



Oregon Fish and Wildlife Commission Minutes

Meeting:
August 6, 2010 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
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	Roy Elicker, Director
Dan Edge, Vice-Chair	Curt Melcher, Deputy Director for Fish and Wildlife
Skip Klarquist, Commissioner	
Carter Kerns, Commissioner	Debbie Colbert, Deputy Director for Administration
Jon Englund, Commissioner	
Bobby Levy, Commissioner	Bill Cook, Assistant Attorney General
Bob Webber, Commissioner	Steve Sanders, Assistant Attorney General
	Teri Kucera, Executive Assistant

8 MEETING

9 On Friday, August 6, 2010 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and
10 Wildlife Commission meeting to order. She said Exhibit B would be heard first.
11

12 Exhibit B: GOOSE TASK FORCE RECOMMENDATIONS

13 Ron Anglin, Wildlife Division Administrator, said Senator Betsy Johnson and
14 Representative Mike Schaufler will give an overview on the final recommendations
15 drafted by the Oregon Goose Control Task Force (Task Force).
16

17 Senator Johnson (D-16) said at the request of the Oregon Farm Bureau, she and
18 Representative Brad Witt (D-33) drafted Senate Bill 622, which deals with the huge
19 migratory populations of geese. The Task Force developed 14 recommendations.
20 Senator Johnson said when the Pacific Flyway Treaty was negotiated; nobody
21 contemplated 250,000 geese in the Willamette Valley. It is important to reflect this
22 change in the amended treaty. After much public participation, we have a document that
23 speaks to the issues. She asked the Commission to support the 14 recommendations.
24

25 Representative Mike Schaufler (D-48) said Senator Johnson summed the issue up
26 nicely. He still believes if you graze your cattle on someone else's property you should
27 pay for the grazing rights.
28

29 Ron Anglin said the Department has taken action on seven of the 14 recommendations,
30 and will work on the other recommendations this fall and winter.
31

1 Chair Rae asked if there has been any progress since Senator Johnson and
 2 Department staff met with federal agencies from Washington, D.C. Anglin said in late
 3 September an initial meeting will be held with Native Alaskans, U.S. Fish and Wildlife
 4 Service, (USFWS), the Farm Bureau, and farmer representatives in Anchorage, Alaska
 5 that will start conversations on Cackler objectives.

6
 7 Chair Rae said staff was directed to take a hard line in these negotiations.

8
 9 Senator Johnson urged the Commission, after reading the 14 recommendations, to
 10 again affirm its hard line in negotiations. She asked the Commission for letters of
 11 support so the federal delegation is aware of the need to fund the activities around
 12 USFWS’s wildlife management services. Senator Johnson said she’ll approach the
 13 State Legislature, with the Oregon Farm Bureau, to talk about funding for wildlife
 14 management. She also intends to work with the Farm Bureau to see if legislation needs
 15 to be drafted to provide sufficient funding to implement some of the plans. They may be
 16 back to ask for the Commission’s support and endorsement of these activities.

17
 18 Chair Rae referred to Recommendation #8, compensation for landowners. She is not
 19 optimistic that the Legislature will consider this important. Representative Schaufler
 20 said this is a federal, even international issue. Oregon doesn’t have the money to
 21 compensate people whose crops are being eaten by geese, but it at least needs to be
 22 said. Senator Johnson agreed that the Legislature will probably not compensate the
 23 landowners, but it’s important to keep the issue in the public.

24
 25 **Public Testimony:**

Marie Gadotti Scappoose, OR	Marie Gadotti, owner of a 450-acre farm, thanked ODFW for past discussions. She said we came out with a good document and urged its approval. She also thanked Senator Johnson and Representative Schaufler for their work.
Donald Anderson Portland, OR	Donald Anderson owns a farm on Sauvie Island. He discussed several recommendations: <ul style="list-style-type: none"> • Recommendation #2, setting goals and numbers for geese that does not harm agricultural land. He said regulations must change quickly to follow the pattern of the birds. • Recommendation #3. He said harassment will keep the geese moving so hunters will have opportunities into February and March. • Recommendations #6, concerning the amount of feed geese eat, he said they eat 180,000 pounds a day! It takes 36,000 acres of green feed per 100,000 geese. He thanked the Commission and legislators for the work they’ve done.
Marie Gadotti for Ron Dobbins	Marie Gadotti said Task Force member Ron Dobbins was not able to attend today. She passed on his comments that

	he has a lot of frustration on this issue; please help us.
Al Elkins Wilsonville, OR	Al Elkins, Oregon Hunters Association, (OHA), said OHA is 100% behind these recommendations, and will do whatever it can to help with implementation.

1
2 Chair Rae said this is not an action item today for the Commission. She said the
3 Commission will continue to take a hard line in negotiations.

4
5 **DIRECTOR’S REPORT**

6
7 **Field Reports (Written report is part of the Commission’s official record.)**

8
9 Northeast Region

10 Craig Ely, Region Manager, reported on the Spring Chinook Fishing Season; anglers
11 experienced very poor fishing conditions and asked for an extension of the season
12 through July 25. He presented a summary of the numbers of hatchery fish. He reported
13 on the recent Rocky Mountain Goat capture and release; staff captured 45 goats in
14 three net drops. The goats were released in the Warm Springs tribal land.

15
16 High Desert Region

17 Chip Dale, Region Manager, reported on the release process. On July 26-27 biologists
18 and volunteers with the Department and the Warm Springs Tribes reintroduced Rocky
19 Mountain Goats to the central Oregon Cascades; the first occasion in the Cascades
20 since the 19th century. A number of them were fitted with monitoring collars. He said the
21 public have expressed concerns about higher than normal water temperatures in the
22 Lower Deschutes River. He discussed efforts to return to natural temperature patterns.

23
24 Southwest Region

25 Larry Cooper, Region Manager, gave an update on the presence of blue-green algae in
26 Diamond Lake. The Oregon Public Health Department and Douglas County Health
27 Department placed a Health Advisory in effect for Diamond Lake. Samples were taken
28 in July; protocols require the level of blue-green algae to be fall before a certain level
29 before the advisory can be lifted. If conditions remain positive, the advisory should be
30 lifted the first week of August. He also discussed the cooperative effort between USFS
31 and ODFW jointly engaged in a process of revamping habitat.

32
33 Northwest Region

34 Chris Wheaton, Region Manager, talked about developing a plan for reintroducing chum
35 salmon into the lower Columbia River and its tributaries. He said it’s been a difficult year
36 for bear damage, partly due to a very poor berry crop. Wheaton said the West Linn
37 catwalk reconstruction project is coming to fruition. He also discussed the Western
38 Oregon Warmwater Program; populations are similar to the last sampling.

39
40 Information and Education

41 Roger Fuhrman, Division Administrator, discussed the growth and success of the
42 Mentored Youth Hunter Program; about 6,500 youth have registered online. He said the

1 National Shooting Sports Foundation will give the Department a \$79,000 grant to help
2 promote those programs and encourage hunting in Oregon. He said there is a new
3 feature on the Weekly Recreation Report; anglers can now send in their own fishing
4 reports. Also, new signage is coming to the Wallowa and Wizard Falls hatcheries, with
5 Salmon River and Bandon to follow.

6
7 Marine Resources Program

8 Caren Braby, Marine Resources Manager, said staff updated the Nearshore Fishery
9 Management Plan Framework and is working on a Harvest Management Strategy
10 chapter for the limited entry nearshore commercial fishery. She discussed a recent
11 lawsuit filed against the National Marine Fisheries Service by the Natural Resource
12 Defense Council; it's reduced the allowable mortality for yelloweye rockfish from 17 to
13 14 metric tons. She said one solution is to document and analyze incidental catch that is
14 already occurring.

15
16 Director Roy Elicker congratulated Captain Jeff Samuels on his recent promotion to
17 Captain of the Oregon State Police (OSP) Fish and Wildlife Division; the Department
18 looks forward to working with him.

19
20 Oregon State Police

21 Captain Jeff Samuels, Fish and Wildlife Division, briefed the Commission on two cases
22 of illegal taking of animals and possessing their parts. One involved the arrest of a man
23 in the Albany who illegally killed longhorn sheep; the other was the arrest of a Sweet
24 Home man who had a bobcat hide and deer parts.

25
26 Conservation Strategy

27 Andrea Hanson, Strategy Species Coordinator in Wildlife Division, said white-nose
28 syndrome, a fuzzy fungal disease, has killed more than one million bats in less than four
29 years; the mortality rate is 90% to 100%. She said in Oregon there are 15 species of
30 bats; 12 species are susceptible to the disease. They play a critical role in insect
31 control, and benefit agriculture and forestry. Staff is working to develop a white-nose
32 syndrome response plan that includes slowing the spread of transmission. We are
33 working to expand our bat population data.

34
35 Wolf Plan Evaluation Update

36 Craig Ely reported that the federal government relisted wolves across Oregon. Also, a
37 lawsuit was filed by several environmental groups against the Agency in mid-July. He
38 asked Bill Cook to give a more detailed report.

