



Oregon Fish and Wildlife Commission Minutes

Meeting:
October 2, 2009 – 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue N.E.
Salem, OR 97303

1
2 *Commission minutes are considered draft until approved by the*
3 *Commission at its next meeting.*

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

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Marla Rae, Chair	Roy Elicker, Director for Fish & Wildlife
Dan Edge, Vice-Chair	Tom Ruddiman, Deputy Director for Administration
Bobby Levy, Commissioner	Bill Cook, Assistant Attorney General
Carter Kerns, Commissioner	Steve Sanders, Assistant Attorney General
Jon Englund, Commissioner	Teri Kucera, Executive Assistant
Zane Smith, Commissioner	

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Chair Marla Rae opened the Friday, October 2, 2009, Oregon Department of Fish and Wildlife (ODFW) Commission meeting at 8:05 a.m. She said Commissioner Skip Klarquist was not available and that Commissioner Carter Kerns was delayed.

Director Elicker asked Tom Ruddiman, Deputy Director, to comment on the room's art display. Ruddiman said the art was on loan from the Oregon Youth Authority's "Youth Art on Loan" program to create a welcoming environment by using artwork that projects the diverse cultures in Oregon. Director Elicker said the department received also four large murals that were painted in 1959 by the state's only wildlife artist, Harold Cramer Smith, who painted them for Oregon's centennial celebration.

Commissioner Carter Kerns arrived at 8:07 a.m.

DIRECTOR'S REPORT

Field Reports

Northeast Region

Craig Ely, Region Manager, talked about the 2009 spawning ground surveys in the Lower Snake River fisheries. Preliminary results showed a large return of hatchery salmon to the Imnaha River, but a low return for wild salmon. Ely said in mid-September that two youth pheasant hunts were offered at Ladd Marsh and in Baker City.

High Desert Region

Chip Dale, Region Manager, reported on Klamath Bull Trout restoration efforts underway to restore the bull trout in Threemile Creek by isolating bull trout above the barriers and removing brook trout through electro-fishing. He said the 2009 run of Deschutes River Spring Chinook to the Warm Springs River is nearly complete. He said

1 two youth upland game bird hunts were held in September at the Klamath Wildlife
2 Management Area and Willow Creek.

3
4 Commissioner Kerns asked if staff plants brook trout in lakes statewide. Dale said staff
5 limits brook planting to a few high mountain lakes where they seem to do the best.
6 Kerns said since there is the threat that they would interbreed with bull trout, shouldn't
7 staff cease planting them and use triploid trout instead. Dale said staff has done that in
8 the Cascade tributaries; Dale liked the suggestion on triploid stocking.

9
10 Chair Rae said Chip has been involved in Klamath Basin settlement negotiations and
11 that the hydro settlement agreement was released in draft form on September 29. Dale
12 said there was concurrence among the 26 negotiating parties. He said a few counties
13 still need to go through their formal meeting process. Staff anticipates it being signed
14 by the end of the year; Roy Elicker will sign for the department.

15 16 Northwest Region

17 Chris Wheaton, Region Manager, said to Commissioner Kerns that he believes the
18 brook trout eggs are all triploid fish, but he will check. He discussed incidents of deer
19 having run-ins with accoutrements of human civilization, and talked about a
20 Conservation Strategy habitat project for restoration of a 19-acre tidal marsh area
21 around Toledo. Wheaton provided highlights of the September weekly reports of 11
22 hatcheries, and said a number of Go Oregon Stimulus Projects are being completed.

23 24 Southwest Region

25 Russ Stauff, Acting Region Manager, said the annual youth pheasant hunt held at
26 Denman Wildlife Area was an outstanding success. It was held the weekend of
27 September 19-20; a total of 151 youth participated and 175 adults supervised.

28 29 Conservation Strategy

30 Holly Michael, Conservation Policy Coordinator, is working with the Western Governors
31 Association Wildlife Council to establish wildlife corridors to assist wildlife in adapting to
32 climate change, land use, transportation, and development, and to establish a decision
33 support system to be used by western states to prioritize these corridors and significant
34 habitats. Staff is working with the State of Wyoming to study impacts of wind energy on
35 sage grouse. She said three states and a few wind energy companies applied for a U.S.
36 Department of Energy grant to identify research needs.

37
38 Chair Rae said Director Elicker and she met September 28 with their counterparts in the
39 Oregon Parks and Recreation Department (OPRD), Oregon Watershed Enhancement
40 Board, Oregon Department of Environmental Quality, and the Oregon Department of
41 Forestry. She said Oregon's conservation strategy has taken root. The other agencies
42 are interested in the upcoming revisions and want to be involved in that process.

43 44 Information and Education

45 Roger Fuhrman, Administrator, said staff is working with Active Network to provide
46 hunter registration online to make it easier for hunters. Active Network said the system
47 should be available by April 2010. Fuhrman said the 2009 Fall Hunting Forecast is

1 available on the website. He discussed the My Hunter Information website, which
2 makes it easier for hunters to track preference points, etc., from one location.

3
4 Director Elicker said Steve Williams would report on behalf of Tony Nigro.

5
6 Marine Resources Program

7 Steve Williams, Assistant Administrator of the Fish Division, discussed the Ocean
8 Salmon Columbia River Program and the Columbia River Investigation sub-program
9 within it. He discussed staff's work around the Sandy River Delta with NOAA Fisheries
10 and the University of Washington. This area of the Sandy was selected because there is
11 habitat work proposed for that area. So far 29 species have been documented, 16 of
12 which are natives. He said a number of exotic non-native fish were identified. Williams
13 said staff is in the early stages of working with the U.S. Army Corps of Engineers and
14 the Lower Columbia River Estuary Partnership to look at the presence and density of
15 predatory (piscivorous) fish that are found around pile dike structures. The agency may
16 get involved in the actual implementation of the study, which is designed to do night
17 electro-fishing in the pile dikes.

18
19 Commissioner Edge said it's disturbing that the Sandy River Delta report suggests
20 almost half of the fish community is non-native. He asked staff to be vigilant about trying
21 to figure out where these species are coming from and how to prevent it.

22
23 Oregon State Police Fish and Wildlife Division

24 Captain Walt Markee, Division Director, discussed aircraft night flight saturation patrols
25 in the department's Mule Deer Initiative Units. He said Sr. Trooper Chris Culp
26 developed the action plan, which strives to put an end to spotlight hunting in the
27 Heppner, Maury, Warner, Steens Mountain and Murderers Creek units.

28
29 Wildlife Division Reorganization

30 Director Elicker said last year he asked Ron Anglin to look at reorganizing the Wildlife
31 Division. He said Eric Rickerson is the new Conservation Program Manager.

32
33 Ron Anglin, Wildlife Division Administrator, discussed how the Wildlife Division is
34 organized, and how staff plans to implement the Conservation Strategy and provide
35 better service to field staff and the public. The current Wildlife Division organization
36 chart has three main programs: Game, Habitat, and the Wildlife Diversity Program.
37 He said goal is to create five programs within the division:

- 38 1. Develop a Conservation Program that will replace the Wildlife Diversity Program;
- 39 2. Add a new section (Operations Manager) to oversee the Wildlife Division budget;
- 40 3. Game Program is virtually unchanged except for a few position changes;
- 41 4. Create a new Research and Monitoring section; and
- 42 5. Create a new name for the Habitat Program.

43
44 Eric Rickerson said a key effort is revision of the Oregon Conservation Strategy. In
45 the original adopted in early 2006, the department committed to conduct a five-year
46 review. Staff determined there were other planning efforts out there that were not fully
47 incorporated in the Conservation Strategy. Staff hopes to bring back a revised draft for

1 the Commission's review and adoption in early 2011. He discussed key efforts started
2 under former Conservation Strategy Coordinator, Michael Pope.

3
4 Chair Rae asked the Commission for their comments.

5
6 Commissioner Edge asked staff to make sure they don't have a conservation silo and to
7 work across all of the programs and across divisions. Chair Rae said that's why
8 Director Elicker has a conservation strategy focus in the Director's Office.

9
10 Commission Smith said with regard to climate change that partnerships with major
11 Oregon land managers and other entities will be very important.

12
13 Commissioner Levy recommended that staff provide education outreach to large,
14 private landowners concerned with conservation. Rickerson said staff is working
15 through federal and state partners who have relationships with those landowners. Levy
16 said the irrigation districts are open to conservation; they'd be a great way to get the
17 message out to small and large landowners.

18 19 **Expenditure Report**

20 Tom Ruddiman, Deputy Director for Administration, reviewed the monthly Financial
21 Statement ending August 31, 2009. The department is on target with revenues, and
22 expenditures are under budget. Staff is still closing the 2007-09 biennium. He said 15 of
23 the funded 24 Go Oregon Projects are complete, and several others are nearing
24 completion. We have funds for the derelict crab pot program and are getting contracts in
25 place. He hopes to hear from the Oregon Department of Energy (DOE) on projects staff
26 submitted by the end of this week.

