

Supplemental
Correspondence
as of
September 15, 2008

Rhine Messmer

From: Andrew Bajer [bajer@uoregon.edu]
Sent: Sunday, September 14, 2008 8:55 PM
To: Rhine Messmer
Subject: angling regulations

Oregon Department of Fish and Wildlife
Angling Regulations
3406 Cherry Ave NE
Salem, OR 97303

September 15, 2008

RE: Change of fishing regulations on McKenzie River above Leaburg Dam

I strongly disagree with proposed regulations (fly fishing only). This is a discriminatory measure against seniors and people with impaired mobility who fish from the bank.

I came to Eugene in 1964 and I am over 80 years old. I fished McKenzie River and other rivers close to Eugene – bank fishing only.

I have witnessed a continuous decline in native fish population and more closures of accessible fishing areas around Eugene. In my experience I have found that the best way to avoid catching native fish is to drift single salmon eggs without flies. Due to my age I no longer can fly fish and access many fishing holes. Also, I would like to note that several years ago I stopped using any lures with treble hooks which used to catch all types of fish. As a result, in last several years I got less than five native trouts and released all of them unharmed.

In my experience fly fishing is the most detrimental because it is the most efficient way to catch native fish.

I also witnessed increasing impoliteness of river fishing guides. Thirty years ago it was unthinkable that a guide boat with clients would fish in the same spot as the person fishing from a bank. Now some guides especially keep their boats in my fishing range, to such an extent that several times my fishing line entangled with lines of their clients.

This is an ill-advised proposal that will only benefit the river guides and their clients. People who can not afford to employ a river fishing guide will lose opportunities to fish.

Yours sincerely

Andrew S. Bajer

P.S. letter to Governor Kulongoski enclosed

Governor Kulongoski
160 State Capitol
900 Court Street
9/15/2008

Salem, Oregon 97301-4047

September 15, 2008

RE: 2009 McKenzie River Sport Fishing Regulation

Dear Governor:

I would like to draw your attention to a proposal by River Guides Association to restrict fishing on McKenzie River above Leaburg Dam. These proposed regulations will negatively affect native trout population in McKenzie River. Furthermore, it is a discriminating measure that will affect seniors and people with disabilities who can not afford to hire river fishing guides.

Yours sincerely,

Andrew S. Bajer

P.S. letter to Oregon Department of Fish and Wildlife enclosed

9/15/2008

To: Oregon Fish and Wildlife Commission

From: William Belding
285 River Club Dr.
Roseburg, OR. 97471

Subject: Fin Clip vs Non Fin Clip proposals

Last year I became involved for the first time with the political realities of fishing in Oregon. I have lived here since 1970 and have witnessed many changes over the years as they pertain to our fishery. Like most people I have taken for granted the work it takes to manage such a huge industry. Also, like many I faulted ODF&W for "mismanagement of the entire system." I became part of the problem instead of part of the solution by repeating rumors and never questioning their source. Well, I changed that last year as I stated.

I've been fishing in Oregon for 38 years. During that time I've witnessed political activity by such groups as the Umpqua Steamboaters and Oregon Fishing Guides getting regulations passed that enhance the North Umpqua Fishery. I always felt that it didn't bother me; their arguments sound reasonable so why make noise. Again, I'm wrong. It does matter. I have come to realize that when special interest groups get together they are only looking out for their interest, not that of the average angler. Case in point, the deletion of the regulation that allows anglers to keep five native (non-fin clipped) fish per year.

Once again I heard rumors that a major change was about to take place on the Umpqua System. The rumor was that the Steamboater's had joined forces with the local guides and now have the ability and numbers to get the regulations altered in their favor. This time however I did not accept the rumor, I drove directly to the ODF&W field office in Roseburg. At the office, I was informed that the rumor was true, that there would be a public hearing in the near future and that the public was invited. As a prep for the meeting I visited with two members of the department, game biologist. I inquired as to what information was available, its validity and the error potential. They gladly showed me all their data, carefully explained where the numbers came from, how they were derived and the logical conclusion extracted from the data. The Commission should be extremely proud of the efforts put forward by this field office. I am a bit of a skeptic when it comes to government, but not with this group. These people have no ax to grind, they are professional and accurate. They do not pass on or act on bad information, they appear to pride themselves on being abstract and truly value the information they have gathered. Bottom line, I do trust them and until proven otherwise, I must follow their lead.

