

Oregon Fish and Wildlife Commission Minutes



Meeting:
December 6, 2007 2:00 p.m.
Oregon Department of Fish and Wildlife Headquarters
3406 Cherry Avenue NE
Salem, Oregon 97303

Meeting:
December 7, 2007 8:00 a.m.
Oregon Department of Fish and
Wildlife Headquarters
3406 Cherry Avenue NE
Salem, Oregon 97303

*Commission minutes are considered draft until approved by the
Commission at its next meeting.*

Notice of this meeting had been made by press release of statewide media circulation.
Those attending part or all of the meeting included:

Marla Rae, Chair
Dan Edge, Vice-Chair
Skip Klarquist, Commissioner
Carter Kerns, Commissioner
Bobby Levy, Commissioner
Zane Smith, Commissioner

Roy Elicker, Director
Laurie Byerly, Deputy Director
Steve Sanders, Assistant Attorney General
Bill Cook, Assistant Attorney General
Casaria Tuttle, Executive Assistant

MEETING

On Thursday, December 6, 2007 at 2:02 p.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order. Chair Rae announced that Commissioner Jon Englund would not attend the December Commission meeting due to the recent storm on the Oregon Coast. She stated that Commissioner Englund is safe and well.

DIRECTOR'S REPORT

Director Elicker briefed the Commission on the recent pink shrimp fishery certification to a sustainable fishery. The certification ceremony took place December 6, 2007. Patty Burke then briefed the Commission on the history of the pink shrimp fishery and what the Marine Resource Program went through to help get it to the sustainable level.

Field Reports (Written report is part of the Commission's official record)

High Desert Region

Chip Dale, High Desert Region Manager, reported on destination resorts and large developments; mid-Columbia district mountain goat; Oregon State University students who toured the Riverside Wildlife Area.

Northeast Region

Craig Ely, Northeast Region Manager, reported on the Wallowa-Whitman National Forest Travel Management plan and northeast region sheep capture.

Northwest Region

Chris Wheaton, Northwest Region Manager, reported on wildlife assistance in Northwest Portland and Fern Ridge Volunteers.

Southwest Region

Steve Denney, Southwest Region Manager, reported on federal lands cooperative habitat projects and the Denman Wildlife Area fee pheasant hunt.

Marine Resource Program

Patty Burke, Program Manager, reported on the 2007 crab season opener and a rockfish movement study.

Oregon State Police

Walt Markee, Captain, Oregon State Police Fish and Wildlife Division, reported on an OSP aircraft that helped catch spotlighters and a cougar tag that was validated for Chinook.

Conservation Strategy

Holly Michael, Conservation Program Leader, reported on the collaborations between the Oregon Zoo and ODFW to host two conferences on Strategy related issues.

Information and Education

Roger Fuhrman, Administrator, reported on recent personnel actions; marketing update; Recreational Boating and Fishing Foundation.

Fish Division

Ed Bowles, Fish Division Administrator, introduced Bruce McIntosh as the Inland Fisheries Assistant Administrator and Steve Williams as the Marine and Columbia River Fisheries Assistant Administrator.

2009 Oregon Sport Fishing Regulations

Rhine Messmer, Recreational Fisheries Program manager, gave an update on the 2009 Oregon Sport Fishing Regulation development process.

Adopt Temporary Rules

Roy Elicker, Director, requested the Commission ratify the following temporary rules. The temporary rules were previously adopted by the director under his emergency action authority.

Closure of Commercial Nearshore Groundfish Fishery

635-004-0019

Adopted November 21, 2007; effective November 28 through December 31, 2007
Amended rule implements an early closure of the Oregon ocean commercial nearshore groundfish fishery effective at 12:01 a.m. Wednesday, November 28, 2007, when the annual landing cap for black rockfish and blue rockfish combined and the state harvest cap for black rockfish will have been reached. Failure to adopt this rule might have

negatively affected the public interest by limiting fishing access in other Oregon state fisheries.