27 28 **Summary Report of Reinstatement of Preference Points and Tag Sale Deadline 29 Extension**

30 Director Elicker said he has received positive comments on these two rules that were
31 put in place to provide emergency customer service.

32
33 Deanna Erickson, Licensing Services Manager, said temporary rule 635-060-0046 was
34 put in place October 10, 2008 to allow the Director to reinstate preference points for
35 hunters who are not able to participate in controlled hunts due to circumstances beyond
36 their control. So far, 59 applicants have been considered; 50 were approved and nine
37 were denied. She said one denial is on appeal.

38
39 Erickson reported that the Tag Sale Deadline Extension was adopted into temporary
40 rule (635-051-0015) at the Commission's September 4, 2009 meeting. Since then, 513
41 hunters have applied for tags this way. The department has generated just over
42 \$22,275 in revenue from those sales. She said comments have been very positive.

43
44 Director Elicker said staff will do an evaluation of how the Tag Sale Deadline pilot
45 project is working and report to the Commission in spring 2010.

46
47 The Commission and Director Elicker complimented Erickson for her patience on these
48 issues, and the customer service provide by her and her staff.

1
2 **Adopt Temporary Rules**

3 Director Elicker requested the Commission to ratify the following 13 temporary
4 administrative rules beginning with 635-039-0090 (see Agenda, page 1) and ending with
5 635-042-0180 (see Agenda, page 3). Director Elicker announced that the Columbia
6 River Compact state agencies of Oregon and Washington (Compact) would hold a
7 meeting today. He said a new rule would be forthcoming after lunch.
8

9 **635-039-0090**

10 **Retention of Cabezon Prohibited In the Oregon Ocean Boat and Estuary Boat Sport**
11 **Fisheries**

12 Adopted September 8, 2009; effective September 13, 2009 through December 31,
13 2009.

14 Amendments close both the ocean boat and estuary boat sport fisheries to retention of
15 cabezon effective 11:59 p.m. Sunday, September 13, 2009. The 2009 statewide landing
16 cap of 15.8 metric tons, adopted by the Oregon Fish and Wildlife Commission, has been
17 attained.
18

19 **635-067-0030**

20 **Controlled Bighorn Sheep Hunts**

21 Effective September 9, 2009 through September 30, 2009

22 This rule will expand the hunt area for hunt 571A- Poker Jim. This expansion will allow
23 hunters possessing tags for Bighorn Sheep hunt 571A to also hunt in the Hart Mountain
24 hunt area. Because the sheep have moved from the hunt area this amendment is
25 necessary to allow the hunters possessing unused once in a lifetime bighorn sheep tags
26 an opportunity to continue to hunt until the end of the season.
27

28 **635-041-0075**

29 **Treaty Indian Fall Gill Net Fishery Extended in Columbia River Above Bonneville**
30 **Dam**

31 Adopted September 10, 2009; effective September 13, 2009 through September 30,
32 2009.

33 Amended rule extends the ongoing treaty Indian gill net fishery in the Columbia River
34 above Bonneville Dam (Zone 6). One 108-hour (4.5 days) fishing period was authorized
35 to begin 6:00 a.m. Monday, September 14 through 6:00 p.m. Friday, September 18,
36 2009. Modifications are consistent with action taken September 19, 2009 by the
37 Columbia River Compact agencies of Oregon and Washington in concert with the
38 Columbia River Treaty tribes.
39

40 **635-042-0180**

41 **Fishing Days Authorized in Deep River Select Area Fishery Modified**

42 Adopted September 10, 2009; effective September 13, 2009 through October 30, 2009.

43 Amended rule reduces the number of days per week fishing is allowed in the fall
44 commercial salmon Select Area fishery in Deep River from five to four. Modifications are
45 consistent with action taken September 10, 2009 by the Columbia River Compact
46 agencies of Oregon and Washington.
47

1 **635-041-0075**

2 **Additional Fishing Period Authorized for Treaty Indian Gill Net Fishery in Columbia**
3 **River Zone 6**

4 Adopted September 17, 2009; effective September 21, 2009 through October 31, 2009.
5 Amended rule extends the ongoing Treaty Indian gill net fishery in the Columbia River
6 above Bonneville Dam (Zone 6). One 84-hour (3.5 days) fishing period was authorized
7 to begin 6:00 a.m. Tuesday, September 22 through 6:00 p.m. Friday, September 25,
8 2009. Modifications are consistent with action taken September 17, 2009 by the
9 Columbia River Compact agencies of Oregon and Washington in concert with the
10 Columbia River Treaty Tribes.

11
12 **635-016-0090**

13 **Non Fin-clipped Coho Closure in the Coos River and Bay Sport Salmon Fishery**

14 Adopted September 18, 2009; effective September 18, 2009 through December 31,
15 2009.

16 Amended rule closes the Coos River and Bay upstream to the Doris Place Boat Ramp
17 at river mile 0.25 on the Millicoma River and upstream to the confluence with Besse
18 Creek at rivermile 6.25 on the South Fork Coos River to retention of non fin-clipped
19 adult Coho salmon from 11:59 p.m. Friday, September 18 through December 31, 2009.
20 This closure is necessary due to attainment of the 1,000 non fin-clipped adult Coho
21 allocation.

22
23 **635-014-0090**

24 **Non Fin-clipped Coho Closure In the Nehalem and Yaquina River Sport Salmon**
25 **Fisheries**

26 Adopted September 21, 2009; effective September 22, 2009 through December 31,
27 2009.

28 Amended rule closes all waters of the Yaquina River upstream of the confluence of
29 Yaquina River and Big Elk Creek at rivermile 18.3 and all waters of the Big Elk Creek
30 (Yaquina River Basin) and Nehalem Bay upstream to the Miami-Foley Bridge on the
31 South Fork Nehalem River and upstream to North Fork Road Bridge (at Aldervale) on
32 the North Fork for retention of non fin-clipped adult Coho salmon beginning 11:59 p.m.
33 Wednesday, September 23 through December 31, 2009. This closure is necessary due
34 to attainment of the 1,000 non fin-clipped adult Coho allocation in the Nehalem and the
35 500 non fin-clipped adult Coho allocation in the Yaquina.

36
37 **635-042-0060**

38 **Late Fall Commercial Salmon Gill Net Fishery In the Mainstem Columbia River**

39 Adopted September 22, 2009; effective September 24, 2009 through October 31, 2009.

40 Amended rule sets the late fall fishing periods and areas in the Columbia River for the
41 commercial harvest, retention and sales of adult salmon and white sturgeon beginning
42 September 24, 2009. The proposed seasons provide opportunity for the commercial gill
43 net fleet to harvest part of their pre-season allocation. Revisions are consistent with
44 action taken September 23, 2009 by the Columbia River Compact agencies of Oregon
45 and Washington.

1 **635-004-0017**

2 **Directed Commercial Sardine Fishery Closes September 23, 2009**

3 Adopted September 23, 2009; effective September 23, 2009 through December 31,
4 2009.

5 Amended rule closes the third period of the directed commercial sardine fishery
6 effective September 23 through December 31, 2009. Previous rule modifications
7 included reductions to the directed fishery allocations for the second and third periods
8 by 750 mt and 450 mt respectively; and closure of the directed sardine fishery second
9 allocation period. These modifications conform to federal rule changes published in the
10 Federal Register on June 30, July 17, and September 23, 2009.

11
12 **635-017-0090**

13 **Bag Limit for Hatchery Coho Increased in the Lower Willamette River**

14 Adopted September 25, 2009; effective September 28, 2009 through December 31,
15 2009.

16 Amended rule allows the sport harvest of three hatchery Coho in the Lower Willamette
17 River as shown on page 55, Section 1 of the **2009 Oregon Sport Fishing Regulations**.
18 This modification allows sport anglers opportunity to harvest substantial numbers of
19 Coho that are returning to hatchery facilities.

20
21 **635-041-0075**

22 **Treaty Indian Gill Net Fishing Period Authorized in Columbia River Zone Six**

23 Adopted September 25, 2009; effective September 29, 2009 through October 31, 2009.

24 Amended rule adopts a 60-hour (2.5 days) fishing period for the ongoing Treaty Indian
25 gill net fishery in the Columbia River above Bonneville Dam (Zone 6). This new fishing
26 period begins at 6:00 a.m. Tuesday, September 29 through 6:00 p.m. Thursday,
27 October 1, 2009. Modifications are consistent with action taken September 25, 2009 by
28 the Columbia River Compact agencies of Oregon and Washington in concert with the
29 Columbia River Treaty Tribes.

