decide whether to address the summer allocations because that is in here. The
3 Commission would have to either take it out or change it.

4
5 Chair Levy said exactly. She asked Legal Counsel the location of legal terminology on
6 summer Chinook in Attachment 5. Legal Counsel Steve Sanders said in Division 500 at
7 the top of page 9, line 300, OAR 645-500-6720 Summer Chinook. Commissioner
8 Akenson noted that the old version of Attachment 5 was the three-holed punched copy in
9 their packet. Chair Levy said a new document had been distributed. Legal Counselor
10 Sanders clarified that Attachment 5 (dated 11-28-12) came with the agenda item (Exhibit
11 H). The Commission should work from the new **Attachment 5 –Draft Oregon**
12 **Administrative Rules** labeled “12-7-12” in the bottom right-hand corner (Revised
13 Attachment 5)

14
15 Chair Levy said **OAR 635-500-6720 Summer Chinook** begins on page 8, line 292, of
16 the document dated 12-7-12 that staff just handed to the Commission. Line 303 states
17 “(2) Long Term (2017 and Beyond).”, which the Commission hasn’t addressed yet.

18
19 Counselor Sanders explained that in the new set of rules (Revised Attachment 5) there is
20 no rule; there’s a placeholder there (see lines 304-305) waiting for the Commission to tell
21 staff what they have to insert there. It could be nothing or the Commission could tell us a
22 particular split or could give us some kind of inspirational language.

23
24 Chair Levy said if the Commission follows Commissioner Finley’s direction we would
25 leave it exactly the way it is, blank, and would not say anything under summer Chinook,
26 on page 8, starting at line 303.

27
28 Commissioner Webber said the Commission is approving pieces of this. Does the
29 Commission have a general consensus that the whole program is okay with some
30 tweaks or if we’re tweaking something that may not pass in the end? Can we say that
31 we are generally in agreement but there are some things we want to tweak or if we don’t
32 have enough votes in agreement there is no sense tweaking it?

33
34 *Chair Levy polled the Commission and asked for all those in favor of*
35 *saying that the Commission is in general broad term agreement of the*
36 *Plan with some minor tweaks.*

37
38 She asked Legal Counsel if that terminology was okay. Counselor Sanders said this is
39 not an official vote and is more an internal poll.

40
41 Chair Levy clarified that her question was an internal poll asking the Commission
42 if they were okay with some minor internal tweaks.

43
44 Commissioner Wolley asked Chair Levy to define “minor”? He said the Commission is
45 not talking about are we including allocation numbers in a minor tweak or are we talking
46 about more finer points that may be species-specific or seasonally-specific.

1 Commissioner Finley provided a minor tweak related to testimony that he heard about
2 white sturgeon. Since he has managed concessioners and understands bookings over
3 the years and that it is so close to 2013, he said the Commission should extend the
4 effective date of the sturgeon regulation to 2014 and consider a one-fish seasonal limit
5 during that period.

6
7 Chair Levy said Commissioner Wolley mentioned allocation. She did not think
8 allocation numbers were up for a change discussion. She said the Commission could
9 discuss the one that the Governor requested that we change; the others are not up for a
10 discussion of change unless she hears strong opposition from the rest of the
11 Commission.

12
13 Commissioner Akenson asked a procedural question. Is the Commission just looking at
14 what's been presented by the Governor's letter or can we discuss other things that are
15 beyond the scope of what the Working Group had agreed upon?

16
17 Chair Levy asked Legal Counsel to respond. Counselor Sanders said the Commission
18 is restricted to the subjects covered in the rulemaking notice for purposes of the vote on
19 this Plan. If you would like to do the sturgeon on the coast, staff does have temporary
20 rules here prepared that the Commission could adopt now that we would then bring
21 back to you for more formal adoption that would make a whole package. For the
22 permanent rules we are limited by the subject and the rule sections we identified in the
23 rulemaking notice. He said we did not, for example, have the coast identified; that's why
24 we aren't including coast wide sturgeon closure.

25
26 Commissioner Akenson said we could discuss allocation or timing? Counselor Sanders
27 said yes, allocation is definitely within the scope of the rulemaking notice.

28
29 Chair Levy said the Commission would discuss whatever they wanted to discuss.

30
31 Commissioner Webber asked for clarification. Did the Commission want to talk about
32 what issues they have with the Plan in terms of their potential opposition to what has
33 been discussed? Chair Levy said that would be a great place to start.

34
35 Commissioner Akenson said she could vote in favor of this proposal but it would depend
36 on tweaking. Chair Levy asked what specifics she was looking at. Commissioner
37 Akenson would like to optimize opportunities for the commercial fishermen relative to the
38 Governor's most recent letter, and to consider whether the Commission could wait a year
39 on the change of allocations for commercial and sport fisheries for one year; as well as,
40 barbless hooks, or other things not as big as what we are proposing here to give people
41 more time to adjust to that.

42
43 Chair Levy asked for an example. Commissioner Akenson said the Commission would
44 not change the allocation this year and in 2013. Chair Levy said we would leave it at
45 present allocation levels? Commissioner Akenson said yes.

46

1 Chair Levy asked Legal Counsel if the Commission had that option legally. Counselor
2 Sanders said the Commission has the right to change when they would phase it in, the
3 length of the phase-in period and whether they had a phase-in period at all. He said the
4 issue he would have is if we're fundamentally talking about changing the language, he's
5 concerned about doing a lot of drafting on the spot.

6
7 Director Elicker asked the Commission for clarification on what they were putting on the
8 table. For Issue 1 in the Commission packet, **whether to adopt a non-Tribal Columbia
9 River Recreational and Commercial Fisheries management framework for 2013
10 and beyond, including the use of adaptive management principles** (see Attachment
11 1 – Agenda Item Summary, page 2), he said the Commission would change that date to
12 2014 for implementation of the framework rather than starting in 2013. Correct?

13
14 Commissioner Akenson said for implementation of the allocation changes, but that does
15 not mean there couldn't still be work being done on changing that fishery and having
16 alternative fisheries being initiated right away this year and that enhancements will be
17 starting in preparation for that. But just to delay the implementation of changes in the
18 fishing seasons but not the pieces that go towards this transition of full term change.

19
20 Director Elicker recapped that staff would make changes to some of the enhancements,
21 go ahead with some of the enhancements, and yet would delay the changes in allocation
22 from one year. He asked Bowles to comment.

23
24 Bowles said that was the sense he was getting from Commissioner Akenson. He
25 suggested that the Commission also ask Brownscombe to address this issue because it
26 was a significant change and may have ramifications relative to the support for the
27 funding packages in the upcoming Session. He said the ramifications would be: the
28 Washington Commission and the desire for concurrent regulations relative to the Work
29 Group recommendations, and the coalition support needed to provide a fee on sport
30 fishermen to fund this package.

31
32 Director Elicker said it was within the Commission's power in this rulemaking to go ahead
33 with some of it but delay the actual adoption of the allocation changes as laid out in the
34 Work Group report. He did not know as a result of the one year delay what the political
35 impact would be on the legislative package that staff is counting on passing in the
36 Legislature; it includes the endorsement fee and new power for the Commission to adopt
37 alternative gear.

38
39 Commissioner Webber said if we don't get the package through the Legislature would
40 they then consider this in the short session in 2014? Or are we down two years before
41 we would get back to this point? Director Elicker said in the political process there are
42 no guarantees. If the Department does not get the package passed in 2013, he would
43 recommend to the Governor's Office to try to pass the package again in 2014.