Closure of Commercial Nearshore Rockfish Fishery

635-004-0033

Adopted November 21, 2007; effective November 28 through December 31, 2007
Amended rule reduces to zero the black and blue rockfish combined cumulative trip limits, effect at 12:01 a.m. Wednesday, November 28, 2007, for the remainder of 2007. Modifications prohibit retention of black rockfish; blue rockfish; cabezon; greenling and other nearshore rockfish (for the purposes of this rule “other nearshore rockfish” mean: black and yellow; brown, calico; China; copper; gopher; grass; kelp; olive; quillback and treefish). These revisions are consistent with in-season modifications to rule 635-004-0019 shown above. Failure to adopt this rule might have negatively affected the public interest by limiting fishing access in other Oregon state fisheries.

Closure of Commercial Nearshore Rockfish Fishery

635-004-0170

Adopted November 21, 2007; effective November 28 through December 31, 2007
Amended rule restricts non-permitted vessels from fishing for black rockfish, blue rockfish or other nearshore species (for the purposes of this rule “other nearshore rockfish” means: black and yellow; brown; calico; China; copper; gopher; grass; kelp; olive; quillback and treefish) consistent with in-season modifications to rules 635-004-0019 and 635-004-0033 shown above. Failure to adopt this rule might have negatively affected the public interest by limiting fishing access in other Oregon state fisheries.

Amended Rule to Allow Commercial Smelt Harvest 24-hours Per Day in the Columbia River

635-042-0130

Adopted November 29, 2007; effective December 1, 2007 through May 28, 2008
Amended rule implements the opening of the commercial smelt season in the Columbia River (Zones 1 through 5), 24-hours per day from December 1 through December 31, 2007. A modification was made to clarify the gill net mesh size allowed in the fishery. The current permanent rule does not allow for a commercial smelt fishery during December as intended and is therefore not concurrent with the state of Washington’s rules for this fishery. Modifications to the permanent rule are planned for early in 2008; however, there was insufficient time to initiate the permanent rulemaking process prior to start of the fishing season December 1. Failure to adopt this rule might have caused serious prejudice to the public interest since the commercial industry would not have been allowed to harvest their allocation.

Action:

Commissioner Edge moved to ratify the temporary rules. Commissioner Kerns seconded the motion, and the motion carried unanimously.

COMMISSIONER ITEMS

Expenditure Report:

Staff: Laurie Byerly, Deputy Director for Administration, presented the financial report for the month ending October 31, 2007.

Laurie Byerly also updated the Commission on the ODFW External Budget Advisory Committee (EBAC) process.

Public Forum

Note: This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director at least 24 hours prior to the meeting to be included in the public forum. If you bring written summaries or other materials to the meeting please provide the Commission Assistant with 20 copies prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

Jennifer Bloeser
Science Director
Pacific Marine
Conservation Council
503-298-9572

Ms. Bloeser gave the Commission an update on Pacific Marine Conservation Council activities including the community base fishery management model in Port Orford.

Bryce Purtzer
Canby, Oregon
503-341-5450

Mr. Purtzer spoke to the Commission on the Guide and Outfitter Tag program's limitation to sell tags to out of state residents. He feels that an unfair advantage is given to nonresident hunters to obtain controlled hunt tags.

Chair Rae said the statutes are clear about the Commission's authority regarding out-of-state tags. She recommended that Mr. Purtzer contact his local representative and senator. She suggested he copy Director Elicker on his correspondence to local legislators.

Exhibit A: COMMISSION MINUTES

The Commission considered approval of the November 2007 Commission minutes.

Commissioner Kerns moved to approve the minutes. Commissioner Edge seconded the motion, and the motion carried unanimously.

Exhibit B: ACCESS AND HABITAT APPOINTMENT OF LANDOWNER REPRESENTATIVES

Staff Presentation:

Ron Anglin, Wildlife Division Administrator and Matt Keenan, Access and Habitat Program Coordinator asked the Commission to appoint two landowner representatives to the Access and Habitat Board.

