



COASTAL CONSERVATION ASSOCIATION

October 16, 2019

SENT VIA EMAIL

Chair Carpenter, Chair Finley, Commissioners:

We are writing to outline our concerns about the Oregon-Washington Columbia River Policy Review Committee (PRC) process and our opposition to the continued efforts to abandon the bi-state Columbia River Fishery Reforms. Instead of finding consensus around a plan for improving the implementation of the bi-state reforms, the earlier actions of the PRC have created greater non-concurrency between the two states. The proposals currently under consideration threaten to plunge the management of these fisheries into extreme conflict and uncertainty for all stakeholders and come at a time when many Columbia River salmon and steelhead returns are near record lows.

Beginning with the first meeting of the PRC in January of 2019, it was clear that there was a strong bias against the bi-state Columbia River fishery reforms. Four of the six PRC commissioners were outspoken proponents of restoring mainstem commercial gillnetting. There was little surprise when the PRC voted 4-2 on February 26 to recommend restoring year-round gillnetting to the mainstem Columbia River. This extreme recommendation generated immediate public opposition and alarmed legislators in both states – at a time when both agencies had budget and Columbia River endorsement legislation pending in their respective legislatures. It was no coincidence the full Oregon Commission never brought the PRC recommendations up for a vote.

Unfortunately, the Washington Fish and Wildlife Commission was incorrectly advised by staff that it needed to make a policy decision at its March meeting in Spokane to provide guidance for the North of Falcon process for setting fall fisheries. The Spokane vote occurred just days after the PRC recommendations were adopted, with no opportunity for advance public review and comment, and took place hundreds of miles from the lower Columbia River. Members of the Washington Commission -- and subsequently the public and legislators -- were then misled that the policy decision only applied to 2019 fall fisheries. The Washington Commission's [March 4 press release](#), which a Washington State Public Disclosure Request revealed was heavily edited by PRC Chairman Donald McIsaac, led off with the following statement: *"The Washington Fish and Wildlife Commission has agreed to allow the use of gillnets during the fall salmon fishery on the lower Columbia River while state fishery managers work with their Oregon counterparts to develop a joint long-term policy for shared waters."* We now know the full ramifications of the apparent vote to adopt the PRC recommendation was to restore year-round gillnetting, which has now been cast as the "status quo" by members of the PRC.

The Washington Commission's March vote in Spokane effectively killed the legislative reauthorization of Washington's Columbia River Salmon and Steelhead Endorsement and WDFW's proposed license fee increase – costing the agency over \$17 million in the 2019-2021 biennium. The agency now faces a massive budget shortfall, continued public outcry over its policy decisions, and skeptical legislators as it asks for \$26 million in supplemental funding. This is truly unfortunate and was completely unnecessary. The future of Oregon's Columbia River endorsement, which funds a large portion of the off-channel production benefiting the gillnet fleet, hangs in the balance.

As the Commissions prepare to take additional actions on the bi-state Columbia River reforms, we urge you to consider the following:

Mainstem gillnetting is inconsistent with the primary challenges facing our mixed-stock Columbia River fisheries: 1) the conservation and recovery of wild and ESA-listed salmon and steelhead populations; and 2) the need to selectively harvest returning hatchery fish to comply with the ESA and maintain/increase hatchery production within a limited number of impacts on ESA-listed stocks.

For nearly two decades, federal and state fishery managers have reduced mainstem gillnetting due to concerns about the impact to ESA-listed salmon and steelhead populations. NOAA's 1995 draft recovery plan for ESA-listed Snake River salmon recommended mark-selective mainstem fisheries, increased hatchery production in the off-channel areas to benefit gillnet fisheries, and removing gillnets from the mainstem - by 2003! Sound familiar? We believe efforts to turn the clock back and restore mainstem gillnetting are on the wrong side of history and are inconsistent with the current and future challenges facing our salmon and steelhead.

Contrary to recent claims otherwise, mainstem non-tribal Columbia River gillnet fisheries do NOT help reduce the proportion of hatchery fish reaching wild spawning areas to help us meet federal requirements for maintaining hatchery production in compliance with wild salmon protections under the ESA.

In the lower Columbia River's mixed-stock fisheries, mainstem gillnets catch and kill the ESA-listed and wild salmon that are co-mingled with hatchery-reared salmon. As a result, they do not change the proportion of hatchery salmon on the spawning grounds (pHOS) – the key measurement under the ESA. This is often referred to as “straying.” The federal government places limits on the proportion of fin-clipped hatchery salmon that can stray onto the spawning grounds under the ESA. Compliance with these limits will only be achieved through mark-selective fisheries, the use of weirs, or further reductions in hatchery production, which comes with negative ramifications for numerous fisheries and species like orca whales that rely on salmon.

Traditional gillnets are incapable of mark-selective fishing because they kill so many of the fish that become ensnared by their gills. In nearly all gillnet fisheries the ESA-listed and wild salmon that are caught in the gillnets are harvested. Since most state fisheries are required to stay within federal limits on the number non-fin-clipped ESA-listed salmon that may be harvested or killed, the non-selectivity of gillnets can reduce the number of hatchery salmon that can be harvested within the available ESA impact limits for targeted salmon species, as well as bycatch species like Steelhead. As a result, mainstem gillnetting LIMITS our ability to maximize the selective harvest of hatchery-reared salmon within the limited ESA impacts available to non-tribal fisheries.

