



# Oregon Fish and Wildlife Commission Minutes

Tour:  
April 22, 2010 10:00 a.m.  
Depart: ODFW Southwest Office  
4192 N. Umpqua Highway  
Roseburg, Oregon 97470

Meeting:  
April 23, 2010 8:00 a.m.  
City of Roseburg  
Council Chambers  
3406 Cherry Ave. NE  
Salem, Oregon 97303

1  
2 *Commission minutes are considered draft until approved by the*  
3 *Commission at its next meeting.*  
4

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:  
7

Marla Rae, Chair  
Dan Edge, Vice-Chair  
Skip Klarquist, Commissioner  
Carter Kerns, Commissioner  
Bobby Levy, Commissioner  
Bob Webber, Commissioner

Curt Melcher, Deputy Director for Fish and  
Wildlife  
Bill Cook, Assistant Attorney General  
Teri Kucera, Executive Assistant

## 8 **MEETING**

9 On Friday, April 23, 2010 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and  
10 Wildlife Commission meeting to order. She thanked the City of Roseburg for the use of  
11 their Council Chambers, and also thanked Tim Walters, Umpqua District Watershed  
12 Manager, and his staff for a very informative tour the day before. Commission members  
13 attended the ROCK-ED Earth Day ground breaking ceremony at Rock Creek Hatchery.  
14

15 Chair Rae said that Deputy Director Curt Melcher was filling in for Director Roy Elicker.  
16

## 17 **DIRECTOR'S REPORT**

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

#### 19 Northeast Region

20  
21 Craig Ely, Region Manager, said in response to large returns of spring Chinook salmon  
22 to Northeast Oregon in 2008 and 2009, the Department opened sport fisheries for  
23 Chinook salmon in the Imnaha and Wallowa Rivers to target hatchery-origin fish. On  
24 April 24, Oregon and Idaho are planning to open a spring Chinook fishery on the Snake  
25 River. Ely said a record 330,000 steelhead crossed over the Lower Granite Dam into  
26 Snake River tributaries in the 2009-10 run year. He said anglers broke the state  
27 Kokanee record three times in Wallowa Lake.  
28  
29

#### 30 High Desert Region

31 Chip Dale, Region Manager, discussed the High Desert water supply outlook and  
32 fishing opportunities in Klamath and Lake counties, and the Deschutes and Crooked  
33 River basins. In spite of recent moisture, most of the region remains below normal in  
34 both precipitation and snowpack. Only two large irrigation reservoirs, Bully Creek and

1 Beulah, will fill this year. He said the Mid-Columbia Chapter of OHA sponsored a Youth  
2 Turkey Hunting Clinic at the White River Wildlife Management Area; it's 10<sup>th</sup> year.

3  
4 Deputy Director Curt Melcher called Steve Denney forward and noted it was Denney's  
5 last official Commission meeting.

6  
7 Chair Rae noted that Larry Cooper was taking Denney's place. To Denney, she said for  
8 his more than three decades of service the Commission salutes you.

9  
10 Southwest Region

11 Steve Denney, Region Manager, said that Southwest Oregon is the only home to  
12 Pacific Fisher that are listed as a strategy species in Oregon's Conservation Strategy  
13 Plan. The Rogue Watershed staff received a \$4,000 Oregon Wildlife Heritage  
14 Foundation (OWHF) grant to conduct a three-month monitoring project to document the  
15 historic population. The Coos, Coquille, Tenmile Salmon Trout Enhancement Program  
16 (STEP) reached a milestone this year of over 100,000 kids who have been exposed to  
17 salmon and their life cycle. Denney presented a Special Recognition plaque to Tom  
18 Rumreich, a STEP biologist since 1981.

19  
20 Denney said it has been a pleasure working with the Commission; he has enjoyed his  
21 career but is not going very far. Deputy Director Melcher added that Steve would work  
22 for the Department part-time for six more months on a special land exchange project.

23  
24 Northwest Region

25 Chris Wheaton, Region Manager, said with gold prices high there has been a lot of  
26 interest in gold mining. California is taking action to ban suction dredging. On April 2,  
27 staff attended a workshop at the Oregon Division of State Lands (DSL) on the effects of  
28 suction dredging on water quality and fish habitat. He reported that North Willamette  
29 staff is conducting sea lion hazing at Willamette Falls to deter predation and reduce  
30 impacts on winter steelhead passage, which will continue through the end of April.

