



JOHN A. KITZHABER, MD  
Governor

September 26, 2014

Bobby Levy, Chair  
Oregon Fish & Wildlife Commission  
3406 Cherry Ave. NE  
Salem, OR 97303

Curt Melcher, Acting Director  
Oregon Department of Fish & Wildlife  
3406 Cherry Ave. NE  
Salem, OR 97303

Dear Chair Levy and Members of the Oregon Fish & Wildlife Commission:

I write today on the lower Columbia River non-tribal fishery rules adopted by the Commission in December 2012 and revisited in 2013. I am aware the Commission has established an annual review of the status of rule implementation and data collected during the ongoing transition period. I commend this oversight as our ultimate success depends on careful tracking of whether or not the state is reaching the objectives to advance the long-term economic vitality of both commercial and recreational fisheries and attain conservation improvements. I am committed to these outcomes and will remain engaged with the Commission and Department on this matter.

I recognize the rules adopted by the Commission remain controversial. I continue to hear from members of both the commercial and sport fishing industries. It is important to note, however, that the rules ODFW has been actively working to implement over the past year-plus were first recommended by a bi-state, multi-party workgroup and subsequently adopted by the Oregon Commission in rule and the Washington Commission in policy. Further, the rules – which were designed to achieve both sport and commercial fishing economic objectives – were based on certain assumptions that all interests agreed would need to be tested and retested as implementation-based data became available. Because the economic risks associated with many assumptions are borne largely by the commercial gillnet fleet, the rules included a transition period for phasing non-tribal gillnets out of the mainstem lower Columbia River and shifting harvest allocation levels.

It is important to keep this background in mind because it is directly related to where we are now. First, we remain in a transition period. Second, ODFW and others are currently gathering important implementation data that will be used to evaluate the effectiveness of the rules and their underlying assumptions. Third, this evaluation will absolutely be critical in shaping next steps related to enhancement of current and establishment of new commercial off-channel areas.

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development of mainstem commercial gear and technique fisheries, conservation objectives, and the overall vitality of sport and commercial fisheries. As has been indicated all along, these rules are moving forward under an adaptive management framework, with the Commission retaining discretion in shaping next steps.

In previous communications to the Commission, I have spoken about the importance of adaptive management:

- *If these actions [identified in the Rules] do not take effect during the transition period, or if the anticipated economic and conservation gains do not materialize, I would anticipate the Commission would seek to immediately determine why and adjust through adaptive management.*
- *Adaptive management does not mean abandoning the rules or their core elements, but there are many ways the Commission and Department can react to new facts and issues by adjusting elements within the overall management framework if unanticipated conditions arise and the objectives of the rules are not being met despite the good faith of those involved.*

Adaptive management is founded on the idea that data drives our decisions. But adaptive management is also dependent on all parties acting in good faith during the transition period. Based on my and my staff's conversations with affected parties, I offer the following for the Commission's and the Department's consideration as rule implementation moves forward:

- Each year, compare the economics to see how the commercial and sport industries fared relative to the expectations and assumptions established for the transition period; additionally, estimate how they would have fared if the management regime prior to the rules had been in place.
- Recognizing that the timing of fishing opportunities and Endangered Species Act impacts are key components to optimizing economic outcomes, consider creating a suite of options that can be used during an upcoming season to help ensure economic objectives will be met during that season, while minimizing unanticipated adjustments after the fact.
- Consider the use of a stakeholder group (led by Department staff with regular reporting to the Commission) to discuss adaptive management issues and options. Group discussions would be connected to and informed by ongoing data gathering and results. In addition, work with commercial and sportfishing leaders to determine how to best use transition fund dollars and endorsement fee funds in a manner that promotes or optimizes economic opportunities for each industry consistent with statutory authorization.

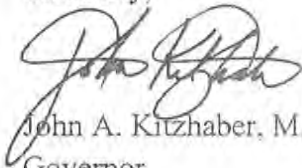
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- Provide an updated ESA mortality overview for alternative gear types and techniques associated with implementation of the rules, and consider the need for re-evaluation of mortality findings for existing gear types and techniques, both recreational and commercial.
- Continue to prioritize the analysis of alternative gear types, harvest performance in existing and potential new off-channel areas, the location of exclusion zones, and the effects and impacts of tributary-based barbless hook and hatchery transfers. Use this information to inform annual decisions and next steps during the transition period and beyond.

The lower Columbia River presents a unique set of challenges, including mixed-stock fisheries management, and the intermingling of ESA-listed populations of salmon and steelhead with hatchery fish and non-listed runs, and ongoing conflict between sport and commercial fishing interests. We must continue our focus on reducing mortality and promoting the recovery of ESA-listed fish while sustaining healthy populations, meeting our agreements with tribes and the State of Washington, and crafting management approaches that provide harvest opportunities in ways that advance the economic vitality of both commercial and recreational fisheries. I engaged this issue during the 2012 ballot measure battle because I am committed to these objectives, and because I believe that if we continue to do the hard work to test our efforts and allow gathered information to inform our next steps, then we can end up in a better place for fishing families, businesses, and the communities connected to them.

Thank you for the challenging work you do as Commissioners in balancing and advancing the public's interest in healthy fish and wildlife. And thank you for your consideration of this letter and your ongoing work on this challenging issue.

Sincerely,



John A. Kitzhaber, M.D.  
Governor