

# **Public Correspondence**

**Public correspondence received  
as of May 1, 2009**

April 1, 2009

Hi Laura,

I wanted to give you a quick response on the draft plan before you head into your meetings. First, you mention *Anabaena* cell count data (bottom of p. 4) from 2008. I don't believe Jim Sweet has finished the processing on the 2008 phytoplankton data, so I don't know what data you are referencing (at least I haven't seen any). Did you mean 2007?

You seem to be leaning towards the old ODFW plan of 400,000 fingerling annual stocking in this plan. You might want to give yourself some room to "back-up" on these numbers. You don't have the benefit of seeing the 2008 data, but there are some issues that are bit disconcerting. First, the fall benthic density took a 17% drop from fall 2007. This may just be random variability associated with the benthic sampling, but it's something to watch. The chironomids also declined about 75% from 2007. They may have declined because a lot of the organic matter from the rotenone treatment was finally consumed, but we don't know this yet.

Secondly, the zooplankton densities dropped dramatically in 2008. Both peak and average *Daphnia* densities were down 50-75% from 2007. Some of this can be attributed to the late date of ice-out and continued cold water into June. This delayed the reproduction of the *Daphnia*. It probably didn't help that the fingerling stocking then landed right on top of the suppressed *Daphnia* population. Anyway, it took weeks for the zooplankton to show a decent recovery. I think paying attention to the zooplankton densities (especially the *Daphnia*) may be as important or more important an indicator as the benthic densities.

Third, the phytoplankton community is changing and not necessarily in the direction we want. The phytoplankton in 2007 was great – lots of diatoms and cryptomonads. However, in 2008 I started to see *Gloeotrichia* in the water column. *Gloeotrichia* is a large colonial N-fixing cyanobacteria and it was the same species that became abundant in the so-called "good years" of the 1970s. We saw this species really increase through the 1960s-1980s. It's there because of adequate re-supply of phosphorus – probably from the trout stocking. *Gloeotrichia* can be toxin-producing (microcystin) as was measured in Devils Lake last year. So you really don't want a bunch of this stuff around.

The bottom line is that the data are still coming in and to make a decision that you can or should go to stocking 400,000 fingerlings as a long-term plan seems a bit premature. You may want to take it up to 400,000 as measure the lake response, but be prepared to back off that number as the zooplankton, phytoplankton, and benthos indicate.

Hope this helps and good luck in your meetings.

Joe

Joseph Eilers  
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**Diamond Lake Public Meeting: Central Point, OR**  
**April 8, 2009**  
**Started meeting at 7:15 pm, ended at 8:04 pm**

**ODFW Staff:** Laura Jackson (presenter), Meghan Collins (facilitator), Michael Gray (note taker- flip chart), Steve Denney, Holly Truemper (note taker- laptop).

**Public Attendees:** Brian Daly, Secretary and Greg Graham, President of Kokanee Power Non-Profit (Hosts Tournament at D Lake), Rick Werner, former D Lake creeler and DB ODFW, retired.

**Partner Agencies:** David Gifford (OSP).

**Comments:**

Brian Daly: have a more condensed and more monitored boat washing station at boat ramps at the lake. Need boat washing facilities, especially hot water pressure baths and needs to be mandatory so everyone has to do it. He is willing to help and provide facilities for his tournament (has experience and will volunteer to teach people and show how to properly get rid of wash water).

Greg Graham: Kokanee Power willing to donate time and do volunteer work at lake. Has called Senate office to inquire about SB 502, can't get an answer, please elaborate on the blue ribbon fishery bill.

Greg Graham: Do you have results yet of investigating where the shiners came from?

Rick Werner: Will ODFW do more e-fishing at lake this summer?

**Note:**

After the meeting, Holly Truemper asked Greg Graham and Brian Daly what they thought of the plan overall since there was no obvious support or reluctance during the meeting by the public. They both stated they thought it was a "good plan if ODFW actually did plan to manage the lake based on balancing the ecosystem" and not just putting fish in.

