

EXHIBIT C – Columbia River Fisheries
Management: 2013 and Beyond
Written Testimony from June 6, 2013

Exhibit C

Blaine C. Ackley

655 NW 229th Ave.

Hillsboro, OR 97124

503-693-0610

June 6, 2013

Madame Chair and Members of the ODFW Commission:

My name is Blaine Ackley. I am a licensed sport fisherman in the State of Oregon.

I would first like to thank you for your service to our state and specifically for your historic action to eventually remove gillnets from the Columbia River. This action alone will help our endangered wild fish species to recover. Almost the entire world uses selective fishing techniques when fishing in waters in which endangered fish species are present. With your courageous action, Oregon and Washington are now working together to protect endangered salmon and steelhead species on the Columbia River.

When you adopted the new rules, it was assumed that their would be funding to provide a bridge for the gillnet fishery. Those funds are in the governor's budget and research on the use of the alternative fishing techniques can begin this summer. Unfortunately, the gill net industry refuses to even try these new techniques. The gill net industry hopes that by obfuscation and opposition, they can allow everything to remain the same. I urge you to re-affirm your rule changes and move forward with this historic compromise between sport fisherman and gill netters.

Besides saving fish, these new rules will generate millions of dollars of new revenue for businesses that rely on a continued strong salmon and steelhead fishery. I urge the Commission to move forward with the new rules so we can have abundant salmon and steelhead stocks for our children and grand children to enjoy. Your continued vigilance will allow our fish stocks to flourish. Keep up the good work!

Thank you for your time and consideration.



Testimony from Ben Miller

June 6, 2013

Oregon Fish and Wildlife Commission
Embassy Suites Washington Square
Regency One Room
9000 SW Washington Square Road
Tigard, Oregon 97223

Re: Columbia River Gill Net Rulemaking

Dear Chair Levy and Commissioners:

As you may know, I represent Steve Fick, Jim Wells and Fishhawk Fisheries, Inc. in a case challenging recent rule changes to the Columbia River non-tribal commercial fishery. I have been following closely the Department's efforts to readopt, amend or repeal those rules and am here today to raise a number of concerns about the proposed rules. To summarize them:

1. The process to adopt the rules was once again flawed, depriving affected persons of procedural due process;
2. The Department lacks the authority under federal or state law to implement the fisheries it forecasts;
3. The Department's rule changes are inconsistent with its current recovery plans;
4. The allocations are inequitable, in violation of ORS 506.109;
5. The Commission is required to modify the rules because of the significant economic impact on small business, per ORS 183.540; and

As a result, I would ask that you vote to repeal the rules and revisit this matter after further deliberation and consultation with affected groups. The Department's motivation may be well intentioned, but the process by which these rules have been adopted, and their substance, have been so flawed that it requires complete reconsideration at a later date.

DRAFT MOTION: I move to repeal OAR 635-500-6700 through OAR 635-500-6765 and refer the topic of guiding principles and management strategies for non-tribal commercial and recreational fisheries in the Columbia River mainstem and tributaries for 2013 and beyond, to an administrative rule advisory committee as yet to be appointed, for further action and recommendations.

1. The Process to Adopt the Rules was Once Again Flawed.

The Fiscal Impact Advisory Committee appointed by the Department included agency personnel as voting members in contravention of ORS 183.333(1) and OAR 137-001-0087(3). Those laws provide:

The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule. ORS 183.333(1)

If the agency appoints a fiscal impact advisory committee, the agency shall make a good faith effort to ensure that the committee's members represent the interests of persons likely to be affected by the rule. The meetings of the fiscal impact advisory committee shall be open to the public. OAR 137-001-0087(3).

By staffing the Fiscal Impact Advisory Committee with three agency employees the agency substitutes its own views for that of the persons likely to be affected. Indeed, without the agency employee votes the Fiscal Impact Advisory Committee would have been deadlocked at its April 3 meeting.

Moreover, after reviewing the minutes from the Fiscal Impact Advisory Committees, it is clear the Department did not seek input from the Fiscal Impact Advisory Committee on (1) what the extent of the fiscal impact would be, (2) whether the rule will have a significant adverse impact on small businesses, and (3) recommendations on compliance with ORS 183.540. ORS 183.333(3).

Rather, the Fiscal Impact Advisory Committee was told to only consider: (1) whether the rules as proposed have a fiscal effect and (2) whether the fiscal impact statement is "adequate" in that it (a) identifies whose interests would be affected and (b) generally apprises the Commission, when combined with additional testimony it receives, about the likely effect of the rules.

Those are not the tasks the Oregon Legislature has directed Fiscal Impact Advisory Committees to perform. Perhaps even more fundamentally the Fiscal Impact Advisory Committee cannot forecast what additional testimony the Commission will receive.

Because both the composition of and the direction to the Fiscal Impact Advisory Committee were flawed, there has been a procedural flaw in the rulemaking requiring the Department to stop and correctly implement the process required by state law.

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2. The Department lacks the authority under federal or state law to implement the fisheries it forecasts

As you know, the Department lacks the authority under state law to implement a seine net fishery. ORS 509.216(1).

But as you might not know, there is an incidental take statement and biological opinion covering harvest of salmon on the Columbia River. Endangered Species Act – Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation. Consultation on Treaty Indian and Non-Indian Fisheries in the Columbia River Basin Subject To the 2008-2017 US v. Oregon Management Agreement. NMFS, Northwest Region. May 5, 2008. Available at: https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=107547

The incidental take statement covering the non-Indian fisheries in the Columbia River did not consider the use of seine nets in the Environmental Baseline, Adult Survival Estimates, Aggregate Analysis, Quantitative Analysis of Harvest Actions or Impact on Critical Habitat. The only gear types evaluated were hook and-line, drift and set gillnets, and hoop nets which were found to minimally disturb streambank vegetation or channel substrate (i.e. critical habitat). NOAA Fisheries Supplemental Comprehensive Analysis 8.3.26. Available at <http://www.nwr.noaa.gov/publications/hydropower/fcrps/final-sca.pdf>

Only take that is in compliance with the terms and conditions specified in a written incidental take statement will not be considered to be a prohibited take. 16 U.S.C. 1526(o)(2). Because it is not part of any incidental take statement, even if use a seine were to be lawful under state law, any take of a listed species with a seine net (or disruption of critical habitat) will not be covered by the incidental take statement and would constitute a violation of ESA section 9.

The Department has not done its due diligence to acquire the authorities to implement the fisheries it forecasts in its economic models. It is uncertain whether these fisheries will ever be authorized. As a result, fundamental assumptions in the Department's proposed management strategies are flawed.

3. The Department's Rule Changes are Inconsistent with its Current Recovery Plans

The Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead was adopted by the Oregon Fish and Wildlife Commission on August 10, 2010. OAR 635-500-6575. The plan serves as both a federal recovery plan for Oregon fish populations listed under the Endangered Species Act and a State of Oregon conservation plan under Oregon's Native Fish Conservation Policy. There are 308 actions in the plan which were developed to address limiting factors and threats for independent and mixed populations within the Lower Columbia River.

Removal of gillnets from the mainstem Columbia River is not one of the 308 actions. Reallocation of impacts between consumer and sport fisheries was not one of the 308 actions. Plan available at: [http://www.dfw.state.or.us/fish/CRP/docs/lower-columbia/OR_LCR_Plan%20-%20Aug 6 2010 Final.pdf](http://www.dfw.state.or.us/fish/CRP/docs/lower-columbia/OR_LCR_Plan%20-%20Aug%206%202010_Final.pdf) Rather, for spring chinook, "current fishery management is proposed to continue." Pg. 224.

