



Oregon Fish and Wildlife Commission Minutes

Meeting:
June 3, 2010 - 1:00 p.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue N.E.
Salem, Oregon 97303

Meeting:
June 4, 2010 - 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue N.E.
Salem, Oregon 97303

Commission minutes are considered draft until approved by the Commission at its next meeting.

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

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

Roy Elicker, Director
Curt Melcher, Deputy Director
Debbie Colbert, Deputy Director
Bill Cook, Assistant Attorney General
Steve Sanders, Assistant Attorney General
Teri Kucera, Supervising Executive Assistant

MEETING

On Friday, June 4, 2010 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order.

DIRECTOR'S REPORT

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

Northeast Region

Craig Ely, Northeast Region Manager, reported on the fifth annual Ladd Marsh Area Birdathon that was held in May; over 200 people participated. He discussed the multi-year evaluation of the Phillips Reservoir Yellow Perch Removal Project in order to increase the trout population. Lastly, Ely reported on recent wolf depredation in the Imnaha area that staff is monitoring. He noted the cooperation of local ranchers and said staff will meet with various stakeholders. Staff will present the proposed revised Oregon Wolf Plan to the Commission at their October 1 meeting.

Chair Rae said the Commission was aware that the Imnaha wolf pack continued to generate angst. She asked staff to continue encouraging the public to participate in the five-year review of the plan to help make it better. She said Deputy Director Curt Melcher and she were meeting with Wallowa County Commissioner Mike Hayward next week regarding this issue.

High Desert Region

Chip Dale, High Desert Region Manager, said recent sage grouse lek counts were completed in the Malheur and Klamath Watersheds and the Lake and Prineville

1 Districts; there was an increase over the 2009 counts due to good recruitment last
2 summer. He gave an update of the Pelton Round Butte Fish Passage project. Dale
3 reported on the South Central Mule Deer Study; 131 collars were put on deer in the
4 Metolius, Wagonfire, Silver Lake, Interstate, and Klamath Falls units. To date, 470 deer
5 have been collared during this study. He said 1,623 deer have been killed on highways
6 97 and 31, and that illegal harvest was 16% which exceeds the legal harvest at 12%.

7 8 Southwest Region

9 Larry Cooper, Southwest Region Manager, said due to declining Rogue River wild
10 spring Chinook since completion of Lost Creek Dam, the Commission adopted the
11 Rogue River Spring Chinook Conservation Plan in 2007 with a desired status level of
12 15,000. As of May 9, the count at Gold Ray Dam was estimated at 24,000. Cooper said
13 the Charleston Fish District staff held a Youth Angling event, Family Fun Day, which
14 was wildly successful – nearly 450 kids participated in the fishing event.

15 16 Northwest Region

17 Chris Wheaton, Northwest Region Manager, reported on a cougar sighting on May 4 by
18 eight Sauvie Island residents; staff met with the residents and confirmed the cougar
19 tracks. He discussed the East Fork Trask River Monitoring Life Cycle site. A total of 93
20 winter steelhead were captured in May; 90% were wild. Wheaton discussed the Coastal
21 Avian Predation Program in the Nehalem, Tillamook, and Siuslaw areas. Staff is
22 working with groups in Alsea, Coquille, and Rogue on possible future hazing operations.

23 24 Information and Education

25 Roger Fuhrman, Information and Education Administrator, thanked his staff and the
26 National Shooting Sports Foundation for their roles in the enhanced Oregon Hunting
27 Access Map on the Department website. He encouraged the Commission to look at the
28 40 Free Fishing Events listed on the website. Fuhrman discussed three recruitment and
29 retention events: lapsed angler recruitment; controlled hunt reminder; and Outdoor
30 Skills workshop for women.

31 32 Ocean Salmon and Columbia River Program

33 Tony Nigro, Ocean Salmon and Columbia River Program Manager, reported on White
34 Sturgeon spawning in the Willamette River. Biologists placed ten mats made up of nylon
35 air-filter material on the river bottom. To date, staff has collected about 75 eggs. Staff
36 will continue monitoring through June. He gave an update on Columbia River Spring
37 Chinook sport and commercial fisheries. Anglers made almost 172,000 trips and kept
38 just over 29,000 spring Chinook, of which about 23,000 were upriver fish. Harvest of
39 commercial fisheries was the highest since 2004.

40 41 Conservation Strategy

42 Holly Michael, Conservation Strategy Leader, said the State's Climate Adaptation
43 Framework is in development; the final draft should be out in July. She said Director
44 Elicker and she will attend the White House Council on Environmental Quality on
45 Sunday, June 6, in Portland. Staff is working on developing a Decision Support System
46 (DSS) to provide data and spatial information on crucial habitats and connectivity as
47 directed by the Western Governors Association Wildlife Corridors Initiative.

1
2 Oregon State Police

3 Lt. Andy Heider, Fish and Wildlife Division, discussed a case in the Central Point area.
4 Investigation started in 2008 on two individuals who were illegally baiting bears and
5 using dogs to take a cougar. Both citizens were cited and convicted and both received
6 fines, probation, lifetime hunting suspensions and mandated community service.
7

8 Lt. Mike Dingeman, Fish and Wildlife Division, referred to a press release honoring one
9 of their troopers in a life-saving event on May 20. A 90-year-old man drove his vehicle
10 into the river. Trooper Ritter jumped into the river, swam to the victim, tied a rope
11 around him, and pulled him to safety. The man was within a few minutes of dying from
12 hypothermia. Trooper Ritter will be nominated for a number of awards. Also,
13 Dingeman's report included a month-long investigation into the unlawful killing of four
14 elk in Clatsop County resulted in four juvenile males facing multiple wildlife criminal
15 charges.
16

17 **Expenditure Report**

18 Director Elicker asked Debbie Colbert, Deputy Director for Administration, to give an
19 update on the Department's budget. He said staff appreciates the Commission's
20 willingness to meet in July for the sake of a budget discussion. For the 2011 Session,
21 it's very important that the Commission be aware of the Department's budget issues;
22 particularly as they get exacerbated during the next session with shortfalls in General
23 Fund (GF) and Lottery Funds (LF).
24

25 Debbie Colbert said agency-wide, we are within our expenditures at this point in the
26 biennium. In her written report she noted that recently the Governor had directed DAS
27 to use its broad statutory authority to unschedule GF across the board for agencies
28 during the current budget cycle. For the Department that's about \$570,000 to
29 unschedule that will be largely through vacancy savings in order to meet that reduction.
30

31 Colbert said the Department concluded its Budget Advisory Process and statewide Town
32 Hall meetings. The state is looking at a pretty extensive revenue shortfall that the
33 Governor's Reset Committee (Update from the Governor's Reset Committee – May
34 2010) says could last into the next decade. Once priorities are identified, staff will
35 identify 5%, 10% and 25% reductions in GF and LF. That information will be sent to the
36 External Budget Advisory Committee (EBAC) for response. Staff will bring that input and
37 the 2011-2012 Agency Requested Budget to the Commission on July 16 in Salem.
38