I attended the public meeting in Roseburg last year. I listened to the various people talk and give their varied points of view. I listened to the passion in the voices of those representing the guide services and Steamboater's. It was apparent that they out numbered and were better represented than those representing the general public. It was embarrassing for me because I knew the true information was not being well represented. Several members of ODF&W tried to explain the actual finding, that the fishery is sound and that current practices should be maintained. They were yelled at, verbally abused and all but called liars. At that point I had had enough. I raised my hand to speak, was called upon by the proctor and I presented the same information as the field office. Needless to say I'm not on the invite list. However, my comments did have a solid impact. Many of the general public attending that meeting have contacted me thanking me for standing up. Since that time and throughout last winter, dozens of local anglers have requested that I pursue this issue and represent them.

I know this is a long letter, but I too have a passion, and that is fairness.

First, the Commission should listen to public testimony about rules and regulations, then measure the available data against the testimony. The commission should trust the professionals

working for them I implore you to base your decisions on provable facts not passion, rumors or the ranting of Special Interest Groups.

Second, I feel that we have three major predators affecting our salmon/steelhead populations.

1. Excess amount of seals at the mouth of the Umpqua.

Solution: Reduce the amount of seals through a planned removal program, working with the Feds.

2. Non indigenous fish populations, eg. Smallmouth bass.

Solution: Year around fishing, no limit. We all know that they are here to stay, but we should be able to reduce the overall damage caused by these predators.

3. Guides: Excess amount of guides fishing the system.

Solution: Lottery the guides. The Commission should establish a finite number for each fishery. I know that the State Marine Board regulates guide licenses, but I believe the ODF&W can pass regulations limiting the number of guides on any specific fishery. I propose that the Commission contact the State Marine Board and work out the details. I further recommend that part of the regulation of guides include a clause that states who can actually be a guide, eg criteria. Example of enforcement regulation for guides should include that an Oregon State W4 income statement showing a minimum gross income of \$20,000 per year for two out of three consecutive years be a requirement. There should not be any part-time guides, here's why. A guide fishes an average of three clients per day. During the busy season, winter steelhead and fall Chinook, most guides are booked everyday. 3 people 7 hours, 21 fishing hours x 7 days 147 fishing hours per week x 4 weeks is 588 fishing hours per month x 8 months 4704 fishing hours per boat. That's a bunch of fishing. Another fact, I fish from a boat most of the time, I boated 26 steelhead last winter. I took two guided trips on the Umpqua, we hooked 19 one trip and 10 the second trip. If we average that, each guide is hooking 14 fish per day. If the kill percent is 3 then each guide is killing 5 fish per week. The point is guides are wasting more fish than the general population is catching. Now, you add in the amount of part-time guides, then the number nearly doubles. We are not regulating our number one predator.

Hoping this ends on a good note, I want to go on record supporting the Guide industry. The ones I've met have been extremely interested in protecting our fishery. We differ on how but we all are looking for the same outcome, more and bigger fish. As for the senior, grandpa, taking their grandchild out for steelhead, they should not be regulated out of the pleasure by "purist" seeking some mythical redemption. Most of the people I've talked with fish for food, not so much for the fun of it. They spend hours in cold and rain waiting for the one strike of the day. If that fish is not fin clipped, they release it, it is most probably the only one of the day, maybe the week. When our game Commission is telling them that the raw data says you should be able to keep up to five, what signal are you sending: Do special groups really dictate our policy, or is this Commission governed by facts and actual provable data.

I am going on record in support of all angler's privilege to fish and keep a reasonable amount of the fish they catch. Also, I strongly suggest that the Commission ensure that over fishing the Umpqua does not happen if you chose to return to the management practices suggested by your field offices. I suggest that starting January 1, 2009 that ODF&W regulate the number of guides on the Umpqua System and return to the policy in place in 2006-2007. Should the Commission re-establish the 5 fish policy, then it is incumbent upon you to not allow out of area guides to over fish the system.

Thank you for your time

William F. Belding (541) 580-3661 billbelding@yahoo.com

Rhine Messmer

From: Taku Wakan [takuwakan@gmail.com]
Sent: Sunday, September 14, 2008 11:16 PM
To: Rhine Messmer
Subject: Re: Disgusted

Mr. Messmer,

The best way to expand our trout fishing again is to start planting the rivers as was done for a couple decades. That is what our license fees were supposed to go for.

Now they go to pay too many biologists to pay salaries for making more busywork and regulations to secure their positions even more.

There was never a shortage of trout then and if you want to have more "native fish" stop clipping their fins.

Genetically they are identical !! Did someone forget that was where stock fish came from.....

Also planting walleye in the Columbia did no good for the salmon steelhead runs. They are not native to Oregon or Washington. Salmon and Steelhead are !

Everyone is worried about the squawfish/ie-pike whatever... eating too many salmon and steelhead, but walleye are more voracious than the squawfish.

Walleye may give us a new fishery, but it is damaging several others.

Fishing used to be enjoyable. Now it is a pain in the ass to try and figure out where to go and when and then the rules may change while in transit there :-/\ /\ /\ /\ You folks have to get real and get this back to where it was 20 years ago.

