



Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

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April 18, 2013

Ben Miller
Harrang, Long, Gary, Rudnick, P.C.
360 East 10th Avenue, Suite 300
Eugene, Oregon 97401

Re: Petition relating to adoption of OAR 635-500-6700, et seq.

Dear Mr. Miller:

On April 3, 2013, you provided a petition signed by more than ten persons requesting that the Oregon Department of Fish and Wildlife (the Department):

1. Provide an opportunity for oral hearing regarding the Commission's consideration of the Columbia River management rules (OAR 635-500-6700, et seq);
2. Provide a statement identifying the objective of the rule, and how the agency intends to determine whether that objective is being met; and
3. Appoint a Fiscal Impact Advisory Committee, if the agency had not already done so.

In response to the first request, the Department has already provided for an oral hearing on the rules in the rulemaking notice. That hearing is scheduled for May 10, 2013 at the Department's Headquarters. In response to the third request, the Department had already appointed a Fiscal Impact Advisory Committee (the Committee) to review the fiscal impact statement filed with these rules. The Committee's report and recommendations, and the minutes of the Committee's meeting, will be provided to the petitioners through you under separate cover, as well as provided to the Oregon Fish and Wildlife Commission (the Commission) for its consideration.

What follows is a statement of the rules objective and how the Department will determine the rules' success, in response to the petitioners' second request, pursuant to ORS 183.335(3)(d).

The objective of the Columbia River fish management and reform framework outlined in OAR 635-500-6700, et seq, is to:

- a) Maintain or enhance the overall economic viability of commercial and recreational fisheries;
- b) Optimize overall economic benefits to the State;
- c) Promote conservation of native fish; and
- d) Promote orderly and concurrent fisheries with the State of Washington.

Determining whether implementation of the rules accomplishes the objective is an important part of this framework which will require further rulemaking. The rules provide a set of guiding principles

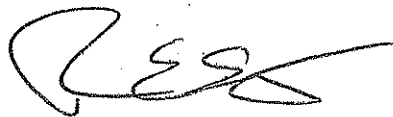


and a series of progressive actions to achieve the objective. This presumptive path forward has uncertainty, including securing funds for enhanced hatchery production, expansion of off-channel fisheries and development and implementation of more selective fishing gear. The rules require a transition period to reduce the uncertainty and risk to commercial fisheries as actions are progressively implemented and evaluated prior to full implementation. Management decisions during the transition period and long term will be informed by fishery monitoring (biological and economic) and may be modified as necessary to meet the objective. This will be done through adaptive management, which includes the following key elements.

- a) Department staff will monitor whether the actions outlined in the rules are implemented (e.g., enhanced hatchery production in off-channel areas, development of alternative mainstem commercial gear, and impacts shifted to recreational fisheries).
- b) Department staff will monitor the outcomes of the actions relative to baseline information on commercial and recreational fisheries (e.g., ex-vessel value, participation, angler trips) and conservation (e.g., proportion of hatchery fish on spawning grounds).
- c) Working closely with stakeholder advisors, Department staff will evaluate the implementation and outcomes described above and report annually to the Fish and Wildlife Commission (the Commission) on results, including unanticipated outcomes, and make recommendations for any course adjustments necessary to meet the objectives.
- d) Working closely with stakeholder advisors, Department staff will evaluate the transition period (2013-2016) and report to the Commission on implementation and outcomes relative to objectives and make recommendations for the long-term (e.g., rules for alternative commercial mainstem gear).
- e) Working closely with stakeholder advisors, Department staff will monitor and evaluate long-term implementation of rules and report periodically to the Commission on implementation and outcomes and make recommendations for any course adjustments necessary to meet the objectives.

We believe this letter addresses the questions and requests raised in the petition, and will be provided to the Commission as part of its rulemaking process. Please do not hesitate to contact us if you believe further response is required.

Sincerely,



Roy Elicker
Director