

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