44
45 Commissioner Wolley said Commissioner Akenson made a proposal but hadn't the
46 opportunity to lay out her justification or reasoning for suggesting this delay. The

1 Commission has heard the potential negative ramifications in terms of funding and
2 politics.

3
4 Commissioner Akenson said this is such a quick process. It's one thing to make a quick
5 decision like the sport fishermen having to immediately change to barbless hooks. We
6 need to give our commercial fishermen a year to get used to this idea and to start
7 planning for it rather than have those allocations change the first year. Maybe it will help
8 them have the economic ability to put money into buying new boats and gear, which still
9 hasn't been addressed or how they're going to raise money to change gear. She
10 proposed that the transition on allocations be delayed but not the program. She said the
11 program needs to be initiated right away with making this work from the financial and fish
12 levels. Let the fishermen keep the same allocations this year on both sides.

13
14 Chair Levy said in the Governor's letter the cost or back up is addressed in his proposed
15 Transition Fund to help with and "...to provide direct assistance to commercial fishing
16 interests in transitioning to off-channel locations..." The Governor is pursuing those
17 funds so if that is the reasoning for wanting to delay the transition into the allocations
18 then she would vote against Commissioner Akenson's recommendation. She asked
19 Brownscombe to address Commissioner Akenson's concerns about the "what if's"
20 around a one year delay.

21
22 Commissioner Akenson added that there needs to be time to make those adjustments
23 because we may not be ready for full fishing in those Select Areas next year.

24
25 Brownscombe said there were a lot of potential ramifications but he did not know exactly
26 where they would fall out. From internal discussions within the Governor's Office there
27 are assumptions on how things will work on the off-channel investments in expanded
28 areas, new areas and in fish transfers, and on alternative gear development. He said that
29 is why there is a transition period to work on developing those issues and to check in,
30 instead of after two years, on an annual basis on how those things are playing out. He
31 could not speak to any political ramifications but said there are ramifications on the CR
32 endorsement fee the Governor plans to move through the Legislature. He said where
33 we were at one point in time considering BM 81 that would have had no transition and an
34 immediate halt, the purpose of the transition was to do some of the things the
35 Commission is talking about: don't make this a sudden shift make this a gradual shift.
36 The purpose of the transition period was as gillnets come off the river to develop these
37 enhancements and alternative gears. He said the Governor's Office looked at this one-
38 year issue as the development of the Transition Fund. We feel that if we were going to
39 be back here in one year that likely the same arguments and issues would be before
40 you.

41
42 Brownscombe wasn't clear what it would do on the politics of the CR endorsement fee.
43 He said the three Commissioners on the Work Group had a better sense of what it would
44 do to the ability of the Washington Commissioners to adopt concurrent policy. He said in
45 the end the broad principle that the Governor is behind let's make sure this is an
46 economic win-win. The assumptions that go into this will need to be monitored and
47 verified. If we start now, at the end of one year we're going to learn some things and

1 have a chance to make adaptive management shifts if needed. If we wait a year we
2 delay the learning on what would happen in terms of the implementation of the allocation
3 during that time.

4
5 Brownscombe said the Commission needed to be comfortable with the decision they are
6 all making. The one-year delay was something they considered in the Governor's Office
7 but didn't move forward as part of the recommendations here and instead moved forward
8 with the Transition Fund concept.

9
10 Commissioner Webber who sat on the Work Group said he was part of the transition.
11 He doesn't think the Commission will get any huge alterations from WDFW and said we
12 indicated that we're going to talk to them about the shift from 100% in the long-term to
13 80:20 or other numbers in summer Chinook, and could also talk about short-term
14 sturgeon or things that aren't a part of this. He had no problem with making adjustments.

15
16 Chair Levy said in working with WDFW if we make a drastic change like this that is going
17 to go away permanently. We will have more problems than we have now. She asked if
18 the Commission wanted to vote on Commissioner Akenson's version.

19
20 Commissioner Anderson said her over-arching concerns would not be addressed by
21 Commissioner Akenson's suggestion although. More time would be excellent compared
22 to moving this forward in three weeks. She said her personal conviction and ethics tell
23 her that this policy does not represent a balance of the needs and interest of the public;
24 the current policy does a much better job of balancing that. She talked about feeling
25 pressured to do something in a very short period of time and that has not been vetted.
26 There are huge issues here and a failure to recognize some of the problems with the key
27 assumptions that have gone into the modeling – one year is not going to be adequate to
28 demonstrate whether or not areas are going to be enhanced or gears can be developed;
29 four years is probably more likely. She said the last time this was before the
30 Commission was in 2008. The commercial and sport fishers have continued to execute
31 a fishery. Although she will be here in 2016, she has too many concerns with the over
32 arching shift and how we are dividing up our natural resources. She doesn't think we
33 would gain enough information in one year to make it easier for her to support this policy.

34
35 Commissioner Wolley wants to support the Governor's Plan and said there were a lot of
36 problems and issues with BM 81 so he's glad the intervention occurred. He said the
37 system in place is not bad enough to require the immediate and urgent shift in
38 allocations starting in three weeks when there are a lot of unknowns around gear. He
39 does not feel that not moving into the allocation shift should change the momentum
40 towards funding because it would still take time to finish the gear testing and to
41 determine how funds would be allocated to make the gear shifts. Some folks said there
42 has been a very viable fishery in the SA now that has already been an important fishery
43 for the commercials. Others say it would be a mud puddle that we would be fighting
44 elbow to elbow to exploit the resource there.

45
46 Commissioner Wolley said it is harder to have that historical perspective in terms of
47 would we be making a deal breaker if we took a little more time. He supports taking

1 more time. A lot of our stakeholders have asked for a little more time. He's not certain
2 what all the benefits would be but he feels that the allocation shift does not have to occur
3 immediately. He said I would vote against that.

4
5 Chair Levy said during the Work Group process she asked for five percent (5%) shifts
6 versus lower. We have the numbers on those five percent shifts versus the shifts we are
7 doing now. For instance, we would start with a five percent increment into the shift
8 allocation. She asked the Commission if they would be willing to do a five percent shift
9 instead in 2013. Would they be willing to make that small of a shift as a group?

10
11 Commissioner Wolley said when you are talking about five percent shifts do you mean
12 for each allocation moving at a five percent increment? Chair Levy said yes.

13
14 Commissioner Webber said assuming that the spring Chinook at this point is at 60/40,
15 you're suggesting instead of going to 70:30 in 2013 we go to 65:35 and then in 2014 we
16 go to 70:30? Chair Levy said yes, each year you would do a five percent step up.
17 Commissioner Webber said in 2017 it would go to 80:20? Chair Levy said yes. It would
18 end up at the end of the transition period the same number that you have now but they
19 would be in five percent increments instead of the numbers we have now. We couldn't
20 get Washington to agree to that. If she can get the Oregon Commission to agree to five
21 percent increments it's better than no agreement at all.

22
23 Commissioner Akenson said that would be a good option because then the Commission
24 is not delaying things but also not causing as much impact in the very first year.

25
26 Chair Levy asked Brownscombe if he could live with that if the Commission agreed.