It is not over-fishing that is causing any problem with freshwater and migratory fish in the state waters, It is Weird/management, Over management, Over regulation, understocking. It is no wonder our license sales have dwindled where I work.

People are ticked at the ODFW. That is a simplification of the feelings out here.

You may have a few that want this garbage, but I can assure you that the MAJORITY of fishermen - becoming ex fishermen have a much harsher view than I do.

I talk to more than 50 to 60 every day. You are cutting your own throats in the license fee area, as people are giving up.

I won't even begin on the hunting. There is a bad problem there that would take a book to explain, but you WILL be the ultimate losers in the end.

One way or another to fix the problem you MUST reinstate the full stocking program again. AND open up stream fishing to people as it once was. YES it can be done. You know it very well!

Gary

On 8/26/08, Taku Wakan <takuwakan@gmail.com> wrote:

> Mr. Messmer,
> The regulations over the past decade and a half have been made so
> restrictive that it has removed the enjoyment of fishing for many
> many people out here.
> Fishermen with a few exemptions tend to be non confrontational for
> the most part. You get commentary from a few groups that have shown
> themselves to be eco extreme. The majority that have become
> disgruntled are generally silent, but they are deciding to no longer
> buy licenses and tags and drifting into other activities.
>
> The loud vocal groups you hear from are generally the fly fishing
> clubs and clubs that want to have paid control fishing areas, and by
> limiting the resource for the rivers they pull people to their paid
> ponds and controlled areas that make them a profit.
> We used to have a very good trout fishery in Oregon and it was
> because of the hatchery programs and the stocking of all the rivers
> as well as the lakes and reservoirs.

> Stocked fish are just as viable as the so called native fish and if
> you did not clip the fins you couldn't tell the difference.
>
> I work in the sporting goods business and know very well that people
> are getting fed up.
> I hear it 20 to 50 times a day.
> 2 state police game officers that I have spoke to have even stated
> that Oregon has the most convoluted and warped game laws in the
> Nation and they pretty much give up on enforcement, except the
> basics.
> They say, even the Judges cannot comprehend them any longer.
>
> If it continues as planned, we plan to buy our licenses in adjoining
> states where we can actually fish.
> As it is now we are either restricted to some over heated reservoir
> or allowed to fish a few days a year and finding a place to fish for
> anything is an ordeal that makes a philadelphia lawyer cringe, and
> then wonder if the regulations might be changed before we get where
> we were going.
>
> Just simply give the people back their fishing and re implement the
> trout, salmon, and steelhead hatchery releases.
> We paid for that many years ago and it was what much of the license
> fees were designed to do.
> Now that has turned into a revenue source for a bunch of biologists
> that do little except for anchor their job security with more and
> more regulations and reports that make little sense to anyone.
> .
>
> If I sound angry, it is probably because I am.
> I have watched our number one enjoyment and means of suppling
> our food source deteriorate since the early 70's and progressively
> get worse by the year. Mostly because the stocking programs have all
> but been reduced to a token attempt to keep fish in the river.
> The wild fish issue is and has been a fluke and hoax since day one.
> We all know that.
>
> To put all of it in a nutshell the eco-whackos have slowly taken
> control of everything we used to hold sacred as recreation.
> Each year one or two more fish species are taken from us. Sport
> fisherment are not responsible for any declines in any of it. It is
> the commercial fisherment that make the dents, and mostly foreign
> vessels that do the harm with factory ships off our shores. The
> rivers for the most part never were chock full of fish as people were
> told, they became that way because of the hatchery programs and yearly
> releases for sportfishing and commercial fisherment combined. BRING IT
> BACK.
> Sincerely,
> Gary
>
>
>
>
> -----
> -----
>
> On 8/26/08, Rhine Messmer <Rhine.T.Messmer@state.or.us> wrote:
> > Taku, thank your for your correspondence. I should point out that the
> > proposed restrictions are coming from the public, not ODFW. ODFW
> > opposes these proposals and will recommend they be rejected! There are
> > several proposals submitted by ODFW and the public to expand trout
> > fishing opportunities. For a list of these proposals you can view the
> > August Commission Packet at:
> > [http://www.dfw.state.or.us/agency/commission/minutes/08/08_august/index.](http://www.dfw.state.or.us/agency/commission/minutes/08/08_august/index.asp)
> > asp
> >

> > I have also attached the Staff Summary for your convenience.
> >
> >
> > Rhine Messmer
> > Oregon Department of Fish and Wildlife > > -----Original
> Message----- > From: Taku Wakan [mailto:takuwakan@gmail.com]
> > Sent: Tuesday, August 26, 2008 5:29 AM
> > To: Rhine Messmer
> > Subject: Disgusted
> >
> > Well it sounds like you plan to restrict trout fishing even more
> than > the repressive way it is now.
> > Won't be paying your salary next year. Better to spend our license money
> > over the state line and fish there.
> > You people are mentally ill !!!
> >
> >
> >
> >
>

September 9, 2008

Oregon Fish & Wildlife,
Angling Regulations,
3406 Cherry Avenue NE
Salem, Oregon 97303

Dear Commissioners,

I am responding to the request for public testimony regarding the issue before you for a regulation permitting "artificial flies and lures ONLY" on the 16.5 mile section of the McKenzie River Blue River downstream to Goodpasture Bridge. I have been in discussions with Rhine Messmer and have copied Jeffrey Ziller on my original email.