39 Chair Rae encouraged the Commission to read the *Update from the Governor's Reset*
40 *Cabinet – May 2010* report before their July 16 meeting. She said the Reset Cabinet
41 makes a very strong statement regarding "fund sweeps" where the Legislature, in some
42 instances in the past, has gone in and taken funds for General Government purposes.
43 The Reset Cabinet opposes that; their next report is due sometime this month. We'll
44 have some of that information prior to the July 16 meeting, solely on the budget.
45

46 **Adopt Temporary Rules**

47 Roy Elicker, Director, requested the Commission ratify the following 25 temporary rules

1 in the agenda starting with Rule 635-006-0212, 635-006-0215, and 635-006-0225 on
2 page 1, and ending on page 6 with rule 635-041-0076. The temporary rules were
3 previously adopted by the Director under his emergency action authority.
4

5 **635-006-0212, 635-006-0215 and 635-006-0225**

6 **Allow Commercial Sales of Dressed Salmon and Steelhead from Tribal Members to**
7 **Commercial wholesale Dealers**

8 Adopted April 23, 2010; effective April 27, 2010 through October 23, 2010.

9 Amended rules allow Tribal fishers to sell gutted and gilled Columbia River salmon and
10 steelhead to licensed commercial wholesale fish dealers, canners, and buyers. The fish
11 dealers, canners, and buyers must report in round weight on the Fish Receiving Ticket
12 using the conversion factor 1.17 to one.
13

14 **635-021-0090**

15 **Thief Valley Reservoir Sport Game Fish Harvest Opportunity**

16 Adopted April 23, 2010; effective May 1, 2010 through September 30, 2010.

17 Amended rule liberalizes trout catch limits and removes all length requirements for trout
18 in Thief Valley Reservoir. Due to low winter precipitation, it is anticipated the reservoir
19 will be drained of storage water sometime this summer. When the reservoir is drained or
20 reduced to very low storage levels, many trout in the reservoir will die due to lack of
21 water, high water temperatures and/or low dissolved oxygen. These amendments
22 provide anglers the opportunity to harvest many of these trout before they are lost.
23

24 **635-041-0076**

25 **Allow Sales of Fish Caught During Columbia River Treaty Tribal Spring-Summer**
26 **Salmon Fisheries**

27 Adopted April 26, 2010; effective April 27, 2010 through July 31, 2010.

28 Amended rule allows the sales of fish caught in the Treaty Tribal spring Chinook salmon
29 fisheries in the Columbia River mainstem and tributaries beginning at 6:00 a.m. Tuesday,
30 April 27, 2010. Modifications are consistent with action taken April 26, 2010 by the
31 Columbia River Compact agencies of Oregon and Washington.
32

33 **635-023-0095 and 635-023-0125**

34 **All Recreational Fishing Closed Between Upper and Lower Ends of Sand Island**
35 **and Oregon Shoreline**

36 Adopted April 26, 2010; effective April 29, 2010 through July 31, 2010.

37 Amended rule closes the area between the upper and lower ends of Sand Island and
38 corresponding markers on the Oregon shoreline to all fishing. This shallow slough at
39 Rooster Rock State Park has attracted hundreds of anglers in the past few weeks and
40 high catch rates at this site were putting the rest of the Wauna to Bonneville sturgeon
41 season at risk. Revisions are consistent with action taken April 26, 2010 by the
42 Columbia River Compact agencies of Oregon and Washington.
43

44 **635-023-0095**

45 **The Dalles Pool Recreational Sturgeon Fishery Closes May 6, 2010.**

46 Adopted April 28, 2010; effective May 6, 2010 through November 1, 2010.

47 Amended rule closes the non-Indian white sturgeon recreational retention fishery in

1 The Dalles Pool effective 12:01 a.m. Thursday May 6, 2010. Attainment of the pre-season
2 harvest guideline for white sturgeon in The Dalles Pool is expected to occur by the closure
3 date and time. Revisions are consistent with action taken April 28, 2010 by the Columbia
4 River Compact agencies of Oregon and Washington.

5
6 **635-041-0076**

7 **Allowed Sales of Fish Caught During Columbia River Treaty Tribal Spring-Summer**
8 **Salmon Fisheries Extended**

9 Adopted April 29, 2010; effective April 29, 2010 through July 31, 2010.

10 Amended rule allows the sales of fish caught in the Treaty Tribal spring Chinook salmon
11 fisheries in the Columbia River mainstem and tributaries to be extended by an additional
12 18 hours beginning at 6:00 p.m. Thursday April 29, 2010. Due to high wind conditions,
13 tribal fishermen requested an additional 18 hour period for retrieval of their gill nets from
14 the Columbia River. Revisions are consistent with action taken April 29, 2010 by the
15 Columbia River Compact agencies of Oregon and Washington in cooperation with the
16 Columbia River Treaty Tribes.

17
18 **635-019-0090**

19 **Sport Chinook Fisheries on the Imnaha and Wallowa Rivers**

20 Adopted May 3, 2010; effective May 22, 2010 through September 1, 2010.

21 Amended rule allows recreational anglers opportunity to harvest adipose fin-clipped
22 adult and jack Chinook salmon, which are in excess of the Department's hatchery
23 production needs, in the Imnaha and Wallowa rivers. These fisheries are scheduled for
24 the period from Saturday, May 22 through Sunday, July 11, 2010.

25
26 **635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

27 **Authorized Commercial Fishing Periods for the Columbia River Select Area Spring**
28 **Fisheries**

29 Adopted May 4, 2010; effective May 4, 2010 through July 31, 2010.

30 Amended rules authorize fishing periods in the spring non-Indian commercial Select Area
31 fisheries of the Columbia River. Modifications are consistent with action taken May 4, 2010
32 by the Columbia River Compact agencies of Oregon and Washington.

33
34 **635-004-0019**

35 **Inseason Actions Implemented by the Federal Government for Commercial**
36 **Groundfish Fisheries**

37 Adopted May 4, 2010; effective May 12, 2010 through November 7, 2010.

38 Amended rule adopts in-season actions implemented by the federal government for
39 Pacific Ocean commercial groundfish fisheries, including changes to cumulative trip
40 limits.