39
40 Counselor Bill Cook reported that August 5 a federal judge (U.S. District Judge Donald
41 Molloy) in Montana vacated an April 2009 decision by USFWS who delisted the wolf in
42 all of the Northern Rocky Mountain distinct population segments, except for Wyoming.
43 In his opinion, the Judge said if the USFWS is making a listing or delisting decision, they
44 have to make it across the entire distinct population segment; you can't subdivide it.
45 Cook noted that Eastern Oregon was part of the area where the wolf had been delisted.
46 Even though this is a federal decision under federal law, the wolf in Eastern Oregon is
47 now relisted federally as endangered.

1
2 Counselor Cook also reported that certain environmental groups last month filed a
3 lawsuit in Multnomah County Circuit Court against ODFW concerning issuance of
4 Caught-in-the-Act permits under the Commission's Wolf Plan, and the issuance of
5 Chronic Depredation Take Authority to USFWS. The lawsuit has not yet been officially
6 served on ODFW. He said the Caught-in-the-Act permits have expired, and that the
7 Chronic Depredation Take Authority will lapse in August. In terms of litigation strategy,
8 any legal controversy is going to become moot.
9

10 Ely also reported that last week Russ Morgan successfully caught two wolves in the
11 Winaha Big Game Management Unit. One got away but staff was able to radio collar
12 the second wolf, and will be able to locate and monitor the pack's breeding activity and
13 attach other radio collars to other animals in that pack.
14

15 Ely said the Oregon Wolf Conservation and Management Plan (Plan) adopted by the
16 Commission in December 2005 requires an evaluation every five years. Between June
17 and July, staff met with 14 interested stakeholders and received over 22,000 comments
18 (see ODFW.Comments@state.or.us). Ely also met with Dave Williams, USFWS State
19 Director on July 15 (see Ely's handout and copy of William's letter dated July 19, 2010).
20 From those comments and meetings, staff developed ten key policy issues.
21

22 Bruce Eddy, Grande Ronde Watershed District Manager, thanked the stakeholder
23 groups for their work and for the information that they provided. He referred to handout
24 *Staff Summary of Policy Issues Raised by Stakeholders* and overviewed ten key issues:
25

- 26 1. When can the Department authorize legal take of depredating wolves?
27
- 28 2. Relocation and translocation of wolves. Eddy said the current Plan has more to
29 do with reintroduction of wolves to new places.
30
- 31 3. Wolf population objectives before delisting occurs; adequate? An issue that has
32 resurfaced is whether the Commission should consider if there should be wolf-
33 free zones in the state, or designated areas where wolves should go.
34
- 35 4. Who should confirm loss of wolf-killed livestock?" Eddy said some confusion
36 exists in terms of how the plan is written and what is in rule.
37
- 38 5. Is the current Caught-in-the-Act lethal permit system adequate?
39
- 40 6. Should control measures for wolf-livestock conflicts be extended to pets and
41 residences? A number of people in Wallowa County expressed the desire to take
42 a wolf when it's within 500 feet or 500 yards from a residence.
43
- 44 7. Should the Plan mandate disease testing of Oregon wolves?
45
- 46 8. Should the Plan call for compensation of wolf-caused losses of livestock, working
47 dogs, or sporting dogs? All current compensation occurs through private sources.

1
2 9. Are current non-lethal or preventative efforts for addressing wolf-livestock
3 conflicts adequate for protecting livestock and wolves? Not dealt with specifically
4 in the Plan; the Plan acknowledges the importance of private and public lands.
5

6 10. Non-lethal and preventative efforts to resolve wolf-livestock conflicts. Eddy said
7 confusion occurred this year in Wallowa County before the Department issued
8 Caught-in-the-Act permits. Staff told landowners in Wallowa County there were
9 wolves on the landscape. When the first depredation occurred, landowners felt
10 since they had already done things to protect their livestock they should be able
11 to move to lethal immediately. When staff was unable to, the landowners were
12 somewhat disappointed.
13

14 Ely said staff will present draft rules and a redlined version of the updated Plan for the
15 Commission's review and input at their September 2 meeting. Public testimony is open
16 and the draft document will be available for public review two weeks before the meeting
17 in September. At the October meeting in Bend, staff will present a final draft document
18 for the Commission's review and approval.
19

20 Chair Rae referred to the future agendas for the Commission's September 2 meeting in
21 Hillsboro (it's going to be a long meeting) and the October meeting in Bend. She said
22 the items on the October agenda will generate a fair amount of public comment (Hunter
23 Orange, sage grouse plan, Wolf Plan and Big Game Regulations). She asked staff to
24 keep that agenda lean. Deputy Director Melcher agreed.
25

26 Commissioner Kerns suggested that the Commission schedule public testimony for
27 Thursday (September 30) and deliberate the issues on Friday. Commissioner Webber
28 said the October 1 meeting is the Friday before deer season. If the Commission heard
29 testimony on Thursday, it would be better; the hunters got another day to head out.
30

31 Chair Rae said when the Commission approved the schedule a year ago, we knew that
32 was going to be the timeframe; that it was going to be the day before deer season.
33 Everybody knew it, so we'll deal with this issue (see this document, Adjourn, page 28).
34

35 Chair Rae thanked Ely and Eddy for their work and update. She said that staff needs to
36 not only factor in the landscape changing yesterday, but the lead authority reverting
37 back to USFWS. I know there's some angst about that within the landowner community,
38 and ODFW's continued active role in working with the landowners; so, that's important
39 to continue. She noticed in Dave Williams' letter that they are getting out of the kill
40 business for the time being until they do a NEPA assessment. She asked how
41 significant that is for us.
42

43 Ely promised to talk with Williams. He said now that the wolf is federally relisted
44 depredation calls shifts back to federal authority. USFWS is in the lead and any action
45 taken on the ground would be with USFWS.
46

1 Commissioner Edge said the relisting yesterday actually helps simplify our boundary
2 issue; because we were in a quandary about whether or not we should adjust the
3 state's east-west boundary to be consistent with the federal one. Ely said the Judge
4 vacated the decision to establish the boundary. All across the landscape in Oregon,
5 wolves are listed as endangered. There is no boundary other than what exists in our
6 state Plan. If they come back with a boundary suggestion again, in terms of the federal
7 approach, we would again advocate that they adopt our boundary.
8

9 **Expenditure Report**

10 Debbie Colbert, Deputy Director for Administration, presented the Financial Report for
11 the month ending June 30, 2010; the mid-point of the biennium. She said the
12 Department is within its budgeted projections for its revenues and expenditures. Staff
13 is preparing the final paper to be submitted on September 1. They are finishing final
14 audits on positions and policy option packages.
15

16 **Adopt Temporary Rules**

17 Director Elicker said there are 13 temporary administrative rules, primarily dealing with
18 fishing seasons. He asked the Commission to ratify them.
19

20 **1. 635-041-0076**

21 **Columbia River Treaty Tribes Summer Salmon Gillnet Fisheries Above Bonneville 22 Dam Extended**

23 Adopted July 19, 2010; effective July 20, 2010 through July 31, 2010.

24 This amended rule extends the allowed sales of fish caught in the Columbia River
25 summer Treaty Indian gillnet fisheries above Bonneville Dam. One additional 60-hour
26 (2.5 days) fishing period was authorized for the commercial gillnet season in all of
27 Zone 6. This period is from 6:00 a.m. Tuesday, July 20 through 6:00 p.m. Thursday,
28 July 22, 2010. Revisions are consistent with action taken by the Columbia River
29 Compact agencies of Oregon and Washington, in cooperation with the Columbia River
30 Treaty Tribes on July 19, 2010.
31

32 **2. 635-004-0017**

33 **Second Allocation Period of the Directed Commercial Sardine Fishery Closes 34 July 22, 2010**

35 Adopted July 20, 2010; effective July 22, 2010 through September 14, 2010.

36 This amended rule closes the second allocation period of the directed commercial
37 sardine fishery, effective July 22 through September 14, 2010. This modification
38 conforms to federal rule changes announced July 20, 2010 to be published in the
39 Federal Register on July 22, 2010.
40

41 **3. 635-019-0090**

42 **Sport Chinook Fisheries Close On the Imnaha and Wallowa Rivers**

43 Adopted July 20, 2010; effective July 25, 2010 through September 1, 2010.

44 This amended rule closes the recreational Chinook fisheries in the Imnaha and Wallowa
45 rivers effective 11:59 p.m. Sunday, July 25, 2010. The original ending date for this
46 fishery was Sunday, July 11, 2010. The fishery was extended to give sport anglers an
47 opportunity to harvest returning adipose fin-clipped adult and jack Chinook salmon

1 which were in excess of the Department's hatchery production needs.