Public Testimony:

No public testimony.

Action:

Commissioner Smith moved to appoint Barry DelCurto of Halfway, Oregon and Ronald Borisch of Keizer, Oregon to the Access and Habitat Board as landowner representatives effective January 2008 through December 2011. Commissioner Edge seconded the motion and the motion passed unanimously.

Roger Fuhrman, Information and Education Administrator, introduced David Lane as the marketing coordinator for ODFW.

At 4:00 p.m., Chair Marla Rae entered the Commission into Executive Session.

EXECUTIVE SESSION

The Commission entered Executive Session for consultation with counsel concerning legal rights and duties regarding current litigation involving the Klamath Settlement. ORS 192.660(2)(h).

At 4:59 p.m., Chair Marla Rae reentered the Commission into public session.

RECESS

At 5:00 p.m., Chair Rae recessed the December Commission meeting until 8:00 a.m. Friday, December 7, 2007.

Friday, December 7, 2007

On Friday, December 7, 2007 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order. Chair Rae also commended the department on its work and assistance to the Oregon coastal communities during the recent storm.

Exhibit C: WILDLIFE VIOLATORS COMPACT

Staff Presentation:

Ron Anglin, Wildlife Division Administrator, asked the Commission to adopt administrative rules that clarify suspension and revocation of violator's license pursuant to the Wildlife Violator Compact.

Public Testimony:

Chuck Woosley
PO Box 487

Corvallis, Oregon 97339

Mr. Woosley testified in favor of the Wildlife Violator Compact.

Al Elkins

Mr. Elkins testified in favor of the Wildlife Violator Compact.

Commissioner Klarquist requested a report from the department on the activity of the Wildlife Violators Compact. Ron Anglin said a report could be made in June and October during the Big Game Regulations presentations.

Action:

Commissioner Edge moved to amend OAR 635-001-0210 as proposed by staff in the supplemental Attachment 5 with the amended title dated December 7, 2007. Commissioner Smith seconded the motion and the motion passed unanimously.

Exhibit D: CERVID RULE

Staff Presentation:

Bruce Eddy, Grande Ronde Watershed Manager, briefed the Commission on recommendations and draft administrative rules.

Commissioner Smith asked staff and counsel what the role of the Commission is.

Public Testimony:

Joe Ricker Cervid Rule Advisory Group 30490 SW Rogue Lane #3112 Wilsonville, OR 97070 503-780-6824	Mr. Ricker testified as a member of the Cervid Rule Advisory Group (CRAG). He believes the policy statement written 635-049-0010 should remain as written. He does not feel that Starkey Wildlife Area should fall under these rules since it is for experimental and research purposes. He also is opposed to the importation of gametes and embryos. Mr. Ricker's written testimony was entered into the record.
Dave Wiley Rocky Mountain Elk Foundation 30490 SW Rogue Lane #3112 Wilsonville, OR 97070 503-780-6824	Mr. Wiley testified as a member of the Cervid Rule Advisory Group (CRAG). He stated the current policy of opposition to cervid holding and propagation should be retained. Starkey Wildlife Area should receive different regulatory treatment. Importation of gametes and embryos should be regulated. He supports the requirement for disease testing of all captive cervids that die and stated there should be specific standards for disposal of cervid carcasses. Mr. Wiley's written testimony was entered into the record.
Al Elkins Oregon Hunters Association 30490 SW Rogue Lane #3112 Wilsonville, OR 97070 503-780-6824	Mr. Elkins testified on behalf of the Oregon Hunters Association (OHA). OHA supports the ban of importation of gametes and embryos. He requested the February information be presented in the same manner as presented at the December Commission meeting. He would like the opportunity to discuss bonding, Starkey, Oregon Department of Agriculture and other issues that were not touched on by staff at the February 2008 meeting.

