



How did the ODFW Commission get it so wrong on the Columbia River Fishery Reforms?

Background: In 2012 a bi-state group was established with members of each state's fish and wildlife commission, local government representatives, and stakeholders from the sport and commercial fishing sectors. There were a series of four meetings over a four month period that culminated in a phased-in plan to remove non-tribal gillnets from the mainstem of the Columbia River.

The policies adopted by this bi-state work group were in a document dated November 21, 2012 entitled "Management Strategies for Columbia River Recreational and Commercial fisheries: 2013 and beyond <[link](#)>.

The agreement contained the following "guiding principles:"

1. Promote the recovery of ESA-listed species and the conservation of wild stocks of salmon, steelhead, and sturgeon in the Columbia River.
2. Continue leadership on fish recovery actions, including improved fish survival through the federal Columbia River hydropower system, improved habitat conditions in the tributaries and estuary, hatchery reform, reduced predation by fish, birds, and marine mammals, and harvest management that meet conservation responsibilities.
3. Continue to meet terms of *U.S. v. Oregon* management agreements with Columbia River Treaty Tribes.
4. In a manner that is consistent with conservation and does not impair the resource, seek to enhance the overall economic well-being and stability of Columbia River fisheries in Oregon and Washington.
5. For steelhead, salmon and sturgeon, prioritize recreational fisheries in the mainstem and commercial fisheries in off-channel areas of the lower Columbia River. Toward this end:

Assign mainstem recreational fisheries a sufficient share of ESA-impacts and harvestable surplus to enhance current fishing opportunity and economic benefit.

Assign commercial fisheries a sufficient share of the ESA-impacts and harvestable surplus to effectively harvest fish in off-channel areas and harvest surplus fish with selective techniques in the mainstem Columbia River.

6. Phase out the use of non-selective gill nets in non-tribal commercial fisheries in the mainstem Columbia River. Transition gill net use to off-channel areas.
7. Enhance the economic benefits of off-channel commercial fisheries, in a manner consistent with conservation and wild stock recovery objectives. Enhancements should include:
 - a. Providing additional hatchery fish for release in off-channel areas by shifting currently available production, and where possible providing new production for release in off-channel areas, emphasizing complementary conservation benefits in tributaries.
 - b. Expanding existing seasons and boundaries in off-channel areas and/or establishing new off-channel areas, allowing increased harvest in areas where the likelihood of impacting ESA-listed stocks is lower than the mainstem.
8. Develop and implement selective-fishing gear and techniques for commercial mainstem fisheries to optimize conservation and economic benefits consistent with mainstem recreational objectives. Provide incentives to commercial fishers to expand the development and implementation of these gear and techniques.
9. Maintain consistent and concurrent policies between Oregon and Washington related to management of non-tribal Columbia River fisheries, to ensure orderly fisheries as well as the sharing of investments and benefits.
10. To maximize economic return, develop a program that seeks to implement Marine Stewardship Council or other certification of commercial salmon and sturgeon fisheries in the Columbia River as sustainably managed fisheries.

On December 7, 2012, the ODFW Commission adopted the plan through formal rulemaking [<link>](#). On January 12, 2013, the WDFW Commission adopted a policy to implement the plan [<link>](#).

Funding and new legal authorities were needed to begin implementing the plan. In Oregon, this required legislative action (an agency cannot increase fees or fund using tax dollars). Oregon Senate Bill (SB) 830 was passed in July of 2013 to codify (make into law) the Columbia River Reforms that had been adopted by the ODFW Commission [<link>](#). SB 830 also authorized a \$9.75 Columbia River Endorsement fee on sports anglers and provided General Funds to implement the plan.

Buckmaster Appointment: When Governor Kate Brown took office in February of 2015 one of her first actions was to appoint Bruce Buckmaster to an open ODFW Commission seat. Bruce Buckmaster is a former lobbyist and Board Member of Salmon For All, the Columbia River Gillnet industry lobbying group.

CCA, sport anglers and conservation groups opposed Bruce Buckmaster's appointment, and mounted a fierce campaign that nearly garnered enough votes in the Senate to block his appointment. Buckmaster was one of Brown's first appointments as the new Governor and after delaying the floor vote in the Senate, Governor Brown convinced just enough Senators to confirm Buckmaster to the open Commission seat.

Prior to his appointment, Buckmaster had made his objectives clear through social media and other forums that he would do all in his power to reverse the bi-state reforms. Despite this, Governor Brown and key legislators accepted his promises that he would honor the plan. When the

appointment generated significant controversy, Governor Brown and key Senators pledged that he would be removed from the Commission if he broke his promise.

Buckmaster's Plan – Change the Economic Baseline: During the bi-state process, an economic baseline was established for the commercial industry (aka gillnetters) in Oregon and Washington. That amount was \$3.86 million in average ex-vessel value annually from both mainstem and off-channel salmon harvests (Tables C4/C5) <[link](#)>. This average ex-vessel value was the benchmark for keeping the commercial fleet “viable” through the transition and beyond.