## **Diamond Lake Public Meeting: Roseburg, Oregon**

**April 9, 2009**

**Started meeting at 7:13 pm, Ended at 8:23 pm.**

**ODFW Staff:** Laura Jackson (Presenter), Meghan Collins (facilitator), Michael Gray (note taker- flip chart), Holly Truemper (note taker-laptop),

**Public Attendees:** Steve and Peg Koch (Diamond Lake Resort), Rick Rockholt (Diamond Lake Resort), Francis Etherington (Umpqua Watersheds), Diana Wales, Darrell Tufly (UFA), Frank Massingale (UFA), Wayne Spicer, Bill and Minnie Grossen, Chuck Sumstine.

**Partner Agency Staff:** Paul Heberling (ODEQ), Dean Perske (OSP), Craig Tuss (retired USFWS), Joe Linn (USFS).

### **Comments related to Management Plan):**

Diana Wales: Both FEIS and TMDL talk about using biological indices for fish stocking strategies but there is nothing in either of these documents (FEIS or TMDL) that talk about using accounting model to manage fish stocking at Diamond. I'm having trouble tying in Laura's accounting model with either original document. Where is that [biological factors] accounted for in accounting model since it doesn't include DO, pH, etc. (biological factors). Biology of the lake is not considered in accounting model in new management plan. FEIS says 2009 range for fish stocking is 100,000 to 300,000. How do you explain going outside the specific parameters in the FEIS that lists specific numbers of fish?

Francis Etherington: Disappointed to see new management plan going outside the range of fish stocking in FEIS, you plan to go 25% over FEIS plan (by stocking 400,000 fish potentially in next few years). Up to 2016 should've been up to 300,000 not more as ODFW talks about in new management plan. Hears Laura read clause from FEIS (Ball letter, etc.) and is still disappointed because that's not what ODFW talked about pre-treatment. Concerned because more fish means impact on ecosystem, would like to see softer use of lake so that other things besides fish can benefit.

Unfortunate situation with shiners, at least it's not something else (chub). Continue invasive education and monitoring effort. Would be good to expand the invasive species prevention work at the lake and in the plan. Talk to partners about expanding this program.

Francis Etherington: Based on FEIS, in 2007 there were supposed to be two boat washing stations. What is the status of these? Public is concerned with lots of invasive species besides fish like mussels and weeds, need to see more long-term management of the lake

by watching for boats from other waterbodies. No NEPA work has been done on boat washing stations. Why isn't this (boat stations) part of the new management plan?

Paul Heberling: Boats are checked throughout the summer by various staff at agencies. OPB did a program on this. It's everyone's responsibility to do this as users at the lake.

Creel census is important to continue and shouldn't be questioned in management plan. Funding question on last sentence of management plan? Funding not yet secure beyond 2011. ODFW should engage partners to assure creel funding.

What happened at ODFW that the predacious fish aren't available for 2009 when they were in the FEIS to stock 10,000-25,000. Would like to see this done in management plan and in reality in 2009 and beyond. If chub were found, wouldn't ODFW stock predacious fish? With shiners [already] in the lake, why not stock predacious fish at higher level in 2009?

Chuck. Sumstine: Tags have gone up in price, when will bag limit increase in the regulations? Would like to see the limit raised to 8 fish per day for Diamond Lake. Would like to be able to fish longer for my money at the lake than limiting out right away.

Joe Lind (USFS): came to listen to public participation. USFS will make written comments later. We're all in this together to restore the lake; we all have interest to maintain the good lake. Invasive prevention and monitoring needed to be ahead of the curve, but takes time and effort and agencies are doing what they can with resources available. Need a big effort on this. Agencies are working together to have training sessions on prevention and boat/equipment cleaning (also for river and lake recreationalists). Many public are just naïve to the issue and we have made difference already, but need to stay ahead because. Different grants/funding being pursued by agencies.

On page 7 of management plan besides accounting model there is an EPA model

1. How is that different than biological indices presented in the past to monitor lake
2. When will ODFW tell/explain that model (EPA)

**Comments not related to Management Plan):**

Wayne Spicer: (Written comment) Keep limit at 5 fish or less. Explore possibility of creating spawning areas by adding gravel to inlet streams. Wade Lake in Montana is an example of where this has been done successfully, people who run the lodge can speak to this.

Steve Koch: Has been at Diamond since 1956. ODFW has done incredible job at restoration project. I've lived through the bad of no bugs, birds, etc and now they are back. ODFW has done great job restoring lake, thank you.

