



September 4, 2021

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Re: The 2021 Columbia and Snake River Steelhead Crisis

Dear Commissioners:

The Oregon and Washington Departments of Fish and Wildlife and the Idaho Department of Fish and Game have taken the first steps in the regulatory journey of addressing the 2021 Columbia and Snake River steelhead crisis. It is now time to take the remaining steps and complete the journey. Failure to do so will concentrate angler effort on certain river sections and enhance localized impacts on vulnerable populations. The Conservation Angler (TCA) hopes this letter provides a compass for the Departments to use.

The Halfway Point

We are past the halfway point of the upriver passage period of July 1 through October 31. A total of 39,183 steelhead have crossed Bonneville Dam between July 1 and September 2, the lowest amount ever recorded for this period since passage counts began at Bonneville Dam in 1938.¹ The U.S. v. Oregon Technical Advisory Committee (TAC) now estimates that a total of 42,600 A-Index steelhead will pass Bonneville Dam this year.² The B-Index steelhead forecast remains at 6,600 hatchery fish and 1,000 unclipped fish.³ Based on these forecasts, a total of 50,200 steelhead will pass Bonneville Dam between July 1 and October 31, 2021. This forecasted total is 22,266 fewer fish than the second-worst upriver return period on record,

¹ Columbia Basin Research, School of Aquatic & Fishery Sciences, University of Washington. DART Adult Passage Annual Counts http://www.cbr.washington.edu/dart/wrapper?type=php&fname=adultannual_1630446161_815.php (last visited Sept. 3, 2021).

² Email from Nichole Kloepfer on behalf of Ryan Lothrop, Columbia River Fishery Manager, Washington Dept. of Fish and Wildlife, to David Moskowitz, Executive Director, The Conservation Angler (Aug. 31, 2021 12:40 PM PST) (on file with author).

³ Columbia Basin Bulletin. (Aug. 19, 2021). More Bad News For Columbia River Basin Steelhead: A-Run Forecast Plummets 60 Percent, Worst on Record.

July 1 – October 31, 2019⁴ and 19,256 fewer than the worst return year on record, 1975, the year Lower Granite Dam was completed.

Next Steps

1. Columbia River

The Tongue Point to Bonneville Dam closure leaves 180 river miles on the Columbia River open to fishing for ESA-listed steelhead during their worst steelhead return on record. The Oregon and Washington Departments of Fish and Wildlife must close these remaining sections to steelhead angling to prevent unnecessary impacts to the species and its most vulnerable populations through October 31st.

The Columbia River below Bonneville Dam should remain closed to additional commercial gillnetting through October 31st to protect vulnerable wild B-run steelhead.

2. Drano Lake

TCA strongly believes that the emergency regulation announced on August 23rd that allowed bank fishing in a closed section for boat angling did not sufficiently protect ESA-listed steelhead.⁵ We believe there was ample anecdotal evidence that some fishermen continued to target temperature-stressed steelhead in Drano Lake after the section was closed to angling from a boat. For example:

“Watched a game warden bust a couple fly anglers flossing steelhead from the handicap spot today. Absolutely was a pleasure to listen to them argue they were fishing salmon with their little flies after he watched them rip steelhead for the 3 hours.”⁶

Though TCA did not locate any related citations on WDFW’s website, we wholeheartedly support the emergency rule closing the entire inside portion of Drano Lake.

Fact: Drano Lake is a fishery problem every year – whether it be night fishing, targeting fish meant to be protected or simply excessive fishing pressure – the inner portion of Drano Lake presents annual enforcement issues. It should be permanently closed to avoid annual impacts to temperature-stressed steelhead.

⁴ Columbia Basin Research, School of Aquatic & Fishery Sciences, University of Washington. DART Adult Passage Annual Counts http://www.cbr.washington.edu/dart/wrapper?type=php&fname=adultannual_1630446161_815.php (last visited Aug. 31, 2021). The worst upriver steelhead passage occurred in 1975, the year Lower Granite Dam was completed. See Columbia Basin Research, School of Aquatic & Fishery Sciences, University of Washington. DART Adult Passage Daily Counts for All Species. https://www.cbr.washington.edu/dart/query/adult_daily (last visited Sept. 3 2021).

