

**To:** Commission Chair Levy, Commissioner Webber, Commissioner Finley, Commissioner Mahnken, Commissioner Schmitten, and Commissioner Carpenter  
**From:** Advisors Buckmaster, Johnson, Sudar and Wells  
**Date:** 10/11/2012  
**Re:** The Kitzhaber Plan – How do we make it work?

Commissioners,

We take seriously the task that you have given us. We have found much to agree with in Governor Kitzhaber's principles outlined in his August 9<sup>th</sup> letter to Chair Levy and Director Elicker. Like Governor Kitzhaber, we believe recreational and commercial fisheries are vital. We adamantly agree with his statements...

"Proposals that fail to enhance benefits for both recreational and commercial interests in the lower Columbia within a conservation framework are an unacceptable solution, as is the status quo," and "I also believe the long term solution must enhance the economic vitality of *both* recreational and commercial fisheries, which provide the public with benefits including recreation, family-wage jobs and businesses, local commerce and export economies, nationally-renowned culinary destinations, and the Pacific Northwest's uniquely high quality of life and culture."

We are certain that the fundamental principles stated by the Governor are violated by what is now proposed to be implemented. The Governor's principles have been lost, and our family businesses will be lost as well unless you help. Since our last meeting, an article concerning the workgroup process appeared in Oregon Public Broadcasting's Ecotrope blog. In the article there was a quote from Jeremy Wright, a spokesman for the group behind Measure 81. He said, "the gillnetters won't be "made whole" by the governor's plan, but they won't be completely wiped out either." That, he said, "is part of the compromise."

We as your advisors do not want to be party to this perverse definition of compromise. We trust that you will share our position. We were reminded of a quote by Mahatma Gandhi concerning compromise which stated, "All compromise is based on give and take, but there can be no give and take on fundamentals. Any compromise on mere fundamentals is surrender. For it is all give and no take." We think that Governor Kitzhaber would like the Gandhi quote much more than the one from Mr. Wright.

In this vein we are submitting for your consideration a background document written by Irene Martin that explores concerns, policy issues, and relevant information regarding Columbia River fisheries. This document is followed by a summary of the elements that we believe a revised plan should contain, and a series of modules that provide more detailed and specific information and advice pertaining to a revised plan. All these documents should be considered as drafts, done under a tight timeline

while we are fishing and also combating Oregon Ballot Measure 81. We point out also that we have not yet received all the information we requested from the agencies, so that we reserve the right to amend any or all of the documents attached, and develop further modules as we consider new information. We have amassed a great deal of information and data to support our advice. We apologize in advance for the quantity, but urge you to take into account the importance of our situation. The history of the Columbia River fishery is littered with broken and unfulfilled promises. Our communities and the consumers they supply cannot afford to stake their industry and livelihoods on a distant promise. We are unequivocal in our belief that you as individuals and trusted leaders will not ask us to take that risk.

# **SUMMARY OF CHANGES TO KITZHABER PROPOSAL**

## **October 10, 2012**

### **Introduction**

In response to Commissioners request, the Commercial Advisors offer an alternative plan for management of fish on the Columbia River. A summary of the plan's elements are outlined below, and expanded upon in the pages that follow.

### **Selectivity and Management**

1. Continue and expand testing of alternative commercial gear.
2. Seek legislation in Oregon and Washington to permit use of alternative commercial gear, but do not prohibit use of any specific gear. Allow Departments to specify gears types to be used.
3. Require managers to adopt more stringent guidelines and rules to reduce mortalities among both sports and commercial fishers.
4. Conduct short and long term mortality studies for all fishing methods of both user groups.

### **Setting Harvest Priority**

1. Establish a true conservation harvest priority.
2. Set all fishing opportunities to remove the maximum number of hatchery fish from the river.
3. Meet the basic principle of enhancing both sport and commercial economies through expanded opportunities in both user groups.

### **Select Area Enhancement**

1. Expand existing and create new Select Areas to accommodate commercial fishermen up and down the river.
2. Require funding of expanded areas and enhancements to be identified and secured before implementing a plan.
3. Restrict sports access to Select Area fish.
4. Any shift in mainstem allocation must be made only after Commercial harvest goals from Select Area enhancements have been met.

