

Agenda Item Summary

BACKGROUND

The Oregon Fish and Wildlife Commission (Commission) is being asked to adopt in concept restrictive regulations for Oregon coastal fall Chinook in ocean terminal, bay and river fisheries this fall in response to sharp declines seen in recent spawning escapements and poor forecasts for this fall. Restrictions are needed to meet conservation needs of these stocks that are well below spawning escapement goals as well as to meet international agreements established under the US/Canada Pacific Salmon Treaty related to Oregon's North Oregon Coastal (NOC) Chinook stocks. The sharp decline in Oregon coastal Chinook follow similar declines observed for Chinook on the West Coast including the collapse in Sacramento fall Chinook that resulted historic closures of ocean commercial and recreational fishing this year off Oregon and California.

The affected Oregon coastal fall Chinook fisheries include ocean sport and commercial terminal fisheries in the three traditional terminal areas off Garibaldi, Port Orford and Brookings, eight new ocean commercial terminal fisheries established in 2006 as part of the Governor's declared state of emergency over salmon season closures, and bay and river sport fisheries for over 20 watersheds along the Oregon coast.

Coastal Chinook regulation options considered included maintaining traditional ocean terminal fisheries but with new restrictions, not continuing the new ocean commercial fisheries or continuing with new restrictions, and reduced daily and seasonal bag limits, reduced days/week, and area closures for bay and river sport fisheries. Sport regulation amendments in ocean terminal and inland fisheries only affect daily and seasonal retention of non-fin clipped fall Chinook; Marine (2 adult salmon per day and 20 per season), Northwest (2 adult salmon or steelhead per day and 20 per season and 5 jack salmon per day with 2 daily limits in possession), and Southwest (same as NW) Zone daily and seasonal bag limit regulations will remain unchanged (with exceptions) to allow retention of fin clipped Chinook, coho and steelhead.

Guiding principles to develop regulation options for Commission consideration include: a) Pacific Salmon Treaty obligations, b) conservation needs, c) coast wide consistency for management and enforcement, d) maintain opportunities for traditional fisheries, and e) identify exceptions to coast wide strategy to either further restrict or liberalize regulations.

**PUBLIC
INVOLVEMENT**

Public meetings were held April 29-May 1 in Gold Beach, North Bend, Newport and Tillamook to present run forecasts and solicit input on regulation options. Over 250 people attended meetings and provided input. Additional input was received in writing.

ISSUE 1

**OCEAN SPORT AND COMMERCIAL CHINOOK
REGULATIONS FOR TERMINAL AREAS**

ANALYSIS (overview)

Due to record low returns of fall Chinook to the Sacramento, the Pacific Fishery Management Council (Council) closed the ocean off Oregon and California this year to sport and commercial fishing for Chinook South of Cape Falcon, the most drastic closure in history. The only ocean fishery allowed this year is a small mark-selective sport fishery for hatchery coho. However, consistent with the Council's recommendations, the adopted federal regulations for the ocean in 2008 as in the past allows Oregon to adopt fall Chinook fisheries in state waters in the traditional areas.

In addition to guidelines by the Council, Oregon Department of Fish and Wildlife (ODFW) is required by OAR 635-500-0135 to adopt regulations for ocean mixed-stock and terminal area fisheries that meet three specific criteria: 1) provide access by fisheries to harvestable surpluses of Chinook salmon that may exist, 2) maintain traditional in-river fisheries and 3) meet spawning escapement goals in wild coastal Chinook populations. These ocean mixed-stock fisheries also cannot impact other regional depressed salmon stocks under Council or Oregon management plans. These were the primary sideboards used to develop and evaluate terminal fishery alternatives.

**ANALYSIS
(Traditional Ocean
Terminal Fisheries)**

Sport and commercial terminal fisheries have traditionally occurred in the Garibaldi ocean area (targeting Tillamook Bay rivers fall Chinook), the Port Orford ocean area (targeting Elk River fall Chinook), and the Brookings ocean area (targeting Chetco River fall Chinook).

