



AGENDA ITEM SUMMARY

BACKGROUND

The draft *Rogue–South Coast Multi-Species Conservation and Management Plan* (draft RSP; Attachments 2 and 3) is intended to guide management of winter steelhead, summer steelhead, coho salmon, and cutthroat trout in coastal watersheds of southwest Oregon, from the Elk River south to the Winchuck River. The plan was developed as called for in the Native Fish Conservation Policy (NFCP; OAR 635-007-0502 through 0509), and is consistent with the Oregon Department of Fish and Wildlife’s (Department’s) mission and other guidance such as the *Oregon Plan for Salmon and Watersheds*, *Oregon Conservation Strategy*, *Climate and Ocean Change Policy* (OAR 635-900-0001 through 0020), and the *Hatchery Management Policy* (OAR 635-007-0542 through 0548). The primary purpose of this plan is to ensure the continued long-term conservation of the naturally-produced (i.e., wild) native species it addresses so that they can provide substantial ecological and societal benefits now and in the future. As part of this, the plan also provides a framework for how hatchery programs and fisheries will be sustainably managed to maximize fishing opportunity.

The draft RSP was developed and revised after extensive engagement with stakeholders, habitat representatives, tribes, NOAA Fisheries, independent scientists, anglers, and the general public. The plan originated after several petitions to the Commission regarding the harvest of wild winter steelhead. A large majority of the actions in the draft plan attained universal support during development, but several actions did not reach consensus. The draft RSP is being presented to the Commission at the October 15, 2021 Commission meeting as an informational briefing, for which the public can provide additional input and the Commission can provide feedback to staff for further refinement. The Department intends to bring a final draft of the plan back to the Commission for approval and adoption of associated administrative rules at the Commission’s December 17, 2021 meeting, which would be in time to inform winter steelhead angling regulations for the upcoming season that starts that month.

PUBLIC INVOLVEMENT

The draft RSP being presented to the Commission for review (Attachments 2 and 3) is the third draft. The first draft was developed with input from an angler opinion survey, two Stakeholder Teams, a Habitat Work Group, tribes, NOAA Fisheries, and informal public input. The first draft was distributed to stakeholders, NOAA Fisheries, tribes, and two independent scientists for review, and revised based on review comments and discussions to produce the second draft. This second draft was released for a formal public review and comment period, as well as provided directly to tribal councils for feedback. The second draft was then revised based on feedback to produce the third draft which is being presented to the Commission (Attachments 2 and 3). Comments, and responses to those comments, from both the independent science review of the first draft and the public review process for the second draft are included for the Commission’s consideration (Attachment 4). More details on the development process follow.

The draft RSP development process has included a significant amount of public involvement. The first public nexus for the RSP was through an Angler Survey developed by the Department (see Appendix VI of the draft RSP, Attachment 3). Information from the survey helped the Department develop goals and actions for further discussion in plan development, as well as gauge general support by local Oregon anglers for concepts brought up later in the development process.

A new ODFW web page dedicated to the plan was also developed to get information to those interested in plan development (https://www.dfw.state.or.us/fish/CRP/rogue_south_coast_multi-species_conservation%20and%20Management_plan.asp). This website gives an overview of the plan and development process, has documents associated with the plan, and has information on all of the meetings so members of the public and interested parties could attend.

Two Stratum Stakeholder Teams (Rogue, South Coast) were recruited to help with focused development of fishery-related aspects of the draft RSP. Teams consisted of 14 to 16 members from interest group representatives who live, work, or recreate within the respective stratum. Interest groups represented on these teams included watershed councils, conservation groups, fishing guides, angler groups, a fishing industry association, local governments, federal land management agencies, and the public-at-large. The Stakeholders met numerous times and most have provided comments on at least two drafts of the RSP. Outside of meetings, extensive discussions with individual stakeholders have also occurred. The teams achieved consensus on most, but not all, of the actions in the draft RSP at the time of stakeholder meetings.