Last year boat shop guys at the resort had concerns about targeted pressure at boat ramps during stocking of larger fish – stocked fish were targeted before they were able to disperse. If stocking big fish in the future, can you do different stocking (unannounced or night).

Diana Wales: Invasives screening was mandated in FEIS, ODFW didn't do it. Very disappointing, and ODFW has acknowledged that this did not happen. Agencies asking public to wash boats, but obvious FEIS screening was not done by ODFW, and that is contradictory.

Francis Etherington: same as above.

What about smallmouth bass potential for Diamond Lake. Is there a contingency plan if this happened? Is ODFW ready to act if something like this happens?

Darrell Tuflly: Is boat washing voluntary or mandated? How will you know if boats are washed/clean?

Francis Etherington: How much of fishing license revenue goes to prevent invasive species? Need money for boat washing stations so you can get invasives prevented quicker and efficiently.

Paul Heberling: Great idea to tack fee onto boat license to provide for invasive species prevention.

Wayne Spicer: Why can't you get natural spawning on silent creek and short creek? I've seen other places where they added gravel.

Will you stock other than fingerlings, other fish, etc?

Speed limit increased but now decreased, will it stay low?

What about HB 512, mandatory boat check stations in Oregon?

Diamond Lake Draft Management Plan  
Public Comments

\*Please submit your comments below or email to [laura.s.jackson@state.or.us](mailto:laura.s.jackson@state.or.us)

Name Chuck Sumstine

Contact Info 378-7195

would like to see the limit  
raised to 8 or 10 fish

### Diamond Lake Draft Management Plan Public Comments

\*Please submit your comments below or email to [laura.s.jackson@state.or.us](mailto:laura.s.jackson@state.or.us)

Name Wayne Spicer

Contact Info WSPICER2@gmail.com

✓ KEEP LIMIT AT 5 FISH (OR LESS)

✓ EXPLORE POSSIBILITY OF CREATING

SPAWNING AREAS BY ADDING

GRAVEL TO INLET STREAMS.

WADE LAKE IN MONTANA IS AN

EXAMPLE OF WHERE THIS HAS BEEN

DONE SUCCESSFULLY (PEOPLE WHO RUN

THE LODGE CAN TALK TO THIS).

**Laura Jackson**

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**From:** info@diamonlake.net  
**Sent:** Friday, April 10, 2009 8:25 AM  
**To:** Laura Jackson  
**Subject:** Re: Draft Plan

> Hope you guys can make it tonight---despite the pouring rain!  
>  
> Here's the new draft plan. Thanks!  
>  
> Laura  
>

Good Morning Laura,  
Thank you for a very good meeting last night. I also want to echo Steve's comments about ODFW doing such a good job. YOU ARE!!  
We here at the resort see the results of ODFW work in a different way. We see families having a great time together. It's not only the fishing but the whole recreational experience that comes with a healthy lake.

Also I want to commend you for being strong and standing your ground with the scrutiny of special interest groups who are not well informed or understand how completed the the work at Diamond Lake (and other lakes and rivers) can be. Thank you again.

I do not know if you know or not, but the resort was partnering with the US Forest Service for boat wash stations here at Diamond Lake. We were informed about 2 weeks ago that the Title II funds for the wash stations was not approved. Guess we will have to rely on portable wash stations for the time being.

Thanks to everyone again, you are doing a wonderful job.  
Rick Rockholt  
Diamond Lake Resort



Diamond Lake Homeowners' Association

April 13, 2009

Oregon Fish and Wildlife Commission  
3406 Cherry Avenue N.E.  
Salem, OR 97303

Re: Diamond Lake Fish Management Plan

Dear Oregon Fish and Wildlife Commissioners:

The Diamond Lake Homeowners' Association Board supports the Oregon Department of Fish and Wildlife (ODFW) Fish Management Plan for Diamond Lake that states the desired condition for the recreational fishery continue under current state regulations that describe the fishery as follows:

Diamond Lake shall be managed for hatchery production under the basic yield alternative of Oregon's Trout Plan (OAR 635-500-0703), which in summary states that the waters use their natural productivity to grow trout to a harvestable size with or without the addition of fingerling or yearly hatchery trout (OAR 635-500-0115).

