



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
June 5, 2009 – 8:00 a.m.  
Oregon Department of Fish and Wildlife  
*Commission Room*  
3406 Cherry Avenue N.E.  
Salem, OR 97303

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

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

- |                              |  |
|------------------------------|--|
| Marla Rae, Chair             | Roy Elicker, Director                            |
| Dan Edge, Vice-Chair         | Tom Ruddiman, Deputy Director for Administration |
| Bobby Levy, Commissioner     | Manny Farinas, Interim Deputy Director           |
| Carter Kerns, Commissioner   | Bill Cook, Assistant Attorney General            |
| Jon Englund, Commissioner    | Steve Sanders, Assistant Attorney General        |
| Skip Klarquist, Commissioner | Teri Kucera, Executive Assistant                 |
| Zane Smith, Commissioner     |  |

Chair Marla Rae opened the Friday, June 5, 2009, Oregon Department of Fish and Wildlife (ODFW) Commission meeting at 8:00 a.m. She noted that today's meeting is the last meeting for Manny Farinas as the Interim Deputy Director.

Manny Farinas said the last few months had been a wonderful experience. He thanked Chair Rae and the Commission for the opportunity to serve as Interim Deputy Director.

Chair Rae said that Commissioner Dan Edge was delayed and would arrive shortly.

## **DIRECTOR'S REPORT**

### **Field Reports**

#### Northeast Region

Craig Ely, Region Manager, said the fourth annual Ladd Marsh Birdathon was held May 8-10 with 252 registered participants, up considerably from past years. He said there were 63 youth participants, and 97 registered guests. The event is attracting people from all over the state, as well as Washington and California.

#### High Desert Region

Chip Dale, Region Manager, said on May 24 the Oregon State Police called and requested assistance with a black bear within Klamath Falls' city limits. Dale said staff completed the initial planning process for the Mule Deer Initiative for the Maury, Warner and Steens Wildlife Management Units; he expects draft plans to be completed for Region review by mid-June. He talked about transferring 119 mountain quail to the Trout Creek Mountains to supplement the 111 survivors of last year's release.

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Northwest Region

Chris Wheaton, Region Manager, discussed concerns over bears and cougars statewide. ODFW has developed a program to educate the public about how to prevent problems while living around wildlife. Concerning Mid-Coast fish surveys, he said steelhead spawning activity is nearing the end of the season, with a decent showing this year. Coho smolt abundance at traps appears to be strong so far this spring. Wheaton reported on the use of Shellfish Funds to provide access to clam flats in Tillamook Bay.

Southwest Region

Russ Stauff, Acting Manager, reported that elk in Coos Bay are causing a public safety issue. Staff is working with local officials and the Coquille Tribe to alleviate the problem. He reported on recent angling opportunities for Diamond Lake and The Rogue above Lost Creek Reservoir, and discussed the release of fingerlings in Howard Prairie Reservoir. Stauff discussed a beaver radio telemetry study that evaluates beavers relocated into stream reaches that are selected from existing stream habitat surveys.

Marine Resources Program

Caren Braby, Program Manager, gave an update on the Shellfish Program, which has enjoyed several years of growth and productivity, due largely to the recreational shellfish license, passed in 2004. She distributed several brochures on crabbing and clamming activities for the public. Braby reported that in 1967, ODFW biologists planted 5,600 red abalone juveniles in Whale Cove to establish a self-sustaining population. She said staff found three adult red abalone in Whale Cove and now know that these animals can survive in these habitats and can sustain themselves in Whale Cove.

Oregon State Police Fish and Wildlife Division

Captain Walt Markee, Division Director, reported on treed bears in Ashland and Klamath Falls that were tranquilized and released into the wild. Several agencies were involved in the removal and release of these animals.

Conservation Strategy

Holly Michael, Policy and Special Projects Coordinator, received a call from Marty St. Louis, Summer Lake Area Wildlife Manager, who has been conducting some marsh bird surveys and who detected yellow rail during the surveys. She said there are only about 250 pairs in Oregon found east of the Rockies, so any new pairs that are found are very important observations for this species. She commended Marty and his team.

Information and Education

Roger Fuhrman, Division Administrator, reported that more than 30 Free Fishing events are scheduled statewide for the first weekend in June; a complete list of events is available on the agency website. He said this morning he received preliminary results from a collaborative project with the Oregon State Marine Board that was looking at the connection between boating registration and fishing license sales. The Marine Board targeted people who had not re-registered a boat. There is a strong indication that people's fishing habits will determine whether they register their boat or not.

1 Chair Rae commended Tom Ruddiman, Curt Melcher and Director Roy Elicker for their  
2 hard work on the Department's budget with the 2009 Legislature.

### 3 4 **Expenditure Report**

5  
6 Tom Ruddiman, Deputy Director for Administration reported on the period ended April  
7 30, 2009. He said department-wide, the revenue and expenditures are holding the line  
8 within budgeted projections. He said final numbers for Controlled Hunt sales are not yet  
9 available since the tag sale deadline of May 19 was moved and extended to June 1,  
10 2009. At Chair Rae's request, Ruddiman gave an update on recent Point of Sale issues.  
11 He said the Director's Office and others met with the vendor on June 3, who is  
12 committed to have a work plan within three to four weeks.

### 13 14 **Adopt Temporary Rules**

15  
16 Interim Deputy Director Farinas requested the Commission ratify the following 11  
17 temporary rules. The temporary rules were previously adopted by Director Elicker under  
18 his emergency action authority.

#### 19 20 **635-021-0090**

##### 21 **Powder River Sport Spring Chinook Fishery**

22 Adopted May 15, 2009; effective May 30, 2009 through September 1, 2009.

23 Amended rule allows the sport harvest of out-planted spring Chinook salmon in the  
24 Powder River from Saturday, May 30 through September 1, 2009. This amendment  
25 allows sport angling opportunities to harvest spring Chinook which have been out-  
26 planted specifically for this purpose. Failure to adopt this rule would result in serious  
27 prejudice to the fishing public as it would deny them an opportunity to harvest this  
28 valuable resource.

#### 29 30 **635-005-0055**

##### 31 **Number of Derelict Ocean Dungeness Crab Pots Allowed in Possession** 32 **Increased**

33 Adopted May 18, 2009; effective May 29, 2009 through August 28, 2009.

34 Amended rule provides expanded opportunity for commercial ocean Dungeness crab  
35 permit holders to retrieve derelict crab pots found in the ocean from six, previously  
36 allowed, to 50. Commercial fishermen may retrieve up to 50 Dungeness crab pots not  
37 belonging to their vessel each fishing trip, provided the pots are un-baited, no crab from  
38 these pots is retained, and they document the activity in their logbook.

#### 39 40 **635-039-0085**

##### 41 **Ocean Sport Pacific Halibut Closure from Leadbetter Point, WA to Cape Falcon,** 42 **OR**

43 Adopted May 22, 2009; effective May 22, 2009 through August 6, 2009.

44 Amended rule closes the sport fishery for Pacific halibut in the area between Leadbetter  
45 Point, Washington and Cape Falcon, Oregon at 11:59 p.m. on Friday, May 29, 2009  
46 when the quota of 11,014 pounds is projected to have been taken. This rule is  
47 consistent with regulations that have been implemented by the federal government and

1 the International Pacific Halibut Commission for the 2009 Oregon recreational fishery for  
2 Pacific halibut.

3  
4 **635-023-0134**

5 **Open the Snake River Spring Chinook Sport Fishery Below Hells Canyon Dam**

6 Adopted May 26, 2009; effective May 30, 2009 through July 12, 2009.

7 Amended rule opens a spring Chinook fishery on the Snake River in the area from Dug  
8 Bar Boat Ramp upstream to the deadline below Hells Canyon Dam. The fishery begins  
9 May 30, 2009 to run seven days per week, until further notice.

10  
11 **635-041-0076**

12 **Allow Sales of Additional Species Caught During Columbia River Treaty Tribal Salmon**  
13 **Fisheries**

14 Adopted May 26, 2009; effective May 27, 2009 through July 31, 2009.

15 Amended rule allows, in addition to species authorized at the May 13, 2009 Compact  
16 meeting, the sale of sockeye and coho salmon, catfish, yellow perch and bass caught  
17 during the Treaty Tribal spring salmon fisheries in the Columbia River mainstem and  
18 Washington tributaries beginning at 6:00 a.m. Wednesday, May 27, 2009.