2
3 **4. 635-018-0090**

4 **Hood River Chinook Salmon and Steelhead Sport Fishery Opens August 1**

5 Adopted July 20, 2010; effective August 1, 2010 through December 31, 2010.

6 Amended rule opens the Hood River to angling for salmon and steelhead effective
7 August 1 and establishes a new angling deadline as a result of the removal of
8 Powerdale Dam.

9
10 **5. 635-039-0090**

11 **In-season Modifications to Ocean Sport Rockfish and Other Marine Species**
12 **Seasons**

13 Adopted July 21, 2010; effective July 23, 2010 through December 31, 2010.

14 Amended rule prohibits fishing in the Pacific ocean outside the 20-fathom curve to
15 fishing for: lingcod, flatfish, and rockfish; cabezon; skates and other marine species
16 listed under "Marine Fish:" on page 5 of the **2010 Oregon Sport Ocean Regulations**
17 **for Salmon, Halibut and Other Marine Fish Species**; and on pages 100-101 of the
18 **2010 Oregon Sport Fishing Regulations**, effective July 24, 2010. Modifications also
19 close the sport ocean boat and estuary boat fisheries to retention of cabezon due to
20 attainment of the 2010 statewide landing cap of 15.8 metric tons previously adopted by
21 the Oregon Fish and Wildlife Commission.

22
23 **6. 635-041-0076**

24 **Additional Gillnet Fishing Period Above Bonneville Dam For Columbia River Treaty**
25 **Tribes**

26 Adopted July 23, 2010; effective July 26, 2010 through July 31, 2010.

27 This amended rule authorizes an extension for allowed sales of fish caught in the
28 Columbia River summer Treaty Indian gillnet fisheries above and Bonneville Dam. One
29 additional 60-hour (2.5 days) fishing period was authorized for the commercial gillnet
30 season in all of Zone 6. This period is from 6:00 a.m. Tuesday, July 27 through 6:00
31 p.m. Thursday, July 29, 2010. Revisions are consistent with action taken by the
32 Columbia River Compact agencies of Oregon and Washington, in cooperation with the
33 Columbia River Treaty Tribes on July 23, 2010.

34
35 **7. 635-023-0134**

36 **Recreational Spring Chinook Fishery Closes In the Snake River Below Hells**
37 **Canyon Dam**

38 Adopted July 23, 2010; effective July 31, 2010 through August 4, 2010.

39 Amended rule closes the recreational spring Chinook salmon fishery on the Snake River
40 in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon
41 Dam effective at 11:59 p.m. on August 4, 2010 to coincide with the state of Idaho's
42 closure of this fishery.

1 **8. 635-004-0019**

2 **In-season Actions Implemented by the Federal Government for Commercial**
3 **Groundfish Fisheries**

4 Adopted July 28, 2010; effective July 30, 2010 through November 30, 2010.

5 The amended rule adopts in-season actions implemented by the federal government for
6 Pacific ocean commercial groundfish fisheries, including changes to cumulative trip
7 limits.

8
9 **9. 635-073-0090**

10 **Controlled Antlerless Deer and Elk Youth Hunting Regulations**

11 Adopted July 29, 2010. Effective dates Aug. 1, 2010 through Aug 27, 2010.

12 This rule will expand the hunt area for the Flat Creek Youth Elk Hunt 246T2 to include
13 approximately 25 square miles of the Malheur National Forest. This expansion will allow
14 hunters possessing tags for hunt 246T2 to also camp and hunt on an adjacent portion of
15 the Malheur National Forest. Because of un-anticipated road construction on the Phillip
16 W. Schneider Wildlife Area (the only public land within the original hunt boundary) this
17 amendment is necessary to allow the youth hunters possessing Flat Creek Youth Hunt
18 tags an opportunity to hunt and camp on public lands on weekdays when the road
19 accessing the Wildlife Area is closed.

20
21 **10. 635-041-0075**

22 **Treaty Indian Fall Fisheries for Columbia River Above Bonneville Dam**
23 **Implemented**

24 Adopted July 29, 2010; effective August 1, 2010 through October 31, 2010.

25 Amended rule allows the commercial sales, in Oregon, of fish caught during the Treaty
26 Indian Fall salmon platform and hook-and-line fishery in the Columbia River, both above
27 and below Bonneville Dam. The fall platform and hook-and-line Chinook and steelhead
28 fishery begins at 12:01 a.m. Sunday, August 1, 2010 and runs through Sunday,
29 October 31, 2010. Implementation is consistent with action taken July 29, 2010 by the
30 State of Oregon in cooperation with the Columbia River Treaty Tribes.

31
32 **11. 635-042-0031**

33 **Fall Commercial Drift Gill Net Seasons Set for Columbia River Mainstem**

34 Adopted July 29, 2010; effective August 3, 2010 through August 31, 2010.

35 Amended rule sets the 2010 fall commercial salmon drift gill net seasons for the
36 Columbia River mainstem in zones 1 thru 5. A new modification to the rule this year,
37 requested by Oregon State Police, Fish and Wildlife Division, requires that lighted buoys
38 be placed on both ends of the fishing net, unless one end of the net is attached to the
39 fishing boat, in which case a lighted buoy placed on the end of the net opposite from the
40 boat is required. Modifications are consistent with action taken July 29, 2010 by the
41 Columbia River Compact agencies of Oregon and Washington.

42
43 **12. 635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

44 **2010 Fall Commercial Seasons Set for Columbia River Select Area Fisheries**

45 Adopted July 29, 2010; effective August 4, 2010 through October 31, 2010.

46 Amended rules set the 2010 fall commercial salmon seasons for the Columbia River
47 Select Areas. Fall Select Area fisheries implemented include: Youngs Bay; Blind and

1 Knappa sloughs; Tongue Point/South Channel and Deep River. Modifications are
2 consistent with action taken by the Columbia River Compact agencies of Oregon and
3 Washington.

4
5 **13. 635-004-0033**

6 **Periods 4-6 Cumulative Trip Limits Increased for Black and Blue Rockfish**
7 **Combined and Greenling Species**

8 Adopted July 30, 2010; effective August 1, 2010 through December 31, 2010.

9 This amended rule increases the cumulative trip limits for black rockfish and blue
10 rockfish combined by 200 pounds and for greenling species by 50 pounds in periods 4-
11 6.

12
13 *Action: Commissioner Englund moved to ratify the thirteen temporary*
14 *administrative rules as written in the agenda. Commissioner Levy seconded the*
15 *motion and the motion passed unanimously.*

16
17 The Commission took a break at 9:40 a.m. and reconvened at 9:54 a.m.

18
19 **Exhibit A: COMMISSION MINUTES**

20 Chair Rae called for a motion to approve the March 11, March 12, and June 3
21 Commission minutes.

22
23 *Action: Commissioner Edge moved to approve the minutes for those three dates*
24 *as written. Commissioner Levy seconded the motion and the motion carried*
25 *unanimously.*

26
27 **PUBLIC FORUM**

Gary Willis Oregon City, OR	Gary Willis, an avid Bow Hunter for 25 years, distributed a handout to Chair Rae and Commissioner Webber. He requested an accommodation to hunt with a crossbow due to a Degenerate Joint Disease in his shoulders and knees. The handout explains his shoulder prosthesis, and how using a compound bow wears it out and he has to go in for surgery. He has done research and believes a crossbow would work for him. Chair Rae asked Director Elicker to review Mr. Willis' request with Wildlife Division staff and then come back before the Commission in the course of the Big Game Regulations in October. She said the Commission is not going to be able to act on this request today, but all of the Commission would get a copy of his handout. Because Mr. Willis' handout is public record she returned to him the portion with his medical records in order to avoid any HPPA violations. Willis said okay. Director Elicker said he was impressed with Willis'
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	<p>dedication to sport hunting and that Mr. Willis is one of several people to come forward with a disability. Director Elicker said the Department's usual method of helping people with braces and things for normal archery bows is not enough. He said that staff contacted Mr. Willis yesterday, and that he had asked Tom Thornton in Wildlife to put together an internal group, along with OSP, to look at this issue and see what other states do and whether that's appropriate in Oregon. Many states allow a special category of disabled hunters to use crossbows in some situations. Director Elicker said staff would bring forward a proposed recommendation to the Commission at their October meeting in Bend. He asked Thornton to follow up with Willis next week.</p> <p>Commissioner Kerns asked Willis why the recoil of a crossbow wouldn't hurt his shoulder. Willis said he's never seen a crossbow and doesn't know if it has recoil. Commissioner Kerns asked why he hasn't tried a handgun to hunt. Willis said he's never tried it and isn't interested; he's always archery hunted with his friends. Commissioner Kerns said he attended an Archery Technical Review Committee and every member was against crossbows. He suggested that Willis look at other alternatives.</p>
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Exhibit C: 2010-2011 OREGON GAME BIRD REGULATIONS

Chair Rae said the Commission will hear staff's presentation and public testimony, and break for lunch and review the written testimony that's been submitted. The Commission will adopt the rules after the lunch hour.

