



# Oregon Fish and Wildlife Commission Minutes

**Meeting:**

Wednesday November 9, 2016 – 8:00 a.m.  
Oregon Department of Fish and Wildlife  
Commission Room  
4034 Fairview Industrial Drive S.E.  
Salem, Oregon 97302

1  
2 *Commission minutes are draft until approved by the Commission.*

3  
4 Notice of these meetings has been made by press release of statewide media  
5 circulation. Those attending part or all of the meeting included:

6  
Michael Finley, Chair  
Bob Webber, Commissioner  
Holly Akenson, Commissioner  
Greg Wolley, Commissioner  
Laura Anderson, Commissioner  
Bruce Buckmaster, Commissioner  
Curt Melcher, Director  
Shannon Hurn, Deputy Director  
Steve Sanders, Assistant Attorney General  
Michelle Tate, Executive Assistant

7  
8 **MEETING**

9  
10 On Wednesday **November 9, 2016 at 8:00 a.m., Chair Michael Finley called the**  
11 **Oregon Fish and Wildlife Commission** (the Commission) meeting to order.

12  
13 Commissioner Atkinson - excused for business reasons.

14  
15 **Adopt Temporary Rules**

16 Curt Melcher, Director, requested the Commission ratify the following temporary rules.  
17 The director under his emergency action authority previously adopted the ten temporary  
18 rules.

19  
20 **1) 635-041-0075**

21 **Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fishery**  
22 **Authorized**

23 Adopted October 6, 2016: effective October 10, 2016 through October 14, 2016.

24 This amended rule authorizes the sales of fish caught in a four-and-a-half day  
25 Treaty Indian fall commercial gill net fishery set for the Columbia River. The fishery  
26 begins at 6:00 a.m. Monday, October 10 and runs through 6:00 p.m. Friday, October 14,  
27 2016. Modifications are consistent with action taken October 6, 2016 by the  
28 Departments of Fish and Wildlife for the States of Oregon and Washington in  
29 cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River  
30 Compact.

31

1       **2) 635-041-0075**

2       **Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fishery**  
3       **Authorized**

4       Adopted October 11, 2016: effective October 17, 2016 through December 31, 2016.

5       This amended rule authorizes the sales of fish caught in a four-and-a-half day  
6       Treaty Indian fall commercial gill net fishery set for the Columbia River. The fishery  
7       begins at 6:00 a.m. Monday, October 17 and runs through 6:00 p.m. Friday, October 21,  
8       2016. Modifications are consistent with action taken October 11, 2016 by the  
9       Departments of Fish and Wildlife for the States of Oregon and Washington in  
10      cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River  
11      Compact.

12  
13      **3) 635-005-0705**

14      **Prior Year 5,000-Pound Landing Requirement Temporarily Removed from Brine**  
15      **Shrimp Permit Renewal Rule**

16      Adopted October 13, 2016: effective October 17, 2016 through December 31, 2016.

17      This amended rule allows the renewal of Brine Shrimp permits without the  
18      previously required 5,000-pound landing from the previous year. Due to low water in  
19      Lake Albert in 2016, harvesters were unable to use their boats and harvest enough  
20      Brine Shrimp to satisfy the 5,000 pounds in landings required by permanent rule for  
21      permit renewal.

22  
23      **4) 635-023-0030**

24      **Columbia River Fall Recreational Salmon and Steelhead Seasons Closed**

25      Adopted October 19, 2016: effective October 22, 2016 through December 31, 2016.

26      This amended rule prohibits Chinook and steelhead retention in the Columbia  
27      River recreational salmon fisheries from Buoy-10 upstream to the Highway 395 Bridge  
28      near Pasco, WA. With this harvest modification, the fishery continues to meet species  
29      and stock-specific allocations while remaining within ESA guidelines. Modifications are  
30      consistent with action taken October 19, 2016 by the Departments of Fish and Wildlife  
31      for the States of Oregon and Washington at a meeting of the Columbia River Compact.

32  
33      **5) 635-041-0063**

34      **Treaty Indian Sturgeon Setline Fishery in the Columbia River Implemented**

35      Adopted October 19, 2016: effective October 24, 2016 through November 30, 2016.

36      Amended rule allows commercial sales of fish caught during the Treaty Indian  
37      sturgeon setline fisheries in the John Day, The Dalles, and the Bonneville pools of the  
38      Columbia River. The fishery begins in the John Day Pool at 6:00 a.m. Monday,  
39      October 24 and runs through 6:00 p.m. Saturday, November 5, 2016. Separate season  
40      dates were adopted for The Dalles and Bonneville pools. Implementation is consistent  
41      with action taken October 19, 2016 by the Departments of Fish and Wildlife for the  
42      States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes  
43      at a meeting of the Columbia River Compact.

