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2 Steve Williams reported that the WFWC held a conference call on January 16, and
3 adopted all of the Columbia River Fish Working Group's (CRFWG) recommendations
4 with three exceptions.

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6 1. Reduce the contribution of the buffer from the Commercial fishery by 10%.
7 2. Provide the staff flexibility to adjust the Sports Fishery buffer by 10%, in season.
8 3. Summer Chinook. WFWC adopted CRFWG's recommendation of 50/50 sharing of
9 the available harvest, but restricted to a one year timeframe. WFWC want the
10 opportunity to look at a more in depth and summer fishery management plan in the
11 Phase 2 process.

12
13 ***Commissioner Skip Klarquist joined the conference call at 10:13 a.m.***

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15 Chair Rae referred to *Scenario #4, Comm. Buffer*, and *Scenario #5, Both Buffers*, and
16 said the Commission's action to date is close to Scenario 5. She said in December, a
17 majority of the Commission supported a 55/45 base allocation for impacts with flexibility
18 for the director 5%, either way. In Scenario #5, the base case sharing of 60/40 is the
19 outer limit of the authority already given to Director Elicker. She said Oregon and
20 Washington differ in their direction with the buffer. She supports reaffirming 60/40 in a
21 base case sharing to give Director Elicker flexibility to modify both buffers for sports and
22 commercial as necessary to reach concurrent regulations, getting this process into the
23 compact and setting seasons.

24
25 Commissioner Edge agreed and said if the fishery managers can stay within
26 conservation objectives, he is comfortable with reducing the buffers and moving to
27 60/40. He talked about the Commission's objectives being similar to those adopted by
28 the CRFWG. He referred to the numbers on the early fishery catches and said there
29 was so little difference; he's disappointed the Commissions continue to discuss such
30 small numbers. He supports Scenario #5.

31
32 Chair Rae said the Oregon Commission has come close to nearly everything the
33 CRFWG recommended. She said CRFWG did a good job in narrowing the issues, but
34 the final decision making was never delegated to CRFWG and it remains to the
35 respective Commissions. She said after that recommendation, the public was afforded a
36 greater opportunity to comment. Also, the Commission is mindful that there is very little
37 public support from either segment of the users groups in support of that base
38 allocation. She said the process did not directly involve the Treaty Tribes in the
39 Columbia River management system. The Commission heard clearly from the Tribes in
40 December of their concerns, and that significant dramatic changes in allocation impacts
41 might be a possible cause for reopening U.S. v Oregon negotiations.

42
43 Commissioner Kerns said he remained consistent with the Commission's December
44 decision for two reasons. First, the Columbia River Tribes supported the Commission's
45 December decision and he wants to maintain that trust. The U.S. v Oregon agreement
46 is for ten years based on a 57/43 split, and any party can seek a modification at any
47 time. He doesn't want to get into renegotiating for the next 10 years. Secondly, he

1 believes the December decision was fairly arrived and allows for compromise with
2 Washington. He believes the Speaker of the House is threatening to block ODFW's
3 agency's fee increase request if the Commission does not change its December
4 decision to favor the sport fishing industry. His vote remains unchanged and he
5 supports the Director in a compromise within the parameters of the Commission's
6 decision in December.

7
8 Commissioner Smith believes the 60/40 gives Director Elicker flexibility to compromise
9 with Washington, but with a firm commitment that's the bottom line. He said the
10 Commission needs to be careful about U.S. v Oregon, and he's concerned about
11 relationships in the SAFE areas to the commercial fishery and the sport fishery's lack of
12 responsibility for the tributaries.

13
14 Chair Rae said in the bi-state negotiations, the Oregon Commission never waived in
15 its support of moving fish from the Willamette to the Select Areas to provide increased
16 harvest opportunity. She said none are presently provided by Washington, so that
17 signals Oregon's willingness and interest in longer term strategies to achieve co-
18 existence of these competing user groups.

19
20 Williams said the inclusion of SAFE and the calculation of the impacts were negotiated
21 up to two percent working with U.S. v Oregon and through the biological assessments
22 with NOAA. It is a negotiated approach with limited catches in the tributaries of upriver
23 fish and known catches of 200 to 400 upriver fish in the Select Areas.

24
25 Commissioner Smith said it appears to be inequitable to assign 200 or 400 to the SAFE
26 areas and zero the rest when it may be insignificant. Williams said staff has developed
27 their management systems effectively in the Select Areas to allow the harvest of
28 available fish there utilizing those impacts.

29
30 Discussion followed about managing the production of fish in the Select Areas.

31
32 Smith said he was interested in Counsel's take on U.S. v Oregon. Chair Rae said she
33 talked with Counselor Steve Sanders. She said the Commission is within the
34 parameters of U.S. v Oregon and within its authority with what is on the table today.

