



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
April 17, 2008, 1:00 p.m.  
Oregon Department of Fish and Wildlife HQ  
3406 Cherry Ave. NE  
Salem, Oregon 97303

Meeting:  
April 18, 2008, 8:00 a.m.  
Oregon Department of Fish and Wildlife HQ  
3406 Cherry Ave. NE  
Salem, Oregon 97303

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2  
3 *Commission minutes are considered draft until approved by the*  
4 *Commission at its next meeting.*  
5

6 Notice of these meetings had been made by press release of statewide media  
7 circulation. Those attending part or all of the meeting included:  
8

Marla Rae, Chair	Bobby Levy, Commissioner
Dan Edge, Vice-Chair	Carter Kerns, Commissioner
Jon Englund, Commissioner	Skip Klarquist, Commissioner
Zane Smith, Commissioner	Laurie Byerly, Deputy Director
Roy Elicker, Director	Steve Sanders, Assistant Attorney General
Curt Melcher, Deputy Director	Casaria Tuttle, Executive Assistant
Bill Cook, Assistant Attorney General	

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11 **MEETING April 17, 2008**

12  
13 On Thursday, April 17, 2008 at 1:00 p.m., Chair Marla Rae called the Oregon Fish and  
14 Wildlife Commission (Commission) meeting to order.

15  
16 **DIRECTOR'S REPORT**

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

18  
19 Northwest Region

20 Bruce Eddy, Grande Ronde Watershed Manager, reported on big game season and tag  
21 recommendation discussions and the third annual Ladd Marsh Birdathon.

22  
23 High Desert Region

24 Chip Dale, High Desert Region Manager, reported on snowpack and reservoir  
25 conditions, Klamath late white-fronted goose season and waterfowl migration.

26  
27 Southwest Region

28 Chris Wheaton, Southwest Region Manager, reported on STEP classroom incubator  
29 projects in the region and upcoming youth angling events.

30  
31 Northwest Region

32 Steve Denney, Southwest Region Manager, reported on Rogue spring Chinook  
33 telemetry project and the Prospect hydro power re-licensing.

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Conservation Strategy

Holly Michael, Conservation Strategy Leader, updated the Commission on ODFW's participation in the Global Warming Commission's Natural Resources Committee, the upcoming strategy workshop in eastern Oregon, an Oregon Public Broadcasting documentary that will air on April 22 on amphibians in crisis workshop with the Portland Zoo.

Information and Education

Roger Fuhrman, Information and Education Administrator, reported on current marketing campaign with the Recreational Boating and Fishing Foundation and salmon closure outreach work being done by ODFW with Travel Oregon. Commissioner Kerns would like Eastern Oregon residents and Boise, Idaho residents included in the agency's outreach efforts.

Oregon State Police

Walt Markee, Captain, Oregon State Police Fish and Wildlife Division, reported on an illegal sturgeon take case and an illegally taken buck in the Prineville area.

Ocean Salmon and Columbia River Program

Steve Williams, Fish Division Assistant Administrator, briefed the Commission on City of Portland fish distribution and habitat use studies.

**Sport and Commercial Fishing on the Columbia River – Update**

Steve Williams, Fish Division Assistant Administrator, updated the Commission on sport and commercial fishing on the Columbia River. During his presentation he referred to Joint Staff Report Winter Fact Sheet No. 14. He stated that staff believes the fish run is very late this year as it has been in previous years.

Chair Rae asked about the outreach being used to keep interested persons updated. Steve Williams said he has some key constituents contacts, with whom he stays in touch. He further said the sport fishing groups that participates are very good at anticipating what is coming.

Director Elicker said Oregon has a very educated and sophisticated sport fishing public. Director Elicker asked Steve Williams about the effort shift to the Willamette River and how the agency will manage that additional effort. Steve Williams said staff will stay on top of the catch amounts and utilize the same outreach to keep the sport fishing public informed.

Commissioner Edge asked if the current catch rates are due to water conditions or due to the effort being above the I-5 Bridge. Steve Williams responded that water condition is a factor as is the density of the fish population in the area above the I-5 Bridge.

Commissioner Klarquist asked how the effort was on the lower river and what the catch numbers were. Steve Williams said the first fishery had very low participation. He said there were 84 fishermen in the April 15 fishery. Commissioner Klarquist also asked

81 about the 12 day sport fishery downriver. Steve Williams said there were times when  
82 the fishery was good and at other times the fish were hard to catch. There was  
83 inclement weather during part of that fishery, which may have hampered the catch rate.  
84

85 Commissioner Englund complimented both Oregon State Police and the department on  
86 succeeding at the fishery this year. He said the fishery was managed very well with  
87 positive thinking from both the sport fishing community and the commercial fishing  
88 community.  
89

90 Commissioner Smith asked if there would have been a possibility to have adjusted the  
91 days of the week with any confidence to continue the fishery to the April 30 objective  
92 date. Steve Williams said that was discussed. He explained that the bulk of the catch  
93 was caught in the last two weeks. He said it would have been a challenge to have met  
94 the timing through the end of the month. Commissioner Smith said the Commission did  
95 make the objective to get the fishery through April. Commissioner Smith asked about  
96 the catch rates. Steve Williams said the success was spread across the recreational  
97 fleet.  
98

99 Commissioner Edge asked about the buffer that is being held. Steve Williams said the  
100 plan was to fish the commercial fishery and hold 25 percent back in case of run size  
101 error and to try and get the sport fishery to its objective of April 30. A portion of the  
102 buffer has been used to get the recreational fishery to where it is.  
103

#### 104 **Adopt Temporary Rules**

105 Roy Elicker, Director, requested the Commission ratify the following nine temporary  
106 rules. The temporary rules were previously adopted by the director under his  
107 emergency action authority.  
108

#### 109 **635-018-0090**

##### 110 **Removal of Lake Billy Chinook Bonus Bag Limit for Kokanee**

111 Adopted March 24, 2008; effective May 1 through October 27, 2008

112 Amended rule suspends the 25 fish bonus bag limit for kokanee trout in Lake Billy  
113 Chinook from May 1 through October 27, 2008. There is a critical conservation issue  
114 arising from: 1) the present low level of kokanee in the reservoir; 2) the importance of  
115 kokanee as forage for the federally listed "threatened" bull trout species; and 3) impact  
116 on annual kokanee spawning escapement under current harvest conditions.  
117

#### 118 **635-023-0095**

##### 119 **Sport Sturgeon Fishery Closed in the John Day Pool**

120 Adopted March 24, 2008; effective March 26 through September 10, 2008

121 Amended rule prohibits the retention of sturgeon in the Columbia River and tributaries  
122 from John Day Dam upstream to McNary Dam. Revisions are consistent with Joint  
123 State Action taken March 19, 2008 by the Columbia River Compact agencies of Oregon  
124 and Washington.  
125

126 **635-005-0055**  
127 **Limited Experiment to Retrieve Derelict Ocean Dungeness Crab Gear In-season**  
128 Adopted March 25, 2008; effective March 25 through August 31, 2008  
129 Amended rule specifies conditions allowing a limited experiment to retrieve derelict  
130 commercial ocean Dungeness crab fishing gear in-season and transport it to shore.  
131 This rule was needed to allow a limited, federally sponsored experiment to test methods  
132 to retrieve commercial ocean Dungeness crab gear that is lost, damaged, abandoned or  
133 otherwise derelict in the ocean.