Dave Budeau, Upland Game Bird Program Coordinator, discussed the 2010-11 Upland Game Bird Regulation Framework. He said the Population Status varies by species and location; populations hit a low in 2007 but are improving each year. He discussed the September 11-19 Controlled Sage-Grouse Season; 1,150 permits are proposed. For Controlled Fall Turkey Hunts, staff proposes to increase available tags in Baker, Grande Ronde and Wallowa, and hunters are allowed two fall turkey tags but only one for a controlled hunt. He concluded with details of three Special Hunting Opportunities:

1. Youth Upland Hunts: 14 Pheasant Hunts statewide; one new Chukar hunt;
2. Pheasant Hunting Clinics (three locations); and
3. Western Oregon Fee Pheasant Hunt (four locations).

Brad Bales, Migratory Bird Program Coordinator, said hunting frameworks are established by USFWS in consultation with the Pacific Flyway Council. He reviewed the Fall Goose Season proposals: 100 day goose seasons continued in most zones; establishment of a new goose zone in Malheur County; increasing bag limits in Klamath County; and increasing harvest of Aleutian Canada geese in South Coast Zone. Most

1 of the permit goose season proposals have to do with Dusky Canada geese. Cacklers
2 are still a major concern with depredation issues in the valley. Because these birds are
3 shared with Native Alaskans and long standing agreements, all the flyway partners are
4 reluctant to do anything until they sat down with the various user groups. Staff proposes
5 to reduce the hunting hours by one hour per day by going from a traditional 4:00 p.m. to
6 a 3:00 p.m. closure and reducing the hours at mandatory check stations. This would
7 allow with current funding and staff to stay open five days per week.
8

9 Bales discussed the Public Comment Summary. He said there is opposition to changes
10 in hunting hours, and the check station times (primarily from afternoon hunters). Many
11 hunters still want bag limit increases for cacklers. He noted there was a request again
12 for a split snipe hunting season in Western Oregon. This proposal has come in the past
13 but is not possible under federal frameworks, because snipe would have to be zoned by
14 duck zones and Western Oregon also includes all of the Columbia Basin counties. So a
15 portion of Eastern Oregon would have to go into a split snipe season – if the
16 Commission decided to go that way.
17

18 A lengthy discussion followed regarding the snipe season. Commissioner Kerns had no
19 objection to a split snipe season in Eastern Oregon but was curious about the effect it
20 would have. Bales said a few years ago the Department did have a statewide season
21 that did include Eastern Oregon for that type of snipe season that's being proposed for
22 Western Oregon. After the three years we did have several members of the public,
23 including the person who proposed it, agreed it didn't really work out that well and
24 wanted to go back to concurrent seasons; opinions may have changed now.
25

26 Commissioner Klarquist said with regard to that earlier split, the comment that comes
27 back from Mr. Worth Mathewson (see Attachment 5 – Public Correspondence) was that
28 the split, the gap in the season took place in December when the snipe population was
29 beginning to increase, rather than having that closure take place earlier, like in October
30 when there were few snipe in the valley. So it wasn't successful necessarily just
31 because it was split; but it was unsuccessful or unsatisfactory because the split took
32 place at not the best time to close the season. If we're looking at doing this again, we
33 might get some more information from staff first about opening it earlier and keeping it
34 open later and whether it would be feasible on both sides of the state. He (Mathewson)
35 keeps coming back with this idea and has a lot of support for extending the season. I'd
36 like to know a little bit more before we decide today what we're going to do.
37

38 Bales said at the direction of Commission, staff can look into this further.
39

40 Commissioner Edge asked if trade-off of increased number of days versus reducing the
41 check station hours was a funding constraint. Bales said yes, it deals with funding and
42 having a 40-hour work week for personnel. Edge said that would be a weekly constraint
43 and nothing that can be adjusted season-wise. Bales said correct.
44

45 Chair Rae noted that snipe season is related to duck season. Bales said yes, we are
46 allowed to zone snipe, but it has to be within Oregon's two duck zones. We can have
47 separate snipe and duck seasons, but we have to do it by geographical area.

1
2 Commissioner Klarquist referred to the New Hunting Structure and noted some of the
3 hunters' comments about closing the check station at 4:30 p.m. He said maybe staff
4 could consider opening a half hour later in the afternoon. Bales said staff proposed
5 moving it back on the opening from 9:00 a.m. to 9:30 a.m., but could look at making that
6 10:00 a.m. and moving the extra half hour on the end of the day.
7

8 Commissioner Klarquist said yes; those hunters say it takes awhile to pack up and get
9 everything ready to move out of the field and to the check station. Even the ones who
10 shoot their limit early in the day, it still takes some time and they may not be forced to
11 wait too long, if at all, for the station to open. Bales agreed it was a good possibility; that
12 would also give them more duck hunting opportunities. He hasn't heard from the hunting
13 public about whether it would be a problem if they limited out fairly early in the day.
14

15 Commissioner Edge noted one letter in the Commission packet that said 10:00 a.m.
16 would be a pain, but overwhelmingly supported for making it later.
17

18 **Public Testimony:**

Marie Gadotti Scappoose, OR	Marie Gadotti said she supports staff's proposal for changing the hunting season. Our goal is to get the seven days, but this seems to be a good start. The issue of check station hours is more of the Commission's budgetary process. We are going to lose a week of hunting in October in the Columbia River area, which could make our problem a bit worse. We are willing to try this and see how it works.
Jennifer Shmikler Portland, OR	Jennifer Shmikler, Oregon Farm Bureau (OFB), concurred with Marie Gadotti's support. She said OFB sees this as an interim step, although would like to see it open seven days per week.

19
20 Chair Rae asked Carey Smith (USFWS) and Bruce Taylor (Oregon Habitat Joint
21 Venture) to come forward. They presented a Pacific Coast Joint Ventures special
22 recognition to Brad Bales for his 17 years of service (1992-2009) on the board. During
23 those years they have preserved 600,000 acres, and expanded into the state of Alaska,
24 Willamette Valley, and Hawaiian Islands. He will move to the board of the Intermountain
25 West Joint Venture. Holly Michael will take his place. Chair Rae added that Holly
26 Michael was instrumental in arranging this award for Brad.
27

28 The Commission took at five-minute break at 11:00 a.m. and reconvened at 11:05 a.m.
29 Chair Rae said the sound system would be muted for this portion of the agenda.
30

31 **AWARDS**

32 Director Elicker presented a plaque to John Benton and thanked him for six years of
33 service as Chair of the Oregon Fish Screening Task Force. He said Benton was
34 appointed in February 2004 to represent agriculture.

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ANNUAL PRIDE RECOGNITION AWARDS

Director Elicker discussed the criteria to receive the following Awards and the contributions given by each of the following individuals and teams:

Individual Pride Awards

Name	Region
Vic Coggins	Northeast (NE) - Enterprise
Bart DeBow	Northwest (NW) - Corvallis
Laurie Draper	High Desert (HD) - Hines
Bill Duke	NE - Pendleton
Dan Gonzalez	HD - Malheur
Karen Hans	NW- Corvallis
Tod Lum	SE – Roseburg
Latif Muhammad	Salem Headquarters (Salem HQ)
Patty Whalen	Salem HQ – ASD
Brian Wolfer	NW – Springfield

Director’s Award

Debra Eddy	NE – La Grande
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Team Pride Awards:

iPOS Team (Point of Sale System)

Susan Brown	Salem HQ – Information Services (ISD)
Joel Hurtado	Salem HQ - ISD
DeAnna Erickson	Salem HQ - Licensing
Nancy Foley-Hibbert	Salem HQ - Licensing
Dave Stanley	Salem HQ – Administrative Services (ASD)
Cathy Stevens	Salem HQ - ASD
Cheryl Tamplen	Salem HQ - ISD
Chris Willard	Salem HQ – Information & Education (I&E)
Tom Thornton	Salem HQ - Wildlife
John Seabourne	Salem HQ - Fish
Meg Kenagy	Salem HQ - I&E
John Lindow	Salem HQ – Accounting Services
Dave Judkins	Salem HQ - ISD

Western Oregon Stream Restoration Program Team

Jon Germond	Salem HQ – Wildlife
Joe Sheahan	Salem HQ – Wildlife
Issac Sanders	NW - Clackamas
Phil Simpson	NW - Tillamook
Jason Kirchner	Marine Reserves Program (MRP)
Jen Feola	SW - Charleston
Dan Jenkins	SW - Roseburg
Jay Doino	SW - Central Point
Kim Jones	NW - Corvallis

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Director’s Team Award - Savage Rapids Dam Removal Team

Ray Hartlerode Salem HQ - Fish
Greg Apke Salem HQ - Fish
Dan VanDyke SW – Central Point

Dave Liscia Volunteer Awards

Tom Hunt John Day

Youth Outdoor Day Leadership Team – E.E. Wilson Wildlife Area

Sam Dufner Volunteer
Steve Sessa Volunteer
Dave Schmidt Volunteer
Dick Nalley Volunteer

Director’s Certificate of Appreciation

Jason Bader Salem HQ – I&E
Doug Juergensen Salem HQ – ISD
Shirlene Gonzalez Salem HQ - ASD
Roxie Burns Salem HQ – Human Resources
Chris Wheaton NW - Clackamas

After the Awards presentation, the sound system was unmuted. Chair Rae recessed the Commission for lunch at 11:50 a.m., and reconvened the meeting at 1:00 p.m. She returned to Exhibit C for questions by the Commission.

