

## Agenda Item Summary

### BACKGROUND

Bull trout (*Salvelinus confluentus*) are indigenous to the Clackamas River subbasin, but have not been observed in this watershed in recent years. The last documented bull trout observation occurred in 1963, though unconfirmed reports of bull trout continued into the mid-1970s. When the Clackamas River Subbasin Fish Management Plan was developed in 1992 there was inadequate information to conclude whether bull trout continued to persist, or if the population had been extirpated from the watershed. In response to this uncertainty, the rules adopted for the Fish Management Plan included direction to the agency to “*Determine the status of the bull trout in the Clackamas subbasin.*” (OAR 635-500-0880(2)(b)).

Bull trout were listed as a threatened species under the federal Endangered Species Act (ESA) by the U.S. Fish and Wildlife Service (USFWS) in 1999. A Draft Recovery Plan for this species was subsequently completed in October 2002. One of the recovery objectives specified in the Plan specific to the Willamette River Recovery Unit is to “*(1) Maintain current distribution of bull trout and restore distribution in previously occupied areas.*” Recovery criteria specific to the Willamette River Recovery Unit included reference to an action in the Clackamas River: “*(1) Distribution criteria will be met when bull trout are distributed among five or more local populations in the recovery unit: four in the Upper Willamette River core area and one in the Clackamas River core habitat.*”

### PUBLIC INVOLVEMENT

1. An Informational Briefing on this topic was presented at the June 6, 2008 Oregon Fish and Wildlife Commission meeting.
2. ODFW convened the Clackamas Bull Trout Stakeholders group to review issues related to reintroduction of bull trout to the Clackamas basin and solicit recommendations regarding this project. The group met on October 8, 2008 and November 20, 2008 in Clackamas, Oregon.
3. The USFWS solicited public comments on their proposed rule on the *Establishment of a Nonessential Experimental Population of Bull Trout in the Clackamas River, Oregon* published in December 2009 (74 FR 65045), and solicited comments on a draft Environmental Assessment (DEA) published concurrently with the proposed rule (USFWS 2009).

### ISSUE 1

#### Status and Reintroduction of Bull Trout in the Clackamas River Basin

### ANALYSIS

Prior to and since adoption of the Clackamas River Subbasin Fish Management Plan in 1992, a variety of survey efforts have been completed, in cooperation with the U.S. Forest Service (USFS), to address the uncertainty surrounding the status of bull trout in the Clackamas River subbasin. These surveys were designed to inventory potential bull trout

habitat, and to document the presence of bull trout in suitable habitats in the upper Clackamas subbasin. The results of survey efforts conducted through 2004 led staff and cooperating agencies to conclude there is a high level of confidence that bull trout are extirpated from the Clackamas River subbasin.

In 2003, the Clackamas River Bull Trout Working Group initiated an effort to assess the feasibility of reintroducing bull trout to the Clackamas subbasin pursuant to the Draft Recovery Plan for this species. The feasibility study evaluated habitat and ecological factors associated with a potential reintroduction effort to determine whether or not reintroduction would be biologically feasible. In December 2007, the "*Clackamas River Bull Trout Reintroduction Feasibility Assessment*" was published. The assessment concluded that reintroduction of bull trout in the upper Clackamas River is biologically feasible given the availability and abundance of suitable habitat, the availability of suitable donor stocks, and evidence that causes of the original decline of bull trout have been sufficiently mitigated. This report is available through the USFWS, Oregon Fish and Wildlife Office or electronically at:

<http://www.fws.gov/oregonfwo/Species/Data/BullTrout/ReintroductionProject.asp>

The results of surveys to evaluate the status of bull trout in the Clackamas River watershed, and a summary of the "*Clackamas River Bull Trout Reintroduction Feasibility Assessment*" were presented to the Commission in an Informational Briefing on June 6, 2008.

Since the 2008 Commission briefing, Department staff in partnership with the USFWS and in cooperation and consultation with other agencies (USFS, U.S. Geological Survey, NOAA Fisheries, and Confederated Tribes of the Warm Springs) have continued efforts to develop a plan to guide the reintroduction of bull trout to the Clackamas subbasin. The reintroduction plan that is under development includes specific details regarding how reintroduction of bull trout will be implemented, including monitoring and evaluation (M&E) components to assess the effects of the project. As part of the proposed reintroduction of bull trout to the Clackamas subbasin, the USFWS is proposing to designate the population as a non-essential, experimental population under Section 10(j) of the federal Endangered Species Act. This federal rulemaking process has been initiated with a proposed rule published in December 2009, and a final rule expected in winter/spring 2011. Finally, formal consultation between NOAA Fisheries and USFWS has been initiated to determine whether the proposed federal action is likely to jeopardize the continued existence of listed species in the project area.

Staff will provide background information on this issue, review the bull trout reintroduction plan that is under development, and identify primary issues raised during public involvement processes. Staff will also propose an amendment to OAR 635-500-0880 of the Clackamas Subbasin Fish Management Plan to reflect the current status of bull trout in the Clackamas subbasin, and direct staff to pursue reintroduction of bull trout

in a manner consistent with the recovery of listed anadromous salmonids in the Clackamas River subbasin.

**OPTIONS**

1. Adopt the proposed amendment to OAR 635-500-0880 as recommended by staff.
2. Modify the staff recommendation.

**STAFF  
RECOMMENDATION**

1. Staff recommends Option 1.

<b>DRAFT MOTION</b>	I move to adopt the amendment to OAR 635-500-0880 as recommended by staff.
<b>EFFECTIVE DATE</b>	Upon filing.