As I have indicated to both gentlemen, they are viewed as hard working and decent men. Further Mr. Messmer has indicated to me that "after review by Salem Headquarter Fish Division staff, the Department's position is to reject this proposal." I further observed from the web site that the ODFW does not support the "no bait" fishing on this section of the river.

We are third generation farming 70 acres on this stretch of the river. It represents approximately three quarters of a mile of river front or 5% of the section of river in question. I believe we are good observers of the use of the river.

However, before I reiterate my beliefs I think it would be valid to share with you my recognition of the difficult process that takes place on your side of the table and how you may get influenced by a few.

I have served as a city commissioner in Bend Oregon. My experience in the corporate world offered me opportunities to serve as an advisor to Federal Commissions. After retiring and returning to the farm I currently serve as Chairman of the Lane County Planning Commission. Commission member on the Oregon Department of Agriculture representing Hazelnut growers in Oregon, Board Member of the Oregon Chapter of the American Planning Association representing planning commissioner in the state of Oregon., member of the Lane County Economic Committee reporting to the Lane Council of Governments. In the past 6 years I have served as the president of the Hazelnut Growers Society of Oregon, Washington and Canada. And chairman of the Oregon Agriculture Show, the largest in the state. I am a non-working member of the McKenzie River Guide Association.

I do not represent any of these organizations in my testimony. I share this with you only to acknowledge that I understand the process of including the public in decisions, but at the same time taking the advice and recommendations of staff when it is proven to be accurate. In the Oregon Land Planning arena we are governed by the 19 state wide goals. Goal number one is "Citizen Involvement". The remainder of the 19 goals spell out

policy to affect process. From the limited amount of testimony received at your last meeting I am not convinced that there is adequate citizen involvement on this proposal.

Let me reiterate my opposition to this proposal in its current form and at the same time encourage you to follow the advice your own wildlife biologist.

You are proposing taking a pastime and convert it into a purist sport. Let me explain: 1) You are "springing" this on the local businesses. I have asked the local business owners if anyone from the state or local district office has spoken to them about the impact on their businesses. To a person they said no. Seems to me you should give the staff the time to converse with these people to understand the adverse impact to the many businesses on the river. They are also the ones who issue licenses and will not be doing that as a result of this ban since they lose money on the Visa transactions. 2) There is no sunset provision to your recommendation. That makes it too easy "not to have any follow up on the part of staff". Would it not make more sense to set a two year ban and then follow up to see if there is any impact? 3) You have made no accommodations for junior anglers. This last week-end I had over 10 children and grandchildren fishing on my bank and experiencing a wonderful pastime. They will lose this right to the rights of the fish. I question government doing this. You have the responsibility of protecting the rights of the citizens and also protecting the common good. You are not expected to give rights to wild life only to protect citizen rights. 4) If you were serious about this trial you would ban hatchery fish from this stretch as well, in order to see if in fact the issue is bait or competition from the hatchery fish. **I do not propose this** since it would have further adverse consequences on local business but you can not argue that it makes your trial more scientific. 5) It was about 5 years ago that the Corp of Engineers changed the water temperature at Cougar Reservoir to the tune of \$41 million. If you recall the program had limited success and caused the river to cloud for two year's. The same businesses you will adversely impact were almost run out of business because of the poor conditions of the river as a result of the Corp making a flawed decision. At public meetings Federal fish biologist and engineers claimed the science was good. Hardly, not to mention that for two years following that I understand the state hatchery on the McKenzie suffered a one third loss in production to a disease. I believe your biologists are on the right side of this argument in telling you that the ban is not recommended. I have helped in the fish planting process valley wide and have a sense that the Cougar Dam project had more to do with the loss of native fish than the few that are caught on bait. Don't you? 6) As I mentioned we are third generation on the river. My brother-in-law, who grew up on this river, used to use spinners. He has told me that he caught native fish with spinners more often than others were catching them with worms or eggs. Now I understand the issue of the bait being taken aggressively but it again demonstrates that you are not explaining your methodology entirely. By the way, we have not caught a native fish on our banks with bait in the last number of years. The argument falls short.