⁵ <https://fortress.wa.gov/dfw/erules/efishrules/erule.jsp?id=2713> (last viewed on September 2, 2021).

⁶ <https://www.ifish.net/threads/drano-closed-for-steelhead-soon-for-everything.1645783/page-3> (last viewed on September 2, 2021).

3. Klickitat

With reduced or eliminated steelhead fishing opportunities on the Deschutes, John Day, and North Umpqua Rivers, the Klickitat River will become the nexus of the steelhead fishing universe for most western and central Oregon and Washington anglers. Anglers who may be cancelling trips to the Skeena River system due to low returns and potential closures in British Columbia may join the herd in the Klickitat River Valley. ESA-listed steelhead in the Klickitat River already incur high encounter rates at typical angler effort levels. The river should be closed to steelhead fishing to prevent elevated impacts on wild Klickitat River steelhead.

4. Deschutes

ODFW should close the Deschutes River to steelhead fishing through May 31, 2022 to protect the river's dwindling steelhead population which has not met wild escapement goals for a decade⁷.

Deschutes anglers who do not migrate to the Klickitat River will likely sift their efforts above Sherars Falls, where some wild steelhead are already present, having migrated quickly through the warmer lower reach in search of cooler water upstream. ODFW should use a precautionary approach and prohibit angling for these early arriving fish, as well as the few that are following behind them, by closing steelhead fishing on the Deschutes River from the mouth upstream to Pelton Dam through Spring of 2022.

The current rule prohibiting angling for steelhead from Moody Rapids to Sherars Falls is unenforceable and unfair. The only anglers who could be enforced against are flyfishing with a small, barbless single hook – which may be the least harmful angling method – but which is now prohibited.

After the September 1st regulations became effective, TCA received anecdotal reports of unprecedented interest in “angling for Chinook” below Sherars Falls. ODFW should confirm these reports with the State Police enforcement officers. According to recent reports, ODFW reports that 680 fall chinook were caught in the Deschutes below Sherars Falls, though the data does not indicate how many angler hours were spent in the various fishing areas (below Rattlesnake, above Rattlesnake to the Trestles area to Sherars Falls). Chinook anglers from the Trestles to Sherars Falls are also allowed to use bait, a fishing practice that will result in increased mortality on wild steelhead.

The fairest and most protective rule for the unprecedentedly low wild steelhead return would be to close the Deschutes River from Sherars Falls to the mouth to all salmon and steelhead angling through May 31, 2022.

⁷ ODFW Lower Deschutes Fish Population Study. USFWS Sport Fish Restoration Grant F18AF00785-Lower Deschutes Fish Population Study

5. John Day

There does not appear to be a biological basis for closing the John Day River through December 1st while leaving the Deschutes River closed until October 1st. The John Day River has more abundant steelhead populations than the Deschutes River. Furthermore, the John Day River above Tumwater Falls is still open angling – including bait fishing – for staging and spawning steelhead, as well as kelts, from Dec 1, 2021 -April 30, 2022. The exception is the mainline to North Fork section, which is open to year-round angling for ESA-listed steelhead – and remains open during the worst wild steelhead return on record. ODFW should close the entire John Day River to all steelhead angling through May 31, 2022.

In another inconsistency, the John Day Arm of the Columbia River is open to non-retention steelhead fishing below Tumwater Falls, where ESA-listed steelhead are present and targeted by anglers. ODFW should close the John Day River Arm to steelhead fishing to protect vulnerable stocks through May 31, 2022.

6. Snake River (From Lower Granite Dam to the Hells Canyon Dam)

Snake River steelhead populations are in terrible shape. This year will likely be worse than 2019, which saw significant decreases in Grande Ronde, Imnaha, Clearwater, and Salmon River populations. This should be particularly concerning considering IDFG’s Annual Progress Report for 2019, which included the following findings:

“The wild escapement estimates for the Grande Ronde, Lower Clearwater, Lower Snake, and Middle Fork Salmon stocks declined significantly from last year (Figure 1-4).⁸ The point estimate for the Grande Ronde stock decreased by 1127 fish, the Lower Clearwater by 174 fish, the Lower Snake by 870 fish, and the Middle Fork Salmon by 219 fish. In all cases, the 90% confidence intervals did not overlap (upper bounds of SY2019 estimates were below the lower bounds of SY2018 estimates), indicating significant decreases.”⁹