The Department also formed a Habitat Work Group to provide initial feedback on habitat components and strategies for the RSP. Invited members of this group included Stakeholder Team members, watershed councils, local and state government agencies, conservation groups, industry associations, and land managers.

Early coordination prior to development of the first draft RSP also occurred with NOAA Fisheries, especially given that coho salmon in this area are listed under the federal Endangered Species Act. Additionally, the Department reached out to staff from the following tribes for informal feedback prior to and following development of the first draft: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Coquille Indian Tribe, and Cow Creek Band of Umpqua Tribe of Indians. NOAA Fisheries and certain tribes' staff provided comments on draft planning material and the first draft of the plan. The second draft of the plan was sent to tribal councils for review and discussion.

As called for in the NFCP, the plan was sent to two independent scientists for review. These scientists provided detailed, comprehensive comments of the first RSP draft, with numerous suggestions that informed subsequent drafts. These reviews and Department responses are included in Attachment 4.

The second draft of the RSP was posted on the Department's website on June 30, 2021 for formal public review and comment through August 1, 2021. Three public open house meetings were held in Gold Beach, Grants Pass, and virtually to describe and answer questions about the draft RSP and the comment process. Public comments were received by email, mail, and in writing at public meetings. Comments and Department responses are included in Attachment 4.

Public review and comment on the draft RSP will also be accepted prior to, and during, the Commission meetings where it will be presented (October 15 and December 17, 2021).

ODFW has sought broad involvement and input for the draft RSP, as described. Information about the plan’s development and opportunities for comment have been made publicly-available via the plan’s website, extensive outreach and response by Department staff, and numerous news releases that announced stakeholder meetings and the public draft comment period.

ISSUE 1

PLAN OVERVIEW

ANALYSIS

This agenda item summary does not go into details of the draft RSP because the attached Executive Summary fulfills this need (Attachment 2). The RSP covers the management of steelhead, coho, and cutthroat trout populations from the Elk River (near Port Orford) south to the Winchuck River (near the California border), and all streams in between, including the Rogue River. Spring and fall Chinook salmon, the only additional anadromous salmonids in this area, already have approved conservation plans in place. Consistent with the Department’s mission and the NFCP, the RSP seeks to ensure the long-term conservation of these native species, as well as provide angling opportunities on them in a sustainable manner within the conservation intent.

To accomplish this, the RSP describes the current conservation status and future risk from climate change for the plan species. The draft RSP sets a desired status for each species from these results. The other major components of the plan are the identification of limiting factors that impede progress toward species’ goals, and the management actions that will address both limiting factors and fishing needs in order to secure sustainability into the future. Adaptive management is an important aspect of plan strategies, actions, and implementation that will allow modification of management actions as more information becomes available and climate-based changes occur.

ISSUE 2

NON-CONSENSUS ITEMS

ANALYSIS

The Department has engaged in extensive coordination to develop the draft RSP. The most focused effort was with Stakeholders (Attachment 3, Appendix V), a group of representatives from diverse interests that considered management strategies and actions for the RSP, including those related to fishing. Stakeholders dedicated a significant amount of time to this process and had collaborative and respectful interactions that produced substantial consensus around most proposed management strategies and actions. However, despite commonality, some differences existed and were not resolved within this phase of RSP development or subsequent discussions

with Stakeholder representatives. These differences were primarily associated with hatchery management and wild winter steelhead harvest. Note though that there was consensus on many of the strategies and actions related to both hatchery management and wild winter steelhead harvest; non-consensus was around a few specific details. Also note that wild winter steelhead harvest was the originating issue that resulted in development of this plan, after a petition to the Commission to prohibit harvest in 2018 (another similar petition was submitted in 2019). *The Department proposal for each of the non-consensus items in the draft RSP and a brief rationale is given below.*

Non-Consensus Hatchery Items

Provide additional fishery opportunity through hatchery programs

- *Draft Proposal:* Designate small portions of Euchre Creek and the Winchuck River as Mixed Emphasis Areas (i.e., where hatchery fish may be stocked). There are no current hatchery programs in these basins. This designation would allow for the future development of fall Chinook salmon programs in the lowest portions of these basins in the case that fishing opportunity in mixed-stock ocean fisheries is severely constrained.