41
42 **635-021-0090**

43 **Powder River Recreational Spring Chinook Fishery**

44 Adopted May 6, 2010; effective May 22, 2010 through September 30, 2010.

45 Amended rule allows the recreational harvest of out-planted spring Chinook salmon in the
46 Powder River from Saturday, May 22 through Wednesday, September 1, 2010. These
47 are salmon returning to Hells Canyon Dam; predominantly the result of smolt releases

1 intended to provide fisheries on the Snake River, where they are trapped. Salmon in
2 excess of the number needed to provide sport fisheries on the Snake River are then
3 transported to the Powder River.
4

5 **635-017-0090**

6 **Reinstate Consumptive Fisheries for Cutthroat Trout in Yamhill and Tualatin**
7 **Subbasins**

8 Adopted May 6, 2010; effective May 22, 2010 through November 17, 2010.

9 Amended rule re-instates consumptive fisheries for Cutthroat trout in streams of both
10 the Yamhill and Tualatin sub-basins from May 22 through October 31, 2010. These
11 modifications will allow for low-impact trout angling in these areas but will also allow
12 anglers the choice to retain up to two 8-inch trout per day. Currently, all streams in the
13 Willamette Zone are catch-and-release only unless dictated under *Special Regulations*
14 within the 2010 Oregon Sport Fishing Regulations pamphlet. These changes will be
15 presented to the Oregon Fish and Wildlife Commission for consideration for permanent
16 adoption at their August 6, 2010 meeting.
17

18 **635-023-0125**

19 **Recreational Fishing for Salmon and Steelhead in Columbia River Mainstem Re-**
20 **Opens**

21 Adopted May 7, 2010; effective May 8, 2010 through July 31, 2010.

22 Amended rule re-opens the Youngs Bay, Blind and Knappa sloughs, and Deep River
23 Select Areas of the Columbia River to recreational fishers, effective May 8, 2010.

24 Revisions also close the mainstem Columbia River to recreational fishing for salmon
25 and steelhead in the area from the Tower Island power lines upstream to McNary Dam,
26 plus the Oregon and Washington banks from Bonneville Dam upstream to the Tower
27 Island power lines, effective May 10, 2010. Revisions are consistent with action taken
28 May 7, 2010 by the Columbia River Compact agencies of Oregon and Washington.
29

30 **635-041-0076**

31 **Columbia River Treaty Indian Spring-Summer Salmon Commercial Gillnet Season**
32 **Adopted**

33 Adopted May 10, 2010; effective May 11, 2010 through July 31, 2010.

34 Amended rule allows the sales of fish caught in the Treaty Indian spring Chinook salmon
35 commercial gill net fisheries in the Columbia River mainstem and tributaries beginning at
36 6:00 a.m. Tuesday, May 11 through 6:00 p.m. Friday, May 14, 2010 (3.5 days). Revisions
37 are consistent with action taken May 10, 2010 by the Columbia River Compact agencies
38 of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.
39

40 **635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

41 **Commercial Gillnet Fishing Periods for Columbia River Select Area Spring**
42 **Fisheries Authorized**

43 Adopted May 10, 2010; effective May 11, 2010 through July 31, 2010.

44 Amended rules authorize additional fishing periods in the spring non-Indian commercial
45 Select Areas of the Columbia River. Modifications are consistent with action taken
46 May 10, 2010 by the Columbia River Compact agencies of Oregon and Washington.
47

1 **635-060-0030; 635-065-0015**

2 **Mandatory Hunter Reporting Incentive Tags**

3 Adopted May 12, 2010; effective May 12, 2010 through November 17, 2010.

4 Amended rules govern the issuance and use of Mandatory Hunter Reporting Incentive
5 Tags as additional hunting tags.

6
7 **635-021-0090**

8 **Sun Creek Recreational Brook and Brown Trout Fishery with No Daily Bag Limit**

9 Adopted May 13, 2010; effective May 22, 2010 through September 30, 2010.

10 Amended rule removes all size and daily bag limits and allows the use of bait in Sun
11 Creek from May 22 through August 15, 2010. These modifications relax angling
12 restrictions prior to chemical treatment on August 16, 2010 to remove any remaining
13 brook and brown trout as part of a comprehensive project to restore native bull trout to
14 lower Sun Creek.

15
16 **635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

17 **White Sturgeon Retention in Columbia River Select Areas Spring Commercial
18 Fisheries Prohibited**

19 Adopted May 17, 2010; effective May 18, 2010 through July 31, 2010.

20 Amended rules close the spring non-Indian commercial Select Areas fisheries in the
21 Columbia River to retention of white sturgeon effective 7:00 p.m. Tuesday, May 18, 2010.
22 Modifications are consistent with action taken May 17, 2010 by the Columbia River
23 Compact agencies of Oregon and Washington.

24
25 **635-041-0076**

26 **Columbia River Treaty Indian Commercial Hook-and-line Season below
27 Bonneville Dam Closes**

28 Adopted May 17, 2010; effective May 19, 2010 through July 31, 2010.

29 Amended rule closes the Treaty Indian commercial spring Chinook salmon hook-and-line
30 fisheries downstream of Bonneville Dam, conducted under agreement with the states of
31 Oregon and Washington by the Yakama, Umatilla and Warm Springs tribes, effective
32 6:00 p.m. Wednesday, May 19 through 6:00 a.m. Wednesday, June 16, 2010. Revisions
33 are consistent with action taken May 17, 2010 by the Columbia River Compact agencies
34 of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

35
36 **635-016-0090**

37 **Modifications to Southwest Zone Sport Chinook Salmon Regulations for the
38 Rogue River**

39 Adopted May 17, 2010; effective May 22, 2010 through May 31, 2010.

40 Amended rule allows additional opportunities for harvest of naturally-produced adult and
41 jack spring Chinook, while continuing to ensure adequate spawning escapement of
42 naturally-produced adult spring Chinook.

43
44 **635-018-0090**

45 **Metolius River Angling Allowed From May 22 through October 31, 2010**

46 Adopted May 17, 2010; effective May 22, 2010 through October 31, 2010.

47 Amended rule allows angling on the upper Metolius River, above the Allingham Bridge

1 beginning May 22, 2010, one day earlier than is published in permanent rule for this
2 reach. All other regulations identified for the Metolius River in the 2010 Oregon Sport
3 Fishing Regulations remain unchanged.
4

5 **635-041-0076**

6 **Columbia River Treaty Indian Commercial Hook-and-line Season above**
7 **Bonneville Dam Closes**

8 Adopted May 19, 2010; effective May 21, 2010 through June 16, 2010.

9 Amended rule closes the Treaty Indian platform and hook-and-line fisheries upstream of
10 Bonneville. Modifications close these fisheries effective 6:00 p.m. Friday, May 21 through
11 6:00 a.m. Wednesday, June 16, 2010. Revisions are consistent with action taken May 19,
12 2010 by the Columbia River Compact agencies of Oregon and Washington in cooperation
13 with the Columbia River Treaty Tribes.
14

15 **635-014-0090**

16 **Trask River Closure from Gold Creek, at Hatchery, Delayed Until June 16, 2010**

17 Adopted May 24, 2010; effective June 1, 2010 through September 30, 2010.

18 Amended rule delays the closure of the Trask River from Gold Creek, at the hatchery,
19 from June 1 until June 16, 2010. Angling for spring Chinook in the Trask River has been
20 especially productive during the early part of the run this year. In order to allow anglers
21 this opportunity to harvest hatchery spring Chinook, we need to extend the angling
22 season at the hatchery in the area 200 feet upstream and 900 feet downstream.
23