• **Tillamook Bay Terminal Fishery**

The traditional fall Chinook terminal area includes the area between Twin Rocks and Pyramid Rock, 0-3 miles. In 2007, the sport season was August 1-November 15 (2 Chinook/day, 4 Chinook in 7 consecutive days, and 10 per season in aggregate for Nehalem, Tillamook, and Nestucca ocean terminal areas, rivers, and bays) and the commercial season was November 1-15 (in addition to the new Nehalem/Tillamook commercial terminal fishery discussed below). 2008 forecasts of 11,255 Chinook for Tillamook Bay rivers are near the goal established under the Council (11,016) and 2007 escapements (14,313) is above the 1990-2007 average (13,081).

For 2008, a **sport season** is recommended September 1-November 15 in the terminal area consistent with the daily and seasonal bag limits for Marine, NW, and SW Zone regulations (in the aggregate combined with other open areas in the Marine, Northwest, and Southwest Zones including terminal areas and inland fisheries: 2 adult salmon/day, only 1 may be a non-fin clipped Chinook, 20 per year of which only 5 may be a non-fin clipped Chinook, August 1-December 31.

For 2008, a **commercial season** is recommended September 1-November 15 in the terminal area with a quota of 500 Chinook and a landing and possession limit of 25 Chinook per calendar week and 28 inch min. length.

OPTIONS (Tillamook)

1. **Sport-** September 1-November 15 season in the terminal area with daily and seasonal bag limits consistent with Marine, Northwest, and Southwest Zones (see below). **Commercial-** September 1-November 15 season in the terminal area with a quota of 500 Chinook and a landing and possession limit of 25 Chinook per calendar week and 28 inch min. length.
2. Same **sport** regulations but for **commercial** a 250 Chinook quota.

ANALYSIS (Elk R.)

● **Elk River Terminal Area**

The traditional fall Chinook terminal area includes the area between Cape Blanco and Humbug Mountain, 0-3 miles. In 2007, the sport season was November 1-December 15, 2 Chinook per day and the commercial season was September 17-December 15 with a 28 inch min. length for Chinook. The 2008 forecast for the Elk River (2,511 wild and hatchery fish combined) and 2007 escapement of 2,252 is below the 1990-2007 average (3,551). For the Sixes River that is adjacent to the Elk River. The 2008 forecast of 533 Chinook and 2007 escapement of 162 fish is well below the 1990-2007 average (1,345).

For 2008, a **sport** season is recommended November 1-30 consistent with the daily and seasonal bag limits in the Marine, NW, and SW Zone regulations (in the aggregate combined with other open areas in the Marine, Northwest, and Southwest Zones including terminal areas and inland fisheries: 2 adult salmon/day, only 1 may be a non-fin clipped Chinook, 20 per year of which only 5 may be a non-fin clipped Chinook per season, August 1-December 31. For 2008, **commercial** season is recommended November 1-30 in the terminal area with a quota of 250 Chinook and a landing and possession limit of 10 Chinook per calendar week and 28 inch min. length.

OPTIONS (Elk R.)

1. **Sport-** November 1-30 season in the terminal area with daily and seasonal bag limits consistent with Marine, Northwest, and Southwest Zones regulations. **Commercial-** November 1-30 season in the terminal area with a quota of 250 Chinook and a landing and possession limit of 10 Chinook per calendar week and

28 inch min. length.

2. Same **sport** regulations; for **commercial** same quota but with a 26 inch min. length, and a 0-30 fathom line boundary.

ANALYSIS (Chetco)

- **Chetco River Terminal Area**

The traditional fall Chinook terminal area includes the area between the north shore of Twin Rocks and the Oregon/California border, 0-3 miles. In 2007, the sport season was October 1-14, 1 Chinook per day and 4 per season and the commercial season was October 15-November 5 or 1,000 Chinook quota, daily landing and possession limit of 25 Chinook and 28 inch min. length. The 2008 forecast for the Chetco River of 1,824 fish and 2007 escapement of 1,344 fish is far below the 1990-2007 average of 4,763.

For 2008, a **sport** season is recommended October 1-4 with a goal of 250 Chinook landed (additional days Oct. 10-11 and 17-18 if weather limits effort and goal is not reached), 1 Chinook/day and 4 Chinook per season. The seasonal bag limits are recommended to be part of the seasonal bag recommended in the Marine, NW, and SW Zone regulations. For 2008, a **commercial** season is recommended October 5-8, 12-15, and 19-31 or a quota of 250 Chinook with a daily landing and possession limit of 10 Chinook and 28 inch min. length.

