

**Dec. 17, 2021**

**Commissioner Labhart's RSP Considerations**

**Process - Validation of Work Already Put Into this Effort**

We, the Commission and the Department have a long history of using work and stakeholder groups as well as public meetings to work with and hear from our constituents regarding important fish and wildlife issues and plan developments. These groups are critical as they allow for stakeholders, the public and user groups to provide valuable input to the Commission and the Department on important issues. In many cases, these meetings may result in a change or modification of what the Department and/or the Commission may have been originally thinking because of this valuable input.

I recently had two folks reach out pretty frustrated that we are not valuing the time and considerable effort they and others have put into this process as members of the two South Coast Stakeholder Teams. One was frustrated enough, he indicated that he would likely not volunteer for one of the Board's he was appointed to if the Commission moved significantly away from the Stakeholder group recommendations that he worked hard on with the Department biologists and other stakeholders. He said, not a threat, just the facts. Their frustration centered around their perception that all the work they were putting in to get to consensus recommendations were being drowned out by paid special interests and lobbyists.

I know what this process can be as I was a County Commissioner member of the North Coast Coastal Multi-Species Plan Work Group several years ago and very much appreciated the Commission hearing our concerns and issues and adopting that Plan based upon what we as stakeholders agreed to after spending considerable hours working with the Department and public input to craft a plan that most could live with.

Recently the Commission has appointed work groups regarding Trap Check intervals, Beaver Management and Wildlife Response Networks. We value their input as we strive to make informed decisions.

This same public and stakeholder work groups input process has happened with the Rogue South Coast Multi-Species Conservation and Management Plan. There have been two Stakeholder groups (South Coast 16 members and Rogue 14 members) who had twelve meetings with ODF&W staff and spent a total of approximately 800 volunteer hours during those meetings helping to draft this Plan over the last three years. This does not include the countless hours stakeholders spent outside of meetings reviewing planning material and providing written comments.

They included a broad and diverse group of individuals and interest group representatives on purpose to make sure a variety of voices were heard. For example, the stakeholder groups included the USFS, Wild Salmon Center, South Coast fishermen, Soil and water Conservations District, Guides, Native Fish Society, Trout Unlimited, Ports, Watershed Councils, County Commission, BLM, Steelheaders, Water Watch, NW Sports Fishing Industry Association and members of the public who care about south coast fisheries. In addition, four tribes were consulted as well as NOAA Fisheries and three public meetings were held in Gold Beach, Grants Pass and on-line for a total of six hours of additional input that helped to craft this draft Plan before us today. While clearly the Commission does not rubber stamp all that comes to us, we need to value their many hours of input. I hope and believe this Commission gives a significant level of credence to their input and their many hours of work they put into developing this draft plan for us to consider. They have put in their valuable personal time and in some cases very hard controversial discussions into developing a solution that most can live with when they reached final recommendations.

The Department has had 43 staff biologists and staff work on this draft throughout the process. They, the stakeholders and public input have put a lot of work into this draft. Again, we need to give considerable amount of consideration to their many hours of work and input. I do not want to lose the ability of folks to be involved in work groups because they believe we don't listen or give due consideration to their recommendations from a broad group of folks who have done the hard work. What I don't want to happen is for folks to say there is no need to participate in work groups because all we have to do is skip the stakeholder work group process and go directly to the Commission and lobby them for our personal agenda or whomever can speak the loudest gets their way.

### **The Draft**

The agenda item summary provides us with four options for adoption of the Plan. I can tell you for me at least one of the options of not approving something today is not an option for me. We need to acknowledge the hard work done and make a decision today after our input is heard and discussed by all of us. I very much appreciate all the work from the stakeholders, letters and testimony we have received.

As we know the primary purpose of this multi-species plan is to carry out the Department's mission by ensuring the continued viability and conservation of the Rogue–South Coast winter steelhead, summer steelhead, coho salmon, and coastal cutthroat trout Species Management Units (SMUs) so that they provide substantial ecological and societal benefits. It is very important to note that this plan focuses on the **long-term conservation** of naturally-produced wild steelhead, coho salmon, and cutthroat trout, but also provides the framework for how hatchery salmon and steelhead and fisheries will be managed to full advantage of fishing opportunity. This Plan maintains and enhances support of the Oregon Plan and meets the requirements of Oregon's Native Fish Conservation Policy.

### **Climate Change**

This Plan is also consistent with ODFW's Climate and Ocean Change Policy. This Plan's management goals, strategies, and actions consider predicted future conditions and how species may respond to these conditions, while allowing for near-term conservation and utilization in an adaptive management approach.

This Plan uses an adaptive management process, including research and monitoring to ensure the strategies and actions will be effective.

