

## Agenda Item Summary

### **BACKGROUND**    Coastal Fall Chinook

In 2008-09, due to poor returns of coastal fall Chinook, the Oregon Fish and Wildlife Commission (Commission) adopted restrictive regulations and area closures, including some complete fishery closures in 2009. These changes were implemented to address conservation needs and to meet objectives established under the US/Canada Pacific Salmon Treaty (PST) and the Pacific Fishery Management Council's (PFMC) Fishery Management Plan (FMP). By 2011, many streams were forecasted to have improved returns, although low expected numbers in some North Coastal streams prompted continuation of restrictive regulations in some areas. From the Alsea River south, no restrictions beyond permanent bag limit regulations were adopted, but many area and low flow closures were continued.

Returns for North Coastal streams continued to improve in 2011-12, and forecasts for 2013 for many basins are similar to 2012 returns. In 2011 and 2012, the Nehalem River exceeded the PST minimum escapement goal and is projected to exceed the goal again for 2013. The forecasts for the Nehalem and Tillamook rivers are at or above the 20-year average. In contrast, the Nestucca River is forecasted to remain well below the 20-year average, although confidence in the point estimate is low. As a result of the overall trend in improving returns, the Department is proposing a restoration of the historic two fish daily bag limit in NW Zone waters, but continuation of the recent ten fish aggregate seasonal limit. These limits apply only to non adipose fin-clipped Chinook and would be in place for all coastal streams from the Necanicum River south to the Yaquina River.

From the Alsea River south, the Sixes and Elk rivers and Floras Creek have proposed bag restrictions, with one non adipose fin-clipped Chinook per day and ten per season limits. In the case of the Sixes and Elk, these regulations were also adopted in 2011 and 2012 and are intended to increase the focus of harvest on hatchery Chinook and improve runs of wild Chinook. The reduction in bag limit for Floras Creek is in response to low returns in 2012 and forecasted low returns in 2013. Although some continued area and low flow closures are recommended, no other changes to permanent bag limit regulations (two per day and 20 per season) are proposed for the remainder of the streams between the Alsea River and the Oregon/California border. The Yachats and Pistol rivers and Hunter Creek are restricted to one Chinook per day and five per season under permanent rules and no changes are proposed.

The Department is recommending continuation of traditional commercial and recreational ocean terminal fisheries off the Elk and Chetco rivers. Due to substantially increased ocean fishing opportunities no other ocean terminal fisheries are proposed for 2013. As a result, staff is proposing to rescind a permanent rule for the Tillamook ocean terminal fishery.

The Department's "Coastal Multi-Species Conservation and Management Plan" (Coastal Plan; draft title) process is continuing. The Coastal Plan will supplement ocean fishery management processes already in place to provide a comprehensive framework for future management and conservation of populations of Chinook salmon, steelhead, chum salmon, and cutthroat trout in coastal streams north of Cape Blanco. The Coastal Plan is expected to be

completed by the fall of 2013.

The plan will complement the recently adopted Rogue SMU conservation plan and will contain measurable criteria to detect the occurrence of significant declines in status, which would be used to trigger management actions, including but not limited to fishery restrictions, to ensure that these populations maintain long-term viability.

### Coastal Wild Coho

Returns of wild coho on the Oregon coast have increased dramatically over the last decade. The average adult return for Oregon Coastal natural (OCN) coho for the period 1990-2000 was 48,800 adults. Since 2001, this average has increased to 196,400 adults (66,000 to 356,000). Over the most recent five year period, the average return has been 236,700 adults. The preliminary estimate of the 2012 adult return is 101,300, which is only 35% of the 2012 forecast. The forecast for 2013 is 191,000 fish. In 2012, two independent forecast methods produced predictions that differed by more than 100,000 fish. These same two methods produce nearly identical projections for 2013, hopefully lending additional comfort that the forecast will be more accurate than in 2012.