Exhibit C: 2010-2011 OREGON GAME BIRD REGULATIONS

Commissioner Edge asked what the opening date on duck season is. He noted that some letters from Rogue River expressed concerns about safety. Brad Bales said that tied in with the September Canada Goose season and the overlap with Labor Day; the season begins September 11. Commissioner Edge said the majority of people commented on the days of week and the time. A fair number of them supported opening the check stations at 10:00 a.m. Bales said the majority of hunters are checking out by 2:00 or 3:00 p.m., but they hesitate to give up any hunting hours.

Chair Rae asked Commissioner Klarquist if he wanted any comments on the snipe season. Commissioner Klarquist asked for staff’s feedback.

Bales said if it’s the Commission’s desire, staff can do a more thorough review and come back to the Commission next year with recommendations and more in-depth information of what’s available. Commissioner Klarquist said there seems to be a dichotomy between what is done for a split season and what public comment is for a split season. I’d really like to know whether we could split the season earlier in the year and make a good difference, or if that would have an adverse impact of its own.

Chair Rae said let’s plan to take a more in-depth look at that option and any consequences, good or bad, that may come from it for 2011.

1
2 Director Elicker said he was trying to get a better read from the Commission. Chair Rae
3 responded that the Commission is not saying we're going to do it; we're going to say
4 we'd like to know a little bit more about it.

5
6 Director Elicker asked for clarification, regarding additional information; what the staff
7 would provide back to the Commission. He said if the Commission wants to change the
8 snipe season, staff can do that. Director Elicker discussed spending resources on a
9 split snipe season and how many hunters that would impact.

10
11 Commissioner Klarquist said he's read comments from people talking about using
12 flashlights and bags in their comments; it won't be taken seriously by some hunters. He
13 doesn't intend for the Department to develop resources for this.

14
15 Bales said some of the biological surveys will be difficult. Nobody within ODFW or
16 outside really has a feel for the ecology and migrations of snipe. He said staff can look
17 at a more in-depth public involvement process and get some clearer perspectives from
18 a wider number of hunters on what they'd like to see for snipe season.

19
20 Chair Rae said she didn't intend for a bunch of resources to be dumped into this. She
21 envisions a broader discussion from career professionals to enthusiastic citizen
22 volunteers, about snipe generally. The Commission has never really had much of a
23 discussion about it. I don't intend for surveys because on the priority scheme of things,
24 staff has bigger issues. The Commission will put this in the appropriate category for
25 Department priorities. But from my standpoint, and I think Commissioner Klarquist and
26 others can pipe in, it's not a big resource drain that we're looking for. It's a "let's have a
27 little bit more discussion".

28
29 Commissioner Klarquist said one way to do this would be to make a change now and to
30 just wait for comment from the public. Chair Rae said she wasn't comfortable making a
31 change to staff recommendation on the fly, just like that.

32
33 Commissioner Edge said there was a recent brand-new masters thesis on snipe
34 movement in the valley year-round; it's full of information about that.

35
36 Chair Rae said in the packet is Attachment 4, which is Divisions 008, 045, 051, 052,
37 053, 054 and 060. In addition to that is *Supplemental Draft OAR* (on Division 8 affecting
38 the Wildlife Areas and changing the dates on those) and *Amended Motion*.

39
40 *Action: Commissioner Edge moved to amend OAR Chapter 635, Divisions 008,*
41 *045, 051, 052, 053, 054, and 060 as proposed by staff to set regulations for the*
42 *2010-2011 game bird seasons. Commissioner Levy seconded the motion and*
43 *the motion carried unanimously.*

44
45 **Exhibit D: AMEND RULES RELATED TO WILDLIFE TAXONOMY AND WILDLIFE**
46 **INTEGRITY RULES**

47 Chair Rae said Exhibit D is deferred to December on the Wildlife Integrity Rules.

1
2 **Exhibit E: 2011 OREGON SPORT FISHING REGULATIONS**
3

4 ***Commissioner Jon Englund proclaimed a potential conflict of interest, as his firm***
5 ***does business with the recreational fishery.***
6

7 Chair Rae noted his potential conflict of interest for the record. She said such a
8 declaration does not prevent Commissioner Englund from discussing the issue or voting
9 on it.
10

11 Rhine Messmer, Recreational Fisheries Program Manager, presented a slide show of
12 the 2011 Sport Fishing Regulations. He said Topics for Consideration will include:

- 13 • **The public involvement process.**
- 14 • **Issue 1: OAR's Universal Date changes** (see Attachment 3). Messmer said
15 staff recommends that the Commission accept changes to the printed version of
16 the 2012 rules and make universal changes to the 2012 Sport Fishing
17 Regulations to reflect calendar dates of opening of the 2011 fishing seasons.
- 18 • **Issue 2: Statewide and Zone Proposals** (see Attachment 4 and Amendment).
19 Messmer said there are 60 staff proposals and one public petition.
20

21 Messmer noted that five key issues are presented in Attachment 3, and the Proposed
22 Rule Language is in Attachment 4.
23

24 Jeff Ziller, District Fish Biologist in Springfield, continued discussion on Issue 2:
25 Statewide and Zone Proposals. (See addendum to Attachment 4.)
26

- 27 • *Willamette Zone—McKenzie River trout fishery.* Ziller discussed Proposal #34,
28 two new section changes. Lower river rainbow trout conservation and study area
29 would be established; close winter fishery on upstream portion. Maintain salmon
30 and steelhead bait season. For the majority of the McKenzie, regulations remain
31 the same. Summary of Proposal #35, close winter trout fishery from Leaburg
32 Dam to Forest Glen boat landing from October to end of May.
33
- 34 • *Central and NE Zone—Review of statewide crappie zone limits; Willow Creek*
35 *Reservoir.* Terry Schrader, Eastern Oregon Warmwater Fishery Biologist,
36 discussed work on the Central and NE Zone statewide crappie zone limits, and
37 the need for additional regulations on the Willow Creek Reservoir. Schrader said
38 the Consideration of Crappie Limits slide was a little different from the one in his
39 packet. He discussed the Warmwater Working Group. One key finding of their
40 survey was that anglers didn't support blanket regulations because they feared
41 opportunities would be restricted. There was a lot of support for biologically
42 based crappie bag limits; support for socially based limits was a lot lower.
43 Seventy-two percent of anglers support a statewide bag limit for crappie that
44 excluded the Brownlee and Owyhee Reservoirs. Proposed rule changes are: 8-
45 inch minimum length, daily bag limit of 25 crappie; existing rule is no daily or
46 length limits.
47

- 1 • *Columbia River Zone—Washington’s barbless hook proposal.* (See Key Issue 6,
2 Proposal #9, Barbless hooks). Messmer said barbless hooks make it easier to
3 release fish that are hooked legally, and this increases adult survival. He
4 recommended that the Commission reject Washington’s proposal.
5
- 6 • *Key Issue 7—Sodium Sulfite Ban.* Messmer said use of eggs cured with sodium
7 sulfite is not a critical conservation issue. There are also enforcement issues.
8 Staff recommendation is to reject petition #61. As part of the rejection we’ve
9 made a commitment to work on a public advisory and as far as the risk of eggs
10 cured with sodium sulfite and put it into our 2011 Sport Fishery Regulations.
11

12 Messmer referred to handout *Exhibit E – 2011 Sport Fishing Regulations, Supplemental*
13 *Addendum to Attachment 4: Correction to Schedule 2 of the McKenzie River.* He asked
14 the Commission to accept the staff’s recommendations on the Department’s proposals
15 as shown in Attachment 4 and Addendum to Attachment 4; that all proposals be
16 adopted except the sodium sulfite ban and the barbless hook regulation for the
17 Columbia River. Staff also asks to be authorized to make the text and formatting
18 changes to correct any typographical or grammatical errors, etc.
19

20 **Issue 3 – Revised Public Process Overview**

21 Messmer reported on the background of current processes and the need for change. He
22 said Expectations and Outcomes include:

- 23 • Public input on social aspects of angling.
- 24 • Focus on meaningful changes.
- 25 • Reduce volume of rejected public proposals.
- 26 • Streamline; enhance administrative process – reduce costs.
27

28 Messmer said key steps retained are public meetings and a two-step Commission
29 meeting. He discussed Proposed Revisions to Public Process:

- 30 1. Redefine public proposal criteria.
- 31 2. Implement ODFW staff reviews and screening for all public proposals.
- 32 3. Revise AARB’s role.
33

34 Next Steps include:

- 35 1. Complete first draft of revised Public Process.
- 36 2. Develop revised draft of Public Process.
- 37 3. Solicit public review from ODFW working groups.
- 38 4. Preview; incorporate staff and public comments in to Commission preview draft
39 for June 2011 Commission meeting.
- 40 5. Rule Adoption; final draft and OARs presented at August 2011 Commission
41 meeting along with proposed 2012 Angling Regulations.