134  
135 **635-042-0145**  
136 **Modified Boundaries for 2008 Youngs Bay Select Area Commercial Salmon and**  
137 **Sturgeon Fisheries**  
138 Adopted March 27, 2008; effective March 30 through August 28, 2008  
139 Amended rule expands the boundaries of previously adopted commercial fishing  
140 seasons for salmon and white sturgeon in Youngs Bay Select Area fisheries.  
141 Modifications are consistent with Oregon State Action taken at the March 27, 2008  
142 meeting of the Columbia River Compact.

143  
144 **635-042-0022**  
145 **2008 Commercial Spring Chinook Tangle Net Fishery in the Columbia River**  
146 Adopted March 31, 2008; effective April 1 through September 27, 2008  
147 Amended rule allows the commercial spring Chinook fishery in the Columbia River from  
148 the west powerlines on Hayden Island upstream to Beacon Rock (Zones 4 and 5).  
149 Revisions are consistent with Joint State Action taken March 31, 2008 by the Columbia  
150 River Compact agencies of Oregon and Washington.

151  
152 **635-006-0225 and 635-006-0230**  
153 **Sales of Steelhead and Walleye by Fish Dealers, Cannery, Buyers and Retailers**  
154 Adopted April 1, 2008; effective April 1 through September 27, 2008  
155 Amended rules clarify existing restrictions on possession and sales of tribal-caught  
156 steelhead trout and walleye taken legally by Treaty Indian fishers in commercial  
157 fisheries within the Columbia River Basin. And, modifications allow the possession and  
158 sales by any wholesale fish dealer, canner, buyer or retailer in Oregon, of legally  
159 purchased steelhead trout or walleye taken from outside the Columbia River Basin,  
160 consistent with reporting requirements contained within OAR 635-006-0020.

161  
162 **635-042-0022**  
163 **2008 Commercial Spring Chinook Tangle Net Fishery Continued in the Columbia**  
164 **River**  
165 Adopted April 7, 2008; effective April 8 through September 27, 2008  
166 Amended rule extends the commercial spring Chinook tangle net fishery in the  
167 mainstem Columbia River from the west powerlines on Hayden Island upstream to  
168 Beacon Rock (Zones 4 and 5) by adding a 16-hour fishing period on April 8, 2008.  
169 Modifications are consistent with action taken April 7, 2008 by the Columbia River  
170 Compact agencies of Oregon and Washington.

171

172 **635-042-0022**  
173 **2008 Columbia River Commercial Spring Chinook Tangle Net Fishery Extended**  
174 **by 12 Hours**

175 Adopted April 14, 2008; effective April 15 through September 27, 2008  
176 Amended rule extends the commercial spring Chinook tangle net fishery in the  
177 mainstem Columbia River from the west powerlines on Hayden Island upstream to  
178 beacon Rock (Zones 4 and 5) by adding a 12-hour fishing period on April 15, 2008.  
179 Modifications are consistent with Action taken April 14, 2008 by the Columbia River  
180 Compact agencies of Oregon and Washington.

181  
182 **635-023-0125**  
183 **Recreational Spring Chinook Fishery Closure in Mainstem Columbia River Below**  
184 **Bonneville Dam**

185 Adopted April 16, 2008; effective April 21 through August 22, 2008  
186 Amended rule closes the recreational spring Chinook fishery in the mainstem Columbia  
187 River below Bonneville Dam effective at 12:01 a.m. on April 21, 2008. Modifications are  
188 consistent with action taken April 16, 2008 by the Columbia River compact agencies of  
189 Oregon and Washington.

190  
191 *Action:*

192 Commissioner Edge moved to ratify the nine temporary rules. Commissioner Levy  
193 seconded the motion, and the motion carried unanimously.

194  
195 **Expenditure Report:**

196 Laurie Byerly, Deputy Director for Administration, presented the financial report for the  
197 month ended February 29, 2008.

198  
199 Director Elicker updated the Commission on the Town Hall process. Deputy Director  
200 Laurie Byerly, Director Roy Elicker and Captain Walt Markee have been traveling  
201 around the state holding Town Hall meetings to discuss the budget with the public. He  
202 said there has been good attendance at each meeting with approximately 10 – 20  
203 people attending. With the 2009 – 2011 budget cycle the agency is at a crossroads.  
204 The agency needs a moderate license increase at this time to ward off a “train wreck”  
205 effect in 2011 – 2013. Most of the public is in favor of a modest fee increase at this  
206 time.

207  
208 Commissioner Kerns, on behalf of a constituent, would like the agency to adopt a  
209 sportspac reflecting the senior discount. Director Elicker said the agency will look at  
210 that.

211  
212 Commissioner Smith asked if there was any discussion on resident versus non-resident  
213 fees. Director Elicker stated the agency has looked at its western neighbors. He  
214 explained the agency is not trying to be the most expensive or the least expensive state  
215 to hunt or fish. He also stated that what a fair fee to charge for non-resident permits has  
216 been discussed.

217

218 Commissioner Levy said that the rigs ODFW staff drive has been brought up at  
219 meetings. She asked if the agency could alleviate some of the issues regarding fuel  
220 prices and operation of state vehicles. Director Elicker said fleet costs are always an  
221 issue, especially now with the high fuel costs. The agency does take that to heart. The  
222 agency needs to do the best it can to manage the fleet, but staff also need to be safe  
223 and have the equipment that will help them safely get their job done. Commissioner  
224 Levy asked if the agency can trade in its vehicles for more fuel efficient four wheel drive  
225 vehicles. Director Elicker said the agency does not have a lot of control by the agency  
226 since it gave up its own fleet. The agency will continue to explore its options.

227  
228 Commissioner Smith said all natural resource agencies tend to drive vehicles that are  
229 “too big”. The agency should look at more economical four wheel drive vehicles.

230 Director Elicker said the agency can give a better briefing to the Commission on fleet  
231 management if the Commission requests it.