31  
32 ***Chair Rae noted for the record that Commissioner Englund was excused from  
33 today's meeting.***

34  
35 Information and Education

36 Rich Hargrave, Deputy Administrator, reported on staff's outreach activities underway  
37 for Aquatic Invasive Species. He said that staff just completed a number of forecasts for  
38 spring bear and turkey now available on the Department's website. The fishing forecast  
39 will be available prior to the spring trout opener. Last week, Rick attended the OWHF  
40 Speaker Series on wolves that was well attended; they did a positive job.

41  
42 Marine Resources Program

43 Steve Williams, Fish Division Deputy Administrator, filling in for Caren Braby, reported  
44 that marine staff were collecting and analyzing information on Oregon's Nearshore.  
45 Staff is working with the Department of Land Conservation and Development (DLCDD) to  
46 develop an Oregon MarineMap, an internet-based tool that will make this information  
47 more accessible to stakeholders; DLCDD will maintain the website. Williams reported that

1 staff is using new handheld dataloggers, Nomads, to collect information on effort and  
2 catch in fisheries. This new device can hold more data that can be downloaded quicker  
3 to a computer and transmitted to the data processing team in Newport.  
4

#### 5 Oregon State Police

6 Lt. Mike Dingeman, temporary Director for Fish and Wildlife Division, said he's attended  
7 statewide Town Hall meetings with Director Elicker and Deputy Director Debbie Colbert.  
8 He introduced Lt. Dave Gifford, who manages their Southwest Region operations.  
9

10 Lt. Gifford said two and half years ago they approached the Commission about the  
11 angling public's concerns regarding folks who were "flossing the salmon"; a technique  
12 using 20-foot litters that foul hooks salmon in the mouth. The Commission adopted a  
13 special rule on the Rogue River prohibiting long litter lines. Recently Sergeant Allori was  
14 checking licenses on Sand Island and observed three anglers catching sturgeon that  
15 were being tagged by other members in their group; he cited the three anglers. He said  
16 OSP is putting together a workshop with DSL on mining that is scheduled for late May;  
17 they expect a large influx of miners in the Southwest Region. He reported that following  
18 a traffic stop by OSP Trooper Ritter in Grant County, three Sisters-area residents were  
19 arraigned on April 13 in Deschutes County for burglarizing and stealing antler halves  
20 and buttons from a ranch in Sisters, Oregon. Lastly, he reported that Lt. Steve Lane  
21 from the Northwest Region retired at the end of March. His replacement, Ethan Wilson,  
22 starts in May and will be located in the Salem office.  
23

24 Chair Rae noted that Debbie Colbert, Deputy Director for Administration, had been  
25 attending budget Town Hall meetings statewide and was excused from the meeting.  
26

#### 27 **Expenditure Report**

28 Deputy Director Melcher reported that most of staff's efforts were focused on the  
29 development of the Department's budget and the Town Halls meetings statewide. He  
30 said staff will provide a more detailed report on current finances and expenditures and  
31 the 2011-13 Budget to the Commission in June. He said in virtually every category of  
32 products that the Department sells revenues are up in 2010; however, the non-resident  
33 hunting licenses are down. Overall, monthly revenues are good and expenditures are  
34 within projected levels for this time of the biennium.  
35

#### 36 **Adopt Temporary Rules**

37 Deputy Director Melcher presented twelve Temporary Rules for adoption that were  
38 previously adopted under Director Roy Elicker's emergency action authority. He said the  
39 Fish Division is doing its best to maximize fishing and harvest opportunities in  
40 commercial and recreational fisheries, as well as maximizing our conservation  
41 responsibilities.  
42

#### 43 **635-013-0009**

#### 44 **Oregon Terminal Area and Ocean Sport Salmon Fisheries to Remain Closed**

45 Adopted March 10, 2010; effective March 15, 2010 through September 10, 2010.

46 Amended rule keeps closed all Oregon ocean sport salmon fisheries previously  
47 scheduled to open on March 15, 2010. Rule modifications are consistent with action

1 taken by the National Marine Fisheries Service (NMFS), in consultation with the Pacific  
2 Fishery Management Council (PFMC).