19  
20 **635-042-0110**

21 **2009 Commercial Shad Seasons for the Columbia River**

22 Adopted May 26, 2009; effective June 1, 2009 through June 19, 2009.

23 Amended rule sets the 2009 commercial shad seasons for the Columbia River below  
24 Bonneville Dam. Modifications are consistent with the action taken May 26, 2009 by the  
25 Columbia River Compact agencies of Oregon and Washington.

26  
27 **635-016-0090**

28 **Modifications to Southwest Zone Sport Chinook Salmon Regulations for the**  
29 **Rogue River**

30 Adopted May 27, 2009; effective June 1, 2009 through July 31, 2009.

31 Amended rule maximizes the spawning escapement of naturally-produced adult spring  
32 Chinook, while continuing to allow opportunities for harvest of hatchery-produced spring  
33 Chinook and naturally-produced jack Chinook.

34  
35 **635-060-0009**

36 **Successful Applicants**

37 Adopted May 27, 2009; effective May 28, 2009 through November 16, 2009.

38 On May 14 rules were amended to change the application deadline date for pronghorn  
39 antelope, bighorn sheep, Rocky Mountain goat, deer and elk from May 15 to June 1,  
40 2009. This rule amendment is needed to update the tag sales date from June 20 to July  
41 1, 2009 in order to accommodate the amended application deadline date.

42  
43 **635-021-0090**

44 **Sport Chinook Fisheries on the Imnaha and Wallowa Rivers**

45 Adopted May 29, 2009; effective June 13, 2009 through September 1, 2009.

46 Amended rule allows the sport harvest of adipose fin-clipped adult and jack Chinook  
47 salmon, in excess of ODFW's natural production needs, in the Imnaha and Wallowa

1 rivers. These fisheries are scheduled for the period Saturday, June 13 through Sunday,  
2 July 12, 2009.

3  
4 **635-018-0090**

5 **Lower Deschutes River Sport Fall Chinook Fishery**

6 Adopted June 1, 2009; effective August 1, 2009 through October 31, 2009.

7 Amended rule allows the sport harvest of fall Chinook salmon in the Lower Deschutes  
8 River starting August 1, 2009.

9  
10 **635-023-0095**

11 **Sport Sturgeon Fishery Closes in Bonneville Reservoir**

12 Adopted June 3, 2009; effective June 6, 2009 through October 9, 2009.

13 Amended rule prohibits retention of white sturgeon in the Columbia River and tributaries  
14 from Bonneville Dam upstream to The Dalles Dam effective at 12:01 a.m. on Saturday,  
15 June 6, 2009. Revisions are consistent with Joint State Action taken by the Columbia  
16 River Compact states of Oregon and Washington on June 3, 2009.

17  
18 Chair Rae asked for a motion.

19  
20 *Action: Commissioner Smith moved to adopt the 11 temporary administrative*  
21 *rules. Commissioner Kerns seconded the motion. The motion was passed by an*  
22 *aye vote from Levy, Klarquist, Englund, Kerns, Smith and Chair Rae.*  
23 *Commissioner Edge was absent.*

24  
25 **PUBLIC FORUM**

26  
27 Chair Rae stated that no one had signed up for the Public Forum. She announced that  
28 the Pride Award Recognitions would be held just before lunch. .

29  
30 **Exhibit A: COMMISSION MINUTES**

31  
32 Chair Rae asked if there were any questions or edits to the May 15, 2009 minutes.

33  
34 Commissioner Klarquist said during the May 15 meeting, he queried the adoption of the  
35 sequence of two amendments to temporary rule 635-060-008 that extended the  
36 controlled hunt application deadline. His comments were quoted in the minutes, but the  
37 second amendment of the rule extending the deadline (from May 15 to June 1) was not  
38 listed. Since he applied after May 19, he asked that the minutes be revised to reflect the  
39 second extension. He said the motion mentioned ten temporary rules and only nine  
40 were listed in the minutes.

41  
42 After discussion, Chair Rae stated that the May 15 minutes will be amended to include  
43 the second amendment of temporary rule 635-060-0008 that extends the controlled  
44 hunt application deadline from May 19 to June 1. She asked counsel to confirm if the  
45 Commission could do it that way. Assistant Attorney General Bill Cook answered yes.  
46

1           Action: Commissioner Smith moved to adopt the minutes of the May 15, 2009  
2           Commission meeting as amended. Commissioner Klarquist seconded the  
3           motion. The motion passed. Voting aye were Levy, Klarquist, Englund, Kerns,  
4           Smith and Chair Rae. Commissioner Edge was absent.  
5

## 6           **Exhibit B: 2009-2010 BIG GAME REGULATIONS**

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8           **Chair Rae declared a potential conflict of interest on this matter, as her family is**  
9           **enrolled in the Landowner Preference Program (LOP).**

10  
11           **Commissioner Carter Kerns said he also is enrolled in the LOP, and declared a**  
12           **potential conflict of interest.**

13  
14           **Commissioner Bobby Levy also declared a potential conflict of interest as her**  
15           **family also holds Landowner Preference tags.**

16  
17           Chair Rae noted the three declarations for the record, and said it does not prevent any  
18           member declaring such a potential conflict from participating in the discussion or voting  
19           on the matter.  
20

21           Tom Thornton, Game Program Manager, introduced staff biologists Don Whittaker and  
22           Pete Test. He presented staff's recommendations, in concept, for the proposed 2010  
23           big game and western gray squirrel season dates, open areas, dates and locations of  
24           cooperative travel management areas, and controlled hunts. If adopted by the  
25           Commission, these proposals will return in OAR format for final consideration by the  
26           Commission at their October 2, 2009 meeting. He also discussed public input and how  
27           it has affected policy, such as hunters requesting use of hounds, extending the check-in  
28           period for cougar and bear, changing the spring bear from a controlled hunt to a limited  
29           over-the-counter tag, and implementation of late season mule deer hunts. He discussed  
30           the Mule Deer Initiative (MDI) and five action plans being developed at District level.  
31

32           Thornton said staff proposes that the Commission make permanent, a temporary rule  
33           that created a process for the Director to reinstate the preference points of a person  
34           unable to participate in a controlled hunt due to circumstances or tragic personal  
35           circumstances beyond their control.  
36

37           Thornton discussed Hunting Seasons and Species Specific Information, and  
38           recommendations for controlled hunt tag numbers for spring bear, cougar, bighorn  
39           sheep, and rocky mountain goats. He noted a change in Attachment 4, page 17, Table  
40           1, Bull Elk Hunts. He said on the Sixes Unit No. 1 and No. 2, the number of proposed  
41           tags is 125 (table says 130). Staff recommends revising that proposal to 100 tags. He  
42           said last year there were 85 tags in each of those hunts.  
43

44           Chair Rae asked the Commission for any comments or questions.  
45

46           Commissioner Kerns questioned the muzzle loaders season for elk in the East Grant  
47           and Murderers Creek area. A constituent contacted him and felt that the end of the

1 muzzle loaders season, around October 23, is too close to the start of the rifle season  
 2 on October 28. Kerns said he would make a motion to give more distance there, or  
 3 move the muzzle loaders season to December/January in conjunction with other muzzle  
 4 loaders seasons. He asked staff if they had a preference: that the muzzle loaders  
 5 season for East Grant is set back a couple weeks so as not to conflict with the rifle  
 6 season; or have it moved to December or January.

7  
 8 Kevin Blakely, Watershed Manager in Pendleton, said the majority of the hunters want  
 9 to hunt in the earlier period because of access to the different portions of that hunt area.  
 10 For muzzle loaders it provides more close quartered hunting to the elk at the onset of  
 11 winter. He said from visiting with district biologists, earlier would be better than later.

12  
 13 Commissioner Kerns said he would make that motion. Chair Rae noted it for the record.

14  
 15 **Commissioner Dan Edge arrived at the meeting at 9:05 a.m.**

16  
 17 Chair Rae moved to public testimony. She noted that Joe Hobbs and Joe Kirk from the  
 18 Klamath Tribes were in the audience and asked them to come forward.