27
28 Brownscombe said the question of what the Governor's Office can live with is really not
29 the question. He said with all due respect he wanted this issue to be before the
30 Commission because where we were was facing a status quo that is not working in
31 terms of the political dynamics and in terms of getting what the Governor sees as
32 enhanced economic benefits for both the commercial and recreational sides. He saw a
33 better opportunity than the status quo to do that and that is where the allocation shifts
34 come in and the enhancements of the off-channel areas and the alternative gear comes
35 in and there are assumptions around all that. He said important to the Governor is
36 getting the necessary budget pieces, the Endorsement fee, the recreational fee through
37 the Legislature, and the authorization of alternative gears moving and to the greatest
38 extent possible the consistency with the State of Washington to ensure practical
39 implementation of management in the river. Brownscombe said what their office can
40 live with at the end of the day is that our vote is not one of the six votes on the table.

41
42 Director Elicker said Oregon has met with WDFW and worked on a joint Work Group
43 recommendation that both states agreed to bring back to their full Commissions. If this
44 Commission passes an allocation schedule different from what has been agreed to by
45 the Work Group and then WDFW d adopts the allocations that the Work Group adopted,
46 it becomes a negotiation between the Director of Washington and me in the Compact

1 process at the point this Commission directs me to sit down with Director Phil Anderson
2 and negotiate what these allocations will look like, whether on an annual basis or more.

3
4 Director Elicker recommended that the Commission not adopt the Work Group
5 recommendations on the allocations just the Governor's recommendation on spring
6 Chinook. He said a robust annual review is built in so the Commission can take a hard
7 look at how this situation is developing and then can take any action based on that. The
8 Governor said in his last letter he is going to rely on the Commission for adaptive
9 management change as we go through the transition process. Director Elicker said the
10 more the Commission can adopt the Work Group recommendation, what WDFW has
11 tentatively agreed also to do, and the more both states and the Commissions can agree
12 the less final negotiations it will be between myself and the Director of Washington. On
13 some of them they will be what you wanted and some of those will end up what WDFW
14 wanted because there will be negotiation. In the end the states do have to agree on this
15 allocation issue under the Compact process.

16
17 Bowles said based on Commissioner Akenson's request to consider a one year delay for
18 implementation of the allocation shift and Chair Levy's counter for a five percent
19 increment he's assuming that the five percent piece of this is relative to that one year of
20 delay and consistent with Commissioner Akenson you would then go into the Work
21 Group recommendation realm after that?

22
23 Chair Levy said that would be fine.

24
25 Bowles assumed that in lieu of the one year it would be the five percent shift rather than
26 no. Commissioner Akenson said she thought actually that Chair Levy was saying that
27 instead of doing 70% for the next four years it would 65%, then 70%, then 75%. Chair
28 Levy said that is what she said. Bowles said so it is not for one year? Chair Levy said
29 exactly. Commissioner Finley added until you reach the target.

30
31 Commissioner Akenson said the sum would pretty much be the same; it would just push
32 that increase to the later years.

33
34 Commissioner Finley suggested one sentence: "Provided that the 2013 allocation shift
35 will not exceed five percent in any one year until the target level is reached." He said
36 that is five percent a year so not to exceed that. Then Roy could negotiate something
37 until the target level is reached as set forth, the 70:30 and the 80:20.

38
39 Commissioner Akenson said she did not look at all of those to see if there is a ten
40 percent (10%) change in them but it would be 65, 70, 75, and that would actually reach
41 80 a year earlier because it is a four year transition.

42
43 Bowles said with regard to concurrence something to just consider on the Work Group
44 process regarding Summer Chinook, Washington's desire is to go very quickly to the
45 100%. Our Work Group participation negotiated that to the 60:40. He wasn't sure the
46 Commission should assume that Washington would adopt the Work Group
47 recommendation if this is approached. He said staff has a situation now in spring

1 Chinook as an artifact of 2008 where we do not have overlap of the policy direction
2 between the two entities which has resulted in the piece that is not overlapped is actually
3 a set-aside and nobody gets. If that is desperate, for example 100% versus 55%, what
4 does that mean legally within the Compact to be consistent with the two policies?
5

6 Counselor Sanders said each year it would be up to a negotiation. He said if you don't
7 have a written policy then it's just back to Roy Elicker and Phil Anderson.
8

9 Brownscombe said the backdrop here of what you saw coming out of the Governor's
10 Office this morning through a letter was based on a lot of the work that the Work Group
11 had put into these recommendations. Obviously when this was initiated the Governor
12 put together a letter submitted to you based on an alternative path in either the status
13 quo or what was playing out in the other arm of government at the ballot box. He had
14 clear ideas in there around how to get to an economic win-win for the recreational and
15 sport side. It has been clear in his mind that gillnets on the mainstem of the river should
16 come off and that there is an alternative way to go to get to economic enhancements for
17 both recreational and commercial fisheries. He said the allocations in the Governor's
18 initial letter were based on what he had sketched out as a pathway to getting there. The
19 shifts on the sport allocation were designed to demonstrate the ability of recreational
20 fishery interests to demonstrate economic enhancement, the allocation of budget dollars,
21 and the assumptions around getting that budget through, the authorization for alternative
22 gears through the Legislature, and building out the enhancements in the off-channel
23 areas and the priorities there were the way he had proposed to get there for the
24 enhancements for the commercial community. So, it's obviously within the
25 Commission's purview as Steve Sanders indicated in rulemaking to determine whether
26 the Commission agrees with what the relative allocation numbers are to get to the win-
27 win.
28

29 Brownscombe said any tweaks on the numbers obviously reflect the analysis on the
30 overall net economic gain on the commercial side versus on the recreational side. So, to
31 some extent the allocation involves playing with the numbers in how you get to this
32 economic gain-gain. He said I want you to know that the Governor has sketched out his
33 vision for how we get there; it's within your purview to address this as you are. On the
34 political end the reason we didn't cover this in the letter specifically and instead focused
35 on other parts of the recommendations that are before you, such as the closure area,
36 barbless hooks and some of the other issues that were in that piece including the
37 summer allocation, is because we had assumed that in the Work Group process the
38 ability to get to consistent policy with Washington was based on the work of the Work
39 Group and arriving a certain place. He said what we're really talking about here is what
40 do any shifts to on our ability to be consistent with Washington and like Director Elicker
41 said negotiations in the future on the Compact.
42

43 Brownscombe said we fully expect that adaptive management would be before this
44 Commission and based on how these assumptions around the pathways of getting to the
45 economic gains play out, you would be looking at that on an annual basis and making
46 adjustments as necessary. What you're talking about now is doing that now rather than
47 potentially later. So doing it before some evaluations of how this is playing out instead of

1 after we've got a year under the belt. He said I would not want to sit here and tell you
2 what is and what is not within your purview to discuss.

3
4 Chair Levy said if we tweak the numbers it's going to make it much harder for Washington
5 and Compact if we tweak the five percent. Is that right?

6
7 Counselor Sanders said if Washington had different numbers in their proposal and it
8 would require the two directors to work it out as they have in the past, they would both be
9 working from different policy direction as they have in the past on occasion.

10
11 Commissioner Webber had a question on amended Attachment 5 – Draft Oregon
12 Administrative Rules (12-7-12) that was handed out. He said if you look at page 4, line
13 148, "(2) Effective January 1, 2013...", if you change that to "**2014**" to delay the
14 nonretention fishery could I do that if I wanted to put in a one-fish daily seasonal limit?

15
16 Counselor Sanders said yes, you could put in a bag limit. We do put changes in bag limit
17 gear, time, and place. This is proposed to be in Division 017 now, the Willamette Zone.
18 We do change seasons and bag limits in these rules; sometimes in the middle of the
19 year. He said we could put one sturgeon bag limit in the rule here.

