

1 Andy Hyder who moved to the Wildlife Unit at Headquarters from the Special
2 Investigations Unit. Markee noted that Hyder's former position is open also.

3
4 Northwest Region

5 Craig Ely, Region Manager, said the 3rd Annual Ladd Marsh Wildlife Area Youth
6 Outdoor Day held June 27, was attended by over 50 youths and 30 parents. His written
7 report includes a list of the many organizations that support the event. Ely discussed
8 mountain goat transplants from the Elkhorn Mountains to Hells Canyon and other areas.
9 He said there are about 100 Mountain Goats from a transplant started in 2000. In the
10 Hells Canyon, staff noted nine sets of twins, an unusual thing, and one set of triplets.

11
12 High Desert Region

13 Amy Stuart, Deschutes Watershed Manager, said for the Shevlin Park Habitat
14 Restoration Project, staff put in over 60 trees along six miles of Tumalo Creek to
15 support redband trout habitat restoration. Staff completed the High Cascade Lakes
16 Airstocking in mid-July and stocked 350,500 rainbow, brook and cutthroat trout in nearly
17 450 High Cascades Lakes. She said staff recently assisted the Governor with the
18 signing ceremony of House Bill 3298 at Wizard Falls Hatchery. The bill bans large-scale
19 development in the Metolius Basin, an Area of Statewide Critical Concern.

20
21 Southwest Region

22 Russ Stauff, Rogue Watershed Manager and Acting Region Manager, said Savage
23 Rapids Dam pump stations built for the Grants Pass Irrigation District (GPID) are now
24 pumping water for GPID. The dam removal is nearly complete, and a coffer dam will be
25 removed in October. The aging Gold Ray Dam is a concern for Jackson County who
26 received a \$5 million grant under the American Recovery and Reinvestment Act (ARRA)
27 from the National Oceanic and Atmospheric Administration for the dam's removal. He
28 said sediment studies are being conducted, and a request for proposals has been
29 published. The grant requires that the dam be completely removed by end of 2010. He
30 said the Commission will tour both dam sites on their September 3 tour.

31
32 Northwest Region

33 Chris Wheaton, Region Manager, reported that fish biologists responded to a hot
34 asphalt spill caused by a truck accident on I-84 over McCord Creek near Bonneville
35 Dam. The asphalt spilled through the bridge and into the creek below, forming an eight-
36 inch layer of tar over 100-feet of the creek. Environmental crews peeled back the
37 asphalt and minimized disturbance at the site. He talked about the cost effectiveness of
38 using helicopters for the High Cascades Lakes stocking project, and the value of the 65
39 volunteers who packed in approximately 10,000 trout.

40
41 Information and Education

42 Roger Fuhrman, Administrator, said a new brochure "50 Places to go Fishing Within 60
43 Minutes of Portland" was kicked off at the "Let's Go Fishing Saturday" event on July 11
44 at Portland's Pioneer Courthouse Square. He said ODFW renewed its partnership with
45 Travel Oregon in support of Grant's Getaways to increase tourism and highlight
46 recreational opportunities in Oregon; the Oregon Wildlife Viewing page is now active on

1 Facebook. He said over \$6,700 has been contributed to the scholarship fund in memory
2 of volunteer outdoor skills instructor Jeff Johnson set up by friends and family.

3 4 Marine Resources Program

5 Steve Williams, Deputy Administrator for Columbia River and Marine Resources
6 Program, talked about white sturgeon spawning. He said in mid-May staff placed egg
7 mats downstream from Willamette Falls and were successful in capturing 22 eggs.
8 Staff will expand this effort next year to identify the magnitude of the spawning and
9 origination of sturgeon. He discussed catches for the Buoy 10 opening August 1 for
10 sports fishing. For the first mainstem fall commercial fishing period on August 4,
11 approximately 3,200 chinook were caught. He said staff reported that the fishery caught
12 about equal or more during last evening's opener, which will probably necessitate a
13 compact today to look at possibly modifying the next opener planned for August 9. He
14 said he may be back before the Commission today modifying the August 9 commercial
15 opener. He added that the ocean coho fishery has been very good.

16 17 **Wind Energy Update**

18 Holly Michael, Policy and Special Projects Coordinator, passed out excerpts taken from
19 "*Global Climate Change Impacts in the United States*", released in July 2009, and talked
20 about issues specific to the Pacific Northwest. She discussed staff meetings with the
21 Association of Oregon Counties (AOC) regarding wind energy impacts on fish and
22 wildlife resources, and collaborative opportunities with the counties. She meets with a
23 wind energy work group developed by AOC, and has met with the AOC Environmental
24 Program Manager. She said staff met with Renewable Northwest Projects to look at fish
25 and wildlife issues and other opportunities across the West.

26
27 Jon Germond reported on the regulation of wind energy projects in Oregon. He said the
28 Energy Facility Siting Council (EFSC) is the policy-making body for the Oregon
29 Department of Energy (ODOE), and has regulatory oversight over wind projects greater
30 than 105 mega watts (MW). The EFSC permitting process is standardized and more
31 stringent and similar to the National Environmental Policy Act (NEPA) process. He said
32 the Siting County Conditional Use Permitting Process is for wind projects smaller than
33 105 MW. The county process varies greatly among counties.

34
35 Craig Ely discussed the proposed Idaho Power (IP) 500 kv line going from Boardman to
36 Hemingway, Idaho. He said IP works through the U.S. Bureau of Land Management
37 (BLM) because the line will cross over federal land. The department has cooperator
38 status and participates in the NEPA process to make its issues known. Ely said
39 landowners expressed concern about the proposed location of the line on their property
40 and whether it would be seen visually or impact farm ground. IP formed Project
41 Advisory Committees, has held public meetings and will consider the public's input on
42 where the line will be located. He said ODOE and EFSC have the final say in terms of
43 the impacts on private and state property.

44 45 **Non-Resident Hunter Participation**

46 Larry Cooper, Deputy Director, Wildlife Division, said former Director Jim Greer sent a
47 letter to Commissioner Edge asking questions specific to participation draw success

1 and the revenue generated by non-resident hunters. He distributed two handouts: 1)
2 *Controlled Hunts and General Season*; and 2) *Sales and Fees of Selected Hunting and*
3 *Fishing Licenses by Calendar Year*.

4
5 Cooper provided non-resident statistics for the number of tags purchased (limited to a
6 five percent cap to non-residents) and drawn for Controlled Hunts. He said the tags
7 purchased were for elk and buck deer only; most non-residents hunt bucks. He noted
8 the General Season has no prohibition on the number of tags sold.

9
10 Cooper referred to the second table and discussed trends from 1999 to 2008. He said
11 non-resident sales are not declining and participation has remained stable. He noted a
12 slight decrease in sales in 2004 due to a fee increase. He said the recent fee increase
13 could show a small drop in all sales, as reflected on this table.

14
15 Commissioner Edge thanked Cooper for putting the report together in an easy way to
16 view the data in a comprehensive manner addressing Jim Greer's initial question.

17 18 **Expenditure Report**

19 Tom Ruddiman, Deputy Director for Administration, reported on the period ended June
20 30, 2009. He said the numbers were not final for end of the biennium because they will
21 go through the end of August and the numbers will change. Overall, Other Funds were
22 up slightly. He said actuals for Hunter and Angler Revenues ended the biennium with
23 \$2.1 million, and the Commercial Fisheries Fund increased slightly. Expenditures are in
24 line within budgeted projections. He referred to the Federal Revenue and said if you
25 look at the revenue versus expenditures there is a \$6 million difference because staff is
26 waiting for contracts from NOAA for Mitchell Act funding.

27
28 Commissioner Edge thanked Ruddiman for doing a good job in closing the biennium
29 during such a challenging economic time.