Wild Steelhead are of concern to all of us. While populations on the Columbia are a significant concern, you cannot draw this same conclusion for the south coast stocks. Available population metrics indicate a low or very low viability risk for winter steelhead populations. Population Viability Analysis results for the Upper Rogue winter steelhead population indicate a 100-year persistence probability greater than 98%. In simpler words, wild steelhead populations identified are Strong but guarded. The juvenile site occupancy Desired Status for coastal winter steelhead is equal to or greater than 90%. The current observed site occupancy for the most recent 5-year average is 94%. The conservation threshold is 75%.

The Department proposes to maintain the strong but guarded classification for wild steelhead with the implementation of this plan.

The Plan identifies the current status of Summer Steelhead are identified as Sensitive. Data was available for the two populations of summer steelhead and has indicated a low risk. Trend analysis for late-run

summer steelhead at Huntley Park indicated risk, but returns have increased in recent years and the steelhead half-pounder abundance trend indicated a low viability risk. However, given the naturally limited range, incomplete data for the SMU, and that fact that they occupy habitat that is disproportionately at risk, the Department proposes to maintain the Sensitive classification with the implementation of this plan.

Coho Salmon are identified as Sensitive-Critical. The Population Viability Analysis results indicated a 100-year persistence probability slightly below 95%. The Department proposes to move from Sensitive-Critical to sensitive classification with the implementation of this plan.

Coastal Cutthroat Trout are identified as Strong-Guarded. The Department proposes to maintain the Strong-Guarded classification with the implementation of this plan.

In order to make sure this is accomplished progress toward desired status will be evaluated based on a 5-year running average for each metric.

So, what about our climate's future you ask? There is strong scientific support for projections that warming will continue through the 21st century, and that the magnitude and rate of change will be influenced substantially by the amount of GHG emissions. At a large scale, the projections for climate and ocean change suggest that both freshwater and ocean habitats will become less suitable for salmonids during the next 80 years. The framers of this plan assessed this risk to long-term viability of plan populations. They estimated the viability risk to end of century for both climate and ocean change risk for each population and strata in the absence of management actions using a precautionary approach that assumed the worst categorical score and included it in this plan. They and the expert scientist panel believe the risk to coho salmon is driven by moderate to high vulnerability and relatively low adaptive capacity. They believe there is moderate risk for most winter and summer steelhead populations and strata. The expert panel generally believed that steelhead populations had lower vulnerability and higher adaptive capacity than coho salmon. Cutthroat trout populations generally had the lowest risk to viability as a result of climate and ocean change among SMUs covered by this plan.

The primary management strategy used in this plan is to minimize the longer-term impacts of climate and ocean change on plan species through protection, restoration, and enhancement of key freshwater habitats. Harvest and Hatchery Management Strategies will consider Climate Change projections in the context of ensuring that strategies are sufficiently proactive and protective of natural spawners and maintaining genetic and life history diversity. Planners do acknowledge that achieving this during plan implementation will require an adaptive approach, as there is uncertainty in the timing and extent of impacts. The Department states and I agree that there is clear potential to make course changes to mitigate against climate change with actions to restore or enhance habitat.

### **Conservation Status**

Abundance and spatial structure levels for conservation are intended to be high enough to allow time for management actions to be implemented to improve a population's status before risk becomes too great, but not too high that they unnecessarily constrain fisheries when viability is not at risk. Unless otherwise indicated, abundance levels are calculated as the 5 percentile. I understand we might have some Commissioners that would like further discussion about that number. Even with this most conservative

plan, I'm willing to consider some further conservation measures to get this Plan across the finish line if they are reasonable.

What is meant by adaptive management as it is used throughout the document?

It means the Department will identify and implement additional or modified management actions consistent with management strategies. Examples include, but are not limited to, (1) additional fishery enforcement; (2) additional fishery restrictions; (3) focus habitat protection/restoration effort in key habitat for the target SMU, stratum, or population; (4) take additional measures to reduce impacts of other species if warranted; (5) additional research and/or monitoring; and (6) transition hatchery programs (primarily coho salmon) to conservation releases with approval from NOAA.

### **Hatchery Practices**

ODFW says with this plan that they will adaptively manage hatchery programs to remain and be consistent with the PHOS limit, with management objectives is to ensure adequate productivity and viability of wild populations.