20
21 Commissioner Webber asked currently what is the bag limit for sturgeon if we did not
22 start the nonretention until 2014.

23
24 Steve Williams said currently the annual bag limit that you have adopted is two; that was
25 a change the Commission made in August or September from an annual bag limit of five
26 down to an annual bag limit of two. If you choose not to change it then it stays at two on
27 an annual basis. What Counselor Sanders described to you is correct, you can just
28 change the date but you would have to identify, because there is not a statewide rule to
29 adjust here, you would have to add an additional line. In this case additional line six that
30 describes the one fish annual bag limit and you would have to do it in each of the zones
31 and that way it would be covered.

32
33 Commissioner Webber said the two fish annual bag limit is in the synopsis? Williams
34 said yes it is. Commissioner Webber said so that would put a lot of people in no man's
35 land as far as knowing what the rules area? Williams said if we make those adjustments
36 in what is shown in the book we would make those adjustments, on the electronic level
37 too, and getting messages out to our vendors to help. He said there all kinds of way to
38 get the information out there; it isn't' insurmountable.

39
40 Commissioner Finley said he did not resolve in his mind the five percent and
41 Washington. He is comfortable in several ways extending this implementation. He
42 doesn't want to make it any harder for our colleagues in Washington. He said they may
43 feel the same pressure that they would like some room. He asked Director Elicker if he
44 had any ideas about how Washington feels. Do they feel rushed into this and whether
45 they would appreciate some breathing room?

46

1 Director Elicker said he didn't have any idea at this point what is some of the Washington
2 Commissioners' thought process, whether members of the Work Group or not.

3
4 Commissioner Akenson said if we look at this change as still being the same as the
5 average of what would have been originally proposed by the Work Group, if we're
6 looking at assigning 70% of impacts during the transition period on spring Chinook on
7 page 4 rather than saying four years of 70%. For example if we had 65, 70, 75, and then
8 80 when we get to the long-term period, effectively it's the same average. It's just
9 implemented a little differently to phase-in more slowly but the net result should be the
10 same.

11
12 Commissioner Finley said the language I was reading to you says, "Not exceed five
13 percent." So you could have a year where you held to zero and still get to the total at the
14 end.

15
16 Commissioner Akenson said if we just say that the average over the period will equal
17 that 70%, it's not really a change over that four year period it is just within the four year
18 period how it is done.

19
20 Commissioner Wolley said he was seeing some divergence divided between
21 Commissioners who were part of the Work Group and those who were not. Some of us
22 were not there getting down in the trenches with the advisors and Washington. It is one
23 thing to be there and have a sense of this and another thing to read the reports after the
24 fact. He said are the rest of us missing something here virtually by the fact that we were
25 not in that more intense activity of working this out?

26
27 Chair Levy said yes because unless you sat there and listened you do miss some of it.
28 This is exactly where I was in 2008 because I wasn't part of the group.

29
30 Commissioner Akenson said we looked at what the real issue was here. The primary
31 concern I have is that in the spring fishery in SA there is too much uncertainty about how
32 many fish will come back in next year. When we looked at trying to change that
33 allocation for the first year, if we changed it from the current 60:35 allocation we could
34 increase the sport fishery to 65% and not change the commercial fishery to decrease it
35 because we had that extra five percent that we were not using. We would do that for the
36 first year which would give more leeway for how many fish are going to come back the
37 first year, and that would benefit the sport fishermen without adversely affecting the
38 commercial fishery. The other seasons don't have that same issue with the other
39 fisheries.

40
41 Commissioner Akenson proposed that the Commission make a five percent change for
42 the first year on the spring Chinook and the second year and on would be as agreed
43 upon by the Working Group for seventy percent (70%).

44
45 *Action: Commissioner made a motion to change the OAR 635-500-6715 on*
46 *Spring Chinook to change line 284 in the (1) Transition Period (2013-2016) and to*
47 *change the year 2013 to say "(a) Assign 65% of the ESA-impact for upriver spring*

1 *Chinook stocks to mainstem recreational fisheries.” (See lines 284-285), and “(b)*
2 *Assign 35% to off-channel and mainstem commercial fisheries.” (See line 286).*
3 *For years 2014-2016 in this transition period assign 70% of the ESA-impact for*
4 *upriver spring Chinook stocks to mainstem recreational fisheries and assign 30%*
5 *to off-channel and mainstem commercial fisheries; and for “(2) Long Term (2017*
6 *and Beyond)” it will remain the same as listed in this rule.*
7

8 Chair Levy asked Legal Counsel if the motion was okay. Legal Counselor Sanders
9 clarified for the commercial fisheries there actually would not be a change. It would be
10 30% in 2013 and 2014? Chair Levy said no. Bowles said it is 35% in 2013. Chair Levy
11 said it is 35% in 2013 and would go to 70/30 in 2014. Legal Counselor Sanders agreed.
12

13 Chair Levy said Commissioner Akenson left the Long Term as recommended by staff
14 and asked for a second.
15

16 Legal Counselor Sanders said the Commission will need exact language. If on line 284,
17 (a) it would begin, “Assign in **2013** 65%, **then in 2014 70%...**” Chair Levy said yes.
18 Counselor Sanders said and insert language in subsection (b) on line 286.
19

20 Bowles asked for clarification for his staff.
21

22 Legal Counselor Sanders clarified: On line 284 the provision would begin “(a) Assign”
23 and insert “**in 2013 65%, then in 2014 and beyond 70%...**” Chair Levy said it cannot
24 read “and beyond” because we stayed with the Long Term. Legal Counselor Sanders
25 said you could say “then” because the provision is already limited, then “70% of the ESA-
26 impact” on the parallel language on subsection (b). Bowles clarified that subsection (b)
27 would be “**...35% in 2013, then 30%...**” Director Elicker said in 2014? Legal Counselor
28 Sanders said you don’t have to put the date in there because the date is already in the
29 Transition Period.
30

31 Commissioner Wolley said similar to his last question for Commissioner Akenson, what
32 would this change accomplish? Commissioner Akenson said the change would allow for
33 the same allocation for commercials; they would not have a decrease allocation during
34 that first year. Commissioner Wolley said not having a decrease in allocation there is
35 more fish there but are there other benefits? Chair Levy said it would give staff
36 additional time to develop the alternative gear for the spring Chinook season.
37

38 *Commissioner Finley seconded the motion. Commissioners Akenson, Webber,*
39 *and Finley voted aye. Chair Levy asked Commissioner Wolley if he voted aye.*
40 *Commissioner Wolley said he had great reservations but he would say aye. He*
41 *wanted to make sure that the Commission is endowed with the power within the*
42 *first year to be able to come together and make changes as need be the first year.*
43 *That is a significant enough review period that we can revisit. Chair Levy voted*
44 *yes. She asked that those against the motion signify by saying nay.*
45 *Commissioner Laura Anderson voted nay. The motion passed by a vote of five*
46 *with one nay vote.*
47

1 Chair Levy said the Commission needed to vote on Appendix E. Bowles said in the
2 Commission's packet they have a draft motion for the Commission to consider. Because
3 these provisions are worked out through the Columbia River Compact there is an over
4 arching, it is not a rule per say but staff would appreciate an acceptance or some
5 direction relative to the overall Work Group recommendations that will be used in the
6 policy negotiations that go beyond just the allocations. He said the Commission has
7 accepted the rules associated with that now in Division 500.
8

9 Legal Counselor Sanders said the Commission only actually voted on the spring Chinook
10 allocation adjustment so the Commission still has to vote on the entire Division 500
11 package. Chair Levy said yes.
12