For several decades, ODFW traditionally maintained this ecologically sustainable recreational fishery under a cost-effective and economically successful management strategy that provided a large and popular trout fishery. Other alternatives for fish management plan direction for consideration include intensive use, featured species, or trophy fish. These do not meet the desired goals for Diamond Lake—not in the past; not now as a result of the successful 2006 restoration project; and not for the future generations of anglers and our families and communities that want to continue to enjoy the benefits of Diamond Lake.

The investment of millions of private and public dollars to successfully restore the fishery in 2006 was based on this well-proven management strategy that results in a fishable and swimmable lake providing thousands of anglers, friends, and families a place to enjoy the truly gem of the Oregon Cascades. An annual stocking level of about 400,000 fingerling rainbow trout from Oak Springs stock results in a 6-month-long fishery of 80-100,000 anglers trips with an exceptionally highly-rated harvest rate of about 270,000 trout, averaging 12 inches in size. The fish stocking strategy that also continues inclusion of several thousand indigenous rainbow trout from the Fishwich stock in the annual releases is recommended to further enhance the lake's fishery and provide predacious trout under the current tui chub contingency plan.


Under the basic yield management, the estimated annual local economic activity for Diamond Lake is about 4 million dollars. The cost of the proposed hatchery fish stocking is only about \$30,000. This is a direct economic benefit of over \$130 dollars to every \$1 invested under this plan. In addition, an extensive monitoring plan that includes relevant parameters including fishery and ecological metrics should be completed as an insurance policy that provides timely and scientific information to manage the fish stocking levels in concert with the lake's water quality and fishery goals.

This plan is sustainable and is beneficial environmentally and economically for future years, as long as tui chub are not illegally introduced into the lake. A focus of the basic yield management direction should include emphasize on the education and prevention of nonnative invasive species being introduced into the lake ecosystem. We encourage ODFW to keep us informed and work closely with DLHA and others to complete actions that reduce the tui chub and other unwanted species reintroduction potential. We offer the help of our Diamond Lake Fish Restoration Representative and interested DLHA members in these collaborative efforts.

We support family-oriented **basic yield** fish management. This basic strategy will release trout in Diamond Lake that grow fast, maintain excellent condition, provide a high harvest rate, and be available for several seasons to all anglers, young and old. The basic result will yield more anglers, many fish of desired catchable sizes, larger enjoyment levels for all ages, higher economic benefits, and a substantial success in the future for Oregon's valuable fisheries resources.

Thank you for the opportunity to comment and your consideration of our recommendations.

Respectfully submitted,



Larry Griffin/Sharon Karr  
President/Secretary  
Diamond Lake Homeowners' Association

April 17, 2009

Oregon Department of Fish and Wildlife  
Laura Jackson  
Emailed to laura.s.jackson@state.or.us

**RE: Diamond Lake Management Plan comments**

Laura

Thank you for your presentation last week. Please consider the following comments when adopting a management plan for Diamond Lake.

**1. Fingerlings**

The FEIS, alternative 5, considered the environmental impacts of stocking Diamond Lake with an upper limit of 300,000 fingerlings per year. Your draft plan says there is no upper limit – that you would stock “over” 400,000 fingerlings per year. You pointed to the FEIS use of the word “approximate” to justify a 25%+ increase in stocking levels. However, the definition of approximate is “close to the actual” – not a 25% or more increase.

If you adopt a plan that stocks this high number of fingerlings, you should point out what when wrong in the FEIS, and why it’s findings are not relevant. The government and the public spent a great deal of time preparing and reviewing the FEIS. If you are not going to use it, please explain why. Also, of the environmental impacts disclosed in the FEIS, explain which of those impacts would be impacted by an increase in fingerlings.

There are also golden shiners using the lake. The Management Plan should address how the golden shiners will impact your stocking level, or how they will impact the health of the lake. The FEIS considered the upper limit of 300,000 fingerlings on the health of the lake. Now, in addition to increasing that 25% (or more), the increased impact of golden shiners was never considered in the FEIS and ROD.