While implementation of mark-selective fisheries was something that was considered for development, "the feasibility of such fisheries is currently being explored and full implementation, if feasible, will occur within 20 years." Pg. 223. The timeline was 20 years, not three. In 2010 the Department questioned whether such fisheries were possible at all:

"There are large uncertainties related to implementing a mark-selective fall Chinook fishery in the Columbia River. These include: a) a low mark rate of URBs (a healthy, un-marked wild population) returning at the same time might cause a mark-selective fishery to have the same mortality on wild fish as a non-selective fishery (i.e., handling rate rises and the incidental mortality numbers increase); b) unlisted URBs are the preferred catch of fall Chinook (as opposed to the listed tules which this action addresses) due to their quality for many fishers; if they are not able to be harvested, the remaining fishery will have less social and economic value and may not be viable; c) successful live capture and release during the harvest period (August and September) will be difficult due to increased mortality of handled fish in this warm period; and d) commercial gear to efficiently access fall Chinook will be more difficult to develop than for other species given their migration location (near the bottom of the main channel) and timing (they migrate and move through the fishery quickly)."

Pg. 252, fn. 73.

Moreover, the Department prioritized limiting the terminal fisheries to protect late returning coho are part of the approved plan. Action items 115-YB, 129-BC. In addition, the Department has been reintroducing chum (a listed species) into Big Creek (a terminal area) is also part of the plan. Action item 63. These actions are wholly inconsistent with staff saying they can or will expand terminal fisheries.

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**LOWER COLUMBIA RIVER CONSERVATION AND RECOVERY PLAN
FOR OREGON POPULATIONS OF SALMON AND STEELHEAD**

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mortality on the wild Youngs Bay and Big Creek populations will remain. However, these fisheries occur primarily on early returning hatchery fish. The intent of this Plan is to recover the late arriving wild coho populations and manage the fisheries in such a way that they will not significantly impact these populations. If this can be accomplished, it may be possible to maintain natural production in these areas and achieve a better delisting risk classification than identified in this Plan.

Harvest impacts to wild fish are primarily based on calculated impacts for hatchery fish from the same area. There is some level of uncertainty that the estimated harvest impact for wild LCR coho is accurate. For this reason, we propose to better understand how the various fisheries impact wild LCR coho populations. To gain this understanding, an action is proposed to tag wild coho smolts from each population to allow identification of the origin and timing of unmarked fish encountered in sport and commercial fisheries. The details of such a study will need to be fleshed out prior to the actual tagging.

Fall Chinook

Fishery-related mortality on LCR fall Chinook has decreased over the past 30 years from a high near 70 percent to a current average near 40 percent (see Appendix D). LCR Chinook salmon are harvested in the ocean primarily off of SE Alaska, British Columbia and the Washington coast. The ocean fishery targets mixed stocks of Chinook from Oregon, Washington, British Columbia and Alaska. At least half of the total harvest impact on LCR Chinook comes from the SE Alaska and British Columbia fisheries. Ocean harvest is managed by the Pacific Salmon Commission as directed by the international Pacific Salmon Treaty (PST) and a bilateral agreement approved by the governments of Canada and the United States of America. The bilateral agreement was recently renegotiated and will expire at the end of 2018. The new agreement reduces the impact of SE Alaska and Canadian fisheries on LCR fall Chinook populations and calls for an evaluation of moving the Canadian fishery to become mark-selective (harvesting only marked hatchery fish) to further protect weak stocks. A timeline for implementing mark-selective fisheries was not specified in the agreement.

Oregon and Washington have outlined a process to evaluate the feasibility of moving all Chinook fisheries (ocean and Columbia River/tributaries, sport and commercial) to become mark-selective. The process to evaluate feasibility includes developing and testing new commercial gear and techniques that allow for the safe handling and release of unmarked wild Chinook. The feasibility of such fisheries is currently being explored and full implementation, if feasible, will occur within 20 years. See Section 7.3.3 for more discussion about these actions.

Oregon is committed to developing a harvest management framework for fall Chinook that considers forecasted abundances, marine survival conditions and weak stocks to ensure adequate escapement for recovery (similar to that discussed for coho). Because there are information gaps that need to be filled before a framework can be developed, actions to fill those gaps are identified as the first steps in this process. Any framework developed will be presented to NMFS for approval.

Based on the conditions of the bilateral agreement under the PST, and the potential for mark-selective fisheries in the Columbia River and tributaries, harvest co-managers determined that a feasible long-term average fishery-related mortality rate, under current international harvest regimes and with action implementation, on LCR fall Chinook will average 35 percent in the future. This assumes that ocean fisheries will not be shifted to mark-selective. If mark-selective fisheries are implemented in ocean fisheries off Alaska and British Columbia, the long-term fishery-related mortality may be projected at a rate lower than 35 percent. Note that, rather than this long-term average, a sliding scale harvest matrix based on weak stock management is intended to set short-term harvest allowances. Prior to development of such a harvest matrix, co-managers are expected to continue determining annual, or other short-term timeframe, harvest rates consistent with recovery objectives, through appropriate scientific analyses, and based upon the best and most recent monitoring information.

For the Youngs Bay and Big Creek populations of fall Chinook, Oregon has decided to allow these populations to remain at high risk of extinction to facilitate the terminal fisheries that currently are implemented in these areas. Commercial terminal fisheries will continue with the objective of harvesting as many hatchery fish as possible. As a result, these fisheries will not be mark-selective and fishery-related mortality on the wild Youngs Bay and Big Creek populations will remain high. It may be possible to manage these fisheries in such a way that late arriving fall Chinook will not be impacted significantly by the terminal fisheries. If this can be accomplished it may be possible to maintain some level of natural production in these areas.

Oregon has one population of late fall Chinook in the Sandy River Basin. This population appears to be relatively healthy and is harvested at a lower rate than LCR fall Chinook. Oregon's harvest strategy for this population is to ensure that it maintains its viability by keeping harvest rates low. This will be done through the evaluation of proposed changes in PST managed fisheries to determine what impact they will have on Sandy late fall Chinook and recommending against those changes that are likely to increase the harvest impact.

Spring Chinook

LCR spring Chinook are affected by fisheries in the ocean (SE Alaska, British Columbia), Columbia River and tributaries. Fishery-related mortality on wild LCR spring Chinook is estimated at 25 percent (McElhany et al. 2007). Fisheries targeted at spring Chinook in the Columbia River and tributaries are mark-selective and impacts are associated with catch and release mortality. Ocean and Columbia River impacts are determined by NMFS and consider impacts to LCR, as well as Upper Willamette and Snake River spring Chinook.

Oregon considers the current fishery-related mortality rate of 25 percent to be consistent with recovery of wild spring Chinook populations. As a result, current fishery management is proposed to continue. Actions being taken to address harvest impacts on other species might be applied to fisheries on spring Chinook through adaptive management, if deemed necessary. At this time, no harvest mortality improvement has been identified in the scenarios shown in Chapter 6.