44

1           **6) 635-041-0075**

2           **Sales from Columbia River Treaty Indian Fall Commercial Fishery Modified**

3           Adopted October 19, 2016: effective October 24, 2016 through November 30, 2016.

4           This amended rule authorizes the sales of white sturgeon caught in the Treaty  
5           Indian Fall Commercial Fishery set for the Columbia River. The modified fishery begins  
6           at 6:00 a.m. Monday, October 24 and runs through 6:00 p.m. Friday, November 26,  
7           2016, with specific dates for each of the three reservoirs: John Day, The Dalles, and  
8           Bonneville. Modifications are consistent with action taken October 19, 2016 by the  
9           Departments of Fish and Wildlife for the States of Oregon and Washington in  
10          cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River  
11          Compact.

12  
13          **7) 635-003-0085**

14          **Chetco River Ocean Terminal Area Commercial Salmon Fishery Modified**

15          Adopted October 24, 2016: effective October 26, 2016 through November 30, 2016.

16          This amended rule increases the single daily landing and possession limit in the  
17          Chetco River terminal area commercial troll Chinook salmon quota fishery. The daily  
18          limit is increased from 5 to 10 Chinook for the period of October 26 through 31, 2016.  
19          These modifications provide a better opportunity for accessing the remaining quota  
20          within the established season. This increased landing limit is within planned flexible  
21          season management options.

22  
23          **8) 635-060-0046**

24          **Amend Rule to Authorize Transfer of Tags to Terminally Ill Individuals**

25          Adopted: October 26, 2016. Effective Dates: October 26, 2016 through March 31, 2017

26          The adoption of these rules would provide a mechanism for qualifying terminally  
27          ill individuals to obtain controlled or limited hunt tags transferred from an immediate  
28          family member. To qualify for these tags individuals must have been diagnosed with a  
29          terminal illness by a licensed physician.

30  
31          **9) 635-011-0102 and 635-011-0104**

32          **Requirements to Purchase Fishing Licenses, Tags, and Endorsements Suspended  
33          for Free Fishing Weekend**

34          Adopted October 28, 2016: effective November 23, 2016 through January 1, 2017.

35          These amended rules allow anglers to participate in fisheries statewide without the  
36          need to purchase the licenses, tags, and endorsements usually required to fish in  
37          Oregon during two free fishing weekends scheduled for Friday, November 25 through  
38          Saturday, November 26, and Saturday, December 31, 2016 through Sunday, January 1,  
39          2017.

40  
41          **10)635-023-0130**

42          **Columbia River Fall Recreational Coho Salmon and Steelhead Seasons Re-  
43          Opened**

44          Adopted November 4, 2016: effective November 5, 2016 through December 31, 2016.

45          This amended rule authorizes the retention of coho salmon and hatchery  
46          steelhead in the mainstem Columbia River from Buoy-10 upstream to the Oregon-  
47          Washington Border upstream of McNary Dam beginning Saturday, November 5, 2016.

1 The daily bag limit is two adult salmonids of which no more than one may be a hatchery  
 2 steelhead. Chinook salmon and wild steelhead may not be kept. This fishery meets  
 3 species and stock-specific allocations, while remaining within ESA guidelines. Rule  
 4 modifications are consistent with action taken November 3, 2016 by the Departments of  
 5 Fish and Wildlife for the States of Oregon and Washington at a meeting of the Columbia  
 6 River Compact.

7  
 8 *Action:*

9 Commissioner Webber moved to ratify the ten temporary rules as listed on the agenda.  
 10 Commissioner Buckmaster seconded the motion, and the motion carried unanimously.

11  
 12 **Exhibit A: Columbia River Fisheries Reform**

13 *The Commission will be provide an update on research, evaluation, and*  
 14 *implementation of the Commission's Columbia River harvest reform policy and*  
 15 *recommendations moving forward.*

16 *Staff: Ed Bowles, Fish Division Administrator*

17 *Chris Kern, Deputy Fish Division Administrator*

18 *Tucker Jones, Ocean Salmon and Columbia River Program Manager*

19 *John North, Columbia River Fishery Manager*

20 *Public Testimony*

21 *Informational*

22  
 23 *Staff Presentation:* Chris Kern; Fish Division Deputy Administrator and Tucker  
 24 Jones, Ocean Salmon and Columbia River Program Manager provided a presentation  
 25 on updates on the research, evaluation, and implementation of the Commission's  
 26 Columbia River non-tribal fishery reform policy.