<p>Chuck Woosley OR Division Izaak Walton League of America PO Box 487 Corvallis, OR 97339</p>	<p>Mr. Woosley testified on behalf of the Izaak Walton League of America that the issuing of licenses for private holding of cervids should cease and all current and future holding and farming of cervids should be banned from the state of Oregon. Mr. Woosley's written testimony was entered into the record.</p>
<p>Alan Ross Oregon Elk Breeders Association PO Box 333 Molalla, OR 97038 503-829-7107</p>	<p>Mr. Ross testified on behalf of the Oregon Elk Breeders Association. He feels that the disease issue is overstated because of steps the industry has taken to control CWD. He feels that double fencing is unreasonable.</p>
<p>Kathy Simpson Oregon Elk Breeders Association 16600 SW Lower Bridge Terrebonne, OR 97760 541-548-5800</p>	<p>Ms. Simpson testified on behalf of the Oregon Elk Breeders Association. She feels that the disease issue is overstated.</p>
<p>Mike Kilpatrick Oregon Elk Breeders Association Mt. Vernon Hot Springs</p>	<p>Mr. Kilpatrick testified as a representative of the Elk Breeders Association. He recommended that the Commission hold work sessions with staff to lay out the policy.</p>
<p>Warren Aney Oregon Chapter of The Wildlife Society 9403 SW 74th Ave. Tigard, OR 97223 503-246-8613</p>	<p>Mr. Aney testified on behalf of the Oregon Chapter of the Wildlife Society (TWS). TWS supports the ODFW preliminary rule concept with the following observations: double fencing of Type 1 facilities is necessary; genetic testing is necessary and required testing of all cervids upon death should be a requirement for the Cervid Disease Surveillance List. TWS would also like the Commission to seek legislative action to correct the inequity of funding for the cervid program. Mr. Aney's written testimony was entered into the record.</p>
<p>Karen Smith 18700 Bull Springs Rd. Bend, OR 87701 541-382-7969</p>	<p>Ms. Smith testified that she does not want Oregon Elk raised for canned hunts in other states. She stated that cervid ranches should be outlawed or phased out and in the meantime, double fencing should be required.</p>
<p>Kelly Smith Mad Elk Coalition 18700 Bull Springs Rd. Bend, OR 87701 541-382-7969</p>	<p>Mr. Smith testified that not enough is known about CWD to accurately understand the risks. He asked the Commission to phase out elk ranches.</p>
<p>Dan Edwards 150 SE 10th Ave. Canby, OR 97013 503-263-2737</p>	<p>Mr. Edwards testified as a concerned citizen. He urged the Commission to ban or phase out elk ranching along with setting strong rules to protect wildlife.</p>

Richard Patterson Oregon Elk Breeders Association PO Box 220 Sisters, OR 97759 541-549-3831	Mr. Patterson testified that requiring double fencing will bankrupt the smaller ranches.
Linda Patterson Oregon Elk Breeders Association PO Box 220 Sisters, OR 97759 541-549-3831	Ms. Patterson testified that captive elk are managed to the "t".
Jan Wilson Oregon Wild	Ms. Wilson testified on behalf of Oregon Wild that cervid licenses should be ramped down. There are unused licenses and facilities that should be decommissioned. There should be regulations during a phase out of ranches.

Commissioner Edge asked for clarification on the TB positive elk found at Starkey. Colin Gillin, staff veterinarian, stated that it was a test for avian TB. A positive result can occur in livestock or elk by a bird defecating in a feed trough or on hay. The risk is much less and is not as easily transferable. There was another case at an elk farm in 2001, of bovine TB. That is the only case known of to date in Oregon.

Commissioner Smith asked what the cost is to the department to administer the cervid program versus the cost of the license. Bruce Eddy explained that given the current staffing structure in the department two full time employees would need to be added to the staff. Larry Cooper, Assistant Administer to Wildlife Division, stated that the department is currently evaluating the fee structure, including the cervid license fee. The evaluation should be complete in the near future.