Lastly, I floated the river from Finn Rock to Helfrich Landing this last week end (Approximately 10 miles of the 16.5) and noted a large number of bait fishermen, women and children along the way. Why take this right away from the citizens before you are told by your own biologist to do this? We also met a family gathering two weeks ago that was using part of our bank for a picnic. I spoke to them briefly and noted that they were all using bait poles on their rafts. I am sure that if I had

asked them if they were aware that this could be the last year they would have this right as citizens they would have been dumb founded.

At a minimum, you should not pass this proposal until you take the time to get to know the people and businesses you are about to adversely effect. Then, do an outreach to explain the science and why a proposal like this is for the "common good".

I want to thank you for you time and want to voice my commendation to Mr. Messmer for his rapid response to my emails. He works hard to give the ODFW a good and caring reputation.

Sincerely,

John Sullivan
PO Box 87
Vida, Oregon 97488
541-896-3825

Rhine Messmer

From: Laura Jackson
Sent: Monday, September 15, 2008 7:09 AM
To: Rhine Messmer
Cc: Steve Denney; Dewaine Jackson
Subject: FW: st update

Attachments: Umpqua Sept 08 Regs 09-14.ppt



Umpqua Sept 08
Regs 09-14.ppt ...

Hi Rhine

I added in more about the protection and harvest of the STW. The couple slides at the end I will probably cut (data and 16S). Let me know what you find out today. Thanks!

Laura

-----Original Message-----

From: DeWaine & Laura Jackson [mailto:wildjack2@dcwisp.net]
Sent: Sunday, September 14, 2008 7:23 PM
To: Laura Jackson
Subject: st update

newer

August 20, 2008

To: ODFW Commission
From: Sylvia Pauly, biologist
Re: Proposal 132 P

I was surprised and disappointed that, with all the good effort that ODFW puts into promoting fishing and the enjoyment of Oregon's great natural resources, the Commission is considering enacting proposal #132 P. There is absolutely no biological reason to eliminate retention of sea run cutthroat trout, and it would alienate and in many cases eliminate a large portion of trout anglers along the Oregon coast.

Biological concerns...none on the Central Coast

Cutthroat trout are Oregon's most numerous game fish; found in nearly every West Coast waterway that has cool enough year-round temperatures to support fish. The last 10 years of population monitoring by ODFW, using screw traps, electro shocking, and snorkel counts, show that Central Oregon Coast waterways are functioning at steady-state carrying capacity during good ocean years. After poor ocean conditions, the populations may temporarily drop, but they rebound quickly. While no monitoring method is perfect, the results are compared from year to year to study trends and eliminate any shortcomings of the monitoring method. The fact the cutthroat are not doing well in California and Washington does not mean the ODFW is doing something wrong...it means that it is doing something right.

Perhaps the elimination of hatchery cutthroat in Central coast streams is one reason the runs are so vibrant. Perhaps it is the fact that in Oregon, 95% of returning sea run cutthroat trout, including first time migrants, have been found to be ready to spawn. Or, maybe it is the fact that most (82 %) of sea run cutthroat trout that leave the river systems are under 8 ½ inches, already classifying them as non-retentive under ODFW's current policies. {See Trotte, P. C. 1997. Sea Sun Cutthroat Trout: A Life History Profile. As reported in Sea-Run Cutthroat Trout: Biology, Management, and Future Conservation; Oregon Chapter, American Fisheries Society pp. 10 & 11}.

Those who are basing their population estimates on what they catch are both hubristic, and ignoring the fact that there are hundreds, maybe thousands, of adult sea-run cutthroat that they cannot catch. Like most anadromous fish, when adults come into the river to spawn, their body cavities are so full of eggs or sperm they do not feed. This has been documented since 1972, in a study on the Alsea River (a 5 minute drive from my home). {Giger, R.D. 1972 Ecology and management of coastal cutthroat trout in Oregon. Oregon State Game Commission, Fishery Research Report 6, Corvallis}. This makes catching the fish very difficult. Add to this the fact since sea-runs leave the river systems by mid-May, and do not return until August, so there are only two months out of the year when they are subject to any angling pressure whatsoever. (Currently angling for trout ends at the end of September).

Lack of angler support, and the "Value " of an 8 " fish

Who fishes a baitfish, retention fishery? Kids and anglers on a limited income. Or, those who like to keep their fishing experience uncomplicated.

Mike Stahlberg, a Register-Guard Newspaper reporter, published (Aug 17 2008 Oregonian) an interview he had with Jason Miller, who was fishing trout, using worms, with his 7 year old daughter. To quote the article:

""They're going to be limiting the kids," Miller said. "You're not going to fly-fish on the McKenzie with a little kid. You're just not, not unless you are in a boat and, of course, not everyone has a boat."