30 31 **Adopt Temporary Rules**

32 Deputy Director Curt Melcher requested the Commission to ratify the following 23
33 temporary rules that were previously adopted by the director over the last two month
34 period. Melcher noted that Steve Williams mentioned earlier that staff may have an
35 additional temporary rule for the Commission to ratify relative to the Columbia River
36 Commercial Fishery and the early closure of that fishery.

37 38 **635-014-0090**

39 **Nehalem Basin Closes to Chinook Retention from 6-15-09 through 7-31-09**

40 Adopted June 9, 2009; effective June 15, 2009 through October 31, 2009.

41 Amended rule closes the Nehalem Basin (including South and North forks and
42 associated tributaries of the Nehalem River) to the retention of summer Chinook
43 salmon. Current permanent rule has Nehalem Bay open for spring Chinook April 1-
44 July 31, 2009; Nehalem River open for spring Chinook May 23-July 31, 2009; and North
45 Fork Nehalem River open for spring Chinook May 23-July 31, 2009. Rule modifications
46 are consistent with: 1) the conservation approach being taken for management of 2009
47 fall fisheries in the Nehalem Basin; 2) current permanent regulations protecting wild

1 spring Chinook in the adjacent Tillamook Bay and Nestucca basins; and 3) with the
2 long-term management approach currently being evaluated by the District as part of the
3 draft *Coastal Spring/Summer Chinook Conservation Plan*.

4
5 **635-023-0125**

6 **Columbia River Recreational Spring Fishery Re-Opens from Tongue-Rocky Points
7 Upstream to I-5 Bridge**

8 Adopted June 10, 2009; effective June 12, 2009 through June 16, 2009.

9 Amended rule re-opens the steelhead and jack Chinook salmon fisheries in the
10 mainstem Columbia River from Tongue Point/Rocky Point upstream to the I-5 Bridge
11 beginning June 12, 2009. Revisions are consistent with Joint State Action taken
12 June 10, 2009 by the Columbia River Compact agencies of Oregon and Washington.

13
14 **635-023-0128**

15 **Summer Recreational Sockeye Fishery in the Mainstem Columbia River**

16 Adopted June 10, 2009; effective June 16, 2009 through July 31, 2009.

17 Amended rule provides a recreational sockeye fishery in the Columbia River from
18 Tongue Point/Rocky Point upstream to the Oregon/Washington border, upstream of
19 McNary Dam. Modifications are consistent with action taken June 10, 2009 by the
20 Columbia River Compact agencies of Oregon and Washington.

21
22 **635-041-0076**

23 **Columbia River Treaty Tribal Summer Salmon Gill Net Fishery Opens**

24 Adopted June 10, 2009; effective June 16, 2009 through July 31, 2009.

25 Amended rule allows the sales of fish caught in the Columbia River spring-summer
26 Treaty Indian gill net fishery which begins at 6:00 a.m. Tuesday, June 16, 2009.
27 Allowable sales include Chinook, coho and sockeye salmon; steelhead, walleye, carp,
28 yellow perch, catfish, bass and shad. White sturgeon may not be sold but may be kept
29 for subsistence. Two 84-hour (3.5 days) fishing periods were adopted. Revisions are
30 consistent with action taken by the Columbia River Compact agencies of Oregon and
31 Washington on June 10, 2009.

32
33 **635-042-0027**

34 **Implementation of Columbia River Commercial Summer Chinook Gill Net Fishery**

35 Adopted June 10, 2009; effective June 18, 2009 through July 31, 2009.

36 Amended rule implements a commercial summer Chinook salmon gill net fishery in the
37 Columbia River mainstem consistent with provisions of the *US v Oregon* management
38 agreement. Implementation is consistent with action taken by the Columbia River
39 Compact agencies of Oregon and Washington on June 10, 2009.

40
41 **635-006-0212, 635-006-0215 and 635-006-0225**

42 **Allow Commercial Sales of Dressed Salmon and Steelhead by Tribal Members to
43 Commercial Wholesale Dealers**

44 Adopted June 15, 2009; effective June 16, 2009 through December 12, 2009.

45 Amended rules allow Tribal fishers to sell gutted and gilled Columbia River salmon and
46 steelhead to licensed commercial wholesale fish dealers, canners, and buyers. The
47 wholesale fish dealers, canners, and buyers must report in round weight on the Fish

1 Receiving Ticket using the conversion factor 1.17 to one.

2
3 **635-016-0090**

4 **Modifications to Southwest Zone Sport Chinook Salmon Regulations for the**
5 **Rogue River**

6 Adopted June 23, 2009; effective July 1, 2009 through July 31, 2009.

7 Amended rule allows maximized spawning escapement of naturally produced adult
8 spring Chinook, while continuing to allow opportunities for harvest of hatchery-produced
9 spring Chinook and naturally-produced jack Chinook.

10
11 **635-006-0215**

12 **Allow Conversion of Glazed Sablefish Processed at Sea to Round Weight Pounds**

13 Adopted June 24, 2009; effective June 25, 2009 through December 21, 2009.

14 Amended rule allows fishers with Federal Groundfish Fixed Catcher Processor permits
15 who process sablefish at sea to accurately record glazed sablefish pounds on a Fish
16 Receiving Ticket. Wholesale fish dealers, canners, and buyers must report in round
17 weight on the Fish Receiving Ticket using the conversion factor 0.95 to one.

18
19 **635-017-0090**

20 **Additional Opportunity for Personal Use Harvest of Pacific Lamprey at Willamette Falls**
21 **Allowed**

22 Adopted June 25, 2009; effective June 30, 2009 through July 2, 2009.

23 Amended rule allows for three additional days for personal use harvest of Pacific
24 lamprey by individuals with the required permit. The season modifications provide
25 opportunity for harvest of lamprey that may become stranded due to the scheduled
26 installation of water flow devices at Willamette Falls.

27
28 **635-041-0076**

29 **Columbia River Treaty Tribal Summer Salmon Gill Net Fishery Continues**

30 Adopted June 25, 2009; effective June 30, 2009 through July 31, 2009.

31 Amended rule allows the sales of fish caught in the Columbia River summer Treaty
32 Indian gill net fishery which begins at 6:00 a.m. Tuesday, June 30, 2009. Allowable
33 sales include Chinook, coho and sockeye salmon; steelhead, walleye, carp, yellow
34 perch, catfish, bass and shad. White sturgeon may not be sold but may be kept for
35 subsistence. One 60-hour (2.5 days) fishing period was adopted. Revisions are
36 consistent with action taken by the Columbia River Compact agencies of Oregon and
37 Washington on June 25, 2009.

38
39 **635-004-0033**

40 **Cumulative Trip Limits for Greenling and Cabezon Reduced Effective July 1, 2009**

41 Adopted June 26, 2009; effective July 1, 2009 through December 27, 2009.

42 Amended rule reduces the cumulative trip limits for greenling and Cabezon in the
43 commercial fishery for black and blue rockfish with a nearshore endorsement.

44 Cumulative trip limits are reduced from 250 to 150 pounds for greenling species and
45 from 2,500 to 1,250 pounds for Cabezon.

1 **635-021-0090**

2 **Sport Chinook Fishery Closes on the Imnaha River**

3 Adopted June 29, 2009; effective July 5, 2009 through September 1, 2009.

4 Amended rule closes the Imnaha River to the recreational harvest of adipose fin-clipped
5 adult and jack Chinook salmon effective at 11:59 p.m. Saturday, July 5, 2009 when the
6 allowable wild Chinook impacts in this fishery are expected to have been reached.

7
8 **635-004-0017**

9 **Directed Sardine Fishery Allocations Reduced Effective July 1, 2009**

10 Adopted June 30, 2009; effective July 1, 2009 through December 27, 2009.

11 Amended rule reduces the directed sardine fishery allocations for the second and third
12 periods by 750 metric tons and 450 metric tons respectively to conform with changes
13 made to federal rules published in the Federal Register Vol. 75, No. 124 June 30, 2009.