Chair Marla Rae recommended sending, in the next round of packets, the Oregon Department of Agriculture's recommendation for disposing of domesticated animals.

The Commission reviewed the staff summary, attachment 2 and provide staff direction regarding issues raised:

635-049-xxx1 Policy

Commissioner Smith proposed that the statement "opposes" be replaced with a statement of Commission concern. He asked that the statement of concern be handled in a preface so as not to confuse the reader of the rules.

635-049-xxx2 Definition

The Commission did not have any comment on the staff proposed definitions.

635-049-xxx3 Basic Requirements

Commissioner Edge asked if the Commission was interested in prohibiting new licenses with this rule. Bruce Eddy recommended the license issue be brought up in a later rule dealing with transfer of licenses. He stated the Commission could also in the Basic Requirements rule make a statement of no transfers will be permitted. Commissioner Edge stated that he, personally, would like to see no new licenses and prohibiting transfer of licenses. Commissioner Levy was concerned that prohibiting transfers would enter in to private property issues. Bill Cook, Assistant Attorney General, clarified that this is a regulatory license, which can be limited or restricted. Commissioner Klarquist recommended having the rules pertain to licenses issued to non individuals/entities.

635-049-xxx4 Import or Export

Commissioner Edge stated he is in favor of not allowing live imports and will consider the importation of gametes and embryos with a specific clause requiring disease surveillance. Commissioner Smith agreed with Commissioner Edge's statement. Commissioner Levy agreed as well but wants gamete and embryo washing to be further explored as a feasible way to ensure the Oregon elk are kept disease free.

635-049-xxx5 Hunting of Privately Held Cervids Prohibited

Commissioner Edge agreed with the current prohibition of hunting captive cervids but asked if that is extended to prohibit the sale of so called shooter bulls. Commissioner Smith supports Commissioner Edge's statement.

Commissioner Klarquist asked if the Commission would consider setting a policy limiting the ability to take Rocky Mountain Elk West of the Cascades and taking Roosevelt Elk east of the Cascades. Bruce Eddy stated that the licensee who currently is listed as holding elk from the other side of the Cascades is getting out of the business.

635-049-xxx6 Release or Escape of Held Cervids

The act of vandalism will be incorporated into the draft rules.

635-049-xxx7 Disease Testing

Commissioner Klarquist asked if this section should be listed to be modified from time to time. Bruce Eddy explained the department and Oregon Department of Agriculture will review the list periodically and if modification is necessary, it would be brought back to the Commission at that time.

Chair Marla Rae briefly recessed the Cervid item to allow Senator Rick Metsger to give his testimony on the Sandy River deadline issue (Exhibit G).

635-049-xxx8 Requirements upon Death of Held Cervids

Commissioner Smith stated the death of a cervid should be reported to ODFW at the same time it is reported to Oregon Department of Agriculture. Larry Cooper responded by saying the recommendation is to work jointly with Oregon Department of Agriculture on the reporting requirements. The Commission wants slaughter included in the notification requirements.

635-049-xxx9 Genetic Requirements

Commissioner Smith expressed concerns regarding the funding that could potentially be required to support this program.

635-049-xx10 Licenses Generally

Commissioner Smith would like to see annual licenses until the rulemaking process is complete. Bruce Eddy explained the license is issued to an entity that must renew each year. Commissioner Levy feels the renewal period should be longer for persons who have been consistently in business for a length of time.

Commissioner Kerns would like the license restricted to a person rather than issuing the license to a partnership. Chair Marla Rae personally opposed that suggestion to allow businesses and corporations to hold the license.

635-049-xx11 Decision Standard for Issuing a License

The Commission did not have any comment on the staff proposed definitions.

635-049-xx12 Decision Standard for Suspending, Revoking or Refusing to Renew a License

Commissioner Klarquist asked that a clarification be added allowing for failure to follow rules be cause for suspending, revoking or refusing to renew a license. Bill Cook stated the failure to follow a rule provision is included in the draft language.