**2. Invasive species**

One environmental impact that would be different from the FEIS is the potential to infect the lake with an invasive species. The FEIS considered two boat washing stations. At last week’s meeting, you told us there were two portable boat-washing stations being used, but that you were still unable to inspect the vast majority of boats. The more fish there are in Diamond Lake, the more fishing boats there will be and the more likely it will be that a boat will bring in an invasive species. Golden shiners have already re-infested the lake. This could have been prevented if there were adequate boat inspections and education. What’s next?

It is our understanding that if the lake becomes reinfested, the ODFWS will simply flush it and treat it again. Our concern is that repeated flushing of Diamond Lake will negatively impact the surrounding wetlands, rare wetland plants, amphibians, and other parts of Diamond Lake that retain a natural and native component. With each repeated treatment, another small (or large) component of the surrounding ecosystem is permanently degraded.

Repeated treatments of Diamond Lake could turn it into an artificial, man-made, Disneyland-like shadow of it's former self. We are also concerned that each time the lake is treated, invasive species will be flushed downstream into the watershed.

Therefore, the ODFWS should do everything possible to not repeat a treatment at Diamond Lake, including taking boat inspections and boat washing seriously – more seriously than the draft management plan does.

At the meeting, the response to the concern of boat inspections was: “that not our job, that’s the Forest Service’s job.” However, this management plan cannot work in a vacuum. It needs to include, or at least reference, all the other parts that work with it. If you do everything in your power to attract more boats, then you must also do everything in your power to make sure those boats will not re-contaminate the lake.

The Draft Plan says (page 7) that between 1960 and 1991, the lake was “healthy enough to support an annual stocking of 400,000 fingerlings... this plan would seek a similar fishery, but provides additional conservation measures to help maintain the various trophic communities...” What the Draft Plan fails to acknowledge is that it wasn’t the trophic communities that failed; it was invasive species that ruined the good-times. The ODFWS should show more concern about this problem in the management plan.

### **3. Biological indicators must be clear.**

The management plan says (page 5) that the “ODFW will look at parameters such as benthic organisms density, pH, water clarity, dissolved oxygen...” to determine evaluate determine stocking rates. Page 4 of the draft management plan lists how these elements increased or decreased.

What is missing is the optimal range these elements must be in to determine what range of stocking levels you will implement. For instance, you say that “pH went from a mean of 8.5 in 2006 to a mean of 7.6 in 2008”, but you never disclose what the optimum pH should be, or at what number will stocking decrease. Another example, you state that “the number of edible zooplankton increased post treatment”, but you fail to disclose what is the rage of edible zooplankton that is acceptable for what stocking numbers.

Allowing the public to watch what you are doing should be the standard for a public agency. You should assist the public’s knowledge of the lake management by disclosing in the management plan, and on your web site:

- \* what are the elements being measured,
- \* what is the acceptable range of those elements,
- \* what are the annual measurements found, and
- \* what are the number of fingerlings that will be stocked based on that data.

Otherwise, the only hard numbers the public knows is that the NEPA document used 3,000 pages to conclude 300,000 fingerlings is the most the lake can take, and the ODFW wants to increase that significantly.

The only clear range of indicators you gave is pounds/surface acre (page 7). While interesting, it was unclear why pounds/surface acre is a good indication of the health of the lake. Instead, it is an economic indication, or as the draft plan says, an "accounting model". Instead, the management plan should give the biological measurements of lake health equal, or more time. The ODFWS is responsible for more than just the economic return; you must also be concerned with biological health.

The draft plan tells us that "ODFW is also working with the Oregon Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency to potentially develop a biological model to help evaluate biological interactions, guide stocking and predict water quality" (page 7). Potentially? Does this mean you might not develop a biological model? Does this mean you have been stocking the lake so far without a biological model? Please explain this.

In conclusion, thank you again for your presentation last week. Your PowerPoint was informative and should be made available on your web site. I also hope that you devote a place on your website to post monitoring information of the biological elements used to determine stocking levels. The current draft is only 8 pages long, and over half of that is on the history of the lake. I hope that the final plan can refer people elsewhere for history, and concentrate instead on the current management plan, including more details on biological indices and invasive species protection. Meanwhile, I hope that you are able to find the funding to increase boat inspections and boater education, before it's too late.