Steelhead

Wild steelhead are not targeted for commercial harvest. Some incidental mortality occurs on winter steelhead during spring Chinook commercial fisheries, but gear type is required that minimizes the impact. Sport harvest of steelhead, both winter and summer, is restricted to mark-selective fisheries on hatchery fish. Incidental catch and release mortality to wild steelhead is believed to be low. The cumulative impact of commercial and sport harvest on steelhead has been calculated to be less than 10 percent. This level of mortality is believed to be consistent with the recovery of wild populations and as a result, the current steelhead harvest management is proposed to continue. There is directed take of wild steelhead in tribal fisheries above Bonneville Dam, but the level of impact has not been well documented. There is some concern that the cumulative fishery-related mortality for the Upper Gorge and Hood populations of wild steelhead may be 15 percent or more, which may limit the recovery of these wild populations. As a result of this concern, actions are proposed to work with tribal fisheries staff to determine ways to potentially lessen the impact – such as extending closed areas near the mouths of steelhead streams, or modifying season length or timing.

Chum

There are no directed fisheries on Columbia River chum. Chum may be incidentally caught in ocean and Columbia River fisheries, but this is rarely documented. This may be due to the extremely low numbers of chum that enter the Columbia, or they may enter the river at a time when there are few fisheries in

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Action ID		Action	Threats and Limiting Factors					Future Threats	
			Tributary Habitat	Estuary Habitat	Hydro	Harvest	Hatchery		Predation
58 - Trib		Monitor stray rates for 9 years and implement adaptive management options if rates called for in recovery scenarios are exceeded.					7c		
59 - Trib		Based on the best available science, evaluate whether integrated or segregated hatchery programs are more compatible with recovery, considering the objective of each hatchery program. ⁷⁷				x	7c		
All Populations - Mixed Locations (Late Fall Chinook)									
98 - Mxd		Implement the new Pacific Salmon Treaty (reduce ocean fisheries on Chinook).				7a			
99 - Mxd		Support mark-selective ocean fisheries when a new PST is negotiated in 10 years. ⁷⁸				7a			
100 - Mxd		Implement mark-selective Columbia fall Chinook fisheries by: a) Developing live-capture commercial gear and techniques, b) Conducting release mortality studies for all fisheries, c) Implementing for Columbia R commercial fisheries in August and September if live-capture is feasible, and d) Implementing for sport fisheries in ocean, Buoy 10, tributaries, and mainstem above Buoy 10 (if upriver/Snake wilds are low). ⁷⁹				7a			
101 - Mxd		Develop an abundance-based, sliding scale harvest matrix that incorporates "weak stock management" for fall Chinook by implementing population monitoring and then: a) Identifying appropriate weak grouping of populations based on population recovery goals/probability, run timing relative to harvest, and other factors, b) Developing run forecast model, and c) Developing marine survival indices for returning adults.				7a, 7b			
102 - Mxd		Develop harvest management strategies to protect the strongest Chinook population (late Sandy ChF).				7a, 7b			
104 - Mxd		Monitor harvest levels in all fishery areas for all species (direct and indirect mortality).				7a, 7b			
Sandy (Late Fall Chinook)									
Limiting Factors and Threats for Different Life History Stages and Threat Levels	Key	Adult				7a	7c	---	
		Juvenile	6e	3a, 3b, 5b, 6c				---	
	Secondary	Adult	6d					---	
		Juvenile	5c, 6a	1a, 6e, 9a, 9b, 9c, 9d	4b			8b	---
		Mortality Rates	Current Status	23.01%	30.90%	3.00%	50.00%	25.00%	7.30%
	Delisting Status: <i>Primary</i>	16.60%	26.00%	0.00%	30.00%	5.00%	6.00%	---	

⁷⁷ See note for this action in Table 7-3B for coho.

⁷⁸ See note for this action in Table 7-3C for fall Chinook.

⁷⁹ See note for this action in Table 7-3C for fall Chinook.

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Action ID		Action	Threats and Limiting Factors					Future Threats		
			Tributary Habitat	Estuary Habitat	Hydro	Harvest	Hatchery		Predation	
127 - BC		Restore or create off-channel habitat and/or access to off-channel habitat: side channels.	5c, 6e, 9a						cc	
128 - BC		Conduct sediment source analysis and then implement actions to reduce sediment from identified sources.	6a							
129 - BC		Consider terminal fisheries changes to reduce harvest of late returning wild coho.				7a				
131 - BC		Trap and sort hatchery adults: Develop trap and haul capability to pass unmarked Coho and STW above hatchery.	4c				7c			
132 - BC		Maintain existing wild fish sanctuary.	4c				7c			
Clatskanie (Coho)										
Limiting Factors and Threats for Different Life History Stages and Threat Levels		Key	Adult				7a		---	
		Juvenile	6e	3a, 3b, 5b, 6c					---	
		Secondary	Adult				7c		---	
		Juvenile	5c, 6b, 6e, 9a	1a, 6e, 9a, 9b, 9c, 9d				8b	---	
Mortality Rates		Current Status		82.97%	10.30%	0.00%	35.00%	13.00%	6.00%	---
		Delisting Status: <i>Primary</i>		68.00%	8.00%	0.00%	25.00%	10.00%	4.00%	---
135 - CT		Implement research, monitoring, and evaluation of headwater springs to investigate the concern that they may be drying up due to land management practices.	5c						cc	
136 - CT		Protect intact and functioning riparian areas through riparian easements and acquisition.	5c, 6b, 6e, 9a						cc	
137 - CT		Protect remaining high-quality off-channel habitat from degradation.	5c, 6b, 6e, 9a						cc, pg	
138 - CT		Breach, lower, remove, or relocate dikes and levees to establish or improve access to off-channel habitats; vegetate dikes and levees.	5c, 6b, 6e, 9a						cc	
139 - CT		Restore instream habitat complexity, including large wood placement.	5c, 6b, 6e, 9a						cc	
140 - CT		Establish working group to identify priority areas for riparian and instream habitat enhancement, and work with landowners to implement projects.	5c, 6b, 6e, 9a						cc	
141 - CT		Conduct sediment source analysis and then implement actions to reduce sediment from identified sources.	5c, 6b, 6e, 9a							
142 - CT		Conduct full assessment of streams that were heavily damaged during Dec. 2007 storm to determine best approach to restoration.	5c, 6b, 6e, 9a							

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Table 7-3B: Actions to Address Threats and Limiting Factors for LCR Coho Populations		Threats and Limiting Factors						Future Threats	
Action ID	Action	Tributary Habitat	Estuary Habitat	Hydro	Harvest	Harbory	Predation		
96 - Mxd	Implement "weak stock management" for coho harvest by: a) Identifying appropriate weak grouping of populations based on population recovery goals/probability, run timing relative to harvest, and other factors (not necessarily within the weakest stratum - likely will be within Coast stratum rather than potentially infeasible Gorge stratum), b) Re-calibrating the current coho abundance-based harvest matrices, and c) Conducting weak stock monitoring.				7a				
97 - Mxd	Implement mark-selective, mainstem, commercial coho fisheries by: a) Researching and developing live-capture gear and techniques, ⁶⁴ and b) Implementing mark-selective, mainstem, commercial fisheries if feasible.				7a	x			
104 - Mxd	Monitor harvest levels in all fishery areas for all species (direct and indirect mortality).				7a, 7b				
Youngs Bay (Coho)									
Limiting Factors and Threats for Different Life History Stages and Threat Levels	Key	Adult			7a	7c		---	
		Juvenile	5c, 6e	3a, 3b, 5b, 6c				---	
	Secondary	Adult	4c					---	
		Juvenile	5c, 6a, 6e, 9a	1a, 6e, 9a, 9b, 9c			8b	---	
Mortality Rates		Current Status	98.18%	10.30%	0.00%	90.00%	86.00%	5.60%	---
		Delisting Status: <i>Stabilizing</i>	97.00%	8.00%	0.00%	90.00%	86.00%	3.00%	---
105 - YB	Provide / improve fish passage and water quality.	4d, 5c, 6e, 9a							
107 - YB	Implement research, monitoring, and evaluation of headwater springs to investigate the concern that they may be drying up due to land management practices.	5c, 5e						cc	
108 - YB	Restore or create off-channel habitat and/or access to off-channel habitat: alcoves, wetlands, and floodplains. - Restoration includes revegetation.	5c, 6e, 9a						cc	
109 - YB	Preserve recent wood input from 12/7 storm.	5c, 6e, 9a							
110 - YB	Assess need for additional LWD to improve instream habitat complexity.	5c, 6e, 9a							
111 - YB	Restore instream habitat complexity, including large wood placement.	5c, 6e, 9a						cc	

⁶⁴ Since there are not currently commercial mark-selective fishing gear and techniques (i.e., that provide the ability for live capture, release, and subsequent survival) available that harvest as efficiently as non-selective gear, it is unknown whether these can be developed in manner that is cost effective to commercial fishers. Studies are currently underway to develop and test such gear.