3  
4 **635-042-0145**

5 **Commercial Fishing Period Added to Youngs Bay Select Area Salmon Season**

6 Adopted March 23, 2010; effective March 24, 2010 through July 31, 2010.

7 Amended rule authorizes an additional 12-hour commercial fishing period, from 6:00  
8 p.m. Thursday, March 25 through 6:00 a.m. Friday, March 26, 2010 to the list of  
9 previously authorized fishing periods in the ongoing non-Indian commercial gillnet  
10 salmon fishery in the Youngs Bay Select Area, upstream of the old Youngs Bay Bridge.  
11 Revisions are consistent with action taken March 23, 2010 by the State of Oregon.

12  
13 **635-042-0022**

14 **2010 Commercial Spring Chinook Fishery in the Columbia River**

15 Adopted March 29, 2010; effective March 30, 2010 through April 30, 2010.

16 Amended rule allows the non-Indian commercial spring Chinook fishery in the mainstem of  
17 the Columbia River to commence on March 30, 2010, from the river mouth upstream to the  
18 I-205 Bridge. Modifications are consistent with joint state action taken March 29, 2010 by  
19 the Columbia River Compact agencies of Oregon and Washington.

20  
21 **635-065-0765**

22 **Tagging, Possession, Transportation and Evidence of Sex**

23 Adopted: March 29, 2010; effective March 30, 2010 through September 25, 2010

24 In June 2003, the Fish and Wildlife Commission adopted rules banning the importation  
25 of certain cervid parts from those states with documented cases of Chronic Wasting  
26 Disease (CWD). The rules noted that the Department would add additional states to the  
27 rules as new cases of CWD were documented. Based on new information, the Director  
28 amends the rule to add North Dakota to the list of states from which cervid parts may  
29 not be imported.

30  
31 **635-006-0215**

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

33 Adopted March 29, 2010; effective April 1, 2010 through September 27, 2010.

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

38  
39 **635-042-0145 and 635-042-0180**

40 **Rescind Previously Authorized Fishing Periods for Deep River and Youngs Bay  
41 Select Areas Fisheries**

42 Adopted April 1, 2010; effective April 1, 2010 through July 31, 2010.

43 Amended rules rescind previously authorized fishing periods in the winter non-Indian  
44 commercial seasons for Chinook salmon, white sturgeon, and shad in the Deep River  
45 and Youngs Bay select areas of the Columbia River. Rescinded fishing periods are:  
46 From 7:00 p.m. April 5 to 7:00 a.m. April 6 (12 hours) and 7:00 p.m. April 7 to 7:00 a.m.  
47 April 8, 2010 (12 hours) in Deep River; and 12:00 noon to 4:00 p.m. April 5, 2010

1 (4 hours) in Youngs Bay. Modifications are consistent with action taken April 1, 2010 by  
2 the Columbia River Compact agencies of Oregon and Washington.

3  
4 **635-042-0022**

5 **Additional Commercial Spring Chinook Fishing Period in the Columbia River**  
6 **Mainstem**

7 Adopted April 5, 2010; effective April 7, 2010 through April 30, 2010.

8 Amended rule allows the addition of a 4-hour fishing period to the non-Indian commercial  
9 spring Chinook season in the mainstem Columbia River commencing at 5:30 p.m.

10 Wednesday, April 7, 2010 from the mouth of the Columbia River upstream to the I-205  
11 Bridge. Modifications are consistent with joint state action taken April 5, 2010 by the  
12 Columbia River Compact agencies of Oregon and Washington.

13  
14 **635-023-0134**

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

16 Adopted April 12, 2010; effective April 24, 2010 through July 31, 2010.

17 Amended rule opens a spring Chinook fishery from the Dug Bar Boat Ramp upstream to  
18 the deadline below Hells Canyon Dam on the Snake River, beginning on April 24, 2010  
19 to coincide with the State of Idaho's regulations for this fishery.