635-049-xx13 Disposition of Cervids upon License Suspension, Revocation, Nonrenewal or Denial

Commissioner Levy asked about the option to transfer the cervid(s). Bruce Eddy explained that transfer would be an option within 90 days of loss of license. Transfer requirement will be discussed later in the summary.

635-049-xx14 Control of Disease Outbreaks

Commissioner Klarquist asked if the communicable diseases listed in the rule are the same diseases referred to in the CDSL list. Bruce Eddy explained staffs' intention was in the event of any disease outbreak.

635-049-xx15 General Requirements for Holding Cervids

Commissioner Smith asked what the rationale was for the minimum space listed. Bruce Eddy explained the minimum was already included in the rules.

635-049-xx16 Sale or Exchange

Commissioner Edge asked about including the prohibition of shooter animals in this section.

635-049-XX17 Type 1 Cervid Licenses

Commissioner Smith would like this projected as one of several proposals allowing the public to comment on the proposals to limit licenses or keep licenses status quo on the number of commercial facilities.

Chair Rae asked counsel if the Commission has the authority to phase out facilities. Bill Cook explained the Commission does have the authority if the Commission can make the finding that the facility(s) harms existing wildlife. The Commission also has the authority to expand the number of licenses.

Chair Rae recommended that the current license expire if the facility is not holding cervid(s) for a certain period of time. At that time, the license would expire.

635-049-xx18 License Applications

Commissioner Smith said bonding may be too expensive for some. He did ask why it was dropped. Bruce Eddy explained that staff saw it as an imposition for the facility but did recommend business insurance as an alternative.

Commissioner Levy asked if there are grants available to the facilities to help pay for bonding if it is required. Bill Cook stated the Commission would need statutory authority for bonding. There is flexibility that a facility provides either a bond or other statement of funding.

635-049-xx19 Lottery for Elk Licenses

Commissioner Smith would rather licensees be chosen on merit regardless of application process.

635-049-xx20 License Renewal

The Commission earlier submitted comments on renewal of licenses.

635-049-xx21 Record Keeping

Commissioner Edge asked if a license is for a single facility or for a number of facilities. Bruce Eddy said the facilities could not go over the acreage maximum and that record keeping would remain the same.

Tom Thornton, Game Program Manager, explained why 300 acres was chosen as the maximum. Staff felt it was a manageable size of land.

635-049-xx22 Inspection of Facilities Records

Chair Rae explained that warrantless searches would not be recommended nor proposed.

Commissioner Smith suggested using coop funds to cover the costs of inspection.

635-049-xx23 Reporting

The Commission did not have any comment on the staff proposed definitions.

635-049-xx24 Fencing Requirements

Commissioner Edge would consider a double fencing requirement.

Commissioner Levy voiced a concern about cost and asked if funding is available to help with the cost of fencing. Director Elicker suggested the Commission consider a surcharge program for cost share.

Commissioner Kerns is strongly in favor of double fencing and is in favor of exploring cost share ideas such as Director Elicker's.

635-049-xx25 Cervid Marking

The Commission did not have any comment on the staff proposed definitions.

635-049-xx26 Transport of Cervids among Licenses Facilities

The Commission did not have any comment on the staff proposed definitions.

635-049-xx27 Requesting Changes to a License

The Commission did not have any comment on the staff proposed definitions.

635-049-0028 Decommissioning

Commissioner Kerns recommended the facility be insured until the decommissioning process is complete.

The Commission did not have any further comment on the removal of any elk carcass from a facility during decommissioning.

Starkey Wildlife Area

Commissioner Edge would like to see specific exemption for scientific research purposes.

Action:

No action, informational briefing only.