30
31 **635-042-0060**

32 **Late Fall Commercial Salmon Gill Net Fishery in the Mainstem Columbia River**
33 **Extended**

34 Adopted September 29, 2009; effective September 30, 2009 through October 31, 2009.

35 Amended rule extends the ongoing late fall salmon fishery with four additional fishing
36 periods in the Columbia River for the commercial harvest, retention and sales of adult
37 salmon and white sturgeon beginning September 30, 2009. The authorized fishing
38 periods provide opportunities for the commercial gill net fleet to harvest part of their pre-
39 season allocation. Revisions are consistent with action taken September 29, 2009 by
40 the Columbia River Compact agencies of Oregon and Washington.

41
42 **635-042-0180**

43 **Fishing Times Authorized in Deep River Select Area Fishery Modified**

44 Adopted September 30, 2009; effective September 30, 2009 through October 31, 2009.

45 Amended rule expands the number of hours per day fishing is allowed in the fall
46 commercial salmon Select Area fishery in Deep River from 14 to 17. Revisions are
47 consistent with action taken September 29, 2009 by the Columbia River Compact

1 agencies of Oregon and Washington.

2

3 Chair Rae asked for a motion.

4

5 *Action: Commissioner Englund moved to adopt the 13 temporary administrative*
6 *rules. Commissioner Edge seconded the motion. The motion passed*
7 *unanimously by a yes vote by Commissioners Levy, Englund, Kerns, Smith,*
8 *Edge and Chair Rae. Commissioner Skip Klarquist was absent.*

9

10 Chair Rae said the Commission’s November meeting is canceled. Since the December
11 agenda will be long, the Commission will meet Thursday, December 10 at 1:00 pm., and
12 Friday, December 11 at 8:00 a.m. She moved the Public Forum up on the agenda.

13

14 **PUBLIC FORUM**

<p>David E. Filippi Portland</p>	<p>David Filippi, an attorney who represents the Central Oregon Irrigation District (COID), the Swalley Irrigation District, and North Unit irrigation districts in Central Oregon, distributed his letter dated July 17, 2009 to Ken Homolka, Hydropower Program Leader at the department. He said the districts are municipal entities that divert and deliver irrigation water from the Deschutes River at the North Canal Diversion Canal in Bend to farmers in the basin. The irrigation districts are working on conservation projects, and want to pipe the ditches to prevent loss from seepage and evaporation; losses reach 60%.</p> <p>Filippi asked the Department for funding to add micro-turbines to the pipes with the idea of generating clean, renewable power, and using the revenue stream to help pay for the projects. He said the department has taken the position that, because piping the ditch amounts to a change in permit status at the dam, it has the discretion to require fish passage at the dam, even though nothing at the dam would change. He disagrees with this; it acts as a disincentive to these renewable projects. He asked for a fish passage waiver. He said districts are not opposed to fish passage at the dam, but it’s difficult for them to fund such projects.</p> <p>He invited the Commission and Director Elicker to the COID project groundbreaking on October 5, 2009 in Bend.</p> <p>Chair Rae thanked Filippi for bringing this to the Commission attention. She is aware that he continues to work with department staff, and looks toward to finding a common ground. She asked him to thank the irrigation districts and the City of Bend.</p>
<p>Richard Wood Newport, OR</p>	<p>Richard Wood, a commercial fisherman, commented on a rule the Commission adopted August 7, 2009, pertaining to harvest of anchovies in Yaquina Bay, to provide bait for the tuna fleet. He</p>

said only two boats have attempted to harvest their bait there; unsuccessfully. The boats that are unable to set their nets need bait. A lot of these boats are going to West Port in Washington. He said the income to the port would be substantial; over \$13 million goes to Washington and \$8 million to Oregon out of the tuna fleet. He has been in touch with Gway Kirchner regarding a petition to allow him to harvest bait, but she can't make a decision for him. He asked the Commission for direction on how to approach this.

Chair Rae said she was aware that Mr. Wood was in front of the Commission in August when the anchovy bait rule was adopted. She asked Steve Williams to meet with Mr. Wood to help him figure out what actions he can take.

1
2 **Exhibit A: COMMISSION MINUTES**

3 Chair Rae asked for a motion after hearing no comments to the September 4 minutes.

4
5 *Action: Commissioner Edge moved to adopt the September 4, 2009 Commission*
6 *meeting minutes as presented. Commissioner Levy seconded the motion. The*
7 *motion passed unanimously by a yes vote by Commissioners Levy, Englund,*
8 *Kerns, Smith, Edge and Chair Rae. Commissioner Skip Klarquist was absent.*
9

10 The Commission took a break at 9:30 a.m., and reconvened at 9:40 a.m.

11
12 **Exhibit B: 2010 BIG GAME REGULATIONS**

13 Tom Thornton, Game Program Manager, reported on the 2010 Big Game Regulations
14 administrative rules, proposed in concept in June. During a slide show, he discussed:

15
16 *Focus on Changes to June Recommendations and review the Regulation Development*
17 *Process.* He said between February - April 2010, population surveys will be conducted
18 and staff will develop proposals. In June 2010, tag numbers for fall 2010 hunts will be
19 adopted, and approve in concept 2011 seasons.

20
21 *General Regulations.* Thornton said staff proposes all current tag sale deadlines to
22 remain in effect through 2010. He said staff proposes the use of fiber optic sights
23 during muzzleloader seasons. Staff proposes allowing family members to exchange a
24 controlled hunt tag for a Landowner Preference Program (LOP) antler-less deer or elk
25 tag to address damage.

26
27 ***Chair Rae declared a potential conflict of interest because members of her family***
28 ***participate in LOP. Commissioner Kerns declared a conflict of interest because***
29 ***he is a hunter and enrolled in LOP. Commissioner Levy also declared a potential***
30 ***conflict of interest as her family also holds LOP tags. Chair Rae said it does not***
31 ***prevent any of the declarers from participating in the discussion or casting a***
32 ***vote.***
33

1 *Species Highlights.* Thornton said the 2010 Raffle Tags will be drawn at the Oregon
2 Hunters Association State Convention on May 15, 2010. He discussed Spring Bear Tag
3 numbers and proposed bear and cougar season changes that occurred since June.
4 Currently, hunters are restricted from hunting bear and cougar unless they have an
5 unfilled elk tag. The proposal is a compromise, to allow hunters to continue to hunt bear
6 and/or cougar after filling their deer or elk tags. Another proposal is to expand year-
7 round cougar season to statewide. Thornton talked about proposed regulations
8 changes for bighorn and mountain goats, pronghorn, deer and elk hunts.
9

10 *Mandatory Reporting Update.* Thornton said steps are being taken to make the
11 reporting process mandatory. As an incentive, each hunter completing a mandatory
12 report of harvest for a 2009 hunt by April 15, 2010, would be entered into a drawing for
13 deer, elk or pronghorn; they would still need to purchase that tag.
14

15 *Ceremonial Hunting Permits.* Thornton said the Confederated Tribe of the Grande
16 Ronde (CTGR) asked that tribal hunters using the ceremonial tags be allowed to use
17 archery equipment. Staff proposes removing the word "rifle" from OAR 635-043-0120
18 (3) (h). He said that means during Commission adopted seasons, (standard public deer
19 and elk seasons) tribal members would still be restricted to using the weapon that that
20 season is for. But outside of those seasons when they are exercising ceremonial
21 permits, it would be at their discretion.
22

23 Chris Wheaton, Northwest Regional Manager, discussed the history of the Ceremonial
24 Harvest Permits issue, raised by the Siletz Tribe. In August 2007, during a meeting on
25 the Grande Ronde reservation, a proclamation was signed that recognized the tribe's
26 need for additional hunting for ceremonial purposes. A team was formed between tribal
27 members and department staff. He said the Commission intended to take final action
28 April 18, 2008, but the Siletz Tribe requested additional time. The Commission took on
29 public testimony and adopted the ceremonial harvest rule as proposed by staff. He said
30 there are still unresolved legal issues between the two tribes. Chair Rae is facilitating a
31 discussion between the tribes to resolve these issues.
32