35
36 Commission Klarquist said U.S. v Oregon was based on a set of assumptions as to the
37 impact occurring from both fisheries. He said large mesh nets kill 40% of wild fish
38 captured; smaller mesh nets kill 14%; and sportsmen kill 10%. He said in some years
39 the commercial fishery is almost exclusively one net or the other depending on the river
40 conditions and the time of their fishing. He said they heard arguments that the kill rates
41 are not correct, so CRFWG encouraged the use of recovery boxes for the salmon.
42 Klarquist said over the next 10 years, if changes occur in the assumptions about kill
43 rates that would affect the total number of fish taken out of the river by a non-tribal
44 fishery that may invite someone to reopen U.S. v Oregon.

45
46 Chair Rae said the U.S. v Oregon parties are in discussions on a regular basis to
47 account for changing circumstances, and how to get the parties back together.

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2 Commissioner Klarquist said it is needed to encourage people to use more efficient
3 means to release the wild fish unharmed. He doesn't see it as a mathematical equation
4 where the total number of fish is divided by two because there are two user groups. You
5 also have to account for economics, diversity, conservation and the numbers of people
6 affected. Klarquist said he supports the 60/40 in Scenario #5, with the hope Director
7 Elicker can negotiate effectively with Washington. He said it's not just fish; it's also
8 implementing the fishery in the SAFE area to increase it, and contributing to that both by
9 Oregon and Washington.

10
11 Commissioner Englund said his bottom line was 60/40 and would support Scenario #5.
12 He said he was going to trust both Oregon and Washington staff to be fair in working
13 out the buffers because the Tribes will be watching to stay within the U.S. v Oregon.

14
15 Commissioner Levy asked Steve Williams to explain the flexibility on the buffer. Steve
16 Williams said in Scenario #5, the buffer automatically reduced the contribution of both
17 sport and commercial by 5%. Commissioner Levy asked whether Director Elicker
18 would have flexibility to go higher or lower. Chair Rae replied yes, in the buffer only and
19 not in the base allocation. Commissioner Levy said she would support Scenario #5.

20
21 Discussion followed about the definition of equitable and how it is perceived differently
22 between rural and urban areas. Commissioner Smith wanted to go on the record about
23 the magnitude and severity on the rural areas. He said three resource industries exist in
24 Oregon: timber, grazing and fishing. He doesn't believe urban areas fully understand
25 the consequences of some of these decisions; and are disinterested in resource use
26 management, and the culture of communities that depend upon it. Commissioner Levy
27 agreed. Commissioner Klarquist said he doesn't see all fishermen and the sports
28 fishing industry as just being urban.

29
30 Chair Rae reminded the Commission that that is not an "either or" proposition but a
31 "both" in their balancing process. She said all jobs are important and valued; whether in
32 Warrenton or Oregon City. She said there is no motion because the Commission is
33 providing direction to the Director for the bi-state negotiations. She summarized their
34 directions and asked for concurrence from the Commission. She noted there will be a
35 dissent by Commissioner Kerns.

36
37 Chair Rae referred to **Scenario #5- Both Buffers**, and said it provides two deviations
38 from the directions the Commission set at their December 12, 2008 meeting:

- 39
40 1. Base case of 60/40 percent split between sport and commercial fisheries, which
41 equates into a catch of 65/35.
42 2. Decrease the 35% sport and commercial fishery buffer to 31% to provide the
43 Director flexibility in his compact negotiations.
44

45 Chair Rae said the other directions from December on Spring Chinook remain the
46 same.
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1 Director Elicker said in his negotiations with Washington Director Phil Anderson that he
2 would try to reach an agreement based on the direction from both Commissions outside
3 the compact process.

4
5 Chair Rae said on Summer Chinook, the WFWC supports at a one year agreement, and
6 the Oregon Commission supports a five year agreement. She asked for comments.

7
8 Commissioner Smith supports a five year process and opening it up annually.

9
10 Hearing no other comments, Chair Rae said that Commissioners Edge, Smith, Englund,
11 Klarquist, Levy and Rae supported Scenario #5, and she had one dissent by
12 Commissioner Kerns.

13
14 Chair Rae asked Director Elicker and Steve Williams if they needed any further
15 directions. Both indicated they did not.

16
17 Chair Rae thanked the Commission for their time and thanked ODFW staff who worked
18 on Monday, a national day of service, for their service to Oregon. She also thanked
19 Deputy Director Tom Ruddiman and Steve Marx, South Willamette Watershed District
20 Manager, for their work in getting \$2.6 million dollars in the State's economic stimulus
21 package. The money will be used for deferred maintenance at the E.E. Wilson Wildlife
22 Area, the Salmon River Hatchery and in the Southwest Region.

23
24 **ADJOURN**

25
26 Chair Rae adjourned the conference call meeting at 10:56 a.m.

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