Exhibit E: REPORTING REQUIREMENTS FOR HUNTER EDUCATION INSTRUCTOR COLLECTED FEES AND HOUSEKEEPING/BOW HUNTER EDUCATION BRIEFING

Staff Presentation:

Roger Fuhrman, Information and Education Administrator and Tom Thornton, Big Game Manager, asked the Commission to adopt administrative rules on reporting requirements for hunter education instructor collected fees. He also briefed the Commission on the Bow Hunter Education Program.

Public Testimony:

No public testimony

Action:

Commissioner Klarquist moved to amend OAR 635-048-0005, 635-048-0010 and 635-048-0030 as proposed by staff in attachment 3. Commissioner Levy seconded the motion and the motion passed unanimously.

Exhibit F: COMMERCIAL NEARSHORE FISHERY REGULATION SETTING AND LOGBOOK REPORT

Staff Presentation:

Gway Kirchner, Interim Assistant Program Manager, asked the Commission to adopt administrative rules for the 2008 commercial nearshore fishery and rules for the 2008 commercial groundfish fishery, consistent with those adopted through the federal process. She also presented the 2006 annual logbook report.

Public Testimony:

No public testimony

Action:

Commissioner Edge moved to adopt the recommended 2008 commercial nearshore groundfish regulations and 2008 federal groundfish regulations as set out in the revised

attachment 5. Commissioner Smith seconded the motion and the motion passed unanimously.

Exhibit G: 2008 OREGON SPORT FISHING REGULATIONS FOR THE SANDY RIVER

Staff Presentation:

Rhine Messmer, Recreational Fisheries Program Manager, asked the Commission to amend rules to adopt sport fishing regulations for the Sandy River.

Public Testimony:

Senator Rick Metsger PO Box 287 Welches, OR 97067 503-986-1719	Senator Metsger testified in support of the staff recommendation.
Tom Wolf Trout Unlimited 22875 NW Clastnet Hillsboro, OR 503-640-2123	Tom Wolf testified on behalf of Trout Unlimited. He expressed concern about anglers treading on spawning beds in the area. He commented that he and Trout Unlimited were not notified of this rule change.
Brett Brownscombe Oregon Trout	Mr. Brownscombe testified on behalf of Oregon Trout. He said he was not notified of the rule change through any of the conservation boards he sits on. He asked the Commission to make a temporary rule designating the foot bridge as the boundary.
Phil Donovan ANWS	Mr. Donovan testified on behalf of the ANWS in support of the deadline change.
Mike Myrick ANWS 6730 NE 22 nd Ave. Portland, OR 503-281-6438	Mr. Myrick testified on behalf of the Sandy River Basin in support of the deadline change.
Jack Glass ANWS	Mr. Glass testified on behalf of the ANWS in support of the deadline change.
Mark Davis NW Steelheaders 14625 SW Topaz Ln. 503-330-4117	Mr. Davis testified on behalf of the NW Steelheaders in support of the deadline change.
Don Schneider PO Box 1461 Sandy, OR 97055 503-622-5372	Mr. Schneider testified in support of the deadline change.
Brent Blake 19292 Mahogany Dr. Oregon City, OR 97045 503-657-5020	Mr. Blake testified in support of the deadline change.

Dennis Richey
OR Anglers
2311 Jolie Point Rd.
West Linn, OR 97068
503-655-2077

Mr. Richey testified on behalf of the Oregon Anglers in favor of the deadline change.

Fred VanNatta
PO Box 135
Salem, OR 47308
503-910-9664

Mr. VanNatta testified in favor of the deadline change.

Todd Alsbury, District Fish Biologist, explained to the Commission the work that was done to notify the constituent groups.

Chair Rae explained that this was an extraordinary adventure where some of the tasks were done out of the ordinary because of the removal of Marmot Dam. NOAA fisheries have approved the proposal as evidenced in their letter to Rhine dated December 6, 2007.

Action:

Commissioner Edge moved to amend OAR 635-017 as proposed by staff in attachment 4. Commissioner Smith seconded the motion and the motion passed unanimously.

Adjournment

Chair Marla Rae adjourned the meeting at 3:33 p.m.