Rationale: The draft plan designates the overwhelming majority of the plan area (~80%) as Wild Fish Emphasis Areas (i.e., where no hatchery salmon, steelhead, or cutthroat trout are stocked). The addition of these two small areas negligibly impacts that percentage. If a program were to be established in the future, it would occur in the lowest portion of the basin, well below wild fish spawning areas. Additionally, any hatchery program that is developed would be managed to minimize risk to naturally-produced fish consistent with the *Rogue Fall Chinook Salmon Conservation Plan*.

- *Draft Proposal:* Establish a new winter steelhead hatchery smolt acclimation site in a tributary of Jump Off Joe Creek and shift 15,000 smolts from the Applegate release to acclimation and release at this site.

Rationale: This action is intended to improve the fishery in the Grants Pass area. This site was chosen to reduce the risk of these fish straying onto natural spawning grounds, and additional monitoring is proposed to monitor pHOS in nearby streams. There is no net increase in hatchery production with this shift.

Effectively manage risk from hatchery programs

- *Draft Proposal:* Limit the proportion of hatchery fish on natural spawning grounds (pHOS) to 10% in all populations.

Rationale: Currently, the hatchery programs covered by this plan are managed very sustainably, with low pHOS levels where observed and documented. New monitoring and research is proposed to provide additional pHOS information. Raising or

lowering the pHOS limit for any given species or population is not necessary to either accommodate existing programs that provide fishing opportunity (i.e., because pHOS levels are currently believed to be less than 10%) or to reduce risk to naturally-produced fish (i.e., 10% limit is a conservative level that is within guidelines from the Congressionally appointed Hatchery Scientific Review Group and has been approved by NOAA in multiple plans for OR hatchery programs, particularly for hatchery programs that integrate naturally-produced fish into broodstock to reduce risk further).

Provide mixed benefits including increased fishery and improved monitoring

- *Draft Proposal:* Increase Upper Rogue coho salmon release target from 75,000 to 100,000 smolts.

Rationale: Coho are listed under the federal ESA in this plan area. It is important to have reliable abundance estimates for ESA-listed species, and, in the Rogue, estimates of naturally-produced coho are derived from counts of hatchery coho. In recent years, returns from this mitigation hatchery program have been poor, resulting in a very limited fishery and less precise estimates of naturally-produced coho. The purpose of this small increase is to increase harvest opportunities in the lower river fishery and improve estimates of naturally-produced coho abundance in the Rogue River. This increase is within the release levels approved by NOAA and is not expected to have an effect on pHOS numbers, which, regardless, would be managed within the limits identified in the plan.

Overall, these proposed hatchery actions present low additional risk to naturally-produced fish for hatchery programs that are currently being managed with little observed risk. Additionally, the plan will establish control limits and monitoring to detect potential issues through time, which would be rectified through adaptive management.

Wild Winter Steelhead Harvest

The draft RSP establishes a new Wild Winter Steelhead Angling Framework. The framework was developed to improve information available for managing the fisheries, be responsive to change (e.g., low returns due to poor ocean or freshwater conditions impacted by climate change), address social concerns, and maintain angling opportunity. Many aspects of this framework had consensus in the Stakeholder Team process. The major components of the framework, with a description of the areas that did not reach consensus, are:

Fishing Authorizations

- *Draft Proposal:* Establish two new authorizations to fish and harvest in the plan area (Attachment 3, pg. 82).

Rationale: The purpose of these is to improve fishery information (e.g., numbers of anglers, harvest) to allow more precise management and to generate funding to support

additional monitoring and research. These concepts had broad support, although the specific fees and having different rates for residents and non-residents did not reach consensus. Note however, that both of these non-consensus items would need Legislative approval and final rates could not be established in this planning process even if they had consensus.

