



Memorandum -- February 5, 2019

To: Oregon Fish and Wildlife Commission
Fr: David A. Moskowitz, Executive Director
Dean Finnerty, Trout Unlimited – NW Director – Sportsmen’s Conservation Project
Re: Protecting Wild Salmon and Steelhead during their migration to Home Waters

The purpose of this memo is to outline the key points before the Commission.

Summary:

Low numbers of certain ESA-listed wild salmon and steelhead populations return to the Columbia and Snake River and face conditions adverse to their success in reaching their natal rivers in numbers sufficient to sustain, maintain or re-build their numbers so they may provide consumptive and non-consumptive fisheries themselves, or not be the limiting factor for fisheries targeting more abundant hatchery salmon and steelhead. Wild salmon and steelhead populations continue to face adverse conditions across most Oregon rivers.

The adverse conditions include predation (from fishing and marine mammals), ecological conditions (water flows and water temperatures) and passage challenges at dams and fishways. Even though some wild fish may not be retained, the negative effects of encounters in the fisheries (both indirect and direct) can and does have an impact on their fitness, survival and productivity.

The Commission can provide a measure of protection to wild salmon and steelhead during their migration to natal rivers by establishing sanctuaries in areas of thermal refugia – either permanently or under certain environmental conditions in Oregon and in concurrent waters.

Specific Requests:

1. That the Oregon Fish and Wildlife Commission accept this petition to enter rulemaking to establish protective thermal refugia regulations in the Columbia River in waters under Oregon jurisdiction, as well as in concurrent waters managed jointly with Washington.
2. That the Commission enters rulemaking to consider cold water refugia across Oregon where time, place and manner regulations are necessary to offer extra protection for wild steelhead and salmon in waters under Oregon’s jurisdiction.

Draft Motion:

I move that the Commission accept this petition to begin rulemaking under our statutory and regulatory authority to prevent the serious depletion of wild salmon and steelhead in the Columbia and Snake River Basins, as petitioned by interested Oregonians, and to propose establishing thermal refugia and any other time, area and manner regulations that may be necessary to achieve our mission and objectives for managing Oregon’s wild fish and wildlife throughout Oregon’s jurisdiction.

Factual Case Supporting Rulemaking Initiation

Point 1:

Areas where cold or cooler waters create vitally critical thermal gradients in the concurrently managed Columbia River are well known, identifiable and recognizable to the angling public.

Point 2:

Steelhead migration is different than other salmon and their reliance on thermal gradients is well documented.

Point 3:

Steelhead and salmon using thermal gradients are vulnerable to fishing-related encounters based on extensive residencies in the cold water refugia.

Point 4:

Current Oregon Administrative Rules Identify "sanctuaries" where commercial fishing is not permitted and these areas are well-defined and well understood by the public.

Point 5:

Columbia and Snake River Fisheries are a mixed-stock, often non-selective fishery, making conservation difficult. Failure to mark all hatchery fish, and subsequently base fisheries on hatchery abundance is harmful to wild fish.

Point 6:

Abundance forecasts are based on marine and freshwater productivity assumptions which have changed.

Point 7:

Recently adopted ESA Recovery Plans for Snake River salmon and steelhead are unlikely to recover those spring Chinook or summer Steelhead, yet ocean and Columbia River fisheries directly harvest these species.

Point 8:

Neither Oregon, Washington nor Idaho has river-specific management regimes to estimate or secure river-specific abundance for wild steelhead, nor is there a plan to establish goals or monitor attainment.

Point 9:

Neither Oregon, Washington nor Idaho has established spawning escapement or egg deposition goals for wild Steelhead, nor is there a plan in place to establish these goals or monitor attainment.

Point 10:

The EPA has already completed much essential research and reporting on the existence of cold water refugia, and since it is unknown if or when they will complete their report, Oregon must move forward with a plan to protect the wild fish that will use the identified refugia. A subsequently complete EPA Report can be addressed by opening a rulemaking to revise any rules adopted if the Commission moves forward now.

*Willamette
Projection*