14
15 **635-023-0134**

16 **Recreational Spring Chinook Fishery Closes In the Snake River Below Hells Canyon
17 Dam**

18 Adopted June 30, 2009; effective July 1, 2009 through July 17, 2009.

19 Amended rule closes the recreational spring Chinook salmon fishery on the Snake River
20 in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon
21 effective at 11:59 p.m. on July 2, 2009 to coincide with the State of Idaho's closure of
22 this fishery.

23
24 **635-004-0019**

25 **Inseason Actions Implemented by the Federal Government for Commercial Groundfish
26 Fisheries**

27 Adopted July 1, 2009; effective July 2, 2009 through December 28, 2009.

28 Amended rule adopts in-season actions implemented by the federal government on
29 July 1, 2009 for commercial groundfish fisheries, including changes to cumulative trip
30 limits and RCA boundaries.

31
32 **635-041-0076**

33 **Columbia River Treaty Tribal Summer Salmon Gill Net Fishery Extended**

34 Adopted July 6, 2009; effective July 8, 2009 through July 31, 2009.

35 Amended rule allows the sales of fish caught in the Columbia River summer Treaty
36 Indian gill net fishery which begins at 6:00 a.m. Wednesday, July 8, 2009. Allowable
37 sales include Chinook, coho and sockeye salmon; steelhead, walleye, carp, yellow
38 perch, catfish, bass and shad. White sturgeon may not be sold but may be kept for
39 subsistence. One 84-hour (3.5 days) fishing period was adopted. Revisions are
40 consistent with action taken by the Columbia River Compact agencies of Oregon and
41 Washington on July 6, 2009.

42
43 **635-023-0095**

44 **Columbia River Sport Sturgeon Fishery Re-opens Below Wauna Powerlines**

45 Adopted July 7, 2009; effective July 9, 2009 through December 31, 2009.

46 Amended rule allows retention of white sturgeon in the Columbia River and tributaries
47 from the Wauna powerlines downstream to the mouth at Buoy 10, including Youngs Bay

1 from Friday, July 10 through Sunday, July 12 (3 days) and from Friday, July 17 through
2 Sunday, July 19 (3 days). Revisions are consistent with Joint State Action taken by the
3 states of Oregon and Washington on July 7, 2009.

4
5 **635-041-0076**

6 **Extension of Columbia River Treaty Tribal Summer Salmon Commercial Gill Net**
7 **Fishery**

8 Adopted July 13, 2009; effective July 15, 2009 through July 31, 2009.

9 Amended rule allows the sales of fish caught in the Columbia River summer Treaty
10 Indian gill net fishery which begins at 6:00 a.m. Wednesday, July 15, 2009. Allowable
11 sales include Chinook, coho and sockeye salmon; steelhead, walleye, carp, yellow
12 perch, catfish, bass and shad. White sturgeon may not be sold but may be kept for
13 subsistence. One 60-hour (2.5 days) fishing period was adopted. Revisions are
14 consistent with action taken by the Columbia River Compact agencies of Oregon and
15 Washington on July 13, 2009.

16
17 **635-004-0017**

18 **Directed Sardine Fishery Closes Effective July 18, 2009**

19 Adopted July 17, 2009; effective July 18, 2009 through December 31, 2009.

20 Amended rule closes the second period of the directed sardine fishery effective July 18
21 through September 14, 2009. Rule modifications include reductions to the directed
22 fishery allocations for the second and third periods by 750 mt and 450 mt respectively
23 and conform with changes made to federal rules, published in the Federal Register on
24 June 30 and July 17, 2009.

25
26 **635-023-0095**

27 **Columbia River Sport Sturgeon Fishery Extended Below Wauna Powerlines**

28 Adopted July 21, 2009; effective July 24, 2009 through December 31, 2009.

29 Amended rule allows retention of white sturgeon in the Columbia River and tributaries
30 from the Wauna powerlines downstream to the mouth at Buoy 10, including Youngs Bay
31 from Friday, July 24 through Sunday, July 26 (3 days). Revisions are consistent with
32 Joint State Action taken by the states of Oregon and Washington on July 21, 2009.

33
34 **635-013-0007, 635-013-0009, 635-014-0090 and 635-016-0090**

35 **Oregon Ocean, Terminal Area, and Coastal Zone Sport Salmon Fisheries**

36 Adopted June 5, 2009; filed July 27, 2009; effective August 1, 2009 through December
37 31, 2009.

38 Amended rules implement Oregon ocean sport fisheries for mixed stock, terminal areas,
39 and coastal streams within the Marine, Northwest and Southwest angling zones
40 beginning August 1, 2009.

41
42 **635-042-0031, 635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

43 **Fall Commercial Seasons Set for Columbia River Mainstem and Select Area**
44 **Fisheries**

45 Adopted July 29, 2009; effective August 4, 2009 through December 31, 2009.

46 Amended rules set the 2009 fall commercial salmon seasons for the Columbia River
47 mainstem in Zones 1 thru 5 and the Columbia River Select Areas. Fall Select Area

1 fisheries implemented include: Youngs Bay; Blind and Knappa sloughs; Tongue
2 Point/South Channel and Deep River.

3
4 **635-041-0063 and 635-041-0075**

5 **Treaty Indian Fall Fisheries for Columbia River Above Bonneville Dam**

6 Adopted July 31, 2009; effective August 1, 2009 through December 31, 2009.

7 Amended rules allow the commercial sales of fish caught during the Treaty Indian
8 sturgeon setline and the fall salmon platform and hook-and-line fisheries in the
9 Columbia River above Bonneville Dam (Zone 6). The setline fishery begins at 6:00 a.m.
10 Monday, August 3, 2009 and runs through 6:00 p.m. Saturday, August 15, 2009 or until
11 the guideline is reached. The fall platform and hook-and-line Chinook and steelhead
12 fishery begins at 12:01 a.m. Sunday, August 1, 2009 and runs through Saturday,
13 October 31, 2009. Implementation is consistent with action taken May 26 and July 31,
14 2009 by the Columbia River Compact agencies of Oregon and Washington.

15
16 Chair Rae stated, for the record, that the Commission was looking at the supplemental
17 agenda and would dispense with reading each one of the rules into the record. She
18 asked Assistant Attorney General Bill Cook if that was acceptable. Cook replied yes.

19
20 *Action: Commissioner Jon Englund moved to adopt the 23 temporary*
21 *administrative rules. Commissioner Levy seconded the motion. The motion*
22 *passed unanimously.*

23
24 Chair Rae reminded the Commission that one more temporary rule may come before
25 them for ratification before the day was over. She moved to the Public Forum.

26
27 **PUBLIC FORUM**

28 Al Elkins, representing Oregon Hunters Association (OHA), distributed three papers
29 adopted by OHA in March. He said OHA asks to work with department staff on their
30 three issues before the Big Game Regulations are adopted in October. He discussed:

- 31
32 1. Statewide Full-Year Cougar Season.
33 2. Eliminate Cougar Tag Sales Deadline.
34 3. Eliminate Center-fire rifle restrictions. OHA would like to work with OSP to develop
35 this language.

36
37 Don Backman, OHA Board Chairman, discussed the opportunity of a year-round cougar
38 season. He said the zones are not meeting harvest quotas. Because cougars breed
39 throughout the year, there is as much risk during the current season of accidentally taking
40 a female with kittens. OHA supports eliminating the cougar tag sales deadline. He said
41 most hunters run into a cougar while hunting elk; but if they don't have a cougar tag
42 they lose the opportunity to get one.

43
44 Chair Rae said it was appropriate that the Commission refer these issues to the
45 department's Wildlife Division staff in order to hear their perspective as well. She said
46 cougars were one of the more controversial game species in Oregon.