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Table 7-3C: Actions to Address Threats and Limiting Factors for LCR Chinook Populations		Threats and Limiting Factors						Future Threats		
		Tributary Habitat	Estuary Habitat	Hydro	Harvest	Hatchery	Predation			
Action ID	Action									
100 - Mxd	Implement mark-selective Columbia fall Chinook fisheries ⁷³ by: a) Developing live-capture commercial gear and techniques, b) Conducting release mortality studies for all fisheries, c) Implementing for Columbia R commercial fisheries in August and September if live-capture is feasible, and d) Implementing for sport fisheries in ocean, Buoy 10, tributaries, and mainstem above Buoy 10 (if upriver/Snake wilds are low).				7a					
101 - Mxd	Develop an abundance-based, sliding scale harvest matrix that incorporates "weak stock management" for fall Chinook by implementing population monitoring and then: a) Identifying appropriate weak grouping of populations based on population recovery goals/probability, run timing relative to harvest, and other factors, b) Developing run forecast model, and c) Developing marine survival indices for returning adults.				7a, 7b					
104 - Mxd	Monitor harvest levels in all fishery areas for all species (direct and indirect mortality).				7a, 7b					
Youngs Bay (Fall Chinook)										
Limiting Factors and Threats for Different Life History Stages and Threat Levels	Key	Adult				7a	7c	--		
		Juvenile	5c, 6e	3a, 3b, 5b, 6c				--		
	Secondary	Adult	4c					--		
		Juvenile	5c, 6a	1a, 6e, 9a, 9b, 9c				8b	--	
	Mortality Rates		Current Status	71.51%	32.20%	0.00%	75.00%	45.00%	5.60%	--
			Defining Status: <i>Stabilizing</i>	71.51%	26.00%	0.00%	70.00%	45.00%	4.00%	--
105 - YB	Provide / improve fish passage and water quality.	4d, 5c, 6e, 9a								
107 - YB	Implement research, monitoring, and evaluation of headwater springs to investigate the concern that they may be drying up due to land management practices.	5c, 5e						cc		
108 - YB	Restore or create off-channel habitat and/or access to off-channel habitat: alcoves, wetlands, and floodplains. - Restoration includes revegetation.	5c, 6e, 9a						cc		
109 - YB	Preserve recent wood input from 12/7 storm.	5c, 6e, 9a								

⁷³ There are large uncertainties related to implementing a mark-selective fall Chinook fishery in the Columbia River. These include: a) a low mark rate of URBs (a healthy, un-marked wild population) returning at the same time might cause a mark-selective fishery to have the same mortality on wild fish as a non-selective fishery (i.e., handling rate rises and the incidental mortality numbers increase); b) unlisted URBs are the preferred catch of fall Chinook (as opposed to the listed tules which this action addresses) due to their quality for many fishers; if they are not able to be harvested, the remaining fishery will have less social and economic value and may not be viable; c) successful live capture and release during the harvest period (August and September) will be difficult due to increased mortality of handled fish in this warm period; and d) commercial gear to efficiently access fall Chinook will be more difficult to develop than for other species given their migration location (near the bottom of the main channel) and timing (they migrate and move through the fishery quickly).

4. **The Allocations are Inequitable, in Violation of ORS 506.109.**

ORS 506.109 provides:

It is the policy of the State of Oregon that food fish shall be managed to provide the optimum economic, commercial, recreational and aesthetic benefits for present and future generations of the citizens of this state. In furtherance of this policy, the goals of food fish management are:

(1) To maintain all species of food fish at optimum levels in all suitable waters of the state and prevent the extinction of any indigenous species.

(2) To develop and manage the lands and waters of this state in a manner that will optimize the production, utilization and public enjoyment of food fish.

(3) To permit an optimum and equitable utilization of available food fish.

(4) To develop and maintain access to the lands and waters of the state and the food fish resources thereon.

(5) To regulate food fish populations and the utilization and public enjoyment of food fish in a manner that is compatible with other uses of the lands and waters of the state and provides optimum commercial and public recreational benefits.

(6) To preserve the economic contribution of the sports and commercial fishing industries in a manner consistent with sound food fish management practices.

(7) To develop and implement a program for optimizing the return of Oregon food fish for Oregon's recreational and commercial fisheries

"Equitable" is defined by the Merriam-Webster Dictionary as "having or exhibiting equity: dealing fairly and equally with all concerned."

The last time the ODFW Commission considered allocations between sport and consumers (2008), Chair Levy correctly maintained that "She doesn't think 65/35 is equitable, and believes it's costly for both the sport and commercial fisheries." She later voted for a 55/45 split.

December 12, 2008 minutes, pages 25, 26. Available at:

http://www.dfw.state.or.us/agency/commission/minutes/08/12_december/APPROVED%20Minutes_Dec%2012%202008_%20OFWC.pdf

The statute has not changed in the meantime. If 65/35 was not equitable in 2008, how can 80/20 be equitable now? The allocations proposed by staff are inequitable and deprive Oregon consumers of their share of food fish as provided by Oregon's food fish policy.

1 transition period. He doesn't endorse eliminating gill nets on the river. Smith deferred
2 the size of the buffer to staff but said it needs to be shared equitable.

3
4 Commissioner Kerns agreed with many of Commissioner Smith's points. Kerns said he
5 supports a 55/45 split, regardless of the matrix. He supports the 25-35% buffer at the
6 discretion of staff. He agrees it should be divided equally and administered
7 proportionally between both fisheries and not be negotiable. He hopes the Commission
8 can live with what it decides for the next several years, so their successors won't have
9 to go through this too soon.

10
11 Commissioner Englund said he supports the five year plan with the three year off-ramp.
12 He objected to the allocation base and said it should be 57/43, which equates into an
13 80% recreational catch and 20% commercial catch. Commissioner Englund said he
14 takes the tribal testimonies very seriously, and is cautious about fooling with that matrix.
15 He said Oregon statutes talk about what is fair and equitable. His biggest concern is
16 moving a million fish into Youngs Bay over five years. He said mitigating river impacts
17 from out in the river and into Youngs Bay is controversial, and he wants that matrix
18 changed. He said it is not fair the gill netters are being told fish will be moved down to
19 them but their allocation will be shortened, and they are being asked to invest into new
20 and evolved fisheries, yet their economic intake will be shortened. He supports a 57/43
21 split and a 35% buffer. He also supports as many days on the water as possible for the
22 recreational fisheries; it's imperative to their industry. He said they are taking 80% of the
23 run. We have to use some tools in that fishery to slow that down.