42 Staff recommendation is that the Commission provides input and guidance on process
43 development, especially with respect to the three proposed cornerstone changes.
44

45 Director Elicker said this public process is still a work in progress. He noted that
46 Messmer, Ed Bowles and Bruce McIntosh have done a tremendous job putting together
47 how this might proceed ahead. Discussions will continue both internally and with the

1 Department's public advisory groups. Staff's goal is to make this as simple and
2 transparent as possible, reduce the workload on the Commission and staff while
3 allowing the public a sense that they have fair access for discussion on anything they'd
4 like to see changed or preferred.

5
6 Chair Rae said the public will have the opportunity to testify.

7
8 Commissioner Webber asked if this same process would be developed for the Wildlife
9 Division. Elicker said there is a tremendous amount of public interest on the fish side; on
10 the wildlife side the process has been much simpler and low-key. Our goal is to make
11 sure the processes are consistent, although there are no plans to have discussions on
12 the wildlife side at this time.

13
14 **Public Testimony:**

Gary Lutman Lorane, OR	Gary Lutman, Association of Northwest Steelheaders Emerald Empire Chapter, spoke in opposition to the regulation changes as they apply to a five-mile stretch of the McKenzie River that includes the Hendricks Park area. He quoted from the Eugene Register-Guard that "members of a local flyfishing club lobbied for more hatchery releases and for more restrictions on bait fishing." He asked why there was no input by other fishing organizations and the general public in regard to closure of fishing sites. There has never been an open meeting on this issue, and he wants transparency. Steelheaders believe the Department is in violation of its own 25-year plan, which states that it is to provide greater fishing opportunities.
John Nagy Springfield, OR	John Nagy distributed written testimony and asked that proposed changes to restrict bait and stop stocking of hatchery trout in the lower mid-section of the McKenzie River from Hendricks Bridge to Ballenger Landing in 2011 not be implemented. He read nine arguments against the restrictions. He said all user groups should work with ODFW to return the McKenzie to the trophy fishery it once was. Once the river is returned to a healthy condition and wild fish thrive, then start downsizing the hatchery program, once there is a harvestable option to all users of the river.
Joe Pishioneri Springfield, OR	Joe Pishioneri, Springfield City Councilor, submitted written testimony opposing the proposed regulations. He expressed the concerns of the Springfield City Council and the Mayor: <ul style="list-style-type: none">• Local citizen input has been stymied; special interest groups have been given more weight.• Appears to be baby steps leading to closure of entire river to bait fishing and stocking of hatchery fish.

	<ul style="list-style-type: none"> • Extension of no-bait section and elimination of winter catch and release season has potential for adverse economic impact on residents. <p>Councilor Pishioneri said the Council supports conservation but believes a balance needs to be struck between this goal and best overall interests of the adjacent community. He urged the Commission to reject the change as proposed and direct staff to bring forward a more moderate approach that reflects a better balance of the competing interests.</p> <p>He spoke with State Representative Terry Beyer who was alarmed by this proposal. Two Lane County commissioners are entertaining resolutions to oppose this change. He is a board member of McKenzie Watershed Council and executive director of the Travel Lane County Board; both oppose the proposal. On June 9, the City of Springfield sent a letter to Mr. Ziller and copied Director Elicker. He urged more input and more transparency.</p>
<p>Jeff Sherman Springfield, OR</p>	<p>Jeff Sherman, lifelong Springfield resident, grew up on McKenzie River when there was plenty of access for children. That is being taken away from them. More people are being crowded into the lower section of the river. He is confused by the peak dates for springers and summer Steelhead. He expressed concern for more transparency.</p>
<p>Darlene Kline-Dolby Eugene, OR</p>	<p>Darlene Kline-Dolby, see written testimony, supports the proposed regulation to ban the use of bait with the exception of the Salmon and Steelhead fishing season because of cessation of stocking the McKenzie River this year between Bellinger boat landing and Hendricks Bridge. Her biggest concern is the continued erosion of stocking of hatchery fish in the McKenzie. There is no reason to stop stocking more sections of the McKenzie River and to continue reducing angling opportunities when the native fish population is healthy and robust in the McKenzie.</p>
<p>Norm Ritchie Portland, OR</p>	<p>Norm Ritchie, Northwest Steelheaders, supports staff recommendations regarding the barbless rule on the Columbia River. Such a ban is unneeded and would result in more fish being hooked. He urged the Commission to support staff recommendations to not move forward with the sulfite ban.</p>
<p>Scott Amerman Monmouth, OR</p>	<p>Scott Amerman, Amerman Salmon Eggs and Amerman Guide Service, referred to a graph, "First three graphs from page 2 from ODFW study done by Shawn Clements, Rob</p>

	<p>Chitwood, and Carl B. Schreck.” He talked about the sulfite petition as one who was involved in the ODFW research. He pointed out that the words “eliminating sodium sulfite” have been eliminated from the petition. He referred to page 3 of petition. The study is extremely flawed, and there is no correlation to the real world. He is working with ODFW to discuss possible alternatives and additional testing.</p>
<p>Tom Wolf Hillsboro, OR</p>	<p>Tom Wolf, Chair of Oregon Council Trout Unlimited (TU), said they:</p> <ul style="list-style-type: none"> • Support the ban on sulfite. TU signed the petition, and opposes staff recommendation. • Oppose staff recommendation on barbless hooks in the Columbia River, supports proposal of Washington Dept. of Fish & Wildlife. • Support staff recommendation to close 5-mile stretch on McKenzie River to hatchery fish. • For Yamhill/Tualatin – TU supports harvest and requests monitoring of that population.
<p>Jeff Mishler Portland, OR</p>	<p>Jeff Mishler, angler, in written testimony proposed adding language in the 2011 Angling Regulations prohibiting the use of sodium sulfite in cured eggs ...”except eggs cured with sodium sulfite.” He said the use of sulfite cured eggs is technically illegal, but DEQ will not enforce the law until the public is educated about it. In addition to the petitioned language change, he suggests adding “and all substances regulated by EPA.”</p>
<p>Jim Clem Klamath Falls, OR</p>	<p>Jim Clem, sport fisherman, submitted a Petition to Amend the 6-foot leader rule on the Rogue River. OAR 635-016-0080 states, “any attached weight may be no more than 6 feet above the lowermost hook.” He brought some hooks to demonstrate the difference between a 6-foot and 9-foot leader. He requested that the Department adopt the proposed amendment.</p>
<p>Jay Nicholas Corvallis, OR</p>	<p>Jay Nicholas, Wild Salmon Center, distributed written testimony in support of the petition. He was flabbergasted when he first read the report that the bait was toxic. He said they signed onto the petition to signal clearly that more needs to be done. It does not indicate that what the petition calls for is necessarily the only solution. Please consider this Petition in concert with other actions that staff, Commission, industry, and the sport fishing community might propose.</p>

<p>Rob Russell Eugene, OR</p>	<p>Rob Russell, sport fisherman, is a former guide in Tillamook area. He said he started having concerns about young wild steelhead following this dangerous bait to the boat. If it's not healthy for people to handle, maybe I shouldn't be dumping hundreds of pounds of it into the rivers every season. He's had many scientists suggest that this does not represent a crisis. But there is no data to support that, only speculation. He urged adoption of the language from the petition and to promote further study.</p>
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Chair Rae asked the Commission for questions.

Commissioner Klarquist said he was not prepared to adopt a recommendation today. He is very concerned to know what is in these egg curers in order to properly manage our fishery. He asked what we can do.

Bruce McIntosh, Deputy Fish Division Administrator, said ODFW was part of the research team along with OSU. It was clear that where there are elevated levels of sodium sulfite, there are also elevated levels of fish mortality. Sodium sulfites need to go. Where we disagree is how to get there. Staff is working with manufacturers who are looking at their major season to test egg curers this Fall, develop safe curers over the winter. We don't see this as a conservation crisis because it has been going on for 20 years, so staff feels it has time to deal with this over the next year. Regarding the testing of baits, that is not the Department's expertise.

Commissioner Klarquist said Scott Amerman in his testimony mentioned other chemicals or compounds; what about those? McIntosh said we tested four-five different commercially available baits, and the common ingredient was sodium sulfites. Once we took that away, there was no mortality. Commissioner Klarquist asked, what is the timeline with industry, a two-year period? McIntosh said if staff is not successful in reaching that point, he'll be back in front of the Commission.

Commissioner Webber agreed with Klarquist, although he wants it to be clear that the industry must work in good faith with staff.