### **Conservation vs. Allocation**

1. Change all non-Tribal allocation to reflect actual number of hatchery fish to be harvested by each user group, allowing consumers additional access to fish.
2. Require plan to comply with all other Federal, State, and Tribal conservation plans.
3. Review mark select fisheries vs. supplementation programs for compliance with true conservation and recovery goals.

Many of the details and discussion of these elements are contained on the following pages. We believe that the adoption of changes to management of fish in the Columbia River Basin can enhance conservation and recovery efforts, while bringing enhanced opportunities to both sports and commercial fishers. The key lies in the implementation of the plan, and a strict adherence to basic principles of conservation, rather than a simple allocation shift between user groups that does nothing for recovery of the salmon. This is a complex issue, and we must rely on the best science available, with our first concern being the conservation of the fish.

# Selectivity and Management

## Management Responsibility:

1. Management (not gear type) is the most important element for selective harvest.
2. Managers should develop and gain approval for new tools. Effective tools should not be removed for mere political reasons.
3. Managers should work with and lead all user groups to find better ways of reducing overall mortality rates on endangered wild populations.
4. Managers, with support from the Commissions, should reward innovation and improvement by expanding harvest opportunity i.e. more days, more fish, etc.
5. Under a mandate by the Commissions, managers should conduct both short- term and long-term mortality rate studies for all gear in both sport and commercial fisheries.

## Our Advice:

1. Proposed new harvest methods should follow the tanglenet development model for feasibility, mortality, and economic viability.
2. Create funding mechanisms to aid purchase of alternative gear and fund fishermen training programs.
3. Continue testing of alternative commercial gear.
4. Mandate the use of wild fish recovery boxes on all Columbia River Guide boats 20 feet or over in length.
5. Require all operators of recovery boxes to be trained and certified in their use.
6. Require barbless hooks and prohibit the use of treble hooks in all fisheries where listed fish must be released.
7. Discontinue hatchery card programs on the Columbia River.
8. Require the use of rubber landing nets.
9. Eliminate the use of bait where listed fish must be released.
10. Establish annual bag limits on spring and fall Chinook at no more than 5 fish.
11. Institute “Rack your Rod” rule that requires a fishing rod not be used once an individual’s bag limit is met.
12. In any fishery where days open are constricted based on run size, stagger the “guide” fishery to alternate days.
13. Require landing log books be maintained by the guide fleet with reporting requirements constructed to assist in-season management. Penalties for log book violations should not exceed those levied against the commercial fleet for similar violations.
14. Establish rule that states legal fish when landed may not be discarded.
15. The expansion of guide fleet activity continues to create conflict between and within all user groups. Establish limited-entry guide programs within both states.

## Setting Harvest Priority

### Pros:

1. Current priority system has increased sports fishing open days on the mainstem Columbia River.

### Cons:

1. Commercial harvest opportunity on the Columbia River mainstem has steadily decreased without any corresponding increase in Select Area harvest.
2. Ability of staff to manage hatchery/wild interaction on spawning beds has been decreased.
3. Current priority system operates independent of, and sometimes in opposition to, recovery and building abundance.
4. Current system violates Oregon law. (ORS 506.028 & ORS 506.109)
5. ODFW hatcheries have sold over 5 million pounds of adult anadromous fish with income of almost \$5,000,000 in the last nine years. This is a business the State does not want and constitutes lost opportunity for harvest.
6. Proposed priority shifts are inconsistent with the fundamental principles of Governor Kitzhaber's letter dated August 9, 2012.

### Our advice:

1. **ESTABLISH CONSERVATION HARVEST PRIORITY!**
2. Scrap current season setting, allocation and geographic harvest area systems.
3. Shape all seasons and allocations to remove the maximum number of hatchery fish from the system. This will support hatchery reform and maximize economic benefit to both user groups.
4. Expand commercial harvest areas to include the lower Willamette River and any other lower tributaries in order to comply with item #3.
5. Collaborate with Tribes to ensure compliance with US v. OR and maximize below Bonneville harvest.
6. Obtain legal guidance to make sure new plan meets Oregon Food Fish law and all pertaining Washington statutes.
7. Amend law to allow the removal of hatchery steelhead by commercial fishing consistent with the objectives of HSRG.
8. Within the Conservation framework, have staff construct seasons to meet Governor Kitzhaber's fundamental principles outlined in his August 9, 2012 letter which preserve and enhance both sport and commercial fishing economies.
9. Include actual sport and commercial harvest from Select Area releases as part of item #7.
10. Maintain the current "North of Falcon" process.
11. Allow staff to incorporate all legal gear in plans to achieve Conservation Harvest Priority.
12. Incorporate new gear into harvest system after it is legalized and approved for use by all controlling governmental entities.