“With the exceptions of the South Fork Clearwater stock, the South Fork Salmon stock, and the Upper Salmon stock, point estimates for wild escapement declined for all genetic stocks in SY2019 for the fourth consecutive year.”¹⁰

⁸ See Attachment 1. Lawry, Katherine, et. al. (2020). Wild Adult Steelhead and Chinook Salmon Abundance and Composition at Lower Granite Dam, Spawn Year 2019, at 39 (Figure 1-4) (available at <https://collaboration.idfg.idaho.gov/FisheriesTechnicalReports/Res20-12Lawry2019%20Wild%20Adult%20Steelhead%20and%20Chinook%20Salmon%20Abundance.pdf>) (last viewed Sept. 3, 2021)

⁹ Id., at 17-18.

¹⁰ Id., at 8.

“In recent years, abundances in the Snake River basin have slightly increased. However, the increase has been dominated by hatchery fish, while the returns of naturally produced steelhead trout and Chinook Salmon remain critically low.”¹¹

The Oregon and Washington Departments of Fish and Wildlife should not feel compelled by IDFG to join in the management of wild steelhead that appears to give more weight to angler opportunity than conservation, which includes allowing anglers to participate in a 1-hatchery fish retention fishery (20 per year) on the Snake River that will impact these vulnerable populations. All three states should close recreational steelhead fishing on the Snake River.

7. Clearwater River

During the 1962-63 run year, over 43,000 steelhead passed Lewiston Dam near the mouth of the Clearwater River.¹² Historic runs in the Clearwater River may have ranged as high as 40,000 to 60,000 steelhead annually.¹³ However, in 2016, NOAA Fisheries determined the Clearwater River major population group does not meet viability criteria developed by the Interior Columbia Technical Recovery Team.¹⁴

Idaho’s B-run steelhead, the majority of which return to the Clearwater River Basin, are in an especially precarious state. The current forecast of 1,000 wild B-run steelhead will not likely be updated by TAC until the third or fourth week of September. In any event, it is difficult to be hopeful based on recent conversion rates. Based on figures in the most recent Joint State Staff Report¹⁵, in 2017, the wild B-run pre-season forecast was 1,100 fish, yet only 751 were counted at Bonneville Dam, and only 263 were counted crossing Lower Granite Dam (a 65% conversion rate¹⁶). In 2019, the pre-season wild B-run forecast was 950 fish, only 899 wild B-runs were counted at Bonneville Dam, and only 400 of those fish were counted at Lower Granite (a 55.5% conversion rate). While it is true that B-run returns do not necessarily track the accompanying A-run, the uncertainty facing managers demands a cautious approach in setting fisheries that will affect wild B-run spawning success.

This year’s run is on track to be worse than the run in 1975, the year Lower Granite Dam was completed.¹⁷ Considering everything these ESA-listed have been put through, the least Idaho

¹¹ Id., at 1.

¹² Northwest Power and Conservation Council. (Nov. 2003). Draft Clearwater Subbasin Assessment, at 306. (Available at https://www.nwccouncil.org/sites/default/files/a08_fishery.pdf) (last viewed Sept. 3, 2021).

¹³ Id.

¹⁴ NOAA Fisheries (2016) 5-Year Review: Summary & Evaluation of Snake River Sockeye Snake River Spring-Summer Chinook Snake River Fall-Run Chinook Snake River Basin Steelhead (available at <https://repository.library.noaa.gov/view/noaa/17050>) (last visited Sept. 3, 2021).

¹⁵ 2021 OR-WA Joint Staff Report: Stock Status and Fisheries for Fall Chinook Salmon, Coho Salmon, Chum Salmon, Summer Steelhead, and White Sturgeon, Tables 6 & 7 at p. 39-40.
https://wdfw.wa.gov/sites/default/files/2021-07/2021_or_wa_fall_joint_staff_report.pdf

¹⁶ Conversion Rate is the term used to convey the loss of fish between fish passage structures due to all factors (harvest, natural mortality, predation, illegal harvest, mortality caused by the fish passage structure, as well as straying to other rivers).