20  
21 **635-014-0090**

22 **Additional Harvest Opportunity During Shortened Fishing Season on Hebo Lake**

23 Adopted April 13, 2010; effective April 21, 2010 through September 30, 2010.

24 Amended rule removes all daily catch and possession limits and harvest length restrictions  
25 for trout in Hebo Lake from Sunday, April 25 through Sunday, May 2, 2010. US Forest  
26 Service (USFS) plans to close access on May 2 as part of a project to drain and dredge the  
27 lake. ODFW and USFS will cooperatively salvage fish from the lake as it drains. This  
28 closure is earlier than published in the **2010 Oregon Sport Fishing Regulations**. Access  
29 to the lake by the public is expected to resume sometime in September 2010.

30  
31 **635-041-0005, 635-041-0015, 635-041-0020 and 635-041-0025**

32 **Permits Subsistence Fishing Below Bonneville Dam by Warm Springs and**  
33 **Umatilla Tribes**

34 Adopted April 14, 2010; effective April 15, 2010 through October 11, 2010.

35 Amended rules permit certain Treaty Indian subsistence fisheries in the mainstem of the  
36 Columbia River below Bonneville Dam. Modifications are consistent with *Memoranda of*  
37 *Understanding* between the Umatilla and Warm Springs tribes and the Oregon  
38 Department of Fish & Wildlife, signed April 14, 2010.

39  
40 **635-023-0125**

41 **Recreational Spring Chinook Season in Select Areas of the Columbia River**  
42 **Closed**

43 Adopted April 20, 2010; effective April 24, 2010 through July 31, 2010.

44 Amended rule closes the recreational spring Chinook season in the select areas of the  
45 Columbia River beginning Saturday, April 24 through Tuesday, June 15, 2010. The  
46 recreational fishery downstream of Bonneville Dam, including the select areas have met  
47 the management guideline. Revisions are consistent with action taken April 20, 2010 by

1 the Columbia River Compact agencies of Oregon and Washington.

2  
3 **635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**  
4 **Rescind Previously Authorized Fishing Periods for the Columbia River Select**  
5 **Area Spring Fisheries**

6 Adopted April 20, 2010; effective April 21, 2010 through July 31, 2010.

7 Amended rules rescind previously authorized fishing periods in the spring non-Indian  
8 commercial seasons for Chinook salmon, white sturgeon and shad in the Deep River,  
9 Tongue Point/South Channel, Blind Slough/Knappe Slough and Youngs Bay select  
10 areas of the Columbia River. Rescinded fishing periods were previously scheduled  
11 from April 21 through June 11, 2010. Modifications are consistent with action taken  
12 April 20, 2010 by the Columbia River Compact agencies of Oregon and Washington.

13  
14 **635-065-0765**

15 **Tagging, Possession, Transportation and Evidence of Sex**

16 Adopted March 29, 2010; effective March 30, 2010 through September 25, 2010

17 In June 2003, the Fish and Wildlife Commission adopted rules banning the importation  
18 of certain cervid parts from those states with documented cases of Chronic Wasting  
19 Disease (CWD). The rules noted that the Department would add additional states to the  
20 rules as new cases of CWD were documented. Based on new information, the Director  
21 amends the rule to add North Dakota to the list of states from which cervid parts may  
22 not be imported.

23  
24 Chair Rae asked Steve Williams to brief the Commission on **635-041-0005** and other  
25 related rules on Subsistence Fishing below Bonneville Dam by the Warm Springs and  
26 Umatilla Tribes consistent with a Memorandum of Understanding (MOU) recently signed  
27 at an *U.S. vs. Oregon* compact meeting.

28  
29 Williams said the Tribes approached staff (via *U.S. vs. Oregon* provisions in the Ten-  
30 year Agreement) to negotiate an agreement for Tribal subsistence fishing from Beacon  
31 Rock up to just below Bonneville Dam (Zone 6). A one-year agreement was reached.  
32 The harvest is restricted to using subsistence gear and the Tribes are limited to four  
33 days per week. Everything in the agreement keeps it in the same area and timeframe  
34 as non-tribal fishing. A few years ago the State of Washington negotiated with the  
35 Tribes to fish on the Washington side. He said the MOU will be reviewed after one-year.

36  
37 Deputy Director Melcher noted that any Tribal harvest that occurs in this area counts  
38 toward the Tribes harvest allowed by the Ten-Year Agreement in Zone 6. So, in terms  
39 of harvest sharing there is no affect.