- 13.** Direct staff to incorporate commercial requirements for quality product, reliable supply, market demand and other economic/marketing concerns when setting seasons.
- 14.** Require recreational and commercial sectors to develop and submit business and harvest plans which embrace the Conservation Harvest Priority. Direct staff to consider and incorporate the submitted plans when recommending seasons and allocations.

## Select Areas Enhancement

### Pros:

1. **Select Fish Count!** Any fish harvested in or enroute to the Select Areas provides a benefit to the sports or commercial fisherman.
2. Select Area fishery programs have the ability to predominately direct harvest to a specified user group.
3. Select Areas can concentrate returning hatchery fish and thereby maintain harvest numbers without overloading recovering tributaries.

### Cons:

1. Select Area harvest only generates 1/3 of the revenue of the commercial fishery.
2. Select Areas do not directly contribute to system-wide recovery or abundance.
3. Select Areas as currently configured are largely in Oregon disadvantaging Washington fishermen and processors.
4. The commercial fishermen in the lower Columbia River are located in both states along 145 miles of river. Current Select Areas are concentrated in the lower twenty miles disadvantaging upstream small businesses.
5. Current Select Areas are not large enough to accommodate the commercial fishing fleet.
6. Unused hatchery capacity, particularly in Washington, is very limited. Increased releases in existing or new Select Areas would decrease releases in existing programs creating a “zero sum” situation.
7. **FUNDING, FUNDING, FUNDING!** The single largest source of funds for the existing Select Areas is BPA and they have notified the program operators that funding will end in 2016. No new sources of funds have been identified, allocated, or even promised.
8. Advocates of the plan currently before the Commissions have already begun to scale back support for increased funding.
9. New or expanded Select Areas have not been identified, proposed or approved for Commission consideration.

### Our Advice:

1. Secure funding for existing Select Area program.
2. As new funding allows, enhance existing Select Areas by expanding rearing facilities.
3. As new funding allows, move significant numbers of available salmon smolts to enhanced rearing facilities.
4. Identify, approve and fund creation of new Select Areas with priority given to Washington and upstream locations to enhance full fleet support.

5. Immediately seek legislative approval to allow commercial harvest in the lower Willamette River. Rearing facilities or fish transport would not be required. A ready-made select area currently exists via the operation of Willamette Basin hatcheries.
6. As stated in the "Pro's" heading, **Select Fish Count**. Any fish harvested by either sports or commercial should be used in calculating harvest sharing formulas. Until they are in someone's boat they are just an unfulfilled promise,
7. In order to direct harvest of Select Area reared fish to the commercial fleet, do not adipose finclip the smolts. This is particularly important for the high value Select Area Bright fall Chinook.
8. By policy and rule, do not allow mainstem harvest sharing to be altered prior to actual increased commercial harvest within Select Areas.
9. In order to direct enhanced Select Area harvest to commercial fleet and minimize in-river interception by the sport fleet move lower boundary of the fall sport opening above Tongue Point. At a minimum the sports fleet should be moved above the Astoria-Megler Bridge.

## Conservation vs. Allocation

### Situation:

It is hard to tell exactly what Governor Kitzhaber's goal is, or what he perceives is the problem that his plan might fix. His stated goals of enhancing fisheries while reducing mortalities on ESA listed native fish are laudable, but we must examine the plan closely to see if these goals would be reached by its implementation. In any problem solving scenario, we must first identify the problem we are trying to solve, define its scope and then seek the best solutions. In this case, none of this has happened prior to seeking a solution. We have a proposed solution, without an identified problem.

