



Coastal Conservation Association

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April 27, 2020

Mr. Tucker Jones, Columbia River Program Manager
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Columbia River Cold Water Refuge/Thermal Angling Sanctuaries

Mr. Jones,

Please accept the comments of Coastal Conservation Association (CCA) Oregon regarding proposals to establish thermal angling sanctuary (TAS) areas at the mouth of several Columbia River tributaries in Oregon. CCA Oregon has closely followed this issue for the past couple of years, including the March 25 public meeting live streamed by the Oregon Department of Fish and Wildlife (ODFW). Our local chapter at The Dalles has constructively engaged in the process.

CCA Oregon supports efforts to conserve summer steelhead in the face of a warming climate and other serious challenges. As you know, CCA was a leader in the effort to secure ODFW streamlined authorities under the federal Marine Mammal Protection Act (MMPA) and funding in ODFW's 2019-2021 budget to address sea lion predation of Columbia River basin salmon and steelhead. CCA has also been at the forefront of efforts to increase the selectivity and sustainability of Columbia River commercial and recreational fisheries.

It is shaping up to be a very challenging year for Columbia River salmon and steelhead fisheries. The entire Columbia River and all Washington tributaries have been closed to all recreational fishing since March 25. Protective measures are also being put in place to protect summer steelhead through the 2020-2021 fishing regulations, including a prohibition on the retention of wild steelhead in the Columbia River and a shift to non-retention of hatchery steelhead during the late summer and fall months. These represent appropriate and meaningful conservation measures driven by the alarming declines in steelhead returns and the need to keep impacts to ESA-listed steelhead at less than 2%.

We believe more information and public involvement are needed before adopting permanent rules and appreciate that ODFW is limiting the current discussion to the consideration of temporary rules. As ODFW considers potential temporary rules for the 2020-2021 season we offer the following comments and recommendations:

Base any decisions on measurable criteria and data. It is important to note that few places in the state are more closely monitored than the fishery at the mouth of the Deschutes. That monitoring clearly shows that the less severe conservation measures instituted in recent years have proved effective for meeting steelhead conservation objectives while retaining access to one of the most popular fall Chinook fisheries above Bonneville dam.

Slide 13 from the October 11, 2019 ODFW Directors Report presentation titled [Columbia River Coldwater Refuge/Thermal Angling Sanctuary Update](#) (chart below) details the effectiveness of actions taken in 2017, 2018, and 2019. That data clearly shows that the boundary used in 2019 was effective for the purpose of protecting wild steelhead while ensuring access to the popular fall Chinook fishery in that area. This data also shows how the larger closure area adopted in 2018 had a tremendous negative impact on the fall Chinook fishery with only miniscule additional benefit for steelhead:

Tributary	Year	Hatchery Steelhead		Wild Steelhead		#	#
		Kept	Released	Kept	Released	Boats	Anglers
Deschutes	2016	78	11	0	100	279	726
	2017	0	0	0	2	207	531
	2018	0	0	0	0	35	92
	2019	0	13	0	2	473	1285
	Sub-Total	78	24	0	104	994	2634

This information underscores the importance of basing regulations on the available monitoring data, rather than emotion. CCA Oregon believes that any thermal angling sanctuary should be based on the least restrictive option possible to achieve established goals, be consistently monitored, and regularly reevaluated based on its effectiveness and the continued conservation need.

Focus temporary rule protective measures on steelhead, utilize adaptive management. Since steelhead are the species of concern, we ask that ODFW limit protective measures to steelhead fishing. Rather than complete closures of the areas to all fishing, ODFW could prohibit all steelhead angling while allowing anglers to continue targeting healthy salmon species through fishing methods, tackle, and gear suited to encountering salmon. Using the extensive monitoring already in place ODFW can determine whether these more targeted protections are adequate, or if adaptive management is needed to close areas to all angling. It would be ideal to implement this type of phased-in approach this year using temporary rules, which would inform future discussions about any permanent rules.

Ensure TAS boundaries are based on the conservation need. In 2018, the TAS established at the confluence of the Deschutes River far exceeded the area of the thermal plume. ODFW refined the boundaries in 2019 to include nearly the entire thermal plume while recognizing the importance of minimizing the impacts to the popular fall Chinook fishery. As noted above, this was highly effective. We ask that ODFW continue this approach while it considers additional TAS boundaries that are identifiable, easily recognizable by anglers, and enforceable.

End double standards applied to commercial gillnet fisheries. In 2018, ODFW and WDFW expeditiously pushed through an effort to increase future fall mainstem gillnetting by changing the mortality rates for steelhead released from gillnets. The ODFW/WDFW approach to modify the gillnet release mortality rates, which relied on unscientific observer data, represents a huge double-standard when compared to the approach that was taken for seines and other selective fishing gear. Depending on the year, this decision allows up to 35% more steelhead to die in the mainstem gillnet fishery. More information about the troubling action is available in an [April 17, 2018 letter](#) CCA sent to NOAA fisheries.

On September 5, 2017, several dead steelhead were discarded on and near the shore of the John Day boat ramp in Clatsop County, Oregon. A single gillnetter who was fishing the Tongue Point off-channel area was identified and prosecuted for the crime. CCA alerted ODFW and WDFW about the incident and its obvious implications: steelhead are dying in off-channel gillnet fisheries where little or no steelhead mortalities are assumed to occur. We are unaware of any action by agency staff to update the fishery models to account for additional steelhead mortalities in the off-channel areas or require additional monitoring.

We request the following actions be taken:

- Reverse the 2018 decision to reduce the total release mortality rate for steelhead encountered in gillnet fisheries by 35%.
- Require the Zones 4-5 mainstem gillnet fishery to occur during the daylight hours with a robust observer program.
- Mandate mortality rate studies for salmon and steelhead released from the mainstem gillnet fishery consistent with the scientific rigor required for studies of pound nets, seines, and other selective gears.
- Update fishery models to account for steelhead mortalities in off-channel gillnet fisheries.

As a recreational fishing advocacy organization, CCA has developed principles that help guide our engagement in debates around the establishment of marine reserves and other fishing closure areas. As ODFW considers permanent rules for potential thermal angling sanctuary areas or other angling closure areas, we urge you consider these principles:

- There is a clear indication that recreational fishermen are the cause of a specific conservation problem and that less severe conservation measures, such as gear restrictions, possession limits, size restrictions, quotas, or alterations to flow management will not adequately address the targeted conservation problem.
- If, for reasons described above, a closure is instituted, make every reasonable effort to ensure the following requirements are established as part of the closure.
 - the closed-area regulation includes specific, measurable criteria to determine the conservation benefit of the closure on the affected stocks of fish and the public is provided data in timely fashion.
 - closure includes a timetable for periodic review of the continued need for the closed area.

- the closed area is no larger than that which is supported by the best available science and is easily identifiable.
- all user groups are required to adhere to the same restrictions within the closed area.
- provision is made to reopen the closed area to recreational fishing as quickly as possible whenever the targeted conservation problem no longer exists.

Thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Cone". The signature is written in a cursive, flowing style.

Chris Cone
CCA Oregon, Executive Director