24
25 Commissioner Klarquist said he supports CRFWG's recommendation. He said the
26 major issue is what's fair and equitable. And there's no black and white answer to
27 what's fair and equitable. He said CRFWG tried to take all things into account. Klarquist
28 said one principle was to give the sports fishery some certainty into the length of the
29 season that will ultimately be part of a longer term plan. Another principle was certainty
30 in the number of fish that can be captured by the commercial fishermen. He said that all
31 the fish are not being shifted to the SAFE area right away; if the Commission
32 implements the change we've suggested now, it affects the commercial fishery in the
33 short-term. We are also trying to have an effect on the sports fishery right now which is
34 a necessary one to help some portion of our citizenry that is hurting. He said CRFWG
35 built in a buffer, and tried to be conservative with what impact we have on the wild fish.
36 He said he was not sure if the Sport Fishery will be capable of catching their fish if the
37 buffer is that large. He doesn't know that the commercial fishery can either, but
38 suspects it can more readily capture fish using nets.

39
40 Commissioner Levy agreed that the Commission needs to be fair and equitable. She is
41 bothered by the actual counting and then coming back to make changes. She asked if a
42 way could be figured to do it sooner so the Commission would know what the impacts
43 are. She doesn't think 65/35 is equitable, and believes it's costly for both the sport and
44 commercial fisheries. Both fisheries are losing money and shows in the communities.
45 Levy said revisiting the five year plan in three years is good, but she would rather revisit
46 it in two years. She said the economic downturn will severely impact all small
47 communities, no matter what the Commission does. Levy said the sooner the

1 Commission can be proactive instead of reactive, is a better way to go as a
2 commission.

3
4 Chair Rae said the Commission needed to give Director Elicker, Melcher and others
5 flexibility, whether 5% one way or another. She said the relief both fisheries asked the
6 Commission to provide is a painful story to hear and not limited to just one sector. She
7 is mindful of the importance of the commercial fleets, to the coastal communities in
8 Oregon, and also mindful that Oregon statutes direct the Commission to not pick
9 favorites. She asked the Commission to continue to be coequal in their treatment. She
10 supports 5% either way, as currently exists, because it falls within the flexibility to give
11 to Director Elicker. She said that is very close to the subcommittee's working groups'
12 recommendations. She said she will support a longer term agreement, as proposed,
13 with the three year automatic review, and annual reviews and reports by staff to the
14 Commission.

15
16 Commissioner Edge said CRFWG recommended a matrix process. Under the proposed
17 matrix this year's allocation would be 60/40, due to a low Willamette run and a high
18 Columbia run. He asked Chair Rae if the Commission was still keeping with the matrix,
19 or did she want to keep with a 60/40 allocation, regardless of the conditions.

20
21 Chair Rae said that was what the Commission was debating and deciding. She
22 personally supported having the base at 60/40 with the Director having the latitude in
23 his negotiations.

24
25 A very lengthy discussion followed about the appropriate split in order to give Director
26 Elicker enough flexibility in his negotiations with his counterpart in Washington. The
27 Commission also speculated on what split the WFWC would agree to on Saturday.

28
29 Director Elicker said the Commission needed to make its best decision today on what it
30 would like to do. He said staff could always call a special meeting of the Commission if
31 Washington's decision is so much different.

32
33 Chair Rae said she wanted to reach a consensus, and referred to page 7 of the matrix
34 in Exhibit E, and said the ESA base allocation is 65/35. She suggested a base
35 allocation of 60/40 with the Director having the flexibility to go 5% either way in his
36 negotiations.

37
38 Commissioner Kerns said he prefers the status quo over the last few years, which is
39 55/45 and 5% sideboards either way for the Director.

40
41 Chair Rae said that was one view. She returned to 60/40 as the base allocation, with
42 the Director having the flexibility to go 5% either way in his negotiations. She said "No"
43 by Commissioners Levy and Klarquist.

44
45 Commissioner Klarquist said he supported 65/35 with 5% either way. Commissioner
46 Englund said he supported 55/45, with 5% either way. Commissioner Smith said he
47 would go 55/45. Commissioner Levy agreed with 55/45.

1 conservation plan. She asked if there was any objection to the recommendation on
2 sturgeon. Hearing none, she directed staff to go forward on that one.

3
4 Chair Rae asked Director Elicker if he needed any more direction. Director Elicker said
5 no, staff had the information needed to move ahead.

6
7 Chair Rae raised an issue on the statutory directives to the Commission. She said the
8 Commission discussed last time around in the allocation matters, there's got to be a
9 different way to do this. She personally believes the balancing process is important.
10 She also believes that the Legislature reinforced that by saying all user groups are co-
11 equals in both wildlife policy and food fish policy, and the Commission has been told to
12 look out for all equally.

13
14 Chair Rae said she was aware that there may be legislative requests, not by legislators
15 necessarily; but perhaps legislators at the request of some advocacy groups, to amend
16 those statutes that would move one user group more
17 ahead of the others in legislative considerations, and thus for the Commission. She
18 believes that those statutes are important to the Fish and Wildlife managers, and thinks
19 it's important the Commission be poised to let the Legislature know that they would
20 resist and oppose changes to that statute that would have one user group move ahead.
21 She asked for comments and said it was important for the Commission to make that
22 policy statement for the Director and Deputy Director, in the event they are asked during
23 the legislative process, what we think about that.

24
25 Commissioner Kerns said the Commission often hears arguments on an economic
26 basis. He agrees that it should be based on user groups and that the Commission has
27 to decide what its policy is going to be or principles.

28
29 Chair Rae: Economics is but one of the factors that we are to consider. And, this allows
30 us to take it up and do that balancing act on a circumstance-by-circumstance basis,
31 taking into consideration whether it's the economy, whether it's a particular whatever.

32
33 Commissioner Klarquist said he thinks their statutory direction is to be equitable. He
34 does not see that means an equal division, watershed by watershed, fish run by fish
35 run. He said he doesn't see that it means equal here, that the Commission divide fish
36 somehow equally among user groups, whether it's opportunity or whatever. Our job is to
37 be equitable in all circumstances, not just merely mathematics and numbers.

38
39 Chair Rae said he was right, and that is precisely what the statute contemplates. She
40 asked if there were any objection to that, and hearing none said that will be noted for
41 the records as well, that the Commission supports the existing statutory framework.

42
43 Chair Rae excused Commissioner Levy for the balance of the meeting (at 5:22 p.m.),
44 and moved to Exhibit F. She thanked Kelly Ames for her patience.

45
46 **Exhibit F: ANNUAL REVIEW OF THE DEVELOPOMENTAL FISHERIES PROGRAM**
47

5. The Commission is Required to Modify the Rules Because of the Significant Economic Impact on Small Business, per ORS 183.540.

The ODFW Rules don't prescribe new gear types, so what the rules actually do in terms of eliminating gillnets and reducing the allocation is not accurately captured by staff's fiscal impact statement. The real fiscal impact is captured in the attached table which is a modification of table C.5. This table eliminates those fisheries for which there is no federal or state authority to implement.

The bottom line is there will be a significant economic impact affecting small business. By 2017, as a result of these reduced allocations, by ODFW's own calculations there will be a 47% decrease from current values. ORS 183.540 therefore requires ODFW to modify the rules to reduce that impact.