19

Joe Hobbs Klamath Falls, OR	Joe Hobbs respectfully declined to comment, but said he had issues he would like to discuss later.
Ken Hand Klamath Falls, OR	Ken Hand, Regional Director of Mule Deer Foundation, supports the added youth hunts for elk but is concerned about the season length. He would like the season shortened to the end of November to allow hunting on Thanksgiving weekend. He said the majority of hunters he talks to (at sports shows) see more white tail than mule deer. He asked to open up Northeast Oregon to a limited number of tags. He also spoke at the October 2008 Commission meeting about buying a second cougar tag, but still has heard nothing and believes it needs to be looked at. He said the department should also look at hair loss syndrome on black tail deer. He agreed the muzzle loader season should be moved.
Dawn Hall Turner, OR	Dawn Hall, a native Oregon citizen, doesn't hunt or fish but does participates with her family of hunters every year. They hunted in the Grizzly Unit; at the end of 2007, they went elk hunting in the Ochoccos Unit and camped by Hamilton Butte. She discussed a hunter with a truck and dogs, who drove to the next butte and turned loose his dogs. He did this three days in a row. She believes the man ran all the animals off the hill. In 2008, they camped in the west end of the Maury Unit. She said outfitters were scouring the mountainside because six of their cattle got loose; they were also trying to push two bucks down to their property. She believes the LOP program is being abused and would like to see it discontinued in lieu of organized emergency hunts. She expressed concern over grazing problems and enabling the elk to

	<p>continue grazing in their habitat. Her family of hunters has been pushed out of the area.</p> <p>Chair Rae asked her to visit with Craig Ely and Chip Dale about accessing private lands to hunt.</p>
<p>Mike Morris West Linn, OR</p>	<p>Mike Morris provided colored spreadsheets to help compare mule deer populations between 2006 and 2009, and to project populations through 2012. He said mule deer populations have been decreasing throughout Eastern Oregon for over 30 years, and there is reason to believe the decrease will continue. He said the department responds by decreasing tag numbers. Oregon's buck population is at 60% of management objective. There are no longer any excess mule deer in Oregon. He asked the Commission to approve his proposal for tag numbers but impose a five-day rifle season on the 14 units (in his handout) with a buck ratio of less than 50%, for October 3-7, 2009, and a ten day bow season on these units from August 29 – September 7, 2009. For the 2010 season, he asked the Commission to enact a rule that all units below 50% of management objective in buck population and/or total deer population will have a five day rifle season and 10-day bow season the following year. He said the 2003 Mule Deer Management Plan contains an objective that the staff and Commission will reduce the number of hunting days for big game species. He is not aware of a single unit in which that has occurred; in many units there are more hunting days. He proposed starting the hunting season before school starts, in order to accommodate youth hunters.</p>
<p>Dennis Carlson Hood River, OR</p>	<p>Dennis Carlson said a couple of weeks ago he wrote to each Commissioner with a proposal to allow dogs on leash to track wounded big game. He received responses from Commissioners Englund and Smith. He is here to respond to any questions from the Commission.</p> <p>Commissioner Smith and said it would be a problem for law enforcement to determine what was going on. He endorsed Carlson's thought about tracking wounded animals.</p> <p>Chair Rae asked Tom Thornton to make comments to Mr. Carlson during the Commission's break.</p>

1  
2 Chair Rae asked staff to comment on Commissioner Kern's comments that the end of  
3 muzzle loader season is too close to the rifle season. Thornton said staff would take  
4 Commissioner Kerns' recommendation and Mr. Hand's comments into consideration  
5 and work with the regions to finalize those proposals for the October 2 meeting.  
6



1 Commissioner Smith said the timing of the muzzle loaders season caused the bull elk  
2 and buck deer to move away. He asked staff to make sure that is part of the concept  
3 when they develop the final rules. Thornton agreed to consider his comments.  
4

5 Chair Rae asked staff to respond to white tail hunts, as referred to by Ken Hand.  
6 Thornton said staff considered other options; he said white tail deer numbers have  
7 expanded. Blakely talked about ownership issues and access, and said there are a lot  
8 of hunters that target white tail deer; those hunts spread out a lot of opportunity.  
9

10 Chair Rae asked Thornton to address comments made about exploring options for a  
11 second cougar tag. Thornton said staff is still taking public comments and will address  
12 this issue again in October, if they have a proposal.  
13

14 Chair Rae asked for Thornton's comments regarding the hair loss syndrome. He said  
15 different exotic louse have been found on mule deer in Central Washington, but it is  
16 certainly a concern that it might move into Oregon.  
17

18 Chair Rae asked Thornton to address running dogs in a search pattern to displace the  
19 wildlife, and the use of search dogs to search for wounded wildlife. Thornton said staff  
20 receives public complaints about private ranchers, dogs, or an airplane tracking the  
21 animals onto private land, but it is very tough to respond after the fact. Concerning use  
22 of dogs to trail big game, he said it is not allowed in eight western states surveyed but is  
23 permitted in California and Texas. He talked about disturbance of other hunters;  
24 disturbance of deer and elk during rut; the cost and controversy of implementation; and  
25 enforcement. He said the recommendation is no change.  
26

27 Commissioner Klarquist said Mr. Morris suggested there is an opportunity to test the  
28 effectiveness of different plans. He asked if staff had considered this. Thornton  
29 responded that the MDI units have not yet gone through regional or division reviews. If  
30 they do too many things in one area, it masks the effect.  
31

32 Commissioner Edge said the MDI is an opportunity to do a management experiment.  
33 He believes reducing tags or shortening the season is good, simple experiment that  
34 would provide some numbers faster than any other way. He asked staff for comments.  
35

36 Chair Rae asked Commissioner Kerns if he would make a motion since the muzzle  
37 loader rifle season will be back before the Commission in October. Commissioner  
38 Kerns said no. He noted 2009 Hunt #265M - East Grant and suggested that staff move  
39 the proposed dates to October 9 through October 16. Chair Rae asked Thornton if he  
40 had flagged that hunt number so the Commission could discuss it again in October.  
41 Thornton said he had a calendar and noted that's the muzzle loader hunt. He said  
42 moving it that early would overlap with the rifle hunt; a 12-day season. Commissioner  
43 Kerns said the hunt begins October 28.  
44

45 Chair Rae said the Commission would let staff work out the details of the dates and time  
46 and come back with a proposal later, in order to not overlap. Thornton agreed.  
47

1 Thornton referred to Commissioner Edge's comments about the MDI and said staff  
2 keeps track of buck numbers, and harvests very few antler-less animals. He said  
3 reducing the buck harvest will have very little effect on the overall population, as long as  
4 antler-less hunts don't expand.

5  
6 Chair Rae noted the change in revised Attachment 4, related to tag numbers in bull elk  
7 hunts, Sixes Unit No. 1 and No. 2. She said the change is from 130 tags in each of  
8 those units to 100 tags. She stated the recommended motion also makes the temporary  
9 changes permanent in the preference point reinstatement process; that motion would  
10 incorporate that change discussed at an earlier meeting.

11  
12 *Action: Commissioner Edge moved to amend OAR Chapter 635, Divisions 065,*  
13 *067, 068, 069, 070, 071, 073 and 075 as proposed by staff in the revised*  
14 *Attachment 4; and approve in concept the staff proposals for the 2010 general*  
15 *and controlled big game and western gray squirrel seasons. Commissioner Smith*  
16 *seconded the motion. The motion passed unanimously.*

17  
18 Commission took a break at 10:15 a.m., and reconvened at 10:25 a.m.

### 19 **Exhibit C: 2010 AUCTION AND RAFFLE TAG ALLOCATIONS**

20  
21  
22 Don Whittaker, Species Coordinator, said allocation of bighorn sheep, Rocky Mountain  
23 goat, pronghorn, deer, and elk tags to be auctioned and raffled annually benefit wildlife  
24 and habitat management, and hunter access in Oregon. The auction and raffle generate  
25 funding for management and research. He said the Bighorn Sheep Auction has brought  
26 in \$1,561,250 to ODFW in 23 years; and the Raffle has raised \$861,866 in 18 years.

27  
28 Matt Keenan, Access and Habitat Program Coordinator, said the Auction and Raffle  
29 Program supplies over 40% of total program revenue. It is also important in fostering  
30 relationships with the hunters. He proposed keeping the same tag allocation for 2010 as  
31 occurred in 2009; a total of 25 auction and raffle tags.