Due to changes in management strategies and harvest limitations on other stocks, ocean harvest impacts on OCN coho have been markedly lower since the 1990s. For 2013, a revised harvest matrix was used to determine allowable impact rates, resulting in a 30% maximum allowable harvest rate for this year; however, the planned fisheries are projected to result in impacts  $\leq 23\%$ .

As a result of increased abundances of OCN coho, the Department has been able to provide limited harvest opportunities for wild coho in selected coastal streams. These fisheries have proven to be successful and popular, while meeting conservation and recovery needs for the wild coho populations.

In 2011 and 2012, wild coho recreational harvest fisheries were allowed under temporary rules in several areas, and under permanent rules in two areas. These included: the Nehalem River, Tillamook Bay and rivers, the Nestucca, Siletz, Yaquina, Alsea, Siuslaw, Umpqua, Coos, and Coquille rivers, and Tenmile Lakes – all recent areas for wild coho fisheries; and Siltcoos and Tahkenitch lakes – which are open annually under permanent rules. All areas had a daily bag limit of one non adipose fin-clipped adult coho salmon per day. Seasonal catch limits for adults varied from one to five depending on area. Bag limits also included one non adipose fin-clipped jack coho salmon per day, with no seasonal limit.

For the Nehalem and Umpqua rivers, the 2012 seasonal catch limit was two non adipose fin-clipped adult coho in aggregate with all other wild coho fisheries with a two adult non adipose fin-clipped coho salmon seasonal aggregate limit. Fisheries in Tillamook Bay and rivers and the Nestucca River were limited to a daily and seasonal bag limit of one non adipose fin-clipped adult coho. A five non adipose fin-clipped fish seasonal limit was in place for all remaining open streams from the Siletz south to the Coquille and in Tenmile Lakes.

Most coho seasons began on September 15 and were planned to end November 30, except for Siltcoos and Tahkenitch lakes, which are open

under permanent regulations from October 1 through December 31 and are no longer managed under a quota. The fishery in the Alsea River opened October 1 and was scheduled to close December 15. Among the quota-based fisheries, only the Alsea River closed prior to its expected closure date due to attainment of quota. Overall, the 2012 fisheries harvested 6,400 adult wild coho, or 50% of the planned overall of 12,800 fish. Primarily as a result of the much lower than expected return, the ER limit on OCN coho was exceeded in 2012. The estimated ER on the ESU coho for 2012, including ocean and inland fisheries, was about 18%. The cumulative ER for individual populations ranged from 12.3% to 26.1%, compared to the allowed limitation of  $\leq 5\%$ .

**PUBLIC INVOLVEMENT**

Because very few changes are proposed from 2012 regulations, staff have not conducted additional public meetings to discuss proposed regulations for 2013 Chinook and coho fisheries in coastal bays and streams.

Creel projects to monitor certain wild coho fisheries were recommended for funding at the April 26th R&E Board meeting; this funding is subject to Commission approval, as are the individual basin fisheries proposed. Match funding is provided by ODFW Fish Districts and Fish Division.

**ISSUE 1**

**OCEAN SPORT AND COMMERCIAL CHINOOK REGULATIONS FOR TERMINAL AREAS**

**BACKGROUND**

Due to large forecasts for 2013 Klamath and Sacramento fall Chinook returns, the PFMC adopted relatively liberal ocean fishery regulations off Oregon and California, very similar to 2012. The Commission adopted matching regulations for state waters at their May 10th meeting.

In addition to guidelines from the PFMC, the Department is required by Oregon Administrative Rule (OAR) 635-500-0135 to adopt regulations for ocean mixed-stock and terminal area fisheries that meet three specific criteria: 1) provide access by fisheries to harvestable surpluses of Chinook salmon that may exist; 2) maintain traditional in-river fisheries in most coastal river basins; and 3) meet spawning escapement goals in wild coastal Chinook populations. These fisheries also cannot impact other regional depressed salmon stocks under PFMC or Oregon management plans.

