

Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303



**Addendum to the August 8, 2008 Staff
Report for 2009 Oregon Sport Fishing
Regulation Development
Prepared for the September 19, 2008
Commission Meeting**

This package contains the following:

- **Staff Comments and Assessments on Category B proposals presented at the September 19, 2008 Commission hearing.**

The Fish and Wildlife Commission previewed Category A and Category C proposals on August 8, 2008 and will review Category B proposals at the September 19, 2008 Commission hearing. The Commission will adopt final rules on all proposals at the September 19, 2008 Commission hearing.

The September 19, 2008 Commission hearing will begin at 9:00 am in the Washburne Hall multi-purpose room located at Pacific University(2043 College Way, UC 663 in Forest Grove OR, 97116.

**Presented to the Oregon Fish and Wildlife Commission
September 19, 2008**

Addendum to the August 8, 2008 Oregon Sport Fishing Regulation Development Packet

Background:

Every four years the Oregon Department of Fish and Wildlife (ODFW) develops Oregon Sport Fishing Regulations by utilizing a "Public Process." This process allows ODFW and Oregon State Police (OSP) staff and the general public an opportunity to propose new or modified sport fishing regulations. A series of Public Meetings were also held throughout Oregon to get public input on all proposed angling regulations.

The last Public Process occurred in 2004 and was intended to cover angling regulations from 2005 through and including the year 2008. The current public involvement process will be used to shape Oregon Sport Fishing Regulations from 2009 through and including 2012. The 2009 Oregon Sport Fishing Regulation development process was initiated in September of 2007 with development of ODFW and OSP staff proposals and will conclude in September 2008 when the Commission adopts the 2009 Oregon Sport Fishing Regulations.

At the August 8, 2008 Commission meeting, the Commission concurred with ODFW staff on the classification of all A proposals and based on staff and public input, reclassified seven public proposals for reconsideration. These proposals include:

132P Eliminates harvest of unmarked trout in streams in the NW and SW zones and eliminate use of bait when angling for trout in streams.

236P Allow angling until 8:00pm on the Rogue River from Cole Rivers Hatchery downstream to Hwy 62 Bridge at McGregor Park. Also delay the start of the time closure until April 15.

269P Establish new angling boundaries on the lower McKenzie River to reduce use of bait and impacts to native trout.

270P Establish new angling boundaries on the upper McKenzie River to reduce use of bait and impacts to native trout and eliminate the winter catch-and-release trout fishery.

271P Move the Molalla River angling deadline downstream to Pine Creek Bridge to protect salmon and steelhead. Allow only use of single barbless hooks year-round and restrict the use of bait from May 15 – July 15. Remove limits on bass.

335P Agency Lake Remove the 1 trout per day bag limit and go to a catch-and-release trout fishery.

343P Williamson River, Sections 1, 2, and 3. Remove the seasonal 1 trout per day bag limit and go to a catch-and-release trout fishery.

Table 1 below summarizes the current categorization of the 343 staff and public angling regulation proposals submitted as part of the 2009 Public Process, including the re-categorization of the seven proposals listed above. All Category C proposals following re-categorization were dropped from further consideration and are not included in this addendum. All Category A

proposals have been recommended to be carried forward to the September 19, 2008 Commission meeting with a recommend to adopt. Category A proposals are listed in actual rule language as they would appear in the 2009 Oregon Sport Fishing Regulations in Attachment 6. There are no summaries of Category A proposals in this addendum.

Table 1. Status of staff and public angling regulation proposals following the August 8, 2008 Commission meeting. Includes seven proposals re-classified from C to B by the Commission.

| Angling Zone | Category of Public Proposals | | | | Category of Staff Proposals | | | |
|---------------|------------------------------|-----------|------------|------------|-----------------------------|-----------|----------|-----------|
| | A | B | C | Total | A | B | W | Total |
| Statewide | 1 | 4 | 39 | 44 | 10 | 0 | 1 | 11 |
| Northwest | 1 | 5 | 41 | 47 | 5 | 1 | 1 | 7 |
| Southwest | 0 | 10 | 53 | 63 | 5 | 3 | 1 | 9 |
| Willamette | 8 | 8 | 12 | 28 | 31 | 5 | 3 | 39 |
| Central | 1 | 10 | 22 | 33 | 1 | 2 | 0 | 3 |
| Northeast | 1 | 2 | 4 | 7 | 2 | 0 | 0 | 2 |
| Southeast | 1 | 3 | 6 | 10 | 0 | 1 | 0 | 1 |
| Snake R. | 0 | 0 | 4 | 4 | 0 | 0 | 0 | 0 |
| Columbia R. | 0 | 2 | 8 | 10 | 1 | 3 | 0 | 4 |
| Marine | 0 | 1 | 15 | 16 | 2 | 0 | 2 | 4 |
| Totals | 13 | 45 | 204 | 262 | 57 | 15 | 8 | 80 |

Following are staff comments and assessments on Category B proposals being considered by the Commission at the September 19, 2008 meeting. Staff have expanded comments on “Key Issue” proposals which are proposals with major public interest or proposals which would result in major changes to angling opportunities. Additional staff summaries on the implications of the proposed rule on Native Fish Policy compliance or implementation and on the issue of angling regulation complexity or simplification have been added at the end of each proposed rule summary at the request of the Commission. Page numbers where the proposed rule language is located in Attachment 6 have been included to facilitate cross-referencing.

Staff Comments and Assessments on Category B Proposals

Statewide:

Page 1; 108P Staff recommends to Reject. This proposal would require all Harvest Tags to be turned into ODFW in order for an angler to obtain a new tag. The rationale for this proposal is to increase the return rate of Harvest Tags to improve monitoring of catch to improve management of salmon, steelhead, Pacific halibut and sturgeon. The average Harvest Tag return rate from 1995-2006 was 23 percent. The percent return of harvest tags is based on Resident Sports Pack Sales, Adult Combined Fishing Tags sold, and Juvenile Combined Fishing Tags sold. The 1, 2, 3, 4 and 7 day licenses are not included in total licenses sold as they are mostly trout fisherman.

Staff supports this rule concept but there are problems associated with implementation of this requirement. Multiple issues were raised by the Angling Regulation Review Board, but the Board elected to forward this proposal in order to obtain public comment and additional ODFW staff analysis. The proposal does not have financial incentives or penalties associated with it,

therefore the Commission can consider this proposed rule change. Issues associated with implementation of this rule include:

1. The fact that there is no penalty for not turning in your tag creates no additional incentive for anglers to turn in their tags if this rule is passed.
2. Difficulties arise when anglers wish to purchase their tags before the end of the year and continue to fish for winter steelhead the last week of December.
3. ODFW Point-of-Sale is not programmed to track the return of angling tags; therefore the vendor has no way to determine if tags have been returned unless they are returned at the time of purchase.

Both Washington and California state in their sport fishing regulations that it is mandatory that anglers turn in their harvest cards (with specific dates listed in pamphlet and printed on harvest cards). ODFW plans on enhancing its efforts to get anglers to return Harvest Tags through public service announcements and prize incentives. ODFW will also continue to process and analyze current data collected and make it a viable and useful to anglers and fishery managers. We are also planning on printing a message on the back of Harvest Tag to encourage anglers to return tags.

Higher return rates of harvest tags would increase staff's ability to assess harvest rates on salmon and steelhead stocks, but this rule is not directly related to Native Fish Conservation Policy (NFCP) implementation. The regulation complexity is likely to increase, but implementation of the proposed rule would be a major issue.

Page 6; 135P Staff recommends to Reject. New statewide bass limits. The proposed rule for the new statewide limit would be only bass (both largemouth and smallmouth bass) less than 12 inches or greater than 17 inches may be retained. The daily limit would be 5 bass per day, of which no more than one over 17 inches. The rationale for the proposal is to harvest more small fish, enhance catch-and-release fishery, keep the good spawners in the fishery longer, and to insure available fishery for the future. The current statewide limit on bass is 5 per day, no more than 3 over 15 inches in length. Staff analysis of this rule indicates that proposed rule would not achieve desired fishery objectives in many of the waterbodies managed under "Zone" bass regulations. Additionally, additional protection of bass in areas with native fish interactions could result in higher impacts to native fish and wildlife. The proposal would also not be consistent with rules currently in place for boundary waters on the Columbia and Snake Rivers. The objective of this proposal would not be consistent with waters managed under the "Basic Yield" option of the Warmwater Fish Plan (WFP) which states that "Basic Yield waters will be managed under general statewide regulations." ODFW has had a slot limit in the past in several Eastern Oregon waters, with mixed success.

Rule not directly related to Native Fish Conservation Policy implementation. Changes in the bass regulations for specific waterbodies may increase or decrease impacts to native fish. A change in rule would complicate regulations.

Page 6; 136P Staff recommends to Reject. The proposed statewide rule is to establish a daily limit for channel catfish; 10 per day no minimum length. This rule is not being proposed for the mainstem Columbia River, Snake River and its Tributaries and Owyhee Reservoir. The stated purpose for this rule is to establish a reasonable channel catfish harvest and protect from over fishing. Staff recommends that this proposed rule be rejected. (See discussion below).

Rule not directly related to Native Fish Conservation Policy implementation. Changes in catfish regulations for specific waterbodies may increase or decrease impacts to native fish. A change in rule would complicate angling regulations.

Page 6; 138P Staff recommends to Reject. The proposed statewide rule would establish a daily limit for crappie; 50 per day with no minimum length limit. This rule is not being proposed for the mainstem Columbia River, Snake River and its Tributaries and Owyhee Reservoir. The stated purpose is to establish a reasonable crappie harvest and protect form over-harvesting. Staff recommends that this proposed rule be rejected. (See discussion below).

Rule not directly related to Native Fish Conservation Policy implementation. Changes in crappie regulations for specific waterbodies may increase or decrease impacts to native fish. A change in rule would complicate regulations and require additional enforcement efforts.