33 **Public Testimony**

Cheryle Kennedy Grande Ronde, OR	Cheryle Kennedy, Tribal Council Chairwoman of the Confederated Tribes of Grande Ronde (CTGR), said sovereign tribal rights to engage in ceremonial hunts outside state hunting seasons were lost to the Grande Ronde in 1954 when the tribe was terminated. After it was restored in 1983, part of CTGR's work was to reestablish a reservation. She said they had to secure the support of the State of Oregon and signed a consent decree. The state used the same consent decree that was presented to the Siletz Tribe. Kennedy said it was a very tearful time, but they went ahead and struck the agreement. She said the tribe began talking with the State of Oregon about the importance of its ceremonies, and the animals that the creator had created for their subsistence. We've been a very good steward of the land and the animals.
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<p>Reynold Leno Willamina, OR</p>	<p>Reynold Leno, Tribal Council Vice-Chairman of CTGR, said he was four years old when the tribe was terminated. Although the government no longer recognized them as Indians, they knew they were Indians and lived as Indians. To have to give up hunting and fishing in order to be restored was like taking away the part of the right of the tribe. Leno thanked ODFW for giving the tribe an opportunity to recover part of their sovereignty. He thanked the Commission for that opportunity, and for helping the tribe recover some of their rights and culture.</p>
<p>Chris Mercier Grande Ronde, OR</p>	<p>Chris Mercier, member of CTGR, said he grew up in Salem and moved to Grand Ronde later in life. He'd never hunted before, but was involved in negotiations with the Governor on this issue. His great grandfather Hubert Mercier's generation subsisted on game meats. He said the taking of animals reclaims a piece of our history. It's been a long time since our community has gotten this excited about an event; this has been a win-win situation.</p>
<p>Valorie Sheker, Grande Ronde Tribal Council</p>	<p>Councilor Valorie Sheker thanked the Commission for giving the tribe the ability to be bow hunters. She was raised in Portland and spent her summers in Grande Ronde. Today she supports her tribe, as well as to support her Siletz brothers and sisters. She said they have suffered the same termination and enjoyed the same restoration. She said the Siletz Tribe has the right to hunt and fish, but Grande Ronde stands firm on the ceded territory on which they hunt and fish.</p>
	<p>Tribal Chairwoman Cheryle Kennedy said, in closing, that ceremonial hunts are confined to the tribes of the Confederation, who historically hunted these areas. She believes this is an example how injustices can be corrected by working together.</p> <p>Chair Rae said the one issue today is the elimination of "rifle" in the existing rule. She asked if most of the ceremonial hunters prefer to use a bow.</p> <p>Reynold Leno said tribal hunters use both; maybe half and half. The change is more for the populated areas that are restricted toward shotgun and bow hunting, so that change would help us.</p>
<p>Tina Retasket Siletz, OR</p>	<p>Tina Retasket, Tribal Council Secretary for the Confederated Tribes of Siletz Indians, said the Tribe realizes the Administrative Rule is in effect, and the state has taken the position that it has the authority to enact the rule. She said the Siletz Tribe supports the expanded ceremonial hunting rights for the CTGR, but do not support the CTGR hunting on the Siletz Tribe's Reservation. She said the Siletz Reservation was set aside in 1855, and later</p>

	<p>made permanent by Executive Order. In the 1950s, the Tribe was terminated; it was restored in 1977, but hunting and fishing rights became an issue. She said this continues to be an issue, since feeding our people was directly through hunting and fishing. The Siletz Tribe urges the Commission to modify the rule to authorize the hunt within the boundaries of the Grande Ronde reservation.</p>
<p>Craig J. Dorsay Portland, OR</p>	<p>Craig Dorsay, attorney for the Siletz Tribe, also supports the CTGR ceremonial hunt but within the boundaries of the Grande Ronde reservation. He said the Siletz Tribe was forced into a Consent Decree in order to get a reservation. The Grande Ronde was not a restored tribe at that time. When the CTGR was restored, ceremonial hunting land was set aside for it. Dorsett said, now is an opportunity to clarify the hunting boundaries for both tribes. He said he is not advocating modification of the Consent Decree, but another way to address the issue is to permit the additional ceremonial hunt under the terms of the Consent Decree.</p>
<p>Al Elkins Wilsonville, OR</p>	<p>Al Elkins, for the Oregon Hunters Association (OHA), said OHA's biggest concern was answered by Tom Thornton with regard to the LOP changes in relation to tag distribution; he would like to see an evaluation in June. Elkins said OHA is part of working group to obtain funding for the Conservation Strategy. The OHA Board asked him to work with Director Elicker and Ron Anglin about the timing of issues, such as Big Game Regulations and the Cougar Plan the day before the season starts. He asked the Commission when OHA could have these discussions because these issues are huge and some of the experts who want to testify are unavailable.</p>
<p>David Lewis Salem, OR</p>	<p>David Lewis, Culture Resources Manager and member of the CTGR, said when the Tribes were created in the 1850s; the original Coast Reservation included all tribes in Western Oregon. Historic events changed things, and in 1855 they created the Grande Ronde Reservation as an informal stopping ground for tribes that were being moved to the Coast Reservation. He said in 1857, two-thirds of the Indians were moved to Siletz, and the Grande Ronde Reservation was officially created by a presidential Executive Order. He said events are sometimes obscured by incomplete information. Lands of the Coast Reservation were later renamed Siletz Reservation.</p>
<p>Bryan Langley McMinnville, OR</p>	<p>Bryan Langley, a member of CTGR, sits on the Ceremonial Hunting Board and is one of the Ceremonial Hunters. He said the process of implementing ceremonial hunts has worked very well. He takes his son on hunts with him. Langley is a manager of the</p>

	Higher Education Program and each year the Tribe celebrates their graduation. He said last June they had elk stew and could not have provided this without the hunts.
Shonn Leno Willamina, OR	Shonn Leno, former chairman of the CTGR Ceremonial Hunting Board and a hunting participant, said the feeling of being able to provide for my people cannot be expressed in words. His family lived in Grande Ronde before termination. Ceremonial hunters have become role models to the younger generation in giving back to our tribe. He hopes that what has started will someday be the standard practice of his people.
Ken Hand Klamath Falls, OR	Ken Hand, Regional Director of the Mule Deer Foundation, distributed the current issue of the <i>MDF Mule Deer Foundation</i> magazine. He supports bringing the youth elk hunting dates back to December 31, but believes a 60-day season would be ample. He said starting August 1, you are overlapping with archery season but if the archers have no problem with it, he doesn't either. He does believe that it could cause some conflicts. Hand said being involved in the Mule Deer Initiative and with regard to disturbance; he suggests ending November 30, which is still 60 days. He has no problem with hunting on private land, although we need to look at the length of the season. Hand said another issue is expanding the white tail deer hunts in Northeast Oregon. He believes there is ample deer to expand opportunities.
Scott Beckstead Oakland, OR	Scott Beckstead, Senior State Director for Humane Society of the United States (HS), said HS is concerned about the proposed elimination of the tag sale deadline, which will result in what amounts to poaching. HS strongly opposes the expansion of the cougar season, which constitutes what amounts to war on these predators. Voters said they want them protected. It gives the cougars no respite, even during the birthing season. He said HS opposes adding more mule deer hunts, especially because the mule deer population is declining.
Craig Starr Lebanon, OR	Craig Starr, President of Wapiti Bowmen, and interim President of the Oregon Bow Hunters, distributed two handouts: 1) written testimony regarding Controlled-Entry Archery Deer Hunts, and 2) Survey Results. He thanked staff for withdrawing a previous proposal regarding controlled entry tags. He opposes the proposal to make Steens Mountain and Warner units controlled entries, which would inconvenience bow hunters for no benefit. He objects to a proposal to prohibit elk archery hunting without a controlled entry deer tag. He realizes OSP is understaffed, but he sees something wrong with putting obstacles before the law-abiding bow hunters in an effort to curb abuses. He urged the

	Commission to not create this artificial imbalance in the harvest.
Wayne Endicott Springfield, OR	Wayne Endicott, Vice President of Oregon Bow Hunters (OBH), thanked staff for suggesting two new antelope archery hunts. OBH concurs with Mr. Starr's opposition to the Mule Deer Initiative suggestion to make Steens and Warner units controlled entries. He would like to work with staff to control numbers without implementing a controlled hunt status for these units. He's concerned over a new youth antlerless hunt that would add 600 tags. While OBH wants to promote hunting, there is already a lot of pressure on the units, and this would add pressure and conflict. OBH would like to work out details with staff.
Mike Morris Bend, OR	<p>Mike Morris, a hunter, talked about past Commission decisions beginning in the 1970s, which were unsuccessful attempts to increase the populations. He asked the Commission to adopt his two proposals. Over the past eight years the mule deer population has decreased by an unprecedented 80,000 animals.</p> <p>Morris said his proposals don't reduce the number of hunters, but would reduce the number of hunting days. One objective of the Mule Deer Plan is to reduce the total number of days for hunting for all big game species. This was adopted in 2003, but has never been implemented. In fact, hunting days have increased, and the youth hunting proposal will increase hunting days even more. He asked how the Commission can justify this proposal in light of the Management Plan.</p> <p>He showed his 2010 mule deer tag for Lookout Mountain Unit and could not justify using it. ODFW statistics showed the mule deer were plentiful. But 40% of the buck population was lost due to over-harvest in 2009 before the stats were available. He urged the Commission to make changes that will make a difference.</p> <p>Commissioner Englund asked for clarification on Morris's two proposals. Morris clarified: 1) reduce the season to five days on the 14 units where the buck population is less than 50% of management objective; and 2) close deer hunting in the Maury Unit for five to seven years as a test case in order to grow the buck population.</p>

- 1
- 2 Chair Rae asked Tom Thornton and Chris Wheaton to answer Commission's questions.
- 3
- 4 Chair Rae said the only proposal before the Commission today is removal of the word
- 5 "rifle" from the weapons list. She said she has attempted without success to facilitate
- 6 conversations between the Siletz and Grande Ronde Tribes on their sovereignty issues.

