



# MEMORANDUM

## Oregon Department of Fish and Wildlife

**Date:** July 23, 2009

**To:** Oregon Fish and Wildlife Commission

**From:** Bruce McIntosh, Assistant Fish Division Administrator – Inland Fisheries

**Subject:** 2010 Angling Regulation Development- Fishing Season Openers and Key Issues

Development of the 2010 Oregon Sport Fishing Regulations takes place in an “interim” year; this is the first interim year following the Public Process that was used to develop the 2009 Oregon Sport Fishing Regulations. There are three sets of changes the Oregon Fish and Wildlife Commission (Commission) will consider at the August 7, 2009 Commission meeting in Salem.

This memo outlines the nature of the first two sets of changes for the 2010 regulations which are routine administrative changes, and for the third set of changes, provides a summary of the proposed angling regulation changes affecting angling opportunities (Key Issues). Proposed changes to the 2009 angling regulations will be displayed in a format that meets the requirements of the Administrative Procedures Act. This Act requires that all changes to administrative rules be displayed in a particular format -- that is, with new material in underlined bold typeface and deleted material in brackets ex. **2010** [2009]. We will use this format for attachments to the August 7, 2009 Commission packet that deal with proposed changes to angling regulations and will also highlight in yellow, the specific proposed changes to rule language.

The first change will deal with changing all references in the Oregon Administrative Rules (OARs) concerning the “2009 Sport Fishing Regulations” to refer to the “2010 Sport Fishing Regulations.”

The second set of changes will effect a uniform change of date for the fishing season openers and minor editing corrections. We have hand-created one document that uses this Administrative Procedures Act format to change the dates for the early trout opener (fourth Saturday in April) from April 25 to April 24, and the late trout opener (fourth Saturday in May) from May 23 to May 22 each place those dates would appear in the 2010 Oregon Sport Fishing Regulations. (Naturally, the actual date on which the fourth Saturday falls varies from year to year). In addition to the April and May trout opening date changes, several other date changes have been made which reflect season opening dates that are specific to day of the year and date changes to

Free Fishing Weekend. This copy also shows minor edits to correct printing errors, grammatical corrections, and several formatting changes to improve the readability of the regulations. We can provide a copy of this document to anyone who wants, but it seemed wasteful to produce multiple copies of a 108-page document that only changes these two dates and minor editing corrections. Commission members or others who would like to view this document may do so at the Oregon Department of Fish and Wildlife (ODFW) headquarters and a copy of the actual document will be at the Commission meeting for inspection. If you have any questions, please contact Rhine Messmer at (503) 947-6214.

The third set of changes deal with proposed changes in angling regulations for 2010 Oregon Sport Fishing Regulations as submitted by District, Regional and Fish Division staff and Oregon State Police. This year is an interim year for the public involvement process and as such, unless otherwise noted, proposed changes for the 2010 regulations fall into one of the following categories:

- Critical conservation needs
- Housekeeping corrections
- Inadvertent restrictions
- Regulation changes directed by basin plan adoption
- New Non-Controversial Angling Opportunities

In addition to the Interim Criteria, proposals for expanded angling opportunities are being proposed as part of ODFW's emphasis on increasing recruitment and retention of anglers and implementation of the 25-Year Angling Enhancement Plan. We will also include regulation proposals on fisheries that the Commission provided guidance to staff as part of 2009 Public Process.

Many of the proposed 2010 angling regulations deal with minor errors, formatting or pamphlet corrections and are not addressed in this memo. Proposals that deal with critical conservation or enforcement, or substantial new angling opportunities will be discussed as "Key Issues" below. The Key Issues outlined in this memo will be the focus of the Angling Regulations presentation at the August 7, 2009 Commission meeting.

The next major Public Process will be implemented after revisions to the current process are completed, and if keeping to the four-year cycle, will be initiated in the Fall or Winter of 2011 for development of the 2013 Angling Regulations. Work to date on revisions of the Public Process will be included in the August Commission Presentation. This includes review of process issues submitted by the Commission, Staff and the public and a review of past revisions to the Public Process for angling regulation development. Staff will also provide an outline for Public Process revision which will include utilization of the Inland Sport Fish Advisory Committee and other public advisory groups to provide input and feedback for process development.