'His daughter can catch fish by letting the bait sit in deep pools of water, Miller said. "but she's not a real good caster" and couldn't be effective tossing spinner's and lures.'"

I maintain that this is true for all streams, not just the McKenzie. I'm sure it is true for the four boys I passed while driving out of Yachats up the river on Aug. 16. Between 6 and 10 years old, they were riding their bikes up river to fish on a warm summer day. What angler who grew up in Oregon did not begin their fishing legacy with a \$ 25 (or less) trout pole/reel combo and a can of worms? Besides, most of the fish being caught are *resident* cutthroat trout.

Should one of those boys choose to keep a 8" trout to proudly take home to his family for dinner, I defy Walt Weber of The Rainland Fly Casters to tell that kid he is "utterly insane" (using Mr. Weber's words) to keep an 8" fish. It seems the only fishery Mr. Weber values is a 'Blue Ribbon' fishery that draws out-of-state anglers. And while children may not buy a license, I believe that they have as much right to a fish as anyone else. I will not rate their fishing experience as being less valuable then mine. And I know the chances of them learning to love fishing are increased if they catch something, rather then spend all their time getting frustrated trying to cast a lure and getting it hung up in trees, on the bottom, and on themselves.

(Truth to tell, I took an adult who had never been fishing before to fish bluebacks on Beaver Creek. *He* had a challenging time casting. *And* he bough a license just for the experience.)

I will never forget the 8 year old girl two years ago, who, at a local pond, showed me her catch of 8-10" trout with pride beaming from her face and an ear-to-ear smile. "Great!, I said. "What did you catch them on?" Then she proceeded to patiently, but with great authority, show me how to put power bait on a hook. (There way no way in this world that I was going to tell her that I have been fishing in Oregon at least 35 years, have

caught fish that weighed more than her, and currently work as a biologist on commercial fishing vessels where I see thousands of fish in one day that are bigger than hers).

"IT'S STUPID TO MAKE US PUT THIS FISH BACK DEAD!"

As a biologist, I have worked with fishers for many years and in many different fisheries, and this is BY FAR the greatest complaint I hear from anglers. Sport or commercial, freshwater or marine, you name the fish species....if I have heard this once, I have heard it a thousand times.

And they have a point.

Having a cutthroat trout fishery where an angler is *allowed to* keep fish does not mean that *they have to* keep fish. Those people who wish to practice a catch-and-release fishery may do so. But if they do hook a fish and find it mortally wounded, they have the option of keeping that fish. They do not have to 'float it off dead'. And a 2006 angler survey by ODFW said 59% of anglers do not derive more pleasure from a fishing trip if they release fish. Let's face it, the reason most people fish is to get out and enjoy the outdoors with a little 'river therapy'. But for those who want fish for the table, trout are often the only fish they can afford. And allowing the retention of two fish does NOT increase the likelihood of them killing more fish in a day. My years of experience w/ anglers has been that they will keep the first really nice fish they catch, or the first fish they kill—but after the second dead fish they go home. No one likes floating off dead fish, except perhaps some specialty fishers who want you to think trout never swallow flies so deep that they die.

Another important fact to consider is that without the impact of hatchery fish being dumped in central coast rivers, our native fish are doing great. We have no hatchery fish from the Salmon River to Florence. So, if the commission eliminates the retention of wild fish, they eliminate the retention of ALL cutthroat trout on the central Oregon Coast.

Those who are against eating native fish also perplex me. What do they want? That we import species, or violate the Native Fish Conservation policy that the Governor agreed on with the Federal Government? (I think the people who are against eating native fish just want us all to be vegetarians, and support mega-agriculture. I say, eat local; I know where it's been.) I believe that everyone's goal should be to have a sustainable fishery on native fish, and that is what we have with cutthroat trout.

"If the fish are in danger, just totally shut it down"...

This is the other thing I hear from anglers. Maybe it's just the circle of people on the rivers I fish, but no one puts their need to fish above anyone else's. If they are shown by biological facts that a population of fish is low and needs closing, the needs of the fish come first to them, and they want it all shut down. Now, the populations of cutthroat trout

on central Oregon streams are healthy (both sea-run and 'homebodies'), but I would encourage the Commission to question the motives of **any angler** who believes to only mortality a fish population can take is the one they cause. 'Just let *me* fish" is the definition of elitist. If they are so concerned about a fish stock, why don't they go fish for something else?

Public Review Process

The Commission was correct when they first denied proposal #132 P. To adopt it now would be violating the Commission's own guidelines of public review. Adopting this proposal would *not* be an emergency closure based on a biological crisis, but caving in to special interest groups.

The anglers I have spoken with in the last month agree with me, but none of them had heard this proposal was in the works, so they were not prepared or informed to comment.

