

FRED GIROD
STATE SENATOR
DISTRICT 9
Portions of Marion, Linn and Clackamas County



OREGON STATE SENATE
900 COURT ST NE
SALEM, OR 97301

November 23, 2016

Governor Brown,

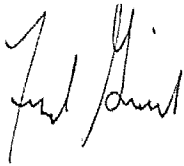
We are very concerned with the direction the ODFW Commission is taking on amending the rules implementing the Columbia River Reforms. Your appointee, Bruce Buckmaster, is leading an effort to rollback the reforms with continued extensive gillnetting in the mainstem of the Columbia River. This is NOT what we envisioned when we passed Senate Bill 830.

- SB 830 outlined four primary objectives for the Columbia River fishery reforms (Section 3a). The Commission appears to be putting one part of just one objective – enhancing the economic viability of commercial fisheries -- ahead of the rest of the objectives outlined in SB 830 and the foundational components of the bi-state agreement, including optimizing the overall economic value of Columbia River fisheries, transitioning to selective fisheries, and prioritizing recreational fisheries in the mainstem.
- SB 830 did not guarantee increased income for the commercial fishing industry or set a new economic baseline for considering the impact of the rules to the commercial industry. The Bi-State Columbia River fish working group report did set an economic baseline of \$3.6 million in commercial ex-vessel value (later revised to \$3.86 million).
- Sections 4 and 5 of SB 830 established the Columbia River Fisheries Transition Fund to mitigate for potential economic harm and offset the cost of fishing gear changes to the commercial industry. For the purposes of administering the Transition Fund, SB 830 defined "economic harm" as "the reduction, unrelated to environmental and market variability or personal circumstances, in the annual income of an individual" that is due to the rules adopted by the Commission. Not a single application for funding has been received even though the rules shifted allocations during the transition period – in direct conflict with the argument of some industry proponents that the commercial industry was entitled to what it would have received in absence of the reforms.

- SB 830 also established the Columbia River Basin Endorsement to fund the reforms. This \$9.75 annual endorsement fee – paid for by recreational salmon and steelhead anglers throughout the basin – funds these reforms and ODFW Columbia River fisheries management activities. The nearly 175,000 endorsements sold annually generates more than \$1.25 million for ODFW. When combined with revenue from the sale of fishing licenses and federal excise taxes on recreational fishing tackle, Columbia River fisheries generate over \$13 million for ODFW annually. Columbia River commercial salmon fisheries generate just a fraction of this amount of revenue for ODFW's budget.

If you do not correct this course, we fear that Oregon will break concurrent management with Washington and force us back into a bitter fight that the current reforms were set out to resolve. Please let us know how you plan on fixing this problem because sitting on the sidelines while your appointee Bruce Buckmaster dismantles the Columbia River Reforms is unacceptable. Your leadership is needed.

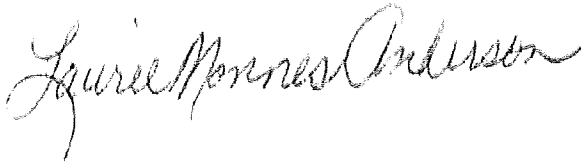
Sincerely,




Senator Fred Girod



Senator Rod Monroe



Senator Laurie Monnes Anderson



Representative Bill Kennemer

Michael Finley, Chair
Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive, SE
Salem, OR 97303

28 November 2016

Curt Melcher, Director
Oregon Fish and wildlife Department
4034 Fairview Industrial Drive, SE
Salem, OR 97303



I am submitting the enclosed letter for inclusion in the public record and request that it be included in the packets for the Commissioners for the upcoming and any future meetings at which this issue is discussed.

Sincerely,

Handwritten signature of John A. Kitzhaber.

John A. Kitzhaber, M.D.
Oregon Governor
1995-2003, 2011-2015

Michael Finley, Chair
Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive, SE
Salem, OR 97303

28 November 2016

Curt Melcher, Director
Oregon Fish and wildlife Department
4034 Fairview Industrial Drive, SE
Salem, OR 97303

Dear Chair Finley and Director Melcher,

I am writing concerning the deliberations by the Commission on the future of the Columbia River reforms jointly developed and agreed to by the Oregon and Washington Commissions. It has come to my attention that letters on this subject written during my tenure as governor are being interpreted in a manner that does not fully or accurately capture the intent of my communications. Specifically, I understand that parts of my third letter to the Commission dated September 26, 2014 (attached) has been reinterpreted by some to suggest that the Oregon Commission should rewrite baseline viability numbers for the reforms. I respect that the Commission has a duty to review the performance of the Columbia River reforms, and I therefore submit this clarification for your consideration and as part of the public record.

The highly charged atmosphere of thirteen species of Columbia River salmon and steelhead listed under the Endangered Species Act—and decades of bitter and divisive conflicts between sport and commercial fishers over allocation—culminated in a 2012 ballot measure initiative petition campaign to eliminate gill nets and tangle nets completely from all Oregon waters.

I was convinced that an anti-gillnet campaign was not in the best interest of Oregon, or of the commercial fishing fleet and, consequently, I worked to persuade proponents of the initiative to abandon this path and, instead, to work with my office—through a joint state process—that would lead to a more complex, yet more complete and balanced solution. The parties abandoned the campaign, worked to help defeat the initiative, and agreed to the two-state process with the Washington and Oregon Commissions.

My position on this matter is clearly captured in the second bullet on page 2. **"Adaptive management does not mean abandoning the rules or their core elements** but there are ways the Commission and the Department can react to new facts and issues within the overall management framework if unanticipated conditions arise and the objectives of the rules are not being met despite the good faith of those involved." (Emphasis added)

My September 26 letter also makes several recommendations for the Commission to consider as rule implementation moves forward (third bullet on page 2). "Every year, compare the economics to see how the commercial and sports industries fared relative to the expectations and assumptions established for the transition period; additionally estimate how they would have fared if the management regime prior to the rules had been in place."

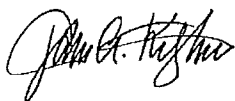
It is a distinct possibility—one which should not be minimized—that had we not convinced the parties to establish this two-state process, instead of pursuing the ballot measure, a complete ban on gill nets might be in place today. In any event, my suggestion of two ways to examine results was in *no way* an endorsement of establishing a new economic baseline that differs from that used by the joint state workgroup, nor as an excuse to abandon the implementation of the rules.

During development of the policy, the commercial interests voiced concerns that the fleet would collapse, and that adaptive management would not be in place to avoid such a collapse. That is why we established the economic baseline *and* the transition fund to provide an economic safety net should the fleet drop below the baseline. In fact, the agency's review has demonstrated that the anticipated revenues for the commercial fleet have not only met, but exceeded the baseline during the transition and none of the monies set aside for financial assistance in the event the rules caused economic harm have been called on.

To rewrite the baseline viability numbers— when the fleet economics have not, in fact, dropped below the baseline and none of the reserve fund has been needed—is contrary to the both the intent and the spirit of this process. Let me conclude by simply clarifying that *my intent* moving forward was to help ensure the commercial fleet, as a whole, continued to be viable relative to the baseline observed prior to the policy, with stronger runs providing enhanced viability and stability over time.

I appreciate your consideration of this perspective and clarification.

Sincerely,



John A. Kitzhaber, M.D
Oregon Governor
1995-2003, 2011-2015