¹⁷ Columbia Basin Research, School of Aquatic & Fishery Sciences, University of Washington. DART Adult Passage Daily Counts for All Species. https://www.cbr.washington.edu/dart/query/adult_daily (last visited Sept. 3 2021).

can do is give this ESA-listed species a one-season break during its worst return on record. To help protect some of Idaho's last wild B-runs, IDFG should close recreational steelhead fishing on the Clearwater River and the South Fork of the Clearwater through April 30, 2022. It should also close recreational steelhead angling on the North Fork of the Clearwater through April 30, 2022 to protect wild B-run steelhead that stage in the area.

Oregon has taken more steps than Washington to provide wild B-run steelhead safe passage through the lower Columbia River. Oregon established cold water refugia that protects ESA-listed steelhead that utilize such habitat so they do not experience the estimated 8-9% reduction in survival that these fish incur in cold water refuges that are not closed to steelhead angling.¹⁸ TCA urges ODFW not to abandon them when they reach interstate waters with Idaho.

WDFW has taken fewer steps to secure wild B-runs safe passage through sections of Washington's waters. TCA also urges WDFW not to abandon them when they reach interstate waters with Idaho. WDFW should close steelhead fishing throughout its entire portion of the Snake River and initiate rulemaking to establish cold water refugia in its section of the lower Columbia River.¹⁹

8. Grande Ronde and Imnaha Rivers

Grande Ronde and Imnaha steelhead are in serious decline. Based on ODFW and Nez Perce Tribe data, Grande Ronde and Imnaha steelhead populations appear to be steadily trending toward severely depressed levels.²⁰

Washington and Oregon should take a precautionary approach to ensure these cherished steelhead populations do not begin spiraling toward extinction. Both states should immediately close steelhead fishing on the Grande Ronde River, and Oregon should immediately close steelhead fishing on the Imnaha River, through May 30, 2022. Regrettably, some anglers pursue these ESA-listed steelhead that are on, or adjacent to, their redds. It is necessary to extend these closures through the spring so that the few returning spawners have opportunities to procreate without human interruption.

¹⁸ U.S. Environmental Protection Agency, Region 10 (Jan. 2021). Technical Memorandum EPA-910-R-21-001. Columbia River Cold Water Refuges Plan, at 58 ("Keefer et al. (2009) analyzed the migration success of steelhead that used CWR versus those that did not use CWR. This study found that migration success to the spawning tributaries for those steelhead (wild and hatchery) that used CWR was about 8% less than those steelhead that did not use CWR, which initially suggests CWR use is not beneficial. However, the study also indicated that fishing harvest in CWR likely explained the decreased survival. Wild steelhead using CWR, which are required to be released when caught, experienced a 4.5% decrease in survival during migration to their spawning tributaries compared to wild steelhead that did not use CWR. This increased mortality, however, could be associated with catch and release mortality and illegal catch of wild steelhead in CWR (Keefer et al. 2009) *** NMFS (2017a) also found that the survival rate for steelhead (wild and hatchery) from The Dalles Dam to McNary Dam was about 9% less for those steelhead that used CWR (detected in the Deschutes River) versus those that did not use CWR. NMFS assessment also provided data on fish harvest in the Deschutes River that appears to explain the reduced survival for those steelhead using CWR.")

¹⁹ EPA identifies the Cowlitz, Kalama, Lewis, Wind, White Salmon, and Little White Salmon Rivers as cold water refuges. Id., at 92.

²⁰ Attachment to Memorandum from Patty O'Toole, Fish and Wildlife Director, to Northwest Power and Conservation Council members re: Nez Perce Tribe staff presentation on their analysis of Snake River Basin Chinook and Steelhead – Quasi-Extinction Threshold and Call to Action, at Slide 17. Copy available in attachment 2.

9. Salmon River

An April 2021 presentation from the Nez Perce Tribe to the Northwest Power and Conservation Council demonstrates the perilous state of Idaho's steelhead populations as well as Oregon and Washington's populations.²¹ Among other compelling facts, the tribe's biologists provided the following information about 16 ESA-listed Snake River steelhead populations²²:

- Three out of 16 populations of Snake River steelhead (19%) are **quasi-extinct**, which include the Pahsimeroi River, Little Salmon River, and Secesh River populations.²³
- Snake River steelhead are declining at a rate of 18% per year, with even worse declines for B-Index steelhead.²⁴
- In four years, seven out 16 populations of Snake River steelhead (44%) will be quasi-extinct, which include the following groups in Idaho: the Middle Fork Salmon River (Lower Mainstem), Lemhi River, Salmon River (Upper Mainstem), Lolo Creek, Pahsimeroi River, Little Salmon River, and Secesh River populations.²⁵
- 15 out of 16 Snake River steelhead populations have been declining over the last 10 years.²⁶

The Salmon River population numbers speak for themselves. IDFG should close the Salmon River to steelhead angling through April 30, 2021 to protect the few wild spawners returning this year.