OPTIONS (Chetco)

1. **Sport**- October 1-4 season with a goal of 250 Chinook landed (additional days Oct. 10-11 and 17-18 if weather limits effort and goal is not reached), 1 Chinook/day and 4 Chinook per season. The seasonal bag limits are recommended to be part of the seasonal bag limits in the Marine, NW, and SW Zone regulations. **Commercial**- October 5-8, 12-15, and 19-31 season or a quota of 250 Chinook with a daily landing and possession limit of 10 Chinook and 28 inch min. length.
2. Same **sport** regulations except goal of 125 Chinook landed; for **commercial** same regulations except 125 Chinook quota with a daily landing and possession limit of 5 Chinook.

ANALYSIS (New Ocean Terminal Fisheries)

In 2006, as part of the Governor's declaration of state of emergency over salmon season closures, the Commission adopted additional ocean commercial terminal fisheries targeting fall Chinook from the Tillamook Bay rivers and the Nehalem, Nestucca, Yaquina, Alsea, Siuslaw, Umpqua, Coos and Rogue rivers. Minimum size limits and landing limits matched federal regulations. These fisheries were continued in 2007 (except for the Rogue) with modifications in seasons and quotas:

- **Tillamook/Nehalem River Terminal Area**

Ocean inside three miles between Cape Falcon (N. Lat. 45°46'00") and Pyramid Rock (N. Lat. 45°29'48") open September 1-8 and 17-30, 2007 or 2,000 Chinook quota.

- **Nestucca River Terminal Area**

Ocean inside three miles between Cape Lookout (N. Lat. 45°20'30") and Neskowin Cr. (N. Lat. 45°06'00") open from September 1-8 and 17-30, 2007 or 1,000 Chinook quota.

- **Yaquina River Terminal Area**

Ocean inside three miles between Yaquina Head (N. Lat. 44°40'35") and N. Lat. 44°33'00" open from September 1-8 and 17-30, 2007 or 1,000 Chinook quota.

- **Alsea River Terminal Area**

Ocean inside three miles between N. Lat. 44°29'00" and N. Lat. 44°23'00" open from September 1-8 and 17-30, 2007 or 2,000 Chinook quota.

- **Siuslaw River Terminal Area**

Ocean inside three miles between from Heceta Head (N. Lat. 44°08'18") and north of N. Lat. 44°00'00" open September 1-8 and 17-30, 2007 or 2,000 Chinook quota.

- **Umpqua River Terminal Area**

Ocean inside three miles between Tahkenitch Creek (N. Lat. 43°47'55") and north of N. Lat. 43°37'00" open from September 1-8 and 17-30, 2007 or 500 Chinook quota.

- **Coos River Terminal Area**

Ocean inside three miles between N. Lat. 43°31'00" and Cape Arago (N. Lat. 43°20'15") open from September 1-8 and 17-30, 2007 or 1,500 Chinook quota.

Total Chinook landings in the new ocean commercial terminal fisheries was 1,377 in 2006 but only 122 in 2007 due to poor catches and reduced effort.

Except for the Tillamook, recent escapement levels and forecasts in terminal area rivers are below escapement goals and 1990-2007 averages. The staff recommendation is to not continue the new ocean commercial terminal fisheries given status of Chinook escapements.

These new fisheries encompass a significant area of the Oregon coast and would not be consistent with OAR 635-500-0135 and guidance by the Council and National Oceanic Atmospheric Administration (NOAA) for 2008 ocean fisheries to minimize potential impacts to Sacramento fall Chinook.

OPTIONS (New Ocean Terminal Fisheries)

1. Discontinue the new ocean commercial terminal fisheries for 2008.
2. Same as 2007 – Same terminal areas, open periods, quotas, port landing requirements with minimum size and landing limits as 2007 federal regulations.
3. Modify terminal areas, season length, quota or port landing requirements from 2007.

STAFF RECOMMENDATION

1. Traditional Terminal Fisheries. Adopt Option 1 for traditional ocean sport and commercial terminal fisheries off Tillamook Bay, Elk River and Chetco River.
2. New Ocean Terminal Fisheries. Adopt Option 1 to discontinue the new ocean commercial terminal fisheries off the Tillamook and the Nehalem, Nestucca, Yaquina, Alsea, Siuslaw, Umpqua and Coos rivers.