27  
 28 *This presentation is located in the commission material and viewed at*

29 [http://www.dfw.state.or.us/agency/commission/minutes/16/11\\_nov/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp)  
 30

<i>Columbia River Fisheries Reform Guest Panels</i>	
Invited Guests Panel Number 1	
B.G. Eilertson, Northwest Sports Fishing Industry Association	Provided written testimony; <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a>.</i>
Bruce Polley, Coastal Conservation Association	Provided written testimony; <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a></i>
Bob Rees, Northwest Steelheaders	Provided written testimony; <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a></i>

Invited Guests Panel Number 2	
Jim Wells, Salmon for All	Provided written materials. <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a></i>
Hobe Kytr, Salmon for All	Provided written testimony; <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a></i>
Robert Sudar, Fish Buyer	Provided presentation; <i>This presentation is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11_nov/index.asp</a></i>
Greg Johnson, Commercial Fisherman	Staff recommendations are lacking in balance and what is reasonable, falling six percent short of no harm to the commercial fishery. The short term moving from 2017 to 2021 period has an assumed loss of 11% on average for each year; the just completed transition year has had an economic loss relative to the base period of 10% between 2013 and 2015. If this recommendation moves forward to policy there will be a nine year period of 10% or more economic loss each year. Assumptions of this proposal assumes stable and growing hatchery production in light of potential NOAA action to reduce lower Columbia River stock, select area egg take and production goals will be achieved, access to a summer fishery without a viable gear option. Also of concern is the source of Snake River steelhead and steelhead impacts for conservation – each of the Snake River Wild, Lower River Hatchery, Coho, and B Steelhead; all listed stocks have been the most limiting stocks in fall fisheries in the past 10 years. The Snake River wilds and the steelhead are already in the modeling, are already allocated with values relative to zones 4, and 5 gillnet fishery, this conservation fishery also requires those impacts, and not accounted for in that manner. PFMC is not aware of this impact and are not supportive of it. While long-term fishery values based on zones 4 and 5 in traditional select area with proven track records will provide reasonable outcomes, far too much of this recommendation relies on assumption that to a reasonable degree will not likely be fulfilled and will lead to additional harm over the

five years. The recommendation is for prescriptive development of functional marked selective tools is in the development stage and will likely continue to be at that level for the next five years, this will likely hinder harvest and hatchery removal. There are a number of tools in the toolbox and it would behoove us to keep them there if the language wants to be suggestive to using the mark selective tools that are available when possible.

1 Discussion:

2 Commissioner Buckmaster: The late proposal introduced to the Commission yesterday  
3 and that many of you are seeing for the first time today is not a new proposal. Heath  
4 Hykala, the Coastal Conservation Association (CCA) attorney, has advocated this  
5 proposal in Washington for at least two months. He has talked about an upriver fishery  
6 with full retention; it was not a new model- not a new idea. Not looking at this two  
7 months ago, when Mr. Hykala brought it up is more than an oversight and it is  
8 unfortunate. If people are bringing up ideas and they are good ideas, regardless if it is  
9 the commercial side or the recreational side we have to take them seriously. This one  
10 came from the recreational side, and clearly was not addressed until the last couple of  
11 days.

12  
13 Commissioner Buckmaster: Slide 42 of the presentation, this slide tells the Commission  
14 that there is virtually no difference between the key transition and the rebalance as far  
15 as money and economics. When I ask for the how we get there, it really does not show  
16 up on this slide, this is missing. It gets out there 2021, 2022 the cost of the how to get  
17 there between rebalance and key transition is remarkably different according to your full  
18 information. It shows the difference for angler trips being one percent, keeping  
19 transition; we are going to see an increase of four percent and keeping the rebalance  
20 you are suggesting is five percent, which is a one percent increase. The cost to the  
21 commercial fleet, the difference using your numbers is \$1.7 million on the first transition  
22 phase and \$3.5 million on the rebalance. The cost to one group is doubled and  
23 improving the cost one percent on the angler trips. This is important information it's not  
24 appropriate to leave that kind of information out.

25  
26 Commissioner Buckmaster requested that the graph provided to him, also be provided  
27 to all of the Commission.

28  
29 Commissioner Akenson thanked Bob for what the Northwest Seelheaders have done in  
30 way of volunteer work, involvement with fisheries as well as with ODFW. Your support is  
31 very much appreciated, and you have been an important piece of fisheries management  
32 in Oregon.

33  
34 Commissioner Anderson asked staff to follow-up on what the term "selective" means.  
35 This is where many of us do not agree on what selective means and it is such a key  
36 word.

37  
38 Chair Finley, read ORS 508.980 into the record



1  
2 COLUMBIA RIVER FISH MANAGEMENT AND REFORM  
3

4 SECTION 3a. (1) *The Legislative Assembly finds that it is*  
5 *the policy of the State of Oregon that rules as a whole related*  
6 *to Columbia River fish management and reform that are*  
7 *adopted by the State Fish and Wildlife Commission:*

8 (a) *Optimize overall economic benefits to this state;*

9 (b) *Enhance the economic viability of Oregon's recreational and commercial*  
10 *fisheries and the communities that rely on these fisheries;*

11 (c) *Contribute to native fish conservation and recovery;*

12 (d) *Promote orderly fishery management with the State of Washington; and*

13 (e) *Provide consistency with agreements made with Indian tribes pursuant*  
14 *to state or federal court orders.*