Staff is proposing sport and commercial troll seasons in two traditional terminal areas for 2013: Elk River - off Port Orford, and Chetco River - off Brookings. These terminal fisheries are successful at harvesting stocks returning to these locations with little interception of other Chinook stocks. Because the area of the traditional Tillamook Ocean fall terminal fishery has already been approved for 2013 under ocean rules, staff is proposing rescission of this rule to avoid angler confusion over regulations. A summary of ocean sport and commercial Chinook regulations in terminal areas is provided in Attachment 3.

**ANALYSIS**

**Elk River Ocean Terminal Fishery**

The 2013 forecast for Elk River Chinook is 12,300 of which 9,600 fish are expected to be hatchery fish. The 2013 forecast for the Sixes River is 2,000 Chinook, which is similar to last year's return.

The Elk River terminal area traditionally included the area between Cape

Blanco and Humbug Mountain and seaward 3 nautical miles. The area was modified beginning in 2009 by limiting the fishery to the area shoreward of Orford Reef, to reduce potential impacts to Sixes River Chinook. The Department proposes staying with this definition for 2013 to avoid potential harvest of Chinook other than Elk River stock.

In 2012, the sport season was November 1-30 with bag limits of two Chinook per day, but no more than one non adipose fin-clipped Chinook per day and ten per season. The 2012 commercial season was November 1-30 with a landing and possession limit of 20 Chinook per day and a minimum size of 26 inches. The Department is proposing the same season and bag limit and landing limit regulations for 2013 for both fisheries.

The commercial fishery has historically been a no quota fishery, and staff is proposing no quota for 2013. Commercial catch in 2012 was 636 fish and the highest catch observed since 1993 was 2,200 in 2004; neither of these years was operated under a quota.

Because these proposed regulations are identical to those adopted in 2012, no changes to the OARs are necessary if the Commission adopts the staff recommendation.

## **OPTIONS**

### **1. (Staff Recommendation)**

**Sport** - November 1-30 with two Chinook per day, no more than one non adipose fin-clipped per day and ten per season in aggregate with the Sixes and Elk rivers.

**Commercial** - November 1-30 season with a landing and possession limit of 20 Chinook per day and a 26 inch minimum length. Both sport and commercial fisheries would be limited to a near-shore area between Cape Blanco and Humbug Mountain and shoreward of Orford Reef.

## **ANALYSIS**

### **Chetco River Ocean Terminal Fishery**

The 2013 forecast for the Chetco River is 4,500 Chinook. The forecast for the Winchuck River is about 300 fish.

This fall Chinook terminal area includes the area between the north shore of Twin Rocks and the Oregon/California border. In 2012, the sport season was October 1-14 with a one Chinook per day (clipped or unclipped)/five per season bag limit and 24 inch minimum length. As in past years, the October dates were structured to encompass two full weekends of recreational opportunity.

The 2012 commercial season was the earlier of October 13-31 or a 750 Chinook quota, with a 20 Chinook daily landing limit and 28 inch minimum length. This quota was not reached in 2012, with only 118 Chinook landed. A total of 534 fish were landed in the recreational fishery.

The Department is proposing the same bag limits for 2013 and the following season dates:

- Recreational October 1-13, encompassing two weekends (as 2012).
- Commercial troll October 13-31.

The staff recommendation for the recreational fishery is identical to the 2012 regulation, so no changes to the recreational OAR are necessary.

**OPTIONS**

**1. (Staff Recommendation)**

**Sport** - October 1-13 with a one daily/five seasonal Chinook bag limit (clipped or unclipped) and 24 inch minimum length (identical to 2012 regulation).

**Commercial** - October 14 through the earlier of October 31 or a 750 Chinook quota, with a daily landing and possession limit of 20 per day and a 28 inch minimum length.