Thank you for the opportunity to comment. Please call me with questions and notify me of further opportunities to participate in the management plan for Diamond Lake, or in stocking other high-mountain lakes in the Umpqua National Forest.

Sincerely

Francis Eatherington



Umpqua Watersheds

P.O. Box 101, Roseburg, OR 97470

Please send postal responses to: 886 Raven Lane, Roseburg OR 97471.

francis@umpquawild.org 541-673-7649

Josh Laughlin



Cascadia Wildlands Project

P.O. Box 10455, Eugene, OR 97440

jlaughlin@cascwild.org

**From:** Jerry Bates [mailto:jbates@newportnet.com]  
**Sent:** Thursday, April 23, 2009 11:40 AM  
**To:** gway.r.kirchner@state.or.us  
**Cc:** Natalie Webster; mike  
**Subject:** bait seining

Hi. I am a Newport based former processor and for the last 10 years, an Albacore fisherman. I own two boats, the Suki & the Lisa Melinda. I have been active in most fisheries for over 40 years. Bait fishing used to be a popular standard for many boats including smaller ones for Albacore. There were over a dozen located in Newport alone in the 40's and 50's. In the 60's, it started to decline from several causes, one was an aging issue of boat captains. Another was the improved fishing gear developed for jig fishing. In the past 20 years, there has been a revival in this type of harvest used mostly in August through October. Many large 100' plus bait boats used to be based in the San Pedro area as was several tuna canneries. As the canneries were force out due to high taxes labor costs and environmental restrictions, many of these boats left as well.

Now we have a smaller group of boats that have maintained this manner of fishing since, mostly based out of San Diego but some also based in Washington and Oregon as well. With the rise in cost of fuel, and the efficiency noted in live bait fishing, several boats have switched or are planning to switch fishing methods to bait. With the emphasis now on carbon footprints as well as pure economic harvest costs, bait fishing is way more efficient in late summer and fall. It has long been a hardship for Oregon fish buyers to secure unloading of bait boats as the only area available for live bait was Westport, Wa and a lesser amount in the Columbia River area. Anchovies are the only fish used. The total take of anchovies is a minuscule amount as compared to the biomass. I see no sustainability issue from this type of capture. Anchovies represent a huge biomass, we see thousands of schools offshore that are never utilized other than as natural food fish for HMS species. There has been a directed anchovies live bait fishery in San Diego for many years and has shown no detrimental issue on stocks there.

In our harbors, every summer we see schools than come into the bays such as Newport, Coos, Winchester Bay, Brookings and Astoria as well as possibly Tillamook too. The ability of bait boats to capture small quantities of anchovies for live bait would be a huge attracting asset to entice bait boats to deliver in Oregon. This would have a large economic impact to the state and especially to the coastal communities hard hit with things like the severe ground fish cutbacks and salmon closures. These boats stay out for several weeks at a time, usually have large catches onboard and after unloading, require fuel, groceries, repairs as well as bring family members to visit thus motels and restaurants also get increased business. Gear stores, electronic repair facilities, boatyards, nearly all the marine related businesses are impacted as well as local service businesses mentioned above. Anchovies tend to school together in tight schools as a defense against predators. I have never seen other fish mixed in with them so I doubt salmonoids is an issue either. One could contact Washington officials to verify that information.

For years, I lost out on several thousand tons of tuna to buy in Newport from these boats as they all headed North so they could both unload as well as resupply their bait. This is also forcing an increase of fuel burned that could be avoided. Live bait would help minimize boats leaving Oregon from higher unloading costs such as the new proposed unloading tax which is many times higher than in Washington. I strongly oppose such a tax increase as it will be both a huge burden on an already

struggling industry as well as giving Washington a huge competitive advantage to attract boats to their lower-cost fees.

Most bait boats use a Lampara style net. You could get detailed information from Natalie Webster, of the American Albacore Fishermen's Association (AAFA). I have copied this letter to her as well. Any positive steps that you could garner to allow this bait fishery to be allowable, remembering it is a very small fishery in scope, would have a huge positive impact for the State of Oregon. In times such as these, anything we can do to better the economics of the coastal communities with little or no negative impact on the environment, is sorely needed.

Thank you.

Best regards,

Jerry Bates  
F/V Suki