



Oregon Fish and Wildlife Commission Agenda

Tour:
September 3, 2009 – 8:00 am
Depart *The Riverside Inn*
986 S.W. 6th Street
Grants Pass, OR 97526-2908

Meeting:
September 4, 2009 - 8:00 am
Josephine County Fairgrounds
Floral Building
1451 Fairgrounds Road
Grants Pass, OR 97527-5505

DIRECTOR'S REPORT

Field Reports

Staff: Craig Ely, Chip Dale, Russ Stauff, Chris Wheaton, Rick Hargrave, Steve Williams

Expenditure Report

Staff: Tom Ruddiman, Deputy Director for Administration

Adopt Temporary Rules

Staff: Roy Elicker, Director

635-042-0031

Fall Commercial Seasons Revised for Columbia River Mainstem Fisheries

Adopted August 7, 2009; effective August 8, 2009 through December 31, 2009.

Amended rule modifies the fishing area authorized for the fall commercial gillnet salmon fishery in the Columbia River mainstem, for the fishing period previously scheduled from 7:00 p.m.

Sunday, August 9 to 7:00 a.m. Monday, August 10, 2009, from all of Zones 1-5 to only Zones 2-5.

635-043-0105

Permit Required to Harass Wildlife

Adopted: August 11, 2009. Effective Dates: August 11, 2009 through February 6, 2010

Amend rules relating to harassment of non-threatened or non-endangered migratory birds.

635-039-0085

Pacific Halibut All-Depth and Nearshore Sport Fisheries Closed from Cape Falcon to Humbug Mountain

Adopted August 14, 2009; effective August 16, 2009 through December 31, 2009.

Amended rule closes the sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon, at 11:59 p.m. on Sunday, August 16, 2009 when the quota of 180,088 pounds is projected to have been taken. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2009 Oregon recreational fishery for Pacific halibut.

635-041-0075

Treaty Indian Fall Gill Net Fishery Set for Columbia River Above Bonneville

Adopted August 18, 2009; effective August 24, 2009 through December 31, 2009.

Amended rule sets three Treaty Indian gill net fishing periods in the Columbia River above Bonneville Dam (Zone 6). The fishery consists of one 84-hour fishing period and two 108-hour fishing periods, from 6:00 a.m. Monday, August 24 through 6:00 p.m. Saturday, September 12,

2009. Implementation is consistent with action taken August 18, 2009 by the Columbia River Compact agencies of Oregon and Washington in coordination with the Columbia River Treaty tribes.

635-042-0031

Columbia River Fall Commercial Gill Net Fishing Period Rescinded

Adopted August 21, 2009; effective August 21, 2009 through August 31, 2009.

Amended rule modifies the fall commercial salmon season in the Columbia River mainstem by rescinding the fishing period previously scheduled for 8:00 p.m. Sunday, August 23 to 6:00 a.m. Monday, August 24, 2009 (10 hours) in Zones 3-5 upstream of the Kalama River.

635-042-0031

Columbia River Fall Commercial Gill Net Fishing Area Modified

Adopted August 24, 2009; effective August 25, 2009 through August 31, 2009.

Amended rule modifies the fishing area authorized for the last two fishing periods in the fall commercial salmon season in the Columbia River mainstem from Zones 4-5 to just Zone 5. These fishing periods were scheduled to occur from 8:00 p.m. Tuesday, August 25 to 6:00 a.m. Wednesday, August 26, 2009 (10 hours); and from 8:00 p.m. Thursday, August 27 to 6:00 a.m. Friday, August 28, 2009 (10 hours).

635-008-0210 (New Rule)

Restrictions to Public Access of Department Hatcheries

Adopted August 25, 2009; effective August 26, 2009 through February 21, 2010.

Adopted rule sets restrictions to public access and use of Department hatcheries and their grounds. The public is prohibited access between the hours of 10:00 p.m. and 4:00 a.m. daily. Open fires and the running of dogs not on a leash are prohibited, for public safety purposes. This rule also prohibits camping on Department property unless specifically authorized by the hatchery's manager.

635-014-0090

Bag Limit for Hatchery Coho Increased in Select Tributaries of the Lower Columbia River

Adopted August 25, 2009; effective September 1, 2009 through December 31, 2009.