**ISSUE 2**

**AMEND SPORT ANGLING REGULATIONS FOR OREGON COASTAL FALL CHINOOK IN BAYS AND RIVERS TO MODIFY THE DAILY AND SEASONAL BAG LIMITS AND AREA CLOSURES**

**BACKGROUND AND ANALYSIS**

Chinook forecasts for 2013 for many basins are similar to last year's returns. All three of Oregon's PST indicator stocks (Nehalem, Siletz, and Siuslaw) are projected to be above the adopted PST goals. The 2012 return and 2013 forecast for the Nestucca River are both lower than historic averages (1990-2011 average 8,600). Historic index surveys used for estimating escapement in the Nestucca may lead to underestimates of abundance when returns are relatively low. A research program is currently underway in the Nestucca to estimate abundance using mark-recapture methods to help reduce uncertainties in these estimates. The 2012 return and 2013 forecast for the Siletz River are below the long-term average but at or above the goal specified in OAR 635-500-4550 (4,925). From the Alsea River south to the California border, escapements and forecasts are average or above average.

In 2012, daily and seasonal bag limits of North Coastal fall Chinook from the Necanicum River south to the Salmon River returned to permanent rules for daily bag limits, but maintained a season limit of ten fish. The Siletz and Yaquina rivers were managed for a two non adipose fin-clipped per day and ten per season bag limit. Daily and seasonal bag limits in the Alsea, Siuslaw, and entire SW Zone matched permanent rules with the exception of the Elk and Sixes rivers, where a one non adipose fin-clipped per day and ten per season bag limit was in place to encourage targeting of hatchery fish instead of wild fish.

Due to similar returns in most North Coastal streams, the Department is proposing nearly identical regulations in the remainder of coastal streams compared to 2012. Staff is proposing a two non adipose fin-clipped Chinook per day and ten per season in aggregate bag limit for all streams from the Necanicum River south to the Yaquina River, inclusive.

For streams from the Alsea River, inclusive, south to the California border, bag limits under permanent rules would apply in all areas except the Elk and Sixes rivers, where the 2012 bag limit of two salmon, only one of which may be a non adipose fin-clipped Chinook per day and ten non adipose fin-clipped Chinook per season would be carried over for 2013.

Staff is proposing one boundary change for the Siletz River. This change would move the boundary for Chinook fishing about 9 miles upriver from the 2012 boundary line. The new boundary would be at HeeHee Ilahee Park at river mile 40.

A summary of fall Chinook regulations for 2012 and proposed regulations for 2013 is provided in Attachment 3.

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**OPTIONS****1. (Staff Recommendation)**

Amend NW Zone and SW Zone regulations implement 2013 fall Chinook regulations as outlined in Attachment 3.

**2. Modify staff proposal.****ISSUE 3****ADOPT SPORT ANGLING REGULATIONS FOR WILD COHO SPORT FISHERIES IN COASTAL BAYS, RIVERS, and LAKES****BACKGROUND AND ANALYSIS**

As a result of substantially increased abundances of OCN coho, the Department has been able to provide limited recreational harvest opportunities for wild coho in selected coastal streams. These fisheries have proven to be successful and popular, while meeting conservation needs for wild coho populations. Targeted fisheries on healthy populations of wild coho are identified as a desired management approach in the State of Oregon Coastal Coho Conservation Plan (Coho Plan), which was approved by the Commission in 2007.

Annual approval from NOAA is required to conduct these fisheries because OCN coho are ESA-listed. Per a letter from Rob Jones (NOAA) to Bruce McIntosh (ODFW) on August 24, 2011, NOAA will approve impacts in these fisheries in combination with other fisheries up to those allowed under the harvest matrix adopted by the PFMC. For 2013, harvest for all populations must be managed for  $\leq 30\%$  ER. Ocean fisheries for 2013, including incidental release mortality in terminal fisheries, are anticipated to have a maximum ER of 13.1% on OCN coho and impacts from the proposed in-river fisheries are expected to be a maximum of 10.0% (including a 50% buffer).

A Fishery Management and Evaluation Plan (FMEP) for Oregon inland wild coho fisheries was accepted by NOAA in 2009. As a condition in the FMEP, ODFW will provide a report to NOAA describing the results of the previous year's wild coho fisheries and the proposal for the upcoming year by July 1.