ORS 183.540 states:

If the statement of cost of compliance effect on small businesses required by ORS 183.335(2)(b)(E) shows that a rule has a significant adverse effect upon small business, to the extent consistent with the public health and safety purpose of the rule, the agency shall reduce the economic impact of the rule on small business by:

- (1) Establishing differing compliance or reporting requirements or time tables for small business;
- (2) Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
- (3) Utilizing objective criteria for standards;
- (4) Exempting small businesses from any or all requirements of the rule; or
- (5) Otherwise establishing less intrusive or less costly alternatives applicable to small business.

As you know, the Department has admitted there is no public health or safety objective to the proposed rules. As a result, the Department is required to reduce the economic impact in one of the ways enumerated by ORS 183.540.

Fishery	Stock	Status	Ex-Vessel Value											
			Current		Transition		Long-Term		Long-Term					
			2013	2014	2015	2016	2017	2018	2019	2020	2021			
Mainstem Gillnet	Spring Chinook	Existing	\$395,911	\$287,059	\$205,272	\$205,272	\$205,272	\$205,272	-	-	-	-	-	-
Mainstem Gillnet	Summer Chinook	Existing	\$151,719	\$136,552	\$90,999	\$90,999	\$90,999	-	-	-	-	-	-	-
Mainstem Gillnet (Zone 4-5)	Fall Chinook	Existing	\$1,272,247	\$958,790	\$958,790	\$772,926	-	-	-	-	-	-	-	-
Mainstem Gillnet	Fall Chinook	New	\$222,745	\$309,341	\$309,341	\$353,526	-	-	-	-	-	-	-	-
Mainstem Gillnet	Coho	Existing	\$316,682	\$270,442	\$270,442	\$261,582	-	-	-	-	-	-	-	-
Select Area Gillnet	Spring Chinook	Expanded	\$316,415	\$394,493	\$503,300	\$605,566	\$631,805	\$632,830	\$686,721	\$710,908	\$711,934	\$506,557	\$507,737	
Select Area Gillnet	Fall Chinook	Expanded	\$436,943	\$436,943	\$457,237	\$481,779	\$484,139	\$484,139	\$494,286	\$506,557	\$507,737	\$506,557	\$507,737	
Select Area Gillnet	Coho	Expanded	\$743,337	\$765,362	\$912,194	\$912,194	\$912,194	\$1,095,734	\$1,095,734	\$1,095,734	\$1,095,734	\$1,095,734	\$1,095,734	
Mainstem (Gear to be Determined; Zone 4-5)	Fall Chinook	New	-	-	-	-	-	*	*	*	*	*	*	*
Mainstem (Gear to be Determined; Zone 2S)	Fall Chinook	New	-	-	-	-	-	*	*	*	*	*	*	*
Mainstem Seine	Lower River Hatchery Chinook	New	-	*	*	*	*	*	*	*	*	*	*	*
Mainstem Seine	Coho	New	-	*	*	*	*	*	*	*	*	*	*	*
Mainstem Tangle-net	Coho	New	-	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	\$246,713	
Totals			\$3,855,999	\$3,953,553	\$3,954,288	\$3,930,557	\$2,274,851	\$2,459,416	\$2,523,454	\$2,559,912	\$2,562,118	(\$1,296,087)	(\$1,293,881)	
Difference from Current			-	\$97,554	\$98,289	\$74,558	(\$1,581,148)	(\$1,396,583)	(\$1,332,545)	(\$1,296,087)	(\$1,293,881)	(\$1,296,087)	(\$1,293,881)	
% Difference			-	2.5%	2.5%	1.9%	-41%	-36.2%	-34.5%	-33.6%	-33.5%	-33.6%	-33.5%	

1 Assumes this brand new fishery will harvest full allocation when the average catch per set in test fishing is only 2.2 fish.

* ORS 509.216; OAR 635-042-0010(2)(a); 16 USC § 1536(b)(4)(iv); 16 USC § 1536(o)

June 6, 2013 - Exhibit C - distributed this letter

We the undersigned oppose Governor Kitzhaber's salmon plan which modifies the allocation sharing and harvest areas for Columbia River Sport and Recreational fishers. This will have a severe effect both economically and socially in the Lower Columbia River area for all citizens.

Paul Benoit, City Manager, City of Astoria

Jon England, England Madrice, Astoria

Susan Mathews - (Ret) Astoria School Dist.
Director of Support Services

Shirley Hauke, Exec Director Astoria/Clatsop
Chamber of Commerce

Don Haskell former County Commissioner

Douglas S. Kaup, Former Coast Guard Captain of the Port,
Former State Parks and County Commissioner

June Spence

Russ Warr, ASTORIA City Council

S BRUCE CONNOR, SR DIRECTOR MARKETING PORT OF A
CEO SUNDIAL TOURS

FD Day - Tila Bunnstead owner Chana Media Group, LLC

Mark Cary, owner Felton's Pizza Astoria

Ron Lawson, Retired Coast Guard + Port of Astoria

Ronny Sampson, owner R.A. Project Mgmt.

Richard Lee, former Clatsop County, Commission

Harold Bynaker, CEO, Port of Astoria
Petron

John Galie

- Former STATE Representative HD 35

Exhibit C
June 6, 2013

Bruce Buckmaster
PO Box 238
Astoria, Oregon 97103

Chair Levy and Commissioners, My name is Bruce Buckmaster. I live in Astoria Oregon. I appreciate your willingness to allow me to advise you on this policy issue. As you are aware I have been disturbed by the direction and speed with which these rules have been moving.

For many years the ODFW management, staff and the Commission have made decisions that have occasionally raised the ire of fishermen, hunters, landowners, environmentalists and politicians. In spite of that anger their decisions have always rested on the **Precautionary Principle**. The policy now before you clearly deviates from this long held and avowed principle.

The **Precautionary Principle** states if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is *not* harmful falls on those proposing the action. It does not go so far as forbidding any new action or policy just because all consequences cannot be known in advance. The **principle** demands that there is a social responsibility to protect the public from exposure to harm and that the burden of proof falls on those bringing change!

In many legal systems, as in the law of the European Union, the application of the **Precautionary Principle** has been made a statutory requirement.

The Tribes and the lower river communities have provided evidence that great harm will come if these rules are adopted as is; whether or not you find that as a certainty is unknown. But there is no doubt that uncertainty exists. Carl Sagan said, "absence of evidence is not evidence of absence." Sagan's widow Ann Druyan stated that Sagan's general position was that "science is saying in the absence of evidence, we must withhold judgment." In this, she also echoed the words of Bertrand Russell, who in 1959 said, "If you can't find out whether [a thing] is true or whether it isn't, you should suspend judgment."

The repeated use of the Term "WIN-Win" by proponents of the policy may have led you to believe that all parties are willing to move forward. In making a decision you should obviously strive for informed consent. **Informed consent** is a process for getting permission before conducting an intervention on a person or community. What is consistent in research and medical ethics is obviously lacking in the configuration of this policy.

Today finds no funding from the state for expansion of the select areas, no federal approval for use of seines, no change in BPA's decision to end current funding of the select areas, and salmon returns to select areas falling far short of the financial projections put forward by the authors of the plan. Clearly now is not the time to abandon the **Precautionary Principle** under the pressure of political or social whim.

Core elements of this plan can move forward in a manner consistent with the principles and ethics that the ODFW and the Commission have historically followed. I feel that I can speak for the Lower River Community in offering our full participation in crafting a policy in which we can give our informed consent. For the matter at hand we request that you table any action until the Agency delivers a policy that meets your individual and institutional principles.