1 This administrative rule does not resolve the underlying issue that the Tribes have with
2 our rule. She said this is not the place to resolve these historic issues; the Commission
3 has no authority; it's an act of Congress and not this Commission. Chair Rae said she
4 continues to believe the ceremonial permits are appropriate; the Commission does not
5 need to revisit that issue. She said there remains some pending litigation. Her
6 recommendation to the Commission is to stay the course.

7
8 Commissioner Edge agreed and asked if Chair Rae would continue to engage in the
9 discussions. Chair Rae said she would continue to make herself available, as long as
10 both tribes continue to see these sessions as constructive. She recalls that the State
11 inadvertently got in the middle of a tribal dispute. I don't consider what we've done to be
12 inappropriate regarding the ceremonial hunt process.

13
14 Commissioner Smith liked Mr. Morris's idea of closing the Maury Unit for five years. For
15 three years, he's received phone calls that someone is herding elk with helicopters,
16 perhaps Weyerhaeuser or the U.S. Forest Service is spraying in the fall. He suggested
17 that staff consult with these landowners and land managers about this.

18
19 Commissioner Englund said he finds himself lining up behind Mr. Morris.

20
21 Commissioner Edge suggested to Thornton that he speak to mule deer declines
22 throughout the Western states, and whether other agencies have been successful.

23
24 Thornton presented a slide, which quotes from a book: "Mule Deer Conservation: Issues
25 and Management Strategies". The book states that the population of fawns does *not*
26 decrease, because the remaining bucks still reproduce. He said something is else going
27 on that is causing the decrease in herds. Oregon data does not contain evidence that
28 severe exploitation of antlered bucks adversely influenced herd productivity. At the
29 same time the male population was adjusted, there were increases in nutrition, which
30 confused the results of that study. He said, in the information that Mr. Morris provided,
31 there was a habitat factor involved in a study with white tails.

32
33 Commissioner Edge asked what other states are doing in response to this regional
34 issue. Thornton said he will look into what other states are doing. Edge said this
35 underscores that habitat is the big issue. He said staff needs to partner with BLM and
36 the U.S. Forest Service to get those areas under some form of management that
37 produces habitat. Thornton agreed.

38
39 Director Elicker said the Number 1 priority staff is wrestling with is the mule deer issue.
40 Other states are wrestling with loss of mule deer, due to habitat or other issues not
41 understood. He said the department takes Mr. Morris's suggestions seriously.

42
43 Commissioner Edge said the Mule Deer Initiative provides an opportunity to look at
44 least three hypotheses: 1) is it habitat; 2) predators; or 3) the hunting situation? He said
45 the Wildlife Society released a white paper on lead ammunition. He said in the future
46 staff will have to think about "getting the lead out".

1 Chair Rae summarized the revisions to Oregon Administrative Rules (see Exhibit B:
2 2010 Oregon Big Game Regulations, Supplemental Draft):

- 3 • 635-045-0002: Replaces current definition of “domestic partner”
- 4 • 635-065-0090: Disabled hunter seasons and bag limits
- 5 • 635-065-0625: Regulations on State Wildlife Areas
- 6 • 635-073-0065: Set season date for early western Oregon general bow seasons
- 7 • 635-073-0070: Set season date for early eastern Oregon general bow seasons
- 8 • 635-075-0005: Registration, application and tag issuance procedures

9
10 Chair Rae said in Attachment 4, page 2, OAR 635-043-0120, and in the first sentence
11 under Ceremonial Harvest Permits, insert “Grande Ronde” before the phrase
12 ...”Community of Oregon (for the purpose of this rule here in referred to as the Tribe).”
13 Chair Rae asked Counsel Bill Cook if that was clear. Cook said yes.

14
15 *Action: Commissioner Edge moved to amend OAR Chapter 635, Division 008,*
16 *010, 043, 045, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, and 080,*
17 *and to adopt the document entitled “2010 Oregon Big Game Regulations” as*
18 *proposed by staff in Attachment 4, the Revised Exhibit B, and also the addition of*
19 *“Grande Ronde” into line one of 635-043-0120. Commissioner Smith seconded*
20 *the motion. The motion passed unanimously by a yes vote from Commissioners*
21 *Levy, Englund, Kerns, Smith, Edge and Chair Rae. Commissioner Skip Klarquist*
22 *was absent.*

23 24 **Shikar Safari International Award**

25 Before the Shikar Safari award was presented, Captain Walt Markee presented Lt.
26 Steve Lane with a tie tack for 25 years of service with OSP. He also acknowledged Sgt.
27 Mary Chambers for the last 10 years as a sworn officer and previous to those 20 years
28 as an OSP employee. Captain Markee said the Trooper Mark Boyd out of the
29 Springfield office was unable to attend today. He introduced Ms. Lynn Loacker, a
30 member of the Shikar Safari Club.

31
32 Lynn Loacker said the Shikar Safari Club, was formed in 1952 by a group of Big Game
33 hunters. In 1966 they formed a foundation which raises money from club members to
34 support conservation projects internationally. Loacker said Trooper Mark Boyd was
35 selected for this award because he brings enthusiasm to his job and is known for the
36 tenacity he brings to his job. Loacker talked about several incidents which involved
37 Trooper Boyd in the line of duty. She publicly congratulated Trooper Mark Boyd for
38 receiving this award and said very seldom do wildlife officers receive recognition in their
39 duties. She wished him continued success in his work efforts.

40
41 The Commission recessed for lunch at 12:15 p.m., and reconvened at 1:00 p.m.

42 43 **Exhibit C: COMMERCIAL DUNGENESS CRAB FISHERY MANAGEMENT**

44
45 ***Commissioner Jon Englund declared a potential conflict of interest because his***
46 ***family is involved in the commercial fishing industry. Chair Rae noted the***
47 ***potential conflict of interest for the record.***

1
2 Caren Braby, Marine Resources Program Manager, presented a slide show and
3 discussed four key issues:

- 4
5 1. *Three year review of pot limit program.* Braby discussed program goals and
6 description, and what has happened since implementation in 2006.
7
8 2. *Review of the 2009 Commercial Dungeness Crab Summit.* Braby reported that
9 the two-day summit in Newport covered many issues: development of long-term
10 derelict gear; vessel safety; season start date; and the logbook program.
11
12 3. *Appeals of Dungeness Crag Permit Renewals Dates.* Braby said this rule change
13 will allow the Commercial Fishery Permit Review Board the authority to review
14 appeals for lapsed permits.
15
16 4. *Suspension or Revocation of Commercial Fishing Privileges.* Braby said current
17 statute prohibits persons convicted of certain wildlife violations from participating
18 in the activity in which these violations occurred. Current commercial fishing rule
19 does not prohibit individuals with suspended commercial fishing license to
20 continue in the fishery. She said this regulation would close that loophole.
21

22 **Public Testimony**

<p>Michele Longo Eder Newport, OR</p>	<p>Michele Longo Eder distributed a handout, "Safety in the Oregon Crab Fishery: Problems and Potential Solutions". She asked the Commission to have staff draft a rule to require Oregon crab vessels to provide proof of a current, voluntary safety inspection by the U.S. Coast Guard. Federal law already requires this safety equipment. Longo Eder said Devon Lucas, Institute of Occupational Safety and Health, attended the Crab Industry Summit. She referred to his handout, which concludes that Oregon crabbers are far less likely to survive a vessel disaster than their counterparts in Washington and California.</p> <p>Chair Rae asked if California and Washington require inspections by the U.S. Coast Guard. Longo Eder said no. Chair Rae asked if Lucas had an explanation why Washington's survival rate is 90%, while Oregon's survival rate is only 56%. Longo Eder speculated, because fatalities in Oregon are likely to occur during bad weather while crossing hazardous bars that those things happen so fast they may not be able to access the safety equipment.</p>
<p>Nick Furman Coos Bay, OR</p>	<p>Nick Furman, Executive Director of the Oregon Dungeness Crab Commission (ODCC), submitted written testimony. He said ODCC supports staff's recommendations with regard to:</p> <ul style="list-style-type: none"> • Derelict gear retrieval; • At-sea buoy tag changes for permit transfers; and • Suspension or revocation of commercial fishing privileges.