Commissioner Edge stated the data seemed pretty clear that this is an issue and that we need to resolve it. It was not clear from one industry representative that they had bought onto your timeline, just from listening to them. He said we may not pass it today, but we'll pass it next year at this time. We'll ban them if we don't have a fix. He said staff needs to move forward; working with the industry is the appropriate way to do it, phase it out and allow them sufficient time to find an alternative cure. He supports staff's proposal, and said he thinks that we need to send a message to the industry.

Chair Rae said she thought that message has been sent by her colleagues. She said she'd rather thank them for their help. Jay, I think, is dead solid right when he says tell the staff "good work"; tell the industry folks that are making this "good work"; tell the

1 fishing community “good work” and we want more done. She didn’t foresee the
2 Department having in its future being a testing laboratory. She said to McIntosh, I think
3 you’re on the exact right track with those comments. We’re not equipped for that, we’re
4 not funded for that. Maybe it is, talking with our partners in the federal system, talking
5 with our colleagues in the DEQ, whomever, to keep that on the worry-about list.

6
7 McIntosh thanked the Commission and added that staff did consult with DEQ through
8 the process, which has the same concerns but recognizes that the non-regulatory
9 approach for now is the preferred alternative. DEQ supports the actions staff is taking
10 and are going to be watching closely for the outcome you just described.

11
12 Deputy Director Melcher pointed out to the Commission that manufacturers like Mr.
13 Amerman were very cooperative with staff. He said these are proprietary recipes that
14 they shared; they didn’t necessarily have to do that. They worked with us in developing
15 this information, and we’re confident that they are going to continue to work with us, as
16 we find alternatives.

17
18 Commissioner Klarquist referred to the McKenzie River and said the changes in fish
19 planting were piecemeal, and he’s not sure how they correspond to our overall
20 management plan, for creating more young fishermen. He is concerned the
21 Commission is overlooking things that need to be considered.

22
23 Chair Rae said she’s not satisfied either.

24
25 Jeff Ziller said the piece that Commissioner Klarquist is talking about is a minor piece of
26 the whole McKenzie River package. The area from Bellinger to downstream Hendricks
27 Bridge has been stocked for 20 years. It is also an area not to be stocked when we run
28 out of fish; it’s a very low-use area of the river for hatchery trout. There is a very good
29 cutthroat fishery downstream from Hayden Bridge. This area of the river is the most
30 productive stretch of the entire McKenzie River. The bulk of the fishing that you are
31 talking about is on the Upper McKenzie River between Blue River and Leaburg Lake,
32 and a heavily stocked section between the Town of Leaburg and Hendricks. In the big
33 picture, those areas are going to continue. We believe these changes we have made in
34 the last year were well publicized.

35
36 Commissioner Edge said regarding the public notification to stop the hatchery stocking,
37 it was not clear to him how public the rule change was, other than our normal month’s
38 notice of OARs on fishing notices. Ziller said the main change staff made was in not
39 stocking downstream from Hendricks Bridge. This is a continuation of the original
40 regulation change. It doesn’t make much sense to have a bait fishery along with a
41 catch-and-release.

42
43 Commissioner Webber clarified, from Leaburg Dam to the mouth, under the proposed
44 rules there would be three sections? Ziller said yes; it’s an 18-mile stretch upstream to
45 Hayden Bridge; 9-10 miles to Hendricks Bridge; and 16 miles to Leaburg Dam. Best
46 public access is between Leaburg Dam and Hendricks Bridge, the bait-fishing areas.

1 Chair Rae said her write-up states that these proposals will appear with other 2011
2 hatchery management proposals. What would be the harm in us putting the brakes on
3 this today and putting it in the 2011 process where we will have conversations with the
4 wider public? McIntosh said staff collected additional information, both from a
5 biological and social perspective. Once we had the information from that, we were
6 committed to embark on a more thorough public process on the big picture. The
7 proposals on the table today are minor conservation issues; they deal with removing the
8 bait option in the Lower River, and enforcement issues.

9
10 Chair Rae asked, what assurances does the public have that there will be an open,
11 transparent process, and that the discussion today doesn't send a signal that we're
12 going to start clamping down on the McKenzie and eliminate opportunities? McIntosh
13 said we've made that public commitment. This will be included in the 2013 process,
14 where big changes will be considered. Chair Rae said so the bait ban on that lower river
15 is how many miles? Ziller said 9-10 miles.

16
17 Commissioner Englund said he isn't comfortable moving forward with this; he isn't
18 opposed to it but wants to wait until next year. Commissioner Levy agreed.
19 Commissioner Webber said he is a bit more supportive because he saw the area, and
20 there is access.

21
22 Chair Rae said there would be four votes to delay action until next year.
23 Commissioner Edge expressed concern that people in the Springfield area were not
24 properly notified.

25
26 Chair Rae clarified, we're talking about the lower section, closer to Springfield. It's in the
27 upper part where there is a poaching issue. She split the McKenzie issue in two:

- 28 1) Bait ban downriver – push that into 2011; and
- 29 2) Upriver poachers.

30 She asked if there were any dissenting comments on this idea. Hearing none, she
31 called for comments on the key issues.

32
33 **Key Issue 1: Two rod language clarification.** No dissenting comments.

34
35 **Key Issue 2: Prohibit the Harvest of Smelt.** No dissenting comments.

36
37 **Zone Regulations; 3 key issues.** No dissenting comments.

38
39 **Key Issue 5 – Willow Creek Reservoir Crappie Limits #56.** No dissenting comments.

40
41 **Key Issue 6 – Barbless Hooks on the Columbia River.**

42
43 Commissioner Englund said this issue confuses the public as to where barbs are
44 allowed and where they are not. He agreed with the State of Washington that
45 simplification is needed. Chair Rae said if you all came to us and said this was a big
46 biological issue; she might be warmer to it. Commissioner Englund said they should
47 reject the recommendations, but keep working on a solution.

1
2 Commissioner Webber didn't agree that they should wait to solve it. The barbless rule
3 makes sense if there is no biological reason. He favors agreeing with Washington State.
4

5 Chair Rae said the State of Washington says they'll revisit this, depending on what
6 action we take. I'm pretty convinced that this one hasn't been shopped publicly very
7 much, because I think we'd be hearing a lot more than this "No public comment
8 received as of today." She asked staff to get the career professionals together with the
9 co-managers, the State of Washington, the Tribes and the feds.
10

11 Messmer said Steve Williams will continue to work on this issue as he had in the past.
12 Messmer offered to meet with Commissioner Webber to discuss the Department's
13 assessment of barb vs. barbless, and share some assessments done by other agencies
14 and entities on the benefits from the use of a barbless hook.
15

16 Commissioner Kerns said he liked the new process that Messmer proposed. He
17 suggested, as a method of soliciting public comments, to develop at a Point of Sale
18 location when people go to get fishing licenses they can fill out comment forms that they
19 can address and send them in. He doesn't think everybody is 100% happy.
20

21 Chair Rae said the staff is headed in the right direction in making the process less
22 onerous for public and staff. She appreciates that this is a work in progress. She told
23 Messmer to keep moving forward with his objectives, transparency, involvement, less
24 administrative bureaucracy, and less cost. Chair Rae stated she was going to make
25 the following motion and incorporate Issue 1, the administrative changes and the
26 universal dates, and to incorporate Issue 2, which is the proposed 2011 changes with
27 the key issues, and some of those pulled out. She said the regulation process doesn't
28 require any action.
29

30 *Action: Chair Rae moved to amend OAR Chapter 635, Divisions 008, 011, 013,*
31 *014, 016, 017, 018, 019, 021, 023, and 039 as proposed by staff in Attachment 5,*
32 *and to uniformly reflect the calendar dates for trout season openers, as described*
33 *in Attachment 3 and shown in Attachment 4, with the supplemental addendum*
34 *that we received today. I further move to adopt the 2011 Sport Fishing Angling*
35 *Regulations pamphlet that reflects changes made to the 2010 Rules. This would*
36 *include and affirmatively allow the two rod clarification, the closure of smelt*
37 *harvest in Oregon's inland waters, proposed rule changes that would close a*
38 *winter fishery for trout in the Leaburg Dam to Forest Glen boat landing reach*
39 *where the OSP has found an extraordinary number of poachers. It would not*
40 *include the proposed rule change to create a new five-mile section on the*
41 *McKenzie-Hayden Bridge upstream to Hendricks Bridge. It would include*
42 *Tualatin and Yamhill Trout Fisheries. It includes the bag limit of 25 per day and*
43 *eight-inches in length for Willow Creek Reservoir. It does not include the*
44 *prohibition on the bait cured with sulfites, and to authorize staff to make text and*
45 *formatting changes to correct typographical errors or grammatical errors, correct*
46 *inadvertent inconsistencies, improve readability, and to meet publishing needs.*
47 *Commissioner Levy seconded the motion.*

1
2 Chair Rae asked Counsel if her motion was good. Counselor Steve Sanders said yes.
3 I followed it and I believe the motion covers all of the issues.
4

5 *Chair Rae said excuse me, it also rejects the proposal to go barbless in the*
6 *Columbia.*
7