Here is how Buckmaster changed the game:

Prior to the November 2016 ODFW Commission meeting, Buckmaster instructed ODFW Staff to develop worksheets showing what the gillnetters would have made in ex-vessel value had the reforms never been adopted and based on the run sizes we had over the last three years.

This document was not made available to the public but was shared with Salmon for All and used in their Commission testimony to help Bruce Buckmaster's efforts to rewrite the economic baseline and elevate one component of the reforms - commercial economics – above all the rest of the principles.

Buckmaster then argued that since SB 830 cites “enhancing” sport and commercial fisheries as one goal of the reforms, the gillnetters were entitled to ex-vessel values (i.e., profits) exceeding what they would have received if the bi-state reforms were never adopted. Of course, this narrow, inaccurate interpretation ignores the many other principles of the reforms, including improved conservation through selective fisheries and the consensus on the need to end the continued controversy surrounding the use of non-selective gillnets in the mainstem.

CCA raised the alarm bells about this critical issue, but the fix was in. By the January Commission meeting, 6 of 7 model outputs prepared by ODFW staff – including one plan written by Salmon for All – proposed a permanent continuation of gillnets and commercial profits far exceeding the \$3.86 million economic baseline adopted in the plan <[link](#)>. All these options - including the “Enhanced Commercial Rebalance” that was adopted by the Commission in a 4-3 vote in January – undo the bi-state agreement adopted by both states and affirmed by SB 830 in Oregon.

Fortunately, Washington's Commission did not fall for this revisionist history. The Washington Commission focused on the \$3.86 million baseline and the importance of transitioning to a sustainable, selective commercial fishery that uses live release gear in the Columbia River Mainstem to minimize the impact to wild and ESA-listed fish as well as bycatch species such as sturgeon. While they did make an adjustment to the plan, they affirmed the shift away from non-selective gillnets. This was the vision of the original reforms.

Unfortunately, Buckmaster succeeded in his efforts to arbitrarily redefine the economic baseline in Oregon. In doing so, he created an open-ended reason to never shift away from the use of gillnets in the mainstem and jettisoned the other important – and co-equal - principles of the bi-state plan. Former Oregon Governor John Kitzhaber weighed in against Buckmaster's efforts with a letter to the Commission <[link](#)>.

The Columbia River Reforms were never intended to deliver increased profits of 40-70 percent for commercial gillnetters – many of which make just a portion of their living in a part time Columbia

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River fishery. To claim that they were ignores the overarching goals of the bi-state reforms and is the root cause of why Washington and Oregon are so far apart on implementation.

ODFW data shows that since the bi-state reforms were adopted in 2012 the gillnet industry has consistently exceeded the \$3.86 million economic baseline. This is precisely why the gillnet industry never applied for the compensation fund established by SB 830 – because they were never qualified as being harmed under the plan or by the definition outlined in SB 830.

To argue that SB 830 required the Commission deliver large increases in profits to the commercial industry is simply wrong – it is an excuse to use “adaptive management” to cripple and kill efforts to move away from the use of non-selective gillnets on the mainstem Columbia River. Senator Fred Girod (R-Stayton) – one of the key architects of SB 830 - wrote the Commission on January 18, 2017 to set the record straight [link](#). In his letter, Girod also warned ODFW that their funding to implement the plan -- which includes increased off-channel hatchery production to benefit the gillnet fleet - would be put at risk if the Commission voted to gut the plan.

Of course, the Oregon Commission voted 4-3 to use “adaptive management” to permanently allow continued mainstem gillnetting under an “enhanced commercial rebalance” option. Gillnet profits under this proposal would exceed the original economic baseline by at least 47 percent. In the actual bi-state agreement, adaptive management is carefully described. It is important to read that description which, while allowing for minor adjustments to be made states: “Correcting course, however, does not mean dismantling the foundations of this alternative management framework or removing its key elements described above.”

One of the key elements is clearly the elimination of gillnets from the mainstem Columbia and the development of alternative, selective fishing gears.

The legislators that wrote and passed SB 830 have weighed in with the Commission to set the record straight. Last month, Governor Brown wrote a letter [link](#) objecting to the Commission’s decision and directing them to adopt rules that comply with SB 830 and the original bi-state plan. That’s a great start, but we can’t let up until the Commission acts to reverse its January decision.

The ODFW Commission needs to return to the guiding principles developed by the Bi-State Work Group and adopted by the ODFW and WDFW Commissions and funded by sport fishers and taxpayers. Proposals to “rebalance” and increase the profits of the gillnet fleet ignore these guiding principles.

CCA will continue to challenge the alarming efforts of certain ODFW Commissioners to block the implementation of the bi-state Columbia River Reforms as they were intended, agreed to in both states, and enacted into law in Oregon through SB 830.