	<p>Furman said ODCC supports, in principle, the hardship waiver related to permit renewal requirements, but feels the penalty, permit loss, for missing a renewal date is too harsh. He said the Marine Stewardship Certification for the Dungeness crab fishery should be accomplished by May 2010.</p> <p>Chair Rae asked Furman if the industry would support a change in a requirement that would allow logbooks to be completed 24-hours after each delivery rather than the current requirement prior to landing. Furman said that was mentioned in testimony that Caren presented. The recommendation was to seek guidance on this issue.</p> <p>Chair Rae she continues to worry about the previous report on the low survival rate of Oregon crabbers who get into trouble. She wondered how the Commission would take this issue head on. Furman said ODCC is not proud of those statistics and want to make this fishery the safest on the West Coast; not the deadliest. Oregon has the worst bar crossing situations on the West Coast, and some should be closed down in the wintertime.</p>
--	--

1
2 Chair Rae asked the Commission if they had questions for Caren Braby. Discussion
3 followed about how a crabber would recognize derelict gear (pot clusters).
4

5 Commissioner Englund thanked Caren and staff for an outstanding job at the Crab
6 Summit in July. He said the industry appreciates that the Department heard their
7 concerns, and the industry seems to be very well informed now.
8

9 Commissioner Edge was disappointed that there was so little support for safety
10 inspections within the industry. He asked if the Commission could survey the crew
11 members to find out what their perception is on safety. Braby said that is a tough
12 population for staff to access, but they could certainly try.
13

14 Chair Rae supports the direction staff is taking on logbooks. Regarding timing, she said
15 the changes in the programs should be as simultaneous as possible, so we don't keep
16 changing things along the way. She referred to page 6, Exhibit C, Attachment 1,
17 Agenda Item Summary, and summarized the four issues:

- 18 1. *Issue 1, 3-Year Review of Crab Pot Limitation Program and Recommended*
19 *Modifications.* There are four options.
- 20 2. *Issue 2, Additional Topics Addressed at Commercial Dungeness Crab Summit*
21 *2009.* No action required; the Commission received feedback from Caren Braby.
- 22 3. *Issue 3, Appeals of Dungeness Crab Permit Renewal Dates.* Authorizes the
23 Permit Review Board to waive the renewal date requirement for undue
24 hardships.

- 1 4. *Issue 4, Suspension or Revocation of Commercial Fishing Privileges*, would
2 prohibit any fisher with a suspended or revoked commercial fishing license from
3 participating in any commercial fishery.
4

5 Chair Rae stated the Commission could take all those action items in one motion.
6

7 Commissioner Smith asked if the Commission needed to think about the 24-hour log
8 book issue. Chair Rae said they were not prepared with the rule language. She
9 recommended that staff bring this forward at a future date when it was ready to go,
10 either by itself or with other changes to the crabbing regulations.
11

12 *Action: Commissioner Edge moved to amend OAR Chapter 635, Divisions 005*
13 *and 006 as proposed by staff and shown in Attachment 7. Commissioner Smith*
14 *seconded the motion. The motion passed unanimously by a yes vote from*
15 *Commissioners Levy, Englund, Kerns, Smith, Edge and Chair Rae.*
16 *Commissioner Skip Klarquist was absent.*
17

18 **Adopt Temporary Rules**

19 Chair Rae returned to the adoption of temporary administrative rules and asked Steve
20 Williams to discuss a new temporary Administrative Rule:
21

22 **635-042-0060, Late Fall Commercial Salmon Gill Net Fishery in the Mainstem** 23 **Columbia River Rescinded**

24 Adopted October 2, 2009; effective September 30, 2009 through October 31, 2009.
25 Amended rule rescinds a previously scheduled late fall salmon fishery in the Columbia
26 River for the commercial harvest, retention and sales of adult salmon and white
27 sturgeon effective October 2, 2009. The season was scheduled for October 5, 2009.
28 Revisions are consistent with action taken October 2, 2009 by the Columbia River
29 Compact agencies of Oregon and Washington.
30

31 Steve Williams said the Compact met at 11:00 a.m. today to rescind the directed Coho
32 fishery because there were 44,000 fish to catch, and 38,000 - 39,000 fish have been
33 caught. The remaining fish are not sufficient to have the fishery on Monday. He said
34 when the run size gets large enough, staff will open the fishery.
35

36 Commissioner Edge asked if the Director has not approved the temporary rule, is it a
37 temporary rule. Chair Rae said yes, we are bypassing him, and it is temporary because
38 it has not gone out for public comment. The Commission is only doing this because we
39 are in session. Director Elicker said that is correct. When the Commission is in session,
40 the temporary rules have to be brought before the Commission for approval. All other
41 times the director has the authority for approval.
42

43 *Action: Commissioner Edge moved to ratify the temporary rule that rescinds the*
44 *previously scheduled late fall commercial Coho salmon fishery in the Columbia*
45 *River. Commissioner Levy seconded the motion. Motion passed unanimously by*
46 *a yes vote by Commissioners Levy, Englund, Kerns, Smith, Edge and Chair Rae.*
47 *Commissioner Skip Klarquist was absent.*

1
2 (Commissioner Zane Smith left the meeting at approximately 2:20 p.m.)
3

4 **EXHIBIT D: EVALUATION OF COUGAR REMOVAL ON HUMAN SAFETY**
5 **CONCERNS, LIVESTOCK DAMAGE COMPLAINTS, AND ELK COW/CALF RATIOS**
6 **IN OREGON**

7 Ron Anglin, Wildlife Division Administrator, gave a slide show overview of the cougar
8 plan adopted in April 2006. He said the main objective of the plan was to obtain a base
9 level cougar population of 3,000 in the state. He talked about implementation of three
10 initial target areas and whether the objective of reducing human conflict was met in
11 Jackson County; only 24 cougars out of a targeted 72 were removed. He said 24
12 cougars were removed over two years to reduce livestock-cougar conflict in E. Beulah;
13 staff proposes to continue removals for one more year. Staff removed 53 cougars in the
14 Heppner Unit to increase elk calf survival; the third year for removal was scaled back
15 due to the successful removal of cats. The calf ratio increased and the population is
16 close to management objectives. Anglin said the cost to implement the plan was
17 \$200,000 over the three years. Most of the work was performed by the U.S. Fish and
18 Wildlife Services; in other cases, existing staff was used or other staff was hired.
19

20 Don Whittaker, Cougar Program Coordinator, said staff was moving forward with
21 continued areas throughout the state. Staff continues to work on the human safety issue
22 and where to implement that. Two new target areas have been identified for elk in the
23 Ukiah and Wenaha Wildlife Management Units. For Wenaha, staff will use agents who
24 have been approved. He said there are two new target areas for mule deer: one in the
25 Steens Mountains due to predation; and the other in the Warner Unit; both focusing on
26 the mule deer winter ranges. He discussed how the information will be gathered and
27 compared regarding how the animals are responding.
28

29 Whittaker said staff was unsuccessful at first attempt for human safety because it was
30 challenging to meet the objectives in place for cougar removals. It does appear
31 promising from a livestock standpoint, but staff needs to complete that third year to
32 complete the data set.
33

34 At 2:25 p.m., Chair Rae noted for the record that Commissioner Zane Smith is excused
35 from the balance of the meeting because he has a prior commitment in Montana.
36

37 Director Elicker asked for clarification about when staff identifies the target areas and
38 talks about the phrase "removal objective", that is to all mortality sources? Whittaker
39 said that phrase is the administrative removal objective. We pull in all the other known
40 mortalities to look at the impact on the cougar populations by measuring average age of
41 adult females and all of those other criteria listed in the plan.
42