15 (2) *If economic, including commercial harvest, or conservation objectives*  
16 *related to Columbia River fish management and reform adopted by rule of the*  
17 *commission are not met, then by rule the commission must provide for adaptive*  
18 *management actions that are de- signed to efficiently achieve the respective*  
19 *economic, including commercial harvest, or conservation objectives, including but*  
20 *not limited to:*

21 (a) *Modifying or halting the schedule and degree of shifts in harvest and*  
22 *impact allocations specified in rules of the commission as necessary to attain*  
23 *harvest objectives through improved harvest levels in either off-channel or*  
24 *mainstem fisheries, within the context of naturally varying run sizes;*

25 (b) *Advancing additional fishery opportunities, seasons or selective fishing gear;*  
26 *or*

27 (c) *Improving hatchery fish production or the timing, size or location of*  
28 *hatchery fish releases.*

29 (3) *As part of the rules related to Columbia River fish management and*  
30 *reform, the commission shall establish a zone at the mouth of Youngs Bay in*  
31 *which recreational fishing, including recreational fishing taking place with guide*  
32 *boats, is prohibited in order to reduce the interception of hatchery fish returning*  
33 *to the off-channel commercial fishery in Youngs Bay. At least once every three*  
34 *years, the commission shall evaluate the impacts and effectiveness of this zone*  
35 *and make adjustments, including the removal of the prohibition de- scribed in*  
36 *this subsection, as necessary to meet the objectives described in subsection (1)*  
37 *of this section.*

38  
39 Chair Finley: The purpose of public testimony is to educate the Commission. Effective  
40 testimony brings attention to omissions, oversights, unintended consequences of our  
41 action, to sharing personal experience and adaptations .Public Testimony is to inform  
42 the commission of new or conflicting science.  
43

44 The Commission's job is to implement law and policy based on statutory guidance, our  
45 own experience, and our own intellect in the best interest of the people of the state of  
46 Oregon. We are not in anyone's camp; we are looking for sound science and make

1 decisions in the public's interest. We are not here to advance the interest of any one  
2 constituent group; we are here to fairly and honestly implement the statutes.

3  
4 Everyone on this panel except one has been a sports angler; Sport fishing does have  
5 representation on this Commission.

6  
7 Public Testimony

Brad Halverson, Sports Angler	Provided written testimony. <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp</a></i>
Dana Roberts on behalf of Dave Schamp, Coastal Conservation Association (CCA)	Provided written testimony. <i>This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp</a></i>  1) Recreational fishermen represent \$1.7 Million in Columbia River Endorsements each year. 2) Commercial fisherman lost 10% during three years of transition. 3) Spring and summer is meeting expectation, the short fall in is the fall Chinook fishery. The proposal from the department is to consider gillnets in zone 4 and 5, indefinitely. Rather than lock in gillnets for zones 4 and 5 you could consider a transition for fall fishery and look at alternative gear.
Tom Wolf, Trout Unlimited	Opposes staff recommendation to get rid of barbless hooks on the Willamette. Please listen to the sport fishing concerns.
Jim Knight, Port of Astoria	Fish stocks need to be managed and protected. Commercial fishing is important to the health of the Port and to our surrounding communities.  Our hope is that the Commission takes a long look at Warrenton and embraces the recreational fisheries, which is also home to commercial fisheries. Warrenton needs a healthy recreational fishery and a healthy Commercial fishery to keep the community healthy. These industries have a significant impact on the economics of the community.  The Port of Astoria Commission asked that I share some thoughts- the port is home to two marinas, these marinas benefit from healthy recreational fishing at the mouth of the Columbia River. Warrenton embraces the recreational fishery and several local businesses depend on it to survive. Warrenton is also home to a large Commercial Fishing fleet