Please, consider the lack of biological need, the impact on anglers, and the rich and rewarding experience that are offered by our current cutthroat trout fishery, and REJECT proposal # 132 P.

Sincerely submitted

A handwritten signature in cursive script, reading "Sylvia Pauly". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Sylvia Pauly
P.O. Box 337
Waldport, OR 97394

[illegible]

September 1, 2008

Robert H. Field

McGinty

From: "McGinty" <mcginty@peak.org>
To: <rhine.t.messmer@state.or.us>
Cc: <mcginty@peak.org>
Sent: Thursday, September 04, 2008 11:17 AM
Subject: Fishing Regulation Modified

We are objecting to the fishing regulation change proposed by the Rainland Fly Casters to make all streams, tidewaters, and bays in the Northwest and Southwest Zones for flyfishing only.

As written this would restrict all fishing to fly only in the tidewaters and bays because if you caught a trout while fishing for pan fish, you would be in violation of the restriction. Throwing trout or small steelhead back is known to have a high mortality rate.

It appears to be an attempt by a group of fly fishermen to take away fish that belong to all Oregonians. We are senior citizens and enjoy taking our grandkids and a small boat fishing in the tidewaters and bays. If this restriction were in place, there is no way you can start out a youngster fishing on a fly rod. The Willamette Valley is still less than a hundred miles from most tidewaters and bays, and you can still make a day trip for all kinds of fishing, even with the high cost of fuel.

We most emphatically object to this proposal by a fly fishing club trying to keep us from fishing for the popular blueback trout.

Thank you for your consideration of our objection.

Bill and Pauline McGinty
P.O. Box 482
Philomath, OR 97370
Phone: Home 541-929-5238
Cell 541-740-8121

Bill McGinty
Pauline McGinty

RECEIVED

SEP 08 2008

Oregon Department of Fish and Wildlife
Fish Division

9/4/2008

Rhine Messmer

From: Wayne Watne [watnewsw@DFW.WA.GOV]
Sent: Tuesday, September 09, 2008 12:01 PM
To: Rhine Messmer
Subject: 132P proposal

I would like to comment ofn the proposal for 132P that would restrict trout angling to catch-and-release only for unmarked trout in all rivers and streams in the Northwest and Southwest zones. It would also prohibit the use of bait while trout fishing.

This seems like a bold move to take but is really essential in the recovery of salmonids in the PNW, especially the steelhead. The steelhead in particular has a widely varied and widely misunderstood fresh water life history. There is recent evidence (some from your own

agency) that the freshwater phases of the juvenile steelhead are critical to the success of the species. There are many strains of steelhed that live in the freshwater phase for more than one or two years prior to smoltification and sea entry. Furthermore, there is some evidence that some may actually spend an entire maturation cycle in fresh water prior to leaving for sea. The steelhead is a very complex fish to both understand and manage. The only way to truly maintain or better yet restore steelhead populations is to eliminate harvest of juvenile steelhead in the freshwater phases of their life.

Catch and release of unmarked fish (steelhead and cutthroat) in the anadromous zone is a GREAT idea... one several biologists in Washington have been eagerly seeking to accomplish in our own state. There is no need however to limit the harvest of any brook trout... the only drawback on the harvest of them is the potential for incidental harvest of dolly varden/bull trout.

I worked for ODFW for several years and saw the benefits of the C&R fishery and limiting bait use (for trout) on the upper Wilamette & McKenzie systems. The populations of cutthroat and rainbows (presumably some of which were steelhead in various freshwater phases) are thriving and quite healthy in those reaches (see Gary Galavich, ODFW Vanderberg Office annual cutthroat studies for the McKenzie & Willamette... also discuss with Ken Kenniston ODFW Corvallis Research Lab findings during seine operations for PITTAG on spring chinook in the same reaches) to see the benefits of the regulation changes on these systems.

As a biologist for WDFW who has worked for ODFW in areas impacted by this proposal I would be VERY supportive of the proposal. Would you please send me information and a link to the actual proposal to review.

This is something I would like to see brought to the Commission in this state as well.

Thank you,

Wayne Watne
Forest & Fish Habitat Biologist
Washington Department of Fish & Wildlife, Region 6
(360) 249-4628 x 208

Rhine Messmer

From: Sue Long [sue@wolfcreekproducts.com]
Sent: Thursday, September 11, 2008 9:59 PM
To: Rhine Messmer
Subject: No bait use on McKenzie River

Dear Sir:

I am writing to ask you not to prohibit the use of bait on the upper McKenzie River. Bait fishing allows for a lot of variety in fishing and "part of the game" in trying to catch the elusive trout. I believe that most fishermen (and women) are very respectful of the river and the native trout. Of course there are probably a few who abuse the rules. But they are the minority, I'm sure. I'm teaching my 6 & 7 year old granddaughters to fish, since I became so hooked on it (no pun intended) when I was young and fishing with my dad. It would be very hard for them to use flies or lures. Sure, we can fish ponds and canals with bait, but there is nothing like the beauty along the river in the Summertime to teach many lessons or just to relax while fishing.