1 **Exhibit A: COMMISSION MINUTES**

2
3 Commissioner Smith asked for the following revisions:

- 4 • Page 13, line 9, change the phrase “He was concerned about the invasive species
5 matter because Fern Ridge is located next to an urban area and the Eugene
6 airport.”, to “*Commissioner Smith said he was concerned about the invasive species
7 matter, and the possible implications of the proximity to urban areas.*”
8 • Page 26, line 3, change the word “hammer” to “*concentrate on.*”
9 • Page 26, line 36, insert “*not*” before the phrase “...yet occurred.”

10
11 Chair Rae noted the revisions by Commissioner Smith and asked for a motion.

12
13 *Action: Commissioner Edge moved to adopt the June 5, 2009 as edited in the
14 Commission’s discussion. Commissioner Smith seconded the motion. The
15 motion passed unanimously.*

16
17 Chair Rae moved Exhibit E up on the agenda. She said after the Exhibit E report the
18 Commission would take a break and move to Exhibit B.

19
20 **EXHIBIT E: SALMON AND TROUT ENHANCEMENT PROGRAM (STEP) ANNUAL
21 PROGRESS REPORT**

22
23 Shelly Miller, Acting ODFW STEP Coordinator, introduced Dave Dunahay, Chair of the
24 Salmon and Trout Advisory Committee (STAC), and a volunteer in Central Oregon.

25
26 Dave Dunahay gave an update on the STEP 2008 Annual Progress Report during a
27 slide presentation. He reported on STEP’s accomplishments and said volunteers
28 contributed a total of 111,345 hours; equivalent of 53 full-time employees. Dunaway
29 said the STEP Advisory Committee (STAC) has two openings in the Upper Willamette
30 and Eugene/Springfield area and in Tillamook. He said the “Mini-Grants” threshold
31 increased from \$750 to \$2,000 per grant (\$50,000 per biennium) and that Miller will help
32 STAC change their request for information form. STEP recommendations include:

- 33
34 1. Involve STEP/volunteers in statewide planning and implementation of trout
35 production.
36 2. Clarify STEP’s role in the department’s 25-Year Angling Enhancement Plan.
37 3. STEP supports additional staffing in LaGrande, Klamath Falls and Portland.
38

39 Dunaway invited the Commission to the 2009 STEP Conference, “*Salmon in the City*”,
40 scheduled for September 11-13 at the Salem Convention Center in Salem, Oregon.

41
42 Chair Rae agreed that volunteer numbers are probably under reported. She said the
43 number of schools, volunteers and others listed in the Annual Report are quite
44 impressive. She said Commissioner Edge will attend the STEP Conference.
45

46 The commission took a break at 9:36 a.m., and reconvened at 9:50 a.m.
47

1 **Exhibit B: 2009-2010 GAME BIRD REGULATIONS and 2010-2015 UPLAND GAME**
2 **BIRD FRAMEWORK**

3
4 Chair Rae said the original packet was quite extensive (198 pages) and to save on
5 copying costs the Commission received it by email. She said the Commission had at
6 their desks the Staff Summary and Recommendations. The Commission also had one
7 complete copy of the *2009-2010 Game Bird Regulations* with the mark-ups that reflect
8 any changes from the season before, and the *Supplemental Recommendations for*
9 *Migratory Game Bird Seasons* that includes Appendix A, B and C. She said a complete
10 notebook of all the pages and attachments were available to the public in the lobby.

11
12 *2009-2010 Upland Game Bird Seasons*

13
14 Dave Budeau, Upland Game Bird Program Coordinator, talked about the framework,
15 population status and harvest survey of Upland Game birds. He discussed staff's
16 proposed recommendations for Controlled Sage-grouse and the General Fall Turkey
17 Hunt. For the Pheasant Season, staff recommends opening the season one week
18 earlier so it coincides with the chukar and quail seasons, and recommends extending
19 the season through December 31, 2009. Budeau said this recommendation was new
20 and not in the Commission's packet for this coming season; it was in their packet for the
21 proposed framework. He said Special Hunting Opportunities fall outside the general
22 season framework and need to come before Commission so there can be OARs that
23 allow the harvest outside of those seasons.

24
25 *2009-2010 Migratory Game Bird Seasons*

26
27 Brad Bales, Migratory Game Bird Coordinator, talked about the Migratory Game Bird
28 Seasons. He said the Pacific Flyway Council sets the hunting seasons, which were just
29 approved on July 30, by the U.S. Fish and Wildlife Service's Regulations Committee
30 and then approved on July 31 by the U.S. Secretary of Interior. He said this is the
31 second year of the Western Mallard Model that includes data from Oregon and
32 California.

33
34 During a slide presentation, Bales discussed staff's proposed changes for the Duck
35 Season by Zone. He noted for the Black Brant Season, staff has been asked to adjust
36 the seasons to increase the harvest overall. Currently, Oregon is not a large brant
37 wintering area. He noted that in the past, the Commission asked that the department
38 have concurrent seasons with the state of California. He said staff proposes to move the
39 season back one week before the California season. It will not open with the California
40 season but will be concurrent and offer hunting over Thanksgiving. He doesn't expect
41 any significant increase in harvest.

42
43 Bales highlighted the Other Game Bird Regulations:

- 44
- 45 • Summer Lake Wildlife Area pre-waterfowl season access.
 - 46 • Adding the word "immediate" into current regulation on the retrieval of killed and
crippled game birds to improve retrieval of crippled birds.

- 1 • Modify regulations to reflect falconers need to possess only applicable permits, stamps, and validations for those species they are actually hunting.
- 2
- 3 • Public Comment Summary.
- 4 • Eviction from State Wildlife Area for Rules Violation.

5

6 *2010-2015 Upland Game Bird Framework*

7

8 Budeau said this framework would be the guiding document for setting seasons in to the future, but it can be modified in any year. He said staff likes to put in the game bird regulations the proposed dates for the next year so hunters can request their vacations. He talked about the proposed Framework changes for the different seasons, and said there were no proposed changes for sage-grouse, partridge (chukar and hun), or California quail.

14

15 Chair Rae asked for any questions. Hearing none, she moved to public testimony.

16

17 Public Testimony

18

<p>Bruce Hansen Portland, OR</p>	<p>Mr. Hansen said he has hunted black brant at Netarts and Tillamook Bay for 50 years. Last year his son, grandson and he scouted at Netarts Bay and didn't see any black brant before the season started. When the season started they made two trips there to hunt black brant because they have a lot of outlay in duck boats and black brant decoys. He said they didn't fire one shot last year. He asked the Commission to move the season back as late as possible, so he'd have a better chance of hunting in stormy weather.</p> <p>Mr. Hansen talked about the Sandhill Crane. He would like a population management plan for Oregon. He asked the Commission for relief from crop depredation they experience at their duck club on Sauvie Island. They have eight owners and 15 hunters on 478 acres at Mouse Lake Farm. He is the manager of that duck lake and lives just down the road. He said they spend a lot of money planting corn crops and daily between 30-200 sandhill cranes eat the standing corn; when the corn falls over they cannot use it for duck feed. He asked if there was any way to have limited hunting on these birds. Many states do; for instance, in the Central Flyway there are 400 permits in Idaho.</p> <p>Chair Rae noted that the department was getting ready to widely distribute the proposed Wildlife Management Plan for Sauvie Island and said Mr. Hansen would have an opportunity to participate in that process to comment.</p>
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19

1 Chair Rae asked Bales to address Black Brant on the coast and the prospect of moving
2 the season further back, as well as Sandhill Crane permits.

3
4 Bales said for Black Brant frameworks, the department cannot have over a 16 day
5 season. Under federal frameworks, the department cannot go later than December 15.
6 He said the current season is proposed for November 14 – 29, so there is opportunity to
7 move the season back a week later. He expressed concern that if the season went to
8 December 15, it would not totally overlap with the California season (runs 30 days) and
9 some of their north coast hunters could come back up.