43 **Public Testimony**

Al Elkins Wilsonville, OR	Al Elkins said OHA supports the cougar plan, and thinks it is a sound management tool. They support the addition of the four units; the plan ties in nicely with the department's wildlife policy. He said Don Backman and Fred Craig (not here today) are
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	<p>knowledgeable about the two new units, and have worked closely with Director Elicker.</p>
<p>Scott Beckstead Sutherlin, OR</p>	<p>Scott Beckstead, Senior State Director for Humane Society of the United States (HSUS), said he was the one of the original authors of Measure 18. The state is giving private landowners the opportunity to hunt and kill cougars with hounds, which the Oregon voters have twice said they want outlawed. He said:</p> <ol style="list-style-type: none"> 1. ODFW continues to ignore the criticisms over its policy of exterminating a predetermined number of cougars in response to cougar-human conflicts. 2. ODFW is basing the plan on population models that have been roundly criticized by cougar biologists. 3. ODFW still does not do an adequate job of verifying so-called cougar complaints. 4. ODFW makes no mention of other possible explanations for decreases in deer and elk populations in areas where cougars have been targeted for state-sponsored killing. 5. ODFW's report does nothing to address the efforts made to eliminate kittens and nursing mothers from the hounding and killing. 6. There are more cougars being killed by hunters now using lawful methods than even before the ban on hounds. <p>Beckstead asked the Commission to suspend the Cougar Management Plan immediately, and require absolute transparency in its execution including video recording, whenever possible, the death of every cougar that is killed as part of this plan, and making those recordings available to the public. He said the Commission should direct the department to immediately implement a campaign to educate the public and affected stakeholders on how to co-exist with cougars, and how to manage threats to safety and property using non-lethal methods as a primary means of control.</p> <p>Chair Rae asked if he was aware of the Commission's view and our lawyer's view, that agency authorization is consistent with the measure passed by the voters. Beckstead said that Measure 18 said if there is a cougar out there that is creating a problem; dogs can be used to control that animal. It did not in any way contemplate what is being carried out in the 2006 plan.</p> <p>Chair Rae said the Commission and its lawyers respectfully disagree. Regarding his request for transparency, she said an outside peer review is already in place, and information has been released to those who have asked for it. She asked Beckstead to contact Anglin to make sure he is getting the information he requests.</p>

	<p>Beckstead said Representative Peter Buckley told him that the information in the report had been forwarded to the Washington cougar biologist. He said there is a lot of information that simply cannot be produced. He asked whether the public is welcome to accompany the biologists on these control efforts, to observe and document what's happening out there. Chair Rae said the Commission would ask Ron Anglin that question.</p> <p>Commissioner Kerns asked Beckstead to define "reasonably accurate" in assessing the cougar population in Oregon. Beckstead said you cannot import the Wyoming model into Oregon. If you talk to cougar biologists, you cannot go to a certain area and determine there is a certain population density and then extrapolate that to the state as a whole. There needs to be a model specific to Oregon.</p> <p>Chair Rae said Anglin will find out the department's official population estimate. This department strives mightily to speak with a single voice. Beckstead said the animal is secret and elusive and hard to count. Chair Rae said the animal might be secret and elusive, but the department is transparent.</p>
<p>George Houston Sandy, OR</p>	<p>George Houston, Oregon Chapter of Foundation for North American Wild Sheep (FNAWS), said they agree with the elements of the Cougar Management Plan; the methodology and metrics are logical, well-laid-out and designed. They support the four new target areas. He expressed concern that stopping the control of cougar in the target areas will allow the population to rebound. FNAWS would like to see additional hunter agents used in the control process. FNAWS is concerned with the number of ground predators relative to bighorn sheep. He asked the Commission to listen to management and staff on the ground.</p>
<p>Kevin Christensen Portland, OR</p>	<p>Kevin Christensen, Assistant State Director for U.S. Department of Agriculture Wildlife Services (USDA), said they support the department's direction on this issue. Commissioner Edge asked if the outcome of the 2009-11 state budget will affect USDA's ability to participate in this plan. Christensen said USDA's ability to maintain adequate service is directly affected by its ability to have trained employees available to respond. The impact is yet to play out, but he expects to see some shortfalls.</p>

1
2
3

Chair Rae asked Anglin and Whittaker to answer the Commission's questions.

1 Commissioner Edge asked about the proposed use of the report; would it be peer
2 reviewed. Anglin said staff is asking for the Commission's comments today. The plan
3 will go out for public review (as per the Budget Note). Staff will revise the plan and bring
4 it back to the Commission next spring before reporting back to the Legislature.
5

6 Chair Rae asked if there is a real Budget Note, or just a strong suggestion?

7 Director Elicker said it was meant to be placed in the department's budget, but due to
8 an administrative oversight, it was not placed in the budget. He said Representative
9 Peter Buckley contacted the department and asked staff to honor the Budget Note. He
10 added that staff is working with key legislators on this issue.
11

12 Commissioner Edge said overall, staff did a good job compiling the report and exploring
13 the question whether the management areas were effective in the removal areas. He
14 made several suggestions to incorporate the following:
15

- 16 • Proofread and remove typos and duplication.
17
- 18 • Insert a section on status of agents. For instance, how many agents did the
19 department approve over the three year period? Chair Rae said to include the
20 rigorous background investigations and checks the department has gone
21 through in that agent designation. Anglin said the actual legislation occurred
22 after staff had started the process; no agents have been used. Commissioner
23 Edge said to describe specifically that staff went through a process where
24 agents could be authorized with strict selection and training procedures. And that
25 for this three year period of evaluation none were used but some have now
26 passed the screening.
27
- 28 • Commissioner Edge said the report soft-pedals the cost of additional employees;
29 yet biologists cost money. For our constituents, it should be clear that that is a
30 real cost of doing these removals.
31
- 32 • He referred to the plan where staff talks about statistical differences between age
33 classes, and sex and age classes of animals removed or not removed; each of
34 the results areas had that. He would like to see the statistics associated with test
35 statistics and p-value.
36
- 37 • Provide data on deer in the Heppner or E. Beulah Units. If moving forward with
38 recommendations that implement control areas related to deer, staff must collect
39 data in the two units currently under test. He asked whether staff had looked at
40 that data and could make any conclusions about it. Whittaker said staff did look
41 at the deer data as part of the evaluation of the Heppner Unit. Because the
42 actions occurring in the Heppner Unit were focused on elk, that is where the
43 analysis focuses on that staff presents in the report. The data we do have on
44 mule deer is in the Heppner Unit but the mule deer data was pretty noisy due to
45 issues with the winters and the way the data is collected. The deer population in
46 Beulah hasn't been in a situation where staff felt they needed to take action on
47 predators there; the focus was livestock depredation that was occurring there.

1
2 Commissioner Edge asked staff to express this in the report. One outcome of the
3 report is to recommend doing this with mule deer. He's concerned that if staff did
4 not focus on this it wasn't very good quality data to make that kind of assessment
5 but, nevertheless, it was an ongoing experiment.
6

- 7 • Commissioner Edge asked if there was any place where human and pet safety
8 isn't going to be a problem. Whittaker said it is a challenge to find an area where
9 these kinds of actions can be implemented across the landscape at a scale that
10 is effective. Commissioner Edge said if staff finds one, split it down the middle
11 and have the control be the other half of the area that staff selected for this
12 particular evaluation.
13

14 Commissioner Edge noted the cost per cat and asked if staff increases the number of
15 controlled areas, what will it cost the agency. Anglin said staff has been utilizing the
16 volunteer agents which will drive the cost down tremendously.
17

18 Chair Rae asked for the official department estimate of the cougar population in
19 Oregon. Anglin said 5,832 and that staff has been consistent with their numbers.
20

21 Chair Rae asked Anglin to talk about public education and outreach, public records
22 requests, and transparency. Anglin said staff has provided outreach for years resulting
23 in fewer complaints. Workshops have been held but the attendance has been poor
24 making it difficult to embark on an education campaign. He said people who call in with
25 concerns are given information on what a cougar is and how to protect themselves. The
26 department has lots of data, but it can take time to get information back. All cats killed
27 are listed in the Commission packet and broken out into three age groups.
28

29 Chair Rae said there was no action before the Commission. The Commission took a
30 break at 3:21 p.m., and reconvened at 3:30 p.m.
31

32 **EXHIBIT E: LAND ACQUISITION OF THE ROCKY MOUNTAIN ELK FOUNDATION** 33 **PROPERTY AT LADD MARSH WILDLIFE AREA** 34

35 Craig Ely, Northeast Region Manager, introduced Karen Tofte, Realty Agent. A handout
36 by the Rocky Mountain Elk Foundation (RMEF) titled *Ladd Marsh Acquisition* was
37 distributed. He said the acreage is adjacent to the Ladd Marsh Wildlife Area, and that
38 the 1,500-acre area west of this land is in a conservation easement with RMEF. Over
39 \$150,000 in both private and state money has been expended for cleanup and habitat
40 improvement since RMEF purchased the land. The property meets several goals in the
41 Conservation Strategy and addresses six key land use issues. Ely discussed the
42 finances of the project. He said local groups support this transaction.
43

44 **Public Testimony**

Bill Richardson Philomath, OR	Bill Richardson, Oregon and Washington Lands Program Manager for RMEF, distributed written testimony. He thanked the Commission for this opportunity and the long standing partnership
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	with the agency. He requested the Commission's approval to acquire the property known as the Glass Hill Winter Range. He said RMEF has completed 611 projects on 675,000 acres since 1986. Glass Hill provides some of the best elk hunting in Oregon.
Al Elkins Wilsonville, OR	Al Elkins, OHA, thanked Bill Richardson for his presentation. He said OHA has supported this acquisition for years. The benefits to the wildlife and public are enormous. He thanked RMEF and the department for all their work on this acquisition.
Chuck Woosley Corvallis, OR	Chuck Woosley (see his written testimony) said Mrs. Woosley and he are Royal Habitat Partners of RMEF who supported the Elk Foundation's purchase of the Glass Hill Winter Range property. His wife and he recognized the property's value as wildlife habitat and were aware of the historical migrations and the over-wintering of deer and elk in this area. Under proper management, they feel the property will continue to be a significant addition to the Ladd Marsh Wildlife Area, and will make significant contributions to achieving the three goals in the Ladd Marsh Wildlife Area Management Plan, and enhance the Ecoregion and Oregon Conservation Strategy.