1. A change in allocation of impacts on ESA fish from the present allocation to an across the board allocation of 70% for sports anglers, and 30% for the commercial fleet does nothing for conservation, as the same number of ESA listed fish will be killed, just by different fishers and will cost the commercial industry \$1.5million.
2. NOAA establishes the number of ESA fish that can be killed in the Columbia basin, and nothing in the Governor's plan purports to change those numbers, thereby rendering any real reduction in mortalities on these fish impossible under his plan.
3. Moving additional smolts to the Select Areas will only contain a conservation element if the smolts to be moved to the select areas are removed from tributaries where too many hatchery fish are invading spawning beds.
4. Reductions in mainstem fishing by the commercial fleet can only result in actual reductions in mortalities to ESA stocks if the impacts are not transferred to the sports industry, but rather used to reduce the number of ESA listed fish that are killed.
5. The plan as currently presented calls for gear types which have not been tested for long-term mortality or economic viability. Most, if not all, proposed new gear types are currently **not legal** for use.

### In addition:

*The ESA Recovery Plan: Lower Columbia River Salmon and Steelhead* currently being reviewed by National Marine Fisheries Service is a combination of plans developed in Oregon and Washington. The Plan specifies that one of the goals of recovery is fishing, including commercial, tribal and recreational, and that commercial fisheries have a role to play in recovery, by removing surplus hatchery salmon from straying onto spawning grounds where they would compete with naturally spawning salmon. The Plan also specifies various measures to be undertaken by the hatchery, habitat, harvest and hydro sectors to recover salmon populations listed under the Endangered Species Act. These measures are the product of several years of stakeholder meetings, multi-agency deliberations and public hearings, and are the road map to recovery. The plan in its entirety can be found at: <http://www.pccouncil.org/>.

The plan, now before the work group, does not take these measures into account, and several of its features fly directly in the face of the Recovery Plan's measures. Alteration of hatchery production, either in the species of fish to be raised, where they are released, and how many are released, important details necessary for SAFE area expansion, will not be permitted if it conflicts with wild/natural spawn salmon recovery. For example, if one wished to expand Select Areas on the Washington or Oregon side of the Columbia, one would have to take into account that rivers including the Chinook, Grays, Skamokawa, Elochoman, Mill, Abernathy, Germany, Clatskanie, Clackamas, Washougal and Gorge Stratum populations are targeted for large reductions in hatchery impacts under the Recovery Plan. The current plan does not address the likely outcome of dramatic fish production shifts in the lower Columbia, how to isolate particular watersheds from straying, out-of-subbasin hatchery fish from new SAFE areas, and other potential conflicts with salmon recovery. The current plan also has only a hazy idea of the potential for "select gear," currently in advanced experimental stages, to resolve a number of the recovery issues, should it prove technologically and economically feasible and acceptable to National Marine Fisheries Service.

### **Our advice:**

1. Do not consider altering current mainstem allocations without fully vetting conservation and recovery consequences.
2. As recommended by previous Commissioners, change the spring Chinook allocation process to reflect actual fish harvest numbers rather than impact splits. This will create consistency with all other allocation systems and reduce confusion. Current allocation of impacts on Spring Chinook result in a sports catch of 80% of available hatchery fish, while consumers only have access to 20%. This has created an unfair sports priority on these fish, and consumers should be given access to more of them, not less.
3. **Prior** to plan completion consult with NMFS, HSRG, Pacific Fisheries Management Council and Tribal governments (inriver and coastal) to ensure the plan is workable within the constraints of their authority.
4. Traditional gillnets are the tool of choice in full retention fisheries such as Summer Chinook and late Fall Chinook. They are the most efficient tool for removing large numbers of hatchery fish when used appropriately. Harvest managers must retain the option to utilize all gear types to best meet conservation objectives.

# **COLUMBIA RIVER COMMERCIAL FISHERY BACKGROUND ANALYSIS OF ISSUES PERTAINING TO GOV. KITZHABER PROPOSAL, Oct. 10, 2012.**

Gov. Kitzhaber's plan opens up possibilities for substantial dialogue and problem-solving among multiple user groups. We offer this document as a background for conflict resolution on a wider scale, as well as addressing specific issues.

In our experience, the surface conflicts endemic on the Columbia have deep roots. Addressing some of the systemic problems is key to making long-term progress. Gov. Kitzhaber's letter states that he seeks to reduce conflict, as well as enhance the economic value of the commercial and recreational fisheries, and in that spirit we offer the following observations about what we believe are some of the root causes behind current conflicts and the basic principles that must form any lasting solution.