13 Bowles said so the original motion now is irrelevant because the Commission has
14 already changed the Revised Attachment 5. He asked the Commission to consider that
15 motion and then go to the Appendix E motion.
16

17 Chair Levy asked for a motion to accept the whole package.
18

19 Commissioner Akenson said she thought the Commission was still discussing some of
20 the details in the Governor's letter of today. Chair Levy said okay.
21

22 Commissioner Akenson said the Commission didn't say if they did or did not want to wait
23 on all the items; some said they were interested in waiting. She asked that the three
24 items in the Governor's letter be part of this package.
25

26 Director Elicker said what Bowles was saying is that staff wanted to go ahead and adopt
27 the Division 500 rule package with the changes to spring Chinook just voted on by the
28 Commission. The language in there does not call for any conclusions on the long-term
29 summer Chinook issue which is what Commissioner Webber pointed out. He said after
30 acceptance of the Division 500 package then the Commission could discuss barbless
31 hooks and closures for any of the other specific issues on the table. Chair Levy agreed.
32

33 Bowles said Appendix E in Attachment 3 is part of the Work Group recommendations
34 and is teed up very generically. What the Commission is adopting by accepting the Work
35 Group is just the mandate to consider and the Commission could decide through the
36 other rulemaking.
37

38 Commissioner Akenson said what is Appendix E? Bowles said it is Appendix E to the
39 Work Group recommendations (see Attachment 3) and where those issues are teed up.
40

41 Chair Levy said Commissioner Finley has written a motion that would tee up all of that if
42 we would be allowed to discuss all that first and that would also include all of this in
43 Attachment 5 (Draft Oregon Administrative Rules) as well as the changes to Appendix E
44 once the Commission finishes discussing that. Is that okay with staff?
45

1 Legal Counselor Sanders said yes. Bowles said there is no problem with that. He only
2 brought it up if the Commission needed to consider those differently because of the
3 unique status of those.

4
5 Commissioner Wolley said if we are talking about prepping this whole package,
6 Commissioner Finley had teed up a recommendation for Issue 2 around white sturgeon.
7 He asked to address that so everyone knew what the Commission was considering.

8
9 Commissioner Finley said he was proposing that the Commission extend the effective
10 date of the proposed sturgeon regulations found at 635-500-6735, on page 4, line 148, in
11 Attachment 5. The effective date would be a year later and not January 1, 2013 but
12 January 1, **2014**, and to allow a **"one fish seasonal fish limit for 2013"**. He based this
13 on the bookings that the Commission had heard today and as Commissioner Akenson
14 said we are only three weeks from 2013.

15
16 Commissioner Finley said another one for the Commission's consideration was to just
17 state that **"at this time the Commission was not going to adopt the Youngs Bay
18 Control Zone but may be adopted at a later date."**

19
20 Commissioner Finley also proposed that the Commission **"delay immediate use of
21 barbless hooks for two years"**.

22
23 Legal Counselor Sanders asked for technical clarification on sturgeon. He said the
24 actual language that the Commission would be proposing then would be on line 148 and
25 would state, **"...Effective January 1, 2014..."** Commissioner Finley said correct.

26
27 Legal Counselor Sanders said then on page 5, line 158, where staff currently proposes
28 to delete the authority to retain one sturgeon (~~"Only white sturgeon with a fork length of
29 38-54 inches may be retained."~~) to insert there, **"In 2013 only one sturgeon..."** and we
30 would leave that other language there? Commissioner Finley and Chair Levy said yes.

31
32 Bowles said for this one there are several places where sturgeon pop ups. He
33 suggested that the Commission ask Legal Counsel whether their motion could include **"
34 and appropriately making this modification to the appropriate rules."** That will keep
35 staff from coming back before the Commission.

36
37 Legal Counselor Sanders said that will include in each of the "Zones" where sturgeon are
38 mentioned we would accomplish the same rule. Director Elicker said right.

39
40 Commissioner Finley asked if that is beyond the Columbia. Director Elicker said sure,
41 it's statewide. Legal Counselor Sanders said yes. Chair Levy said can't we just state
42 statewide instead of each of the Zones?

43
44 Legal Counselor Sanders said no because we didn't advertise. We have some
45 temporary rules that would amend sturgeon in the Coastal Zone for example. So, we
46 would presume to when we get to those temporary rules to make the same change

1 there. However, you can't include in your permanent rule motion "statewide sturgeon
2 bag limit".

3
4 Commissioner Finley said his remark was just on the Columbia because that was the
5 testimony the Commission heard from the guides. Legal Counselor Sanders said the
6 sturgeon is covered in two places: in the Northwest Zone and the Columbia Zone.

7
8 Steve Williams said Counselor Sanders had identified that staff has rule changes that
9 need to be covered in Divisions 014, 017, and 023. The sturgeon population being
10 discussed here is managed as one population throughout the state with the exception of
11 Zone 6 above Bonneville. He said that is how the Commission adopted it when staff did
12 the Sturgeon Conservation Plan. At the time staff filed these rules they did not open all
13 of the rules because they did not anticipate these discussions occurring.

14
15 Williams said staff has teed it up in the permanent rules before the Commission today for
16 Divisions 014, 017, and 023. To bring them all together into a statewide perspective the
17 Commission has temporary rules that cover the Marine Zone and Southwest Zone which
18 avoids having one closure in one place and open somewhere else, which would cause
19 major issues in other parts of the state if you didn't do them altogether. He said staff will
20 have to come back to the Commission and codify those temporary rules into permanent
21 rule at some point. For now it brings all the management into one place for sturgeon.

22
23 Commissioner Holly Akenson asked about the current status of the Youngs Bay. Is there
24 a control zone in place right now? Bowles said there is not a control zone right now.

25
26 Chair Levy asked the Commission if they were okay with a two-year phase in for use of
27 barbless hooks.

28
29 Commissioner Anderson was not okay with a two-year phase in. She said she used to
30 salmon troll with her father. They had barbed hooks on the boat and took a pair of pliers
31 and squeezed it and it became a barbless hook because that was the law and how they
32 had to fish. Arguments regarding inventory on the shelf or gear that people have already
33 and when the chair of Coastal Conservation group tells me that they are all about
34 conservation and anything to protect fish, I can't see any argument why the Commission
35 wouldn't implement that right away.