232  
233 Commissioner Klarquist asked what kind of reaction was brought by the two-pole  
234 license proposal and if there will be a fair charge for the license. Director Elicker said  
235 the two-rod license will be used to raise some additional revenue for the agency. There  
236 has been a mixed reaction to the concept. The cost has been discussed internally,  
237 again with a mixed message on the cost issue.

238

### 239 **PUBLIC FORUM**

240 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on*  
241 *the agenda. The Commission is unable to take action on items brought to their*  
242 *attention in this forum.*

243

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Richard Hoyer  
Corvallis, Oregon

Mr. Hoyer testified that he is concerned with the manner in which the Wildlife Diversity Section administers Scientific Taking Permits. He would like the Commission to consider making changes in order to rectify this problem. Mr. Hoyer provided written documents that include a series of considerations for the Commission to change the way Scientific Take Permit applications are processed.

Chair Rae said the Commission will visit with the Wildlife Division staff and the Director’s Office. She said Mr. Hoyer will get a response.

Commissioner Edge asked that staff consider the contributions that citizen science can make to the Conservation Strategy.

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Victor Kuhns

Mr. Kuhns testified that disabled hunters are not considered in the discussions of the agency. He said the agency takes away hunting opportunities for disabled hunters. He said one of the areas disabled hunters have been put into is the Desolation Unit. The areas are closed down to ATVs, which does not allow him to access the areas for hunting. He feels the fish and wildlife

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agency has discriminated against disabled hunters. He asked the Commissioners to design a system that will help the truly disabled hunters. He said if a disabled hunter wants to go into another area to hunt, a disabled hunter should have a process to go into fish and wildlife and challenge the rule.

Commissioner Smith recommended establishing an advisory group to help review the process. Char Rae noted that the department, within the last few years, convened an advisory group to review disabled permits and related issues.

244

245 **Exhibit A: COMMISSION MINUTES**

246 The Commission considered approval of the February 2008 and March 2008  
247 Commission minutes. Commissioner Edge provided amendments to Casaria Tuttle.  
248

249

249 *Action:*

250 Commissioner Edge moved to approve the minutes of February 7 as written, February 8  
251 and March 21 as amended. Commissioner Smith seconded the motion and the motion  
252 carried unanimously.  
253

254

254 **Exhibit B: BLACK-TAILED DEER MANAGEMENT PLAN**

255 *Staff Presentation:*

256 Pete Test, Deer and Elk Coordinator briefed the Commission on the Oregon Black-  
257 tailed Deer Management Plan.  
258

259

259 *Public Testimony:*

260

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No members of the public were present to testify

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261

262 Commissioner Smith said he was left feeling uncomfortable with restoration as  
263 described on page one in the goals and objectives. He wants an objective to focus on a  
264 position objective to restore public and private lands. He explained that habitat have  
265 degraded on both types of land. The department can work with federal partners to  
266 restore the lands. He further stated on page two, the second paragraph "review  
267 committee" he would like some other level of Forest Service management who deals  
268 with overall planning, not just biologists. Page 32, bottom of page, "...however the  
269 department routinely discusses...", Commissioner Smith would like the department to  
270 do more than just have discussions. He would like active participation rather than just  
271 discussion.  
272

273

273 Commissioner Edge, on page i, suggested the goals and objectives be specifically  
274 stated in the text. He suggested adding more detail to the objectives. On page 42, he  
275 said the term "critical habitat" has connotations with the Endangered Species Act, he  
276 would recommend the use of a different term. On the proposed strategies, #4 prioritize  
277 for use of the Access and Habitat Funds. He would like to see dates in the timeline for  
278 items that have occurred in the past. Finally, he would like to see in all of the

279 department's plans that the department give thought to climate change and its effects  
280 on the species.

281  
282 Commissioner Smith suggested the Access and Habitat program provide incentive for  
283 private landowners to avoid the use of complete removal of shrubs and other materials  
284 the deer utilize in their habitat.

285  
286 *Action:*

287 No action, informational presentation.

288  
289 **Exhibit C: COMMERCIAL FISHERY PERMIT BOARD AND DEVELOPMENTAL**  
290 **FISHERY BOARD MEMBER APPOINTMENTS**

291 *Staff Presentation:*

292 DeAnna Erickson, License Services Manager and Gway Kirchner, Interim Assistant  
293 Program Manager, asked the Commission to appoint Commercial Fishery Permit Board  
294 and Developmental Fisheries members.

295  
296 Gway Kirchner noted for the Commission that Mr. Brett Hamrick did not submit his  
297 application by the deadline; staff recommended the removal of Mr. Hamrick from  
298 consideration.

299  
300 Public Testimony:

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No members of the public were present to testify

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301  
302 Commissioner Smith would like to be sure that any qualified Washington State  
303 applicants be considered for board appointments and not disqualified because of their  
304 residency.

305  
306 *Action:*

307 Chair Rae moved to appoint Jeff Salo and Dan Hyduchak for the at large; Frank  
308 Tarabochia, Gary Soderstrom and Dan Marvin for Columbia River Gillnet Salmon  
309 Fishing Industry; John Alto, Mark Newell and Barry Nelson for Ocean Troll Salmon  
310 Fishing Industry; Rex Leach, Ted Gibson and Brian Peterson for Ocean Pink  
311 Shrimp/Scallop Fishing Industry; Robert Schones, Ira Koker and Ted Gibson for  
312 Yaquina Bay Roe-Herring Fishing Industry; Thomas Nowlin, Eugene Law and Doug  
313 Westerlund for Ocean Dungeness Crab Fishing Industry; Craig Wenrick, Paul Meyer  
314 and Jeffrey Miles for Blue/Black Rockfish and Nearshore Fishing Industry; Nick  
315 Jerkovich, Jr., Ryan Kapp and Dana Furgeson for Sardine Fishing Industry; Duane  
316 Edward for Bay Clam Dive Fishery; Tim Foley, Tom Butterbaugh and Kevin Hiersche for  
317 Sea Urchin Fishery; Paul Meyer, Duane Edwards and Leonard VanCurler for  
318 Developmental Fisheries. Commissioner Edge seconded the motion. The motion  
319 carried unanimously.

320  
321 Chair Rae moved to appoint Duane Edwards and Eric Hooper for Small Vessel  
322 Operator; Scott Hartzell and Stan Schones for Large Vessel Operator; Leesa Cobb for  
323 Commercial fishing interest in general; Mike Erdman for Fish processor with greater  
324 than 50 employees; Patty Burke for Oregon Department of Fish and Wildlife; Dalton



325 Hobbs for Oregon Department of Agriculture and Brad Pettinger and Nick Furman for  
326 Ex-officio – non-voting member. Commissioner Englund seconded the motion. The  
327 motion carried unanimously.