	<p>and two seafood processors. Pacific Seafood is beginning a multimillion-dollar investment in a brand new facility near the mouth of the Columbia River and they employ many people in the community. Warrenton needs a healthy recreational fishery and a healthy commercial industry in order for our community to stay fit. SB 830 was not designed to eliminate Commercial fishing in favor of recreational fishing interests. We believe that Commercial, recreational, and tribal interests can co-exist on the Columbia River.</p> <p>Our hope is that the Commission takes a hard look at well thought out unbiased impartial data before making long reaching decisions. Our hope is that this commission will move towards adaptive management of fish stocks that secure healthy fishing for all. Please protect the future of the port and the future of our communities.</p>
<del>George Barton, CCA</del>	Did not testify
Jim Coleman, Commercial Fisherman	<p>Not every aspect of this plan was tested. We entered this four-year transition period to see if it will work. Have the safe areas provided increased fish for harvest? Looking at 2015 and 2016 catch data, the numbers are actually down for 15 and 16. There has not been enough fish being caught to offset the lost opportunities. The Rogue River stocks that have been so successful in the Young's Bay are being threatened of removal from the Columbia River system for their straying habits. This is an ongoing issue with these Rogue River fish, people are asking about that, and they may be removed. Are planning these smelts a good idea? Thinking about these terminal areas where these fish came back, they are not really coming back to a stream, they are coming back to an area. Are there pollution issues with these head pins? I cannot answer these questions.</p> <p>Is planning smolts in a save area really a good idea and where do all of these strays end up and have issues with mixing with other lower river stocks? Will the terminal fishery still exist in 20 years?</p>
<del>Jeff Fahlman, Sports Angler</del>	Did not testify
Cary Johnson, Gillnet Fisherman	<p>Tested the seine nets, cannot see anyway that seine nets can be commercially viable to keep me whole and to keep me in business. The uncertainty surrounding this plan has been very difficult. How do you grow a business when you have a deadline that in two years your way of life is over? We have not been able to invest in our boats or gear. This plan has had effects on other businesses in the area, even gone out of business. A friend's mechanic shop was not able to survive;</p>

	<p>people stopped bringing their boats in to fix them.</p> <p>We cannot go on with the uncertainty of this plan, and we would like resolution. There are only a few areas that seine will actually physically work to catch fish and only at the peak of the run. There are so many problems with this. We have experienced economic harm during the transition, which was not the intent of the plan- the plan promises that our fishery would be enhanced.</p>
George Larson, ANWS	Did not testify
Kent Martin, Salmon for All	<p>In 2000, the Hatchery Scientific Review Group unveiled their assessment of hatchery rearing practices for the Columbia Basin. A key component was the function of the commercial fisheries in soaking up large surplus of hatchery fish and by in trust robust spawning stock. We had been told that the paramount goal of harvest reform was to increase harvest on those stocks that needed to be, to stop them from straying into natural spawning areas where they thought to dilute the gene pool of the natural fish. The goal was to remove the hatchery fish or dramatically reduce production.</p> <p>If one thing has been accomplished in this controlled process, it has been to illustrate how selectively the non-selective gillnets are relative to technology; like traps and seines that require not only huge capital investments, but extensive sorting and handling and mortalities associated with that.</p> <p>One of the reasons we are in this boxed canyon is because we are not paying attention to all of the elements to selectivity. Alternative gear should have been a mix of several different technologies. The counter balance would be to concentrate on tributaries in the lower river with something like a pocket seine or a gill net.</p>
Darren Crookshauks, Columbia River Fishery Protection Union, President	<p>I have been involved with all of these test fisheries. Tangle net, Cathlamet Channel, and this year participated in marked select fishery. I was one of the seine boats that went out; we were not able to catch our allotted fish. One day, I handled over fifty steelhead and had to stop, my conscience would not let me do that. We were catching salmon smolt, sturgeon; we were catching everything with this gear.</p> <p>When we used it in the spring, we had a real heavy bi-catch of blue back, sockeye; there were days that we were catching over 400. Yes, we were catching salmon, but there were a lot of steelhead. Deeply concerned about my future, I have</p>

	<p>already been impacted; I live right along the river. I employ seven to ten people depending on how busy we are. Enhancing the side channels, most of the fleet does not fish there; it houses about fifty local fishermen that live in that area. Economically, it does not work for me to fish the tributaries.</p> <p>I have had 242 days of seine fishing over the past six years. The first year was in zones 1 and 3; the next year we were contracted to do the tagging in zones 4 and 5. We only found two locations in zone 5 that we could fish a purse seine.</p>
Chris Vertopoilos, NW Guides & Anglers Association	Not on board with current proposal, this proposal will limit the economic benefits for the Lower Columbia where it is most needed. Guides take well over 2,000 sport anglers fishing at the Buoy 10 fishery. These anglers spend countless dollars in rural towns from Astoria to Bonneville Dam. In recent years, the buoy 10 fleet has failed to reach the Labor Day benchmark for a fully prosecuted fishery. Limiting the growth of these fisheries where rural communities have the most to gain only continues to widen the gap between rural and urban communities. We had a deal, sport anglers gave up hatchery plants in the tributaries, we have paid the Columbia River Endorsement fee for three years to transition gillnets to seine nets, moved to barbless hooks, and got shut out of an important fishery in Young's Bay. Sport anglers have lived up to their end of the deal and it's the departments turn to live up to theirs.
B.G. Eilerson, Fisherman	Did not testify at this time
Mike Backman, Commercial Fisherman	We need harvestable fish. You need to get the feds involved. There is a need to working with Washington more. Unless everyone gets together you do not have the real players at the table, you need to be together to make these decisions. Make a concession that shows that you are trying to make a non-hurting unit.
Terry Ostling, Gillnet Fisherman	Commercial fishing represents 30% of what is brought into our county. Need to find a solution that works for all components, it cannot be taken from one place and given to another. Seines are not going to work in these waters, tangle nets work. Go with what works.
Jonathan P Anderson, Commercial Fisherman	I represent the future of this fishery- I am the youngest person here today to testify. Fishing is the biggest part of my income, I own my own boat. I gill net in the spring, summer, and fall fisheries and crab in the winter. They say that gillnets are not