10
11 Bales said Sandhill Cranes are a migratory bird species and under federal frameworks,
12 crane hunting is not allowed in Oregon. Unlike the Central Flyway, it is fairly limited in
13 this flyway. He said staff could look at current flyway management plans, so he wouldn't
14 rule it out. But right now it's just not an option to adopt a season.

15
16 Commissioner Edge asked if the Commission would need to go to the U.S. Fish and
17 Wildlife Service (USFWS) and request a season specifically for Sandhill Cranes.

18
19 Bales said that was correct; just like any other migratory season, we would have to see
20 approval from USFWS and get approved frameworks to adopt.

21
22 Commissioner Englund referred to Mr. Hansen's testimony and said people in the
23 Tillamook Bay area have requested similar things and would like to see the season set
24 when brants are flying through the area. He said the issue of cormorants is not going
25 away; it's not just in the Columbia but in all the estuaries.

26
27 Melcher said during the 2009 Legislative Session there was a lot of discussion about
28 cormorant predation, particularly on coastal estuaries. Through the budget process the
29 department got a new position in the Wildlife Division to work on avian predation in our
30 coastal estuaries. A first task for that person will be addressing the cormorant issue.

31
32 Commissioner Klarquist said one of Budeau's proposals was to incorporate the change
33 in the pheasant hunting starting date to the next year's regulations. He noticed in the
34 correspondence, objections to the earlier starting date. He was hesitant to move it into
35 the framework until seeing what the response is after this first year.

36
37 Budeau said during the last year he received phone calls from pheasant hunters who
38 thought it was a good idea; certainly there are some concerns about changing that. He
39 said he leaves it to the Commission to decide whether it should go forward. He said if
40 staff were to delay the change and see how this worked out this year, they would put a
41 "TBD" in for that date for the coming season in the following year.

42
43 Chair Rae said she was comfortable with the proposal and the recommendation. She
44 said she supports moving it now rather than wait until next year. There is always the
45 opportunity if something goes sideways this year that the Commission can make a
46 change. She said this is the framework - it doesn't lock it in for ever. Chair Rae said

1 before the Commission is a proposal on Attachment 5 and an addition of proposed OAR
2 635-008-0155 concerning the Summer Lake Wildlife Areas.

3
4 Commissioner Klarquist said with respect to the latest addition in order for it to make
5 sense, there are two punctuation changes that need to be made. In the new wording in
6 paragraph (2), line 2, insert a comma after "... (Lake County Road 4-17)" and delete the
7 period, and insert a comma after "...open roads and campgrounds..." Chair Rae said
8 to also lowercase the letter "E" in word "Except" on the same line.

9
10 Commissioner Englund asked if the Commission had resolved the Black Brant season
11 in this proposal.

12
13 Chair Rae said her sense, based on Bales' comments and the recommendations, is to
14 stay with the staff recommendation because it is already a later opening. She asked
15 Englund for his preference. Englund said as long as the Commission has to stay within
16 the federal regulations and the Commission is backing it as far as they can to
17 accommodate the hunters. He asked, "Are we doing that?"

18
19 Bales said the latest date they could go is December 15. He wasn't sure how that falls
20 into the week, but staff would try to accommodate more weekend hunting.

21
22 Chair Rae stated that Bales' recommendation is incorporated in the draft rules that we
23 have. We are beginning the process of moving it back but this maintains the season
24 concurrent with California's brant season.

25
26 Chair Rae noted the punctuation changes on 635-008-0155. She asked Counsel Bill
27 Cook if he had those recorded. Cook said yes. She asked for a motion.

28
29 *Action: Commissioner Edge moved to amend OAR Chapter 635, Division 008,*
30 *045, 051, 052, 053, 054 and 060 as proposed by staff to set regulations for the*
31 *2009-2010 game bird seasons and to approve the 2010-2015 Upland Game Bird*
32 *Framework, including the additional amended language for 635-008-0155*
33 *including the edited statements just presented. Commissioner Levy seconded*
34 *the motion. The motion passed unanimously.*

35
36 Chair Rae thanked staff and moved to Exhibit C. She stated Exhibit C was not an action
37 item but an informational briefing; the Commission would take public comments.

38
39 **Exhibit C: WIND ENERGY DEVELOPMENT AND SAGE GROUSE CONSERVATION**
40 **IN OREGON**

41
42 Christian Hagen, Sage Grouse Conservation Coordinator, gave an update on recent
43 issues with sage grouse with respect to wind energy. He noted the Commission just
44 received a *Revised Attachment 2* with minor editorial wordsmithing that came in after
45 staff had submitted the Commission packet. Hagen talked about proposed transmission
46 corridors, existing wind farms and proposed wind farms. He said most of the wind
47 energy in Oregon has been developed along the Columbia River. Because of that

1 development, the department, state agencies, the industry and non-government
2 organizations developed a set of voluntary guidelines in the siting of wind farms.

3
4 Hagen said the goal of staff's mitigation recommendation is to specifically link the state
5 sage grouse conservation strategy to the department's Habitat Mitigation Policy (HPM)
6 written in *Recommendations for Greater Sage-Grouse Habitat Classification under*
7 *Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy*
8 *(OAR 635-415-0000*. By linking the state conservation sage grouse to the HPM it
9 provides a consistent approach to mitigation across Southeastern Oregon. He said the
10 HPM directs staff in the event of having to provide mitigation recommendations to
11 categorize habitats from Category 1 through 6, regardless of land ownership. He noted
12 for small projects less than 105 MW, staff's recommendations to the counties are strictly
13 advisory. It is only when the State siting authority gets involved that the following
14 recommendations have any influence.

- 15
16 1. Establish habitat protection areas of no development around (three-mile radius)
17 occupied leks; designate as Category 1 within that radius. He said in Southeast
18 Oregon, with respect to sage grouse, staff is looking at recommendations for
19 primarily Category 1, which are irreplaceable habitats. Staff does not recommend
20 mitigation; staff recommends avoidance of development in those areas.
21
- 22 2. When specific information is available for sagebrush habitat for wintering or brood
23 areas, avoid development within 0.5 mile; designate as Category 2.
24
- 25 3. Mitigate all other native sagebrush habitat outside three-mile protection area;
26 designate as Category 2.
27
- 28 4. Rigorous evaluation and monitoring of impacts on sage grouse. In the event a
29 project is developed within that three-mile habitat protection area, staff is interested
30 in knowing what the immediate impacts are on local sage grouse population.
31

32 Hagen discussed the rationale for the three-mile habitat protection area.

- 33
34 • Sage-grouse is a relatively long lived species with low productivity that evolved in
35 vast landscapes.
36
- 37 • Colorado and Wyoming population simulation studies looked at the population
38 persistence of sage grouse with respect to habitat loss. They identified that you can
39 lose up to 20% of the habitat, but the models demonstrate you should be able to
40 maintain populations. They documented the distribution of nesting females with
41 respect to lek sites and found that 80% of the nesting occurred within four miles of
42 leks in Wyoming, Colorado and parts of Montana.
43
- 44 • Department staff applied the same principle to Oregon but after looking at 493 nests
45 in Oregon, staff found that 80% of nests are within three miles of leks.
46

1 Hagen discussed whether wind farms are equalvent to the sprawling nature of oil and
2 gas farms. He discussed studies by Kevin Doherty & Company, on the impacts of
3 natural gas wells, and by Walker and Co., regarding lek attendance within a gas field.
4 Hagen said the real unknown with wind energy is the vertical tall structures and the
5 constant motion and the shadow flicker that is associated with these structures.

6
7 Chair Rae asked if there were any questions or comments before public testimony. She
8 apologized for calling Judge Grasty a county commissioner earlier.

