



Representative Bobby Levy

Serving Umatilla, Union & Wallowa Counties

Chair Hudson, Vice-Chairs McLain and Breese-Iverson, and members of the committee

My name is Bobby Levy and I am the Representative for House District 58. I am testifying in opposition to SB 59.

Any and all policies that govern the Columbia River, geographically, **must** be agreed upon by both Washington and Oregon in what is referred at the Columbia River Compact. The Columbia River Compact is an interstate compact between Oregon and Washington that regulates the commercial fishing seasons on the lower Columbia River. This compact is also congressionally consented. As a previous chair of the ODFW Commission, I have first-hand experience on why we need to fully vet legislation that affects the way we're able to manage the Columbia River. SB 59, as written, and as amended, creates undue conflict and hardship on ODFW and their ability to manage the Columbia River.

In 2013, when SB 830 (Columbia River Management) passed, I was the Chair of ODFW. Other members of the commission and I worked for three days with the Washington Fish and Wildlife Commission to come to agreement. We had to figure out how non-tribal commercial gillnetters would transition off the mainstem of the Columbia River to the enhanced off-channel areas by 2017, with the caveat that if the commercial gillnetters would be negatively affected by this move, they would remain on the mainstem. As you can imagine, the recreational fisheries were very unhappy with this compromise. In 2017, ODFW revised the rules to further increase off-channel hatchery production and allow limited gillnetting on the mainstem during the fall months.

The intent of SB 830 was to improve the conservation of the Columbia River fisheries by using adaptive management. Since then, **nothing** has changed. Adaptive management is critical to ODFW to enable them to be proactive in the management and health of the fishery. Imagine if you are a business person, and someone came in and said no matter what you is going on in your business you are not allowed to make any changes that would be beneficial for the health of your business or suffer the loss of other income. This is what SB 59 does.

Below is the statutory language that originated as SB 830 in 2013. I have highlighted the section about adaptive management. The current drafting of SB 59 essentially says that if the Commission does adaptive management as prescribed in statute, then the Commission is no longer allowed to collect the fee that funds the program.

COLUMBIA RIVER FISH MANAGEMENT AND REFORM

508.980 Legislative findings and policy; Columbia River fish management and reform; adaptive management actions; rules. (1) The Legislative Assembly finds that it is the policy of the State of Oregon that rules as a whole related to Columbia River fish management and reform that are adopted by the State Fish and Wildlife Commission:

(a) Optimize overall economic benefits to this state;

(b) Enhance the economic viability of Oregon's recreational and commercial fisheries and the communities that rely on these fisheries;

- (c) Contribute to native fish conservation and recovery;
- (d) Promote orderly fishery management with the State of Washington; and
- (e) Provide consistency with agreements made with Indian tribes pursuant to state or federal court orders.

(2) If economic, including commercial harvest, or conservation objectives related to Columbia River fish management and reform adopted by rule of the commission are not met, then by rule the commission must provide for adaptive management actions that are designed to efficiently achieve the respective economic, including commercial harvest, or conservation objectives, including but not limited to:

(a) Modifying or halting the schedule and degree of shifts in harvest and impact allocations specified in rules of the commission as necessary to attain harvest objectives through improved harvest levels in either off-channel or mainstem fisheries, within the context of naturally varying run sizes;

(b) Advancing additional fishery opportunities, seasons or selective fishing gear; or

(c) Improving hatchery fish production or the timing, size or location of hatchery fish releases.

(3) As part of the rules related to Columbia River fish management and reform, the commission shall establish a zone at the mouth of Youngs Bay in which recreational fishing, including recreational fishing taking place with guide boats, is prohibited in order to reduce the interception of hatchery fish returning to the off-channel commercial fishery in Youngs Bay. At least once every three years, the commission shall evaluate the impacts and effectiveness of this zone and make adjustments, including the removal of the prohibition described in this subsection, as necessary to meet the objectives described in subsection (1) of this section. [2013 c.672 §3a]

Note: 508.980 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 508 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Sections 7 and 8, chapter 672, Oregon Laws 2013, provide:

Sec. 7. Fishery enhancement on Columbia River. (1) The Columbia River Fisheries Enhancement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Columbia River Fisheries Enhancement Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Fish and Wildlife Commission to implement measures that enhance fisheries, optimize the economic benefits of fisheries and advance native fish conservation related to Columbia River fish management and reform adopted by rule of the commission.

(2) The commission may accept grants, donations, contributions or gifts from any source for deposit in the Columbia River Fisheries Enhancement Fund.

(3) The Columbia River Fisheries Enhancement Fund shall consist of:

(a) Moneys accepted by the commission pursuant to subsection (2) of this section.

(b) Fees collected by the commission under ORS 496.146 (23). [2013 c.672 §7]

SB 59 creates a conflict within ODFW by setting up a process to remove the Columbia River Fisheries Enhancement Fund fee if the commission believes adaptive management techniques are necessary to

implement. Therein lies an issue: should the commission believe adaptive management is necessary, they will then defund some of their projects by having this fee removed. The commission will be forced to choose between either management or funding and that is a place no agency should be put in.

Because of my experience on the ODFW Commission, I believe it's my duty to bring up the issues that affect its funding or efficacy. Although there were amendments put in place to extend the sunset, versus outright eliminate the sunset, I believe SB 59 ultimately causes confusion, conflict, and inefficiency in supporting and managing the Columbia River and its fisheries.

Thank you,

Representative Bobby Levy, HD58

A handwritten signature in black ink that reads "Bobby Levy". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.