

## Agenda Item Summary

### BACKGROUND

In 1998, Oregon Department of Fish and Wildlife (Department) developed the first set of grass carp rules to be used as a tool to allow landowners a method to control aquatic vegetation. At the May 2003 Oregon Fish and Wildlife Commission (Commission) hearing, the Commission reviewed these grass carp rules and added an exception process that would potentially allow applicants that did not meet the stocking criteria to appeal to the Commission for an exception. The current rules (OAR 635-056-0075) are included in Attachment 2.

By rule, exceptions can be requested if the appropriate documentation is provided for department review and consideration. Exception requests must be submitted in writing in addition to the normal application and must address the requirements in the below sections. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

#### **OAR 635-056-0075 (2)(h)(A)**

- If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The department shall determine screening requirements from the survey.

#### **OAR 635-056-0075 (2)(h)(B)**

- Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be over-topped by a 100-year flood. The department reserves the right to have a licensed engineer retained by the agency to review and approve or deny the plan or drawing submitted by the applicant.

The reason the Commission adopted grass carp rules is to limit potential negative impacts to aquatic systems. The current rules are designed to assure containment of grass carp in the specific water body into which they are stocked. Most stockings occur in man-made water bodies, where native fish and wildlife are not expected to occur. Containment is intended to keep them out of open, natural water systems, where impacts on native fish and wildlife and their habitat can occur. As grass carp indiscriminately eat both exotic and native vegetation, they can reduce cover, food, and shelter for native fish species.

Grass carp can also compete for food with other invertebrates (e.g., crayfish) and can cause turbidity and excessive algal blooms through excretion of undigested plant materials. Other known impacts of grass carp are summarized in Attachment 3.

In order to ensure that applications for exceptions are adequately reviewed, applications are reviewed by key programs within the department. Program reviewers include:

- Rick Boatner, Invasive Species Coordinator, to identify any possible negative effects to wildlife diversity;
- Greg Apke, Fish Passage Program Coordinator, and Perry Baker, Project Engineer, to identify any discrepancies in screening or possible impediments to fish passage;
- Kevin Goodson, Conservation Planning Coordinator, to identify any potential negative effects to native fish and compliance with the Native Fish Conservation Policy;
- Todd Alsbury, District Biologist, Clackamas District office.

In addition to department review, the Grass Carp Coordinator and District staff meets with the applicant on site to provide them with information, perform screening inspections and answer questions.

## **PUBLIC INVOLVEMENT**

News releases are issued statewide to inform the public on potential exception requests and allow opportunity for public comment on any pending actions by the Commission.

## **ISSUE 1**

### **WHETHER TO ACCEPT THE LAKE ENTERPRISES EXCEPTION APPLICATION (ATTACHMENT 4)**

## **ANALYSIS**

Lake Enterprises, Inc. has applied for an exception to stock grass carp in their reservoir. The reservoir is located six miles southwest of Molalla and about 15 miles south of Oregon City. Lake Enterprises states the aquatic weed growth is impacting the aesthetic and waterskiing properties of their reservoir. The reservoir currently has a moderate (about 30 percent) infestation of milfoil and other various types of aquatic weeds. This reservoir was filled in 1990 when Lake Enterprises excavated the reservoir and pumped in well water to fill it. This action formed a 13.6 acre irrigation and fish rearing storage reservoir on Lake Enterprises property. This reservoir is a permitted use by the Oregon Water Resources Department. There is no fish passage at this site. There is no drainage to Garrett Creek and there is a 3 foot berm across the east side of the reservoir before the Garrett Creek floodplain. Garrett Creek is a tributary to the Molalla River. The reservoir is not in a floodplain, and is not a natural lake.

Perry Baker, department Project Engineer, and Laura Tesler, Grass Carp Coordinator, met with Joe Rowan, representative for Lake Enterprises, on site March 25, 2010. Staff had no concerns on the described outlet, as it is an emergency drain with a shutoff valve located at the bottom. Staff

did suggest installing a ¼ inch screen at the bottom, which the owner did install.

Staff would recommend that Lake Enterprises stock at a 10 fish per acre (170 fish total) rate and monitor effects of vegetation removal. Lake Enterprises can amend their permit in the future to obtain more fish if they feel that the stocking rate is not providing vegetation removal in a timely fashion.

**OPTIONS**

1. Approve the exception request for stocking grass carp.
2. Modify and approve the exception request for stocking grass carp.
3. Do not approve the exception request for stocking grass carp.

**STAFF  
RECOMMENDATION**

Approve the exception request that includes the site specific requirements made by staff.

<b>DRAFT MOTION</b>	I move to [approve/ deny] the exception for grass carp as proposed by staff.
<b>EFFECTIVE DATE</b>	June 4, 2010