General discussion on special statewide regulations for warmwater fish species. The angling public has showed mixed support for statewide warmwater gamefish limits based on public comment received during this Public Process and from results of Oregon's 2006 Angler Preference Survey. In the 2006 survey, anglers were asked to express their support or opposition to the establishment of bag limits for particular warmwater gamefish species for which there are currently no bag limits. The survey results indicated that there was opposition to establishing bag limits for crappie, panfish or catfish. The Angler Preference survey showed that 61, 52 and 55 percent of surveyed anglers moderately or strongly opposed crappie, panfish and catfish limits respectively. Responses of anglers for specific warmwater fishing locations may differ from responses for statewide rules. There are several warmwater fish bag limits being considered for individual waterbodies of the state, and staff supports consideration of special regulations for warmwater fisheries on a waterbody-by-waterbody basis if there is a biological need or significant social support for the proposed rule and no native fish concerns. Due to limited information on many of the smaller warmwater fisheries in Oregon, it is difficult to determine biological need for special regulations. Regulation complexity could be greatly increased as special species regulations are added to waterbodies without a biological need or low angler harvest. Additionally, studies have shown that when bag limits are placed on waterbodies angler participation may be affected. This could be detrimental to many of the rural waterbodies through the state that rely on input of angler dollars for their income. Staff plan to continue their work with the Warmwater Working Group and other warmwater anglers to begin development of specific criteria (both biological and social) to consider when proposing special warmwater angling regulations on warmwater fish species (bass, crappie, sunfish, and catfish). If left unchecked, there could be numerous regulations adopted with little fishery or social benefit resulting only in more numerous complex regulations and possibly decreased angler participation.

Staff is not necessarily opposed to consideration of statewide harvest rules for catfish and crappie. Proposals 136P and 138P are a good starting point for discussions of statewide warmwater fish catch limits but as statewide rules do not adequately address the current or future warmwater fishery management needs. One statewide rule may not be applicable to both Westside and Eastside warmwater fisheries due to differences in angler harvest rates, waterbody productivity, or differences social desires or expectations. In the near future, staff expect to more fully examine the need for statewide warmwater fish limits and utilize the existing Warmwater Working Group and the Sport Fish Leaders Group for Inland & Freshwater Recreational Fisheries (being developed) to provide input and direction for potential rule changes.

Northwest Zone:

Key Issue

Page 8; 150P Staff recommends to Adopt. Three public proposals were a part of the 2009 Public Process to reestablish a modest consumptive trout season on north Coast streams. These proposals have been consolidated into one proposal, 150P. It should be noted that one of the proposals was modified prior to the Review Board Screening to delete proposed rule language that would have required anglers to record cutthroat catch on the Combined Angling Tag. Proposal 150P would establish a late May through October consumptive trout season with a 2 fish per day limit, 8-inch minimum length. Current rules for gear types (flies and lures only from late May through August) would be maintained (150P). The stated purposes of the proposed rule is to reinstate a consumptive fishery for cutthroat trout to increase recreational opportunity for all of Oregon's anglers and to allow harvest of fish at a level that is sustainable. Furthermore, that the proposed fishing opportunities provide a sociological value of the outdoor experience especially for young anglers.

ODFW fully supports implementing a consumptive fishery on coastal cutthroat trout on the north coast. Cutthroat populations are abundant and well distributed in all north coast watersheds as stated in the coastal cutthroat section of the 2005 Stock Status Report (Attachment 8). The sea-run component has recovered from low abundances observed in the 1990's and should be able to support a modest fishery. Staff will be presenting information on this proposal including affects on angling opportunities and cutthroat trout populations, current cutthroat trout monitoring in North coast streams, and Native Fish Conservation Policy considerations.

Staff will begin presentations on cutthroat trout proposals 150P and 132P with a brief review of current status, historical review of coastal cutthroat management, and current fishery management. Information contained in the 2005 Oregon Native Fish Status Report, fish monitoring as part of ongoing Oregon Plan implementation, and District assessments will be presented to the Commission.

The proposed rule is consistent with the goals of the Native Fish Conservation Policy since it provides opportunities for consumptive and non-consumptive fisheries on healthy wild fish stocks. The proposed rule would simplify regulations and provide a consistent Zone rule for trout fishing in the NW and SW Zone.

Key Issue

Page 9; 132P Staff recommends to Reject. Eliminates harvest of unmarked trout in streams in the NW and SW zones and eliminate use of bait when angling for trout in streams. This rule was initially rejected by the Angling Regulation Review Board with a finding that the proposal did not address an established need, was not supported by affected citizens and was not consistent with biologically sound principles. SW Zone populations of wild cutthroat can support limited, dispersed consumptive fisheries. The proposed rule language is as follows: Streams (Including tidewaters and bays and Lower Columbia River tributaries): Northwest Zone and Southwest Zone. Catch-and-release only for non fin-clipped trout. Bag limits and 8-inch minimum size limits for fin-clipped trout as currently described for Southwest Zone. Bait not allowed at anytime when angling for trout. The stated rationale for the proposal, as submitted is listed below.

Purpose as stated: "To continue provide angling opportunities for Sea-Run Coastal Cutthroat Trout and at the same time protect and conserve depleted populations of these State Sensitive (Vulnerable) fish. Angling regulations are simplified in that all coastal trout regulations are

consistent. A healthy population of these fish has the potential to provide a “Blue Ribbon Fishery” for anglers casting flies and lures in tidewater and in the larger coastal streams. Anglers would be attracted from both within and out of state. ODFW’s 2006 angler survey indicated that 90% of trout anglers did not need to take a trout home to have had a successful angling opportunity. About 50% of those anglers indicated that they received more satisfaction from their trip if they did release their catch. This fish is difficult to monitor and there is limited data on population status but it appears to be much depleted from historical levels as recent as the mid 1980’s. Anadromous Coastal Cutthroats are very vulnerable to poor ocean conditions and degraded habitat in their freshwater rearing areas. California has labeled their populations as a “Species of Special Concern”. Washington had identified 40 population complexes of which 1 is healthy, 7 are depressed and 32 lack enough information to classify. The current 8-inch minimum length provides limited protection to a population where most presmolts and smolts exceed 8 inches in length. Recent studies have indicated male “trout”, mainly precocious steelhead and resident Rainbow Trout as an important component of some steelhead breeding populations. These fish are presently exposed to take and/or bait fishing mortality in streams where regulations facilitate this type of angling. Bait is currently allowed in all tidewaters and bays, in all streams after August 31 and by special regulations in at least 6 Lower Columbia River tributaries, at least 7 Northwest Zone streams, in the Willamette River, in the Clackamas River, and in at least 7 Southwest Zone streams. Tidewater areas and the lower ends of some of the larger rivers where bait angling is commonly permitted are the very areas where the bulk of the angling for adult Sea-run Cutthroat takes place. Adults, smolts and presorts seem to take bait deeply and a high mortality would be expected from released fish taken on bait. Our Coastal cutthroat angling proposal provides for enhanced angling opportunity, caters to the satisfaction level of the bulk of Oregon’s trout anglers, is biologically sound, and most importantly, will help return the Sea-run Coastal Cutthroat population to healthy levels.”

Staff assessment of proposal 132P will include a review of Oregon’s coastal cutthroat status using information on coastal cutthroat trout contained in the 2005 Oregon Native Fish Status Report (2005 Stock Status Report). This information is also included in Attachment 8 of this Exhibit Item. Staff will also present information on coastal cutthroat angling participation trends from the Oregon’s 2006 Angler Preference Survey of Annually Licensed Resident Anglers as well as other information in this survey related to coastal cutthroat trout angling and trout angling in general. District staff will also present specific information on current cutthroat trout monitoring activities, the implications of this proposal as it relates to cutthroat conservation and recreational opportunities.

The proposed rule is inconsistent with the goals of the Native Fish Conservation Policy by not providing diverse opportunities for consumptive and non-consumptive fisheries on healthy stocks of wild fish. The proposed rule would provide a consistent Zone rule for trout fishing in the NW and SW Zone but would add considerable complexity since multiple opportunities (rule changes) to fish for trout would be eliminated or modified and issues related to angling with bait would be complicated. These rule changes are shown in Attachment 6, pages 55-60 for the NW Zone and pages 60-65 for the SW Zone.

Page 12; 164P Staff recommends to Adopt (in original form). Expand the Kilchis River steelhead season to allow fishing year-round upstream to the confluence with North Fork Kilchis River. ODFW supports the concept of opening the Kilchis River year-round for steelhead angling. This provides additional low impact angling opportunity, and allows the harvest of the occasional stray hatchery steelhead.

Proposed rule is consistent with the goals of the Native Fish Conservation Policy since it provides expanded angling opportunity and recreational opportunities with only minimal impacts on wild steelhead. The proposed rule would not significantly affect regulation complexity.

Page 13; 73S Staff recommends to Adopt. Eliminate North Fork Nehalem angling closure and allow angling above Hwy 53 for fall Chinook and hatchery coho salmon and steelhead. The existing rule was a result of ethics problems (snagging) primarily on fall Chinook (rule submitted by public). The proposed rule provides additional angling opportunity, particularly to harvest excess hatchery coho that bypass Nehalem hatchery. The rule would also create consistency within the basin by eliminating a “mid-season” angling closure. Ethics concerns (snagging, etc.) can be addressed through OSP/ODFW Coordinated Enforcement Planning (CEP) process. This area was closed previously to deal with snagging problems targeting abundant hatchery coho salmon, originating from releases of 600K-800K smolts. The current coho program has been reduced to 100K smolts. There is now public support for reopening this section of river. If snagging problems resume, they will be acted upon by OSP.

Proposed rule is consistent with the goals of the Native Fish Conservation Policy since it provides expanded angling opportunity with only minimal impacts on wild steelhead. The proposed rule would not significantly affect regulation complexity.

Page 14; 189P Staff recommends to Adopt. Crappie limits for Vernonia Pond, 10 crappie per day. ODFW staff is not opposed to this rule. It is unclear if there is a biological basis for the proposed rule and anglers are unlikely to catch large numbers of crappie, and thus probably rarely catch 10 fish in a day.

Rule does not affect Native Fish Conservation Policy implementation since there are no native fish implications in this waterbody. Regulation complexity would only be slightly affected, with a new rule added to the Vernonia Lake entry.

Page 14; 191P Staff recommends to Reject. This public proposal would close the Little North Fork Wilson to all angling. The proposal is to close this stream to all angling, or at the very least close the river to all angling Dec. 1 – 31. ODFW assessment indicates that this restriction is not necessary. While it may be true that some anglers are targeting Chinook illegally, OSP indicates they have not been receiving complaints or identified this as a significant problem. In addition, downstream juvenile monitoring has estimated up to 2 million or more Chinook fry produced annually in the Little North Fork Wilson. It is unlikely that illegal angling behavior is having a substantial effect on Chinook production in this basin. This proposal would also reduce angling opportunity, and reduce harvest on hatchery steelhead. Approximately 15-20 percent of hatchery winter steelhead smolts are released at Mill Bridge bar, which is directly across from the mouth of the LNF Wilson. Hatchery steelhead do stray into the LNF, and provide some harvest opportunity for anglers. Additionally, this smaller stream provides angling opportunity when the Wilson River is blown out, as it drops into shape more quickly than the mainstem.