328

329 **Exhibit D: CALAPOOYA FALL CHINOOK STEP PROPOSAL**

330 *Staff Presentation:*

331 Laura Jackson, Umpqua Fish District Biologist and Rhine Messmer, Recreational  
332 Fisheries Program Manager, and Greg Hutchco, Umpqua District STEP Biologist, asked  
333 the Commission to approve a propagation request from the Umpqua Fishermen's  
334 Association for 300,000 fall Chinook salmon (modifies an existing program).

335

336 *Public Testimony:*

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Darrell Tufly  
Umpqua Fishermen's  
Association  
302 Buckhorn Rd.  
Roseburg, Oregon  
541-673-8749

Mr. Tufly testified as the program sponsor for the  
Calapooya fall Chinook STEP proposal. He asked for  
the Commission's approval and support for the fishery.

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337

338 *Action:*

339 Commissioner Smith moved to authorize the Umpqua Fishermen's Association, under  
340 the guidance of the department's Salmon and Trout Enhancement Program, to annually  
341 release more than 100,000 juvenile fall Chinook salmon for fishery enhancement.  
342 Annual releases are not to exceed 300,000 fish. Commissioner Edge seconded the  
343 motion. The motion carried unanimously.

344

345 The Chair recessed the Oregon Fish and Wildlife Commission at 4:47 p.m.

346

347 **MEETING April 18, 2008**

348

349 On Friday, April 18, 2008 at 8:00 a.m., Chair Marla Rae reconvened the Oregon Fish  
350 and Wildlife Commission (Commission) meeting.

351

352 **Exhibit E: STEWARDSHIP OF TRIBAL LANDS AND CEREMONIAL HARVEST OF**  
353 **BIG GAME ANIMALS BY THE CONFEDERATED TRIBES OF THE**  
354 **GRAND RONDE INDIAN RESERVATION**

355 *Staff Presentation:*

356 Chris Wheaton, Northwest Region Manager, asked the Commission to adopt a  
357 proposed resolution recognizing Tribal stewardship of lands that they own and manage.  
358 The Commission will also adopt administrative rules allowing ceremonial harvest of  
359 deer, elk and bear by Tribal members under specified conditions.

360

361 Staff presented a change to Oregon Administrative Rules: name clarification replacing  
362 "Indian Reservation" with "Community of Oregon" to the Confederated Tribes of Grand  
363 Ronde name.

364

365 Chris Wheaton introduced David Lewis, The Tribe's cultural coordinator, and Kelly  
366 Dirkson, wildlife biologist for the Grand Ronde. Both outlined the work of the Tribes in  
367 wildlife management and cultural importance.

368

369 Commissioner Kerns said he though this was a great proposal and he certainly wants to  
370 support it. He asked about the recently-received letter from the Siletz tribe. Chair Rae  
371 said an attorney for the Siletz was here to discuss it.

372

373 **Public Testimony:**

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Cheryle Kennedy  
Confederated Tribes of  
Grand Ronde  
9675 Grand Ronde Rd.  
Grand Ronde, Oregon  
503-879-5211

Ms. Kennedy testified in support of the request. She thanked the Commission for entertaining the Tribe's request and working with the Tribe.

---

Jack Giffin, Jr.  
Confederated Tribes of  
Grand Ronde  
9615 Grand Ronde Rd  
Grand Ronde, Oregon  
503-876-7402

Mr. Giffin testified in support of the request. He said the Tribe is here to protect and enhance the wildlife. He commended the Governor and the Commission for bringing the process together.

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Reynold L. Leno  
Confederated Tribes of  
Grand Ronde  
PO Box 11  
Willamina, Oregon  
503-876-7402

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Mr. Leno testified in support of the request.

Catherin E. Tufts  
Siletz Indians of Oregon  
PO Box 549  
Siletz, Oregon

Ms. Tufts presented a map and read a letter from the Siletz Chair in opposition of the request. The Tribe asked that the Commission delay making a decision in the process until the Siletz and Grand Ronde Tribes have met to discuss the regulations. They also asked that the Commission consider hosting a Government to Government meeting.

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Rob Green

Mr. Green testified on the Oregon Administrative Rules. He recommended corrections to the language of the rule, section 2 delete the deadline, and on page two (d) change "each tribal member" to "a tribal member"

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374  
375 Chair Rae responded to Ms. Tufts by saying that throughout the process it was agreed  
376 that the Consent Decree would not be reopened. She said the Commission will  
377 welcome the Siletz Tribe sit down with the Commission, on a separate standing, discuss  
378 their issues and interests.

379  
380 Chair Rae restated that the Commission is not creating a treaty right with the adoption  
381 of the resolution and administrative rules. She recommended the two Tribes get  
382 together for a discussion as well as with Chris Wheaton and his staff from ODFW would  
383 be available for the meeting.

384  
385 Commissioner Kerns said he was disturbed by the conflict and feels we should have  
386 seen it coming. He stated that he will abstain from voting.

387  
388 Commissioner Smith commended the Tribe for their stewardship. He recommended an  
389 agreed consultation each year prior to readoption of the agreement.

390  
391 Chair Rae stated she will recommend removal from the administrative rules of the  
392 yearly review because it is inconsistent with the work toward a permanent plan as  
393 contemplated in the resolution.

394  
395 *Action:*  
396 Commissioner Edge moved to adopt the Resolution, as proposed by staff recognizing  
397 the outstanding stewardship by the Grand Ronde Tribe of the lands that they manage  
398 and directing staff to work with the Tribe to complete a permanent fish and wildlife  
399 management plan for the Tribe's land. Commissioner Smith seconded the motion. The  
400 motion passed with Commissioner Kerns abstaining from the vote.

401  
402 Chair Rae moved to amend Oregon Administrative Rule 635-043-0120 as proposed by  
403 staff in Supplemental Attachment 5 dated April 18, 2008 and striking the last sentence  
404 from (2) relating to the annual requirement as well as the recommended changes by the  
405 Grand Ronde Tribal council. Commissioner Smith seconded the motion and the motion  
406 passed with Commissioner Kerns abstaining from the vote.

407

408 **Exhibit F: REVISION OF OREGON ADMINISTRATIVE RULES GOVERNING**  
409 **PRIVATE HOLDING OF CERVIDS**

410  
411 *Staff Presentation:*

412 Ron Anglin, Wildlife Division Administrator, Colin Gillin, Veterinarian, and Bruce Eddy,  
413 Grand Ronde Watershed Manager, asked the Commission to adopt Oregon  
414 Administrative Rules related to Cervid propagation.