36
37 Brownscombe referred to the Governor's letter dated December 7, 2012 and said what
38 the Governor was responding to was not so much those trolling with single hooks who
39 can crimp the down easily it was more lure manufacturers and retailers and the concern
40 over those interests would be impacted based on the relative difficulty of removing and
41 replacing or crimping down treble hooks on lures and what to do if they can't sell treble
42 hook lures. If that is the case as a result of this that could have some impact on them.
43 Brownscombe said the Governor had heard that manufacturers don't necessarily buy
44 every year; sometimes they buy years out. He said the Commission would have to
45 weigh the testimony they heard today as to whether this concern is worth addressing
46 through a phase-in. The Governor thought that the relative gain that we will get from
47 going to barbless hooks in two years, one year, or right away ...what he hedged on was

1 saying that this is one of those issues where you can save a little potential pain without
2 losing a lot on the substance of the Work Group recommendation of going to barbless
3 hooks. This is one of those points for the Commission's deliberation and decision.
4

5 Commissioner Wolley asked if one year would be more palpable than a two-year delay.
6

7 Chair Levy asked Commissioner Anderson if she could live with a one-year phase-in.
8

9 Commissioner Anderson said she didn't know and was not sure. She's not so adamant
10 about this. In her mind it's about actually doing what you say you're doing. What's the
11 point of this policy? Why are we here? We're trying to have less impact on fish. Why
12 wait. Commissioner Anderson said no quite frankly she cannot support a one-year.
13

14 Commissioner Akenson liked the idea of one year instead of two years. Commissioner
15 Webber said if they can't figure out how to make barbed hooks barbless they probably
16 can't read the synopsis. He doesn't have a problem with right now or waiting a year.
17 Commissioner Finley said he's used files and pliers for years. Chair Levy said that gives
18 us four now.
19

20 Brownscombe spoke to Commissioner Anderson and said that general context is right.
21 But the bigger picture issue here is that the Governor is committed to making a shift of
22 gillnets off the mainstem. In the Governor's mind there are essential actions that it will
23 take in order to ensure that the result of that can be addressed in other areas to ensure
24 an economic gain for the commercial industry while through the prioritization shifts on
25 mainstem and the off-channel the sport recreational community gets an economic gain.
26 On the barbless piece the Governor would likely agree with Commissioner Anderson.
27 What we're talking about is not the biggest piece in this whole game in terms of the big
28 decisions here related to gillnets in the mainstem allocation. But this piece does in his
29 mind tie into the overall picture of the economic gains and the economic pain felt in the
30 transition periods. The Governor felt that a phase-in on this would save potentially some
31 economic pain when there was not a huge need to job to it right away and that is what he
32 articulated in his letter. The overall context is not the crux of what we are doing and what
33 the Governor has proposed here.
34

35 Chair Levy asked why the Commission could not treat this as a temporary rule on this
36 part where we would state that it would be barbless hook and fishers could crimp them.
37 That is what they will do anyway for the people who already have them. She said for the
38 people selling them that is an expense. They could put a sign on their door stating that
39 the "Oregon Department of Fish and Wildlife has gone to barbless hooks. If you're
40 buying these remember to crimp them."
41

42 Legal Counselor Sanders said as a technical point the only reason to do a temporary
43 rule would be if you need to do it immediately. If you need to do it immediately you
44 already have rules. He said if Chair Levy means a limited duration rule that is it would
45 only be in effect for 2013 that would be a different point. He said the Commission does
46 not need a temporary rule to do this.
47

1 Chair Levy agreed with Commissioner Anderson.

2
3 Commissioner Akenson returned to the issue of summer Chinook and said in the
4 Governor's letter of this morning that there is a trade-off when he is suggesting that the
5 assignment of allocations of summer Chinook for the long-term period have an allocation
6 of 80/20 and that is traded off with not having an immediate control zone on Youngs Bay
7 Select Area. She said we need to look at whether or not if we don't do anything with this
8 summer Chinook now are we going to be at a mismatch with Washington in the future?
9 Is there going to be a reason we would want to or that they would want to go with us on
10 this same thing in looking at summer Chinook allocations in the future? Or is it better to
11 have that in that package right now and make that allocation decision along with all these
12 other ones?

13
14 Chair Levy said you're talking about the 80/20 allocation? Commissioner Akenson said
15 yes. Commissioner Webber said when Director Elicker goes to the State of Washington
16 she is suggesting that he deal with it all.

17
18 Chair Levy asked Commissioner Akenson if she wanted to put 80/20 in and not have the
19 Commission be voiceless on it for now.

20
21 Commissioner Akenson said yes. It looks like a trade-off that the commercial fishermen
22 would get some kind of summer salmon fishery in the long-term but they may not have
23 the Control Zone or bubble to protect their Select fishery. That would give the
24 recreational fishermen more fishing opportunity near those Select zones so those two
25 maybe would be a trade-off if we go for both of those two suggestions of the Governor's
26 now.

27
28 Chair Levy clarified that Commissioner Akenson wanted to do the Governor's two
29 suggestions now and have the Commission make that 80/20 and actually put it in there
30 and not leave it silent. And move on Item 3 as well?

31
32 Commissioner Akenson said she was asking the rest of the Commissioner whether that
33 would be wise to do that now rather than later when there is no longer a trade-off that we
34 are talking about. She said each side would gain something by making that decision on
35 both of them now.

36
37 Commissioner Webber said Youngs Bay is 100% in Oregon. Deep River is across the
38 river in Washington and Tongue Point, Blind Slough, and Knappa Slough are all in
39 Oregon. He asked if the Commission could put a buffer where they want on those
40 without dealing with Washington. Director Elicker said that would be accurate.
41 Commissioner Webber said the Commission did not need to get into this at this point.

42
43 Bowles asked that his on-the-ground managers speak to that because the Department
44 does have concurrent regulations with Washington.

45

1 John North, Columbia River Fisheries Manager, pointed out that state waters start at the
2 Hwy. 101 Bridge, which is the current SA fishing site. He said anything outside of that is
3 joint state and not under Oregon jurisdiction only.

4
5 Commissioner Anderson said in response to Commissioner Akenson's linking of these
6 two items, she wasn't sure where that was coming from. She never got the sense that
7 one was a trade-off for the other in anyway. She considers them completely separate
8 issues. Commissioner Anderson said the 80/20 allocation given her feelings on the
9 overall policy is probably a mute point in terms of my feelings about summer Chinook
10 allocations in 2017. She said regarding the Control Zone she has stated before that she
11 is surprised that this is being kicked down the road because again it gets to the issue of
12 trying to distribute some of the risks associated with this and providing more certainty in
13 a situation where we have very little certainty, where we have incomplete information,
14 high variability in terms of the natural ecology if what we are dealing with, and the
15 variability in economics and market. Commissioner Anderson said she sees this as a
16 fairly small concession in terms of distributing the risks associated with the overall policy.
17 She supports implementing the Control Zone sooner.

18
19 Director Elicker referred to a map of the Columbia River and said in the proposed
20 Youngs Bay Control Zone (the buffer zone) where there would be no recreational fishing
21 we would need both States to agree to implement that. Correct?

22
23 John North said that is true; that is concurrent waters outside of the Hwy. 101 Bridge and
24 therefore would take Compact action.

25
26 Commissioner Akenson said didn't the Work Group already agree to the buffer?

27
28 Bowles said in Appendix E (see Attachment 3, page 36) under Short Term Measures it
29 says to "Evaluate the feasibility of creating restricted recreational-fishing zone within and
30 immediately adjacent to current or new off-channel areas." He said the expectation
31 would be to move forward together to do that. Staff did bring to the Commission for this
32 agenda item moving forward with that understanding that would then go into a process
33 with Washington that would have to have concurrence.

34
35 Brownscombe said a lot of these issues are being jumbled together. Even though it
36 doesn't appear the votes are being taken on them separately instead of blending them all
37 together what our Office had in mind when we wrote the letter and considering the Work
38 Group recommendations is they were not linked as Commissioner Anderson said. He
39 said the over arching goal is to be consistent with Washington because the Governor
40 feels there is value in that from a management perspective.

41
42 There are some things and recommendations that the Governor could not agree with
43 and that included the Long-Term shift to 100% of the harvest surplus on summer
44 Chinook. That is why he recommended instead of being silent on that and eliminating
45 that from the proposed rule but instead of being silent on it saying in the future have
46 Director Elicker have the discussion with Washington's Director as part of the Compact
47 on instead of falling back to reconsidering this at the end of the transition and being silent

1 on it or deferring to the Work Group report have some record here of the Commission
2 being on record as supporting there being a clear allocation. He said the Governor's
3 language was up to 20% but it is up to the Commission to decide.