Finally, it is critical not to forget that there are wild B-runs returning to the Salmon River and its major tributaries. These fish must hold in the main Salmon until the ice-out and they are vulnerable to repeated encounters in fisheries below the South Fork of the Salmon and the Middle Fork in March every year. The precarious state of wild B-run steelhead requires a conservative approach throughout all three Columbia-Snake River states.

10. Banning Bait

TCA is not requesting the Departments to close Chinook or coho fishing in the mainstem Columbia River, Drano Lake, John Day Arm, Deschutes River, Umatilla, Snake River, or tributaries elsewhere in the Columbia River Basin. However, considering the catch and release mortality rates associated with the use of bait, banning bait would fairly balance fishing opportunity for hatchery Chinook and coho with wild steelhead conservation needs. WDFW

²¹ Id.

²² Data was not available or was insufficient for the other nine Snake River steelhead populations. Id.

²³ Id., at slide 15.

²⁴ Id., at slide 16.

²⁵ Id., at slide 17.

²⁶ Id., at slide 28.

and ODFW should immediately issue emergency rules banning the use of bait throughout the Columbia and Snake River mainstems and river mouth fisheries through December 31, 2021, and throughout all Columbia and Snake River tributaries above Bonneville Dam through May 31, 2022.

11. Party Boat Rules

This year is no party for wild Columbia River steelhead. The Departments should suspend party boat rules wherever they are currently in force. These rules lead to increased encounter rates with multiple “non-target” ESA-listed coho and steelhead by allowing each person in a boat to continue fishing until each person in the boat reaches their limit. If there ever was a year to suspend the party boat rule, 2021 is it. Suspending the party boat rule fairly balances fishing opportunity for hatchery Chinook and coho with wild steelhead conservation needs.

Conclusion

The Conservation Angler appreciates the hard work by the state agency staff over the past month. We appreciate the close attention to this crisis by the Commissions. Respectfully, TCA believes there is more to be accomplished. To support that contention, we will reiterate the dire status of wild steelhead in the Columbia and Snake Basins compared to recent averages²⁷ at Bonneville and Lower Granite Dams.

So far **17,880** total wild, unclipped steelhead have passed Bonneville Dam. The current 10-year average wild fish passage is 58,535 wild summer steelhead so the 2021 wild steelhead return is **30.6%** of the 2011-20 10-year average to date. To highlight the depth of our wild steelhead decline, we compare the current average with a 10-year average from 2001-2010, helping to avoid falling into the trap of the declining baseline syndrome. The “best” 10-year average for wild steelhead since 1984 was between 2001-2010 when 97,296 wild steelhead passed Bonneville Dam by this point. The 2021 wild run is **18.4%** of that best 10-year average.

Current counts of wild Snake River Summer Steelhead returning over Lower Granite Dam (June 1 thru Sept. 2) show 693 total wild steelhead which is **21.1%** of the current 10-year average and is **14.3%** of the best 10-year average (an average of 4,839 wild fish during this period between 2001-2010).

The Conservation Angler believes that this is the level at which you stop the existing management regime so that the remaining genetic and life history diversity bank that exists in

²⁷ The following analysis is based on current Summer Steelhead returning to the Columbia River above Bonneville Dam from April 1 thru September 2. April 1 marks the beginning of counting for early summer steelhead (so-called Skamania summer steelhead) that return to the Columbia between April and June. The 2021 Skamania summer steelhead run was the lowest ever recorded.

these precious few wild steelhead is managed for escapement only. We have only to look north at the Thompson River in British Columbia – the single most amazing steelhead river in the world – to see what happens when your seed crop gets too low.