32  
33 Commissioner Edge asked whether statutory authority specified the number of tags and  
34 their purposes. Keenan said the Legislature dictates the number of tags the department  
35 can offer in these programs. The proposal maxes out bighorn sheep and pronghorn, but  
36 staff is not issuing the auction tag for Rocky Mountain goats that the statute allows.

37  
38 Commissioner Edge said it might be an opportunity to link those two concepts and have  
39 a tag specifically associated for the Blue Mt. Elk Initiative. Keenan said it is an option,  
40 and that he would take Commissioner Edge's comment to the Board on July 21.

41  
42 Chair Rae said there were no public comments and asked for a motion.

43  
44 *Action: Commissioner Edge moved to approve the 2010 auction and raffle big*  
45 *game tag allocations as proposed by staff. Commissioner Levy seconded the*  
46 *motion. The motion passed unanimously.*

1 **Exhibit D: ACCESS AND HABITAT – PROJECT FUNDING APPROVAL**

2  
3 Matt Keenan, Access and Habitat (A&H) Program Coordinator, introduced new A&H  
4 Board member Tom Alkire, a hunter representative. He noted, at Commissioner Smith's  
5 suggestion, that he had broken down on his chart the projects by total price per acre.  
6 He described four A&H projects, three Access Only projects, and one Habitat only  
7 project recommended for funding by the A&H Board (Board) at their April 29 meeting.  
8 Keenan said the projects provide 50,000 acres of hunting access for \$69,000, averaging  
9 \$1.40 per acre. Total projects today would open over 68,000 acres of public hunting  
10 access to private land at a total cost of \$128,119, which averages \$1.88 per acre.

11  
12 Commissioner Smith said it seems like a lot of money per acre on some of these  
13 projects. Instead of doing this on a yearly basis, he believes it should go by the  
14 biennium to reduce the cost.

15  
16 Alkire said the Board figured the amounts on a yearly basis because they were  
17 uncertain what the budget would be. Keenan said a number of projects will sunset next  
18 biennium; the Board would like to continue funding several of those projects. He said if  
19 they did not get their surcharge increase, they would not be able to continue funding  
20 those long-term programs. They anticipate an increase, and when they receive it, they  
21 will resume funding multiple years.

22  
23 Commissioner Smith asked if there are any economies associated with the cost of the  
24 fund if we go to two years. Keenan said the Board has established guidelines for  
25 Access Only projects, which was approved on a price per acre per annual basis.

26  
27 Chair Rae said the flip side of multi-year funding is using up all the funding and missing  
28 opportunities for future projects.

29  
30 Commissioner Englund agreed with Commissioner Smith and said he would like to see  
31 these projects in multiple years. Keenan said the Board anticipates being able to do this  
32 in the future. There are start-up costs associated with these projects that will not be part  
33 of the total cost when they come back next year. He said the Board anticipates  
34 renewing them in the future.

35  
36 Commissioner Kerns questioned not the costs, but the amount of access. He believes  
37 we should require multiple-year access, even if we only fund it for one year. The public  
38 may not be aware of these different areas to hunt or fish. Perhaps the landowners do  
39 not want to sign up for that long. He asked if a two-year minimum would be acceptable.  
40 He would rather not pass a motion requiring a minimum number of years, because it  
41 reduces the Board's flexibility in dealing with landowners. He asked Alkire to negotiate a  
42 two year minimum with the landowners.

43  
44 Keenan said Commissioner Kerns was correct and agreed to take Kerns' comments to  
45 the Board. He said most landowners prefer a multi-year agreement. As far as the  
46 Access Only projects, he said the Board's new interactive website will allow users to  
47 search for information by species or regions.

1  
2 Commissioner Smith said staff should examine the Commission’s role in these projects,  
3 and develop policies that will not require the Commission to review these projects in  
4 detail; that goes for the Restoration and Enhancement projects as well.  
5

6 Chair Rae said Commissioner Smith has gotten the Commission to rethink this, and the  
7 Commission will pursue that.  
8

9 *Action: Commissioner Kerns moved to approve the recommendations of the*  
10 *Access and Habitat Board for project funding. Commissioner Levy seconded the*  
11 *motion. The motion passed unanimously.*  
12

### 13 **EXHIBIT E: DRAFT SAUVIE ISLAND WILDLIFE AREA MANAGEMENT PLAN**

14  
15 Chair Rae said this update is informational only and is probably the most complicated of  
16 all the wildlife area management plans because of unique features of Sauvie Island.  
17 There have been legal challenges in the past about the Department’s management of  
18 the area, so this will be handled a bit differently than other plans.  
19

20 Nancy Breuner, High Desert Region Habitat Biologist, introduced Mark Nebeker,  
21 Wildlife Area Manager. She discussed the plan review process, the proposed timeline,  
22 and the manager’s draft plan presentation. She said four public meetings are  
23 scheduled June through September. Comments will be incorporated into the final draft,  
24 which will be presented to the Commission on December 11 for potential adoption.  
25

26 Mark Nebeker presented the Draft Management Plan, the draft goals and objectives,  
27 and the Key Management Issues.  
28

29 Commissioner Smith liked the plan and said he appreciates the division and changing of  
30 “unmanaged” habitat land to “actively” and “passively” managed. He didn’t detect any  
31 note about climate change however. Nebeker said after the Wildlife Diversity Program  
32 developed that chapter in the conservation strategy, staff will incorporate climate  
33 change into the plan. Commissioner Smith said it is important to note that climate  
34 change could occur on the Sauvie Island area; managing public use is unique to this  
35 area. He suggested using some type of access zoning. Staff should be prepared if  
36 there are critical areas that are very important to add to that wildlife area.  
37

38 Chair Rae thanked Breuner and Nebeker for their work; she appreciated their continued  
39 contact with Commissioner Klarquist. She said there were no public comments.  
40

### 41 **EXHIBIT F: FERN RIDGE WILDLIFE AREA MANAGEMENT PLAN**

42  
43 Nancy Breuner, Habitat Biologist, High Desert Region, described the public review  
44 process in January. Adoption of the Fern Ridge plan has been delayed in order to  
45 address last-minute extensive comments from U.S. Fish and Wildlife Service (USFWS).  
46 She also introduced Wayne Morrow, Wildlife Area Manager.  
47

1 Commissioner Rae explained that the USFWS had not been asked to comment earlier  
2 on the state plan; their process was unknown.

3  
4 Breuner talked about key public issues that came before them, and the final draft goals  
5 and objectives of the proposed 2009 Fern Ridge Wildlife Area Management Plan:

6  
7 Commissioner Edge complimented staff for doing a good job. Commissioner Smith said  
8 staff had done a great job working with the various jurisdictions. He was concerned  
9 about the invasive species matter because Fern Ridge is located next to an urban area  
10 and the Eugene airport. He noted the lack of discussion on climate change and its  
11 implications for the Fern Ridge Reservoir.

12  
13 Chair Rae said there were no public comments, and asked for a motion.

14  
15 *Action: Commissioner Edge moved to adopt the Goals and Objectives for the*  
16 *2009 Fern Ridge Wildlife Area Management Plan and amend OAR Chapter 635,*  
17 *Division 008, as proposed by staff. Commissioner Smith seconded the motion.*  
18 *The motion passed unanimously.*

19  
20 Chair Rae said the Commission would discuss Exhibit G after lunch break, and moved  
21 to the Awards recognitions. Director Elicker requested a five minute break. Chair Rae  
22 recessed the meeting at 11:20 am and reconvened the meeting at 11:25 am.

