

JOHN A. KITZHABER, MD  
GOVERNOR



August 14, 2012

Oregon Department of Fish and Wildlife  
Chairwoman Levy  
Director Roy Elicker  
3406 Cherry Avenue N.E.  
Salem, OR 97303

Dear Chairwoman Levy and Director Elicker,

On behalf of Governor Kitzhaber, the following is intended to clarify and elaborate upon the Governor's August 09, 2012 letter asking the Oregon Fish & Wildlife Commission to undertake rulemaking on lower Columbia River fishing. In that letter, the Governor set forth general elements of his desired approach for the Commission's consideration. To clarify, and in light of the news media response to this letter, the Governor feels strongly that the Commission is the proper venue for decisions on this matter. Therefore—and to be clear, I am communicating the Governor's own position and not that of my own as a public official or that of the Governor's office—while Governor Kitzhaber does believe non-tribal gill nets should be phased out of the mainstem lower Columbia River through a transition to off channel gill net use and more selective mainstem methods, the Governor intends to oppose Ballot Measure 81 in favor of the Commission's rule-making process. While he recognizes the controversy around this matter, he expects both the commercial and recreational fishing industries to work in good faith through the Commission to reach a resolution.

The Governor believes such resolution must enhance economic benefits for *both* commercial and recreational interests, both of which he views as vital to Oregon's economy, communities and culture. He desires your engagement on this issue with your Washington State counterparts as soon as possible. While controversial, this issue is not unfamiliar to either state, and based on the past and ongoing work of the Oregon and Washington Departments of Fish & Wildlife and respective Commissions, the Governor believes old ground need not be re-worked from scratch and that resolution can be reached by the end of 2012.

As indicated in the August 09 letter, the Governor views a phased approach to moving gill nets out of the mainstem lower Columbia as essential to his proposed solution. This is true with respect to economic and conservation gains. The Governor believes a sudden management shift on this matter would result in unnecessary and undesirable economic harm, particularly to commercial fishing interests. The transition should reflect a modest shift in priority towards recreational fisheries in the mainstem in order to avoid significant immediate economic harm to commercial fisheries during the time period prior to the return of additional hatchery fish to off-channel areas and the development of selective gears for the mainstem. The transition should also ensure the political and resource commitments actually transpire as necessary to achieve the desired overall economic gains for both commercial and recreational fisheries. This may include authorization of alternative gear by the legislature, secured commitments from federal agencies, and engagement by the recreational fishing community on funding solutions that share the transitional burdens related to the Governor's proposed solution. The size and nature of these political and resource

commitments will depend largely upon the Commission's decision, working in concert with Washington, regarding the size and nature of enhancements to off-channel fisheries. A transition plan is needed to spell this out.

With respect to mainstem fishing, the Governor is not proposing a ban on commercial fishing in the mainstem. While he has stated his position on the use of non-tribal mainstem gill nets in a complex mixed-stock situation like the lower Columbia, and on prioritizing recreational opportunities in the mainstem, he has intentionally asked you to consider ways to address commercial mainstem opportunities with more selective gear. The types, timing, and places of use of such gear should be part of the Commission's process and deliberations, working with Washington for consistency. These mainstem commercial fisheries can provide important additional economic benefit when recreational fisheries are meeting their objectives and harvestable surpluses are available. They can also provide ecological benefits by "mopping up" surplus hatchery fish late in the run when recreational fisheries are not as effective.

Finally, with respect to conservation gains, aside from enhanced selectivity in the mainstem, the Governor believes the shift in hatchery production required to adequately enhance off-channel areas should come, where possible, from basins where reduced hatchery releases best complement wild fish recovery. He understands recreational fishing interests may have some attachment to the status quo around these hatchery fish, but the solution he envisions involves give and take by both commercial and recreational fishing interests. Further, based on concerns over current sturgeon population trends, the Governor proposes to increase the fish management contribution to sturgeon conservation, while still sharing the allowable harvest along the current proportions.

The above issues and transitional versus long-term elements of the Governor's proposed approach are described in further detail below.