40  
41 Williams added that enforcement of fishing regulations by OSP and the Tribes will be  
42 maintained consistent with the enforcement provisions in the Ten-Year Agreement.

43  
44 Chair Rae noted that in **635-065-0765** the rule was amended to add North Dakota to the  
45 list of states from which you cannot import cervid parts due to documented cases of  
46 Chronic Wasting Disease. She asked for a motion.

1           Action: Commissioner Edge moved to ratify the twelve temporary administrative  
2           rules as written in the agenda. Commissioner Levy seconded the motion and the  
3           motion passed unanimously.  
4

5           **PUBLIC FORUM**

6           Note: This part of the agenda is for comments on topics not scheduled elsewhere on the  
7           agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director at  
8           least 24 hours prior to the meeting to be included in the public forum. If you bring written  
9           summaries or other materials to the meeting please provide the Commission Assistant with 20  
10          copies prior to your testimony. The Commission is unable to take action on items brought to  
11          their attention in this forum.  
12

Craig Starr Lebanon, OR	Craig Starr distributed written testimony and said he was speaking as an individual Oregon hunter and President of Wapiti Bowmen, Inc. He said he was not representing the Oregon Bow Hunters. He urged the Commission to schedule, at their June meeting, a discussion to consider an emergency closure to delay the start of Youth Elk Hunts by one month; that still leaves four months in the season for youth hunters. The Commission approved over 40 hunts last October that have a start date of August 1. Starr said a lot of the cows are still nursing calves at that point. If a youth hunter kills the cow, it sentences the calf to a cruel and inhumane death. He supports the idea of youth hunting and staff providing extra youth opportunities. He said hunters were surprised when the youth hunt schedule was presented at the Commission's October 2009 meeting.
Wayne Endicott Springfield, OR	Wayne Endicott, owner of The Bow Rack and Vice President of Oregon Bow Hunters, distributed a packet of youth hunting pictures and said he has taken over 50 youths hunting. He stressed two points: <ol style="list-style-type: none"><li>1. He was the only one at the October 2009 Commission meeting who testified against this matter; however, the dates and the implications of these hunts did not sink in until after the meeting. He asked that the August portion of these hunts be revisited. He said staff responded that the public meetings provided an opportunity to address this; he attended a public meeting but said the schedule of this hunt was never revealed.</li><li>2. He believes in respect for the animal through fair chase. During this time you are dealing with nursery herds and calves that are feeding. At that point, you are destroying the opportunity for these youth. If the youth takes a shot and harvests this animal and the father butchers this animal that calf will stand there</li></ol>

	and bawl.  Endicott said delaying this hunt by one month would give these animals a chance to be weaned from its mother. He said the tags have not been issued yet; he encouraged the Commission to revisit this issue and change the dates.
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1  
2 Chair Rae asked Ron Anglin, Wildlife Division Administrator, to come forward. She said  
3 the Commission has heard about this issue for some time; it will come back before the  
4 Commission in the general 2011 Big Game Regulations at their June meeting. She  
5 asked Anglin to provide some background about the youth hunt, the timing, and  
6 biologist opinions and whether there are other overlapping seasons - she understands  
7 that this is the only one.

8  
9 Anglin said there is opportunity at the tag setting meeting in June for anybody to bring  
10 forth their concerns about the tags or hunts. He said when you look at the overview  
11 timing of calves leaving the ground, research shows that it's usually the end of May or  
12 first part of June in northeast and southwest Oregon. The average weaning date for  
13 elks out of both those studies is mid-September. If the Commission decided it didn't  
14 want to allow hunting of cows while they still have calves, you're looking at a cut off date  
15 in mid-September meaning you would have to adjust the bow seasons in some of those  
16 units. Currently a lot of statewide hunts begin in August; primarily, to address damage  
17 and not populations. He said youth hunts start in August that has been a great hunting  
18 experience for kids; staff has not received any complaints of any kind. Anglin stated that  
19 hunts in August do provide an opportunity for calves to be orphaned. He said this is the  
20 first year for this hunt; it hasn't started yet. The intent is to run the hunt for a couple of  
21 years and then re-evaluate it and take any problems before the Commission to address.