Proposed rule would not impact implementation of the Native Fish Conservation Policy since there is no conservation issue for salmon in this waterbody. The proposed rule would add slightly to regulation complexity by adding a new entry for this closure.

Southwest Zone:

Key Issue.

Page 15; 132P Staff recommends to Reject. Eliminates harvest of unmarked trout in streams in the NW and SW zones and eliminate use of bait when angling for trout in streams. See 132P in Northwest Zone for staff analysis.

The proposed rule is inconsistent with the goals of the Native Fish Conservation Policy by not providing diverse opportunities for consumptive and non-consumptive fisheries on healthy stocks of wild fish. The proposed rule would provide a consistent Zone rule for trout fishing in the NW and SW Zone but would add considerable complexity since multiple opportunities (rule changes) to fish for trout would be eliminated or modified and issues related to angling with bait would be complicated.

Page 17 (and Page 11 in NW Zone); 17S Staff recommends to Adopt. This regulation change is an attempt to increase striped bass harvest opportunity, and to err on the side of native fish conservation in the absence of a rigorous limiting factors analysis of predation on coho and other native fishes. As with other predators such as cormorants, pinnipeds, other introduced fish species, other native freshwater and marine fish, and smaller mammals, we don't know the extent of predation that occurs from striped bass. It is confirmed that they will consume juvenile salmonids and lamprey ammocoetes, but this may or may not be limiting populations of those native species. This rule change would apply to all Zones where striped bass occur, but mainly the SW Zone.

ODFW has also received requests to reduce the size limit in order to allow harvest of smaller fish, thus increasing harvest opportunity. Many of these anglers do not want to see striped bass eliminated, but to provide for consumptive harvest. Research is available for Oregon and East Coast striper populations indicating that many fish are not mature at 18 inches (typically about 3 year old fish). Greater numbers of both males and females are mature at 24 inches (4 years and older), so that the modified proposal of a 24-inch minimum size for harvest will allow for some reproduction. After the year 2000, when artificial propagation and release of striped bass into Coos Bay was eliminated, ODFW management of striped bass has strictly been the 30-inch "Trophy" size regulation and a bag limit of 2-fish per 24 hours. Populations of striped bass persist at "moderate" levels in the Umpqua (Smith River) and Coquille basins, while the Coos population has nearly disappeared since 2000 due to spawning habitat alterations. Striped bass in the Siuslaw system have been at very low levels for decades.

The proposed rule would be consistent with the goals of the Native Fish Conservation Policy by potentially reducing impacts of non-native fish. The proposed rule change would not affect regulation complexity since only a length limit would be changed.

Key Issue

Page 18; 192P, 193P and 194P. Staff recommends to Defer to Commission. Multiple proposals have been submitted to allow angling from a floating device on the Applegate River to enhance angler access to fishery resources. The differences in the proposals are due to seasons where angling from a floating device would be allowed. Proposal 192P does not specify a season while 193P proposes the river be open to angling from a floating device year-round. Proposal 194P specifies a season of January 1 to March 31, which covers the winter steelhead season. The stated rationale for the proposals include; increase public fishing opportunity during the winter steelhead season, reduce impacts to riparian vegetation and banks, improve boater

safety, and reduce the potential for upland trespass. Other rationale listed is to reduce conflicts between fishermen and landowners with river-front property. Extensive public comment in support and opposition to these proposals has been submitted as part of this process. Issues have been raised including boating safety, impacts to wild steelhead, and angler access to public fishery resource. This proposal deals primarily with a social rule, therefore staff will defer to the Commission for a ruling on these proposals and limit input to biological information as to the impacts to native fish and fishery implications. Presented below is some of staff's analysis on this proposal. Staff will present this as well as additional information on biological issues associated with this proposed rule change and also evaluate factors related to some of the safety and social issues raised at public meetings.

The Applegate River below Applegate Dam is almost exclusively in private ownership. Access for fishing is considered to be reduced in recent years. The Applegate supports a healthy wild winter steelhead population and is stocked with hatchery steelhead to mitigate for production lost due to construction and operation of Applegate Dam. ODFW's current assessment indicates that the lack of angler access contributes to underutilization of the hatchery steelhead fishery. The primary fishery on the Applegate is the winter steelhead fishery, with an open season for adipose fin-clipped steelhead between January 1 and March 31. The use of bait is allowed, but there is no angling from a floating device. ODFW does not believe there would be a biological impact from the proposals. The fishery is managed for a selective harvest of hatchery fish at this time. While the mainstem Applegate is used extensively for spawning, redds peak in April-early May, after the end of the fishing season in March.

The proposals do not (and may not) affect the use of boats on the Applegate River, but simply affect whether angling is allowed from boats. Anglers currently use boats to access points along the river. Much of the use is via pontoon boats. Use of larger rafts and drift boats is difficult, because there are no improved ramps at this time. The upper river between Applegate Dam (RM 47) and the town of Applegate (RM 25) provides the most bank access and the most challenging boat access. Bank access is available at USFS sites, BLM sites, McKee Bridge, and at Cantral Buckley County Park. Whitewater is present in a canyon area not far below the dam, and low water bridges are located in this section of the Applegate, which are among the reasons current boating use by anglers is concentrated in the lower river.

The lower river between the town of Applegate (RM 25) and the Rogue River is the stretch currently boated by anglers. Access is available at the Josephine County Wayside in Murphy, at Fish Hatchery Park and at Turtle Lane. Access on ODOT property at Hwy 199 is available only through a locked gate (vandalism, dumping). A primary drift is from Applegate to Murphy, although it is possible to line a boat over Murphy Dam and continue downstream. Another drift is from Fish Hatchery Park to Hwy 199. It is possible to float from Hwy 199 to the Rogue and take out at either Whitehorse Park or Griffin Park. Typical flows during the steelhead season are between 500 and 1,000 cubic feet per second (cfs), and 2,000 cfs is not uncommon.

In summary, ODFW staff believes this proposal would increase access to hatchery fish without posing a significant risk to wild fish.

The proposed rule would be consistent with the goals of the Native Fish Conservation Policy since there would not be any significant additional impacts to wild steelhead or juvenile salmonids by allowing anglers to fish from a boat. Rules are currently in place to provide protection to native adult and juvenile salmonids. The proposed rule would reduce regulation complexity by removing a special regulation.

Key Issue

Page 18; 19S Staff recommends to Adopt. This proposal to restrict angling at the Green Acres tidegate was re-initiated for 2009 regulations, at the request of OSP. ODFW staff supports the request by OSP to eliminate/reduce the illegal activity at the Green Acres tidegate. When the proposal was submitted last October, it was proposed to close an area down to Mile Post (mp) 3 adjacent to Highway 42 (perhaps ¼-mile of Isthmus Slough) in order to close the problem enforcement area. Staff also proposed an option to allow youth and/or disabled anglers in this area, but a general closure to all other anglers. Local OSP favor the Youth/Disabled angling opportunity at the Green Acres Tidegate and support the closure of other anglers due to the snagging issues. OSP anticipates that this area will be much easier to enforce and would eliminate most of the illegal angling problems.

Chinook salmon returning to this area are overwhelmingly hatchery fish produced at Noble Creek STEP facility, just a short distance above the tidegate. There is limited natural spawning habitat above the facility, and it was likely not a significant Chinook spawning area prior to the STEP project. As such, this is entirely a social and not a biological issue; however the number of complaints received about poor angler behavior (i.e. snagging and flossing) causes significant workload issues for OSP officers at a time of year when they need to be available to enforce higher priority fisheries and big game seasons. Cases have even been made against individuals for wading and gaffing fish from the channel. Complainants have cited that they have taken their children there for an opportunity to catch a hatchery salmon, only to have the illegal behavior displayed, thus tarnishing the experience.

The proposed rule would not affect Native Fish Conservation Policy implementation since there are no wild fish in this fishery. The proposed rule would increase regulation complexity by adding a unique special regulation.

Page 19; 18S Staff recommends to Adopt. This recommendation to change the upper salmon angling deadline on the South Fork Coquille was made after consulting with OSP on problem areas for snagging and bait egg-stripping. The area between Broadbent and Gaylord was identified as an area where violations are observed and reported on anglers snagging fish, stripping the eggs from females for bait, and generally catching fish of poor quality. As Chinook approach this area above tidewater, they are close to spawning grounds, and may be vulnerable in holding pools between freshets.

Public proposals have been received to close the river downstream further, to the Sturdivant Bridge in Coquille. However, this proposal would close areas of legitimate angling and a lower non-compliance rate. A proposal was also received to operate river section closures based on the river flow at the Powers gage, opening the areas once the gage had reached 300 CFS. After consulting with Fish Division and Rogue District staff regarding their history with the river flow-related regulation in the Chetco River, and its management difficulties, staff propose an area closure rather than a timing/river flow-based closure.

The proposed rule would be consistent with the goals of the Native Fish Conservation Policy since it reduces impacts on native salmon. The proposed rule would increase regulation complexity by modifying a special regulation.

Page 19; 224P Staff recommends to Reject. The proposed rule is to close Isthmus Slough to all angling except anglers who have an Oregon Disabilities Hunting and Fishing Permit.

Proposed rule language: “Closed: Isthmus Slough from tidegate downstream 1000 feet to markers. Open Sept. 1-Nov. 30 for individuals who possess an Oregon Disabilities Hunting and Fishing Permit.” See 19S above, for alternative Youth and Disabled Angler fishery.

Key Issue

Page 20; 219P Staff recommends to Adopt. This proposal would establish a consumptive season for wild winter steelhead on the Illinois River. The proposed rule is to open the Illinois River mainstem from the confluence with Briggs Creek up to Pomeroy Dam near Cave Junction, for retention of non-adipose fin-clipped (wild) steelhead at least 24 inches in length may be kept; 1 per day, 5 per year, as part of the daily or annual steelhead/salmon catch limit. The season would be from Jan. 1 – March 31. The rationale stated for this proposed rule is to increase steelhead fishing opportunity on the Illinois River and to also make fishing opportunity on the Illinois more compatible with the Rogue River which should relieve some fishing pressure on the Rogue. Staff assessment of this proposed rule is that it would provide dispersed opportunities for steelhead angling with limited impacts to wild steelhead. Angler harvest rates are expected to be low, based on accessibility of the Illinois River open to wild steelhead retention. Wild steelhead escapement into the Rogue River Basin indicates that wild steelhead runs in the Illinois are healthy and can sustain limited harvest.