Rather than merely ensuring that state fisheries stay within their available ESA impact limits – the bare minimum under the law – the Commissions must focus on policies that seek to optimize the harvest of hatchery fish and the escapement of wild fish within the available ESA impact limits. Thus far, the PRC discussions have only focused on how to allocate the ESA impacts, rather than discussing how to leverage them to optimize economic and conservation objectives – including the selective harvest of hatchery fish.

The gillnet industry and their advocates have consistently worked to redefine the economic baseline and goals for the bi-state reforms.

The original bi-state reforms included a \$3.86 million average ex-vessel value baseline as a measurement of commercial economic viability and economic health – it was never intended to permanently guarantee the gillnet industry a percentage of the salmon returning to the Columbia River. However, former Oregon Commissioner Bruce Buckmaster consistently pushed ODFW staff to analyze how the gillnet fleet industry’s historical share of the harvested fish was affected by the reforms. This flawed view is akin to a catch share system for the Columbia River commercial gillnet fleet and ignores the overarching intent of the reforms, which was to provide greater certainty and optimize the overall value of Columbia River fisheries – commercial and recreational - within the limited impacts to ESA-listed fish available to manage these fisheries.

Oregon’s Senate Bill 830 directs the Oregon Commission to “optimize the overall economic benefits to this state” (Section 3a(1)(a)) and “enhance the economic viability of Oregon’s recreational and commercial and the communities that rely on these fisheries” (Section 3a(1)(b)). While SB 830 also directs the Oregon Commission to use adaptive management if the economic objectives of the reforms aren’t met, it does not support Buckmaster’s view of the economic baseline as permanent entitlement. Meanwhile, the mandate of the WDFW and the Washington Commission under RCW 77.04.012 is to “seek to maintain the economic well-being and stability of the fishing industry in the state” consistent with the conservation of fish species. Court decisions interpreting this statute do not support it being a permanent entitlement.

The PRC has spent very little time considering strategies for optimizing the overall economic value of lower Columbia River fisheries within the context of enhanced off-channel areas for commercial gillnetting, a mainstem priority for economically valuable recreational fisheries, and utilizing fishing gears capable of selective harvest – commercial and recreational – to selectively harvest returning hatchery fish. Instead, the PRC has largely focused on arbitrary discussions about impact allocations that don’t fully consider how to optimize the overall economic value of these fisheries within the available impacts.

The PRC’s earlier actions put the funding of ODFW, WDFW, and Columbia River fishery management at serious risk.

Recreational anglers in Oregon and Washington provide the largest share of the funding available to ODFW and WDFW for Columbia River fishery management, including funding for off-channel hatchery production primarily benefiting the gillnet fleet. For example, the ~175,000 Oregon anglers who purchase the Columbia River endorsement generate an estimated \$13 million in endorsement, license/tag, and federal excise tax revenue for ODFW. The Oregon Columbia River gillnet fleet generated \$223,676 in annual license, permit, commercial fish fund, and R&E surcharge revenue from 2007-2011 (Source: Fiscal Impact Statement, Measure 81). In Washington, the over 216,000 anglers who purchased the Columbia River endorsement in 2015 generated an estimated \$10.3 million in endorsement, license, and federal excise tax revenue for WDFW. This compares to approximately \$250,000 in food fish excise tax and license fees paid by the Washington Columbia River gillnet fleet.

Reversing the bi-state Columbia River reforms by returning gillnets to the mainstem will likely lead to the loss of the Oregon's Columbia River endorsement and the off-channel hatchery production it helps fund. It will also make future agency funding requests in Oregon and Washington more challenging – whether through a license fee increase or general fund requests – as legislators become increasingly concerned with agency policy decisions. This all comes against the backdrop of continued efforts by the Bonneville Power Administration (BPA) to reduce its fish and wildlife spending in the Columbia River basin, including proposals to cut off-channel “SAFE” area hatchery production. How is more controversial, non-selective mainstem gillnetting the answer to these challenges?

The implementation of selective commercial fishing gears has been crippled by agency inaction, flawed release mortality studies, and blatant double standards compared to agency management of gillnet fisheries.

On numerous occasions we have outlined how the agencies have mismanaged the implementation of purse and beach seines, including flawed release mortality studies. Instead of working to correct these errors, the agencies have instead focused on removing barriers to maintaining mainstem gillnetting – including last year's decision to reduce the steelhead release mortality rate assigned to mainstem gillnets in fall fisheries based on non-scientific observer data.

Meanwhile, the testing of pound nets in the lower Columbia River has been managed by a non-profit organization, rather than the agencies, and has been subjected to rigorous monitoring and studies to determine release mortality. Contrast this with the monitoring of traditional mainstem gillnetting, which has only been monitored six times in the past 22 years – across multiple fishing seasons most of those years. The Zones 4-5 fall gillnet fishery, which is frequently held up as being selective, has only been observed once (2017) since the Columbia River reforms were adopted in 2013.