Angling Controls

- *Draft Proposal:* Establish over-arching controls (Harvest Limit, Conservation Status; Attachment 3, pg. 83) for the fishery. The harvest rate limit would be 15% for the larger basins (i.e., Rogue, Chetco) and 10% for all other locations. Conservation Status thresholds for indicator metrics (half-pounder abundance in the Rogue; juvenile steelhead abundance and occupancy in the Coastal Stratum) would trigger changes in angling regulations to reduce or eliminate fishing impacts on corresponding adult returns (see Attachment 3, Table 17 for details); at a minimum, harvest will be temporarily suspended by implementing catch-and-release (CnR) or basin closure regulations (at ODFW's discretion, and excepting the Lower Rogue, where a 1/1 bag limit may also be considered).

Rationale: The harvest rate limits proposed are below modeled rates that will have an appreciable impact on persistence and within the current estimated harvest rates (based on existing and past data). Conservation status thresholds are within the historical range of variation for these populations, and allow for a proactive, timely response to population downturns. The package of harvest rate limits and conservation levels will provide a structure for adaptively managing harvest impacts and implementing more protective regulations when needed. Specific angling regulations will be crafted as needed to conform to these controls. Also, the Department is establishing new adult winter steelhead monitoring to be able to measure harvest rates. The concept of over-arching controls had broad support from Stakeholders, but the Stakeholders did not agree that a 15% harvest rate limit should be used for all basins or the threshold for one Conservation Status metric (i.e., juvenile site occupancy, the threshold for which was raised in the draft proposal to a more conservative <75% from the non-consensus <60% level).

Interim Angling Regulations

- *Draft Proposal:* The five-year period after plan adoption will be an interim angling regulation period while new spawner and harvest data are collected to quantify harvest rates (Attachment 3, pg. 85). Bag limits for the South Coast area during this period did not reach consensus. The draft RSP proposes that existing bag limits established by the Commission in 2018 will be maintained for this five-year period (i.e., 1 per day/3 annual).

Rationale: Information is not currently on hand to evaluate one of the new angling controls (i.e., adult recruitment or spawner data are necessary to determine harvest rates

that are subject to Harvest Limits), but monitoring to obtain this information is being established by the Department. After this interim period, harvest rates would be evaluated against the over-arching Harvest Limits; bag limits would be revised if harvest rates are not consistent with the limits. Interim angling regulations also set up a new season structure for winter steelhead fisheries. Maintaining existing bag limits during this period is proposed because:

- *Harvest not a Limiting Factor.* Fishing and harvest are not identified as limiting factors in the plan. Habitat factors are the primary and secondary limiting factors that should be addressed to meet desired status and provide climate change resilience.
- *Preponderance of Evidence.* There is no information in the current status assessment or from current monitoring to indicate that these bag limits are negatively affecting fish populations. Current monitoring includes juvenile surveys, half-pounder abundance in the Rogue (related to former Gold Ray Dam counts of adults), preliminary implementation of some monitoring actions in the draft plan, and ad hoc information about adult returns to the fisheries or spawning grounds. Even though the current status assessment lacked on-going adult spawner data, reasonable and informative status inferences were able to be made from data we do have for winter steelhead (and other species). A precipitous decline in spawners would be expected to be evident in their juvenile off-spring, which are monitored. The abundance of half-pounders provides a good indicator of future adult abundance after the most critical ocean survival period (i.e., initial entry and first summer). Ad hoc adult information, although not formal monitoring, provides usable information to understand conditions at a coarse scale.
- *Certainty of New Monitoring.* The Department is shifting existing resources to conduct the new monitoring critical to evaluating harvest rates during the interim period (i.e., spawner/redd surveys and lower Rogue creel surveys). This work was able to be conducted on a preliminary basis in 2021, and will be made permanent for 2022 pending outcomes in the final plan. This fulfills a critical need for the interim angling period.
- *Temporary.* These will not be permanent bag limits. Interim bag limits will be re-assessed against new data after only five years.
- *Other New Controls in Place.* During this interim five-year period, Conservation Status will be evaluated annually to determine if harvest restrictions are needed in any given year to address downturns indicated by the Conservation Status metrics. This is consistent with sustainable fisheries management in the face of climate change (i.e., controls will tighten fisheries as wild declines occur due to climate change or other factors). Additionally, ODFW is developing a statewide policy to formalize fishery management in-season during periods of adverse environmental conditions (e.g., low flow, high temperatures)