8 For clarification, Messmer noted for McKenzie River, in conjunction with the bait rule,
9 there was a rule that would change the section boundaries also. Ziller added that was
10 Proposal #34 which is for reformatting; that's related to these rules too. We'd ask for
11 allowances to make sure we get the sections right.
12

13 *Messmer said the one new section that staff would add this year would be*
14 *upstream from Leaburg Dam that would have a different trout season than that*
15 *area downstream from Leaburg Dam. Staff can reformat everything so that the*
16 *section from Leaburg Dam down to Hayden stays like it is now; staff will reformat*
17 *a new section. We don't have that actually in there properly numbered.*
18

19 Chair Rae asked, is this a huge deal that you need right now. Ziller said it's just a
20 clarification that that is your intent. Messmer said it could be covered under the "to take
21 care of the technical inconsistency" clause. Chair Rae said okay. Messmer said we just
22 wanted to point that out. Chair Rae clarified - to improve readability.
23

24 *Counselor Sanders clarified for the record one other thing that the Commission is*
25 *not doing is accepting the Rulemaking Petition to change the leader length.*
26 *Chair Rae said no, we're not.*
27

28 Commissioner Webber asked Chair Rae if she was amending her motion to include
29 that. Counselor Sanders said Chair Rae doesn't have to. Director Elicker will send a
30 letter to the petitioner saying that the Commission does not accept their letter on the
31 matter.
32

33 *Chair Rae asked if there was further discussion. She said now that our record is*
34 *clear of what is included in the motion and thus included in the regulations. All in*
35 *favor signify by saying Aye. The motion passed unanimously.*
36

37 The Commission took a break at 4:05 pm and reconvened at 4:10 p.m. Commissioner
38 Carter Kerns left the meeting.
39

40 **Exhibit F: OREGON'S LOWER COLUMBIA CONSERVATION AND RECOVERY** 41 **PLAN APPROVAL**

42 Kevin Goodson, Conservation Planning Coordinator Fish Division, said the draft Oregon
43 Lower Columbia River Plan (LCR Plan) was presented to the Commission at its June 4
44 meeting. Changes to the Public Review Draft include:

- 45 • Executive Summary revised;
- 46 • Clarifying language added to address comments; and
- 47 • Cost estimates adjusted.

1
2 Goodson acknowledged the hard work of the LCR Stakeholder Team and the LCR
3 Planning Team. He said the proposed rules were developed to be consistent with the
4 NFCP and to guide implementation of the Oregon LCR Plan, and the existing Basin
5 Fish Management Plan rules (Sandy and Clackamas) were revised for consistency.
6 Goodson said the Commission has two issues before them; staff recommends Option 1
7 for both of the issues.

8
9 Commissioner Englund thanked Goodson and his staff for allowing additional comments
10 from folks along the Lower River.

11
12 Chair Rae echoed Commissioner Englund's comments and told Goodson he has done
13 an extraordinary job and had kept a large and very diverse group of folks at the table
14 together. Our record will show one public testimony, from Janelle. But it needs to be
15 noted for the archives forever and ever that this Commission has received several
16 briefings on the Lower Columbia Plan for many years now. And the amount of time, the
17 professionals that put their heart and soul into this; the comprehensiveness, the ease
18 with which to read it is just first-rate work.

19
20 **Public Testimony:**

Janelle St. Pierre Warren, OR	Janelle St. Pierre, Coordinator of Scappoose Bay Watershed Council, sat in on the four years of meetings and supports the recovery plan. She talked about its implementation. She expressed concern over some budgetary issues. Her nonprofit Council gets assistance from Western Oregon Stream Restoration Program, and their fisheries biologist position is scheduled to be cut. They depend on any help they can get and can't implement this plan without resources. She said if we lose this position we need some other kind of resource.
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21
22 Chair Rae said the Commission has some challenges ahead and will be looking at
23 some alternative ways to conduct business. We will do the best we can; this plan will
24 not be shelved.

25
26 *Commissioner Englund moved to adopt the Administrative Rules shown in*
27 *Attachment 3 and 4 and to approve the Lower Columbia River Conservation*
28 *and Recovery Plan for Oregon Populations of Salmon and Steelhead*
29 *(Attachment 6). Commissioner Levy seconded the motion and the motion*
30 *passed unanimously.*

31
32 Chair Rae noted for the record that Commissioner Kerns had been excused for the
33 balance of the meeting.

34
35 **Exhibit G: RESTORATION AND ENHANCEMENT PROGRAM PROJECT**
36 **APPROVALS**

1 Laura Tesler, R&E Program Coordinator, gave a slide presentation of projects
2 recommended by the Restoration and Enhancement Board. She showed a map of the
3 proposed projects throughout the state. This funding cycle the Board approved 13 of the
4 16 projects submitted. Funding these projects would total about \$284,000, which leaves
5 about \$1 million for the remainder of the biennium.

6
7 Commissioner Klarquist asked a question on Project 09-211, Sun Creek Selective Fish
8 Passage Facility, concerning use of antimycin-A as opposed to rotenone. Tesler said
9 the project sponsor said they have antimycin-A on hand and so weren't going to use
10 rotenone. She asked Chip Dale to come forward to give details.

11
12 Chip Dale said the No. 1 priority is to remove competitive fish, and the bull trout are the
13 biggest problem. So the intent is to put the barrier in, salvage any bull trout they could,
14 and apply antimycin-A to kill whatever is left, and then restock the bull trout. The idea
15 with this project is that there would be a trap in place to allow fish to migrate naturally
16 while sorting out the species we don't want returning to the system.

17
18 **Public Testimony:** There was no public testimony.

19
20 *Action: Commissioner Levy moved to approve the recommendations of the Fish*
21 *Restoration and Enhancement Board as recommended by staff. Commissioner*
22 *Klarquist seconded the motion and the motion carried unanimously.*

23
24 **Exhibit H: SURPLUS EGGS AND FISH IN DEPARTMENT HATCHERY PROGRAMS**

25 Chair Rae stated that Exhibit H had been deferred until the September meeting.

26
27 **Exhibit I: PUBLIC ACCESS TO OREGON DEPARTMENT OF FISH AND WILDLIFE**
28 **HATCHERIES**

29 John Thorpe, Assistant Fish Propagation Program Manager, presented a proposed rule
30 change to a temporary rule permanent. It has to do with late night presence of vehicles
31 past fishing hours in the Sandy and other hatcheries. He said the issue of public access
32 and activities on state owned fish hatcheries has not been clearly defined in the Oregon
33 Administrative Rules. OSP said a rule is necessary to enforce trespassing at
34 Department hatcheries. The proposed rule would allow reasonable access before and
35 after legal fishing hours but restrict late night activity.

36
37 **Public Testimony:** There was no public testimony.

38
39 Chair Rae said she liked the flexibility to allow hatchery managers specific authorization
40 to allow camping if they determine it's appropriate.

41
42 Commissioner Webber said the Elk River Hatchery is the put-in for all the fishing above
43 and below there. If someone pulls in at night to camp, will he be in violation? Thorpe
44 said this proposal would allow specific permission for that, so they'd have to contact the
45 hatchery manager.

1 *Action: Commissioner Klarquist moved to adopt OAR 635-008-0211 as proposed*
2 *by staff in Attachment 3. Commissioner Edge seconded the motion and the*
3 *motion carried unanimously.*
4

5 **Exhibit J: COMMERCIAL DUNGENESS CRAB GEAR REQUIREMENTS**

6
7 ***Commissioner Jon Englund declared a potential conflict of interest for the record***
8 ***because we deal in the crab fishing industry.***
9

10 Chair Rae noted Commissioner Englund's conflict for the record.

11
12 Caren Braby, Marine Resources Program Manager, introduced Troy Buell, the state
13 Fishery Management Program Leader. She gave a presentation on commercial
14 Dungeness crab fishing gear requirements. There is one issue before the Commission
15 today, and that is to clarify release mechanisms language. She said OAR 635-005-0055
16 requires that Dungeness crab pots have a release mechanism that allows for the
17 escape of legal-sized crab from lost or derelict gear. She recommended reducing the
18 options for release mechanism design.

19
20 **Public Testimony:** *There was no public testimony.*

21
22 Commissioner Englund thanked Caren Braby and Captain Jeff Samuels for attempting
23 to bring continuity on both sides of the border.

24
25 Commissioner Levy welcomed Troy Buell to the Department.

26
27 *Action: Commissioner Webber moved to amend OAR Chapter 635 Division 005-*
28 *0055 as proposed by staff and shown in Attachment 3. Commissioner Levy*
29 *seconded the motion and the motion carried unanimously.*
30

31 **ADJOURN**

32
33 For the October 1 meeting in Bend, the Commission agreed to start the day before,
34 Thursday, September 30 at 10:00 a.m., and continue on Friday, October 1 at 8:00 a.m.

35
36 Chair Rae adjourned the meeting at 4:51 p.m.