As an overall comment, however, let us state from the outset that we believe that the interests of the fish and the fisheries are best served when the various stakeholders work together and find ways to cooperate on salmon recovery, fisheries technology adaptation and habitat restoration. That type of scenario is where the true win-win occurs. A good example is the new Chief Joseph Hatchery, scheduled to come on line in 2016, which will double harvest opportunities for all users. This is truly a win-win, and the commercial fishery should be assured access to what could be a bright future for everyone. Without a mainstem fishery, they will be denied a significant economic opportunity on hatchery stocks of high value, with no conservation purpose served.

## **BASIC PRINCIPLES**

Gov. Kitzhaber's August 9, 2012 letter described several fundamental principles with which we agree. These are:

1. Optimize the economic value of both recreational and commercial fisheries.
2. Operate both recreational and commercial fisheries within ESA constraints and in ways that complement recovery efforts.
3. Reduce allocation conflicts while enhancing benefits for both recreational and commercial fisheries.

We would like to add several basic principles for consideration to those already formulated by Gov. Kitzhaber. These include:

1. The interconnection of fisheries dependent upon Columbia River salmon from California to Alaska and Idaho. We do not want to resolve conflict between Columbia River sport and commercial fishers, only to create conflict elsewhere.
2. The Plan must be science-based, with recovery of salmon as the top priority. The various salmon recovery plans currently being "rolled up" into one document by National Marine Fisheries Service envision harvest, including commercial harvest, as being a goal of recovery, evidence of recovery, and a means to recovery.
3. The Plan seeks to enhance the economic value of the commercial fisheries. We translate this to mean no net loss of income or jobs in the commercial fishery, but rather increases in income and jobs from the commercial fishery. Commercial access to future production enhancements must also be part of any solution.
4. Funding is key to making any plan work. Without guaranteed long-term funding, any plan for reorganizing fisheries will fail. The commercial fishery should not be expected to

alter its fishing methods without guaranteed assurances of stable, long-term funding. Gillnetters reserve the right to return to lower river mainstem fisheries in all five zones with traditional gear if funding is not secured.

5. Putting the whole conservation burden on one group is not fair and will not work. Seeking appropriate “best practices” for sustainable fisheries is the responsibility of each sector.

## **CONFLICT IDENTIFICATION**

Root causes for conflict on the Columbia River include:

**1. Salmon Recovery.** Each group, sport, tribal, commercial, has a different view of recovery. Conflict exists between the tribes who are focused on production, and the agencies, which are under the HSRG mandate to remove hatchery strays before they get to the spawning beds. Both sides have valid points and have done a great deal of valuable work. The tribes point out that a lot of funding is going towards mass marking, reducing the amount available for production and hatchery supplementation; the HSRG is concerned about preservation and enhancement of as many diverse broodstocks as possible. The Salmon Recovery Plans posit a role for harvest in recovery, in removing surplus hatchery fish. We suggest a forum be organized where these issues can be discussed. Is the high cost of mark-selective fisheries justified? Where are these fisheries appropriate? Can the number of mark-selective fisheries be reduced in order to redirect funds to produce more fish? As recovery continues and more naturally spawned fish enter the harvest arena, thus reducing the mark rate, what is the future of mark-selective fisheries? Hatchery supplementation needs to be part of this dialogue.

**2. Impacts** are at the heart of the matter. Governor Kitzhaber’s Aug. 9 letter states on p. 2 that “The Commission should shift mainstem fishery harvest impacts available under this proposed approach to recreational fisheries in order to provide more fishing opportunity and economic benefit.” However, expansion of select areas or of select gear usage is not impact-neutral and may require more, not fewer, impacts. How to maximize impacts is going to involve trading and working together by both sectors.

**3. Limited Entry fisheries.** Most of the fisheries on the Columbia are limited entry except the commercial guide fishery. We believe it is impossible to have stable fisheries on a finite resource, and at the same time have an expanding guide fishery.