In response to concerns about perceived declines in steelhead numbers in the early 1990’s, extensive surveys were conducted in the Oregon portion of the Klamath Mountains Province, including Illinois sites. Wild juveniles were found in nearly all locations accessible to adults. Juvenile densities were similar to steelhead densities reported for healthy populations. A population viability analysis found that winter steelhead in the province were viable and self-sustaining. As reported in the 2005 Native Fish Status Review, the Rogue winter steelhead SMU is considered not at risk. Much of the concern, especially for the Illinois, was based on a decline in the harvest of winter steelhead based on harvest card estimates. Staff will present information on changes to the fishery that likely affected effort and exacerbated the decline in reported harvest on the Illinois. The Illinois population of wild winter steelhead are anchored by good habitat on forest land and wilderness area. Federal ownership constitutes nearly 75 percent of the land ownership in the subbasin. The 28 mile Wild and Scenic section of the Illinois River has virtually no access until the river nears Agness and the confluence with the Rogue. A wilderness trail follows ridgelines between Briggs Creek and Agness, and only allows access to the river at one or two locations. On the river itself, only experts can float rapids that reach class 5. Consequently, angling access is largely limited on the Illinois River to scattered locations along the 24-mile stretch between Pomeroy Dam and Briggs Creek, and the lower 4 miles near Agness.

As is the case for the entire watershed, existing regulations provide multiple levels of protection for naturally produced wild steelhead. The entire Illinois River sub-basin above Pomeroy Dam is closed to angling, providing a sanctuary that encompasses both forks and up through the headwaters. All tributaries are closed to angling. Angling in the mainstem is closed during smolt out-migration between April and the May opener. Nonadipose fin-clipped rainbow trout and all cutthroat trout must be released unharmed. In the current fishery on the Illinois, the mainstem is open up to Pomeroy Dam for adipose fin-clipped steelhead and trout Jan. 1 – March 31 and May 24- Dec. 31. Angling is restricted to artificial flies and lures. There are no hatchery fish released in the Illinois at this time, but summer steelhead often will nose-up into the Lower Illinois from the Rogue, and can be caught by anglers.

A proposal for limited harvest on the Illinois was submitted during the previous public regulations process. The proposal did not pass review board in 2004 in part due to concern about

effects of the Biscuit Fire. Post-fire surveys were conducted by the federal agencies. The BLM surveyed North Fork Silver Creek above the range of anadromous fishes, in a back burn area. No significant effects were observed, although hazard tree falling contributed large wood to the stream. The USFS conducted surveys on Silver, Briggs, and Indigo creeks and found neutral to positive affects. Increases in large wood, gravel and fines were observed.

In summary, ODFW's assessment indicates that the Illinois River winter steelhead population is healthy and is anchored by good habitat on federal forest land and wilderness area. Very limited and challenging access would result in only limited angling pressure on this healthy population of steelhead. Allowing anglers the choice of a limited harvest along a portion of this river would not pose an undue risk to the status of the population and meet Native Fish Conservation Policy goals of providing opportunities for consumptive and non-consumptive uses of this wild steelhead population.

Staff assessment indicates that the anticipated fishery would not impact the sustainability of the wild steelhead population in the Illinois River. Therefore, the proposed rule would be consistent with the goals of the Native Fish Conservation Policy. The proposed rule would not have a significant affect on angling regulation complexity since it would replace a rule currently in place. The rule would also be consistent to other wild steelhead fisheries in the SW Zone.

Page 21; 230P Staff recommends to Defer to the Commission. The proposed rule is to remove the restriction on use of bait in the Rogue River Canyon. The stated rationale is to increase angling and/or harvest opportunities for adult and half-pounder summer steelhead, coho and fall Chinook salmon, and sturgeon. By increasing the harvest of hatchery fish, fewer hatchery fish will spawn naturally, reducing the potential adverse impacts of hatchery programs on wild populations.

Because this has been a long-debated issue, staff will present a brief history of regulations in this section of the Rogue River and discuss the fishery implications of eliminating the bait ban. Staff will defer to the Commission on this proposed regulation change. Previous staff analysis on this proposal indicated that it will increase angling and harvest opportunities on hatchery fish, fall Chinook salmon and sturgeon, and reduce complexity in the current rules. The proposal will result in a minimal increase in angling related mortality, with negligible harm to wild fish. This assessment is based on several factors, including: earlier conservation measures that effectively preclude consumptive harvest of wild summer steelhead in the Rogue; a stable population that is meeting population goals in recent years; creel data for the upper Rogue showing that a relatively small portion of the wild fish are caught and released during an upper Rogue fishery open to bait.

The proposed rule would not significantly impact Native Fish Conservation Policy implementation since there is limited biological need for this restriction. There would only be a minimal increase in angling related mortality on wild fish in this fishery. The proposed rule would simplify angling regulations by removing a special regulation.

Page 21; 236P Staff recommends to Defer to the Commission. Modify the evening closure of the Cole Rivers Hatchery Hole. This proposed rule was originally rejected by the Review Board but reconsidered by the Commission. The proposal is to modify the upper Rogue River evening 7:00 pm closure in affect from April 1 through July 31 and change it to 8:00 pm and starting April 15 to allow more angling opportunity. The rationale is to allow greater angling opportunities for hatchery spring Chinook salmon and that over the past several years, angler

behavior has improved and this should be rewarded. Extension of fishing by one hour would allow anglers with 9 to 5 jobs to fish for two hours in the evening (assuming 1 hour commute) while not increasing alcohol problems.

This special regulation was adopted in 2004 to address significant, and at times, very serious social problems in the fishery. The social problems decreased following implementation of this rule. There is no clear evidence to suggest that problems would not return if this regulation is changed. Since this is strictly a social rule, with no biological implications, ODFW staff will defer to the Commission on this issue.

The proposed rule would not significantly impact Native Fish Conservation Policy implementation since this is a social issue and the fishery is targeted on hatchery fish. There would not be an increase in angling regulating complexity by modifying a special regulation.

Key Issue

Page 22; 241P Staff recommends Defer. This proposal would reestablish the 1 and 5 wild steelhead fishery on the mainstem Umpqua River. The wild steelhead consumptive fishery on the mainstem was shut down in 2008 at the request from angling guides and conservation organizations. Staff will present information on the current biological status of native winter steelhead runs on the Umpqua River, past and current fishery management, winter steelhead population monitoring, and assessment of proposed wild steelhead fisheries.

The proposed rule is consistent with the Native Fish Conservation Policy. Wild winter stocks in the Umpqua system are healthy and have demonstrated that they can sustain limited harvest. The proposed rule would have a minimal impact to regulation complexity since this rule has been in place in the past.

Page 22; 248P Staff recommends to Defer. Reinstate the consumptive winter steelhead fishery on the North Umpqua. Change rule to allow non-adipose fin-clipped steelhead to be kept from Jan. 1 to April 30, 1 per day, and 5 per year. Stated rationale is that the retention of non-adipose winter steelhead is disallowed for the first time in many years in 2008 due to what is described as "social considerations" although ODFW scientists admit the fishery is sustainable as is.

The proposed rule is consistent with the Native Fish Conservation Policy implementation. There is a long-term data set for North Fork Umpqua wild steelhead run monitoring at Winchester Dam. This information indicates wild winter stocks in the North Fork Umpqua are healthy and have demonstrated that they can sustain limited harvest. The proposed rule would have a minimal impact to regulation complexity since this rule has been in place in the past.

Page 22; 251P Staff recommends to Reject. South Fork Umpqua 1 and 5 wild steelhead fishery. Staff recommends that this proposal be rejected since hatchery fish are available in the South Fork and wild fish contribute to brood stock needs and should not be targeted in a consumptive fishery.

The proposed rule would impact compliance with Native Fish Conservation Policy since anticipated harvest rates could impact stock sustainability. The proposed rule would have a minimal impact to regulation complexity since this rule has been in place for other areas of the Umpqua in the past.

Willamette Zone:

Page 24; 264P Staff recommends to Reject. Commonwealth Pond, Youth Angling Fishery. The Oregon Bass and Panfish Club proposed that Commonwealth Pond be restricted to a Youth Angling Only Fishery. Their stated rationale is to improve angling success and experience for kids while allowing a warm water fishery to be self propagating. Trout survival after June is limited by water depth and temperature. Commonwealth Pond is a great place to take kids and have a family fishing outing. A similar staff proposal for a seasonal Youth Angling Fishery at this location was withdrawn after public comments indicated there was public opposition to going to a youth only fishery at this location. The Tualatin Parks District, which manages Commonwealth Pond, is also on record as opposing this youth fishery.

The proposed rule is not directly related to Native Fish Conservation Policy implementation. Impacts to native fish downstream would be minimal since warmwater fish species in Commonwealth Pond are abundant in downstream reaches. The proposed rule would increase regulation complexity by adding a unique special regulation to this waterbody.

Page 24; 265P Staff recommends to Adopt. Commonwealth Pond, bass limit 1 per day. ODFW staff are not opposed to this rule. It is unclear if there is a biological basis for the proposed rule.

The proposed rule is not directly related to Native Fish Conservation Policy implementation. Impacts to native fish downstream would be minimal since warmwater fish species in Commonwealth Pond are abundant in downstream reaches. The proposed rule would increase regulation complexity by adding a unique special regulation to this waterbody.

Key Issue

Pages 27-28; 269P Staff recommends to Reject. This proposed rule would reduce use of bait on the lower McKenzie River and expand the area where hatchery trout can be retained. The original public proposal was to eliminate the use of bait in the lower McKenzie River (Hayden Bridge upstream to Hendricks Bridge). Bait is currently allowed to be used from April 26 – December 31. The stated rationale for the proposal is as follows: “The McKenzie River Guides Assn. (MRGA) has participated (2005-2007) with the ODF&W in a native trout research partnership in the McKenzie River. Preliminary results indicate very few resident native rainbows were in this study area. In this time of uncertainty about the future of our famous ‘resides’, new rules should provide a reduced level of risk or harm or injury to the fish. Accordingly, a reduced level of ‘hooking’ mortality seems an appropriate precautionary response.”

