August 9, 2012

JOHN A. KITZHABER, MD
Governor

Bobby Levy, Chairwoman
Oregon Fish and Wildlife Commission
3406 Cherry Avenue NE
Salem, OR 97303

Roy Elicker, Director
Oregon Fish and Wildlife Department
3406 Cherry Avenue NE
Salem, OR 97303

Dear Chairwoman Levy and Director Elicker:

Lower Columbia River recreational and commercial fisheries are vital to the social and economic fabric of our state and local communities, providing valuable jobs and millions of dollars of economic activity. Optimizing the economic value of both these fisheries within a conservation-based framework is a priority for my Administration, and I write to ask you to undertake action on this subject.

With 13 species of salmon and steelhead listed under the federal Endangered Species Act ("ESA") in the Columbia River Basin, all fisheries are significantly constrained by low abundance and survival of ESA-listed fish. Oregon's long-term goal is the recovery of ESA-listed salmon and steelhead populations to levels that support robust fisheries statewide. Until this recovery occurs, it is important to enhance recreational and commercial economic benefits within ESA constraints and in ways that complement recovery efforts.

Perennial and divisive conflicts occur between recreational and commercial fishers over the allocation of these harvest impacts as well as the use of gill nets in non-tribal mainstem commercial fisheries. I desire a long-term solution to this contentious issue – one that enhances fisheries while minimizing mortality of wild fish in order to promote fish recovery, honors tribal commitments, and optimizes economic benefits. I believe Oregon's Fish & Wildlife Commission is the appropriate venue for undertaking immediate significant steps towards this goal. Proposals that fail to enhance benefits for both recreational and commercial interests in the lower Columbia within a conservation framework are an unacceptable solution, as is the status quo.

In a situation as complex as the lower Columbia, a long term solution must prioritize selective gears and fishing techniques to minimize mortality of ESA-listed and non-target fish *and* optimize recovery. I believe the use of gill nets in non-tribal mainstem fisheries is inconsistent with this objective. I also believe the long-term solution must enhance the economic vitality of *both* recreational and commercial fisheries, which provide the public with benefits including recreation, family-wage jobs and businesses, local commerce and export economies, nationally-renowned culinary destinations, and the Pacific Northwest's uniquely high quality of life and culture.

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The solution I seek includes these key elements:

- The Department should continue leadership in promoting fish recovery, including better in-river migration conditions and reduced mortality caused by the Columbia River hydropower system. Additionally, the Department should explore and develop alternative approaches to improve pre-season forecasts of run size and timing, including the dedication of resources and expertise to this task.
- The Department should continue active management to conserve ESA-listed and weak stocks, and remain consistent with *US v Oregon* management agreements
- The Commission should adopt a policy priority for selective recreational fisheries as the primary management approach in the mainstem *and* for commercial fisheries as the primary management approach in off-channel areas of the lower Columbia River. This policy should address both salmon and sturgeon fisheries.
- The Commission should phase out the use of non-tribal commercial gill nets in the mainstem Columbia River. This should include the transition of gill net use to off channel areas, and the development of a transition plan that achieves this. This approach should ensure that off channel area enhancements are in place and adequate to improve overall economic benefits to the commercial fishery as the fishery transitions.
- The Commission should shift mainstem fishery harvest impacts available under this proposed approach to recreational fisheries in order to provide more fishing opportunity and economic benefit.
- The Department should meaningfully enhance off channel fisheries in order to secure additional economic benefit for the commercial fishery and address salmon recovery objectives by: (a) enhancing commercial harvest thorough relocation of available hatchery fish production to off channel areas consistent with conservation and fish recovery purposes, including the provision of sufficient ESA impacts needed to effectively harvest fish in these areas; and (b) enhancing off channel area boundaries and/or locations, allowing increased harvest in areas where mainstem impacts are less constraining.
- The Department should continue development and use of alternative selective fishing gear for commercial mainstem fisheries, and implement these fisheries to optimize conservation and economic benefits when recreational fishery objectives are met.
- The Commission and Department should work in concert with the State of Washington on the development and adoption of consistent and concurrent policy, as well as the sharing of investments and benefits. This would include adoption of lost and derelict commercial fishing net reporting requirements consistent with policy in Washington.

A clear transition period for phasing commercial gill net fisheries out of the mainstem and into enhanced off channel fishing areas is a central part of this solution. A transition period (e.g., 2013-2016) should be designed to span the time needed for the new investments in off channel areas to occur and provide returns

necessary to the vitality of the commercial fishery. Securing political support and additional resources necessary to the implementation of enhanced off channel fishing areas is also essential, and as such, I am committed to working to achieve this support. This includes securing the resources necessary to the long-term effectiveness of this proposed approach, whether from the Bonneville Power Administration, the legislature, or other sources.

I ask that the Oregon Fish & Wildlife Commission initiate a public rulemaking process and adopt a solution that achieves the above key elements. I have instructed my staff to work directly with the Department and Commission on further clarifying the details of this approach. I recognize any rulemaking process on this issue will affect many legitimate interests among the public in and beyond Oregon. I also recognize that while I will further elaborate on my proposed approach through staff, the details of certain elements are best addressed by the Department and Commission working together and with stakeholders as well as counterparts in Washington. I request that this process begin immediately to ensure commencement of work with Washington State and the completion of the necessary rulemaking before the end of 2012.

Sincerely,

John A. Kitzhaber, M.D.
Governor

JAK/BB