22  
23 Chair Rae said we're talking overall maybe 30 tags? Anglin said most of the hunts set  
24 up, depending on the unit, only have 10 tags. Those numbers could be adjusted  
25 depending on the action taken by the Commission at their June meeting.

26  
27 Chair Rae said the Commission had the information and would take this into  
28 consideration in connection with setting the Big Game Regulations at their Friday, June  
29 4, 2010 meeting in Salem.

30  
31 **Exhibit A: COMMISSION MINUTES**

32 Chair Rae said the draft minutes for the Commission's March 11 workshop and March  
33 12 public meetings were under review and deferred to the Commission's June meeting.

34  
35 The Commission took a break at 9:15 a.m. and reconvened at 9:25 a.m.

36  
37 **Exhibit B: ADOPT RULES RELATED TO WOLVES HELD IN CAPTIVITY**

38 Martin Nugent, Threatened, Endangered and Sensitive Species Coordinator, said the  
39 Commission will be asked to adopt the proposed administrative rules regarding holding  
40 purebred grey wolves only in captivity. The new rule replaces a temporary rule put into



1 place in January 2010 and transfers the authority from the Oregon Department of  
2 Agriculture (ODA) to the Department. Nugent discussed the amendments of the  
3 proposed rule which allows persons to hold a wolf or wolves as long as they are  
4 compliant with OAR 603-011-0725. Nugent said this applies to two current permit-  
5 holders who as of December 31, 2009, held a wolf or wolves under previous ODA Class  
6 1 Exotic Canine, Exotic Animal Division 603, or held a valid license from USDA.

7  
8 Nugent noted there is a *Supplemental Draft OAR and Amended Motion April 23, 2010*  
9 just distributed. On page 1, under 635-044-0051 (4) (a), delete the word "must" at the  
10 end of the sentence, "... or the Department of Agriculture which authorized the person  
11 to keep one or more wolves in captivity must:"

12  
13 **Public Testimony:** No public testimony was given.

14  
15 Chair Rae said they cannot release these wolves without permission? Nugent said  
16 correct. Chair Rae said they will not be released in the future? Nugent said no, it was  
17 not something he anticipated.

18  
19 Commissioner Klarquist asked if the permits are allowed to be transferred. Nugent said  
20 the transfer would have to be authorized and be transferred to another permit holder or  
21 a licensed USDA facility; the department is not issuing any new permits. Commissioner  
22 Klarquist asked if the permit holders are individuals or organizations. Nugent said the  
23 two permit holders are individuals who have had the facilities for a number of years.  
24 Commissioner Klarquist asked if the permit holder died what happens to the animals.  
25 Nugent said staff would contact a larger USDA facility to see if they might be able to  
26 accommodate the animals.

27  
28 Chair Rae noted the correction in the draft administrative rule (635-044-0051) in  
29 subsection (4) (a). She said we are deleting the word "must" and then picking up the  
30 second page of Attachment 3 as presented.

31  
32 *Action: Commissioner Edge moved to amend Oregon Administrative Rule 635-*  
33 *044-0051 as proposed by staff including the amendment made in Subsection*  
34 *(4)(a). Commissioner Levy seconded the motion and the motion carried*  
35 *unanimously.*

36  
37 **Exhibit C: DISPOSAL OF WILDLIFE PARTS**

38 Bruce Eddy, Grande Ronde Watershed Manager, said every year the Department  
39 receives antlers from staff, state and federal agencies or other sources; staff stores  
40 them at numerous sites. The Department needs a process to get rid of the antlers. He  
41 discussed past methods of getting rid of the antlers and the two existing rules that  
42 outline how wildlife body parts are to be disposed of by staff. The Department requires  
43 that animal parts, including antlers, be left in place by staff unless they need to be  
44 removed for safety purposes. He said antlers can have value that spurs interest.

45  
46 Eddy said staff proposes that the antlers be sold through a competitive bid process or  
47 donate them to non-profits, schools or the government. Revenue received from the sale

1 of antlers collected from federally funded department programs would go back to the  
2 appropriate budget consistent with federal rules, and revenue from other sources would  
3 be included in the ending balance as program income. Eddy said nonprofits would  
4 need to make a proposal consistent with the Department's mission. Staff would have  
5 the ability to impose certain conditions.