All three Columbia and Snake Basin States must recognize that the low run of wild steelhead is at enormous risk, and that if we expect these fish to provide the basis for the recovery of wild steelhead in the Columbia and Snake River, this requires exceptional actions and some faith in the wild.

The rules adopted by the three states create winners and losers in the present economic sense. Regrettably, the rules adopted by the three states may not make the difference they need to make for wild steelhead survival and productivity because they are uneven, unfair, unenforceable, and late.

Nevertheless, our organization and many others thank you for taking the first steps to protecting ESA-listed steelhead from harvest impacts during their worst return on record. The recommendations offered here are meant to assist the Departments in finishing the journey.

Thank you.

David Moskowitz (via email)

David Moskowitz
Executive Director
The Conservation Angler

Attachments:

1. IDFG 2019 Report on Wild Steelhead Escapements at Lower Granite Dam
2. 2021 Nez Perce Tribe Presentation to NW Power and Conservation Council (Slide 15)

Contact:

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Attachment 1

(Figure 4-1 from the IDFG 2019 Report)

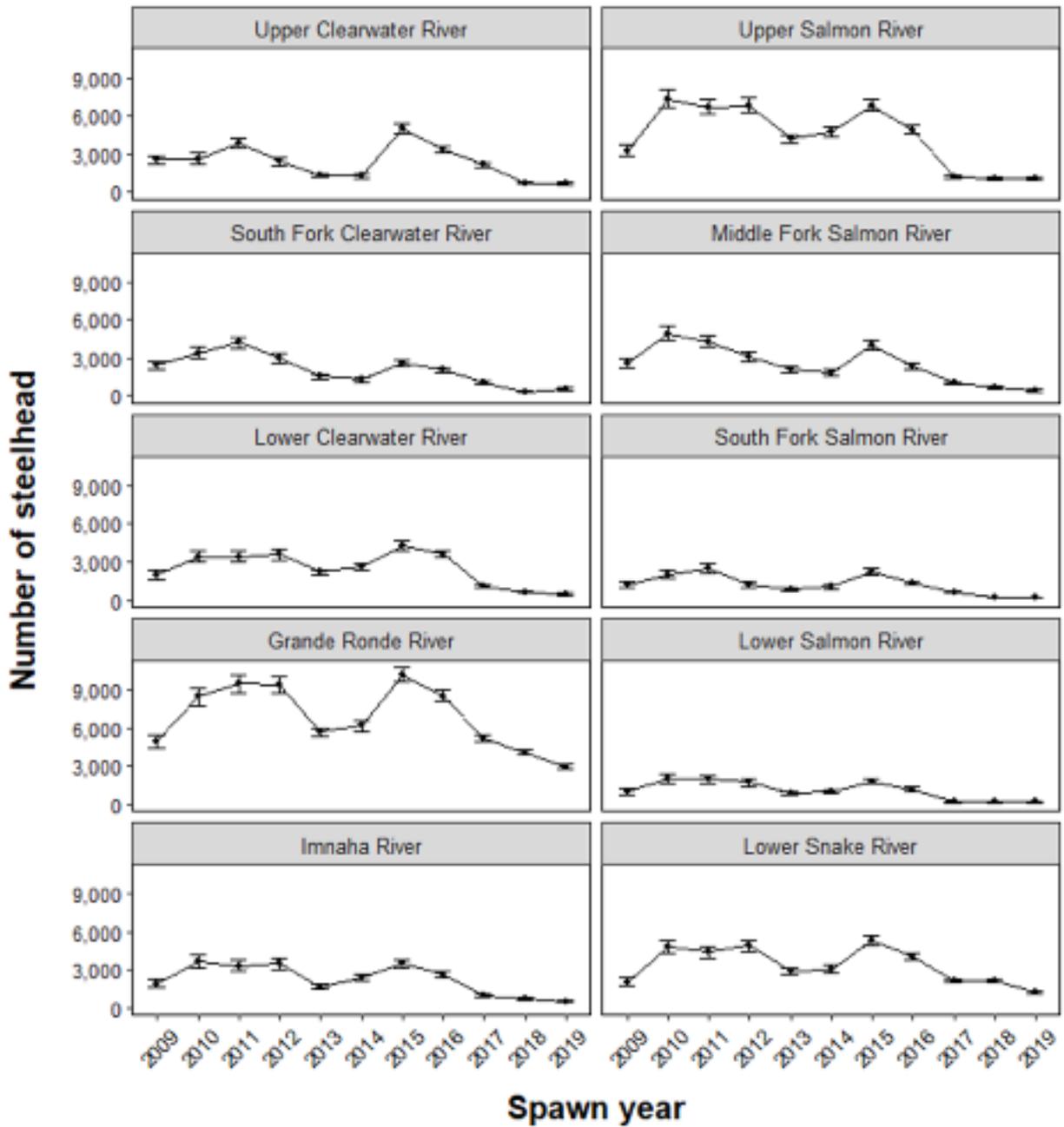


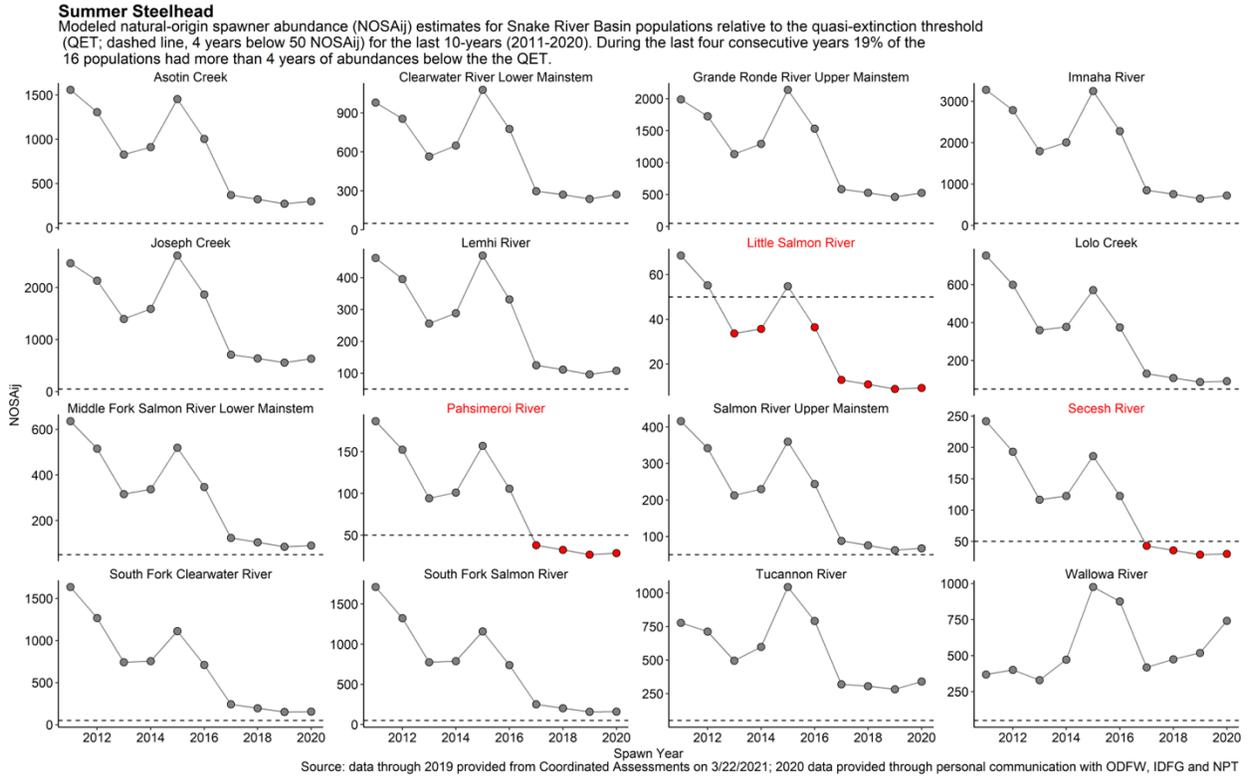
Figure 1-4. Estimated escapement by stock of wild steelhead at Lower Granite Dam for spawn years 2009-2019. Confidence intervals are at 90%.

(Credit IDFG 2019)

Attachment 2

Slide 15 from Nez Perce Tribe Presentation to Northwest Power and Conservation Council

3 (19%) Summer Steelhead Populations Currently At or Below QET (50)



(Credit: Nez Perce Tribe)