	selective, given the proper size and the timing it has been proven that gillnets can be selective. With the eight or nine in there, there is hardly any handling of steelhead and with the seines, there is tons of handling.
Bill Hunsinger, Port of Astoria, Commissioner	This is the first year since I can remember going back to 1963, which a coho net was not laid out in the river. Commercial fisherman around 1938, were the first environment to save the Columbia River salmon. They brought their boats and their families down to the river to protest in support of the fish ladders. This is why we have fish ladders today. This was the first effort to conserve the Columbia River Salmon. Not everyone buys a fishing license to go fishing for salmon.
Otis Hunsinger, Salmon for All, Fisherman (SFA), Buyer	I have bought the gear and have the equipment to fish as a conservationist. As we are going up the river to Portland, we are passing the recreationalist heading to Astoria. Has it been considered to have survival boxes on the guide boats? Would like to know what the future is, hard to put up gear and net, buy permits, invest in a business, and grow a business with such uncertainty. The smolt releases are not showing up like you thought that they would.
<del>Jon Haes, CCA Oregon</del>	Did not testify
<del>Art Isrpelson, ANWSH</del>	Did not testify
Brian McLaughlin, ANWS	<p>Sport fishing groups are legitimately upset with the proposal and look at it as if it is a deal that is being abandoned. When you talk about a permanent or fundamental change to what is your principles. Those are your guiding principles where the allocated numbers is going to affect us. We see a staff report that says the commercials are catching more fish and there is a higher x vessel value. It seems like expectations are being met, why is a fundamental shift in policy proposed at this point?</p> <p>The \$40 number that is used in the economic analysis for the used is outdated and needs to be revised.</p> <p>What I do not see in your economic studies is very well excepted economist principle of consumer surpluses. There is an economic value that is reflected in the economic wellbeing and value of a region. It is simply what you spend per day. It is called consumer surplus and it needs to be incorporated in your economic analysis. It applies to everyone both commercial and recreational.</p> <p>When you look at economic benefits, look at long term, we</p>

	<p>need innovation and selective fish that are effective. This takes money and time. Fundamental change in policy is premature.</p>
<p>Brian Tarbodia, SFA</p>	<p>The tribal fishery in the last few years has went from between three and six drift fishermen, to now 100 or more drift fishermen. The tribes have fish remaining in their allocation and the intent is to come below Bonneville Dam. A fishery was scheduled for this year, but was met with scheduling conflicts and did not work. If you remove the non-tribal, commercial fishery off the river the presence of the tribal fishery will be there, there will be gillnets on the Lower Columbia.</p> <p>I have been involved with the test fisheries with the floating fish trap, the tooth net. Our spring fishery is allocated 2% of the wild steelhead we only utilize .2%. It is the most selective tool in the spring, a 75% mark rate in the spring Chinook. The problem that occurs in the fall is not whether it is a trap, seine, or a fish wheel; it is the fact that it is 70-degree water. If it is a hook or a net it does not matter, we are having bad effects on the fish by handling them and then releasing them. This has to be taken into consideration.</p> <p>Come to Astoria in the spring and see what it is all about. We are not shooing away the sports fishery, our community needs the dollars brought down to Astoria by sport fishing and we rely on it.</p>
<p>Nathan Rogol</p>	<p>During the transition period there has been many studies and scrutiny of the mortality rates on seines and alternative gears, it has come out that gillnets are actually in the right area, right time and place; gillnets are the most selective economic tool that we have available. Keeping gillnets in Zones 4 and 5, along with the rule given by the state are actually keeping the promise not breaking the promise. Would like to see accurate study of hooking mortalities.</p>
<p>Phil Peiron, Owner Pro Cure Bait Shop; CCA; NSIA :5:20</p>	<p>Many of the times, we are given available fishing days when there is not a lot of fish to catch. We hear that the sport fishing has not met their quota, but we keep getting shutdown when the fishing is the hottest. Commercial rod &amp; reel fishing sounds like viable. Need to reevaluate the seasons – some policies do not make sense. Offer the sport fishermen an open season in the ocean when the fish are there so that we can catch the fish. Sport people need fishing days.</p>
<p>Vern Stauss, CCA</p>	<p>Did not testify</p>
<p>Lori Steele, West Coast Seafood</p>	<p>Provided written testimony. <i>This testimony is located in the</i></p>