### **Harvest**

#### **Winter Steelhead**

Since winter steelhead appears to be the most controversial, I will spend a little more time here. Prior to 1990, wild winter steelhead harvest was allowed in most RSP basins with a bag limit of 2 fish per day and 20 fish per year. Public petitions to list steelhead under the federal Endangered Species Act began in the early 1990s. After a lengthy federal status review was completed, it was determined by our federal agencies that listing Steelhead under the ESA was not warranted but the Commission went ahead anyway and limited wild harvest opportunity with a conservative bag limit in the Rogue Basin and re-instated in some Coastal Stratum basins. From 2003 to 2018, wild steelhead harvest opportunity was allowed in portions of the Elk, Euchre, Hunter, Pistol, Chetco, Winchuck, and Rogue basins with a bag limit of 1 fish per day and 5 fish per year. In 2018, the Commission again chose a more conservative option and reduced the wild steelhead bag limit to 1 per day and 3 per year in SW Zone streams open to harvest as an interim measure while ODFW staff developed this plan. If my math is correct, that's a 85% reduction in yearly harvest from the 1990 bag limit of 20 per year. Based on the current assessment, viability risk for all winter steelhead populations is low and there is no indication that wild steelhead harvest at the current conservative level is negatively impacting viability. In fact, at the Stakeholder Team meetings, most participants expressed a preference for managing wild steelhead harvest primarily through bag limits and seasons, with the controls. The best information available indicates that this management framework has resulted in harvest rates at or below 15% in all populations, and below 10% in most populations. It is important to note that the Department does not consider harvest to be a limiting factor for RSP winter steelhead populations, but recognizes that reducing uncertainty about winter steelhead harvest and spawner abundance is critical for resolving concerns among stakeholders, general public and some Commissioners. As I mentioned earlier our Climate and Ocean Change Policy directs the Department to "proceed with a precautionary approach that is most likely to result in conservation of native species across as broad a range of future conditions as possible, including when faced with scientific and

management uncertainty. The question before us is how much caution in this plan is acceptable to this Commission. Again, even with these most conservative plan implementation criteria, I'm willing to consider some further conservation measures to get this Plan across the finish line if they are reasonable. I know it's assumed but for all those guides who testified said their clients come to catch and release, they sure can continue to do that but there are others who care just as much about steelhead that want to catch 1 and maybe even three a year knowing full well they are not hurting the run.

## Coho

As we know, the coho salmon fishery on the Rogue has been a mark-selective fishery since 1994 which means only adipose clipped coho salmon may be harvested. This mark-selective fishery is consistent with NOAA requirements. This Plan maintains current regulations and is the best way to support recovery of these populations at least at this time in my opinion. The Department and the stakeholders do propose in this Plan to add a 25,000-smolt increase in hatchery production to account for the hatchery releases that were reduced by 62% in 2015. This proposal to allow for an increase in the mark-selective hatchery coho salmon fishery provides some more opportunity for folks seeking hatchery Coho.

## Monitoring

The Department's research and monitoring approach for the SMUs covered by this Plan is guided by the NFCP. The NFCP states that conservation plans will include "specific, measurable criteria of species performance" and a "description of monitoring, evaluation, and research necessary to gauge the success of corrective strategies and resolve uncertainties."

This plan is only as good as the monitoring put into practice on the ground to ensure that what is being proposed is in fact happening and if not allows for a rapid response to address any concerns. The new Rogue-South Coast Steelhead Validation and Rogue-South Coast Wild Steelhead Harvest Card will provide funding to provide more detailed information about angler participation in individual fisheries, while the validation will provide an annual, comprehensive view of the fishery. The card will also ensure that anglers purchasing daily or multiday licenses comply with annual bag limits. Net proceeds from the sales of cards will be dedicated to winter steelhead monitoring in RSP basins.

The interim angling regulations required by this Plan will undergo review and potential revision five years after plan adoption. By this time, implementation of the new steelhead fishing authorizations, creel surveys, and adult spawner monitoring will allow ODFW to assess harvest rates and determine whether any changes in the angling framework are needed. If the 5-year review indicates that harvest rates are not consistent with the rates identified in Table 17 of this document, a public process will be initiated to revise angling regulations.

## Habitat Improvements

In addition to the extensive monitoring outlined in this plan, funding for these habitat improvement efforts is needed. Our R&E Board does great as do OWEB and OCRF in providing some funding. I hope

the Recovering America's Wildlife Act comes through as it will provide about \$25 million additional dollars per year for conservation efforts and finally with our new habitat division coming on line more attention will be given habitat efforts including the South Coast.

In summary, this RSP describes what is needed to conserve several native salmon, steelhead, and trout species. It focuses on habitat actions, provides management certainty for hatchery programs and harvest options, and considers what is needed for resilience to climate and ocean change. It is also intended to be a living document that evolves as we learn more about the fish and the effectiveness of the strategies and actions outlined in the plan for improving the health of the SMUs and the fishery opportunities they provide and it will be important to observe how the actions work and how the fish respond to the proposed actions.

And finally, achieving desired status will require improvements in habitat, vigilance in the promulgation of fisheries and hatchery programs, and management of other risks that the fish face. It will require cooperation and dedication from all parties who spent many hours of their time working on this plan and those others who are interested in salmon, steelhead and trout to reach the goals we all hope to achieve.

And again, even with this most conservative plan, I'm willing to consider some further conservation measures to get this Plan across the finish line if they are reasonable.