9
10 Public Testimony

<p>Steve Grasty Burns, OR</p>	<p>Steve Grasty, Harney County Judge, said he chairs the 24-county organization called the Oregon Consortium, and the six county Training and Employment Consortium. He also chairs other local committees on transportation and economic issues. He served with Commissioners Edge and Smith for 18 months on the Federal Forest Land Advisory Committee. He chaired the Public Lands Committee for AOC and was their first vice-president. He instigated the 13 county organization for the Blue Mountain Forest Plan Revision.</p> <p>Judge Grasty said department staff has incredible expertise. The counties can provide special expertise on local, social and economic issues. Counties are bound and obligated under a Comprehensive Land Use Plan to do some of the same things in those other areas that the department does for wildlife.</p> <p>He said there is an opportunity today to work together on a holistic view. He showed a map of Harney County to demonstrate what lands remained if you placed a three mile radius around power lines. He said it would not take many more spatial designations in Harney County from state and federal agencies to have a spatial designation on every square inch of Harney County. He said Oregon law and federal law are processes not about enabling anything – they stop processes. Grasty said his local community is the heaviest hit economically in Oregon that is second in the nation for being hard hit. Their two opportunities are biomass in the forest and wind power. He referred to Hagen’s map showing what looks like large areas for wind power in Harney County. Grasty said there are 6.5 million acres in Harney County (over 10,000 square miles), so those are very tiny areas. With a population of 6,700 people, we should deserve an opportunity to do some of that.</p> <p>Grasty said they have one wind project (Echanis) permitted in Harney County. He said the transmission lines are all underground until they leave the wind farm site. At the project site, 250-foot structures sit on top of a 3,000 foot cliff. He also noted there are</p>
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	<p>no 250 kv lines in his county; only one 500 kv line.</p> <p>Regarding the mentioned lek sites, he said yes they've gone away for whatever reason; it may be the transmission line. However, just two miles away he personally watched sage grouse strut in the rest area; there must be some girls around somewhere.</p> <p>Grasty said If a state agency makes a decision that restricts the opportunities to Harney County; his advice is to invest in U-Haul because Harney will need some trucks. At 20% unemployment, if the County doesn't keep the ranchers solid, viable and able to move in the future, there aren't many hooks on which to hang their economic hat. He asked the Commission to go a lot further and said they had great staff working hard. He said Harney has very good staff that works very hard as well to resolve the issues.</p> <p>Chair Rae said she has said this before and in every single forum where this issue has come up that the department knows its recommendations are "advisory" only to county planning commissions. The Commission knows the importance to Harney County given its higher economic and employment crisis situation, and it does not want to reach a point where it's a job versus a bird type of discussion. She has personally urged staff to get involved with county planners and wind developers very early on to assist with the design and development in order to avoid confrontation later. The Commission knows from the whole direction of state and federal governments that wind development is coming, and tries to be mindful of communities, individuals and the economy as well.</p>
<p>Elan Hasson Burns, OR</p>	<p>Mr. Hasson, Project Manager with Horizon Wind Energy, said Horizon is the third largest wind developer of wind projects in the world and who developed a 300 MG project in Oregon. Horizon is a member of the Northwest Noble Project RMP; both groups were involved in the development of Oregon Columbia Plateau Eco Region Wind Energy Siting and Permitting Guidelines (the Guidelines), and the Washington Department of Fish and Wildlife Wind Energy Guidelines.</p> <p>He said Horizon appreciates the efforts of department staff and the Commission to protect the sage grouse habitat. He said they pledge to the Commission to continue to act above the highest business performance and practices. Hasson said the sage grouse guidelines did not enjoy the same collaborative effort that benefitted the Eco Region guidelines. They learned that proper planning and an appropriate conservation mitigation measures are tools that benefit agencies, developers and public interest groups. Horizon urges the Commission not to establish sage grouse</p>

	<p>management and wind energy development policy until they have had sufficient time to develop meaningful, science-based approaches to setting wind projects in sage grouse habitat. Horizon believes that the department's recommendations do not yet meet those tests. He said they rely exclusively on research related to oil, gas, coal bed methane, and transmission line development.</p> <p>Mr. Hasson displayed two maps: 1) Exhibit A – Jonah Gas Field located in Wyoming, referenced in the Holloran Report; and 2) Exhibit B - Stateline Wind Project in Oregon, to demonstrate the difference between gas developments and wind farms. He distributed a copy of the Nebraska Game and Parks Commission study of prairie grouse and wind development, and said Nebraska found no significant impacts to leks three years after construction.</p>
Doreta Nielsen Portland, OR	<p>Doreta Nielsen, VESTAS Wind Systems, said VESTAS is the world's biggest wind turbine manufacturer. Their North American headquarters is located in Portland, Oregon. She said VESTAS has installed about 25% of all turbines in the United States, and has supplied many turbines to projects in Oregon. VESTAS is a founding member of the American Wind and Wildlife Institute (AWWI) which provides a forum for wildlife societies and the wind industry to work together. AWWI's mission is to facilitate timely and responsible development of wind energy while protecting wildlife. She said they fully support Horizon's testimony and think it is absolutely critical that any policy is based on in-depth, scientific research on how wind potentially impacts wildlife.</p>

1
2 Chair Rae said she wanted to make it clear with the Deputy Director that process-wise
3 the Commission was not being asked to adopt anything today. She said process-wise
4 the Commission has already adopted a Sage Grouse Management Plan, and has
5 continued to work closely with the counties, developers, and AOC. She said the
6 guidelines have been widely published, as well as Hagen's advice, counsel and
7 recommendations to both Harney and Crook; so she hoped this presentation did not
8 come as a surprise. She said the Commission continues to have every expectation of
9 continued collaboration and conversations, whether it is here or case-by-case projects
10 that are pending before a county when a county make ask us for our recommendations
11 in the conditional use permit, or whether it is in any one of the workgroups. Chair Rae
12 said she knew that both companies had been working closely with the department and
13 that it was the Commission's expectation that that continues.
14
15 Elan Hasson said he appreciated the sentiment and the desire to work together.
16
17 Chair Rae asked that Hasson, Christian Hagen, Holly Michael, Craig Ely and other staff
18 keep working that process. The Commission knows there are additional efforts in some

1 of the research that is evolving and progressing and Christian is very involved in
2 western states group, as Hasson's organizations are.

3
4 A lengthy discussion followed about the level of research the industry is putting forward,
5 funding toward research from the Wildlife Consortium, why wind turbines are placed in
6 strings, new wind turbine technology, and consistent wind patterns for wind energy site.

7
8 Chair Rae asked Hagen what the USFWS and the U.S. Forest Service are doing on
9 power transmission and sage grouse leks.

10
11 Hagen said the department is involved with a discussion work group with other federal
12 agencies to discuss the issue and figure what is the best way forward. The BLM as the
13 primary land manager of sage grouse habitat has worked closely with staff on this issue.
14 Staff's is in ongoing discussions with USFWS. He said Forest Service staff has not
15 engaged them in that conversation at this point, but it is his general understanding that
16 their habitats that sage grouse uses likely do not have any wind potential.

17
18 Chair Rae expects this would be the first of more discussions regarding this issue.

19
20 The Commission took a lunch break at 12:00 p.m., and reconvened at 1:05 p.m.

21
22 Chair Rae said **Exhibit D: Evaluation of Cougar Removal on Human Safety**
23 **Concerns, Livestock Damage Complaints, and Elk Cow Ratios in Oregon** had been
24 removed from the agenda and would be presented at the October 2 Commission.