June 6, 2013

Exhibite - June 6, 2013 - Public Testimony - ~~Table~~
Jim Wells

alternative selective gear, said WDFW Director Phil Anderson.

"A key goal of this policy is to maintain or increase the economic viability of both recreational and commercial fisheries," he said. "The timetable established in the policy depends on achieving that goal."

Anderson said the changes outlined in the policy will allocate more salmon and steelhead to recreational fisheries, but will not necessarily reduce the incidental catch of wild salmon and steelhead protected under the federal Endangered Species Act (ESA).

"Impacts on ESA-listed salmon are tightly regulated in both fisheries," he said. "But the successful development of selective commercial gear would allow the harvest of more hatchery salmon, reducing interactions between hatchery fish and wild salmon in natural spawning areas."

In other business, the commission approved the sale of the state's Colville Fish Hatchery to Stevens County, which plans to use it as an educational and vocational learning center. WDFW closed the 95-year-old facility last June in response to state budget cuts, and plans to sell it to the county for its appraised value of \$150,000.

"This is really a win-win for the department and Stevens County," said Commission Vice Chair Gary Douvia, who lives in Colville and helped to champion the sale. "While the hatchery may be past its prime, it's still a real asset for the community."

In addition, the commission received briefings on:

- **Octopus management:** WDFW outlined plans to work with the diving community and other members of the public to develop a plan to increase protection for the giant Pacific octopus population in Puget Sound. Fishery managers will hold public meetings, develop a proposal, and submit it to the commission in the next few months.
- **Sportfishing rules:** Fish managers provided an overview of the 69 proposed fishing rules – ranging from new opening dates for some trout lakes to a new size limit for cabezon – they recommend the commission consider adopting this year. The deadline for public comment on the proposal is Jan. 29. Information is available on the WDFW website at http://wdfw.wa.gov/fishing/regulations/rule_proposals/.

Untitled

Hi James,

I was actually just looking at some information related to this. The press release on our website is rather interesting:
<http://wdfw.wa.gov/news/jan1213a/>

Anderson said the changes outlined in the policy will allocate more salmon and steelhead to recreational fisheries, but will not necessarily reduce the incidental catch of wild salmon and steelhead protected under the federal Endangered Species Act (ESA).

Anyway, if you could give me a bit more info on what you are looking for, I would probably be able to help you more. In the majority of Puget Sound purse seine fisheries we use a mortality rate of 26% for coho and 33% for chinook (45% for smaller chinook). I don't have anything specific on the correlation between temperature and survival rates but in general the warmer the water temperature, the higher the mortality rate will be. I've attached a few papers related to the Columbia River selective gear study that may be useful to you.

~Kendall

Kendall Henry
Puget Sound Commercial Salmon Fishery Manager
Washington Department of Fish and Wildlife
Olympia, WA
(360) 902-2717
Kendall.Henry@dfw.wa.gov

Jim Wells - pg 4

**OREGON AND WASHINGTON DEPARTMENTS OF FISH AND WILDLIFE
JOINT STAFF REPORT: SPRING FACT SHEET NO. 4
Columbia River Compact/Joint State Hearing
May 28, 2013**

Fisheries under Consideration: Mainstem commercial salmon

Stock status and management guidelines for 2013 Chinook fisheries were presented in Winter Fact Sheet #2 (January 30, 2013).

Stock Status and Management Guidelines

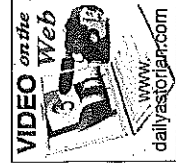
- Counts at Bonneville Dam total just over 80,000 adult upriver spring Chinook. Harvest from treaty and non-treaty fisheries (including release mortalities) downstream of Bonneville Dam totals nearly 8,000 fish. Combined, a total of 88,000 adult upriver spring Chinook have been accounted for to date.
- The *U.S. v Oregon* Technical Advisory Committee (TAC) reviewed the status of the upriver spring Chinook return this morning (May 28). TAC maintained the inseason forecast of 107,500 adult upriver Chinook to the Columbia River mouth. TAC is scheduled to meet again Monday June 3.
- Under the *U.S. v Oregon* Management Agreement, a river mouth return of 107,500 adult upriver fish allows for an impact rate of 1.6% and a catch balance limit of 7,955 mortalities for non-Indian fisheries.

Non-Treaty Fishery update

- Three mainstem commercial salmon fishing periods have occurred to date in 2013. Combined landings total 1,506 adult spring Chinook. Kept and release mortalities of upriver Chinook is estimated at 1,074 fish, or 57% of allocated under catch balancing limitations. Combined mainstem commercial impacts to upriver spring Chinook are 0.26%, or 63% of the 0.41% allowed (73% of total commercial allocation). A balance of 95 white sturgeon remain on the winter/spring commercial allocation.
- The most recent period occurred on May 22-23 in Zones 1-5 with 8-inch gear. The use of the large-mesh gear was intended to reduce steelhead and shad handle rates. Observation data concluded that steelhead and shad handle rates were less than those observed the week prior.

2013 Spring Chinook Observation Summary All data preliminary										
Fishery	Month	Date	Mesh	# of		Ttl		Chin/	Sthd/	Shad
				Drifts	Zones	Chin	Sthd	Drift	Drift	
FullFleet	May	15	4.25	47	1-5	44	8	0.9	0.2	1,900
FullFleet	May	22	8	51	1-5	56	0	1.1	0.0	6

Exhibit E → William Hunsinger



Fire videos on the Web

www.dailyastorian.com

AHS salutes Class of 2013

Pages 11, 12, 13



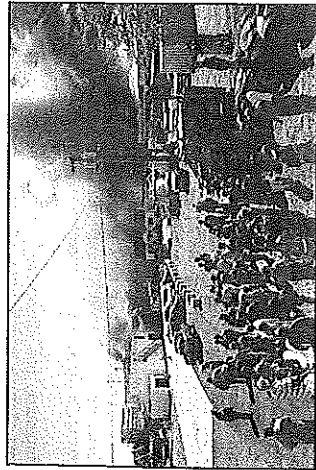
THE DAILY ASTORIAN

140th YEAR, No. 242

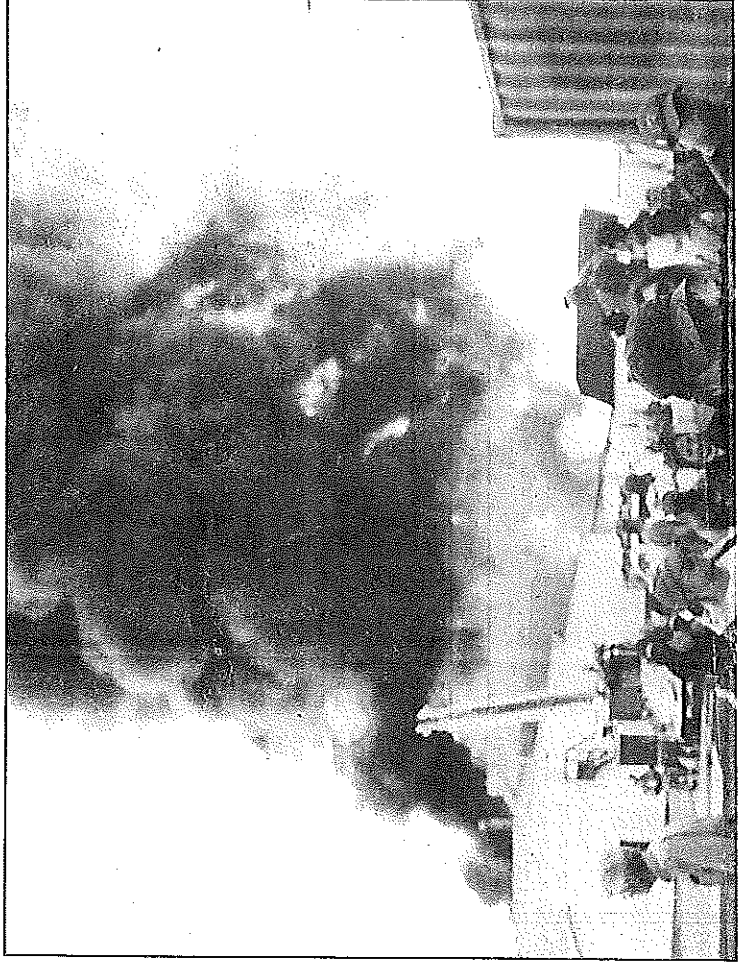
WEDNESDAY, JUNE 5, 2013

ONE DOLLAR

'There were flames 150 feet in the air'