415  
416 Bill Cook, Assistant Attorney General, explained that the Commission has the authority  
417 to set these regulations according to two Oregon Revised Statutes: State wildlife policy,  
418 ORS 496.012 "...prevent serious depletion of any indigenous species..." and  
419 Propagation licenses, ORS 497.228, which states 1) May refuse license if operation  
420 "would tend to be harmful to existing wildlife populations" and 2) Any license must  
421 "insure that the propagation activities are conducted in such a manner as will not be  
422 harmful to existing wildlife populations."

423  
424 Bill Cook further reminded the Commission of the rulemaking process they entered. He  
425 said rulemaking notices were issued in late February 2008 and early March 2008; staff  
426 proposed rule amendments were sent out for public comment; and once verbal  
427 testimony is taken at this meeting (April 18, 2008), the Commission may consider final  
428 action.

429  
430  
431 **Public Testimony:**

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Al Elkins  
Oregon Hunters Association  
30490 SW Rogue Lane  
#3112  
Wilsonville, Oregon  
503-780-6824

Mr. Elkins testified that the Oregon Hunters Association has agreed to provide a portion up to 50 percent of funding to assist in paying for double fencing through a surcharge.

Director Elicker asked the Commission to keep in mind that implementing a cost share, such as Mr. Elkins suggested, takes time and requires legislative approval.

---

Dave Wiley  
Cervid Rule Advisory Group  
1430 NW Hartmann Ave.  
Sublimity, Oregon  
503-767-4901

Mr. Wiley testified in support of the recommended revision of the cervid rules proposed by staff. He feels double fencing is very important. He would like the program made fully self supporting through increased cervid license fees and the establishment of fees for license applications, new facility inspection and transportation permits.

Chuck Woosley  
PO Box 487  
Corvallis, Oregon

Mr. Woosley testified in support of the staff recommendations with the exception of the proposed policy statement and not including transfer of Type 1 licenses. He asked the Commission and department to protect the health and integrity of Oregon's native deer, native elk, the livestock industry and the public trust doctrine for wildlife.

---

Kelly Smith  
Backcountry Hunters  
18700 Bull Springs Rd.  
Bend, Oregon  
541-382-7969

Mr. Smith testified that there continues to be problems with elk ranches. He urged the Commission to reduce the number of elk ranches immediately.

---

Karen Smith  
MAD Elk  
18700 Bull Springs Rd.  
Bend, Oregon  
541-382-7969

Ms. Smith testified in favor of tighter rules and enforcement of the rules. She suggested that elk ranchers pay a larger fee for the license to fund the cost of the program.

---

Warren Aney  
Oregon Chapter of the  
Wildlife Society  
9403 SW 74<sup>th</sup> Ave.  
Tigard, Oregon  
503-246-8613

Mr. Aney testified in support of the majority of the staff proposed revisions. He stated the scientific uncertainty related to many of the issues addressed in the rules warrants a conservative approach in favor of protecting and conserving Oregon's native wildlife. The Wildlife Society offered several recommendations in writing to the Commission.

---

Alan Ross  
Oregon Elk Breeders  
Association  
PO Box 333  
Molalla, Oregon  
503-829-7107

Mr. Ross testified that the cervid ranchers are already self regulating. He asked the Commission exclude the owner from damage when an escape is caused by vandalism.

---

Kathy Simpson  
Oregon Elk Breeders  
Association  
16600 SW Lower Bridge  
Terrebone, Oregon  
541-548-5800

Ms. Simpson testified that the Commission should make their decision based on research. She asked that the Commission delay their decision and do more research.

---

Richard Patterson  
Oregon Elk Breeders  
Association  
PO Box 220  
Sisters, Oregon  
541-549-3831

Mr. Patterson testified that the rules in place right now are very good. He said breeders have been CWD disease testing their animals for 5 – 10 years.

<p>Mike Kilpatrick  North American Elk Breeders  PO Box 13  Mt. Vernon, Oregon  541-932-4455</p>	<p>Mr. Kilpatrick testified in opposition to the proposed rules. He also stated the rules need to apply to Starkey Wildlife Area.</p>
<p>Wayne Endicott  392 Q Street  Springfield, Oregon  541-746-9711</p>	<p>Mr. Endicott testified from a sportsman perspective. He said many states owe their prize bulls to specific cervid ranches.</p>
<p>Lonnie Woosley  Oregon Elk Breeders  Association  90420 Upper North Fork  Florence, Oregon  541-997-6573</p>	<p>Mr. Woosley testified that his major concern is with double fencing.</p>
<p>Steve Simpson  Oregon Elk Breeders  Association  16600 SW Lower Bridge Rd.  Terrabone, Oregon  541-548-5800</p>	<p>Mr. Simpson testified that captive animals are very healthy. He said that recommendations made by elk ranchers during the Cervid Rule Advisory Group meetings did not make it into the packet before the Commission. He asked the Commission to keep in mind the private property rights of the elk ranchers.</p>
<p>Sheldon C. Kirk  Oregon Elk Breeders  Association  PO Box 239  Weston, Oregon  541-566-3755</p>	<p>Mr. Kirk testified that ranchers should take care of their own property</p>
<p>William McCamman  PO Box 2500  Clackamas, Oregon  503-657-3657</p>	<p>Mr. McCamman asked the Commission to use common sense when making a decision. He said there is a problem with elk coming over the state's borders. He asked that the department protect all wildlife.</p>
<p>Robert Tenney  West Coast Game Park  46914 Hwy 101  Bandon, Oregon</p>	<p>Mr. Tenney testified on behalf of West Coast Game Park. He said elk ranchers have gone to great lengths to preserve the species.</p>
<p>Alan Christensen  6023 SW Texas Ct.  Portland, Oregon  503-246-0002</p>	<p>Mr. Christensen testified that elk and deer are classified as wildlife and are held in trust for the public. Cervid ranchers should be cognizant that they hold wildlife. He thinks the Commission should regulate, vigorously, the cervid ranching industry.</p>

Dan Edwards  
150 SE 10<sup>th</sup> Ave.  
Canby, Oregon  
503-263-2737

Mr. Edwards testified that the private holding and propagating of cervids is incompatible with the department's mission statement and the wildlife policy (ORS 496.012). He stated his support for all of the staff's recommendations except a series he listed in his written testimony.

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Jan Wilson  
Oregon Wild  
Eugene, Oregon

Ms. Wilson testified that MAD Elk would like to see a phase out of cervid ranches. She said the proposed transfer rules still leave a private market for licenses.