If we are serious about the long-term sustainability of Columbia River fisheries and maintaining hatchery production, action is needed to fully transition to fishing methods capable of mark-selective harvest for mainstem fisheries – recreational and commercial. Unfortunately, we have seen little in the PRC discussions thus far to indicate that the group plans any action in this critical area.

The bi-state Columbia River reforms are the product of years of extensive work and compromise.

The Columbia River fishery reforms were formally initiated about a decade ago with the first transfers of hatchery production to the off-channel areas – primarily to offset reductions in mainstem gillnetting. Prior agreements by BPA to fund off-channel hatchery production were also predicated on the same principle: less mainstem gillnetting.

In recent years, the off-channel areas have seen significant additional increases in hatchery production as part of the reforms. The production increases have resulted in record off-channel harvests. In 2017, the off-channel gillnet fishery harvested 12,131 spring Chinook, which compared to 10,474 spring Chinook harvested by sport fisheries in the Columbia and Snake Rivers. This means that off-channel spring Chinook gillnet harvests exceeded those of hundreds of miles of recreational fisheries.

Beginning next year, the additional increases in spring Chinook hatchery production initiated as part of the Oregon Commission's March 2017 rule revisions will begin returning to the off-channel areas – enhancing both spring and summer gillnet harvests even more. Those March 2017 rule and policy changes received a unanimous vote of the Oregon Commission – including Commissioners Akenson and Buckmaster – and were billed as the compromise needed to maintain the economic viability of the gillnet fleet members. Just two years later, the members of the PRC have advocated a near complete reversal of the reforms.

The facts strongly support the implementation of the Columbia River fishery reforms, including the need for a gillnet license buyback.

There are just a handful of fishermen who are actively making a living in the Columbia River gillnet fishery - a reality that predated the reforms. In fact, from 2007-2011 only nine (10%) of the active Washington gillnet permits landed an average of more than \$20,000 in ex-vessel value. Most active fishermen (64%) landed less than \$10,000 in average annual ex-vessel value. 90% of active Washington gillnet permits landed less than \$20,000 in average annual ex-vessel value. The situation is very similar in Oregon. A coordinated, bi-state gillnet license buyback is needed to address this overcapacity and provide gillnetters who wish to retire or who do not wish to fish the off-channel areas an opportunity to leave the fishery.

On a per fish retained basis, the economic value of a salmon harvested in the recreational fishery far exceeds that of a salmon harvested in the Columbia River gillnet fishery. In fact, in recent years a fish retained in the recreational fishery has been worth about \$215 each in trip expenditures. A salmon harvested in the commercial gillnet fishery is worth about \$37 based on the ex-vessel value and WDFW's commercial multiplier.

The PRC has also heard about the unmet demand that exists for recreational fishing opportunity throughout the Columbia River basin, including for spring Chinook. Instead of considering how to optimize the management of spring Chinook to generate economic value through recreational fishing opportunity throughout the basin, the PRC has focused on efforts to restore mainstem gillnetting – despite the large gillnet harvests of spring Chinook in the off-channel areas.

In summary, we offer the following comments and concerns:

- The PRC's February recommendations were the result of the views of the Commissioners who were selected to serve on the committee and should not be considered the "status quo" for any potential changes to 2020 and beyond. Members of the Washington Commission were not given accurate information about the need for, and practical effect of, their rushed March vote in Spokane.
- Mainstem gillnetting is inconsistent with the primary challenges facing our mixed-stock Columbia River fisheries: 1) the conservation and recovery of wild and ESA-listed salmon and steelhead populations; and 2) the need to selectively harvest returning hatchery fish to comply with the ESA and maintain/increase hatchery production within a limited number of impacts on ESA-listed stocks.
- The primary purpose of the Columbia River reforms remains valid today: to improve the conservation of wild and ESA-listed salmon and steelhead through selective harvest practices and optimize the economic benefits of these fisheries within ESA constraints.

- The Columbia River reforms were never intended to forever guarantee the commercial fishing industry a percentage of salmon harvests, but to enhance the viability of the commercial and recreational fishing sectors and the communities that rely on these fisheries.
- The PRC's earlier actions have created less concurrency between Oregon and Washington and have put the funding of ODFW, WDFW, and Columbia River fishery management at serious risk.
- The implementation of selective commercial fishing gears has been crippled by agency inaction, flawed release mortality studies, and blatant double standards compared to agency management of gillnet fisheries. The Commissions must make the development of this gear a priority.
- The bi-state Columbia River reforms are the product of years of extensive work and compromise, including the March 2017 unanimous vote by the Oregon Commission adopting their current rules, which have provisions both sides oppose.
- Gillnet landings data, the differences in economic value between the commercial and recreational fishery, the enhancement of the off-channel areas, and broader demographic changes in the gillnet industry all support the continued implementation of the reforms – including a buyback program in both states.

We urge you to resist the continued efforts to abandon the Columbia River fishery reforms and instead provide the oversight necessary to ensure the reforms achieve their conservation and economic objectives.

Sincerely,



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CCA Oregon



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