**4. Select Areas/ Select Gear.** Where is each appropriate and what can they achieve, both in terms of income augmentation and recovery benefits? What will the impact requirements be? We note that during the development of selective gear, the agencies over and over again stated they would not replace gillnets, but that alternative methods would be “another tool in the toolbox.” This is a promise that needs to be kept. Removing gillnets from the “toolbox” is premature and not backed by science. We point out that seines were removed from the “toolbox” many years ago by initiative petition, which now hampers their potential use. Banning gillnets from the mainstem puts the states in exactly the same position for the future, by once again removing a tool from the toolbox.

Additionally, in terms of select areas, the current ones are already over-crowded. Additional areas must be located and stocked to avoid further over-crowding, but HSRG policy may not be

agreeable. This is a significant issue that must be resolved before any movement will be possible in this area. Otherwise, hatchery production will be reduced or eliminated, which will affect fisheries along the entire coast as well as inriver.

**5. Species.** Hatchery steelhead, currently a game fish, need to be removed from spawning beds as well as other salmonids. Revisiting the game-fish designation is in order, to incentivize commercial fishery capture of these fish for recovery purposes.

**6. Economics.** Cut through the Gordian knot of economics. A lot of money has been spent on dueling economic studies. The overarching conclusion is that various fisheries are valuable and fill unique and distinctive roles in their places. Value is not simply dollar value. The fish have numerous unmeasured and unmeasurable values in terms of recreational pleasure, watchable wildlife, harbingers of water quality or lack thereof, values to traditional societies, ceremonial and subsistence usage, tourism value, etc. Values should not be seen as either/or but both/and. Oregon State University researchers concluded after examining many economic studies that the economy of Oregon was best served when both sport and commercial Columbia River fisheries are robust.

## **SOLUTIONS**

### **ALTERNATIVE GEAR**

1. Refine investigations of the potential of alternative gear. We point out that although beach seines show promise, there are limited areas where they can be fished effectively, and river conditions in any particular year may preclude a site from being productive. Similarly, purse seines have also shown promise, but again, river conditions, particularly in the windy Gorge area, may preclude their use in that locale. Assessment of the economic costs and returns of these gears has not yet begun, and these studies are essential in determining whether these gears aid in achieving Gov. Kitzhaber's goal of enhancing the value of the Columbia River commercial fishery.
2. In order to successfully "mop-up" hatchery surplus fish with these gears, fishers must be able to fish them at peak abundance. The clause in Gov. Kitzhaber's letter of Aug. 9 about using them "when recreational fishery objectives are met" will not optimize their use economically. These gears will require large volumes of high quality fish in order to be economically viable. Timing is critical for their success, and waiting until the "recreational fishery objectives," (which are undefined) are met will likely render the gear valueless. It is certainly a deterrent to investment.
3. Tangle nets have already proven their worth as a mainstem selective gear for spring Chinook, with comparatively low mortality rates. These should be retained, and experimentation for their use for coho in the fall should continue.

### **BUYBACK**

There are fishers who will be unable to afford the significant investments in alternative gears that may be necessary to continue fishing; others, particularly those near the end of their fishing careers may not wish to make the investment. A buyback program funded by a recreational fishing license surcharge should be instituted to compensate for the loss of these businesses. It is

unreasonable to expect commercial fishers to fund such a program, when their livelihoods are the ones most affected by the Kitzhaber Plan, and where numerous economic uncertainties may adversely affect their businesses.

## **FUNDING**

Gov. Kitzhaber's August 14, 2012 letter mentioned funding solutions including "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." We suggest the following possibilities for recreational funding opportunities to assist in any transition from current commercial practices.

