



Oregon Fish and Wildlife Commission Agenda

Meeting:
July 16, 2010 - 1:00 pm
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, OR 97303

DIRECTOR'S REPORT

Adopt Temporary Rules
Roy Elicker, Director

635-021-0090

Thief Valley Reservoir Sport Game Fish Harvest Opportunity Rescinded

Adopted June 4, 2010; effective June 11, 2010 through September 1, 2010.
Amended rule rescinds the liberalized catch limits implemented by previous temporary rule action and reinstates length requirements for trout in Thief Valley Reservoir. Due to above average rainfall in recent weeks, Lower Powder River Irrigation District managers now forecast sufficient water in the reservoir will be maintained over the summer for a very good trout fishery. Continuation of the liberalized bag limit would lead to unnecessary depletion of the large trout (over 18 inches) that anglers prize.

635-004-0017

Directed Commercial Sardine Fishery First Allocation Period Closes June 12, 2010

Adopted June 10, 2010; effective June 12, 2010 through June 30, 2010.
Amended rule closes the first period of the directed commercial sardine fishery effective June 12, 2010. The directed commercial sardine fishery will remain closed through June 30, 2010. These modifications conform to federal (National Oceanic and Atmospheric Administration) rule changes posted for public inspection, by means of Docket No. 0912281446-011-02 on 6/10/10, and scheduled to be published in the Federal Register on June 15, 2010.

635-041-0076

Columbia River Treaty Tribes Summer Salmon Commercial Fisheries Open

Adopted June 10, 2010; effective June 16, 2010 through July 31, 2010.
Amended rule allows the sales of fish caught in the Columbia River summer Treaty Indian commercial fisheries, both above and below Bonneville Dam, which began at 6:00 a.m. Wednesday, June 16, 2010. Allowable sales include: Chinook, coho, and sockeye salmon; steelhead; walleye; carp; yellow perch; catfish; bass; and shad. White sturgeon may be kept for subsistence in all fisheries except the platform and hook-and-line fisheries conducted below Bonneville Dam, where sturgeon may not be retained. Revisions are consistent with action taken by the Columbia River Compact agencies of Oregon and Washington, in cooperation with the Yakama Nation, Warm Springs Tribes, and Umatilla Tribes on June 10, 2010.

635-042-0027

Implementation of Columbia River Summer Chinook Commercial Gillnet Fishery

Adopted June 10, 2010; effective June 17, 2010 through July 31, 2010.

Amended rule implements the summer Chinook salmon commercial gillnet fishery in the Columbia River mainstem beginning 7:00 p.m. June 17, 2010, consistent with provisions of the *US v Oregon* management agreement. Implementation is consistent with action taken June 10, 2010 by the Columbia River Compact agencies of Oregon and Washington.

635-017-0090

Bag Limit for Adipose Fin-Clipped Steelhead Increased On the Clackamas and Sandy Rivers

Adopted June 16, 2010; effective June 18, 2010 through October 31, 2010.

Amended rule allows recreational fishers increased opportunities to harvest the excess hatchery summer steelhead that are returning to the Clackamas Fish Hatchery on the Clackamas River and the Sandy Hatchery on the Sandy River. These increased opportunities in the Clackamas and Sandy rivers will begin June 18 and extend through October 31, 2010.

635-018-0090

Lower Deschutes River Sport Fall Chinook Fishery Opens July 1st

Adopted June 17, 2010; effective July 1, 2010 through October 31, 2010.

Amended rule allows the sport harvest of fall Chinook salmon in the Lower Deschutes River starting July 1, 2010.

635-067-0000

Pronghorn Antelope, Cougar, Rocky Mountain Goat, Bighorn Sheep Regulations

Adopted June 21, 2010; effective June 21, 2010 through December 17, 2010.

This rule establishes the 2010 controlled hunt tag numbers for hunting of Rocky Mountain goat. The table that includes the Rocky Mountain goat controlled hunt tag numbers for 2010 was inadvertently deleted from the rules that were adopted for the 2010 big game controlled hunt tag numbers.

635-041-0076

Columbia River Treaty Tribes Summer Salmon Gillnet Fisheries Above Bonneville Dam

Adopted June 24, 2010; effective June 29, 2010 through July 31, 2010.

Amended rule allows the sales of fish caught in the Columbia River summer Treaty Indian gillnet fisheries above Bonneville Dam. Allowable sales include: Chinook, coho, and sockeye salmon; steelhead; walleye; carp; yellow perch; catfish; bass; and shad. White sturgeon may be kept for subsistence in all fisheries except the platform and hook-and-line fisheries conducted below Bonneville Dam, where sturgeon may not be retained. Revisions are consistent with action taken by the Columbia River Compact agencies of Oregon and Washington, in cooperation with the Yakama Nation, Warm Springs Tribes, and Umatilla Tribes on June 24, 2010.