## 23 24 **PRIDE AWARD RECOGNITION**

25  
26 Director Elicker said the Pride Awards started over 25 years ago. People are nominated  
27 by their fellow co-workers, and then a committee reviews the nominees. He said the  
28 recipients are recognized for their dedication, work performance, positive attitudes,  
29 outreach and good customer services. He presented the following awards:

### 30 31 Individual Pride Awards:

32 Robert Bradley, Assistant District Fish Biologist, Northwest Region (NW)  
33 Mary Buckman, Recreational Fisheries, Salem Headquarters (HQ)  
34 Fabian Carr, Fish Counter/EBA, Southwest Region (SW)  
35 Casey Deckard, Technician 1, NW  
36 Danette Ehlers, Assistant District Fish Biologist, NW  
37 Dean Headlee, PER-EBA, Marine Reserves Program (MRP)  
38 Dan Jenkins, Habitat Restoration Biologist, SW  
39 Shirley Obritschkewitsch, Accounts Payable Technician 2, HQ  
40 Rose Owens, Habitat Special Project Coordinator, HQ  
41 Tim Walters, Watershed District Fish Biologist, High Desert Region (HD)  
42 Joe Watkins, Fish and Wildlife Manager 2, NW  
43 Christian Hagen, Sage Grouse Coordinator, HD

### 44 45 Team Pride Awards

#### 46 *Marine Reserves Program*

47 Dave Fox, Resource Access & Management Section Leader

1 Cristen Don, WOC Marine Reserves Project Leader  
2 Juna Hickner, Sea Grant Fellowship Marine Habitat

3  
4 *Transportation Team*

5 Simon Wray, Eastern OR Transportation Manager, Northeast Region (NE)  
6 Jim Muck, SW Oregon Transportation Coordinator, SW  
7 Art Martin, Statewide Transportation Coordinator, HQ  
8 Jim Brick, Oregon Transportation Coordinator, NW  
9 Jon Germond, Land Resources Program Manager, HQ

10  
11 Director's Individual Award for 2008

12  
13 Director Elicker said out of the all the awards the Director has the discretion to select  
14 one employee for the Director's Award. This award is awarded to an individual whom  
15 exhibits outstanding performance. Director Elicker said the next person goes the extra  
16 mile to help out his coworkers, who feel that Lyle Curtis is a true mentor.

17  
18 Lyle Curtis, Manager II – Oak Springs, HD

19  
20 Director's Team Award

21  
22 Director Elicker said the Director's Team Award recognizes a group of employees  
23 whose accomplishments exceed the assigned tasks and responsibilities. The criteria  
24 involved in choosing this award are exemplary performance.

25  
26 *Columbia River Sport-Commercial Salmon Allocation Team*

27  
28 Anthony Nigro, Ocean Salmon & Columbia River Program Manager, NW  
29 John North, Fisheries Management Program Manager, NW  
30 Chris Kern, Fisheries Management Assistant Program Manager, NW  
31 Jimmy Watts, Columbia River Recreational Assistant Project Leader, NW  
32 Steve Williams, Assistant Fish Division Administrator, HQ

33  
34 Appreciation Award

35  
36 Director Elicker handed out appreciation awards to the following staff:

37  
38 Holly Michael – 15 Year State Service Award  
39 Ray Hartlerode – Master of ODFW Annual BBQ  
40 Manny Farinas – Acting Interim Deputy Director for six months  
41 Michelle Tate – Legislative Coordinator for six months  
42 Chip Dale – High Desert Coordinator for Klamath Basin negotiations  
43 Ed Bowles – Fish Division Administrator for Marine Reserves work

44  
45 Dave Liscia Volunteer Award

46  
47 Director Elicker said Dave Liscia, a former employee, was killed in a tragic car accident.

1 He is remembered for his solid work with volunteers through the Dave Liscia Award  
2 which honors Dave's memory and recognizes an outstanding volunteer or volunteer  
3 group. Volunteers are nominated by ODFW employees.  
4

5 Bob Ettner from Grants Pass  
6 Robert May from Warrenton  
7 Deward "Woody" Merrill from Lakeview  
8

9 The Commission broke for lunch at 12:10 p.m., and reconvened at 1:15 p.m.

10  
11 **EXHIBIT G: CAPTIVE CERVID DISEASE SURVEILLANCE AND VOLUNTARY**  
12 **STATE CHRONIC WASTING DISEASE MONITORED HERD PROGRAM**

13  
14 Larry Cooper, Assistant Wildlife Division Administrator, introduced Dr. Colin Gillin, State  
15 Wildlife Veterinarian, and Dr. Don Hansen, State Veterinarian for Oregon Department of  
16 Agriculture (ODA), who collaborated with Dr. Gillin to write this proposal.  
17

18 Cooper discussed two changes to the Division 049 Cervid Rules: 1) adoption of a new  
19 section concerning the Cervid Disease Surveillance List (CSDL); and 2) adoption of a  
20 Voluntary State Chronic Wasting Disease Monitored Herd Program. He reported on  
21 the four components of the program: 1) Cervid Deaths Reporting; 2) Disease Testing  
22 Requirements; 3) Voluntary State CWD Monitored Herd Program; and 4) Import of  
23 Gametes and Embryos. He discussed proposed changes to the packet, and noted that  
24 staff had distributed a Revised Attachment 4 – Exhibit G, Cervid Disease Surveillance  
25 List, which includes language edits to 635-049-0069 and 635-049-0071.  
26

27 Chair Rae moved to the public testimony.  
28

29 **Public Testimony**

<p>Alan Ross Molalla, OR</p>	<p>Alan Ross, co-owner of Ross Posse Acres Elk Ranch, spoke on behalf of the Oregon Elk Breeders (OEB), and Kathy Simpson, and Richard Patterson. He said staff's recommendations were very well done and OEB could live with it. He offered two changes:</p> <ol style="list-style-type: none"><li>1. 0065(2) (c) change "may waive" testing requirements to "shall waive".</li><li>2. 0065(4) "Department may take any action it determines necessary", seems heavy-handed. He suggested language indicating that this is in conjunction with the ODA or the State Veterinarian.</li></ol> <p>Ross applauded the Voluntary State CWD Monitored Herd Program; producers have favored this for a number of years. He said because they are trained by veterinarians, they should be allowed to continue taking the test samples themselves, so they can continue doing business with other states during the certification process. He talked about concerns over grandfathering of exporting animals.</p>
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<p>Joe Ricker Salem, OR</p>	<p>Joe Ricker, Midwest Director for Oregon Hunters Association (OHA), said they support the staff proposal, the Cervid Disease reporting, and testing requirements as proposed, and the implementation of a certification program. OHA supports the importation of gametes and embryos, but doesn't want to see it loosened to include live cervids.</p> <p>Commissioner Smith, referred to Mr. Ross's suggested change and asked Ricker if he had any objections to changing the term "may" to "shall". Smith said it sounds reasonable as long as the department makes the final decision. Ricker said he had not heard Ross' testimony, but that it could be done on both issues that Ross had raised.</p> <p>Chair Rae said she would have Counselor Bill Cook to address both those issues.</p> <p>Commissioner Smith asked Ricker to comment on the concept of grandfathering. Ricker said there are cervid ranchers who have done a very good job in the past, which should be taken into consideration. It would not be fair to cut them off for five years.</p>
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1  
2 Commissioner Edge asked Dr. Hansen if he was aware of any certification programs  
3 where USDA-approved veterinarians did not take samples. Dr. Don Hansen said no,  
4 he was not. He said the certification programs are usually in cooperation with the U.S.  
5 Department of Agriculture (USDA). Commissioner Edge questioned Dr. Gillin on the  
6 importation of gametes and embryos. What is the difference between requiring a test  
7 versus a disease history of a donor? Doesn't that imply that there have been tests? Dr.  
8 Gillin said yes, the language implies the dates that actually follow what you would test  
9 for a donor animal coming into the state.

10  
11 Commissioner Klarquist referred to language in Attachment 4, Division 049, page 5,  
12 subsection (E), having to do with circumstances under which the Department may waive  
13 testing, "The test sample was damaged or destroyed during slaughter at a USDA  
14 certified facility during the culling process or removal of the head ...". Dr. Gillin  
15 replied, sometimes at a slaughter facility, while euthanizing the animal, they may totally  
16 destroy the sample by where they place the shot. Or, the veterinarian, in removing the  
17 sample, might completely miss the site for the brain stem. Klarquist asked Dr. Gillin  
18 explain "the culling process." Dr. Gillin said that is the killing of the animal.

19  
20 Chair Rae asked Bill Cook to comment on Attachment 4, Division 049, page 4,  
21 subparagraph (2)(c), the difference between mandatory and discretionary: "The  
22 Department *may* waive the testing requirements of paragraph (1)(b) if the Department



1 finds that the person was unable to complete testing due to one of the following  
2 circumstances.”