24 **635-043-0051**

25 **Department Use of Aircraft to Hunt or Locate Game Mammals or Game Birds**

26 Adopted June 2, 2010; effective June 2, 2010 through November 28, 2010.

27 This rule implements ORS 498.126(4) (b), which requires definition of “emergency
28 situation” and “necessary” in relation to use of aircraft by the Department or its agents in
29 hunting or locating game mammals and game birds.
30

31 **635-041-0076**

32 **Commercial Sales of Hatchery Chinook Caught in Nez Perce Snake River Basin**
33 **Tributary Fisheries Allowed**

34 Adopted June 2, 2010; effective June 2, 2010 through July 31, 2010.

35 Amended rule allows the commercial sales of hatchery Chinook salmon that have been
36 caught by Nez Perce tribal fishers in the Snake River Basin tributary treaty fisheries,
37 including fish caught in the Imnaha and Grande Ronde Subbasins in lawfully conducted
38 treaty fisheries.
39

40 Commissioner Edge asked for information on 635-043-0051. Ron Anglin, Wildlife
41 Division Administrator, said last Legislative Session, wolves were changed from a
42 protected nongame wildlife to a special status game animal which kicked in other
43 provisions of the wildlife statute relating to use of aircraft to hunt big game. This
44 temporary rule brings the Department in compliance with the statute.
45

1 *Action: Commissioner Edge moved to ratify the twenty-five temporary*
2 *administrative rules as written in the agenda. Commissioner Levy seconded the*
3 *motion, and the motion passed unanimously.*

4
5 **PUBLIC FORUM.** No one from the public spoke during the Public Forum.

6
7 **Exhibit H: COMMISSION MINUTES**

8 The Commission considered approval of the April 23, 2010 Commission minutes.

9
10 *Action: Commissioner Edge moved to approve the minutes as written.*
11 *Commissioner Englund seconded the motion, and the motion carried*
12 *unanimously.*

13
14 The Commission took a break at 9:00 a.m., and reconvened at 9:13 a.m.

15
16 **Exhibit I: 2011 BIG GAME REGULATIONS; INFORMATIONAL BRIEFING ON**
17 **HUNTER ORANGE**

18 Chair Rae said staff will report on recommendations for 2011 Big Game Regulations;
19 then public testimony will be taken and the Commission will go into rulemaking because
20 today is the draw day. Next, the Commission will hear an informational briefing on
21 Hunter Orange and take public testimony. She said for the record that three
22 Commissioners will declare a potential conflict of interest.

23
24 ***Chair Rae declared a potential conflict of interest because her mother is enrolled***
25 ***in the Landowner Preference Program (LOP). Commissioner Kerns declared a***
26 ***potential conflict of interest because he is enrolled in the LOP. Commissioner***
27 ***Levy said her family is enrolled in the LOP.***

28
29 Chair Rae noted the three declarations for the record and said the declarations do not
30 preclude them from discussing this matter.

31
32 Tom Thornton, Game Program Manager, provided a General Overview during a slide
33 presentation and discussed the miscellaneous regulation concepts being considered:

- 34 • Tag Sales after Deadline.
- 35 • Allow any Legal Weapon During "Rifle Hunts"
- 36 • Pioneer Points.
- 37 • Allow second choice after using "Preference Point" as first choice. He said
38 currently when applying for controlled hunts if a hunter chooses a point saver as
39 their first choice, they cannot select a second or other choice except for LOP. It
40 is important that hunters understand most hunts are filled by first choice
41 applicants. Many comments made leaned toward the opportunity for abuse; not
42 broken--leave it alone; puts more preference points in play so expends time to
43 draw tags.
- 44 • Use of Centerfire Rifles for predators during Deer and Elk Seasons.
- 45 • Multiple requests from Oregon Bow Hunters:
 - 46 ➤ Move late black-tailed deer bow hunt two weeks earlier;
 - 47 ➤ Eliminate centerfire prohibitions; and

- Add late season white-tailed deer hunts.
- Species and Hunts.

Thornton said if the proposed regulations are adopted today, they will be presented to the Commission for final consideration in October. He said tag numbers for Fall 2010 hunts include a reduction of LOP tags available in Maury and North Warner Units.

Big Game Species Recommendations

2011 Season Concepts. Don Whittaker, Ungulate Coordinator, discussed season dates for General and Spring Bear. He discussed the cougar season and gave an update of the cougar removal project in the Ukiah, Wenaha, E. Beulah, Steens and Warner Units. He also gave a Target Area update for elk and mule deer seasons.

2010 Tag Number Proposals. Whittaker discussed the number of 2010 tags for Rocky Mountain Goat and Pronghorn Antelope; and the tags and hunt seasons for Controlled Deer and the John Day River WTD antlerless hunt. For Controlled Elk staff proposes 53,285 tags; of that 1,035 is for Youth Hunts. He said a letter would be sent to all Youth hunters. Staff proposes deleting eight hunts, adding 13 new rifle hunts, one new Youth Hunt and five new Controlled Antlerless Elk Archery Hunts. He also talked about the request to move the season for the E. Grant Muzzleloader Hunt, and the standard calendar shifts for the 2011 Western Gray Squirrel hunt in three areas.

Chair Rae asked if the Commission had questions.

Commissioner Webber asked about the tagging position evidence of sex portion of the ORS. We have a distinction between elk and deer that stay in Oregon versus those that leave Oregon. His concern is that those elk that leave Oregon have a higher requirement for proof of gender; we should not be the ones to advise people about laws in other states. Thornton said correct; those regulations were developed six or seven years ago during the spread of chronic wasting disease. Staff looked at surrounding states and tried to account for it in the regulations.

Director Elicker asked if we are actively checking to see if there are changes in other states. Thornton said no we're not. Oregon's laws are very similar to other states.

Public Testimony:

<p>Phil Gillette LaGrande, OR</p>	<p>Phil Gillette, owner of Phil's Outdoor, believes bow hunters could participate in depredation hunts. He likes the Youth Hunts; a lot of youth would prefer to hunt in archery. During rifle elk and deer season, it's always been that you must possess a rifle deer tag or rifle elk tag in order to pursue bear and cougar. Why can someone without a valid archery elk or deer tag come into our season and cougar hunt? On page 28 in the Big Game Regulations, it will be legal for rifle deer hunters to hunt cougar but can't pick up a rifle and join him. He'd like the opportunity in late fall to hunt</p>
---------------------------------------	--

