



# Conservation Report

## NATIVE FISH SOCIETY CONSERVATION REPORT NUMBER FOUR 2009

By Bill Bakke, Executive Director

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**ROUND THREE – ODFW WANTS A KILL FISHERY ON NORTH UMPQUA WILD WINTER STEELHEAD:** The ODFW staff and commission are dedicated to finding a way to kill wild winter steelhead on the North Fork Umpqua River. In 2007 the public poured into the ODFW commission room to support the release fishery for wild Umpqua winter steelhead. Guides said that killing these fish jeopardized the future of their fishery. Anglers valued these large beautiful fish too important to be caught just once and that the long-term health of this fishery could be achieved only by releasing the fish. The proposal for a catch and release fishery by the public was in response to the slaughter of wild steelhead after ODFW adopted a kill fishery on the mainstem Umpqua in 2004-2005. The river became a magnet to those people, many of them from out of state that wanted to kill the first steelhead they catch. The anglers not only swarmed the river, they high-graded their catch to take home the largest steelhead.

The ODFW rationalized the kill of wild winter steelhead on abundance, saying wild steelhead could withstand a kill fishery. They point to the Native Fish Conservation Policy advocating the policy promotes a kill fishery on wild salmonids when they are abundant enough to support it. The problem is that the staff does not know what the impact on wild winter steelhead is from this fishery, but the public was outraged.

During the 2008 angling regulations process a year later, the staff introduced the kill fishery to replace the catch and release fishery that was adopted by the Commission the year before. But at the commission meeting in Forest Grove, Oregon, the majority of the public testified in favor of the no kill regulation and convinced the Commission to let the catch and release regulation run its full 4-year course. The agency mounted a rationale to support a kill fishery, but the public did not buy it and a massive organization effort was conducted to oppose it. The catch and release fishery was once again approved by the Commission for the entire Umpqua system, but the chair of the Commission, Marla Rae, said in an off-hand remark that it was not over yet. Her prediction was correct.

In 2009 the district biologist for the Umpqua gave a presentation to a group of southern Oregon fish biologists promoting a kill fishery on wild winter steelhead in the North Umpqua River. I heard from staff that her advocacy for doing away with the catch and release fishery had been reeled in. The leadership in the ODFW staff directed the Conservation and Recovery Program staff to build a model that would provide the basis for a kill fishery. I learned that this abundance

based model does not address diversity attributes of the wild population. So factors contributing to the health and diversity of the population would not be included in the proposal to kill steelhead. This exercise did point out that North Umpqua wild winter steelhead are on average the oldest maturing population of steelhead in Oregon and Washington coastal rivers. The smolts tend to spend three years rearing in the river and tributaries and the adults tend to stay in the ocean three years before maturing and returning to the river. On average these fish are 5-year olds and unique on the coast. It is also a factor in producing really large adult steelhead. An abundance-based model could justify killing these fish, but not how to maintain their productivity and abundance.

The Fish Cons, a group of fish conservation organizations, had arranged to have ODFW staff present this model to them at their July 2, 2009 meeting, but when it came time to do so, ODFW refused to participate. I have heard that there is strong disagreement within the staff about this kill fishery promoted by the district fishery biologist and the chair of the ODFW Commission. If the leadership staff had resolved their dispute, they would have presented the proposal to open a kill fishery on North Umpqua River wild steelhead at the July 2 Fish Cons meeting, but that did not happen. I heard that a staffer said, "We may have to give up on it."

Public advocacy for the protection of wild winter steelhead on the Umpqua has been successful in removing the kill fishery and defending the catch and release fishery in 2007 and 2008, and are fighting to retain it against as staff generated assault on wild steelhead in 2009.

If one is optimistic about ODFW staff and Commission motives this issue would not be on the table. We could be confident that the agency is concerned about wild steelhead and salmon and their framework for management is precautionary, science based, and careful. However, their track record inspires no such confidence about their motives and the long list of extinct wild salmonid populations and those protected under the ESA are indicators that the agency has gotten it all wrong for a long time.