25 26 **EXHIBIT F: 2010 SPORT FISHING REGULATIONS**

27
28 Rhine Messmer, Recreational Fisheries Program Manager, discussed the development
29 of the 2010 Sport Fishing Regulations. He said all the rules being proposed today, if
30 approved, will take effect January 1, 2010. Messmer gave an overview of the technical
31 changes in Issue 1: the Universal Date Changes described in Attachment 4, and the
32 change of the OAR's in Attachment 5. Messmer referred to Issue 2 – Proposed Rule
33 Changes, and discussed the four Guidelines for staff proposals. He noted that new non-
34 controversial opportunities or expanded angling opportunities relate to implementation
35 of the 25-Year Angling Plan. If there is a rule that can be put into effect; basically there
36 is no significant public comment on it staff will go ahead and put those forward.

37
38 Messmer said in the packet there actually 72 proposals but Attachment 4 lists Proposals
39 1 through 73, but #30 is left out. He said he had identified seven key issues in
40 Attachment 3 that were extracted from the packet to give the Commission more
41 information on those issues. He drafted the proposed rule language in Attachment 4,
42 and noted an amendment to Attachment 4 with revisions to rule language for the Two-
43 Pole Endorsement, a change in the rule for St. Louis Ponds, and an addition of a
44 Columbia River Zone rule.

45
46 Messmer walked the Commission through the proposed rule changes for the Angling
47 Zones. He said for the Willamette Zone – St. Louis Ponds last year the Commission

1 adopted a rule that would allow angling from a personal floating tube on all ponds but #1
2 and #3. The proposal in the Commission's packet was to eliminate restrictions from the
3 use of floating devices and you could use any floating devices. Messmer said in the
4 revision of this rule, which is in the amendment, is the proposal to revert back to the
5 2008 regulations which restricts all floating craft.

6
7 Chair Rae asked staff to make Henry Miller at the Statesman Journal aware of this
8 change because he has featured the prior change in an earlier story. Messmer said staff
9 was working on a press release and he would make sure that Henry Miller received a
10 copy of it.

11
12 Messmer continued his discussion on the Oregon Angling Zones, and staff
13 recommendations.

14
15 *Public Testimony.*

16
17 Chair Rae said no one signed up for public testimony. She acknowledged
18 Commissioner Englund.

19
20 ***Commissioner Jon Englund declared a potential conflict of interest in that his***
21 ***company sells recreational fishing gear.***

22 .
23 Chair Rae said the potential conflict of interest is noted for the record.

24
25 Commissioner Smith said Daniel Banke wrote the Commission with regard to closure of
26 the Willamette Valley cutthroat trout fishery. Messmer said he recently received that
27 correspondence, but he has not had a chance to respond to that yet since he has been
28 working on these regulations. Commissioner Smith said the fisherman claims the
29 Willamette Valley Cutthroat fishery has been eliminated on Deer Creek. He asked if
30 staff had that reflected in these regulations. Messmer said he just looked at the content
31 of it and believes it was talking about restoring opportunities for some cutthroat trout
32 consumptive angling that currently was all catch and release. He mentioned that staff
33 did restore angling opportunities in select streams and was making the case for other
34 areas potentially where the department could restore consumptive trout angling.
35 Messmer said that has not been reflected in any proposed changes. Potentially it could
36 be in the future.

37
38 Commissioner Edge said most of the Commission's correspondence is related to wild
39 steelhead on the Umpqua. He asked, for the record, to verify that they are no longer
40 proposing to allow the take of wild steelhead on the Umpqua.

41
42 Messmer said there is no set plan for a direct harvest. Staff is looking at what potential
43 fisheries could take place there, and plans to work with both sides of this issue and the
44 region to determine how to proceed.

1 Chair Rae said in the Commission packet there was an amendment to Attachment 4.
2 She discussed the differences in the original Attachment 4 and the revised version and
3 asked Messmer for clarification.

4
5 Messmer said on the original Attachment 4, he included all the rule language associated
6 with a specific zone. In the case of General Restrictions they go 1 through 16. So,
7 instead of repeating all these rules, there are no proposed changes on them, he only
8 listed them on 1-4 and indicated that they were continuing. He omitted those from the
9 Amended Attachment 4 just to provide brevity and focus on the proposed changes.

10
11 Chair Rae wanted to make sure she was reading it right, and asked for a motion.

12
13 *Action: Commissioner Edge moved to amend OAR Chapter 635 Divisions 008,*
14 *011, 013, 014, 016, 017, 018, 019, 021, 023 and 039, as proposed by staff in*
15 *Attachment 5, and to uniformly reflect the calendar dates for trout season*
16 *openers as described in Attachment 3 and shown in Attachment 4 with the*
17 *amendment to Attachment 4. Commissioner Smith seconded the motion. The*
18 *motion passed unanimously.*

19
20 Chair Rae asked Messmer to give his update on the future Public Process Overhaul.

21
22 Messmer said at the termination of the 2009 Public Process members of the public as
23 well as the Commission identified the need to for staff to take a look at this process.

24 Key issues are:

- 25
- 26 • Review Board and their application of the established criteria;
 - 27 • Large number of proposals submitted, and the high percentage rejected;
 - 28 • Commission action required on all proposals;
 - 29 • Public testimony was not always representative of the majority of the public; and
 - 30 • Public feels disenfranchised when they submitted proposals that were rejected.

31 Messmer said the current process is a lengthy and requires many public meetings,
32 extensive biological participation by staff biologists and staff time to coordinate the
33 proposals. He said staff would establish timelines and actions; staff is set up to get
34 public input. The department has a newly formed Inland Sports Fishing Advisory
35 Committee made up of a wide range of interested anglers and conservation groups.
36 Staff will also ask the Commission for direction. He talked about considerations to
37 change the process:

- 38
- 39 • Constrain volume of proposals and the development process criteria;
 - 40 • Reduce number of public meetings; consider public opinion surveys;
 - 41 • Delay action on biological related proposals until studies can be completed;
 - 42 • Exclude "policy level" regulation proposals;
 - 43 • Should we maintain the four-year cycle?

44 Chair Rae said given the time consuming volume she is as interested in the staff
45 considerations as she is of anything else because it can be overwhelming. She said four
46 years on the big overall review seems right in terms of having folks avail that process,

1 because they could be told if there was an issue that was so important, under the
2 Administrative Procedures Act, they could petition the Commission to do it sooner. She
3 agreed with Messmer on the biological part and said if staff cannot justify the biological
4 implications the Commission should defer it.

5
6 Commissioner Kerns agreed that a four year cycle seems right. The day he spent
7 reviewing all the regulations was long and he feels the Commission didn't give a lot of
8 proposals their due; there were so many and the Commission wanted to get it done in
9 one day. Kerns proposed creating regional communities to review the proposals with
10 regional staff and then take them before the statewide committee; it was fairer. He said
11 there were no proposals from his region.

12
13 He thinks the department lacked getting the word out to interested parties. He
14 suggested creating sales placards or putting a display in a local fishing shop to create
15 more public input. He said that would spread out the workload over a longer period of
16 time and result in a better product for anglers in the state. When proposals are
17 presented to the State Committee they could do a better job and have better
18 representation from the whole state. He suggested separating out the difference
19 between a rule change and a policy change, which should be at the Commission level.
20 He said the Commission had discussed rule changes before. Kerns felt it was wasting
21 time thinking about things the Commission had spent a huge amount of time on already.

22
23 Commissioner Smith agreed about deferring biological issues when they really count.
24 He said the language states, "Delay action on certain biological related proposals until
25 studies can be completed." He thinks the word "certain" is important. Sometimes going
26 ahead and gaining experience will actually aid in completing the studies and verify
27 certain preliminary findings.

28
29 Chair Rae said to Messmer that as he scouts out the views of others in this process,
30 whether it's the Warm Water Working Group, the Sports Leaders, or the conservation
31 community, to include watershed and district staff. She said they might have some
32 strong views or ideas about how we can do this better. She told Messmer he had
33 raised some good questions so send those questions out to the district staff to get them
34 to be thinking about that as well.