	<p>for bear and cougar. He agrees with some of the electronic device ban in archery hunting, but it goes too far. The law says it's illegal in Oregon, and he'd like to see that changed. He supports the ban on rangefinders on bows. He would like to see the law broken down to allow more specific uses. On fee increases, it was too much, too soon because of the economy. People are cutting back; it's affected his business.</p>
<p>Wayne Endicott Springfield, OR</p>	<p>Wayne Endicott, Vice President of Oregon Bow Hunters (OBH), testified as an individual. He referred to his testimony on Youth Hunts at the April 23 Commission meeting. He's concerned about the August portion of the Youth Hunt because it's unethical and inhumane - cows are shot and the calves are left behind. We are trying to teach youth to be humane and ethical. This will drive youth away from hunting. He asked the Commission to cancel the August 1 start date and move the season to September 1.</p>
<p>Eric Overstreet Lake Oswego, OR</p>	<p>Eric Overstreet spoke for Leupold and Stevens Inc., an optic rangefinder manufacturer in Beaverton. He said Tom Thornton visited their manufacturing facility last week to discuss what it would take to change the regulations in Oregon. He distributed product information and said Leupold has a new product, a range finder on a bow, which would help reduce the injury rate and lead to a more ethical kill. Twenty-eight states allow electronics or rangefinders on bows. He discussed an optic product that projects a visible laser used to align the site. He asked the Commission to change regulations to allow for such a device and distributed written proposed language changes.</p>
<p>Rich Thompson Newberg, OR</p>	<p>Rich Thompson, President of Traditional Archers of Oregon (TAO), distributed written testimony, <i>For the Future of Archery in Hunting in Oregon</i>. He said technology is creeping into archery seasons at an alarming rate, all in the name of making it easier to be successful. These advances have led to a target range mentality. ODFW should rethink its "reducing barriers" slogan. Some sanctions to primitive weapons seasons need to remain in place. He said TAO recommends two traditional hunts: 1) Canyon Creek; and 2) Trout Creek, as well as any others that might be designated in the future, to follow our traditional equipment restrictions.</p>
<p>Craig Starr Lebanon, OR</p>	<p>Craig Starr, member of OBH and Wapiti Bowmen, distributed written testimony on Late-Season Archery Antlerless Elk Proposal. He urged the Commission to reject</p>

	<p>this proposal; it is heavily biased against bow hunters. He does not object to the idea of reducing antlerless harvest, but it should be done in a more balanced way. Starr agreed with Endicott's comments on opening youth hunts to bow hunters. He also testified in regard to equity and scheduling of late season whitetail and blacktail deer tags.</p>
<p>Tim Logue The Dalles, OR</p>	<p>Tim Logue, member of OBH and President of Celilo Bowmen, spoke on his own behalf in regard to the August portion of the Youth Elk Hunts. He has two daughters who hunt and they see the August opening date as unethical. He said the lightednock accessory for archers provides an opportunity to watch your arrow, monitor your shot and recover your arrow. It's just more ethical.</p>
<p>Bob McArthur Cottage Grove, OR</p>	<p>Bob McArthur, a bow and rifle hunter, is more successful in rifle hunting. He used to hunt in the Ochocos when a deer tag wasn't needed. Now you have to draw for a controlled hunt elk tag and he can no longer hunt there or in SE Oregon. He said the five new drawing areas for Western Oregon are a significant cutback to bow hunters. He asked the Commission to keep in mind it's supposed to manage the resource and not the method of hunting. Lastly, as a bow hunter he prefers using a compound bow, but is adamantly against some of the new technology, such as crossbows and laser sights.</p>
<p>Ken Hand Klamath Falls, OR</p>	<p>Ken Hand, Regional Director of the Mule Deer Foundation, spoke as an individual. The most disturbing thing he's heard today is the 16% poaching rate in one study area. He opposes sales after tag deadlines. He opposes the August 1 start on Youth Hunt, and prefers a September 1 start. He also opposes additional whitetail hunts, and asked if a survey has been done on whitetail in NE Oregon.</p>
<p>Chuck Lynde LaPine, OR</p>	<p>Chuck Lynde, a bow hunter for 57 years, is against the early bow hunt for youth because calves are born later than that; he favors September 1. He is a former archery manufacturer, and opposes electronics on a bow and arrow. To the manufacturers, the issue is 100% money. Lynde is not against desolation if it's necessary, but in the past every time something is taken away, it is never given back.</p>
<p>Adam Raymond Albany, OR</p>	<p>Adam Raymond, member of Oregon Hunters Association, opposed moving the date for Youth Hunts. Looking at the state as a whole, some units favor rifle hunters, while others</p>

	favor archery hunters. He supports ODFW's draw for five units of cow elk tags. For the cougar removal target areas, the five units are separated. Would it be better to lump two or three units together for removal?
Rick Young Boring, OR	Rick Young, a landowner in Central Oregon and a LOP tag user, is adamantly against the August 1 start date when the calf is much too young. He referred to a photo taken August 1 of a calf elk that was kicked in the head after she lost her mother. He said let's let those calves live.

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Chair Rae asked if the Commission had any questions or comments.

Commissioner Kerns said the folks who argued against the early start of the Youth Elk Hunts made a lot of sense. Ron Anglin said when staff first looked at this issue; they recognized there could be potential impacts. By August 1 there is about a 40% calf survival rate. Landowners who are suffering damage are looking for a solution. They said they'd open up their lands to youth, but to no one else. Commissioner Kerns liked the early hunts because of private land access and because school is not in season.

Commissioner Webber noted Mr. Gillette's concern about not being able to hunt cougar with a center-fire rifle after archery season. Is that illegal? Thornton said Gillette was talking about areas during deer and elk season where you can't hunt deer or cougar unless you have a tag for that season. Staff modified the regulation a year ago so now hunters who have filled that tag can go ahead and use it. Commissioner Webber said but in archery season he would be able to go out and hunt bears and cougars? Thornton said correct.

Commissioner Englund asked what other states do regarding the issue of electronics on bows. Thornton didn't know, but noted that Eric Overstreet said most states have a ban on electronic equipment in one form or another. He can bring in information later. Director Elicker added that Oregon does not allow as much flexibility as other states. As stated earlier, it's about marketing. Most states use crossbows because the more technical regular bows get, they might as well use crossbows. He said perhaps it's time for the Department to work with the industry and archery hunters and take a look at whether to expand technology for bow hunters.

Commissioners Englund and Edge thought it was a good idea. Commissioner Edge said he liked the idea of a working group; there was a group four or five years ago that went through archery and controlled tag review. He said there may be opportunities to offer a high technology hunt during a limited season.

Chair Rae asked Thornton to discuss the Rocky Mountain Goat Re-introduction and Monitoring Plan in Warm Springs (see Attachment 5).

1 Thornton described the Department's plan to reintroduce rocky mountain goats to the
2 Mount Jefferson area, in cooperation with the Confederated Tribes of the Warm Springs
3 Reservation, and asked for the Commission's review and approval of that plan. Chair
4 Rae expressed support for the plan and solicited questions or other input from the
5 Commission. Hearing none, she noted the importance of this issue to co-managers on
6 the reservation; it provides some cooperative effort.