4
5 He said have some clarity in coming out of this process for to guide the future
6 conversation but eliminate that measure from this. Brownscombe said they know that is
7 not going to be well received by Washington, which is why they are trying to work with
8 them on other issues.

9
10 Brownscombe said on the closure issue the recommendations read, "evaluate". So,
11 Washington is probably thinking that coming out of the Work Group this will be evaluated
12 and not implemented right away. He heard today a lot of compelling testimony that
13 cover a variety of sides to this issue. Some of that testimony includes ideas such as
14 about balancing the equity. If somebody is really concerned about boater's safety then
15 buy a new boat just like the commercial fishers are being told that the future is potentially
16 get a new boat. He heard other compelling testimony to shrink it and narrow the Closure
17 Area to address some of this. Where the Governor was coming from was trying to be
18 consistent with rural Washington was knowing that we were rocking the boat potentially if
19 the Commission agreed on the long-term allocation for summer Chinook and dealing
20 with the economics and the ability to get economic gains.

21
22 Brownscombe said where the Governor was compelled on the barbless hook piece it's
23 not based on the ability of people to crimp or not crimp. It's not so much the use while
24 fishing. It is more the impacts on the retail end and whether if there was any immediate
25 ban on barbless hooks whether that would cause retailers and manufacturers who have
26 already made lures for sale or retail has stocked them for sale and whether that kind of
27 rule would have an impact on them.

28
29 Chair Levy said the recommendation from the whole Work Group was that the
30 Commissions implement in 2013 barbless hooks. We were all unanimous on that from
31 the joint Work Group.

32
33 *Action: Commissioner Finley moved to accept the final recommendation of the*
34 *Columbia River Fishery Management Workgroup dated November 21, 2012, and*
35 *to adopt Administrative Rules proposed by staff in Attachment 5 implementing the*
36 *guiding principles and management strategies for non-tribal commercial and*
37 *recreational fisheries in the Columbia River mainstem and tributaries for 2013 and*
38 *beyond as amended by Commission action today and provided that the*
39 *requirement to implement barbless hooks shall be effective January 1, 2013.*
40 *Provided further that the Youngs Bay Control Zone may be adopted at a later*
41 *date; and provided further that OAR 635-500-6735, the Sturgeon regulations, is*
42 *amended by substituting January 1, 2014 as the effective date with a one fish*
43 *seasonal limit for 2013.*

44
45 Commissioner Wolley agreed with Commissioner Anderson and said he did not see a
46 compelling argument to delay the prohibition of angling in Youngs Bay Control Zone.
47 Chair Levy said she would take that up as a vote because Commissioner Finley made a

1 motion. Commissioner Wolley said Commissioner Finley packaged it with other things
2 and he was trying to tweak part of it. Chair Levy said okay. Commissioner Wolley said it
3 sounded like the Work Group recommended that this start. If they said we may or could
4 in the future; he reads it as prohibited, we want to prohibit it. Are we interpreting the
5 Work Group's recommendations or what?

6
7 Bowles asked Commissioner Wolley for clarification on his question.

8
9 Commissioner Wolley said in the Governor's letter (12-12-12) he suggested not
10 immediately implementing the Youngs Bay Control Zone. He sees from the Work Group
11 that the Commission is asked to vote to prohibit. Is that open for interpretation? He is
12 not hearing compelling argument to delay that for the Control Zone.

13
14 Bowles said the Work Group recommendation was not to vote on that now but to look at
15 the feasibility of that; so that was a key part of the discussion that Washington had and
16 they worded it as keep all of these on the table for further consideration expecting that
17 we brought to you a proposal to actually adopt as our staff recommendation. Bowles said
18 that was not the Work Group literally.

19
20 Chair Levy said that was not the Work Group's original recommendation. He brought it
21 to us over and above what the Work Group recommended.

22
23 Commissioner Webber said John North indicated that we can't unilaterally make a rule
24 there because it is joint State waters under the Compact. Bowles said right.
25 Commissioner Webber said he assumed that we send Director Elicker up to talk to
26 Washington and outside of Commissioner Finley's motion I would join in directing the
27 Director in talking to Washington about that.

28
29 Chair Levy asked if Commissioner Finley can tweak his motion to state that and then the
30 Commission could take a second on the motion. We are specifically talking about the
31 Youngs Bay Control Zone.

32
33 Commissioner Finley recapped his first motion:

34
35 *Action: Provided further that the Youngs Bay Control Zone may be adopted at a*
36 *later date.*

37
38 He said that holds it there and says we may do something. Chair Levy asked for a
39 second on that motion.

40
41 Legal Counselor Sanders said Commissioner Finley referred to the administrative rules
42 as proposed by staff in Attachment 5. Would you specify that it is the "12-7-12" version of
43 Attachment 5? There is one other technical editorial change that he asked for. He said
44 an editorial change on page 8, line 278 (see 12-7-12 version). We had "Department staff
45 shall manage fisheries consistent with the guiding principles and the following allocation
46 framework and provisions." Instead we have inserted the exact rule numbers, "...in OAR

1 **635-500-6715 through 635-500-6765.”** so the phrase following “provisions” does not
2 leave an ambiguity. It does not change but it is one difference from what we handed out.

3
4 *Commissioner Finley said his motion was in reference to the 12-7-12*
5 *document.*

6
7 Chair Levy asked if the Commission understood Commissioner Finley’s motion.
8 Commissioner Akenson asked what the date was on the barbless hook. Commissioner
9 Finley said January 1, 2013.

10
11 *Commissioner Webber seconded the motion. Chair Levy said all those in favor of*
12 *the motion signify by saying aye. Commissioners Finley, Webber, Akenson, and*
13 *Chair Levy said aye. Chair Levy said all those against signify by saying no.*
14 *Commissioners Anderson and Wolley said no. Chair Levy said Commissioners*
15 *Finley, Webber, Akenson, and Levy voted yes. Commissioners Anderson and*
16 *Wolley voted no. The motion passed by a vote of four with two no votes.*

17
18 Commissioner Webber said he was supportive of Director Elicker talking to the
19 Washington State about the Youngs Bay Control Zone. Chair Levy said does the
20 Commission need to make a motion on that? Legal Counselor Sanders said no because
21 by not providing direction you elect to give him the authority to do that.

22
23 Legal Counselor Sanders said there is one other technical thing. The Commission
24 adopted Attachment 5 – Draft OARs with the changes. It is a technical incongruity now
25 because for example this Attachment has the barbless hooks starting in two years. **He**
26 **assumed that Commissioner Finley’s motion implies we will go through this and**
27 **amend the start dates on barbless hooks.**

28
29 Commissioner Finley said yes that was why he said January 1, 2013.

30
31 Bowles said there was still the issue of the temporary rule for the other Zones and before
32 the Commission adjourns he asked it to be addressed for the standardization statewide
33 on sturgeon. He said that just needs to be signed by Chair Levy and does not need to
34 be voted on.

35
36 Legal Counselor Sanders said no, while the Commission meets in formal session the
37 Commission must adopt the temporary rule and that would require a vote of the
38 Commission.

39
40 Williams said before the Commission is the temporary administrative rule he described
41 earlier which covers White Sturgeon retention in the Marine Zone and the Southwest
42 Zone. It effectively does the very same thing that the Commission identified for the other
43 Zones. It would be adopted to match up with all of those so they are in one place.