**Interim components for transition period (e.g., 2013-2016):**

- Prior to the complete transition of non-tribal gill nets to off-channel areas, move to a fixed non-tribal allocation sharing framework, allocated as follows:
  - **Spring Chinook:** 70:30 / recreational:commercial (approximately 60:40 now) of allowable ESA harvest impacts or *US v OR* harvest sharing agreements.
  - **Summer Chinook and Sockeye:** 70:30 recreational:commercial (approximately 50:50 now below Priest Rapids Dam) of allowable non-tribal ESA impacts or *US v OR* harvest sharing agreements.
  - **Fall Chinook:** 70:30 recreational:commercial (approximately 50:50 now) of allowable non-tribal ESA impacts or *US v OR* harvest sharing agreements.
  - **Coho:** Provide coho impacts necessary for commercial fisheries in off-channel areas and targeted Chinook fisheries in the mainstem. All remaining in-river impacts are allocated to in-river recreational fisheries (currently impacts are prioritized to recreational fisheries as needed to meet fishery objectives).
  - **Chum:** Prioritize ESA impacts to off channel fishing areas as needed for commercial gill net fisheries targeting coho and Chinook salmon (retention in recreational fisheries is currently prohibited).
  - **Sturgeon:** Allocate 90% of the allowable harvest for use by fisheries, holding 10% in reserve for an additional conservation buffer. Of the 90% allocated to fisheries, divide the allocation as it currently exists (current recreational:commercial harvest sharing is approximately 80:20).

- Use alternative, selective gear if available and practical for non-tribal mainstem commercial fisheries associated with the above allocations. Provide additional mainstem commercial fishing, using selective gear if available and practical, if the in-river recreational fishery is unable to utilize allocated ESA and *US v OR* fish impacts and available harvestable surplus or if recreational fishery goals have been met. If alternative, selective gear is not available and practical, allow use of gill nets for the above management purposes during this transition period.
- Enhance off channel commercial gill net fishery by increasing/shifting hatchery production to existing or new off-channel areas based on fish recovery objectives in selected basins, and with respect to summer Chinook, utilizing Select Area Bright Fall Chinook or other suitable stock.
- Implement lost and derelict commercial fishing net reporting requirements consistent with policy in Washington State.

**Longer-term components for period when ESA constraints remain (2016+):**

- As part of the complete transition of non-tribal gill nets to off-channel areas, prioritize mainstem fishery impacts to recreational fisheries, emphasizing selective fisheries. Prioritize off-channel areas to commercial fisheries.
  - **Spring Chinook, Summer Chinook, Fall Chinook, Sockeye:** Prioritize up to 20% of available ESA or *US v OR* harvest sharing impacts to off-channel fishing areas as needed for off-channel commercial gill net fisheries targeting hatchery fish. Allocate remaining fishery impacts to recreational fisheries. Any mainstem commercial fisheries will use alternative, selective techniques.
  - **Coho, Chum, Sturgeon:** Same as interim approach above. Any mainstem commercial fisheries will use alternative, selective techniques.
- Continue infrastructure and enhanced production of hatchery fish in off-channel areas begun during interim period for commercial economic benefit.
- Secure the off-channel commercial fisheries with available ESA impacts (i.e., hold off-channel harvest harmless from pre-season buffers, allowing the commercial fishery to catch fish as soon as they return, thereby assisting fish recovery by reducing the opportunity for hatchery fish straying and maximizing the economic value of the harvest).
- Consider additional mainstem commercial fisheries using selective techniques (and with respect to fall Chinook, this would be focused on Up River Bright fish) that do not substantively affect meeting mainstem recreational fishery objectives or that access harvestable fish beyond what can be effectively caught in recreational fisheries (i.e., “mop up” commercial fisheries).

Thank you for your time, consideration, and effort both now and in the future on this challenging but important issue.

Sincerely,



Brett Brownscombe  
Natural Resource Policy Advisor to Governor Kitzhaber

cc: Governor John Kitzhaber