7
8 Chair Rae noted there were amended rules in the packets for Attachment 6 of Exhibit I,
9 and Supplemental Drafts of OAR 635-075-0020 and DRAFT 635-065-0015. She
10 understood the public comments made but noted that staff would return to the
11 Commission if there are any concerns. Director Elicker said both Anglin and he have
12 publicly discussed these issues, and committed that the Department will evaluate again
13 after the first two years of the August 1 Youth Hunting opportunity. Staff will report to the
14 Commission on the hunts, success rates, and on surveys from youth hunters. If there
15 are red flags, staff will present proposals to change it. Chair Rae said okay.

16
17 Chair Rae noted, for the record, that Attachment 5 in the Commission packet included
18 the Public Review Process (page 8) for the Rocky Mountain Goat Re-introduction and
19 Monitoring Plan.

20
21 Commissioner Edge asked whether the Supplemental Draft OAR 635-075-0020 and
22 635-065-0015 replaced what was currently in the Commission's packet. Chair Rae said
23 the Supplemental Draft OARs are in addition to what's currently in the Commission
24 packet. Thornton said she was correct.

25
26 *Action: Chair Rae moved to amend OAR Chapter 635, Division 065, 067, 068,*
27 *069, 070, 071, 073 and 075 as proposed by staff in Attachment 6 to Exhibit I and*
28 *including the Supplemental Drafts provided today affecting 635-075-0020 and*
29 *635-065-0015; and approve in concept the staff proposals for the 2011 general*
30 *and controlled big game and western gray squirrel seasons. Commissioner Edge*
31 *seconded the motion, and the motion carried unanimously.*

32
33 Chair Rae noted this is part of the simplification process designed by Tom Thornton.

34
35 The Commission took a break at 10:58 a.m., and reconvened at 11:05 a.m.

36 37 **INFORMATIONAL BRIEFING ON HUNTER ORANGE**

38 Chris Willard, Education Services Manager, Information and Education Division (I&E),
39 reported that in December 2009, the Commission asked staff to review whether the
40 wearing of hunter orange should be mandatory while hunting in Oregon. In a slide
41 presentation, Willard reported on an internal working group that focused on:

- 42 • Hunting related incident statistics.
- 43 • Effect of hunter orange on hunting-related incidents.
- 44 • Effect of hunter orange on hunter success.
- 45 • The enforceability of hunter orange laws.

1 He provided background on hunter orange, which is required in 40 states. He said the
2 Department has promoted the voluntary use of hunter orange; but only 15-25% of
3 hunters wear it. The main causes of hunting related incidents are: vision related (50%),
4 safety rule violations, lack of control and practice, and mechanical failure. Over the past
5 20 years, 170 hunting related incidents were reported; 32 were fatal. He said 16% of
6 vision-related incident victims wore hunter orange; 66 of all hunting fatalities are vision-
7 related, and not a single victim of a vision-related fatality was wearing hunter orange.
8 Willard said four of the top five safest states do not require hunter orange. Various
9 animals are limited in their ability to distinguish colors like hunter orange and red from
10 other colors like green. Therefore wearing it should not affect hunter success rates.
11 Birds can detect hunter orange, so it could impact bird hunter success.

12
13 Lt. Andy Heider, Oregon State Police, discussed the enforceability of wearing hunter
14 orange. He said the workgroup surveyed neighboring states that have hunter orange
15 regulations. They found that most of their requirements are simple and fairly easy to
16 enforce. They do issue violation citations, but it is a minority of the violations. If adopted,
17 the base fine should be \$125, the lowest fine available.

18
19 Willard discussed the four work group garment options:

- 20 1. For a hunter orange hat with 360% visibility; hunter orange camouflage is
21 acceptable.
- 22 2. Upper garment could be a vest, shirt, hat, and jacket.
- 23 3. No options that include archery hunters.
- 24 4. Waterfowl and turkey hunting are exempt.

25
26 Willard said staff recommends five options:

- 27 1. No action—wearing of hunter orange in Oregon would remain voluntary
- 28 2. Hunter 17-years and younger, required to wear hunter orange upper garment
29 and hat while hunting in certain situations such as big game animals and upland
30 game birds
- 31 3. Requires all hunters to wear either a hunter orange upper garment *or* a hat
- 32 4. Requires all hunters to wear a hunter orange upper garment *and* a hat.
- 33 5. Requires all hunters to wear a hunter orange upper garment and hat, applies to
34 an increased number of species as well as *any* firearm.

35
36 Willard said the Department has received over 800 pieces of testimony. The majority
37 opposes making it mandatory, but supports it remaining voluntary. Most supporters lean
38 toward Options 2 or 3.

39
40 **Public Testimony:**

Rod and Lisa Gretzon Salem, OR	Rod Gretzon, an avid elk hunter in Oregon for many years, said this past December we went out with my son and it was the last time I saw him. We went out to enjoy the day – not so much to get the meat but spend time with my kid. Two weeks prior, it was my son’s 15 th birthday. His grandfather bought him some new camouflage clothing. I had a red jacket sitting out for him. He was avid about
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	<p>wearing his camouflage. We felt safe it was an area that we hunted for over ten years. We made a fatal mistake that day – it cost our family dearly. We had the joy of watching my brother’s kid hunt elk, and were looking forward to watching our son hunt too. I have a lot of regrets that I have to live with for the rest of my life. It was my responsibility to protect my son. I did not make him wear orange that day. I feel it would do a great justice to implement something to protect our children.</p> <p>His son attended Hunter Safety classes and they said to wear hunter orange. Let’s change that equation and say it’s the law. Maybe it will prevent another death for another family. We did everything right; he was two feet away from me when this happened. My brother knew what he was doing. It shouldn’t have happened, but a bunch of things that went together made it happen. In Oregon there’s a lot of brush and visibility is an issue. It’s not uncommon to do a 100-yard shot at something. He hopes that the Commission will implement some kind of safety rule.</p> <p>Chair Rae said she knows how important that this is to publically discuss this and I know it’s not easy. It is important for you to take as much time as you need. For others in the audience, their time will be limited. I can’t imagine the pain, so thank you for that.</p>
<p>Detective Todd Whitlow McMinnville, OR</p>	<p>Sgt. Todd Whitlow, Yamhill County Sheriff Office, investigated and recreated the accident scene. He and a partner went up four days after the accident in order to recreate what happened. The distance of the fatal shot was about 150-feet in relatively dense brush. His partner dressed in various forms of camouflage clothing, as shown in the photographs. He noted that the photos had been distributed to the Commission.</p>
<p>Hedge Jarvis Roseburg, OR</p>	<p>Hedge Jarvis, President of Oregon Hunters Education Instruction Association (OHEIA), said Willard’s report indicates hunting in Oregon is a safe activity, particularly with youth. One reason is the hunter education instructors. The issue of hunter orange is controversial among instructors - 31% choose Option 1. If mandatory, it must be for everyone using the outdoors. He asked that Mandatory Education for all be phased in over the next 10 years with an emphasis on gun handling and hunter education. Their members support the following: Option 2: 6% - support what we teach.</p>