ISSUE 2

AMENDMENT TO SPORT ANGLING REGULATIONS FOR OREGON COASTAL FALL CHINOOK IN BAYS AND RIVERS TO MODIFY THE DAILY AND SEASONAL BAG LIMITS AND AREA CLOSURES

ANALYSIS

Over the last four years, particularly in the last two years, sharp declines have been observed in escapements of Oregon coastal fall Chinook that have been below minimum escapement goals with similar trends forecasted for 2008. Oregon's three North Oregon Coastal indicator stocks established under the Pacific Salmon Treaty (Nehalem, Siletz and Siuslaw rivers) did not meet escapement goals in 2007 and are forecasted to be 10-40 percent below goals in 2008. With the exception of Tillamook Bay rivers that is forecasted to meet the escapement goals established under the PFMC, other major North Oregon Coastal rivers (that include all rivers from the Necanicum to Siuslaw) are forecasted to be 5-50 percent below goals.

For Oregon's Mid Oregon Coastal streams that includes all rivers from the Umpqua to Elk River, the Coos, Coquille and Sixes rivers are forecasted to be 65-75 percent below PFMC goals and the Umpqua and Elk rivers are forecasted to be 30-45 percent below long-term (1990-2007) average escapements.

For South Oregon Coastal streams that include rivers from the Rogue to Winchuk, the Rogue is forecasted to be 90 percent of 2007 escapement, but the Chetco is forecasted to be 60 percent below the average long-term escapement.

Besides meeting conservation needs and escapement goals, there is a specific obligation under the Pacific Salmon Treaty to reduce freshwater fisheries for North Oregon Coastal (NOC) rivers because escapement goals are not being met for the Nehalem, Siletz and Siuslaw indicator stock streams with similar trends forecasted for 2008. Under the Treaty, Oregon must reduce its aggregated terminal fishery (that is primarily bay and river fisheries since few NOC Chinook are taken in ocean PFMC and terminal fisheries) harvest for NOC rivers equal to 60 percent of the 1979-82 base period (termed "general obligation"). This calculates to be about 7 percent for the NOC aggregate. The current freshwater exploitation rate (based on 2005-06 punch card estimates) for the NOC aggregate is about 10 percent which means that harvest would have to be reduced by 30 percent. However, freshwater harvest in 2005-06 was likely higher than what will occur in 2008 because angler effort and catch is likely to be less this year because of poor runs. Therefore, staff felt that a freshwater harvest reduction of 15-20 percent was a reasonable target to meet our treaty obligations and help meet escapement goals.

Staff evaluated punch card data for sport catch of fall Chinook in Oregon coastal streams for 2004-06 to determine the potential benefits of reduced daily and seasonal bag limits, and reduced days/week including combinations of week and weekend days. These analyses showed that restricting the daily bag limit (currently 2 salmon or steelhead per day) to allow no more than 1 Chinook per day could improve terminal escapements by approximately 6.5 percent. Restricting the seasonal limit (currently 20 per season) to 5 Chinook per year could further improve terminal escapements by about 6 percent. Although there was more public support to reduce the seasonal limit to 10 rather than 5 per year, this reduction would only provide a 1 percent benefit. There was no public support for reduced days/week, so this option was not considered. Staff also evaluated different season/area closures for the Chetco River including closure of the mainstem above Hwy 101 bridge or the entire mainstem until November 1 to restrict fishing on keged fish under low water conditions.

Staff also evaluated various options for moving deadlines downstream including options proposed by the public to protect spawning fish but also maintain as much traditional boat and bank angling opportunities as possible.

It is recommended that Chinook angling deadlines are moved downstream for the following rivers:

Siletz River- Mainstem deadline moved downstream 18 miles.

Yaquina River- Big Elk Creek deadline moved downstream 16 miles.

Alsea River- Mainstem deadline moved downstream 7 miles and Five Rivers angling deadline moved to the mouth (6 miles).

Siuslaw River- Mainstem angling deadline moved downstream 16 miles and Lake Creek angling deadline moved to mouth (6 miles).

Umpqua River- N. Fork Smith River deadline moved to mouth (4 miles).

Coos River- South Fork deadline moved downstream 7 miles.

