

Agenda Item G Summary

BACKGROUND

These rules are needed to amend and/or establish commercial and recreational fishing seasons for spring Chinook, sturgeon, and smelt in the Columbia and Willamette rivers and/or Select Areas. Additional rule modifications are needed to:

- Modify non-treaty commercial fishing gear regulations.
- Authorize commercial sales for Treaty Indian fisheries downstream of Bonneville Dam.
- Correct the legal length measurement for white sturgeon in the Treaty Indian winter commercial fishery.

PUBLIC INVOLVEMENT

ODFW, together with the State of Washington, recreational interests and commercial industry participants met November 23 and December 17, 2010 and February 8, 2011 to develop and forward regulations for the Commission's review and consideration. Additionally, staff conducted the following associated public meetings;

- October 26, 2010 - Meeting with the Columbia River Fisheries Advisory Groups; Vancouver, WA.
- December 6, 2010 - Public meeting; Longview, WA.
- December 7, 2010 - Public meeting; Clackamas, OR.
- December 8, 2010 - Public meeting; Clackamas, OR.
- December 9, 2010 - Public meeting; Astoria, OR.
- December 14, 2010 - Meeting with Salmon for All; Astoria, OR.
- December 14 - Public meeting regarding Deep River Select Area fisheries; Cathlamet, WA.
- December 15, 2010 - Meeting with Northwest Sport-fishing Industry Association; Clackamas, OR.
- December 16, 2010 - Meeting with the Columbia River Commercial Fisheries Advisory Group; Rainier, OR.
- December 16, 2010 - Meeting with the Columbia River Recreational Fisheries Advisory Group; Vancouver, WA.
- January 7, 2011 - Oregon Fish and Wildlife Commission meeting.
- January 1, 2011 - Meeting with the Columbia River Commercial Fisheries Advisory Group; Rainier, OR.
- January 11, 2011 - Meeting with the Columbia River Recreational Fisheries Advisory Group; Vancouver, WA.
- January 24, 2011 - Public meeting regarding Select Area fisheries; Astoria, OR.
- February 4, 2011 - Oregon Fish and Wildlife Commission meeting.
- March 11, 2011 - Permanent rule adoption by the Oregon Fish and Wildlife Commission.

ISSUE 1

Whether to adopt rules to establish recreational retention fisheries for white sturgeon in the mainstem Columbia River.

ANALYSIS

Staff, as a member of the Columbia River Compact and through Joint State proceedings, developed regulations for white sturgeon retention fisheries according to protocol first established by the Commission in 2004 and consistent with parameters of the Joint State Sturgeon Management Agreement (Accord) in development for 2011. Seasons are consistent with a reduced harvest quota as recommended by staff based on current population estimates. The rules included in Attachment 4 represent the seasons and regulations developed based on guidance received at the February meeting of the Oregon Fish and Wildlife Commission and adopted by the Joint States on February 8, 2011. These rules represent changes for 2011 that include:

- Recreational retention seasons above and below Wauna power lines consistent with a reduced harvest guideline.
- An area closure near Rooster Rock (Sand Island Slough) and a reduced white sturgeon retention season upstream of McNary Dam.

OPTIONS

1. Adopt modifications to permanent rule 635-023-0095 as proposed in Attachment 4 to allow recreational retention fisheries for white sturgeon in the mainstem Columbia River during 2011.

ISSUE 2

Whether to adopt rules to establish a recreational retention fishery for white sturgeon in the Willamette River downstream of Willamette Falls.

ANALYSIS

Staff developed regulations for white sturgeon fisheries in the lower Willamette River according to protocol first established by the Commission in 2004 and consistent with parameters of the Joint State Sturgeon Management Agreement (Accord) in development for 2011. Seasons are consistent with a reduced harvest quota as recommended by staff based on current population estimates. The rules included in Attachment 4 are based on guidance received at the February meeting of the Oregon Fish and Wildlife Commission including:

- A recreational retention season downstream of Willamette Falls consistent with a reduced harvest guideline for the lower Columbia River in 2011 and a separate reduced guideline for the lower Willamette River.