	<p>Option 3: 54% - long overdue, Oregon hunters need to step up to the plate and make Oregon safe.</p> <p>Option 4: 6% - should be mandatory or stop teaching it</p> <p>Option 5: 3% - most desirable for safety, but could support option 4.</p> <p>In summary, 69% of respondents believe that Hunter Orange will be helpful in reducing future related incidents. The Board of OHEIA supports Option 3 by a vote of 7-2.</p>
Carl McGlothin Eugene, OR	<p>Carl McGlothin, Special Projects Chairman of OHEIA, said in 2001, he testified before the Legislature in opposition to hunter orange. He thought we could change it through education, but was wrong. We've had several fatalities. He doesn't think hunter orange interferes at all. He's done extensive research on how animals see. He said blaze orange breaks the thought pattern of seeing what you want to see; another color is florescent chartreuse.</p>
Phil Gillette La Grande, OR	<p>Phil Gillette, owner of Phil's Outdoor, submitted testimony. Any time there's a fatality it's tragic, but it's not an accident—we're taught to identify the target. Oregon and Nevada are the lowest of states in the statistics of hunting accidents; yet they do not require hunter orange. Hunter education works; 75% of those injured have not taken hunter safety education. If we're going to make hunters wear orange, so should F&W and OSP.</p>
Bill Littlefield Bend, OR	<p>Bill Littlefield, Central Oregon Director of OHA, distributed written testimony from Gary Lewis Outdoors (who opposes mandatory Hunter Orange) and Al Elkins of Oregon Hunters Association (who opposes mandatory Hunter Orange and supports Option 1; the voluntary use of Blaze Orange). Littlefield distributed written testimony and discussed his hunting experiences. His position is to keep blaze orange clothing "optional and recommended" but not "mandatory". Hunters in Oregon are overwhelmingly opposed to it. Hunting is safe; incident rates are low.</p>
Ken Hand Klamath Falls, OR	<p>Ken Hand, Oregon Mule Foundation, said they have 690 members in Oregon. They support Option 1, - don't make it mandatory.</p>
Duane Bernard Rainier, OR	<p>Duane Bernard, speaking for OHA and his family, said he wears Hunter Orange but hates being required to wear it. No one likes the government telling them what to do. We have a good safety rate in this state. Other states allow us</p>

	to use scopes on muzzleloaders. We're not like other states. He supports Option 1 and speaks for Columbia County OHA, his family and himself.
Rick Young Boring, OR	Rick Young, an OHA and OBA member, agreed with the former speaker who said it all—bottom line it's not broken so don't try to fix it.
Frank Hupp Columbia City, OR	Frank Hupp, OHA/Columbia County Chapter, took a hunter safety class before it was mandatory He represents 300 hunters, and 95% of them support Option 1. He uses hunter orange when there are lots of others around. The only time he's been shot at was when he was wearing a Hunter Orange vest and hat in the Ochocos with his family.
Adam Raymond Albany, OR	Adam Raymond, OHA member, supports Option 1. He distributed written testimony. He has articles about people who've been mistaken for animals. Deer can see the UV spectrum; it's like a glowing light, so he assumes it'll change success rates. If something is to be made mandatory, let it be Hunter Education for all age groups within the next 10 years.
Jeff Ritter Salem, OR	Jeff Ritter, OHA member, supports Option 1. It's been stated that we are a safe state.
Don Schaller Beaverton, OR	Don Schaller, State Board OHA member, supports Option 1. He's hunted for a long time and wears Hunter Orange; his hunting partner wears camouflage and they've not created any accidents. It concerns him that the uncle took a shot at his nephew without knowing what he was shooting at – he should not have taken a shot until he knew what it was. If you go with any of these other options, please leave the antelope alone.
David Walker Tillamook, OR	David Walker, OUSDA, Oregon United Sporting Dogs Association favors Option 1.
Larry Sowa Oregon City, OR	Larry Sowa, a former Oregon legislator (1997-99). He sponsored a bill that would have been Option 1.
Rod Harder Salem, OR	Rod Harder, Oregon consultant for the National Rifle Association (NRA), supports Option 1. From a personal point of view he concurs with Option 1.
George Houston Sandy, OR	George Houston, OR-Foundation National AWS, said his organization supports Option 1.

Frank Landry Toledo, OR	Frank Landry, NRA member, has hunted every year for 32 years and stands for Option 1.
Edward Johnston Toledo, OR	Ed Johnston, a citizen, said his website contains a petition for fishing and hunting rights. Making Hunter Orange mandatory would violate the Oregon Treaty of 1846 and Omission Act of 1899. This is a republic state, not a democracy. If people have vision problems, they should wear glasses. He knows what it's like to lose a child. He said he wouldn't have his constitutional rights violated in any manner, and will file a grievance." He sees profit coming out of this issue for a selected few. He is totally against this.
Harold Laird Florence, OR	Harold Laird, OHA member, said they have newest chapter of the OHA and just as the rest of the OHA chapters they recognize and choose to accept Option No. 1.

1
2 Chair Rae asked if there were any questions for Chris Willard.
3
4 Commissioner Kerns asked Counsel if this would apply to Tribal members hunting on
5 ceded lands. Counselor Bill Cook said he did not have an answer but would research it.
6
7 Chair Rae asked for discussions on whether to continue this discussion or narrow
8 Options 1 through 5. She said no final action will be taken until the October 1 meeting.
9
10 Commissioners Englund and Levy favored Options 1, 2 and 3. Commissioner Webber
11 preferred Option 4 and 5, but said the hunting community was against making Hunter
12 Orange mandatory so he recommended Option 1. Commissioner Klarquist said he has
13 hunted for 50 years, has had three sons go through hunter education and wears Hunter
14 Orange all the time. Commissioner Kerns was impressed by arguments on both sides
15 and said the vast majority is for Option 1. He didn't feel clearly one way or the other and
16 wanted more time. He wears orange when hunting and thinks the person that really
17 suffers is the person that makes the mistake and shot. Commissioner Edge favored
18 Options 1, 2 and 3, which would save at least one life a year. Chair Rae supported
19 Option 2; it would take care of the kids and is consistent with Hunter Education.
20
21 Chair Rae said staff could take Options 4 and 5 off of the table, and focus on Options 1,
22 2, and 3 between now and the October 1 meeting when the Big Game Regulations will
23 be decided. The public record will remain open. She would like to get some sense on
24 the hunter education curriculum. We have encouraged individuals to wear some form of
25 orange and our synopsis should make that more clear in future publications.
26
27 The Commission recessed for lunch break at 12:38 p.m., and reconvened at 1:17 pm.
28

1 **Exhibit J: INFORMATIONAL BRIEFING ON OREGON'S LOWER COLUMBIA**
2 **CONSERVATION AND RECOVERY PLAN**

3 Tom Stahl, Conservation and Recovery Assistant Program Manager, presented a slide
4 show on the *Lower Columbia River Conservation and Recovery Plan for Oregon*
5 *Populations of Salmon and Steelhead* (Plan). He said the Plan will be returned to the
6 Commissioner later this summer for rulemaking.
7