1. Fishing license surcharge. Commercial gillnetters have for decades assessed themselves a poundage fee on their catches for operation of SAFE areas. These fish, however, are not just caught by Columbia River commercial fishers but are taken in ocean recreational and commercial fisheries along the Pacific Coast, as well as in coastal treaty tribal fisheries. If the SAFE areas expand, numerous other fisheries will also benefit who are not contributing financially. The Governor could help a great deal in expanding SAFE area opportunity, by ensuring that beneficiaries contribute their fair share towards this goal.
2. Steelhead. Currently a game fish in both Washington and Oregon, this species is also listed under the ESA. Much of the scientific literature regarding the negative effects of hatchery fish interactions on the spawning grounds has been done on this particular species. Currently commercial fishers are not permitted to retain bycatch of this species, and are under a sport/commercial 2% impact rate re wild fish. We point out that the recreational fishery kills more wild steelhead annually than the commercial fishery. We propose to permit commercial fishers to retain hatchery steelhead. These might either be sold, or possibly purchased under a commercial reward fishery system similar to the sport reward fishery for Northern Pikeminnow, and donated to local food banks. The Pikeminnow sport reward fishery is funded by Bonneville Power Administration, and administered by the Pacific States Marine Fisheries Commission.
3. Maximizing the value of the SAFE areas for the commercial fishery could potentially include reducing recreational access to those fish. Since Young's Bay produces 60-65% of all select area fish, creating a large bubble to exclude sport fisheries around the mouth of Youngs Bay and downstream to Hammond would allow more stocks to return to commercial fishermen. A larger bubble could conceivably go as far as the Astoria/Megler Bridge, or even Tongue Point.
4. The bottom line is that funding must be secured to make any plan operable. We need to ensure that the funding is available and secured before any plan is enacted. The commercial fleet cannot trade today's income for a hypothetical future fishery, because today's income feeds our families.

## **IMPACTS**

Reducing impacts available to the commercial fishery and giving them to the recreational fishery will not result in the economic enhancements promised by Gov. Kitzhaber to the commercial fishery under this plan, and we do not believe it will provide much in the way of benefits to the recreational fishery either. The latter fishery is already fishing seven days a week. Providing more impacts will not expand their fishery. The proposed shift in ESA impacts to 70%

for sports fishers and 30% for the commercial fleet will cost the commercial fishery a substantial portion of its income, as much as \$1.5 million per year.

### **LIMITED ENTRY AND RECREATIONAL RESTRICTIONS**

1. Limited entry on guides. Without control of this expanding fishery, any plan will fail and conflict will continue. Limited entry, with or without buyback, is essential to making any plan work. Further, use of recovery boxes on guide boats should be mandatory equipment on boats large enough to support their use.
2. Consider what restrictions on the recreational fishery will be necessary in order to achieve both income and recovery goals for the commercial fishery. For example, in the fall, in order to remove the most hatchery fish, the commercial fishery in whatever form it takes will need to be fishing at times of peak abundance, in order to maximize the effectiveness of its impact level. Since the recreational fishery cannot begin to harvest the hatchery surplus at that time, its desire for recreational priority until its “needs” are met undermines both the commercial fishery’s income goals and recovery plan goals. The clash between HSRG mandates and recreational priority in the mainstem must be addressed. The recreational fishery’s role in recovery in this case is in recognizing commercial priority in order to remove hatchery surplus fish.

### **MAINSTEM ACCESS**

The mainstem Columbia River fishery locations extend from Zone 1 at the mouth of the Columbia to Zone 6. It is important to recognize that the non-treaty commercial fishery gave up access to Zone 6’s mainstem fishery in the court case now known as U.S. v. Oregon. They fish only Zones 1-5, while tribal fishers concentrate in Zone 6, from Bonneville to McNary dams, a distance of 145 miles. The recreational fishery fishes in all the zones, so it already has access to the Zone 6 mainstem area which represents over one-half of the recreational fishing area, as well as the tributaries including the Snake River. The commercial fishery currently retains approximately 145 miles of mainstem access. By transitioning solely to SAFE areas, plus limited mainstem access for tangle net fisheries, the commercial fishery will lose its ability to harvest spring Chinook, summer Chinook and sockeye. Summer Chinook are not listed under the ESA and there is no conservation benefit to be gained by eliminating mainstem gillnet access to them. The recreational fishery already has priority on them. We suggest that in order to make up some of the financial losses that will occur due to denial of mainstem access on other species, additional mainstem gillnet access to these high-value fish would assist in achieving this goal.

Similarly, we point out a large blueback population, of which only one component is listed, the Snake River component. We suggest that providing additional mainstem access to these high-value fish would also help ameliorate losses in other areas. To do so would require marking the Snake River blueback in such a way that they could be released, or, alternatively, transitioning to abundance-based management.

We wish to retain 8” and 9” mainstem gillnet seasons in zones 4 and 5 for upriver brights and hatchery tules in August and fall seasons. This is particularly appropriate because of the lack of SAFE area possibilities in those particular zones. This is a clean fishery, operating on abundant wild and hatchery stocks. We also wish to retain 8” and 9” seasons in Zones 1-5 in late September and October after wild tules have cleared the mainstem and gone into the tributaries. Again, there is no conservation benefit to be realized by not using this gear. In October we wish

to use 5" to 6" gear for coho, while we continue tangle net experiments. By fishing on the peak abundance, maximum results for impacts available should be achieved.