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Kelly Peterson  
Humane Society of the  
United States  
1414 SE 36<sup>th</sup> Ave.  
Portland, Oregon  
503-230-0270

Ms. Peterson testified that the Humane Society of the United States recommends phasing out elk ranches in Oregon, including: issuing no additional cervid licenses; transferring no existing cervid licenses; permitting no relocation of elk facilities; and vacating a permit if no cervids are held at the facility for 180 consecutive days. She also said the sale and export of "shooter bulls" should be prohibited.

---

Cindy Kilpatrick  
Oregon Elk Breeders  
Association  
PO Box 13  
Mt. Vernon, Oregon  
541-932-4767

Ms. Kilpatrick testified that if Oregon Fish and Wildlife wants to have the cervid ranches double fenced, the department needs to pay in full.

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Mark Rubbert  
Elk Rancher  
915 SW Rimrock Way  
#201-166  
Redmond, Oregon  
541-408-7826

Mr. Rubbert testified that the department should continue disease testing the state's elk to ensure they are as healthy as the domestic elk. He also said a necropsy should be done on any animal that dies from something other than a broken leg or slaughter.

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Don Schellenberg  
Oregon Farm Bureau  
3415 Commercial St. SE  
Salem, Oregon  
503-399-1701

Mr. Schellenberg testified that these rules create unnecessary political barriers to Oregon's cervid operations.

432  
433  
434  
435  
436  
437  
438  
439

Chair Rae recommended the decision points be made today, and then staff can finalize the rules. The final rules would be given to the Commission for final adoption at the May 2008 meeting.

Lt. Cleary gave an enforcement briefing by Oregon State Police of the cervid ranching community.

440 Commissioner Smith feels double fencing would be nice to have but everything he  
441 hears indicates there is very low probability of nose to nose disease transmission. He  
442 suggests either double fencing or fencing with electric weaving through the fence.

443  
444 Commissioner Edge would support a double fencing standard or, if sufficient, an electric  
445 fence.

446  
447 Commissioner Smith and Commissioner Levy would like to leave the electric fencing  
448 length up to staff.

449  
450 Commissioner Kerns supports double fencing and would like to see the state pay for it.  
451 He would like a year or two moratorium for the industry to seek funding from the state.

452  
453 Commissioner Englund is not for imposing double fencing.

454  
455 Chair Rae said the Commission shouldn't be dictating electric wire fencing, etc but  
456 should set minimum requirements and explore cost sharing with the Oregon Hunters  
457 Association and other legislative possibilities.

458  
459 Commissioner Edge stated that he is on board with Chair Rae's statement. He stated  
460 he is supportive of what works.

461  
462 Ron Anglin, Wildlife Administrator, said the department will need to go back and talk  
463 with the Oregon Hunters Association to confirm that a lesser standard would still be  
464 incorporated in the proposed memorandum of understanding for cost sharing the  
465 fencing.

466  
467 Commissioner Levy wants to ensure the ranches' acreage is not lessened.

468  
469 Commissioner Smith wants to ensure the ranches are not put out of business with an  
470 excessively expensive fencing requirement.

471  
472 Chair Rae said this Commission is not in any way, shape or form trying to put anyone  
473 out of business. The Oregon Legislature has already said the private holding of cervids  
474 is lawful. She continued to say that it is up to the Commission to uphold that statute but  
475 at the same time not let any harm come to wildlife in the state. The Commission is not  
476 trying to eliminate the industry. She further said, pretty consistent and enhanced  
477 enforcement will be a strong recommendation. She also said there will be no more  
478 grandfathering of ranches. The ranches must meet the standard of operation to be  
479 licensed.

480  
481 **635-049-0015: Requirement to Hold Cervids**

482 Commissioner Klarquist and Commissioner Smith requested alternative two, that a  
483 license be relinquished if the licensee does not hold cervids for more than 180  
484 consecutive days. A majority of the Commission agreed.

485



486 **635-049-0015(2)(c): Requirements for Starkey Experimental Forest**  
487 Commissioner Levy said specifically about the tame animals held at Starkey, she does  
488 not support their release, into the wild or moved to another area of the state.  
489  
490 Chair Rae stated a distinction can be made between the wild animals at Starkey and the  
491 tame animals. She does not want to limit the research that can be done with any of the  
492 animals at Starkey.  
493  
494 Commissioner Levy wants to be sure the animals at Starkey are tested before being  
495 moved to another place.  
496  
497 A majority of the Commission agreed to staff's proposed revision; the Director may  
498 exempt public agencies holding cervids from the rule's requirements upon a finding that  
499 the operation would not tend to be harmful to existing wildlife populations and would  
500 significantly benefit the public.  
501  
502 **635-049-0025(2): Import of Cervids**  
503 A majority of the Commission agreed to staff's proposed revision that importation of  
504 fetuses and embryos be allowed after department approval. Establishment of disease  
505 testing and prohibitions are included in the proposed changes. The ban on importing  
506 live cervids is maintained.  
507  
508 **635-049-0025: Export of Cervids**  
509 Commissioner Edge supported alternative 2, prohibiting the export of bulls over three  
510 years of age. He would specifically like to see "shooter bulls" in the rule language.  
511  
512 Commissioner Klarquist supported Commissioner Edge's suggestion.  
513  
514 Commissioner Smith would like to not see any shooter bulls exported. He suggested  
515 language to prohibit exporting to state's where shooter bulls are prohibited.  
516  
517 Commissioner Englund stated the Commission is out of its jurisdiction, and he believes  
518 the Commission can't limit the exportation of bulls.  
519  
520 Commissioner Kerns finds shooting captive bulls appalling. He said limiting the sale of  
521 shooter bulls is against interstate congress.  
522  
523 Commissioner Levy agreed with Commissioner Englund and Commissioner Kerns.  
524  
525 Bill Cook, Assistant Attorney General, said if the Commission adopts a ban of the export  
526 of shooter bulls, it would be defensible. He said that Oregon already has export bans  
527 on some plants and animals.  
528  
529 Commissioner Edge recommended banning shooter bulls as a threat to the fraternity of  
530 hunting. He said it won't be long before the public perception is seen as shooting  
531 animals in closed-in areas.  
532

533 Commissioner Klarquist said the Commission has a duty imposed to make a decision  
534 such as this. The decisions affect the value of wildlife; we devalue the principle of fair  
535 chase the more we see elk as livestock.

536  
537 Commissioner Smith doesn't want to allow the export of shooter bulls in any manner.  
538 He said by adopting alternative two, it may relieve adverse affects on the cervid  
539 industry.

540  
541 Richard Patterson asked that the Commission allow the breeder the ability to get out of  
542 business if necessary, which could include exporting animals of any age or size.