Amended rule allows the sport harvest of three hatchery coho per day in: Bear Creek; Big Creek; Clatskanie River; Gnat Creek; John Day River; Klaskanine River; Lewis & Clark River; Youngs Bay; and Youngs River. Modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities. Seasons and dates are the same as found in the 2009 Oregon Sport Fishing Regulations.

635-042-0031

Columbia River Fall Commercial Gill Net Fishing Period Rescinded

Adopted August 26, 2009; effective August 27, 2009 through August 31, 2009.

Amended rule rescinds the last fishing period authorized for the fall commercial salmon season in the Columbia River mainstem from Zone 5. This fishing period had previously been scheduled to occur from 8:00 p.m. Thursday, August 27 to 6:00 a.m. Friday, August 28, 2009 (10 hours). By rescinding this final fishing period, the fishery was thereby closed.

635-017-0090

Bag Limit for Coho Increased In Sandy and Willamette Rivers and Tributaries

Adopted August 26, 2009; effective September 1, 2009 through December 31, 2009.

Amended rule allows the sport harvest of three hatchery coho in each of the Clackamas and Sandy rivers and Eagle Creek (Clackamas River tributary) effective Tuesday, September 1, 2009. Modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities. Modifications also allow sport harvest of three coho salmon in the Willamette River (river section 2 only) upstream of Willamette Falls and in the Tualatin, Yamhill, Molalla, and Santiam rivers.

635-005-0055

Commercial Vessels Allowed to Retrieve Dungeness Crab Gear August 29 Through October 31, 2009

Adopted August 27, 2009; effective August 29, 2009 through October 31, 2009.

Amended rule allows commercial fishermen to retrieve any commercial Dungeness crab gear from the ocean and transport that gear to shore beginning August 29 and continuing through October 31, 2009 to facilitate retrieval of gear remaining in the ocean following closure of the commercial ocean Dungeness crab season. Before the implementation of crab pot limit rules, it was common practice for commercial fishing vessels to retrieve another vessel's crab gear and bring it to shore for the owner to pick up.

635-003-0085

Commercial Oregon Ocean Terminal Area Chinook Salmon Fisheries

Adopted June 5, 2009; effective September 1, 2009 through December 31, 2009.

Amended rule implements the commercial Oregon ocean terminal area Chinook salmon fisheries which begin September 1, 2009.

635-018-0090

Additional harvest Opportunity During Shortened Fishing Season on Walton Lake and Antelope Flat Reservoir

Adopted August 27, 2009; effective September 1, 2009 through December 31, 2009.

Amended rule implements modifications to the daily limits and harvest length restrictions for all game fish species in Walton Lake and Antelope flat Reservoir from September 1 through October 18, 2009. There will be no daily catch or possession limits and no minimum length requirements preceding closure to fishing on October 19. This closure is earlier than previously published in the **2009 Oregon Sport Fishing Regulations**. On or about October 19, Walton Lake and Antelope Flat Reservoir will be chemically treated with rotenone in order to remove exotic bullhead catfish (*Ameiurus nebulosus*) and smallmouth bass (*Micropterus dolomieu*).

635-051-0075

September Youth Pheasant Hunts

Adopted: August 28, 2009. Effective Dates: August 28, 2009 through September 30, 2009.

Amend rules to correct the season dates for the September Youth Upland Bird Hunt in John Day.

635-042-0145; 635-042-0160; 635-042-0170 and 635-042-0180

Columbia River Select Area Fisheries Close to Retention of White Sturgeon on September 6, 2009

Adopted September 1, 2009; effective September 5, 2009 through October 31, 2009.
Amended rules close the 2009 fall commercial Select Areas salmon fisheries to retention of white sturgeon effective September 6, 2009. Fall Select Areas fisheries modified include: Youngs Bay; Blind and Knappa sloughs; Tongue Point/South Channel; and Deep River.

PUBLIC FORUM

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

Exhibit A: COMMISSION MINUTES

Approve August 7, 2009 Commission meeting minutes

Action: Approval

Exhibit B: DIAMOND LAKE MANAGEMENT PLAN

The Commission will be asked to review and adopt the Diamond Lake Management Plan.