635-023-0095 and 635-023-0128

Recreational Sturgeon and Sockeye Salmon Fisheries In the Columbia River Mainstem

Adopted June 24, 2010; effective June 26, 2010 through July 31, 2010.

These amended rules extend the date until which sturgeon may be retained in the area from the Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay, from June 26 to July 11. And, rule modifications also allow the retention of sockeye salmon in the mainstem Columbia River from the Astoria-Megler Bridge upstream to Priest Rapids Dam from June 26 through July 31, 2010. Revisions are consistent with action taken June 24, 2010 by the Columbia River Compact agencies of Oregon and Washington.

635-014-0090

Three Rivers Closure Delayed From July 1 Until July 12, 2010

Adopted June 25, 2010; effective July 1, 2010 through September 30, 2010.

Amended rule delays the closure of Three Rivers in the area from the mouth upstream to the hatchery weir deadline from July 1 until July 12, 2010. All signs are pointing to a robust return of hatchery spring Chinook into the Nestucca basin. In order to allow anglers this opportunity to harvest hatchery spring Chinook, we needed to extend the angling season in Three Rivers.

635-110-0010

Harassment and Take of Wolves during Phase I (Conservation)

Adopted June 29, 2010; effective June 29, 2010 through December 25, 2010.

This rule describes the harassment and take of wolves allowed during the Phase 1 (Conservation) of the Oregon Wolf Conservation and Management Plan. This temporary rule amends the existing rule regarding the lethal take of wolves to focus on affecting wolves or a pack that is causing a problem in a specific area.

635-023-0095

Recreational Sturgeon Fisheries In the Columbia River Mainstem Above Bonneville Dam

Adopted June 29, 2010; effective August 1, 2010 through December 31, 2010.

Amended rule prohibits retention of white sturgeon in the Columbia River from McNary Dam upstream to the Oregon/Washington border beginning August 1 through December 31, 2010. These modifications make Oregon's rules concurrent with the State of Washington's. Revisions are consistent with action taken June 29, 2010 by the state of Oregon.

635-017-0095

Recreational Sturgeon Fisheries In Multnomah Channel and the Gilbert River

Adopted June 29, 2010; effective July 5, 2010 through December 31, 2010.

Amended rule allows inclusion of the Multnomah Channel and Gilbert River into the recreational white sturgeon season for the Willamette River in the area downstream from Willamette Falls. Revisions are consistent with action taken June 29, 2010 by the State of Oregon.

635-017-0090**Additional Opportunity for Personal Use Harvest of Pacific Lamprey at Willamette Falls Allowed**

Adopted June 30, 2010; effective July 1, 2010 through October 31, 2010.

Amended rule allows for one additional day for personal use harvest of Pacific lamprey by individuals with the required permit. The season modification provides opportunity for harvest of lamprey that may become stranded due to the scheduled installation of water flow devices at Willamette Falls.

635-001-0410**Confidentiality and Inadmissibility of Mediation Communications**

Adopted June 30, 2010; effective July 1, 2010 through December 26, 2010.

The Oregon Fish and Wildlife Commission needs temporary mediation rules in order to begin the mediation process with a litigant. Temporarily adopting this rule will encourage mediation by limiting the discovery and admissibility of mediation communications in subsequent proceedings. There is currently a matter pending for which mediation is scheduled. The Commission finds that failure to act promptly in adopting this temporary rule will result in serious prejudice to the interests of the State and the litigant by impeding the use of mediation as a dispute resolution process. The temporary rule to be adopted is the Attorney General's rule on confidentiality of mediation communications, developed pursuant to ORS 36.224(2). The rule must be adopted to enable the parties to the proposed mediation to communicate openly in the mediation.

- a) These rules regarding confidentiality need to be in place so that the Commission can enter into mediation with the litigant knowing that its communications will be confidential and inadmissible in future adjudicatory proceedings;
- b) Mediation provides a mutually acceptable resolution process and encourages cooperation between the Commission and the litigant.
- c) Without the confidentiality rule in place, both the Commission and the litigant may jeopardize their legal position by participating in mediation.

635-019-0090**Sport Chinook Fisheries On the Imnaha and Wallowa Rivers Extended**

Adopted July 1, 2010; effective July 11, 2010 through September 1, 2010.

Amended rule extends, until further notice, the opportunity for sport anglers to harvest adipose fin-clipped adult and jack Chinook salmon which are in excess of the Department's hatchery production needs, in the Imnaha and Wallowa rivers. The original

635-017-0090**Additional Opportunity for Personal Use Harvest of Pacific Lamprey at Willamette Falls Allowed**

Adopted July 7, 2010; effective July 8, 2010 through October 31, 2010.

Amended rule allows for one additional day, Thursday, July 8, 2010, for personal use harvest of Pacific lamprey by individuals with the required permit. The season modifications provide opportunities for harvest of lamprey that may become stranded due to the scheduled installation of water flow devices at Willamette Falls. ending date for this fishery was Sunday, July 11, 2010.