- *Existing Protections.* The Rogue and South Coast areas have sustainably allowed harvest for many years. This is because other significant steelhead protections have been implemented through angling regulations. These generally include maintaining fishing closures on nearly all tributaries in the Rogue to protect juvenile steelhead, reducing daily and annual bag limits over the years (from 2/20), maintaining seasonal and area closures that protect spawning fish, and continuing to be responsive to environmental conditions within a fishing season.
- *Supportable Balance.* In arriving at the proposed limits, the Department considered other area-wide harvest limits (i.e., catch-and-release only [CnR; requested by petitions] or 1 per day/5 annual [pre-2018 harvest levels]). The additional conservation benefit derived from a five-year period of CnR was considered negligible based on 1) modeling of harvest rate impact on populations and 2) the establishment of control thresholds to restrain harvest should there be a downturn during the interim five-year period. This was weighed against the loss of harvest opportunity and lack of alternative fishery opportunity that exists elsewhere on the OR coast (i.e., hatchery programs). Conversely, although available data indicates the populations could generally sustain a higher harvest limit (except during poor return years), the Department considered a precautionary approach prudent while additional data are collected. This approach is consistent with the Department's mission, the NFCP, the Climate and Ocean Change Policy (OAR 635-900-0017(1): *conservation and use are not mutually exclusive, and can be fully integrated through risk management that scales use appropriately to avoid undermining conservation*), and conservation-oriented sustainable fisheries management.
- *Assessment Purpose.* The Department would be unable to assess harvest rates relative to the plan Harvest Limits during this interim period under CnR angling regulations (i.e., when there is no harvest). This assessment is the purpose of the Interim Angling Regulations component of the proposed Wild Winter Steelhead Angling Framework. The concept of collecting new data and evaluating where we are in five years was universally supported by Stakeholders.
- *Regulation Clarity.* Numerous combinations of different angling regulations (i.e., 1/5, 1/3, 1/1, CnR) in different basins for the interim period were extensively discussed (including with Stakeholders and through public comments on previous drafts). There are many, many possible combinations of reasonable approaches, but none achieved consensus. Inconsistent bag limits across different basins would provide an unnecessary level of complexity to angling regulations during the interim period, prior to the new data informing the need for them.
- *Not Related to Other Downturns.* The Rogue and South Coast steelhead populations do not fluctuate synchronously with steelhead from the Oregon coast north of this area or the Columbia River. Recent significant downturns in these other areas have not been observed in the Rogue and South Coast (note:

the Department monitored adults in 2021). This difference is likely due to unique life history strategies and differences in ocean residence locations that buffer these fish from some of the poor ocean conditions seen recently.

- *Angler Survey Support.* A majority of those who responded to the Rogue-South Coast Angler Survey (Attachment 3, Appendix VI) supported continuing the opportunity to harvest wild winter steelhead. This survey was scientifically designed to gain representative information from all anglers in Oregon counties within or adjacent to the planning area.

Interim bag limits were the primary non-consensus winter steelhead harvest issue discussed during the Stakeholder Team meetings and in subsequent feedback from them and the public. This is consistent with the origin of the draft RSP, which arose from wild winter steelhead harvest petitions. Ultimately, regulations during this interim period come down to a decision about risk tolerance for wild fish while new information is gathered. Based on available data, the Department believes that the current reduced bag limits (relative to pre-2018 levels) offer a low risk approach that maintains some harvest opportunity during this short period while additional data are being collected.

OPTIONS

1. N/A – This is an informational agenda item, and no decisions are being requested. However, any guidance the Commission can provide staff regarding desired draft plan modifications or other considerations prior to bringing a final draft back to the Commission for approval (planned for the December meeting) would be helpful.

STAFF RECOMMENDATION

1. N/A

DRAFT MOTION:

NA

EFFECTIVE DATE: N/A