This proposal was rejected by the Angling Regulating Review Board but subsequently revised with input from ODFW staff and reclassified to be reconsidered by the Commission at the August Commission meeting. The modified rule would redefine Sections 1 and 2 of the McKenzie River. Section 1, from the mouth to Hendricks Bridge, would be open to trout year-round using artificial flies and lures and allow retention of fin-clipped hatchery trout. The new Section 1 is expanded from Hayden Bridge to Hendricks Bridge. Currently, seasonal bait use is allowed above Hayden Bridge. Therefore the new Section 1 would eliminate areas currently open to bait which are heavily stocked with hatchery trout. Opportunities to harvest hatchery trout would be allowed within the entire reach of new the new Section 1, which would increase areas open to trout harvest (with artificial flies and lures only).

The new Section 2 under proposal 269P would be from Hendricks Bridge to Leaburg Dam. The consumptive trout fishery for stocked fin-marked hatchery trout would be from April 26 – Dec. 31 with use of bait allowed. The winter catch-and-release fishery with artificial flies and lures would still be allowed. This new section would reduce the area where bait is currently allowed. Current rules allow seasonal (late April – December) use of bait from Hayden Bridge upstream to Forest Glen boat ramp. Use of bait would be eliminated from Leaburg Dam to Forest Glen boat ramp. Staff recommends that the Commission reject this proposal. This reach is heavily impacted with releases of hatchery rainbow trout, spring Chinook salmon and summer steelhead. It is also the region of a significant water diversion operated by the Eugene Water and Electric Board. Preliminary sampling as part of a large volunteer angler effort encountered few reddsides in this section of river. Before moving forward with this regulation change, more data are needed to determine the impacts to native trout under current regulations and to model the benefits to native trout and recreational trout fisheries under the proposed regulations. Staff hopes to collect additional information on the native trout populations and angler use in this section of river before pursuing this proposal.

The proposed rule could potentially help expand protection to native fish in this waterbody. Amount of additional benefit to native fish is uncertain, due to limited data. The proposed rule changes would both reduce and add to regulation complexity. Overall, regulation complexity would be significantly increased since new sections of the McKenzie would be established with new special regulations.

Pages 27-28; 270P Staff recommends to Reject. Reduce bait use on the upper McKenzie River. The McKenzie River Guides original proposal was to eliminate use of bait on the McKenzie River from Goodpasture Bridge to Forest Glen boat ramp and eliminate the winter catch-and-release trout season. The proposal was rejected by the Angling Regulating Review Board but subsequently revised with input from ODFW staff and reclassified to be reconsidered by the Commission.

The modified proposed rule under 270P would create a new Section 4, Leaburg Dam to Forest Glen boat ramp (including Leaburg Lake) and would be open to fin-clipped trout harvest from April 26 – Dec. 31, but anglers would be restricted to using artificial flies and lures for most of the reach, except the short (about 1 mile) section from Leaburg Dam to Good pasture Bridge. The original proposal did not have this area open to use of bait. Additionally, the winter catch-and-release season would be eliminated in this section of river. Currently, anglers can use bait in this section of the river which is stocked with hatchery trout. The rationale for the bait restriction in this section is similar to the rationale stated for 269P, to reduce hooking mortality impacts to native trout.

Public response on this issue and has revolved around two issues. The first is the public concern that there will be a loss of opportunity to harvest fish if bait is restricted. Fishing with bait can increase chances of fishing success, especially with less experienced anglers. Studies have shown that bait angling results in a higher mortality rate for released fish than angling with artificial flies and lures. The impacts to native trout, including unique McKenzie “reddsides” and bull trout are a concern in this reach of the McKenzie River but are not well documented. District staff will present to the Commission the current assessment of the recreational trout fishery and implications to the native trout populations in the McKenzie River. Information will include Leaburg Dam ladder counts which show a decline in the numbers of trout counted at the Dam in recent years. Implications for bull trout, listed as Threatened under the Endangered Species Act, will also be discussed. Staff recommendation to reject this proposal is based on limited information on the impacts of bait fishing in this section of the McKenzie River, loss of

angling opportunity, and an increase in angling regulation complexity. The main issue is whether or not this proposed angling regulation change would result in meaningful benefits to native trout. Considerations included the rate at which native trout are caught and released and the percentage of anglers in this reach who use bait as compared to artificial flies and lures. The elimination of the winter trout fishery also needs to be evaluated to see what impacts this fishery has on native trout versus the loss of angling opportunities. Staff are considering development of expanded fishery monitoring and native trout studies in order to better evaluate trout fishery impacts to native trout in the McKenzie. These studies would be designed to help in consideration of management actions and angling regulations for the McKenzie River.

The proposed rule potentially help expand protection to native fish in this waterbody. Amount of additional benefit to native fish is uncertain, due to limited data. The proposed rule changes would both reduce and add to regulation complexity. Overall, regulation complexity would be significantly increased since new sections of the McKenzie would be established with new special regulations.

Page 28; 40S Staff recommends to Adopt. Molalla River, allow harvest of naturalized and stray wild summer steelhead harvest. This rule would allow anglers to harvest unmarked summer steelhead which are derived from naturalized hatchery summer steelhead. Summer steelhead are not native above Willamette Falls. Removal of summer steelhead from the Molalla River would decrease numbers of non-native adult and juvenile summer steelhead which can have negative impacts to ESA listed winter steelhead. Impacts to native fish would be minimal since anglers targeting summer steelhead would use gear types (hook sizes) that limit hooking of rearing juvenile salmonids.

This staff proposal would increase compliance with the Native Fish Conservation Policy by allowing anglers to harvest non-native summer steelhead in the Molalla River. Angling regulation complexity would increase slightly with the addition of new rule language.

Page 29; 271P Staff recommends to Reject, but to Adopt 271S which deletes the barbless hook requirement and eliminates rule language that is already listed in Zone rules. Note: This proposal was reclassified from C to B at the August Commission meeting. The Native Fish Society has submitted a proposal for the Molalla River to change an angling deadline and to reduce use of bait. The proposal would assist with reducing unlawful angling activities and reduce angling impacts on juvenile salmonids through bait and hook restrictions but also eliminate some angling opportunities. Although this proposal did not pass the Angling Regulation Review Board screening, additional information has been submitted on this proposal to warrant presentation at public meetings. The staff modification is to delete rule language that requires use of single barbless hooks and replace it with an entry to encourage use of single barbless hooks. Also, the staff proposal eliminates rule language which is redundant with Zone Rules.

Staff does not support the gear restriction requiring anglers to only use single barbless hooks in this fishery. This position is based on extensive studies and comprehensive scientific reviews which do not support barbless hook regulations. Multiple studies definitively conclude that there is no biological basis for barbless hook regulations. Additionally, assessments done in Oregon and other states indicate that barbless hook regulations have a high social cost since barbless hook violations are often the main angling regulation violations. Schill and Kline (NAJFM 1995. Estimating Angler Noncompliance) indicated in their paper on *Estimated Angler Noncompliance* (NAJFM 1995) that Idaho's evaluation of accidental versus intentional violation

of barbless hook regulations had major implications for fishery management agencies. Overall, an estimated 75 percent of the reported barbless hook violations were accidental. They estimated that if 75 percent of barbless hook citations are written to anglers attempting to comply with the law and the regulation violated has little or no demonstrated biological value, maintenance of such restrictions may be self-defeating for regulatory agencies. The animosity generated by issuing such citations to largely compliant anglers seems counterproductive. In Oregon, prior to removing many of the barbless hook restrictions in the late 1990's, the patchwork of hook regulations created confusion for both anglers and OSP enforcement officers. Approximately 80 percent of all fishing gear citations issued by OSP in 1994 and 1995 were given to anglers using barbed hooks when barbless hooks are required (ODFW Backgrounder on the Barbed versus Barbless Hook Debate, 1996)

In Oregon, when barbless hook regulations were in place, the majority of the citations were issued for use of barbed hooks. Most of the violations were for hooks not properly pinched down. This did not sit well with anglers and led to a major review of hook restrictions which led to eliminating most of the barbless hook restriction in Oregon. The general consensus of fishery managers is that if the difference between barbed and barbless hooks is a conservation/biological issue, then the fishery should be shut down entirely. The difference between the two hook types is relative depending on hook size and type/size of barb. A #18 fly with a micro-barb would be judged more detrimental than a #2 barbless hook. (An extended bibliography of selective gear studies is available upon request).

The rule as proposed would increase protection to native salmonids in the Molalla River. Regulation complexity would be significantly increased with the special hook restrictions.

Page 29; 34S Staff recommends to Adopt. Mt. Hood Pond, Youth Angling Fishery. This proposal would create a Youth Only Fishery on a small pond setting stocked annually with trout and would provide a good test to see if Youth Angling Only fisheries are supported by the angling public and are meeting fishery objectives. There has been no public opposition for this proposed Youth Angling Fishery.

The proposed rule is not related to Native Fish Conservation Policy implementation. The proposed rule would increase regulation complexity by adding a unique special regulation to this waterbody.

Page 33; 45S Staff recommends to Adopt. This proposal would allow the harvest of naturalized and stray hatchery summer steelhead in the upper Sandy River Basin. The rule would open up the mainstem Sandy River and tributaries upstream of Salmon River to steelhead angling July 1 – August 31. Angling would be restricted to artificial flies and lures with a single point hook no larger than gap size ½ inch and multiple point hooks no larger than 3/8 inch gap size. The naturally produced fish are progeny from past hatchery programs that released juveniles throughout the upper basin. Very few marked summer steelhead currently stray into the upper basin, but limited numbers could provide some additional harvest opportunity. Angling is proposed to be restricted to the months of July and August to minimize impacts to wild winter steelhead. Artificial flies and lures with special hook regulations are being proposed to protect holding adult spring Chinook salmon and artificial flies and lures are consistent with existing regulations for catch-and-release trout fisheries in the upper Sandy Basin. Because juveniles from naturally reproducing non-native summer steelhead can compete with Endangered Species Act (ESA) listed winter steelhead and spring Chinook salmon, it is beneficial to have anglers have the ability to remove these fish and prevent them from spawning.

This staff proposal would increase compliance with the Native Fish Conservation Policy by allowing anglers to harvest non-native summer steelhead in the Molalla River. Angling regulation complexity would increase with the addition of new hook restriction rule language. The proposed hook restrictions are consistent with hook restrictions for spring Chinook salmon/trout fisheries in other areas of Oregon.

Page 33; 278P Staff recommends to Reject. This public proposal would close the Sandy River to smelt harvest. Staff are opposed to this proposal since Columbia River smelt are managed on a much broader basis and the Sandy River component of the run is fairly minor in comparison to overall smelt returns to the Columbia River Basin.

The proposed regulation would not significantly impact Native Fish Conservation since the Sandy River smelt population is only a small component of the Columbia River smelt run. The proposal would only slightly increase regulation complexity.