44
45 Chair Levy said the temporary rule was distributed to the Commission this afternoon.
46 She would entertain a motion to accept the temporary rule and make it a permanent rule.

47

1 Bowles said there was one other housekeeping related to the other motion related to
2 sturgeon. There was a little confusion with Commissioner Finley's amendment because
3 it sounded like it was within Division 500 and it is actually the Columbia River Zone that
4 would be the one amended to the bag limit because he combined those together. He
5 said staff was asking for clarification on that to do the appropriate housekeeping relative
6 to the appropriate Divisions.

7
8 Commissioner Finley said the intent was based on the testimony we heard to apply to
9 the Columbia River. Commissioner Webber said the Willamette Zone? Commissioner
10 Finley said he didn't think about the Willamette Zone.

11
12 Williams said the approach was to look at it from a statewide perspective because we
13 manage the population as one population. What we do for one zone it is important to do
14 it for all zones so you bring that population together under one umbrella and it allows us
15 consistency in rules, which then also helps with other things. He recommended that the
16 Commission consider adopting it for all Zones as proposed by staff.

17
18 *Action: Commissioner Finley moved to amend his motion to ensure that the*
19 *sturgeon population is managed as one population statewide.*

20
21 Legal Counselor Sanders asked Commissioner Finley what motion he was amending
22 because there was no motion on the floor now that he knows of. Commissioner Webber
23 said Commissioner Finley just made the new motion.

24
25 *Commissioner Webber seconded the motion, and the motion carried unanimously*
26 *by a vote of six.*

27
28 Chair Levy asked for a motion to adopt the Temporary Administrative Rule amending
29 **635-004-0635, 635-016-0090, and 635-039-0090 – White Sturgeon Retention in**
30 **Marine and Southwest Zones Commercial and Recreational Fisheries Prohibited.**

31
32 Commissioner Webber said the Commission has a temporary rule that is eliminating the
33 Coquille and Siuslaw (see 635-004-0635 Closures, page 1, line 15, draft rules attached
34 to Certificate and Order for Filing Temporary Administrative Rules).

35
36 Williams said the document that the Commission should be looking at should reference
37 both the Marine and the Southwest Zones and identifies changes specifically to bag
38 limits and the issues that we just dealt with in sturgeon.

39
40 Legal Counselor Sanders said the temporary rule also identifies Division 004 and that is
41 where the Coquille and Siuslaw are mentioned in the Division 004 rule we had.

42
43 Chair Levy said that is where the confusion is coming from – OAR 635-004-0635.

44
45 Bowles said staff was looking at the temporary rule. He said the answer to
46 Commissioner Wolley's question was the intent of the temporary rule is to make the
47 Southwest Zone and Marine Zone consistent with the other Zones because those two

1 divisions were not opened up with the original Secretary of State filing. This rule would
2 allow it to be statewide because of the scope of this.

3
4 Williams said the temporary rule is referencing some commercial authorizations that no
5 longer exist for those species as indentified.

6
7 Legal Counselor Sanders said the Division 004 rules on page 1 of the Temporary Rule
8 packet refer to the commercial retention of sturgeon. The temporary rule proposes to
9 delete the reference to the Coquille and Siuslaw during the times open for taking shad
10 for commercial purposes and in the Pacific Ocean at all times.

11
12 Chair Levy said the Commission reads that one and the next one just like we do a
13 normal approval of temporary rules. Legal Counselor Sanders said right. The rule also
14 proposes to amend Division 016 - the Southwest Zone and Division 039 – the Marine
15 Zone.

16
17 Chair Levy said and all the language through the end of page 5. Did she need to read
18 each number into the record? Legal Counselor Sanders said as long as Chair Levy is
19 clear what document she is referring to she doesn't need to read everything.

20
21 Legal Counselor Sanders asked **if the prohibition on the retention of sturgeon starts**
22 **immediately or in one year. The Temporary rule has it starting January 1, 2013.**
23 **Chair Levy said no, it's 2014.** Legal Counselor Sanders said we need to amend the
24 temporary rule because it is set up to prohibit the retention of sturgeon January 1, 2013.

25
26 Legal Counselor Sanders said staff needed to take a short break to reconcile and adjust
27 some of the rule because they had anticipated a sturgeon closure immediately.

28
29 Legal Counselor Sanders said the Commission needed to fix a couple of things on
30 sturgeon.

31
32 First, because of the way staff technically worded the motion we may have inadvertently
33 deleted the rules with respect to our Columbia River sturgeon fishery because we were
34 assuming that there would not be one in 2013. **We need to have the Commission**
35 **undelete the provisions that would set up our traditional rules on sturgeon harvest**
36 **found on lines 195, pages 5-6, through line 210, found on Attachment 5 (12-7-12)**
37 **that was handed out today.**

38
39 Chair Levy said the Commission is un-deleting the language that actually starts on line
40 194.

41
42 Bowles asked if that needed to be done for the Willamette Zone as well as the Columbia
43 River. Legal Counselor Sanders said yes and asked if staff proposed to delete it from
44 the Willamette Zone also. Williams said yes. Legal Counselor Sanders with that then the
45 Division 500 package is fine. Bowles asked the Commission to add, "and the equivalent
46 rules in the Willamette Zone" and then staff would take care of that.

1 *Action: Commissioner Finley moved that the Commission undelete lines 194 to*
2 *210 under OAR 635-023-0095 Sturgeon Season and the equivalent rules in the*
3 *Willamette Zone. Commissioner Akenson seconded the motion and the motion*
4 *passed unanimously by a vote of six.*
5

6 Legal Counselor Sanders said on the temporary rules what staff now proposes is in the
7 provision relating to the Coquille and Siuslaw and the Pacific Ocean that we proposed to
8 delete. So we would propose no changes to Division 004. Once again this presumed that
9 there would be no sturgeon retention fishery in 2013, so staff now proposes no changes
10 to Division 004.

11
12 Then with respect to Division 016, Southwest Zone and the Marine Zone, if you look on
13 line 83, it states, "(3) Effective January 1, 2013..." the date it would be closed to
14 retention. We understand that the Commission now wants to close it to retention
15 beginning January 1, 2014 but if you do it then we cannot adopt it as a temporary rule
16 because you have plenty of time to go through the normal rulemaking process. Instead
17 staff proposes to substitute a new paragraph (3) that would state: "**Effective January 1,**
18 **2013, the annual white sturgeon bag limit is one fish.**" So what we are now
19 proposing is that by temporary rule we would adjust the bag limit to one fish instead of
20 the closed retention and we will have to be back before the Commission for permanent
21 rule adoption to close retention sturgeon fishery later.

22
23 He said staff proposes the same change for both of the Zones; it would be the same
24 language. On lines 158 and 159 (page 4) we would also propose to delete what we now
25 propose and replace it with "**Effective January 1, 2013, the annual white sturgeon**
26 **bag limit is one fish.**"

27
28 *Action: Commissioner Finley moved that the Commission adopt the proposals as*
29 *specified by Legal Counsel. Commissioner Webber seconded the motion and the*
30 *motion passed unanimously by a vote of six.*
31

32 Legal Counselor Sanders said just as a reminder the Commission did give staff the
33 authority to go through and make technical changes to make them consistent if we
34 missed anything we intend to make them grammatically consistent. He said if anything of
35 substance comes up we would come back to the Commission with that.

36
37
38 **ADJOURN**

39 Chair Levy adjourned the public meeting at 8:02 p.m.