3  
4 Cook said that is right; currently it is written as discretionary, although the Commission  
5 may choose to make it mandatory. He said this is a policy choice for the Commission.

6  
7 Chair Rae posed a second question concerning the Voluntary Herd Program (0065) on  
8 page 5, subparagraph (4): “...the Department may take any action it determines  
9 necessary ...”, and the proposal by Alan Ross of the Oregon Elk Breeders to specify the  
10 actions that might be taken in conjunction with by ODA.

11  
12 Cook said this is fairly typical language for dealing with what is, in essence, a public  
13 nuisance. The existing rules have almost the exact existing language, in 0045.

14  
15 Commissioner Smith suggested the wording, “...the Department may take “*appropriate*”  
16 action it determines necessary,...” Cook said he had no legal problem with that.  
17 Commissioner Smith asked that everyone was reasonably comfortable with this change.

18  
19 Chair Rae said she is not uncomfortable with this alternative.

20  
21 Commissioner Smith inquired if there was an appeal process for a producer who feels  
22 an error has occurred. Cook said yes, an appeal process is available in Circuit Court.

23  
24 Commissioner Edge referred to grandfathering the certified herd and described a  
25 situation where a producer might lose business while building up his five-year certified  
26 disease-free status. The issue of a certified veterinarian is one we can't get past. He  
27 suggested delaying the certification for a five year period. He asked how other states  
28 might perceive that we are moving to a certification process, yet delaying it five years.

29  
30 Cooper said when staff visited with other states they did not frame the question as such.  
31 But they got a positive response in that this would allow them to come to their state.

32  
33 Dr. Colin said they sent out a survey. One question asked was if it is acceptable or  
34 unacceptable for animals being imported into your state to have the CWD samples  
35 collected by the producer. To the states that were aware of it that they currently ship to  
36 the response was that it was acceptable. He said if there is an issue that arises with  
37 states they currently send to, with some states, we can certainly enter into dialogue with  
38 those states and say they're in both one or whatever in the state certification program,  
39 but based on our records and records that they provide us with of their past sampling,  
40 there has been no problems whatsoever, and we can probably mitigate the problem and  
41 go forward without delaying the program.

42  
43 Chair Rae said that seems to be a reasonable compromise. She clarified that the  
44 Commission leave the herd monitoring certification and voluntary participation, as  
45 proposed by staff, with the knowledge that if anybody were to question the levels, the  
46 professionals would be able to respond to those kinds of questions. She said she was  
47 personally uncomfortable with doing a grandfathering because you've got to start

1 somewhere. The Commission does not know what those records would look like; there  
2 is no way to know that, and this seems to be a reasonable compromise.

3  
4 Chair Rae summarized the Commission's following proposed language changes In  
5 Attachment 4 – Division 049:

- 6  
7 • For 635-049-0065, page 4, subsection (2) (c): "The Department may waive the  
8 testing requirements..." She asked if the Department "will" waive or "may" waive.  
9 She proposed to leave it at "may" waive. Commissioner Klarquist concurred. Chair  
10 Rae said she is comfortable that the language would allow the doctors to take into  
11 consideration each circumstance.  
12
- 13 • For 635-049-0065, page 5, subsection (4): It reads, "If the Department determines  
14 that a captive herd has been exposed to a disease...", insert the word "appropriate"  
15 in the last part of that sentence so it reads, "...the Department may take any  
16 appropriate action it determines necessary, ...".  
17
- 18 • For 635-049-0069, page 8, under "Recaptured Cervids", in the last part of the phrase  
19 "...require that the cervid be subjected to disease testing.", insert the word "non-  
20 lethal" prior to "disease testing".  
21
- 22 • For 635-049-0071, page 8, under "Obligation to report disease incidents", in the first  
23 part of the sentence delete the word "a" and insert the phrase "his or her" before  
24 "...licensed Type 1 facility...".  
25

26 Chair Rae asked for a motion.

27  
28 *Action: Commissioner Edge moved to repeal OAR 635-049-0055 and -0090, and*  
29 *adopt OAR 635-049-0065, -0067, -0069, -0071 and -0073 as proposed by staff*  
30 *with the three changes just made. Commissioner Smith seconded the motion.*  
31 *The motion passed unanimously.*  
32

33 **EXHIBIT H: 2009 COASTAL FALL CHINOOK AND COHO REGULATIONS FOR THE**  
34 **TERMINAL FISHERIES**

35  
36 Ron Boyce, Technical Services Program Manager, briefed the Commission on the  
37 proposed regulations for Chinook Ocean Terminal and River Sport Fisheries and three  
38 other issues: 1) Ocean Sport and Commercial Chinook Regulations for Terminal Areas;  
39 2) Amendment of Sport Angling Regulations for Oregon Coastal Fall Chinook in bays  
40 and rivers to modify the daily and seasonal bag limits and area closures; and 3)  
41 amending Sport Angling Regulations for New Sport Fisheries for Wild Coho in Coastal  
42 Bays.  
43

44 Boyce said four public meetings were held in April. He said Chinook fisheries affected  
45 are traditional ocean terminal sport and commercial fisheries off Tillamook, Elk and  
46 Chetco rivers; and river sport fisheries for Chinook in all major coastal watersheds. He  
47 said the proposed Coastal Fall Chinook Regulations need to remain more restrictive in

1 order to meet spawning escapement criteria. The Pacific Salmon Treaty (PST)  
2 Obligations are not currently being met.

3  
4 Boyce discussed strategies for developing the 2009 Oregon coastal Chinook  
5 Regulations. He said last year's restrictive regulations were insufficient to address the  
6 issues. He said staff recommends adoption of a "tiered approach". This includes  
7 closures for Fall Chinook on the Nehalem, Chetco Ocean Terminal Area, and Winchuck.  
8 They also proposed shorter seasons and a number of seasonal bag limits.

9  
10 Chair Rae asked Commissioner Jon Englund if he had a potential conflict of interest.

11  
12 **Commissioner Englund declared a potential conflict of interest because his**  
13 **company deals with commercial and recreational fisheries. Chair Rae noted it for**  
14 **the record.**

15  
16 Bob Buckman, Mid-Coast District Fish Biologist, reported on 2009 Coastal Coho  
17 Salmon Fisheries, Bay and River. He said Chinook salmon are looking very bad, while  
18 coho are looking favorable. He said a coho conservation plan was passed in 2007 after  
19 an extensive analysis and public review. In that plan they said that they would make  
20 adjustments consistent with Amendment 13 to the Pacific Fishery Management Council  
21 (PFMC). He said the forecast for summer and fall of 2009 is real good.

22  
23 Buckman discussed coho hatchery jack returns as a percent of hatchery smolts  
24 released with the Oregon Production Index. He discussed other fisheries approved for  
25 areas South of Cape Falcon. Staff is proposing four wild coho tidewater fisheries in the  
26 Nehalem, Yaquina, Coos, and Coquille River basins. He said Amendment 13 sets  
27 harvest limits for Oregon coast coho. The matrix is based on two factors: 1) marine  
28 survival; and 2) abundance of parental spawners. He said the agency had numerous  
29 monitoring sites to look at adult spawners and smolts produced. Buckman explained  
30 the Regulatory Process and discussed the basins quotas for proposed 2009 wild coho  
31 fisheries and summarized the harvest impact projected for 2009. He said staff  
32 recommends adoption of the 2009 regulations as proposed in *Revised Attachment 3*.

33  
34 Chair Rae called for public testimony.