Page 34; 280P Staff recommends to Adopt. Close the Little North Fork Santiam River (LNF) to use of bait the entire year. ODFW has monitored the fish populations in the LNF for many years via spawning and snorkel surveys. ESA-listed spring Chinook and winter steelhead populations are currently depressed throughout the Santiam basin, the LNF included. The District is supportive of this proposal to prohibit the use of bait year round. Hatchery fish are no longer released in the LNF and currently, the only fish available for harvest in the LNF are a relatively small number of non-native adult summer steelhead, the majority of which are strays from the mainstem North Santiam River. Eliminating the use of bait would incrementally increase survival of legally hooked and released native and ESA-listed fish species without imposing a significant or unreasonable inconvenience on the angler.

This proposed rule will reduce impacts to native fish associated with use of bait but also reduce catch rates of stray summer steelhead. Regulation complexity would be increased slightly with the rule change, but not a net increase in angling regulations, just a switch in gear allowances or restrictions.

Page 35; 79S Staff recommends to Adopt. Create a Youth Angling Fishery for Small Fry Lake. Portland General Electric (PGE) has partnered with ODFW to create a public youth fishery at Small Fry Lake. Small Fry Lake is a ½ acre lake is fed from an intermittent spring and drains into North Fork Reservoir inside Promontory Park boundary on the Clackamas River. This was put into the Category B classification to allow greater public exposure since it was submitted after the May Public meetings. ODFW has been providing catchable rainbow trout during the summer months for about the six years and PGE has limited angling in this lake to youth only. Before then, PGE treated this as a private fishing lake and purchased catchable trout fish from trout farms to provide this amenity to our guests. A significant number of adults are now tracking the fish stocking schedule and angling for these fish almost immediately after their release into the lake. Most of these adults are not even accompanying children. With no state regulations in place for this body of water, PGE's campground hosts are restricted to asking that adult anglers vacate the premises. Law enforcement, if contacted by our campground hosts, are restricted to escorting them off the property unless they refuse to leave and can be arrested for trespassing. Having Small Fry Lake listed as a Youth Angling Only fishery in the Sport Fishing Regulations will help clarify rules and improve the quality of fishing for young anglers.

There are no native fish conservation issues with this proposal. Regulation complexity would increase only because there would be additional rule language. Small Fry Lake is currently managed as a Youth Only fishery so there would not be any complexity regarding the public's understanding of this rule. The trout catch limits would be different than Willamette Zone lakes, but would provide better access to the resource for more anglers.

Page 38; 60S Staff recommends to Adopt. This staff proposal would establish a hatchery trout fishery in the South Fork Yamhill River. ODFW staff have proposed to reinstate stocking of sterile trout (triploid trout) in a short reach of the South Fork Yamhill River to provide consumptive trout angling opportunities in a mid-valley streams setting. The recent 2006 Angler Preference Survey indicated that anglers wanted to see reestablishment of lost trout angling opportunities, especially in streams. Recent assessments of areas critical to recovery of winter steelhead indicate that these streams proposed for reinstating consumptive trout angling and stocking are not critical to winter steelhead recovery. Stocking of trout would be limited to sterile, triploid trout, in a short reach of the South Fork Yamhill River that has good, established public access. Since triploid trout are sterile, they can not successfully reproduce with wild trout. A monitoring plan is also in development intended to evaluate success of the stocking program (return to angler) and evaluate impacts to native fishery.

This regulation is not expected to impact Native Fish Conservation Policy implementation. Triploid fish will not affect the genetic integrity of native trout, and the limited stocking program should not significantly impact native trout abundance, distribution, or productivity. Regulation complexity would be slightly increased with the addition of the new rule, but the 2006 Angler Survey indicated that anglers support additional complexity for more opportunity.

Central Zone:

Key Issue

Page 39; 289P, 290P, and 292P. Staff recommends to Reject. Numerous public proposals were submitted regarding increasing daily bag limits for bull trout in Lake Billy Chinook. The rationale supporting these proposals is an overabundance of bull trout, particularly sub-adults, is suppressing the kokanee population, through predation, in the reservoir. This results in decreased angling opportunity for kokanee in the near term and for both kokanee and bull trout in the long term. In addition, proposal 289P identified bull trout predation negatively impacting efforts to reintroduce spring Chinook into the Metolius River subbasin. The current regulation is "One bull trout per day, 1 bull trout in possession. 24 inch minimum length. Unlawful to continue angling for any species once a bull trout has been harvested". The public proposals generally recommend one of two approaches for reducing bull trout numbers. Proposal 289P is for a two bull trout per day, 2 bull trout in possession; 12-inch minimum length and 24-inch maximum length. Proposal 290P is similar, allowing a 2 bull trout per day, 2 bull trout in possession, 12-inch minimum length but only one fish over 24 inches in length. Proposal 292P allows a daily one or two fish slot limit with a suggested slot length of 14 to 24 inches and fishing must cease for all fish species in Lake Billy Chinook once this daily slot limit is attained.

Staff recommends that the Commission reject all proposals to increase the bag limit for bull trout and to maintain the current regulation regarding bag limits and minimum size. However, we support proposal 293P which allows anglers to continue angling for other species after harvesting a bull trout. These recommendations are based upon several factors. Foremost, bull trout are listed as threatened under the federal Endangered Species Act. The population in the Lake Billy Chinook-Metolius River ecosystem represents the healthiest population in Oregon

and is one of only two populations in the lower 48 states open to harvest. Maintaining the viability of this population is paramount in the overall conservation of the species. Increasing the take of bull trout through increased harvest would require definitive data suggesting the increased take would not be detrimental to the viability of the species and jeopardize conservation efforts. District staff believe available data does not support this premise. Conversely, enabling anglers to target other species after retaining a bull trout will increase angler opportunity without compromising the viability of the bull trout population. Recent data suggests the populations of bull trout and kokanee are adjusting to each other. In particular, the sharp decline in bull trout redd counts the last three years (37 percent in 2007) and preliminary 2008 creel survey observations suggest increasing harvest of bull trout may be contradictory to the conservation of the species. This coupled with the uncertainty regarding response of both bull trout and kokanee populations to activation of the selective water withdrawal structure (SSW) and changing reservoir limnology lead District staff to conclude changes in bull trout harvest management, excluding proposal 293P, are premature at this time.

Staff will present current fishery management objectives for Lake Billy Chinook, information on the status of bull trout and kokanee trout populations as well as current fishery information, and potential fishery and conservation implications related to the proposals to expand bull trout harvest. Staff will also brief the Commission on administration issues relative to adopting rules affecting ESA listed species and also discuss implications for co-management with The Confederated Tribes of the Warm Springs.

The proposed rule would allow expanded harvest opportunities on ESA listed bull trout. This is the only bull trout population where direct take is allowed. Native Fish Conservation Policy compliance could be impacted if harvest rates increase above allowable levels. Regulation complexity would increase with a bull trout slot limit.

Key Issue.

Page 40; 293P Staff recommends to Adopt with additional rule language. This rule would revert back to the rule that was in place in 2003. Anglers could continue to angle for other fish species after retaining a bull trout as long as the bull trout retained was not held live, but was killed. This rule modification is intended to prevent high-grading of bull trout. High-grading occurs when an angler retains a fish, but upon catching another fish (same species or catch limit) decides to release the fish already in possession and retain the new fish, which is usually larger in size.

Native Fish Conservation Policy compliance could be impacted if harvest rates increase above allowable levels but under current bag limits, harvest is not expected to impact bull trout status. Regulation complexity would decrease with removal of this regulation. The rule would revert back to the 2003 regulation which would be familiar to many anglers.

Key Issue

Page 40; 62S Staff Recommend Adopt. For Crane Prairie Reservoir, staff originally proposed to eliminate the trout length restriction of only one trout over 16 inches and revert back to the Central Zone trout regulations which allow 5 trout per day, only 1 over 20 inches (62S). After additional analysis of available data and public input, staff have modified proposal 62S to only allow the harvest of one un-marked trout per day. The new proposed rule would allow up to 5 trout per day, one over 20 inches and only one un-marked trout per day. The allowance of one wild trout per day would reduce post release hooking mortality by allowing anglers the choice of retaining injured fish that would otherwise die or retain a trophy wild fish. ODFW fish

inventories have shown an increase in abundance of hatchery trout escaping the fishery and moving into tributaries to spawn. This proposal will allow additional harvest of these mature fish and reduce numbers of hatchery fish escaping to spawn and at the same time reducing harvest rates of wild fish, thereby increasing spawning escapement. The original ODFW proposal was submitted prior to completing final analysis of available Crane Prairie Reservoir creel and fish inventory data. Results of analysis and current levels of fishery harvest indicated that a more precautionary regulation was needed to ensure sufficient wild rainbow trout spawning escapement. Staff will present fishery management information on Crane Prairie including stocking strategies, wild fish escapement monitoring and fishery evaluations.

The modified staff proposal would improve native trout escapement and the proportion of hatchery trout harvested in Crane Prairie which would be positive toward fish conservation. Angling regulations would be slightly more complicated with this special regulation.

Page 40; 296P and 299P Staff Recommend Reject There are multiple proposals for Crane Prairie Reservoir, primarily to protect native "Cranebow" trout by eliminating wild trout harvest. These proposals would require releasing all unmarked trout in Crane Prairie Reservoir, thereby creating a selective fishery for hatchery trout. Proposal 269P would be implemented with a one trout over 16 inch limit and Proposal 299P would have a one over 20 inch limit.

The proposal would improve native trout escapement and potentially reduce the number and percentage of hatchery trout spawning with wild fish. This would improve compliance with Native Fish Policy goals. Angling regulations would be slightly more complicated with this special regulation but should not be difficult for anglers to understand.

Page 41; 307P Staff Recommend Reject. A public proposal to change Davis Lake to a catch-and-release fishery for all rainbow trout is being considered. This rule has been proposed in the past by fly-angling organizations but has not been adopted. Davis Lake has not been stocked since 1999 and is managed for natural production under the Trophy Fish management option with a limited consumptive fishery. Davis Lake rainbow trout spawn in Odell Creek and are monitored on an annual basis. In 2007, approximately 205 rainbow trout redds were counted in Odell Creek. Redd counts tend to be cyclic and are most likely related to water levels in Davis Lake, not fishery impacts. Water levels remained low through 2006. In addition, largemouth were illegally introduced into Davis Lake and have established a robust population in Davis Lake and appeared to have essentially eliminated the tui chub from the lake. There is not recent creel data for Davis Lake but it is likely that the existing 10-13 inch slot limit results in minimal harvest of redband trout, either through most trout anglers catching and releasing or few fish available in this slot limit. Imposing a catch-and-release only trout fishery is not biologically necessary due to minimal fishery impacts. Staff assessment is that the existing angling regulations and opportunities should be maintained in Davis Lake as per the Basin Plan, to encourage angler use and exploitation of largemouth bass. More restrictive angling regulations are not needed for Davis Lake rainbow trout and could reduce angler participation at this location.