**Proposed 2013 Terminal Wild Coho Fisheries**

Inland coho fisheries are proposed in 13 basins in addition to fisheries in Siltcoos and Tahkenitch lakes which are managed under permanent regulations. These fisheries would allow an expected total harvest of about 10,600 wild coho, resulting in a cumulative impact rate of 20.1% on populations that are proposed to have terminal fisheries (Table 1), as well as resulting in ER's  $\leq 30\%$  for all individual populations.

ODFW is proposing a shift to non-quota fisheries in some basins. Staff believes that in these particular basins, recent experience in managing these limited fisheries has provided sufficient information to allow for projection of impacts without the necessity of angler creel surveys in all areas. A number of basins will continue to be monitored by creel surveys and with maximum quotas, to ensure that impacts are not exceeded for these populations. The current staff proposals are predicated on the approval of these non-quota fisheries by NMFS and by the Commission.

In addition, staff is proposing the addition of two new 'experimental' small basin fisheries for 2013. These would occur in two areas: Beaver Creek/Ona Beach and Floras Creek/New River. Both fisheries would be operated with small quotas and limited days of fishing allowed. Creel surveys will be conducted to estimate total catch of coho in both areas. Staff believes that

these proposals are very conservative and meet the goals of the Coastal Coho plan in providing harvest opportunity on healthy coho populations.

Table 1. Projected 2013 abundances, in-river quotas, and exploitation rates for OCN coho populations with proposed terminal fisheries.

	Pre-harvest abundance forecast	Ocean ER <sup>1</sup>	Proposed in-river quota	Proposed in-river ER	Total ER
Nehalem	11,283	13.1%	700	6%	19.1%
Tillamook	8,014	"	500	6%	19.1%
Nestucca	2,850	"	200	7%	20.1%
Siletz	10,499	"	No quota	~4%	17.1%
Yaquina	8,932	"	No quota	~5%	18.1%
Alsea	11,596	"	No quota	~10%	23.1%
Siuslaw	21,504	"	No quota	~9%	22.1%
Umpqua	44,670	"	3000	6.7%	19.8%
Tenmile	13,902	"	No quota	~8%	21.1%
Coos	18,817	"	No quota	~6%	19.1%
Coquille	11,283	"	700	6%	19.1%
Beaver Cr (new)	1,919	"	150	8%	21.1%
Floras Cr (new)	5,708	"	200	4%	17.1%
<b>Total</b>	<b>159,700</b>	<b>13.1%</b>	<b>10,950</b> (expected total)	<b>7%</b>	<b>20.3%</b>
Fishery Buffer				2.8%	23.1%

<sup>1</sup>. Includes non-retention coho mortalities during in-river fisheries.

### Consideration of Population Viability Criteria

Candidate basins were assessed relative to the biological recovery criteria developed by the NOAA Technical Recovery Team (TRT) in 2008 which was updated to include returns through 2009 (Pete Lawson, NOAA, email April 3, 2011). This is a consideration for these fisheries because of language in the Coho Plan (ODFW, 2007) stating that "populations that fail the viability criteria defined in this plan will not be considered for direct harvest fisheries." Since the Coho Plan did not have criteria defining viability, the TRT Recovery Criteria were used. This most recent assessment indicated that all populations where a fishery is proposed are above the sustainability, with the exception of the North Umpqua. The North Umpqua fails the criteria due to the influence of excessive hatchery straying that occurred prior to termination of hatchery coho releases in the North Umpqua. As a result of this change, hatchery coho strays have sharply declined and are now at low levels. However, the sustainability criteria for the North Umpqua have not yet been recalculated to include this change. Recent wild coho returns to the North Umpqua have been at the highest levels since counts at Winchester Dam began in 1946. The three other coho populations in the Umpqua Basin which would be affected by harvest occurring in the lower basin all passed the TRT criteria. Inland harvest in the Umpqua Basin is projected to bring the cumulative impact rate to 19.8%.

### Full seeding after fisheries

ODFW manages directed wild coho fisheries with the intent of having adequate spawners to fully seed available high-quality habitat after all fisheries are completed. For the ESU as a whole, the 2013 forecasted OCN coho abundance following all fisheries is about 127,800 spawners; compared to the ESU full-seeding level of 126,700.