35  
36 **Public Testimony**

Scott Amerman Monmouth, OR	Scott Amerman, a fishing guide on the Oregon Coast, said he attended the Newport and Tillamook meetings. Boyce and Buckman showed past coho impacts. They showed that that we are not meeting our minimum escapement goals for the PST. Yet, the Canadians and Alaskans with the PST actually increasing their harvest by 28%. He said Washington increased its harvest by 17%. Oregon is not meeting its 10% harvest rate, and is being asked to curtail its harvest even further, while others continue to increase their percentages of harvest. He said there is a predominance of younger fish returning to the Siletz River,
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	<p>while the five year-old fish are not returning there. The fish that spawn are 4-7 year-olds. Fishermen have worked to help the Siletz fishery. He discussed the possible impact of closing parts of the river.</p>
<p>Tom Wolf Hillsboro, OR</p>	<p>Tom Wolf, Chair of Oregon Council of Trout Unlimited, distributed written testimony and summarized the group's recommendations:</p> <ul style="list-style-type: none"> <li>• Supports the proposed coho harvest in select rivers.</li> <li>• In allowing harvest on coastal coho, there must be sufficient measures to protect the by-catch of the wild fall Chinook that could happen.</li> <li>• There must be careful monitoring of the coho run to prevent overharvest.</li> <li>• Trout Unlimited will not support future proposals for wild fish fisheries until there is a thorough analysis of existing escapement goals and revision of the goals consistent with ecological and biological needs in each river basin, as supported by the data.</li> </ul>
<p>Jay Nicholas Corvallis, OR</p>	<p>Jay Nicholas, Salmon Science and Fishery Management Advisor for the Wild Salmon Center, referred to his letter in the packet (page 48-49). He said Chinook are down and coho are up; this is a unique and surprising situation. He recommends the Commission adopt the most conservative mix of restrictions for Chinook, based on staff recommendations. He does not believe the coho fisheries present a conservation risk.</p>
<p>Bob Spelbrink Siletz, OR</p>	<p>Bob Spelbrink lives, fishes and guides on the Siletz River and is a crab fisherman. He supports staff's recommendation for limited coho fisheries. He asked the Commission to move the mainstem deadline; now the recommendation is to move it 13 miles downstream from the 229 Bridge to Morgan Park. This would close it to non-motorized drift boats. He asked the Commission to consider a compromise to half that distance, to bring the closure to the drift boat launch at Ojalla Bridge.</p>
<p>Joe Rohleder Waldport, OR</p>	<p>Joe Rohleder, who fishes the Alsea, supports the staff recommendations for the Alsea and Yachats rivers. He said staff listened to the fishermen, and did the best they could with in the conditions that their science tells them they have. He asked that the fall Chinook limit be one fish per day. When the abundance increases, please raise the yearly limit, but leave the daily limit at one fish. He referred to the Wild Salmon Center letter, and read the last sentence</p>

	in the last paragraph: “The opportunity to harvest wild salmon ...should, we hope, reinforce the notion... that fish harvest can indeed be supported by wild fish.”
John Krauthoefer Tillamook, OR	<p>John Krauthoefer, a retired troller/charter, had two issues in Tillamook and Nehalem. He said bag limits were lowered in Tillamook with the promise that, if things improved they’d go back to the higher limit - that has not happened. This year there are more fish, but there is a lower quota. He does not like moving aggregates from one basin to another because it gives a false impression. He asked the Commission to return to last year’s levels or higher. In regard to not allowing Chinook fishing on the Nehalem, he said if you want to protect Chinook then ban the use of herring. He also said:</p> <ul style="list-style-type: none"> <li>• It’s a real fallacy on people returning their tags. Make a law that they have to return their tag before they get another license the next year.</li> <li>• Require by law that the guides carry a logbook, to determine how many fish they are harvesting.</li> <li>• Start managing basin-by-basin rather than by aggregate.</li> </ul>
Aaron Longton Port Orford, OR	<p>Aaron Longton, President of Port Orford and Ocean Resource Team, spoke in support of staff recommendation for the Elk River Terminal fishery; the commercial side. He said the tiered fishery process is better than blanket regulations. The fishery is very important for his community, both commercial and recreational. They’ve been reduced due to the projected returns of the Sixes River. The Elk River Hatchery had the second highest return of jacks last year. In the design of the terminal fishery the boundary was brought in to limit the harvest, and he would like to see this as a temporary measure. He said while the commercial fishery is reduced due to conservation measures; please keep an eye on recreational harvest of 101. Last year there was not good oversight.</p>
Pat Scribner Wheeler, OR	<p>Pat Scribner, a business owner on the Nehalem River, said last year he had 861 boats at his dock; now there are two. Twenty percent of Wheeler’s income comes from transient taxes. He understands the situation with Chinook is dire, but there needs to be a compromise. He referred to his handout, Summer and Fall Chinook season and bag limits, and said areas that are closed would be closed to both Chinook and coho. He said a bag limit for Chinook would be one fish per day, and one or two fish for the season. He said no guide fishing in Nehalem Bay.</p>

	<p>Chair Rae said she would have Ron Boyce comment on his handout.</p>
<p>Rob Russell Eugene, OR</p>	<p>Rob Russell, an angler, spoke as an advocate for the Nehalem River and Chinook salmon. He thanked the regional biologists in Tillamook for doing a good job and recommending closure of the fishery. He said since 2005 the run has been declining and yet we continue to have a fishery. Last year was the first time the sport take was reduced, and that seems irresponsible. He said ODFW needs to decide which of their goals takes priority – are they advocates for the fish or are they advocates for fishing opportunities? He said he sympathizes with businesses that rely on fishing, but the Commission’s job is to protect these fisheries so the businesses will have fish to rely on. He supports the staff recommendation for closure, and opposes any fishery on the Nehalem.</p>
<p>Don Larson Toledo, OR</p>	<p>Don Larson, an angler on the Siletz River, member of Siletz Watershed Council and Vice President of Mid-Coast Chapter of Northwest Steelheaders, said he appreciated Mr. Russell’s comments about the Nehalem, and that they also apply to the Siletz. He is deeply concerned about the decline of fall Chinook. He proposed the following emergency regulations:</p> <ul style="list-style-type: none"> <li>• Close the Siletz River from Fall Chinook fishing September 1 to December 31.</li> <li>• Mouth of Siletz, one Chinook per day, 28” and under; two for the season.</li> <li>• There needs to be a mechanism to insure an emergency closure. All steps should be taken to assure recovery.</li> </ul>
<p>Pat Engelmeyer Yachats, OR</p>	<p>Paul Engelmeyer, Central Coast River Steward for the Native Fish Society, distributed written testimony in regard to 2009 Terminal Recreational Coho Fishery Proposals for Ocean Coastal River Basins. He said he believes opening the fishery is premature. He urged the Commission to:</p> <ul style="list-style-type: none"> <li>• Request a full review of the PFMC’s Amendment 13, the harvest matrix;</li> <li>• Initiate a viability and risk assessment;</li> <li>• Handle the harvest modification change as part of the 2012 angling regulation process;</li> <li>• Open a dialogue concerning restructuring Oregon’s salmon fishing fleet;</li> <li>• Establish spawner abundance goals</li> </ul>

	<p>Commissioner Kerns noted the 3<sup>rd</sup> page of Engelmeyer’s letter and asked him to explain the sentence, “Under the proposed terminal fishery regime once again we would postpone returning coho to gravel that would in the future help recovery populations at the <i>landscape scale</i>.”</p> <p>Engelmeyer explained the sentence beginning with “landscape scale”, linking a subset of the basin.</p>
<p>Jeff Folkema Garibaldi, OR</p>	<p>Garibaldi Marina, said he feels lucky that stocks in Tillamook are doing fairly well. He understands the PST and PFMC requirements to make a whole North Coast aggregate as far as number of fish. While he agrees in theory, he disagrees that Tillamook should be cut back because this particular watershed is at 110% of the 28-year average. Concerning taking of wild coho, if we do have full seeding, a river can only use “X” amount of smolts before you hit saturation. If we are at this saturation rate, why not harvest these fish? He supports all three of the staff recommendations.</p>

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Chair Rae asked Boyce and Buckman to come forward to answer questions.

Commissioner Klarquist asked whether the study by the people who formed the treaty relied on valid data. He wanted to make sure that the Department is comfortable with this data. He asked what is the mortality rate of Chinook that the Department is projecting in the rivers where fishing for coho is allowed. Buckman said there would be some incidental Chinook caught. Usually a Chinook released in a tidewater fishery has a good survival rate. Chinook mortality in a coho fishery would be relatively small.

Commissioner Klarquist said there were suggestions that restricting the terminal tackle might reduce the mortality of Chinook. Buckman said he could not assess the mortality rate on Chinook with or without use of bait. Coho can be caught without bait.