Thank you for your consideration. I, for one, will be respectful of the continued existence of the native fish but would hate to see it restricted to only the skilled fisherman who use flies and lures.

Susan Long

Jerry C. Ray
800 N.W. Meadow View
Corvallis, Oregon 97330
541-745-7311

Oregon Department of Fish and Wildlife
E.E. Wilson Wildlife Area, Management Plan
3406 Cherry Ave. N.E.
Salem, Oregon 97303

September 9, 2008

Dear Sirs:

I have reviewed the proposed draft for the E.E. Wilson Wildlife Area Management Plan, July 2008.

Following are a couple of additions I would like to see included in the plan.

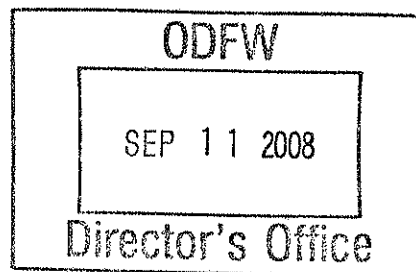
- (1) Please include with the "Ten Year Management Plan for E.E. Wilson Wildlife Area" a budget indicating the funding necessary to implement the plan.
- (2) Also, signs explaining this is a hunting area. Paid for by hunting and fishing dollars with no general fund state revenue used for the facility. It is not a "State Funded Parks and Recreational Facility."

Thanks you for you consideration.

Sincerely,



Jerry C. Ray
Secretary, Mary's Peak Hound Club





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September 9, 2008

Marla Rae, Commission Chair
Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Dear Ms. Rae,

As General Manager of the Tualatin Hills Park and Recreation District I am writing to express my concern that changes proposed in the "2009 Oregon Sport Fishing Regulation Development" document do not take effect at Commonwealth Lake in Beaverton, Oregon. As owner and manager of the lake, this Park District opposes the proposals that would restrict angling to youth age 17 and under.

For nearly forty years, Commonwealth Lake has been an integral part of our community and restricting its use would be a great loss to our patrons. The Park District is concerned about a negative reaction from patrons who may be unaware of the proposed rule change and have never had a chance to discuss it.

Proposed changes 264P and 29s both restrict angling to youth for all or part of the year. Both of these changes would negatively affect our patrons, including families, disabled individuals, retirees, and adults from diverse ethnic groups, who fish at Commonwealth Lake. The lake is unique in our area in that it is highly accessible to an urban community without a long drive. It also provides disabled-accessible fishing docks, which are a rare amenity throughout the state. To restrict usage to youth only would close the doors of opportunity for many people and would greatly limited the number of recreation days available. As owners and managers of the park, we oppose this change in regulations.

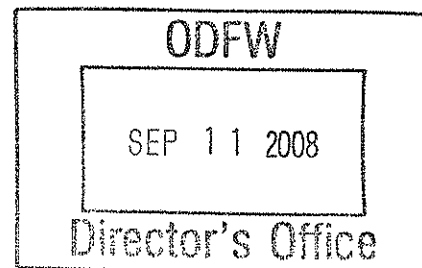
In addition, proposed changes 265P (Reduce bass limits on Commonwealth Pond) and 266P (Reduce crappie limits on Commonwealth Pond) are also opposed by Tualatin Hills Park and Recreation District. Although bass and other non-native fish species currently exist in the lake, we do not feel it would support the health of the adjacent streams to encourage non-native fish in Commonwealth Lake.

Although staff submitted comments and a letter during the May and August 2008 hearings, I want to be certain that the Angling Regulation Review Board is clear on our position.

The Tualatin Hills Park & Recreation District strongly encourages the Board to leave current regulations and practices as they are at Commonwealth Lake.

Sincerely,

CC: Roy Elicker, ODFW Director
Skip Klarquist, ODFW Commission Member



SEP 09 2008

Sept. 7th, 2008

To Oregon dept. of Fish & Wildlife
Angling Regulations.

The River of no return sounds like a movie I saw a long time ago
We do not need a Re-Run.

I taught 3 of my children to fish the McKenzie.

The oldest now 48 years old. I have a Grandson who has spent many
Hours fishing there with me.

I have fished the McKenzie for 60 + years.

I wonder how many people will not be able to fly fish or use lures

So not get to enjoy using the McKenzie that we all pay taxes for?????????

Please give this some more thought before closing the River to bait fishing.

Thank you

Bob Smith Springfield, Or. 97477