**DID ODFW STAFF MISLEAD THE COMMISSION ON COHO KILL FISHERY?:** At the June 5, 2009 ODFW Commission meeting the agency staff rolled out their proposal to conduct a kill fishery on ESA-listed coastal coho salmon. Two people attending that meeting said staff suggested they would get clearance from NOAA Fisheries to conduct the fishery, giving the agency ESA clearance to kill threatened coho salmon in selected Oregon coastal rivers. I later confirmed this with ODFW staff.

I contacted NOAA Fisheries in early July and accused them of participating in a backroom deal with ODFW on this fishery, giving them assurance the fishery would be approved so they could suggest to their commission that they would get ESA clearance. I was told emphatically by NOAA Fisheries that they had made no such tacit agreement with ODFW staff and would not make a decision about this proposed fishery until after the public comment period is over on July 17, 2009.

In an email from the NMFS regional administrator I was told that NMFS doesn't publish proposals in the Federal Register that are not within possibility. It seems that this approach is suspect because it presumes a conclusion, leaving the burden of proof for the public to convince NMFS to not approve a proposal. The ODFW staff presented their proposal for commission approval prior to a notice going out to the public in the Federal Register (June 17, 2009) from NMFS. So there is a problem of timing. ODFW staff is confident that their proposed kill fishery would be approved by NMFS, so they must have had prior assurances from NMFS. The NMFS

staff denies that a tacit wink and nod was given ODFW so they could take their proposal to the ODFW commission for adoption with the suggestion that NMFS would approve the fishery.

On the other hand, if NMFS did not given tacit approval for this fishery in some backroom deal, then ODFW did not have assurance from NMFS that they would approve this fishery. Given this scenario, the only conclusion that one can come to is that the ODFW staff mislead their commission. Acting on the staff's assurances, the commission approved the kill fishery on ESA-listed coastal coho salmon.

**THIRTY YEARS OF RESEACH TELLS A STORY:** As an advocate for wild salmonid conservation and protection, I rely on research to make may case, for I rely on facts. Getting ahead of the facts can be tempting in the heat of a debate but should never be practiced. Consequently, it takes years of following the research papers as they are published to develop a factual case upon which to base a conclusion.

With regard to the fitness divergence between hatchery and wild steelhead, the research by Reginald Reisenbichler and Jack McInyre in 1978 initiated the inquiry into a remarkable difference between what can only be said are two forms of the same species: the domesticated and the wild forms.

Many scientific papers have been published since that initial work helping to define the various attributes of these two forms of fish and their performance in natural streams. In 2008 and 2009 research was published by Araki et al about hatchery steelhead derived from wild parents and compared to the performance in nature with wild steelhead. This research concluded that hatchery steelhead survival was less than that of wild steelhead in the first generation, and that this divergent performance persisted through the second generation in natural spawning and rearing conditions.

Hatchery culture changed the hatchery fish genetically in the first generation of hatchery culture and natural selection did not remove the effect of artificial propagation.

After 31 years of research on the question of hatchery and wild steelhead divergence, a conclusion can be made: hatchery culture degrades the fitness and survival of steelhead. This research also concludes that the interbreeding between hatchery and wild steelhead in streams reduces the fitness of wild steelhead, degrading their natural productivity. Even though Reisenbichler's research defined a future path of inquiry, it took 31 years to determine conclusively that hatchery culture creates a domesticated animal in the first generation, reducing its fitness and acting as a degrading influence on wild populations in nature.

It will take at least another ten years for the fish management agencies to adjust their policies and procedures to improve the conservation of wild steelhead by changing how hatcheries are used. This shift in institutional commitment takes a long time, too long given the scientific evidence, but fish management is not designed to be responsive to science. It takes a strong, long-term public advocacy to force changes in fish management policy. In the meantime, there will be considerable damage to what remains of our wild steelhead, for wild fish and their habitat are considered irrelevant to the mission of fish management agencies.