The proposal would result in minimal reductions in harvest of wild trout, but may improve wild trout spawning escapement and recruitment. Angling regulations would be different, but not necessarily less complicated with this special regulation.

Page 41; 319P Staff Recommend to Reject. This proposal would eliminate wild rainbow trout harvest in the upper Deschutes River (Section 6, Crane Prairie Reservoir upstream to Little Lava Lake). The rationale is to eliminate the possibility of hatchery (fin-clipped trout) entering the upper Deschutes River system. Staff recommends the Commission reject this proposal. The proposed rule would allow harvest of fin-clipped rainbow trout in the river when none of the marked fish would be present. Stocked rainbow trout would be adult spawners during January and May, when the river is closed to angling. Additionally, the proposal still retains the 2 fish daily limit for brook trout (compared to Staff Proposal 63S which increases the brook trout bag limit to 5 fish per day). Brook trout can compete and prey on native redband trout. The rule would also further complicate angling regulations for the Deschutes River.

This regulation would not significantly affect native fish conservation compliance in this section of river since few marked hatchery fish would be available during this trout season. Angling regulation complexity would be increased.

Page 41; 320P Staff Recommend to Reject. This proposal would extend the trout season through October 31 on the upper Deschutes River (Section 6, Crane Prairie Reservoir upstream to Little Lava Lake) and also retain a brook trout bag limit of 2 per day. The only harvest would be on adipose fin-clipped rainbow trout. The rationale is to eliminate the possibility of hatchery (fin-clipped trout) entering the upper Deschutes River system. The project sponsor also states that they would like to retain the 2 brook trout limit rather than the ODFW proposed 5 per day because brook trout are a significant predator on sticklebacks in Crane Prairie Reservoir, and reduction of sticklebacks would enhance populations of wild and hatchery trout in the reservoir. Staff recommends the Commission reject this proposal for the same reasons stated for 319P.

This regulation would not significantly affect native fish conservation compliance in this section of river since few marked hatchery fish would be available during this trout season. Staff is proposing to increase the brook trout daily limit from 2 to 5 fish in this section of river, so the proposed rule to remain a 2 brook trout per day could negatively impact native redband trout. Angling regulation complexity would be increased.

Page 41; 63S Staff Recommend to Adopt. This proposal would increase the daily limit on brook trout from 2 to 5 fish per day in the upper Deschutes River (Section 6, Crane Prairie Reservoir upstream to Little Lava Lake). The rationale is to reduce impacts of non-native brook trout on native rainbow trout and allow higher harvest of brook trout.

This regulation would increase native fish conservation compliance in this section of river due to increased harvest opportunity for brook trout. Angling regulation complexity could be increased, but rule change would be easy to understand with no enforcement issues since the bag limit is proposed for expansion not a reduction.

Key Issue

Page 42; 327P Staff Recommend to Reject. This proposed rule would create an 8-inch minimum limit on crappie in Prineville Reservoir. The current rule is as per Central Zone Regulations, no limit on size or number of crappie. The project sponsor proposes this change in the regulation in an attempt to increase the size of crappie available for harvest. The proponent states that large numbers of tiny fish are harvested before they reach a size generally believed to be the minimum size for this sport fish. The proponent also states that the historic popularity of

Prineville Reservoir as a crappie destination lake has declined as the average size of crappie has decreased.

Staff is opposed to this rule change since the rule would severely limit crappie harvest and studies indicate that Prineville Reservoir does not have the productivity to produce abundant numbers of 8-inch crappie. Modeling of this regulation with the updated angler creel and tag return data suggests that an 8-inch, minimum-length limit on crappie would result in: a) a 15 percent increase in the number of crappie harvested equal to or greater than 8-inch; b) a 72 percent decrease in the total number of crappie harvested annually; and c) a 60 percent decrease in total annual yield. To summarize, there would be larger, 8-inch crappie harvested but numbers and pounds of crappie harvested would be substantially reduced. Prineville Reservoir supports many families that don't target any particular species and this regulation would reduce the opportunity to harvest fish that, although not of a preferred length, are clearly being harvested and utilized.

The Crooked River Basin Fish Management Plan (1996) suggested that the low productivity of Prineville Reservoir would ultimately result in a population comprising 6-7" individuals. The "historic" fishery (black crappie were introduced illegally into Prineville Reservoir and first entered the fishery in numbers in 1994) on larger fish referred to by the proponent was primarily due to the characteristics of an expanding population – high growth and survival rates due to minimal intra-specific competition. ODFW sampling indicates that the density of crappie and crappie over 8 inches peaked in 1999 and has decreased steadily since then. To quote the 2004 sampling report:

“Black crappie abundance in Prineville Reservoir is following the pattern expected of a newly introducing population – initial expansion in numbers coupled with good growth followed by a decline in abundance fluctuating around carrying capacity with slower, similarly variable growth and poorer condition. As of 1999 when we last inventoried Prineville Reservoir, the crappie population had not apparently reached carrying capacity as we had not seen evidence of intra-specific, density-dependent competition. That is not the case in 2004; total crappie density, density of stock-size crappie, and average crappie condition are the lowest measured since initial levels in 1993 and 1994. Future crappie fishing at Prineville Reservoir will be cyclic in nature with densities and sizes similar to that of the past few years.”

Now that the crappie population has reached its carrying capacity, growth and survival rates are producing the fishery that reflects its long-term characteristics. However, it must be noted that the cyclic nature of crappie populations will more than likely result in long-term variation around this “average” fishery quality.

Black crappie and smallmouth bass have a wider range of depths at which they have been shown to spawn and, as a result, tend to be more resilient to water level fluctuations during the spawning period than largemouth bass. This generally results in a competitive advantage for crappie over largemouth bass in irrigation drawdown reservoirs. Across their range, black crappie populations are notoriously cyclic in nature, though the causes for this dynamic are not well understood. So while anglers may desire a more stable fishery, this may not be a realistic goal, and one that will not likely be achieved by more restrictive angling regulations.

The literature on crappie populations does show that crappie fisheries have been improved by both length and bag limits. However, restrictive regulations have not been effective for populations that are not as productive and/or where harvest rates are low. Comparisons of crappie growth rates from Prineville Reservoir with rates from several Missouri reservoirs where

more restrictive angling regulations were effective shows that Prineville growth rates are substantially less, suggesting that regulations may not be effective.

Staff will present information on warmwater fisheries monitoring in Prineville Reservoir with a focus on the black crappie population. The Eastern Oregon Warmwater Fisheries Biologist will also present information on crappie management including biological, ecological, and waterbody productivity considerations for crappie management in Oregon waters.

No Native Fish Conservation Policy implications. Angling regulation complexity would be increased with the new length limit.

Northeast Zone:

Page 44; 332P Staff Recommend to Adopt. The public proposal for Willow Creek Reservoir would only allow catch-and-release angling for largemouth. The stated rationale is that the largemouth bass density continues to decrease with no recruitment in at least the last 9 years. The harvest and natural mortality of adult, trophy largemouth bass have resulted in a continuous decline in abundance since 1989. Review of smallmouth bass densities since 1988 suggests this species is presently fluctuating around its carrying capacity. The project sponsor believes that given the present operation of the reservoir, smallmouth bass will eventually replace largemouth bass as the predominant top level predator in the reservoir. This would be a significant loss to the warmwater fishery at Willow Creek as largemouth bass have a much greater potential than smallmouth to reach trophy size in Willow Creek. Staff recommends adoption of this proposal.

No Native Fish Conservation Policy implications. Angling regulation complexity would be increased with the new special bass regulations.

Page 44; 334P Staff Recommend to Reject. This public proposal would implement a 20 fish per day bag limit for crappie on Willow Creek Reservoir. The stated rationale is to protect crappie from over harvest. For the last 3 years, irrigation drawdown has reduced crappie spawning success and current plans for enhanced drawdown during spring could seriously impact this species. Staff assessment of this proposed rule indicates that anglers would see an estimated 75 percent reduction in annual harvest rate before the remaining fish grew enough to actually result in an increase in yield. Two considerations are: 1) without adequate creel information, ODFW cannot determine to what extent a decrease in bag limit from unlimited to 20 fish represents and how much that would reduce harvest, and 2) although the local anglers do fish Willow Creek Reservoir quite a bit for crappie, it is also popular with anglers from out of the area. Decreased harvest opportunity would likely reduce angler effort from non-locals and secondarily impact the local economy. Staff recommends rejecting this proposal but our ability to assess this proposed rule is based on limited catch data and biological sampling. If adopted, this rule would add to regulation complexity but as stated, is not a complex rule.

Staff will provide background information on the U.S. Army Corps of Engineers water management in Willow Creek Reservoir and impacts on the bass and crappie populations. Staff will relate these impacts to the angling regulations proposed for Willow Creek Reservoir.

No Native Fish Conservation Policy implications. Angling regulation complexity would be increased with the new daily limits on crappie.

Southeast Zone:

Key Issues

Page 45; 335P Staff Recommend to Reject. Public proposals have been submitted that would eliminate harvest of redband trout in Agency Lake. The proposed rule would be catch-and-release only for trout in Agency Lake. Currently, Agency Lake is open year-round with a one trout per day bag limit. The purpose of this proposal is to protect the declining numbers of Redband trout impacted by increased fishing pressures and significant river related construction projects such as: Wood River wetlands construction projects; removal of Sprague River Dam; levy removal on the Nature Conservancy; and Williamson River Delta project.

Staff analysis of this proposed rule indicates that currently, no additional fishery restrictions are needed for Agency Lake redband trout. Therefore we recommend that this proposal be rejected. If adopted, angling regulation complexity and compliance would be more complicated because Klamath Lake regulations would differ from Agency Lake. These lakes are connected (lakes are connected by a stretch of lake called “the narrows”) and anglers can access both Klamath and Agency Lake from common boat ramps. It is not uncommon for anglers to fish both Klamath and Agency lakes in one angling trip. Therefore, this regulation would cause significant enforcement issues. Tribal harvest takes place in the Wood River and its tributaries but no harvest data is available.