1
2 Chair Rae said this was a very exciting opportunity.

3
4 *Action: Commissioner Englund moved to approve the purchase of the RMEF*
5 *property and direct staff to proceed to the escrow closing upon completion of the*
6 *due diligence processes required under Oregon Administrative Rules for land*
7 *acquisitions. Commissioner Edge seconded the motion. The motion passed*
8 *unanimously by a yes vote from Levy, Englund, Kerns, Edge and Chair Rae.*
9 *Commissioners Skip Klarquist and Zane Smith were absent.*

10
11 **Commissioner Carter Kerns left the meeting temporarily.**

12
13 **EXHIBIT F: INFORMATIONAL BRIEFING ON OREGON MARINE RESERVES**
14 **PROCESS AND RULEMAKING**

15 Ed Bowles, Fish Division Administrator, introduced Ms. Cristen Don, recently promoted
16 to head up the Marine Reserves Program. Bowles also introduced Juna Hickman, who
17 has a Sea Grant from the University of Oregon, and been working with Assistant
18 Attorney General Steve Sanders.

19
20 During a slide show, Bowles said the Governor's Executive Order 08-07 directed the
21 department to create nine or fewer sites that were ecologically meaningful. He said the
22 2009 Legislature passed House Bill 3013, which shapes how the agency moves forward
23 and implements OPAC recommendations. Bowles reported that rulemaking for the pilot
24 sites is a joint process with Oregon Department of State Lands and OPRD because of
25 different authorities and jurisdictions in that land. He said public meetings will be held

1 later in October and staff will report to the Commission in December. The next steps
2 include the rulemaking process for the Otter Rock and Redfish Rocks pilot sites. Other
3 sites to be considered are Falcon, Cascade, Perpetua and Arago. He said potential
4 designation and implementation is targeted for 2011.

5
6 **Public Testimony**

Peg Reagan Wedderburn, OR	Peg Reagan, Executive Director of the Conservation Leaders Network (CLN), said she has been involved with marine reserves in Oregon since 2002. She appreciates the excellent work of the department staff's work on the marine reserves process. She would like to see more come out of the process. Reagan said CLN it is the only group in the country that focuses on working with county commissioners to protect America's natural resources. It was created in 1996.
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7
8 Chair Rae said the Commission would see Ed Bowles and staff again in December.
9 There will be very little to do with the draft rules. She said the Commission recognizes
10 that this has been a team effort and a long haul.

11
12 **EXHIBIT G: ADOPTION OF ADMINISTRATIVELY SET LICENSE FEES**

13 Tom Ruddiman said as part of the department's fee increase process, some of these
14 fees are in statute and some are done administratively. He said Christine Broniak will
15 discuss fees that are done administratively through the power of the Commission.

16
17 Christine Broniak, ODFW Economist, talked about the final part of the fee increase
18 process. ODFW has a three-biennium cycle of fee increase. It began with external
19 budget allocation committee meetings where input is gathered from stakeholders. The
20 list of fees was taken to the public in town hall meetings. Broniak asked the Commission
21 to adopt Oregon Administrative Rules that set new license fees that are not set in
22 statute effective January 1, 2010. She presented a summary of the recommended
23 license and fee increases.

24
25 Chair Rae said there was no public testimony. She said passage of this motion will
26 require an affirmative vote by every Commissioner present. She said there was a
27 supplemental correction for Attachment 5. For the record, there is a Supplemental that
28 will correct the fees contained in 635-006-0910 through 635-065-0501.

29
30 *Action: Commissioner Edge moved to amend Chapter 635, Divisions 006, 007,*
31 *008, 010, 043, 044, 047, 048, 049, 050, 051, 055, 056, 060, 065, 066, 067, 075,*
32 *090, and 200 relating to increasing administratively set fees and licenses, as*
33 *proposed by staff in the amended Exhibit G.*

34
35 Chair Rae said before she takes a second to that motion, to note in the Supplemental
36 Draft OAR, top of page 7, in each of three subsections (9)(a); (10)(a); and (11)(a), at the
37 end of the sentences where it states "...for resident applicants.", strike the word
38 "resident" under all three of those.

1
2 *Commissioner Levy seconded the motion.*

3
4 *Chair Rae said the motion made by Commissioner Edge was amended and*
5 *seconded by Commissioner Levy. She asked Counsel if the Commission was*
6 *clear. Bill Cook said yes.*

7
8 *The motion passed unanimous by a vote of four from Levy, Englund, Edge and*
9 *Chair Rae. Commissioners Skip Klarquist, Zane Smith and Carter Kerns were*
10 *absent.*

11
12 **OTHER BUSINESS**

13
14 **Director's Reinstatement of Preference Points and Appeal**

15 Chair Rae said this is the first appeal of the Director's decision not to reinstate a
16 hunter's preference points.

17
18 Deanna Erickson, Licensing Services Manager, gave a brief background on the appeal.
19 She said the criteria for reinstatement are - if the denial is due to circumstances beyond
20 his control. The man's application was incorrect due to agent error, and ODFW gave
21 him seven weeks to make the correction. Erickson said he did not make the correction.

22
23 Chair Rae asked if the circumstances differed from other cases where the Director
24 reinstated the preference points. Erickson said there have been two cases of
25 reinstatement due to agent error; three or four others have been denied.

26
27 Chair Rae said there has been discussion about the Commission taking responsibility
28 for agent errors. She asked how far this process has gotten. Erickson said currently the
29 only exception for an incorrect application is if it's done via mail or fax and staff makes
30 the mistake.

31
32 Chair Rae asked if this appeal is time sensitive, or if the Commission can look at it
33 again. Counselor Bill Cook said the rule states 60 days; the Commission has to act after
34 60 days. Erickson noted that today is day 59.

35
36 Chair Rae said she is torn by this because she wants the Commission to be customer
37 friendly, while wanting to be fair to others. Erickson said her staff receives a number of
38 calls from the public that claim agent error. She said to do this would open the door that
39 would be administratively difficult to handle.

40
41 Chair Rae asked if the Commission were to deny this today, and in the course of
42 reviewing preference points and responsibilities for POS agents, would we ever go back
43 and reinstate preference points. Erickson indicated that would be very difficult.

44
45 Chair Rae said under the circumstances she suggested that the Director's decision
46 stand. She said the Commission still needs individuals to take a look at what they got
47 while they are there and verify that that is indeed what they asked for. It is getting them

1 to take some responsibility for that and what they ordered. She said in this incident, in
2 when it occurred and when it was discovered, there was some time in there to rectify
3 the situation. Chair Rae asked Counsel if a motion is needed under the circumstances.
4 Bill Cook said all the rule states is that the Commission has to review it, but if the
5 Director's position stands, the Commission does not need a motion.

6
7 Chair Rae stated the four Commissioners present during the presentation will concur
8 with the Director's decision and will not overturn it.

9
10 ***Commissioner Kerns returned to the meeting at 4:34 p.m.***

11
12 **2010 Commission Meeting Dates**

13 Chair Rae noted that the October 1 meeting is the day before opening season. To be
14 mindful of the concerns by the hunters and the hunting community, the Commission is
15 asking the Wildlife Division to get that information out to the hunting community well
16 ahead of when it comes to the Commission in October, so the Commission can factor in
17 anybody's concerns.

18
19 January 8 – Salem

20 February 5 – Salem

21 March 12 – Salem

22 April 23 – Roseburg

23 May – No meeting scheduled

24 June 4 - Salem

25 July – No meeting scheduled (hold July 16 if meeting is needed)

26 August 6 – location to be determined in Congressional District 1

27 September 2 – Salem

28 October 1 – Bend

29 November – no meeting scheduled

30 December 3 – Portland

31
32 **EXECUTIVE SESSION**

33 Chair Rae said she was going to delay the Executive Session for the Director's
34 performance evaluation in fairness to the Director because it is 20 minutes to 5:00 p.m.
35 The Commission will take this issue up again in December.

36
37 **ADJOURN**

38
39 Chair Rae adjourned the meeting at 4:41 p.m.