6  
7 **Public Testimony:**

Tom Maxwell Battle Ground, WA	Tom Maxwell said he was 75-years old and makes log cabin furniture; he distributed his business card. He's also been a commercial fisherman since 1959. He's collected antlers all his life. He would like an opportunity to bid on the Horn and Antler license, and that the Department require a bidder to have the license two years prior to bidding on the antlers. This would cut down on the little guy. He said you have a rule that I think should be changed: separation of horn or antlers from the skulls. When you do take the antler from the skull you prevent the people who smuggle the antlers from out the country from doing that. He would like an opportunity to bid on the heads of confiscated skulls; he talked about the demand for European mounts of elk and moose skulls.
----------------------------------	--

8  
9 Chair Rae said in the competitive bidding process the State has a really goofy system  
10 called Oregon Procurement Information Network (ORPIN). She said there might be an  
11 easier way to get him notification of the competitive bidding process. She would have  
12 staff see if they could simplify that process.

13  
14 Commissioner Edge said Tom mentioned a horn and antler license. Do we have that?  
15 Eddy said the Department has an antler and hide license called an Antlers Dealers  
16 Permit. Commissioner Edge asked about the provisions of that permit.

17  
18 Counselor Bill Cook said in the Wildlife rules under Division 200 there are some minimal  
19 requirements for a Hide and Antler Dealer Permit: an application for a \$15 cost plus a  
20 \$2 license agent fee. (635-200-0050 (7))

21  
22 Commissioner Kerns said so, if I harvested a trophy, I could legally sell those antlers to  
23 a dealer? Cook said yes, as long as they are split from the skull. (635-200-0050 (4))

24  
25 Chair Rae said under the public contract and bidding process, the Department cannot  
26 put any restrictions on who can bid? Cook said that is correct as long as the person has  
27 the necessary permit to buy such things; they have the right. Chair Rae said okay, so  
28 they would need authorization to have an Hide and Antler Dealer Permit? Cook said  
29 yes, but in the terms of you have to have something for two years, we cannot do that.

30  
31 Chair Rae asked if anything in this rule allows an individual to purchase skulls. Cook  
32 said no. He added that there is a specific rule in the sale of wildlife parts in Division 200

1 that says generally you cannot sell taxidermy mounts except to the State in certain  
2 circumstances. Chair Rae asked Ron Anglin for the reason.

3  
4 Anglin said the Commission has made it a policy that they do not want to sell wildlife  
5 and parts of wildlife in Oregon. He said there were enforcement reasons that OSP could  
6 address in cases they've made in the past where people have shot wildlife for their  
7 antlers. Anglin said a question came up on being able to sell parts. He said Steve  
8 Williams said the Department currently has the ability to sell surplus fish at its  
9 hatcheries and don't have to go through a huge contracted process through ORPIN.

10  
11 Chair Rae said it was her hope that in the competitive bidding process that while  
12 complying with state statutes that staff makes this fairly simple. First, if we use  
13 Washington as an example, \$15,000 in their last statewide sale, that this is not a  
14 revenue generator for the Department. She said for folks such as Tom Maxwell or  
15 anyone else to make this a competitive process and for those that seek it to get  
16 notification of any perspective sales, and for people to have that opportunity absent that  
17 very technical computerized process because not everyone has that kind of access.

18  
19 Cook said the state procurement rules and disposal of property rules impose some  
20 minimum requirements; that the Department always has a certain ability to go on  
21 beyond those. The kind of notice that you are talking about to known individuals who  
22 are interested in purchasing that certainly there would be no problem with that.

23  
24 Anglin said staff would make the process user friendly and accessible to those folks.

25  
26 Chair Rae noted, for the record, the handout Supplemental Correspondence that was  
27 provided today included the following:

- 28  
29 1. An email that included a conversation that Eddy had with Chester Conken of  
30 White City, Oregon, who suggested that holders of Antlers Dealers Permits  
31 issued by the Department be notified of any sale held by the Department.  
32  
33 2. Written testimony from the Oregon Hunters Association who expressed concerns  
34 about the Department's ability to sell, but they noted our Code of Conduct. Chair  
35 Rae said it is clear in our record today that this is incidental and only necessary  
36 to prevent trespassing and those kinds of things.  
37  
38 3. A letter from Mike Cavin of Roseburg, Oregon, about his concerns and his  
39 recommendation that revenues from this type of sale be used only for habitat  
40 improvement.