635-043-0051

Authority to Take or Harass Wildlife

Adopted July 8, 2010; effective July 9, 2010 through January 3, 2011.

Clarification is needed to define the authority of law enforcement officers to take or harass wildlife while carrying out law enforcement activities.

635-041-0076

Columbia River Treaty Tribes Summer Salmon Gillnet Fisheries Above Bonneville Dam Continued

Adopted July 8, 2010; effective July 13, 2010 through July 31, 2010.

Amended rule allows the continuation of sales of fish caught in the Columbia River summer Treaty Indian gillnet fisheries above Bonneville Dam. Allowable sales include: Chinook and sockeye salmon; steelhead; walleye; carp; yellow perch; bass; and shad. White sturgeon may be kept for subsistence in all fisheries except the platform and hook-and-line fisheries conducted below Bonneville Dam, where sturgeon may not be retained. Revisions are consistent with action taken by the Columbia River Compact agencies of Oregon and Washington, in cooperation with the Columbia River Treaty Tribes on July 8, 2010.

635-023-0095

Recreational Sturgeon Fishery In the Columbia River Mainstem Below Wauna Powerlines

Adopted July 13, 2010; effective July 15, 2010 through December 31, 2010.

Amended rule allows the recreational harvest of white sturgeon, seven days per week from Thursday, July 15 through Sunday, August 1, 2010, in the Columbia River from the Wauna powerlines downstream to the mouth at Buoy 10, including Youngs Bay and all adjacent Washington tributaries. These rule modifications are consistent with action taken July 13, 2010 by the Columbia River Compact agencies of Oregon and Washington.

635-039-0085

Ocean Sport Pacific Halibut Nearshore Fishery Closed from Cape Falcon to Humbug Mountain

Adopted July 14, 2010; effective July 17, 2010 through October 31, 2010.

Amended rule closes the nearshore (inside 40 fathoms) sport fishery for Pacific halibut, in the area between Cape Falcon and Humbug Mountain, at 11:59 p.m. on Saturday, July 17, 2010 when the nearshore quota of 12,284 pounds is projected to have been met. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2010 Oregon recreational fishery for Pacific halibut.

PUBLIC FORUM

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

Ms. Renee Arnold
Hubbard, OR

Party error on Controlled Hunt Application

John Moore
Hubbard, OR

Party error on Controlled Hunt Application

Paul Smull

Permanent Disabilities Permit

Exhibit A: 2011-2013 AGENCY REQUEST BUDGET

The Commission will review and approve the 2011-2013 Agency Request Budget presented by staff.

Roy Elicker, Director

Debbie Colbert, Deputy Director of Administration

Public Testimony

Approval

Exhibit B: DELEGATION OF SIGNATURE AUTHORITY TO THE DIRECTOR TO MANAGE THE NORTH UMPQUA RELICENSING SETTLEMENT AGREEMENT

The Commission will be asked to review and approve a motion to delegate signature authority to the Director (or his/her designee) to manage modifications to the North Umpqua Relicensing Settlement Agreement.

Bruce McIntosh, Fish Division Deputy Administrator

Public Testimony

Approval

FUTURE PROPOSED COMMISSION MEETINGS & TOPICS

August 6, 2010 – ODFW HQ, Salem

- Wolf Update
- Pride Awards
- Goose Task Force Recommendations
- 2010-2011 Oregon Game Bird Regulations
- 2011 Oregon Sport Fishing Regulations
- Oregon's Lower Columbia Conservation and Recovery Plan Approval
- Restoration and Enhancement Project Approvals
- Surplus Eggs and Fish in ODFW Hatchery Programs
- Public Access to ODFW Fish Hatcheries
- Commercial Dungeness Crab Gear Requirements

September 2, 2010 (Thursday) – Hillsboro (Congressional Dist. 1)

- Shikar Safari International Award
- Salmon and Trout Enhancement Program Annual Report
- Clackamas River Bull Trout
- Access and Habitat Projects
- Agency Representation by an Officer or Employee for Contested Case Hearings
- Sauvie Island Wildlife Area Plan
- Oregon Wolf Management Plan Update
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon Informational Briefing
- Furbearer Regulations Housekeeping

October 1, 2010 – Bend (Congressional Dist. 2)

- 2011 Big Game Regulations
- Hunter Orange
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon
- Oregon Wolf Plan Update

November – No meeting scheduled

December 3, 2010 – Portland Area (Congressional Dist. 3)

- Access and Habitat Projects
- Dog Training Rules

PLEASE NOTE

AGENDA

The Commission meeting will begin at 1:00 PM, and proceed chronologically through the agenda. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 to request a packet for those items, which interest you or see the agency's website at <http://www.dfw.state.or.us/agency/commission/minutes/>.

PUBLIC TESTIMONY

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

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

PUBLIC FORUM

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

Thank you for taking the time to present your views.

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

PARKING

Parking is available to anyone who attends the Commission meeting.

REASONABLE ACCOMMODATION OF DISABILITIES

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