## **KEY ISSUES**

## **Statewide Regulations**

### **Key Issue 1: Two pole-rod/line validation.**

#### **Concept of a Two-Rod/Pole Endorsement:**

The 2009 Legislature, as part of ODFW's 2009-11 budget, approved a two-pole endorsement at an annual cost of \$16.50 that would allow licensed anglers to purchase an endorsement to use two-poles while angling. The initial concept of two-pole angling was that it would only apply to standing waterbodies and primarily target trout and warmwater game fish. Staff has proposed that the two-pole endorsement be limited to lakes, ponds and reservoirs other than the run-of-river reservoirs in the Columbia River and the Snake River below Hells Canyon Dam. There are a few areas where anglers would be able to fish for salmon such as coho salmon, including Siltcoos or Tahkenitch lakes. There are currently restrictive regulations in these lakes and other areas where there are native trout or salmon concerns, so we are not currently proposing any additional exceptions to the two-pole endorsement for standing waterbodies. Evaluations will be conducted in areas where there may be a need for additional restrictions to accommodate the two-pole endorsement or exclude the waterbody from the two-pole rule. The two-pole validation for the Snake River above Hells Canyon Dam would be concurrent with Idaho's two-pole validation.

#### **Some key points on the Two-Rod License:**

- The two-rod license would benefit the public by increasing their catch rate, with existing regulations regulating levels of fish harvest. Anglers would choose whether to buy a two-rod endorsement so this would be a voluntary fee.
- Existing rules and regulations would regulate harvest of fish species and provide for fishery resource protection.
- Standing waterbody fisheries supported by naturally produced native trout would be primarily regulated by restrictive bag limits and seasons. Considerations to exclude certain standing waterbodies from the two-pole endorsement would be evaluated following fishery assessments to determine if current fishery harvest rates needed to be reduced.
- Ongoing fishery evaluations, including creel surveys would need to be revisited if anglers were permitted to use two-rods while angling. Multiple-rods would increase the amount of effort per angler, and potentially increase angler catch rates.
- Social considerations might limit the areas where the public supports allowing multiple rods.
- Key to any new two-rod license is simplicity of regulations. Our initial approach is to include all standing waterbodies, rather than listing specific waterbodies where the two-pole endorsement would apply. Fishery assessment and Oregon State Police enforcement would be used to evaluate ongoing fisheries and the need for additional regulations or excluding specific water bodies where two-pole angling would not be allowed.

## **Multiple rod licenses and allowances in some other Western States**

Several other Western States allow multiple rods, either as a general regulation or through a special license or stamp. Fees vary for the two-rod permit and the types of waterbodies where two-rod permits are allowed also vary.

- Washington: No allowance for multiple rods. Only one line per angler in Freshwater and Marine Area fisheries. Legislation for a two-pole validation was considered in Washington's latest Legislative Session but was not adopted.
- California: 2<sup>nd</sup> Rod Stamp available for \$12.00. Valid on Inland Waters, except for waters in which only artificial lures or barbless hooks may be used. Rule put in place on January 1, 2008. Also, anglers under 16 may use two rods in Inland waters without a 2<sup>nd</sup> Rod Stamp.
- Idaho: Two-Pole permits available for \$13.75. Idaho allows use of two-poles in all boundary waters of the Snake River. In Oregon, we are proposing use of two-pole in the Snake River only above Hells Canyon Dam.
- Montana: the Western District allows anglers to use 2 lines on Lakes and Reservoirs. Only one line per angler on Children Fishery Waters.
- Colorado: 2<sup>nd</sup> Rod Stamp available for \$5.00. Available to resident and non-resident anglers, and also for youth under age 16.

## **NW Zone**

**Key Issue 1:** North Coast District staff has proposed a set of angling regulations for the Nehalem River that would provide additional protection for summer and fall Chinook salmon and increase escapement in low abundance years. On section 1 of the Nehalem River, staff is proposing to close angling for Chinook salmon above the railroad bridge (RM 22.3) located at the mouth of the Salmonberry River the entire year. This closure is to allow increased spawning escapement of summer and fall Chinook in the Nehalem basin. These stocks are currently at historically low abundance and conservation actions are needed to reduce harvest. It is likely that Chinook harvest in the Nehalem basin will be severely restricted by temporary rule this year (2009), but the District wishes to begin pursuing incremental adjustments to the permanent rule to allow additional conservation during years where temporary rules are not adopted. This proposal still allows ample bank angling opportunity for Chinook from the Foss Road section of river and will restrict harvest on dark, mature fish in the upper river.