# **LIVE RELEASE**

## **THE GOVERNMENT IN ENGLAND AND WALES ENCOURAGE LIVE RELEASE WHY IS OREGON SO BEHIND IN CONSERVATION OF OUR WILD RUNS?**

### **SEE HOW OTHERS DO IT**

The following is information provided by the United Kingdom about the value of live release. More wild Atlantic salmon are being released each season on rivers. The runs are increasing and the fishing is improving. The following is taken from a government live release brochure backed by science and approved by the leadership in fisheries management. There is no similar commitment by the Oregon Department of Fish and Wildlife, in fact they are going in exactly the opposite direction (see my comments at the end). The UK government did not come to this on their own, the public pushed and pushed hard for conservation of wild salmon. Reversing the backward trend in Oregon wild fish management is up to us. Add your voice and support wild fish conservation. -- Bill Bakke, Native Fish Society

### **Catch and Release and the angler**

On a number of rivers, however, catch and release rates remain low. We believe that increasing release rates on these rivers, together with other measures such as building fish passes and restoring degraded habitat will help with the recovery of stocks. All anglers can play their part in helping to conserve and restore our precious salmon stocks.

By following the guidelines set out below and by applying the Golden Rules at all times you can be confident that any fish you release will have a very high chance of going on to spawn successfully.

### **Catch and Release – it works**

Numerous angling and radio-tracking studies undertaken in recent years have demonstrated high survival rates to spawning for salmon released following capture – up to 100% under certain conditions.

### **Handling the fish**

Aim to keep handling time to a minimum. Make every effort to keep the fish in the water at all times as prolonged exposure to air (60 seconds is too long) will reduce survival rates. Before handling a fish make sure that hands are wet. Avoid squeezing the fish.

### **Fishing tackle and equipment**

Small single or double hooks should be used at all times. Trebles should be avoided. Hooks should be barbless. Barbed hooks can easily be converted to barbless by pinching the barb with pliers.

Before commencing fishing it is worth thinking about where a fish might be landed. The aim is to keep the fish in the water and avoid beaching or dragging it up a steep bank before release.

#### **GOLDEN RULE #1**

**Use barbless hooks at all times and avoid trebles.**

#### **GOLDEN RULE # 2**

**Minimize the time spent playing a hooked fish.**

GOLDEN RULE # 3

**Release the fish as quickly as possible and do not remove it from the water.**

GOLDEN RULE #4

**Support the fish in the water until it is sufficiently recovered.**

CAUTION: High water temperatures (>21C or 70 F) can significantly reduce survival rates. Anglers should, therefore, take extra care when practicing Catch and Release when flows are low and water temperatures are high (typical high summer conditions)

**The role of the Agency**

The Agency, along with the national game angler representative bodies in England and Wales, has long been an advocate of Catch and Release for salmon fisheries. We believe that Catch and Release is a highly effective conservation tool that, although now widely practiced by anglers, should be further encouraged, particularly on those rivers where salmon stocks have been identified as being at greatest risk.

“In many of our rivers at present there just aren’t enough eggs being laid. With Catch and Release we can continue the benefits of fishing and still get the eggs because survival rates of released salmon are high”

(Dr Dafydd Evans, Environment Agency Head of Fisheries).

“One way we, as anglers, can help restore depleted salmon stocks is to practice voluntary catch and release, particularly where local stocks are threatened, and learn to do it properly”

(Paul Knight, Director of the Salmon & Trout Association).

No distinction should be made between male or female, large or small salmon, all now require further protection.

Barbless hooks should be used at all times

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**OREGON IS BEHIND THE TIMES:**

- Barbless single hooks were required but the agency then discarded the rule on nearly all streams. California, Washington and BC require barbless hooks for steelhead. What is so different in Oregon?
- ODFW does not have an angler education program promoting live release of wild steelhead, trout and salmon.

- ODFW has not stated a conservation requirement target for each of its steelhead and salmon streams based on spawner abundance. Oregon is promoting kill fisheries on endangered coastal coho salmon. ODFW went against the public and opened a kill fishery on coastal sea-run cutthroat trout on their second try. ODFW is proposing a kill fishery on North Umpqua River wild winter steelhead and opened a kill fishery on the Illinois River.
- ODFW has redefined “fishing opportunity” to mean kill fisheries everywhere they can override public support for conservation.
- Don’t just suck it up. ODFW is a rogue agency out of step with worldwide wild salmon conservation. Add your voice and together we can all fish for the future of wild fish in Oregon rivers.