Processors Association (WCSPA)	<i>commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/11/nov/index.asp</a>
Steve Fick, WCSPA	<p>Look for letter provided from past seafood works-</p> <p>We need impacts to run fisheries; these impacts are so reduced for most of the implementation for most of it is very difficult. I suggest strongly that we look at a metric system because every run, every year is going to be different. Suggests a working group so that constructive input can be considered, this can provide the Commission something to work with. The concept of this Young's Bay bubble fish area serves as a tool to force to fish in areas where the fish are. Offered to work with staff on a fish wheel.</p>
Mike Wullger, , Board Member, Salmon for All	<p>Implementing policy without the science, once the plan was being implemented we then turned around and tried to dig up the science to support the policy. We are going about this very backward. The reason there are low participation is limited contracts, those who had access to different equipment and boats participated. If it had been economically viable, if there was money to be made, and it was, going to replace gillnets, I would have changed. Recently they had contacts for seines and there were not enough players interested in participating because the people that were testing were proving out to not be economically viable. There is misconception when we layout a gill net and it does not stretch from shore to shore, top to bottom. It is a deep river and we have different drifts, are spread out, fish half tails, and are affected by tides. It is a myth that we just mop the river up.</p> <p>The Young's Bay Bubble, select area is a benefit to have these areas to enhance the fishery.</p>
Tim Hounker Family, Casey, Reanna, Heidi, Bernie, Herman, Multi-Generational Commercial Fishing Family	<p>Family is here today to gain a better understanding of what this is all about and what we are trying to accomplish here. All of the family participates in the main stem fishery. We work hard at providing some of the best fish on the market. This is a family business and our family would like to continue doing this, their future is in the Commissions hands. It would be nice to know if gill netting will continue. It would be devastation if you took gill netting away from the main stem and the tribes come down and fish right in front of our home. It would be heart breaking to have the Commission remove gillnets to have someone else come down and take it over. It does not even make sense. Both User groups need to get together to</p>



	<p>make this work.</p> <p>I do not own a gill net that is not selective. The selectivity of the mesh size of the mesh is a useful tool – the size is very important, it is a select tool. I have been fishing with the mesh size and it really works; do not know of a better tool.</p> <p>I have bought a big barge, 30 feet by 60 feet, to try the fish wheel out, and get the ball rolling on this. Worked with it to get this going, but because of zoning and permitting, it has not gone any further. Will work with staff if this is something that you would like to move forward.</p> <p>Teaches us a lot, we work together and accomplish so much and my dad has taught me a lot and I hope that this will be what I do. I love fishing. I take pride in this- I have been fishing with my dad since I was little as I see my brothers come along and learn. We have all learned so much and it builds us as people; you do not see kids at my brother's and sister's age working as hard as we do.</p>
John Horack	<p>What I have not heard talked about is that there are no catch logs. How many sturgeons are being killed? The main issue is that there are not enough fish. Predation problems have not been brought up; Cormorants and sea lions. Fish are being taken out of the nets. The problem is more fish, less predation, more organization. The main thing is that our fish make it to spawning grounds for future generations.</p>

1  
2 Discussion:  
3 Chair Finley – this is an informational meeting today there will not be any regulatory  
4 action taken. This has been an informational meeting for us, and the opportunity for us  
5 to hear your testimony. We will also discuss whether to delay this to improve the quality  
6 and quantity of the information. We will discuss if there will be a regulatory meeting in  
7 December.  
8  
9 Commissioner Akenson wanted to go back to some of the language in Governor  
10 Kitzhaber’s letter regarding Commission’s responsibility in addressing adaptive  
11 management. I feel strongly that the current rebalance plan does not adequately  
12 address what we have been asked to do. Read specific language from Kitzhaber’s letter  
13 dated September 26, 2014, “Each year compare the economics to see how the  
14 commercial and sports industries fared relative to the expectations and assumptions  
15 established for the transition period; additionally, estimate how the management  
16 regimen prior to the rules had been in place.” Brett Brownscombe also updated a letter  
17 in 2012 from the Governor saying, “The Governor believes that the resolution of this  
18 Columbia River problem must enhance the economic benefits for both commercial and

1 recreational interests. Therefore, in my mind the only way we can look at the economics  
2 is by comparing what the economics would be in the absence of this policy. Look at pre-  
3 policy change and estimating if we had the same allocations as we did in 2011 or 2010  
4 before we enacted this transition period. This is the baseline needing to be looked at.  
5 Again, in ORS Chapter 508, the legislature says, “the legislative assembly finds it is the  
6 policy of the state of Oregon that rules as a whole related to the Columbia River fish  
7 management reform that are adopted by the State Fish and Wildlife Commission.  
8 Enhance the economic viability of Oregon’s recreational and commercial fisheries and  
9 the communities that rely on these fisheries.” We have not seen an example in the  
10 rebalance plan or even looking at the transition that adequately addresses those  
11 concerns that have been repeatedly told to us that we must follow. I would like to see a  
12 rebalanced plan based on those numbers that we are not seeing economic harm to  
13 either fishery because of this change of rules that we are making. Otherwise, I do not  
14 feel we are doing the job we are asked to do. I do not think that the rebalance has gone  
15 far enough to address those economic harms relative to “if the policy had not been  
16 changed,” which is the mandate that we have been given by the Governor and the  
17 Legislature to do. Additional pieces need to be figured out that would make that factual.  
18 So, we as Commissioners can say “yes” we have done the job that we had been asked  
19 to do to ensure that there would not be economic harm relative to that allocation  
20 change.