Habitat projects in the basin have and will continue to improve redband trout habitat quantity and quality. These projects are designed to address some of the limiting factors identified for redband trout production and have shown good success in the past. ODFW projects such as adding spawning gravel, placement of large wood for adult holding cover and juvenile rearing, instillation of fish screens at major water diversions, and fencing of miles of riparian areas have all helped to improve redband trout habitat. Reconstruction of the Wood River delta by the Bureau of Land Management has significantly increased the amount of juvenile rearing habitat in the lower Wood River where it enters Agency Lake. The Bureau of Reclamation, The Nature Conservancy, the U.S. Fish and Wildlife service, the Klamath Tribe, and other federal, state and public entities have implemented large-scale projects that are designed to improve water quality and quantity for Klamath and Agency lakes. These habitat restoration and improvement projects will help to ensure redband trout in the Wood River can continue to allow consumptive and non-consumptive fisheries as per the Native Fish Conservation Policy. ODFW has also developed creel surveys designed to estimate angler effort and catch and expanded redband trout monitoring to better assess the status of current fishery and redband trout populations.

This proposal could reduce redband trout harvest but there is uncertainty of how much of an impact this would have on spawner escapement. This rule would not necessarily complicate angling regulations but would have enforcement issues since rules would not be concurrent with Klamath Lake.

Page 45; 66S Staff Recommend to Adopt. Pilcher Creek Reservoir; revert back to an April – October trout season. This proposal has been submitted by staff at the request of the angling public to once again, implement a seasonal closure on Pilcher Creek Reservoir. The closure is intended to allow additional fish to carry-over through the winter season and be available for the traditional spring trout opener. There are no native fish concerns related to this proposed rule since all the trout are stocked into this reservoir. The winter trout fishery does allow for ice-fishing when conditions allow, but there are other waterbodies in the area which are open all year. The proposed rule would add to regulation complexity only to the extent that it would change back to the traditional trout opener and would not be open per SE Zone Regulations (open all year).

No Native Fish Conservation Policy issues. Regulation complexity would not be significant since the change back to the April opener is the same rule that was in place in 2004.

Page 45; 342P Staff Recommend to Reject. Rock Creek angling closure. This proposal would create a no fishing zone ½ mile below Rock Creek campground. The project sponsor's rationale for the rule is to protect a unique race of trout that exist nowhere else and that with the demise of the beavers in this area, there is a non-functioning reservoir and loss of trout habitat. ODFW recommends that this proposal be rejected. ODFW staff has had extensive experience monitoring this trout population and has found that the trout population in Rock Creek is primarily controlled by precipitation cycles not angling pressure. There have been significant drought cycles in the 1990's and this population of redband trout have always showed great resiliency to these drought cycles and rebounded to high levels during good water conditions. Current angling regulations and angler use patterns adequately protect this trout population. Most of the trout in Rock Creek are less than the legal limit of 8-inches and therefore there is little or no harvest. Regulations require artificial flies and lure only, which results in very few fish being caught. This proposal would also further complicate regulations with no biological benefit.

This rule would only result in a modest increase in conservation of redband trout in Rock Creek which would be minor when compared to natural mortality rates and annual variation in population size related to water conditions. Angling regulation complexity would be increased.

Key Issue

Page 45; 343P Staff Recommend to Reject. This proposal would eliminate the consumptive trout seasons on Sections 1, 2 and 3 of the Williamson River. Section 1 of the Williamson River, is from the mouth upstream to the Modoc Point Bridge. Section 2 is from Modoc Point Bridge upstream to Chiloquin Bridge. Section 3 is Chiloquin Bridge to Kirk Bridge. These three sections are open to trout angling May 24 – October 31 and anglers can retain one trout per day. Tribal fisheries also occur in the Williamson River and its tributaries (Spring Creek). Project sponsors stated in their rationale that this rule is needed because of a decrease in number of redband trout. Their rationale also stated that there were three reasons for this change: 1) Numbers of redband trout have been decreasing for the last five years and continue to do so; 2) Angling pressure on the river has more than doubled in the last five years, with no end in sight. The kill of redband trout on the lower part of the river is out of control, whether legal or illegal, there is an impact to the fishery; and 3) there is environmental impact mainly due from spraying on the upper part of the river and in populated areas.

Similar to Agency Lake, staff analysis of this proposed rule indicates that currently, no additional fishery restrictions are needed for the Williamson River, therefore, we recommend that this proposal be rejected. There is no evidence that any of the habitat projects listed in the rationale summary have negatively impacted the long-term productivity of redband trout in the Klamath Basin. Monitoring of the Williamson Rive redband trout population indicates it has been relatively stable and habitat improvement projects have improved the population productivity stability (improvement in quality and quantity of spawning gravel and in-river habitat). Tribal harvest takes place in the Williamson River and its tributaries (Spring Creek) but no harvest data is available.

There is only limited current creel information on the Williamson River or Klamath and Agency lakes. Therefore, ODFW cannot determine definitively if there has been an increase in angler

effort or catch for redband trout fisheries in the basin. In order to obtain management insight on the current status of the Klamath/Agency Lake redband trout fishery, ODFW staff is planning an extensive creel survey of the redband trout fishery in 2009. This creel will be designed to look at levels of angler use and harvest in Klamath and Agency Lakes and some limited information on angler use for the Williamson and Wood Rivers. Additionally, the Native Trout Project will be working with ODFW District staff to enhance ongoing redband trout monitoring in spawning tributaries to Klamath and Agency Lakes. ODFW has ongoing redband trout monitoring in the Williamson River, Wood River, Fort Creek and Crooked Creek. Several of these monitoring efforts are in conjunction with habitat improvement projects completed in the basin including placement of spawning gravels and large wood material, and riparian fencing.

This proposal would reduce redband trout harvest but there is uncertainty of how much of an impact this would have on spawner escapement. This rule would not necessarily complicate angling regulations but would have enforcement issues since rules would not be concurrent with Klamath Lake (or currently Agency Lake).

Snake River Zone:

No category B proposals.

Columbia River Zone:

Page 47; 357P Staff Recommend to Reject. A proposal was submitted by the public for a reduced walleye bag limit, from 10 to 5 fish per day, to protect smaller walleye so they can reach an acceptable size (357P). Recently, fish sampling and angler catch has indicated that there is a strong year-class of smaller walleye in the Columbia River. The project sponsor would like to have additional harvest restrictions on walleye to give these smaller fish a chance to grow into larger adults before harvest. Staff recommends that this proposal be rejected to avoid having non-concurrent rules with Washington. Washington Department of Fish and Wildlife has also indicated that they did not support this proposed rule. Native fish impacts could be increased if this rule results in fewer walleye retained in the fishery.

This proposed rule could potentially reduce harvest of walleye in the Columbia River if anglers routinely catch more than 10 walleye per day. Increases in numbers of walleye in the Columbia River are likely to increase the impacts to native fish. Regulation complexity would be slightly increased since only the amount or length restrictions would be changed.

Background information related to development of Concurrent Regulations 75S, 76S, and 77S. Anglers from the states of Oregon and Washington have angling license reciprocity on the waters of the Columbia River. The ability to effectively enforce laws on the river by OSP and the WDFW Enforcement Program is dependant on concurrent jurisdiction. Since concurrent jurisdiction only applies when regulations are “similar”, enforcement activities are constrained to within individual state boundaries where they are different. An OR/WA working group of enforcement and managers developed several rule changes to increase consistency on Oregon’s and Washington’s Columbia River sport fishing regulations. Staff is proposing five rule changes. Proposals for concurrent bass rules above McNary Dam and implementing fork length as the measurement for sturgeon have been included as Category A proposals. Three additional proposals have been submitted by staff for consistent rules with Washington as part of the OR/WA Working Group process on concurrent angling regulation issues. These rules were

presented at the public meeting in Portland, but were not finalized in time to be put into the May Public Process Packet. Therefore, in order to provide the Commission with information on these proposals, staff included these as Category B proposals.

Page 48, 75S; Page 50, 76S; Page 50, 77S Staff Recommend to Adopt. These include a proposal for hook size restrictions to reduce snagging in Section 4 of the Columbia River (76S), a proposal which would allow night-angling for salmon and steelhead above McNary Dam during August 1 – October 15 (77S), and a proposal that would change the minimum length for salmon to 12 inches in Sections 2 and 3 of the Columbia River and close Section 3 of the Columbia River to trout angling (75S). Columbia River Management staff will be presenting additional details on these proposals as part of the staff presentation.

These rules would increase protection to native fish in the lower Columbia River. Regulation complexity might be increased with the new rule but increase concurrence (and thereby reduce complexity) with Washington Rules.

Page 49; 356P Staff Recommend to Reject. A public proposal that would ban vertical jigging within commercial fishing boundary markers on the Columbia River is being considered. The project sponsor, a fishing guide in this area, has observed anglers snagging fish in this area of the Columbia River, seen snagged fish that were illegally retained or fought to exhaustion in the warmwater water temperatures and released in poor shape with little chance of survival. Staff recommends that the Commission reject this proposal. The staff hook restriction proposal (76S) is intended to help address this snagging issue. Additionally, there are enforcement concerns regarding enforcing vertical jigging with no sound definition of “vertical jigging”. It is more practical to regulate gear types than types of angling methods since methods are difficult to adequately define in rule.

The rule could potentially reduce illegal harvest of native fish but would increase angling regulation complexity due to no practical definition of vertical jigging.

Key Issue

Marine Zone:

Page 54; 369P Staff Recommend to Reject. This public proposal is to open the Ocean to sport crabbing year-round. The rule is being proposed to allow sport crabbers access to ocean crab, especially during the August – October time period when ocean conditions are favorable (369P). The main rationale for the closed season is to reduce the handling mortality of soft-shell crab, mainly by commercial harvesters. Concerns raised with opening the ocean to sport crabbing year-round include increased mortality of soft-shell crab and enforcement issues of commercial activity under the guise of a sport license. Staff recommends the Commission reject this proposal, and consider for adoption, the staff alternative proposal (369S below) that would extend the ocean crabbing season by two months.

There are no Native Fish Conservation Policy implications (crab populations are healthy) and angling regulation complexity would not be increased.

Page 54; 369SP Staff Recommend to Acept. Extend the Ocean crabbing season by two months with a closed season from October 16 to November 30. This proposed rule would minimize concerns raised with opening the ocean to sport crabbing year-round but still allow additional opportunities for sport Ocean crabbing.

There are no Native Fish Conservation Policy implications (crab populations are healthy) and angling regulation complexity would not be increased.