543  
544 Commissioner Klarquist suggested restricting the knowing sale of shooter bulls.

545  
546 Chair Rae recommended a rule to state "prohibit the knowing sale and export to an out  
547 of state shooter bull operation" be included in alternative two. A majority of the  
548 Commission agreed.

549

550 **635-049-0035: Hunting of Privately Held Cervids in Oregon**

551 The Commission agreed with the staff recommendation to continue the prohibition of  
552 hunting captive cervids in this state.

553

554 **635-049-0045: Release or Escape of Held Cervids**

555 Commissioner Kerns believes there should be an exception made when the ranch is the  
556 victim of vandalism. He said ranchers are an easy target for eco-terrorism.

557

558 Bill Cook, Assistant Attorney General, said there is a statute that makes it a crime to  
559 interfere with an agricultural institute.

560

561 Commissioner Smith supports the current rule. He feels it gives the department the  
562 latitude to seek reimbursement if necessary.

563

564 Commissioner Klarquist said alternative two seeks to give the department discretion on  
565 whether or not to seek damages.

566

567 Commissioner Edge supports alternative two.

568

569 Commissioner Smith and Commissioner Levy support alternative two.

570

571 Commissioner Kerns supports the current rule.

572

573 A majority of the Commission supported the proposed Alternative 2, which allows the  
574 state to recover costs from licensees and gives the department discretion to consider  
575 the nature, scope and environmental impact of the release or escape, as well as the  
576 promptness and cooperation of the licensee.

577

578 **635-049-0065: Requirements upon Death of Held Cervids**  
579 Commissioner Smith asked if alternative two is added to the proposed rule. Bruce Eddy  
580 responded by saying that coming up with a definition of “non-disease related death”  
581 could not be reached. Colin Gillin said you would be back to the current rule.  
582 Commissioner Smith asked if there is a way to tighten up that definition.

583  
584 The Commission agreed with the proposed revision that all deaths be reported to the  
585 department and Oregon Department of Agriculture within 24 hours of discovery. This  
586 proposal also incorporates the Chronic Disease Surveillance List to be developed.

587  
588 **635-049-0065: Requirements Upon Death of Held Cervids**  
589 Following discussion of bone piles and disease testing requirements, the Commission  
590 agreed with the proposed revision to impose no additional requirements upon the death  
591 of held cervids.

592  
593 **635-049-0075: Genetic Requirements**  
594 The Commission agreed with the proposed revision that the license specify the species,  
595 subspecies and/or hybrid that can be held and that the licensee, upon demand, must  
596 verify genetics of calves and fawns. The proposal allows the department to test the  
597 genetics of any captive cervid.

598  
599 **635-049-0085: License Term and Renewal**  
600 Commissioner Smith said if there is a stable industry the ranches should be offered  
601 some kind of term. If the ranches breach the terms of their permit then they relinquish  
602 their permit, otherwise they keep it.

603  
604 Chair Rae said the ranches could operate as long as they stayed in compliance with the  
605 law.

606  
607 Commissioner Smith would like to have strict enforcement. If someone is a repeat  
608 offender then their license should be pulled.

609  
610 The Commission agreed with the proposed revision that licenses must be renewed  
611 annually and is valid as long as the licensee complies with the requirements of Division  
612 049.

613  
614 **635-049-0085: Relating to Licensee**  
615 Commissioner Kerns preferred the permit be issued to an individual.

616  
617 Commissioner Klarquist is concerned with the aspect of transferability.

618  
619 A majority of the Commission agreed with the proposed revision that a license holder  
620 can be an individual, partnership, corporation or other legal entity and that a license is  
621 specific to a holder and facility.

622

623 **635-049-0135: Herd Density**  
624 The Commission agreed with the proposed revision that the rules need not address  
625 herd density.

626  
627 **635-049-0145: Meat and By-Products**  
628 The Commission agreed with the proposed revision and chose to adopt OAR 635-049-  
629 0145 at the April 18, 2008 meeting.

630  
631 **635-049-0165(3)(a): Number of Type 1 Licenses Available**  
632 Bill Cook, Assistant Attorney General, said the number of commercial and exhibition  
633 licenses is limited at 16. The Commission is not obligated to issue all 16 licenses.

634  
635 Commissioner Smith said that he understood that if a license were terminated or  
636 vacated it would be up to the discretion of the director whether or not to reissue it.

637  
638 Chair Rae asked if “non-elk Type 1 licenses...” are the three zoo licenses? Bruce Eddy  
639 said they belong to other facilities. The zoo licenses would fall under scientific licenses.

640  
641 Commissioner Klarquist asked that alternative three be added to whatever the  
642 Commission chose to adopt, retiring the license when it becomes available.

643  
644 Commissioner Smith said the retirement of Type 1 licenses should be left to the  
645 discretion of the director.

646  
647 Chair Rae stated that with the proposed revision, the Commission is trying to maintain  
648 the status quo. As long as the Oregon Legislature says propagation licenses are  
649 allowed in Oregon, it is the Commission’s responsibility to implement the statute.

650  
651 Commissioner Kerns supports alternative two, increasing the number of licenses  
652 available.

653  
654 A majority of the Commission agreed with the proposed revision allowing 16 Type 1  
655 licenses.

656  
657 **635-049-0185: Lottery for Licenses for Commercial or Exhibition Purposes**  
658 Bill Cook, AAG, explained the difference between the current rule and the proposed  
659 revision. He explained that the staff revision is limited to the commercial and exhibition  
660 license.

661  
662 The Commission agreed to remove alternative four as a possibility.

663  
664 Commissioner Smith stated that he is against lottery systems. He said people should  
665 be invited to apply and be chosen on merit.

666  
667 Commissioner Klarquist would support alternative two.

668  
669 The Commission agreed that the department will decide on merit requirements.

670

671 **635-049-0255: Cervid Marking**

672 Commissioner Smith stated that he would like to give field staff discretion on tagging  
673 elk.

674

675 Commissioner Levy supports the requirements in the current rule.

676

677 The Commission agreed to clean up the current rule.

678

679 **635-049-0265: Transport of Cervids among Licensed Facilities**

680 The Commission agreed with the proposed revision that moving captive cervids  
681 between licensed facilities requires a permit be issued by the department.

682

683 **635-049-0275: Requesting Changes to a License**

684 Commissioner Levy supports the current rule

685

686 Commissioner Klarquist stated his concern that the business would be transferred  
687 rather than just the license.

688

689 Bill Cook, Assistant Attorney General, said, in response to Commissioner Klarquist, the  
690 transfer of business rather than the license currently happens.