41  
42 Chair Rae asked for a motion.

43  
44 *Action: Commissioner Kerns moved to adopt OAR 635-002-0014 as proposed*  
45 *by staff. Commissioner Webber seconded the motion and the motion passed*  
46 *unanimously.*  
47

1  
2 **Exhibit D: 2010 OCEAN SALMON REGULATIONS FOR NEARSHORE WATERS**

3 Ron Boyce, Ocean Salmon Program Manager, said the Pacific Fisheries Management  
4 Council (PFMC) met on April 15 to approve ocean salmon regulations for Chinook and  
5 coho for 2010. Because of the continued depressed status of Sacramento River fall  
6 Chinook, the Council did adopt ocean Chinook fisheries South of Cape Falcon (SOF),  
7 the first Chinook fisheries in three years. Coho salmon fishery SOF includes a  
8 recreational fishery for 26,000 hatchery coho. He said fisheries North of Cape Falcon  
9 are up for Chinook and significantly down for coho.

10  
11 Boyce discussed the 2010 Adopted Commercial Regulations; the seasons and quotas  
12 for North of Falcon and South of Cape Falcon for both Treaty and Non-Treaty. He also  
13 reported on the 2010 Adopted Ocean Sport Regulation; the quotas and impacts for  
14 North of Falcon, Falcon to Humbug, and South of Humbug. In the North of Falcon areas  
15 he noted that new this year is a mark/selective fishery for June 12-30 for 12,000 marked  
16 Chinook, two marked Chinook per day.

17  
18 He said staff is considering possible changes to the 2010 ocean terminal and river  
19 Chinook fishing regulations and continuing wild coho fisheries in rivers and lakes. Public  
20 meetings will be held April 26-28 in Gold Beach, North Bend, Newport and Tillamook.  
21 Staff will present the public comments to the Commission at their June 4 meeting.

22  
23 Commissioner Edge was personally very pleased to see the genetic stock research  
24 opportunity and the ability to get the genetic data.

25  
26 Chair Rae noted Attachment 4, Preseason Report II by PFMC, and said she was  
27 interested in the community impact in a positive way along the coast. She referred to  
28 Table 10, Figure 1, page 41, and Figure 2, page 42, and said all those different options  
29 are very, very positive for the West Coast.

30  
31 Boyce said all the fisheries regarding Chinook fisheries have a positive impact on the  
32 Oregon economy. He briefly talked about the two tables.

33  
34 **Public Testimony:** There was no public testimony.

35  
36 Chair Rae asked for a motion.

37  
38 *Action: Commissioner Edge moved to adopt the 2010 Ocean Sport and*  
39 *Commercial Salmon seasons as proposed by staff in Attachment 5.*  
40 *Commissioner Levy seconded the motion and the motion passed unanimously.*

41  
42 **Exhibit E: LIMITED ENTRY ANCHOVY PETITION – *Petition withdraw***

43 Chair Rae referred to Exhibit E and noted a letter dated April 20<sup>th</sup> from Richard Wood  
44 withdrawing his petition to adopt a new rule. She said, for the record, colleagues be  
45 aware that he also would like at a later date to resubmit his Petition.

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**EXECUTIVE SESSION**

Chair Rae said the Commission has an Executive Session that has been planned and duly noted. She said the Commission would remain in the room with the sound system turned off. It is an opportunity for the Commission to consult and get advice from their legal counsel on litigation likely to be filed. She read into the record:

*The Commission will now meet in Executive Session for the purpose of consulting with legal counsel between legal rights and duties regarding current litigation or litigation likely to be filed, and to consider privileged attorney/client communications. This Executive Session is held pursuant to ORS 192.660 (2) (f) and (h). Representatives of the news media and staff are allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session except to state the general subject of the Session as previously announced. No decision will be made in the Executive Session. At the end of the Executive Session we will return to the open session solely for the purpose of adjourning the Commission meeting. We now stand at 10:40 a.m. in Executive Session.*

**ADJOURN**

Chair Rae reconvened the public meeting and seeing no other business to come before the Commission, she adjourned the meeting at 11:02 a.m.