OPTIONS

1. Adopt modifications to permanent rule 635-017-0095 as proposed in Attachment 4 to allow recreational fisheries for white sturgeon in the lower Willamette River during 2011.

ISSUE 3

Whether to adopt rules to establish winter, spring, and summer commercial fisheries in Select Areas in 2011.

ANALYSIS

As a member of the Columbia River Compact, staff promoted regulations for spring Chinook fisheries in Select Areas in February 2011 consistent with near-term objectives and strategies for managing spring Chinook fisheries adopted by the Oregon Fish and Wildlife Commission in 2008 and reaffirmed in 2010. These regulations will allow for winter, spring,

and summer commercial fisheries in Select Areas during 2011.

OPTIONS

1. Adopt modifications to the permanent rules (635-042-0145, 635-042-0160, 635-042-0170, and 635-042-0180) as proposed in Attachment 4 to establish Select Area commercial fisheries.

ISSUE 4

Whether to modify rules to eliminate non-treaty commercial fisheries for eulachon smelt in the Columbia River.

ANALYSIS

Since 2001, Oregon and Washington have managed commercial and recreational eulachon smelt fisheries in the mainstem Columbia River and tributaries according to the Washington and Oregon Eulachon Management Plan (WOEMP). This plan provided for limited commercial fisheries in the mainstem Columbia River and some tributaries during the December-March timeframe based on 1) parental run strength, 2) juvenile production, and 3) estimates of ocean productivity.

In November 2007, the National Marine Fisheries Service (NMFS) was petitioned to list the Southern Distinct Population Segment (DPS) of eulachon smelt under the Endangered Species Act (ESA). Effective May 17, 2010 the NMFS listed Columbia River eulachon as threatened. In November 2010, the Columbia River Compact closed eulachon fisheries (commercial and recreational) for 2010-2011 because it was highly unlikely the NMFS would support fisheries with direct take of eulachon. Although unable to coordinate a test fishery for the 2010-2011 run year, the states intend to continue working with NMFS to develop and expand research activities to provide information on adult and juvenile eulachon abundances and distribution in future years.

OPTIONS

1. Adopt modifications to permanent rule 635-042-0130 as proposed in Attachment 4 to eliminate Columbia River commercial fisheries for eulachon smelt.

ISSUE 5

Whether to modify miscellaneous rules regarding non-Treaty commercial fisheries.

ANALYSIS

As part of an annual process, staff worked with enforcement personnel and the commercial fishing industry during 2010 to improve rules pertaining to non-Treaty commercial fisheries. The proposed rule modifications will:

- Require lighted buoys on nets fished at night.
- Allow the use of a chaffing strip on the bottom of nets to prevent wear.
- Eliminate out-dated commercial fishing sanctuaries

These relatively minor rule modifications have received support from staff, enforcement personnel and/or fishers.

OPTIONS

1. Adopt modifications to permanent rules (635-042-0010, 635-042-0032, and 635-042-0060) as proposed in Attachment 4 to modify regulations for non-treaty commercial fisheries.

ISSUE 6

Whether to modify rules regarding Treaty Indian commercial fisheries

ANALYSIS

As part of an annual review process, staff identified several modifications needed to correct or update rules for Treaty Indian fisheries. The proposed rule modifications will:

- Correct the white sturgeon measurement standard (convert from total length to fork length) for the winter Treaty commercial fishery to be consistent with other commercial fisheries.
- Allow sales of fish caught in Treaty fisheries occurring downstream of the Bridge of the Gods in Bonneville Reservoir, including platform and hook-and-line fisheries downstream of Bonneville Dam conducted under agreements with OR and WA.

OPTIONS

1. Adopt modifications to permanent rules (635-041-0045 and 635-041-0065) as proposed in Attachment 4 to modify regulations for Treaty Indian commercial fisheries.

DRAFT MOTION

I move to adopt 635-017-0095, 635-023-0095, 635-041-0045, 635-041-0065, 635-042-0010, 635-042-0032, 635-042-0060, 635-042-0130, 635-042-0145, 635-042-0160, 635-042-0170, and 635-042-0180 as proposed by staff in Attachment 4.

EFFECTIVE DATE: Upon Filing