We note that the Cowlitz Hatchery has just been reprogrammed to double its spring Chinook production, from 900,000 to 1.8 million smolts; Chief Joseph Hatchery will take its first eggs in 2013, with planned summer Chinook production of approximately 2.65 million smolts. The U.S. Army Corps of Engineers will be producing approximately 10,000,000 additional upriver bright fall Chinook smolts as part of the John Day mitigation program. It is significant to note that the funding for this production is derived from federal mitigation moneys or PUDs, through FERC relicensing agreements. No state dollars are involved. Mainstem fisheries are the gillnet fleet's only access to this increased production, which is mitigation for fisheries damaged by operation of hydro-electric projects, including commercial fisheries.

Gov. Kitzhaber may not have been aware of this production increase when he set forth his concepts. Nonetheless, his plan essentially prevents the gillnet fishery from access to the larger pie. These are high-value fish, and cannot be compensated for by lesser-value SAFE area production. The Governor's goals of maintaining the economic health of the commercial fishery while concentrating it in the SAFE areas is incompatible with the increased production regimes. BPA's stated goal of ending funding for SAFE areas in 2016 is also incompatible with the Governor's stance.

## **PRODUCTION PRIORITIES**

Set priorities on production. In order to expand SAFE areas, either into new areas or to increase production in current areas, more fish will need to be transferred from hatchery facilities to acclimate to those areas. In times of high abundance, this should not be a problem. In years of low abundance, when hatcheries do not have enough eggs to fulfill all their obligations, it is essential that the SAFE areas have priority in order to ensure that the obligation to the commercial fishery to retain its economic level is fulfilled. This should not be a problem for the recreational fishery, since they have the opportunity to fish on those same fish returning to the SAFE areas, and currently are estimated to be catching from 1/3 to 1/2 of that production. The reverse is not true; under this plan, the commercial gillnet fishers would not be able to fish in the mainstem on harvestable surpluses and in low abundance years SAFE area production should take priority.

## **SAFE AREAS**

Investigate potential SAFE areas for Washington and Oregon. Studies done years ago indicated there were no areas that met the stringent criteria in Washington except Deep River. Current Oregon SAFE areas are all in the lower river. We suggest investigating other areas that we think show promise. These are Multnomah Channel/lower Willamette, Oregon, and Cathlamet Channel in Washington, as well as the Cowlitz River. Flexibility regarding impact levels will be critical in ensuring the success of the Cathlamet Channel. A higher impact level may be necessary to prosecute this fishery, and consideration of how to access the needed impacts must include the recreational fishery, which may have to contribute impacts. The recreational fishery will also need to be on board in order to ensure the success of Multnomah Channel/lower Willamette. Other locales may exist, but many, e.g. the Elochoman, Grays River, etc., are not available due to their proximity to streams designated under recovery plans for natural production.

## **TIMETABLE**

Expand the timetable posited in the Kitzhaber plan. Three years is not even one life cycle for Chinook, which may return as 4, 5 and even 6 year olds. Monitoring and evaluation must take place to determine whether a SAFE area is successful. Not all fish adapt to SAFE areas. For example, spring Chinook failed to return to Deep River despite all efforts. Stray rates must also be evaluated out of concern for recovery. Further, studies of long-term mortality rates in seine gear are not completed, nor is an economic study even under way for alternative gear. It is unacceptable to expect the gillnet fishery to agree to any plan without funding being in place and significant production benchmarks being achieved.

## **CONCLUSION**

The Kitzhaber process provides an opportunity for dialogue and real progress on long-term issues affecting Columbia Basin fisheries. We believe that expanding the timetable to allow more substantive discussion among agencies and stakeholders is essential to achieving the Governor's conflict resolution goal, and in making the major changes both his framework and our long-term experience with Columbia River fisheries suggest may be needed. We remain committed to participate in any process that focuses on Gov. Kitzhaber's overarching principles, and request consideration for the principles we have identified in this document as additionally necessary to successful conclusion of this process.