LCM sites provide precise measurements of coho spawners and smolt production at several tributaries across the ESU. These sites demonstrate that coho habitat has been fully-seeded on a consistent basis in recent years.

Most individual coho populations are forecasted to exceed full seeding of high quality habitat using the habitat model methodology for individual basins (Table 2). There is a high degree of statistical imprecision in this habitat model-based analysis, which leads to assignment of low thresholds in some basins and very high thresholds in others.

Table 2. Expected 2012 spawning escapement under proposed fisheries compared to full seeding goals.

	Projected Spawners	Full Seeding	% of Full Seeding
Nehalem	9,105	17,500	52%
Tillamook	6,464	2,000	323%
Nestucca	2,277	1,800	126%
Siletz	8,704	4,300	202%
Yaquina	7,315	7,100	103%
Alsea	8,917	15,100	59%
Siuslaw	16,752	22,800	73%
Umpqua	35,818	29,400	122%
Coos	10,969	4,000	152%
Coquille	15,223	7,200	282%
Total	121544	112,600	108%

### Regulations for Proposed 2013 Wild Coho Fisheries

Staff recommends that harvest fisheries for wild coho in the Nehalem, Tillamook, Nestucca, Siletz, Yaquina, Alsea, Siuslaw, Umpqua, Coos, and Coquille rivers, and the Tenmile Lakes basins, be implemented in 2013. Staff recommends that a few of these fisheries continue to be based on harvest quotas (Table 1). These quotas are recommended as a safeguard to prevent the fisheries from having higher than desired impacts. For the remainder of the fisheries, staff feels that moving toward a conservative, but non-quota, management regime is appropriate for many basins.

For all basins, the daily bag limit would be one non adipose-fin-clipped adult coho salmon per day, with seasonal bag limits ranging from one to five fish, depending on location. These bag limits would also allow one non adipose fin-clipped jack coho salmon per day, with no seasonal limit for jacks.

For the Nehalem River, the proposed seasonal catch limit is two non adipose fin-clipped adult coho in aggregate with all other wild coho fisheries. For Tillamook Bay and rivers and the Nestucca River the seasonal bag limit would be one non adipose-fin-clipped adult coho in aggregate with all other

wild coho fisheries. Both of these systems would be open for coho retention for only two days per week. The reasons for this strategy are twofold. First, it is an attempt to extend the duration of the fishing season, since fisheries in these systems ended after two or three weeks in 2011. Secondly, it is an attempt to craft a fishing season with fixed start and end dates that will result in very low harvest impacts on the wild populations, as the Department attempts to evaluate management strategies with reduced dependence on quotas and creel surveys.

For the Siletz, Yaquina, Alsea, Umpqua and Siuslaw rivers and for the two experimental fisheries in Beaver Creek and Floras Creek, staff proposes a seasonal bag limit of two fish in aggregate with other rivers with a two fish limit. The proposed bag limits for other locations including the Coos and Coquille rivers and Tenmile Lakes are one non adipose fin-clipped adult coho per day and five per year in aggregate. For all streams, a season quota would remain in effect.

Seasons in all basins except Beaver Creek and Floras Creek would run from September 15 to the earlier of November 30 or attainment of the quota, if applicable. Fisheries in Beaver Creek and Floras Creek would be open November 1-30, or until quota.

Monitoring of wild coho catches in the basins with quotas will be covered by a recently approved proposal through the Restoration and Enhancement Board (R&E), pending approval by the Commission, or by District staff (Beaver and Floras creeks).

## OPTIONS

### 1. (Staff recommendation)

Establish inland recreational harvest fisheries for non adipose fin-clipped coho as proposed in Attachment 4.

2. Retention of non adipose fin-clipped coho salmon remains closed.

<b>DRAFT MOTION</b>	I move to adopt the 2013 regulations for fall Chinook in ocean terminal and inland fisheries and for coho in inland fisheries as proposed by staff in Attachment 5.
<b>EFFECTIVE DATE</b>	July 1, 2013.