Commissioner Klarquist asked what are the number of coho expected to return, and numbers expected to be taken. Buckman said a total harvest quota is set at 4,000. Within the individual basins that is about 4% to 8%. Commissioner Klarquist said that is a pretty small percentage. He asked if there is a margin of error based on jack returns for coho. Buckman said if there is a large-scale departure from forecast on wild coho, staff will detect it in the summer, and will request a temporary rule to close the fishery.

Commissioner Klarquist asked whether the Department would consider the suggestion of closing the Siletz at the Ojalla Bridge rather than lower down. Boyce said staff felt they had an adequate package by restricting bag limits and sticking to the Morgan Park deadline.

1 Commissioner Klarquist asked whether requiring guides to keep a log and requiring  
2 return of tags would help. Boyce said yes, it would help.

3  
4 Commissioner Englund said he supported staff's proposal. He thanked John  
5 Krauthoefer for coming forward with mandatory reporting. He said a study needs to be  
6 done regarding using different tackle in order to stay away from certain fishery. He said  
7 whether using smaller hardware or a single barbless hook, the Commission is looking  
8 for ways to create more fishing days.

9  
10 Chair Rae said the discussion had been very informative and to recognize that some of  
11 the closures will be potentially harmful in the short run, but the Commission's goal is for  
12 the long run. She is comfortable with the conservative recommendations of tiers of coho  
13 harvest. She said Buckman and his colleagues would not be making the  
14 recommendation if the science did not support it.

15  
16 *Action: Commissioner Edge moved to adopt, in concept, the 2009 regulations for*  
17 *fall Chinook in ocean sport and commercial terminal fisheries and bay and river*  
18 *sport fisheries, and coho in sport bay and river fisheries, as proposed by staff in*  
19 *the revised Attachment 3. Commissioner Smith seconded the motion. The motion*  
20 *passed unanimously.*

21  
22 Chair Rae asked if this is the only temporary administrative rule where we have to put in  
23 longitude and latitude numbers. Counselor Steve Sanders said there are numbers on  
24 other ocean fisheries.

25  
26 Chair Rae adjourned the meeting for a five minute break at 3:55 p.m. and reconvened  
27 the meeting at 4:02 pm.

## 28 29 **EXHIBIT I: FISH SCREENING TASK FORCE APPOINTMENT**

30  
31 Alan Ritchey, Statewide Fish Screening Coordinator, asked the Commission to appoint  
32 a new member to the seven-board Fish Screening Task Force to replace Frank Bird  
33 who recently moved out of state. Candidates are: Thos. Crooks; Douglas DeHart;  
34 Robert Jensen; Jeff Oveson; and Craig Tuss. He said staff recommends appointing  
35 DeHart, Oveson, or Tuss.

36  
37 Commissioner Edge thought all the candidates were exceptional. Commissioner Levy  
38 suggested appointing Jeff Oveson from LaGrande. Commissioner Smith also favored  
39 Oveson because he would like to see at least two people on the Task Force from the  
40 east side. He said all are excellent candidates.

41  
42 Chair Rae asked for a motion.

43  
44 *Action: Commissioner Levy moved to appoint Jeff Oveson as fish or fish*  
45 *conservation representative on the Fish Screening Task Force. Commissioner*  
46 *Smith seconded the motion. The motion passed. Voting aye: Levy, Klarquist,*  
47 *Englund, Smith, Edge and Chair Rae. Absent: Kerns.*



1  
2 **Chair Rae noted for the record that Commissioner Kerns was absent.**

3  
4 **EXHIBIT J: FISH RESTORATION AND ENHANCEMENT (R&E) PROGRAM**

5  
6 **Commissioner Edge declared a potential conflict of interest since two of the**  
7 **projects involved students and faculty in the program he manages.**

8  
9 Chair Rae noted his potential conflict of interest for the record.

10  
11 Laura Tessler, Restoration and Enhancement (R&E) Program Coordinator, summarized  
12 36 projects recommended for funding at the R&E Board's meeting in Newport on May  
13 28-29. She said projects would cost a total of \$2.1 million.

14  
15 Chair Rae thanked Tessler for her quick turn-around of this agenda item after it was  
16 placed on today's agenda due to cancellation of the July 17 meeting in Baker City.

17  
18 Commissioner Smith referred to the model used by the Oregon Watershed  
19 Enhancement Board (OWEB). He suggested that the Commission identify only the R&E  
20 projects that they feel need further discussion. He felt all of these projects were  
21 approvable, and commented on the following:

- 22  
23 • Project #09-001, Crooked River Redband Trout Study, page 1. He said the write-up  
24 should contain suggestions of some feasible actions.  
25 • Project #09-038, Nehalem River and Bay Creel Survey, page 12. It says ODFW is  
26 proposing to open a coho fishery. We have done that, so this is a moot point.  
27 • Project #09-041, Umpqua Coho Genetic Pedigree Project, page 12. Smith said it  
28 should be pointed out that this is a joint venture between Oregon State University  
29 (OSU) and the Oregon Hatchery Research Center (OHRC), rather than OSU taking  
30 the lead. Laura Tessler responded that the sponsor was trying to clarify that this  
31 project has been an OSU project well before OHRC existed.  
32 • Project #09-008, STEP Fish Food Program, page 16. He expressed concern that the  
33 food cost \$1 million to purchase. Tessler explained that represents the number of  
34 volunteer hours on every STEP project all over the state, times \$17.86. She said the  
35 \$90,000 figure will probably increase due to the feed increase.

36  
37 Commissioner Smith expressed concern over the commercial versus sport project  
38 balances. He said the first cycle allocates 42%. He wasn't sure whether the first, second  
39 or third cycles would have some of that. Tessler said you do see 42%, which needs to  
40 be broken apart in two parts: 9.6% for operating funds, staff, supply, sports, etc. for two  
41 years. If you set that aside of the projects, you see 33% going to just projects.  
42 Historically you will see a large spike in the first and second cycles, because the larger  
43 projects are coming through. Afterwards, the amount becomes more stable.

44  
45 Commissioner Smith noted the significant monitoring and said he doesn't see a  
46 significant link between monitoring and things resulting in action later on. He noted the  
47 usefulness of listing projects triggered by monitoring. Tessler said the Board had just

1 discussed this issue. One request was to have staff with a monitoring project make a  
2 presentation at the Board meeting about the results. Commissioner Smith said with the  
3 A&H projects, the Commission should hammer the policy discussion.

4  
5 Commissioner Klarquist noted that some of the projects had significant OWEB funding.  
6 He asked if OWEB had already voted on the Little Butte Meander Restoration project.  
7 Tessler said the sponsor did relay to the Board on Friday that they held a pre-meeting  
8 with regional representatives, and felt confident that they would be coming through with  
9 funding. Commissioner Klarquist asked if the Commission should condition the funding  
10 on this based on the OWEB funding. Tessler said the Commission can do what they  
11 would like.

12  
13 Chair Rae said it has already been her presumption that, if a material change occurs in  
14 one of these projects, it has to come back to the Commission for approval.  
15 Commissioner Klarquist said he was okay with that.

16  
17 Assistant Attorney General Steve Sanders said yes, otherwise they would not be able to  
18 complete their obligations.

19  
20 Tessler said the discussion with that sponsor was that they did have a lot of matching  
21 funds. Usually when sponsors present an application where they don't have a lot of  
22 secured funding, the Board tells them they must have their funding secured before the  
23 R&E Board funds their project.

24  
25 *Action: Commissioner Smith moved to approve the staff recommendations of the*  
26 *Fish Restoration and Enhancement Board. Commissioner Edge seconded the*  
27 *motion. The motion passed unanimously.*

## 28 29 **OTHER BUSINESS**

30 Commissioner Smith referred to a report by the Pacific Northwest Region of the Forest  
31 Service, legacy Roads and Trails Accomplishment Report Fiscal 2008. There is an  
32 excellent stream improvement report for stand alone streams and road crossings. He  
33 asked Tessler to get copies. Tessler agreed to do so.

34  
35 Chair Rae said she anticipates that Commissioner Zane Smith will be at the August 8  
36 meeting in Salem. She said the confirmation process for a new commissioner has yet  
37 occurred. There will be no July meeting. Chair Rae acknowledged Lt. Dave Cleary, who  
38 is retiring from OSP on June 30. The Commission gave him a stand-up salute.

## 39 40 **ADJOURN**

41  
42 Chair Marla Rae adjourned the meeting at 4:28 p.m.