21  
22 I think it is a question for the Commission to decide what our responsibility is. The  
23 question is what are we being asked to do regarding economics and enhancing  
24 economic feasibility?

25  
26 Ed Bowles, if you ask us to run some analysis and give us the appropriate time, we can  
27 certainly provide you with products. Currently, we are providing the economic  
28 assessment of what we have found without clear direction of what viability is. We can  
29 certainly run different scenarios and speak to our assessment of how the scenarios  
30 meet the other objectives and principles of the policy. The more direction that you give  
31 us the better, it will be as far as bringing you the right information to base your decision  
32 on.

33  
34 Chair Finley suggested that on December 2, 2016, the Commission might not have the  
35 needed information to do rule making. He asked that the staff provide a Director’s  
36 Report, bringing to the Commission other items that the staff would like to be  
37 considered; we will also provide updates on steps forward.

38  
39 Commissioner Buckmaster clarified that the information they are asking for is a model of  
40 the impact of the policy, not the run size. How can the income go up for commercial, the  
41 plan is not working? What we have been shown is increase in run size, which is a  
42 benefit to everyone.

43  
44 Commissioner Buckmaster clarified that if the Commission does not take a rulemaking  
45 action on December 2, 2016 and roll past the January 1, 2017 end of transition date; we  
46 will effectively by rule have banned gillnets from the Columbia River. Despite that there  
47 are no fisheries scheduled in January, it will put the Commission in a position that we

1 will have to amend a rule that was allowed to go into effect because of lack of a decision  
2 by the Commission. It is much better to position ourselves to move forward, not pull  
3 back.

4  
5 Commissioner Webber - I do not interpret as Commissioner Akenson does of what our  
6 directions are. As I read our directions to enhance the economic viability. Which to me, I  
7 read that we are not supposed to do anything that is going to cause either of these  
8 fisheries to wink out. I do not think it says that we are to create more money for both of  
9 them, necessary. I am not seeing that we need to worry about getting the commercials  
10 more than they would have had if there were not the plan. if you read what we are  
11 supposed to do here, if you're looking at the Governor's letter, what he is saying is, we  
12 are going to get the gillnets off of the main stem river and change the allocation. If you  
13 do those two things, it is almost inconceivable that you are going to enhance the  
14 economics of commercial fishing.

15  
16 Assistant Attorney General Steve Sanders provided a plain reading of the statute, which  
17 supersedes the Governor's letter. The legislation not the Governor's letter binds the  
18 Commission.

19  
20 In respect to maintaining vitality of the industry does not mean you are obligated to be  
21 certain that each of the sectors get more money each year. It is that you are trying to  
22 maintain an ongoing commercial fishery and an ongoing recreational fishery.

23  
24 The Legislature intends for the Commission to determine what will be a viable fishery.

25  
26 Commissioner Anderson requested the amount of detail in C4 and C5. We need to see  
27 what the drivers are to understand what dials are being turned. She also requested that  
28 a key of acronyms is included.

29  
30 Chair Finley - In December, the Commission will go into rulemaking only to extend the  
31 end date of Columbia River Fishery Reform transition period to allow more time for staff  
32 to pull together the additional information requested today and to provide additional time  
33 to work with Washington State.

### 34 35 **OTHER BUSINESS**

36 In January, we will be adding an item to the agenda. The Commission will be asked to  
37 approve the recovering of America's Wildlife Act. This was also the Blue Ribbon Panel's  
38 recommendation to Congress. Congressman DeFazio has recently signed on as a  
39 sponsor. We would like the Commission to call him out as a sponsor, but would also like  
40 the Commission to formally issue a resolution supporting that effort.

41  
42 Western Association of Fish and Wildlife Agencies (WAFWA) Mid-Winter meeting will  
43 be held in January – Commissioners Akenson and Wolley will be attending as  
44 representatives for the Commission.

45  
46 In 2018, the department will be hosting the summer WAFWA meeting in Eugene.

47

- 1 Commissioner Wolley has requested that the Commission be provided a tour of the  
2 Elliott State Forest.  
3  
4 Chair Finley asked that when we are in Klamath Falls in 2017 to tie a tour of the  
5 USFWS forensic lab.  
6  
7 Chair Michael Finley adjourned the meeting at 4:30 p.m.