Staff: Laura Jackson, Umpqua District Fish Biologist

Public Testimony

Action: Rulemaking

Exhibit C: RESTORATION AND ENHANCEMENT PROJECT APPROVALS

The Commission will be asked to review and approve the Restoration and Enhancement (R&E) Board's August 7, 2009 recommendations for project funding.

Staff: Laura Tesler, R&E Program Coordinator

Public Testimony

Action: Approval

Exhibit D: ACCESS AND HABITAT PROJECT APPROVALS

The Commission will be asked to review and approve the Access and Habitat (A&H) Boards July 2009 recommendations for project funding.

Staff: Matt Keenan, A&H Program Coordinator

Public Testimony

Action: Approval

Exhibit E: SENSITIVE SPECIES LIST UPDATE

The Commission will be asked to review and adopt the changes to administrative rules that will update the taxonomy standards, as well as common and scientific names, and adopt changes and clarifications for administrative rules relating to the Sensitive Species List.

Staff: Peg Boulay, Sensitive Species Coordinator

Public Testimony

Action: Rulemaking

EXECUTIVE SESSION

The Commission will hold an executive session to be briefed on a potential real estate transaction pursuant to ORS 192.660(2)(e), and other matters.

EXHIBIT F: MOTION TO RECONSIDER COMMERCIAL FISHING LICENSE SUSPENSIONS

The Commission will be asked to consider a motion for reconsideration in a Commercial Fishing License Case.

Staff: Bill Cook, Senior Assistant Attorney General

Action: Approval or Denial

OTHER BUSINESS

2010 Commission Dates

FUTURE PROPOSED COMMISSION MEETINGS & TOPICS

October 2, 2009 – ODFW HQ, Salem

- 2010 Big Game Regulations
- Update License Fees OARs
- Evaluation of Cougar Removal on Human Safety Concerns, Livestock Damage Complaints, and Elk Cow/Calf Ratios
- Temporary Suspension of the Developmental Fisheries Program - Informational
- Marine Reserves Briefing
- Commercial Ocean Dungeness Crab Fishery

November 13, 2009 – Portland

December 11, 2009 – ODFW HQ, Salem

- Access and Habitat Projects
- Access and Habitat Program Rules
- Wildlife Area Plan Adoption; Sauvie Island Wildlife Area
- Oregon Falconry Rules; Authorizing the take of Peregrine Falcons for 2010
- Disposal of Wildlife Parts
- Groundfish Fisheries Rulemaking
- Marine Reserves Rulemaking
- Temporary Suspension of the Developmental Fisheries Program and Annual Review
- North Canal Dam Fish Passage Waiver
- Criminal History Background Checks
- Master Hunter Violations

PLEASE NOTE

AGENDA

The Commission meeting will begin at 8:00 AM, and proceed chronologically through the agenda. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 to request a packet for those items, which interest you or see the agency's website at <http://www.dfw.state.or.us/agency/commission/minutes/>.

A recess will be taken at 12:00 Noon, when the Commission will have lunch and may discuss matters of general interest. The public is welcome to attend, and an announcement will be made of the location of the lunch.

PUBLIC TESTIMONY

If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided the day of the meeting. You will be called to testify by the Commission Chair. The Commission places great value on information received from the public, and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- (1) Provide written summaries of information to the Commission twenty (20) sets;
- (2) Limit testimony to five (5) minutes, recognizing that substance, not length, determines the value of testimony or written information;
- (3) Endorse rather than repeat testimony of other witnesses; and
- (4) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

PUBLIC FORUM

If you wish to give testimony on any item not scheduled elsewhere on the agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 503.947.6044, at least 24 hours prior to the meeting. You will be called to testify by the Commission Chair immediately following the Commissioner Items portion of the agenda. Please provide 20 sets of written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

Thank you for taking the time to present your views.

Materials delivered to the Director's Office sufficiently in advance of the meeting can be copied and distributed to the Commission. If you bring written materials to the hearing, please provide twenty (20) copies. If you have questions regarding this Agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 3406 Cherry Avenue, NE, Salem, OR 97303, 503.947.6044.

PARKING

Parking is available to anyone who attends the Commission meeting.

REASONABLE ACCOMMODATION OF DISABILITIES

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to be connected to 503.947.6044.