35
36 Chair Rae said to Counsel Steve Sanders that the Commission earlier had a question
37 from David Moskowitz who challenged whether or not the Review Board could
38 appropriately reject a proposal or whether that had to come before the Commission.
39 She asked Sanders to make sure the Commission has the appropriate mechanisms in
40 place to appropriately delegate certain decisions to an advisory group whether it's at the
41 regional level and then at the statewide level before it comes before the Commission.
42 She suggested this so the Commission does not get into rejecting or having to take up
43 and ratify rejected proposals. Steve Sanders replied yes.

44
45 **EXHIBIT G: COMMERCIAL HARVEST OF ANCHOVIES AS BAIT**

1 Gway Kirchner, Marine Fisheries Section Manager, said current regulations allow
2 commercial harvest of ocean food fish in inland waters with hook and line only; the
3 exception is in the Columbia River where nets are allowed to harvest and a small
4 herring fishery in Yaquina Bay. She said the regulations require actual weights to be
5 recorded on fish tickets; not estimated.

6
7 Kirchner said the department received a request from the Albacore Tuna Live Bait
8 Industry (ATLB) to harvest anchovies. Staff has little information available to estimate
9 the impacts on Oregon waters both to juvenile Chinook salmon and the anchovies, but
10 believes the impacts to be low due to the small volume. During a video, Kirchner talked
11 about fishing practices by ATLB, the gear used, and regulations and restrictions in
12 Washington and California. She talked about Management Tools in the draft
13 administrative rules in Attachment 6 of the Commission's packet.

14
15 Kirchner said the second issue is specific to Umpqua Bait, Inc., a small volume bait
16 business in place before 1964 and located in Winchester Bay. She said there has been
17 very little change to the operation. The operation uses beach seines at night to target
18 schools of bait fish in the boat basins and not in the main channel. The business
19 records an estimated weight on the day of harvest and developed a method to go back
20 and "truth" their estimation procedure. When staff visited their night operation they did
21 not observe any juvenile salmonids.

22
23 Kirchner said staff recommends allowing harvest of bait in Umpqua Bay using beach
24 seine, and allow recording of estimates on fish tickets (small volume bait businesses).
25 She said in 1999, staff came before the Commission to prohibit commercial fishing in
26 inland waters with the intent that existing small businesses would be affected. She was
27 unable to track how the rules were changed but currently they allow hook and line only,
28 so this business would not be accommodated under current rules.

29
30 Chair Rae said even though Commissioner Englund was unsure whether any of his
31 shops sell bait she would like him to declare a potential conflict of interest.

32
33 ***Commissioner Jon Englund declared a potential conflict of interest on this***
34 ***measure because his company deals both with recreational and commercial***
35 ***fisheries.***

36
37 Chair Rae noted Commissioner Englund's potential conflict of interest for the record.

38
39 Public Testimony

Richard Wood Newport, OR	Richard Wood, a commercial fisherman, said he was a prospective bait company owner, who has been really reluctant to put a net in the water and build holding pens. The rule language requires that they immediately put bycatch back in the water and notify OSP every time they want to make a net. He thinks it is really complicated to run your business under OSP. With a little rewording he could go into business. He has received requests for live bait in
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	<p>Yaquina Bay from the commercial tuna industry. Wood said unloading stations are unable to unload the tuna boats because the boats can't buy bait here. After they unload they have to drive another 80-100 miles to get bait. He asked the Commission to concern themselves with how many nets and how big these bays are and how many boats they would allow to enter and harvest the animals in these bays. He also favors setting the bays up for bait companies and not just bait boats. He said if you have an inland bay permit, from reading the temporary rule, he cannot go outside the jetties to get his bait and it would be difficult for him to bring the bait back in.</p> <p>Chair Rae asked Wood if he wanted to open the same kind of operation in Yaquina like the one before the Commission in Umpqua Bay. Woods said he didn't know the other issue, but he'd like to install holding pens and provide bait for the fleet.</p>
<p>Alisha Hoile Winchester Bay, OR</p>	<p>Alisha Hoile, new owner of Umpqua Bait, Inc., introduced her father Rick Beck, who owned the business from 1990 to 1998. They both support the proposed rules. She said their business is big asset to the community of Winchester Bay and a big draw for fishermen who they sell bait to. They also sell bait to a store in Charleston, Oregon. She said they do estimate the weights because they have to turn in the fish tickets within five days of their landing. After they process their bait they have an actual weight because they can count the dozens of fresh bait fish they sell. When they process and freeze them their vacuum packer has a counter on it, so they have an actual count. Ms. Hoile thanked the Commission for their time and consideration.</p>
<p>Rick Beck Winchester Bay, OR</p>	<p>Rick Beck, of Umpqua Bait, Inc., said Alisha had pretty much covered everything.</p>

1
2 Commissioner Klarquist asked if they had any competition on the coast. Hoile said they
3 are a one of a kind, very small operation who puts up a lot of product to sell. Klarquist
4 asked how many pounds per year. Rick Beck answered about 400 cases. Chair Rae
5 asked how many pounds in a case. Beck said about 25 to 30 pounds per case.
6
7 Commissioner Smith asked if the Commission should have some sort of limitation on
8 the number of people who could get into this business; would they likely get more than
9 one in each one of the bays. Kirchner said staff has heard interest to start a business in
10 Tillamook Bay and in Coos Bay. Staff limited this proposal to Umpqua Bay only and did

1 not promote expansion of the fishery because of the concern for people not familiar with
2 the gear or area and possible impacts while they are learning the fishery.

3
4 Commissioner Smith said he thinks for Issues 1 and 2; staff is recommending the same
5 kind of fishery in several bays. Kirchner said Issue 1 is targeted at albacore bait boats
6 using lampara nets to target huge schools of anchovies in deeper parts of the estuaries.
7 For Issue 2 the owners are using beach seine that they put off of the beach in shallower
8 water; both are fished differently.

9
10 Commissioner Klarquist asked if the Commission needed to limit the number of people
11 licensed to fish in Umpqua Bay. Kirchner said there was enough bait in Umpqua Bay to
12 only support two bait businesses; the area is very small.

13
14 Chair Rae asked if what Mr. Wood was requesting was more in line with the
15 developmental fishery rather than beach seining. Kirchner said she understands that
16 Mr. Wood's operation would be using a lampara net which is more similar to what the
17 albacore vessels want to do; it is different than Issue 2.

18
19 Melcher said in the Columbia River Estuary, bait harvesting is allowed and there is no
20 limitation on participation; hundreds of people could participate if they wanted to in a
21 given year. He said there is only one participant; the market really drives how many
22 people can get in. He didn't think the department will see huge interests in entering the
23 fishery with multiple operators in the same estuaries.

24
25 Chair Rae asked the folks to continue working with department staff on developmental
26 fisheries, the new regulations and working those out under the administrative rules with
27 OSP and continuing cooperation in the bait business down in Winchester Bay.

28
29 Commissioner Edge asked if the draft motion covered both issues. Kirchner said yes.

30
31 *Action: Commissioner Edge moved to amend OAR Chapter 635, Divisions 004*
32 *and 006 as proposed by staff and shown in Attachment 6. Commissioner Smith*
33 *seconded the motion. The motion passed unanimously.*

34 35 **EXECUTIVE SESSION**

36
37 Chair Rae announced the Commission was going into Executive session for
38 consultation with counsel to be briefed on current pending legal matters pursuant to
39 ORS 192.660(2)(h), and a Real Property Transaction pursuant to ORS 192.660(2)(e).
40 Representatives of the news media and designated staff are allowed to attend the
41 Executive Session. Representatives of the media are specifically directed not to report
42 any of the deliberations during the Executive Session. No decision may be made in
43 Executive Session. At the end of the Executive Session we will return to open session
44 and welcome the audience back into the room.

45 46 **ADJOURN**

- 1 The Commission reentered the public session at 3:27 p.m., and Chair Rae adjourned
- 2 the meeting at 3:27 p.m.