691

692 Commissioner Klarquist said it would be in the department's interest to restrict the  
693 transfer of a license or revoke the license in the event of a transfer.

694

695 Chair Rae suggested that a substantive transfer, if a change in the business ownership  
696 occurred, would require approval by the department.

697

698 The proposed revision will incorporate the change in ownership or facility location  
699 requiring department approval.

700

701 **635-049-0285: Decommissioning**

702 Commissioner Levy suggests allowing the licensee to petition the department to remove  
703 perimeter fencing after a certain amount of time.

704

705 Commissioner Smith does not want to allow the licensee to petition the department to  
706 remove perimeter fencing after a certain amount of time prior to the required time. He  
707 doesn't object to a certain time limit.

708

709 Commissioner Levy suggesting adding the language "on a case by case basis".

710

711 Chair Rae said site specific conditions will be incorporated in the rule change.

712

713 **635-049-0295: Security Requirement**

714 Commissioner Edge is in favor of the proposed revision to require bonding, business  
715 insurance or some other form of security. He is not clear if bonding is available or what  
716 the "other form of security" is.

717  
718 Bill Cook, Assistant Attorney General, stated that other state agencies require some  
719 form of financial security. It is open ended; the department needs proof of financial  
720 security.  
721  
722 Bruce Eddy stated the applicant lays out what they think needs to be done, that is the  
723 basis for acquiring the bond.  
724  
725 Chair Rae stated she is not comfortable making a bonding requirement at this time.  
726  
727 Commissioner Klarquist is concerned the department may not know what is available.  
728 Before adopting a rule, he said the Commission and department need to know what is  
729 available.  
730  
731 The Commission agreed not to take action at this time but to further explore the  
732 availability of financial securities available.  
733  
734 **635-049-0001: Policy Statement-**  
735 Commissioner Klarquist is not concerned about the way the current licensees are  
736 conducting their operations except for the fencing. He is concerned with having wild  
737 animals held as livestock.  
738  
739 Commissioner Edge is in agreement with the current rule stating the Commission's  
740 opposition to private ownership and commercial use of native cervids.  
741  
742 Commissioner Smith suggested tweaking the proposed revision to remove the word  
743 "unregulated".  
744  
745 Commissioners Levy, Englund, Smith and Rae were in favor of changing the language  
746 to include the word "concerned".  
747  
748 Commissioners Klarquist and Edge were in favor of leaving the language with the word  
749 "opposed".  
750  
751 Commissioner Kerns is in favor of adding the word "promote".  
752  
753 Commissioner Levy asked about the license fees. She proposed basing a fee on the  
754 number of animals the ranch holds their license for. Commissioner Smith concurred.  
755  
756 Chair Rae said the fee issue will be taken up in the Town Hall process and the Budget  
757 process.  
758  
759 Director Elicker noted Commissioners Levy and Smith's fee comment as official public  
760 comments.  
761  
762 Chair Rae noted that Commissioner Klarquist has concerns with the specific proposed  
763 rules before the Commission today. Moreover, she said, the precise proposed rules in

764 the Commission packet does not incorporate today's decisions. The Chair closed the  
765 public comment period.

766

767 The rules as the Commission has asked will come to the Commission at their May  
768 meeting. The Commissioners will work with counsel to ensure the rule language  
769 incorporates today's direction.

770

771 **Sale of Elk Meat**

772

773 *Action:*

774 Chair Rae moved to amend Oregon Administrative Rule 635-200-0090. Commissioner  
775 Edge seconded the motion and the motion carried unanimously.

776

777 **Exhibit G: FINAL DRAFTS OF THE 2008 KLAMATH AND LADD MARSH**  
778 **WILDLIFE AREA MANAGEMENT PLANS**

779 *Staff Presentation:*

780 Nancy Breuner, Habitat Biologist, asked the Commission to adopt goals and objectives  
781 of the 2008 Klamath and Ladd Marsh Wildlife Area plans and amend goals and  
782 objectives in the Oregon Administrative Rules.

783

784 Public Testimony:

---

No members of the public were present to testify

---

785

786 Commissioner Smith stated his pleasure with the final drafts and hopes that action  
787 plans come out of the goals.

788

789 Commissioner Edge suggested since in Goal 3 for both plans the same format is used  
790 add "and habitat management objectives" to 3.2 on each plan. Also specifically list the  
791 Ladd Marsh Birdathon as a specific partnership.

792

793 *Action:*

794 Commissioner Edge moved as amended to adopt the goals and objectives of the 2008  
795 Klamath and Ladd Marsh Wildlife Area Management plans and amend Oregon  
796 Administrative Rule Chapter 635 Division 008 as proposed by staff in attachment 6.  
797 Commissioner Smith seconded the motion and the motion carried unanimously.

798

799 **Exhibit H: TAKE OF WILD BIRDS INCLUDING NESTS AND EGGS**

800 This item will be rescheduled at a future meeting.

801

802 **Exhibit I: 2008 OCEAN SALMON REGULATIONS FOR NEARSHORE WATERS**  
803 **AND COLUMBIA RIVER AREAS**

804 Commissioner Englund declared a potential conflict of interest in that his business has  
805 dealings with both the commercial and sport salmon fisheries.

806  
807 *Staff Presentation:*

808 Ron Boyce, Ocean Salmon and Columbia River Program Manager, asked the  
809 Commission to adopt Oregon Administrative Rules establishing regulations for sport  
810 and commercial salmon seasons in the Pacific Ocean and Columbia River.

811  
812 Public Testimony:

---

No members of the public were present to testify

---

813  
814 *Action:*

815 Commissioner Edge moved to adopt 2008 ocean sport and commercial salmon  
816 seasons as proposed by staff in the revised attachment 5. He also moved to adopt the  
817 Chinook bag limit, season structure and closed areas for the Buoy 10 and lower  
818 Columbia River recreational fisheries as proposed by staff in the revised attachment 5.  
819 Commissioner Levy seconded the motion. The motion carried unanimously.

820  
821 **Exhibit J: CRIMINAL HISTORY BACKGROUND CHECKS**

822 *Staff Presentation:*

823 Roxie Burns, Human Resources Administrator, asked the commission to adopt rules  
824 relating to the criminal history background checks in compliance with House Bill 2157  
825 (2005 Legislative Assembly).

826  
827 Public Testimony:

---

No members of the public were present to testify

---

828  
829 *Action:*

830 Commissioner Edge moved to adopt Oregon Administrative Rule Chapter 635, Division  
831 600 as proposed in Attachment 3. Commissioner Smith seconded the motion and the  
832 motion passed unanimously.

833  
834 **Adjournment**

835 Chair Marla Rae adjourned the meeting at 5:55 p.m.