ALEX PAJUNAS — The Daily Astorian Smoke billows from the Pacific Coast Seafood plant in Warrenton Tuesday. Chief Executive Officer Frank Dulcich pledged to help employees find work at one of the company's other facilities.



Fire destroys Warrenton plant, affecting 130 coast jobs

June 6, 2013 - Exhibit C - Nathan Rogo

34

many people from all over the state are feeling disrespected, dismayed and disenfranchised. Voters remember defeating measure 81 by a 2 - 1 ratio, the result being "retain gillnet fishing and current commercial fishing law" They honored the traditional fishery which links 90+ % of the general public to their resource. But then a small group of avid anglers, led by gov. Jon Kitzhaber ignored that and pushed a plan to slash commercial share of the harvest and reallocate that portion to the recreational share. The only reason that we have to discuss this today is that gov. . Kitzhaber is one of those avid anglers. They misunderstand and malign the gillnet fishery as they have done for over 100 years.

This governor was elected by a razor thin margin of less than 800 votes if I recall, measure 81 was defeated by 400000 votes +.

The people promoting the governors plan are saying that this is all about selective fishing and saving wild salmon, but the science and evidence do not agree. After several years of test fishing alternative gear, there is still no data to show that seines will have any lower impact or advantage over gillnets or tangle nets.

The sport fishing folks are in no position to be pointing fingers at gillnetters as the bad guys.

The buoy 10 sport fishery has kill rates as high as 50%, much worse than a tangle net.

The sport by-catch last year on blueback was 10 times what the gillnet by-catch was yet they try to say wer'e the bad guys.

When the CCA supports little seines as the preferred fishing method of sport fishing at buoy 10, then I'll give them some credibility for being serious about seines being the best selective method to fish.

If you have a pet cat, chances are that you are responsible for killing many more birds than if you use a gillnet.

If you support wind energy you are truly responsible for killing many more birds than you are if you use a gillnet.

Gillnetting was adopted as the commercial fishing method of choice decades ago with good reason.

Gillnets deployed at the right place at the right time result in a very selective, sustainable, manageable fishery.

200 - 300- businesses are working compared with an estimated 10 - 20 if the governors plan is implemented.

The governors plan reallocates more of the resource to the sport interest. This reveals the true intent of the plan.

They claim that select areas can be enhanced to where it can be a win-win for everyone, but production there would have to triple, the best current information suggests that this is impossible, and to those of us who really know, sea lions make fishing impossible much of the time. We know that the governors plan will not work and that it is just a grab for more share of fish.

The inscription on the front of the capitol building states that the "sharing of benefits justly apportioned" is the ideal of our free state.

If sport and commercial fisheries choose to look at the big picture, there are many positive steps that can be taken.

If reducing conflict is one of the goals, then a great first step would be to implement permanent impact sharing rules.

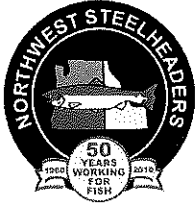
The current policy of negotiating every year contributes to the controversy.

Working together to reduce the ridiculous levels of predation by sea lions, cormorants and terns would result in a better outcome for everyone.

There is no benefit in rushing into the governors plan, the science, economics, funding, right of the public, and the facts ask you to reject the governors plan and save our businesses and way of life in our river communities.

Tank - you Nathan

Exhibit A - Public Testimony



Association of Northwest Steelheaders

Established 1960

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office@anws.org • www.nwsteelheaders.org

June 6, 2013

To: Chair Levy and Commissioners
ODFW Commission
3406 Cherry Ave. N.E.
Salem, OR 97303

Fr: Russell Bassett, executive director

Re: Changes to Columbia River Fisheries Management

Dear Chair Levy and Commissioners,

As you know, we have been strong supporters and allies of the Governor's directive to reform Lower Columbia River fisheries, and are supporting you and your agency's work to implement the changes you approved in December. We are also working diligently to support your efforts in the Legislature through passage of SB 830. We strongly support your efforts to reform LCR harvest by removing gillnets from the mainstem and transitioning to a sport allocation priority.

We want to thank you for the effort you and your staff have expended to implement the directive. This process so far has been discouraging to many anglers. For some, it can be hard to see the light at the end of the tunnel with having to go to barbless, losing trib smolt plants, seeing the nets get first crack at this extended springer fishery, and the new angler usage fee coming. Right now it can look like all sacrifices with no benefits. It is VITAL that you fix the procedural issues today, so that you don't have all user groups (and especially the user group that other than the federal government is the main funder of your agency) unsupportive of these efforts to reform LRC fisheries management.

We have some real concerns with the barbless rule. Do you commission members fish these fisheries? We do, and it was very discouraging this year. The runs are pitiful, the bite is horrible, and the barbless rule just made it that much more tough to land a fish. The bite to catch ratio has lowered considerably this year on the Columbia and Willamette due to that rule. My evidence is only anecdotal, but I'm also involved in several local fishing tournaments and communicate with numerous guides. In addition, your own science does not support such a rule. We would be happy to get you out there on the water and facilitate communications between you and the guides and anglers that regularly do this fishery.

Abandoning Measure 81 in favor of this process that continues to allow the use of gillnets and seeks to increase fish caught in both recreational and commercial fisheries, was not something we did lightly and not without a great deal of pain. We did so in good faith that you would implement Governor Kitzhaber's directive - that you would see this administrative process as the compromise to Measure 81 - and we respectfully ask that you do what is needed to see the plan fully implemented, and not have anglers make more sacrifices in the process. Removing gillnets from the mainstem and transitioning to 80% allocation for sport anglers are key to making this process successful.

Respectfully and in your service,

Russell Bassett
Executive Director

Anglers dedicated to enhancing and protecting fisheries and their habitats for today and the future.

Exhibit C -

June 6, 2013

- Public Testimony

Good Afternoon Chair Levy and Commissioner's.

My name is Randy Woolsey I am a Sport Fishing manufactures rep and a member of the Northwest Sport Fishing Industry Association.

I am pleased to testify today and thank each of you for your work in implementing this Cultural change and vision on the main stem Columbia River. Change is hard but it can happen when our leaders recognize that well thought out plans will leave no one harmed.

Our group of recreational fishing businesses is committed to working with you and staff to bring economic growth to Commercial and Sport communities along the Columbia River.

We look forward to the adaptive parts of this plan with the Commission and Staff as we move forward in the coming years to implement the plan fully.

What your doing here today is good for all Oregon citizens.

And again I thank you.