On the North Fork Nehalem River (Section 2) staff is proposing to close Chinook salmon angling above Highway 53 Bridge the entire year to allow for increased spawning escapement of Chinook in the Nehalem Basin. In 2008, the angling deadline at Highway 53 Bridge from October through November was removed to allow for angling and retention of abundant stray hatchery coho in the NF Nehalem above Highway 53. However, this also opened the upper river to angling for Chinook. The rationale for Chinook deadline adjustment to the Highway 53 Bridge is: (1) Wild Chinook abundance in the Nehalem basin has been at very low levels the past few years, (2) hatchery Chinook are not available in the North Fork Nehalem, and (3) adult Chinook are very mature by the time they enter the river above Highway 53.

## **Willamette Zone**

**Key Issue 1:** Staff has proposed expanding some seasons for hatchery salmon in the Willamette Basin. On the McKenzie River, staff will be eliminating specific spring Chinook salmon seasons and opening up angling for the entire year. This will expand opportunities on both ends of the salmon run. On the Clackamas River, Eagle Creek and Sandy River, staff is proposing to open the coho salmon season all year to allow for harvest of surplus hatchery fish that are available after current coho season closes (August 1 - October 31 for Clackamas and Sandy rivers and August 1 - November 30 for Sandy River).

**Key Issue 2:** For the Clackamas River, staff is proposing a set of regulation changes that would revise section boundaries with the intent of providing clearer delineation of specific sections of the river. New sections designations will allow for consistency with proposed changes to harvest card location codes, reduce confusion with regulation that allows harvest of two trout per day in the Clackamas River from the mouth upstream to North Fork Dam.

### **Central Zone**

**Key Issue 1:** For East Lake, staff has proposed a 16 inch maximum length limit for brown trout. All brown trout over 16 inches in length are required to be released. This proposed rule is a result of The Department of Health Fish Health Advisory that advises anglers to avoid eating any brown trout over 16 inches from East Lake due to high mercury levels. The maximum 16 inch length limit would also be consistent with brown trout trophy management as directed in the Upper Deschutes Fish Management Plan.

### **NE Zone**

**Key Issue 1:** Staff have submitted a proposals to expand the area open to steelhead anglers and increase the opportunity for harvest of adipose fin-clipped summer steelhead. Anglers will also have an expanded trout fishery with the ability to harvest adipose clipped residual steelhead smolts in Big Sheep Creek, a tributary to the Imnaha River. A recent land trade allows unimpeded public access to approximately 70% of the proposed three mile extension area. A hatchery facility releases smolts and collects returning adults in Little Sheep Creek approximately three miles above the proposed new upstream steelhead angling deadline. The proposed steelhead and trout rule is consistent with other waters open to steelhead angling in the Imnaha basin.

### **SE Zone**

**Key Issue 1:** Regulation proposals have been developed for sections of the Sprague and Williamson rivers following two major stream restoration projects. On the Sprague River, new river section boundaries have been developed following the removal of the Sprague River dam, which was listed as a stream section boundary. The dam was removed in 2008 to reestablish free passage for listed suckers, redband trout, and other endemic fish species.

A major wetland restoration project on the lower Williamson River has removed sections of dikes which boarded and confined the mouth of the Williamson River. Following removal of the

dykes, the Williamson River mouth and delta areas needs to be better described in order to retain protective regulations for redband trout in the lower Williamson River channel. Klamath Lakes is open to the retention of redband trout all year, but the lower Williamson River is only open to trout angling from late May through October.

**Snake River Zone** – No Key Issues.

**Columbia River Zone** - No Key Issues.

**Marine Zone** - No Key Issues.

Cc:	Ed Bowles	Rhine Messmer	Regional Managers
	Roy Elicker	Curt Melcher	Watershed Managers
	Steve Williams	Caren Braby	District Fish Biologists
	Lt. Jeff Samuels	John Thorpe	Roger Fuhrman
	Rich Hargrave	Charlie Corrarino	