Coquille River- South Fork deadline moved downstream 14 miles, N. Fork deadline moved to mouth (9 miles), Middle Fork deadline moved to mouth (9 miles).

Floras Creek and Floras Lake Outlet- Deadline moved downstream 2 miles of natural cascade barrier.

Sixes River- Mainstem deadline moved downstream 9 miles.

Total miles of area closure is 67 miles for North Oregon Coast Chinook and 54 miles for Mid Oregon Coast Chinook and 123 total miles. It is estimated that terminal escapements will be improved approximately 5 percent within each aggregate by these area closures. Overall benefits of the recommended reduced daily and seasonal bag limits and area closures to improving spawning escapements of fall Chinook is estimated to be 15 percent.

Exceptions to Zone regulations include:

Yachats River- This is a small watershed that cannot sustain higher harvest rates. Recommendation is to maintain current more restrictive 1 adult Chinook daily/5 per season with non-fin clipped Chinook counting towards Zones seasonal aggregate of 5 non-fin clipped adult Chinook per year.

Isthmus Slough- This is an area with minimal natural production that is stocked with approximately 600,000 hatchery fall Chinook from STEP facilities. Recommendation is to maintain current 2 adult salmon or steelhead and 20 per year.

Rogue River- The 2008 forecast for the Rogue is near the 2005-2007 escapement and returns could be 15-20 percent higher due to closure of ocean sport and commercial fisheries off Oregon and California by the Council and NOAA. As opposed to North and Mid Oregon Coast Chinook, South Oregon Coastal Chinook are harvested primarily in ocean fisheries off Oregon and California regulated by the Council. Recommendation is to maintain current regulations except allow no more than 10 non-fin clipped adult Chinook with 5 counting towards Zone seasonal aggregate of 5 non-fin clipped adult Chinook per year.

Hunter Creek and Pistol River- Similar to the Yachats, these are small watersheds that cannot sustain higher harvest rates. Recommendation is to maintain current more restrictive 1 adult or jack Chinook daily/5 per season with non-fin clipped adult Chinook counting towards Zones seasonal aggregate of 5 non-fin clipped adult Chinook per year.

OPTIONS
(Amendments to sport angling regulations for coastal fall Chinook in bays and rivers to modify daily and seasonal bag limits and area closures)

1. Amend Marine, Northwest, and Southwest Zone regulations to allow in the aggregate combined with other open areas in the zones including ocean terminal areas and inland fisheries no more than 1 non-fin clipped adult Chinook per day and 5 non-fin clipped adults per season August 1- December 31, 2008.
Exceptions: Maintain current regulations for Yachats River, Isthmus Slough, Hunter Creek, and Pistol River. For the Yachats, Hunter Creek and Pistol River, non-fin clipped adult Chinook count towards Zones seasonal aggregate of 5 non-fin clipped Chinook per season. Maintain current regulations for Rogue River except allow no more than 10 non-fin clipped adult Chinook per season with 5 non-fin clipped adult Chinook counting towards Zones seasonal aggregate of 5 non-fin clipped adult Chinook per year.

Amend Northwest and Southwest Zone regulations to establish new angling deadlines for Chinook in the Siletz (Hwy 229 Bridge RM 38), Big Elk (Bear Cr. RM 5), Alsea (Five Rivers RM 23), Five Rivers (closed), Siuslaw (Lake Cr. RM 30), Lake Cr. (closed), N. Fork Smith (closed), South Fork Coos (Dellwood weir), S. Fork Coquille (Middle Fork RM 5), N. Fork Coquille (closed), Middle Fork Coquille (closed), Floras Cr. and Floras Lake outlet (Floras Cr. bridge RM 5), and Sixes River (Edson Cr. RM 10).

Amend Southwest Zone regulations to close Chetco River to Chinook fishing until November 1.

2. Same as Option 1 except allow 10 non-fin clipped adult Chinook in aggregate for open areas in the zones.
3. Same regulations as 2007.

STAFF
RECOMMENDATION

1. Adopt Option 1 to amend sport angling regulations for coastal fall Chinook in bays and rivers August 1-December 31, 2008.

DRAFT MOTION

I move to adopt, in concept, the 2008 regulations for fall Chinook in ocean sport and commercial terminal fisheries and bay and river sport fisheries as proposed by staff in Attachment 3.

EFFECTIVE DATE

August 1, 2008.