8 Suzanne Knapp, Governor's Natural Resources Office, said this is the second Plan that
9 the Department has completed. She thanked the Stakeholder Team, Independent Multi-
10 disciplinary Science Team, NOAA Fisheries, and ODFW individuals for their working
11 collaboratively to finish this Plan.
12

13 Kevin Goodson, Fish Division Conservation Planning Coordinator, gave an overview of
14 the Plan and process. He discussed what was in the draft Oregon Lower Columbia
15 River (LCR) Plan. The goal is two-tiered: 1) delisting (removing fish from ESA list); and
16 2) broad sense (ensure all populations provide fishery, ecological, and cultural benefits).
17

18 Goodson discussed major actions and identified funding strategies. He said other
19 issues include: Uncertainty, Climate Change and Other Plans, such as the Conservation
20 Strategy and Sub-basin plans. He talked about the four-year Plan process with staff and
21 external partners and their public outreach. He noted that commercial fishers in Astoria
22 thought the Plan was putting more of a burden on them than other groups, and that the
23 siting of LNG facilities was not specifically addressed. There was also concern over
24 funding relative to delisting goals. He said Next Steps are making revisions, presenting
25 the draft rules to the Commission on August 6, implementing the plan and getting
26 federal approval.
27

28 Robert Walton, Assistant Regional Administrator for Salmon Recovery at NOAA
29 Fisheries, discussed the National Marine Fisheries Services (NMFS) process. They are
30 pleased with the Plan and think its adoption is a step forward in recovering these four
31 species. When completed, we will combine the three management units in the Lower
32 Columbia (Oregon, Washington, and White Salmon) and will add the estuary module.
33 We're drafting that now and it will address each of those four components, incorporate
34 the local plans, describe differences in the plans, address EDA requirements, and
35 provide delisting goals. After public review they hope to have a final draft in early 2011
36 and a final plan in late 2011.
37

38 Jim Owens, a partner in Coggins, Owens & Coggins in Portland, discussed the
39 Stakeholder Team's support of the Plan and read from a written statement. As a
40 facilitator he noted four things:

- 41 1. Exceptionally high level of continuity.
- 42 2. Dedication, responsiveness and openness of ODFW staff; an exceptional group.
- 43 3. Strong commitment to implementation.
- 44 4. Perhaps more critical is the relationship built throughout the process.
45

46 Kathryn Van Natta, Governmental Affairs Manager for the Northwest Pulp & Paper
47 Association expressed their support of the Plan. This process was very well run and

1 collaborative. She said the Wauna Mill near Clatskanie and St. Helens Mill were part of
2 this Plan, although the St. Helens Mill shut down since the process began. We tried to
3 strike the right balance of a voluntary Plan that would actually do things that will lead to
4 net environmental benefit.

5
6 Bud Henderson, who represents timber interests from a large landowner perspective,
7 spoke in support of the Plan. He agreed about the ease of getting along with
8 Department staff and their communication with stakeholder members. The timber
9 industry is already doing most of what this plan calls for.

10
11 Janelle St. Pierre, coordinator for Scappoose Bay Watershed Council, participated on
12 the stakeholder recovery plan team for four years. She has learned a lot and supports
13 the plan. She will come out of this process with a lot of tools for implementation on a
14 local level. The plan will make it easier to receive grant funding.

15
16 **Public Testimony:**

Ed Johnston Toledo, OR	Ed Johnston, said fish is our food, and eating is a God-given right rather than a privilege. We are destroying our country and its future. If we don't protect our food resources, the next generation will starve.
Russell Bassett Molalla, OR	Russell Bassett, Native Fish Society, expressed support for this Plan and for the writers: Kevin Goodson, Tom Stahl and Bud Henderson. We think these plans can be the pathway to recovery; implementation is the first step. He encouraged the Commission to continue its involvement with implementation and enforcement of the Plan.

17
18 Commissioner Edge liked the Plan but noted there wasn't much focus on climate
19 change in the Plan.

20
21 Commissioner Englund said he's received many comments about the Plan that
22 expressed legitimate concerns from the recreational and commercial communities; he
23 hopes the Agency will look at them.

24
25 Director Elicker said he has heard from folks as well regarding the Lower Columbia
26 River. He is committed to working with Salmon for All and other local constituencies. For
27 a Plan like this to work it's important to have across-the-board support.

28
29 Chair Rae said this has been very informative and the Commission appreciates staff's
30 and other stakeholders' work during this process.

31
32 **Exhibit K: 2010 COASTAL FALL CHINOOK AND COHO REGULATIONS FOR**
33 **THE TERMINAL FISHERIES**

1 **Commissioner Jon Englund declared a potential conflict of interest in that his**
2 **business deals with both the recreational and commercial fisheries.**

3
4 Chair Rae noted his potential conflict for the record.

5
6 Ron Boyce, Technical Resources Program Manager, noted two corrections in the
7 packet:

- 8 1. Under No. 1 on page 9 of Attachment 1, the sentence “Seasonal aggregate applies
9 to all non fin-clipped Chinook salmon retained between August 1 through December
10 31” should read “... **between July 1** and December 31, 2010.”
11 2. In the Fiscal and Economic Impact Statement in Attachment 2, under Table 1.
12 Personal Income Impact from Quota Option, after correcting for pounds per fish the
13 Total Coastal Area Income Impact is **\$237,870.00**.

14
15 Boyce delivered a slide presentation, *2010 Coastal Chinook and Coho Fishery*
16 *Regulations* and discussed Part 1: Chinook Ocean Terminal and River Sport Fisheries.
17 He discussed fisheries for Fall Chinook in all major watersheds, Oregon Coastal
18 Chinook PST aggregates and indicator stocks, requirements of the Pacific Salmon
19 Treaty, and the Pacific Fishery Management Council. He discussed recommendations
20 for bag limits for watersheds.

21
22 **Public Testimony:**

Garry Bullard Manzanita, OR	Garry Bullard, a recreational angler and Mayor of Manzanita, (see his email dated April 27, 2010), said the Department’s first obligation is to protect the fish we have left and to restore what we once had. His key issues: 1. One fish daily and two fish seasonal bag limit. Add regulation that person who catches their fish to stop fishing and put rod away including the guide. 2. Provided there are adequate provisions, closure of the jaws – mouth of the river to the State Park ramp is extremely important. A key element to the goals of protection and restoration; without it have no season at all. 3. Upriver Seasonal Closure above Miami-Foley Bridge and above Mohler Hwy. 53 Bridge as of September 1 – extremely important in restoring both summer and fall runs. There are two options 1) closure into October 1; and 2) closure completely. He supports Option 2.
Shirley Kalkhoven Nehalem, OR	Shirley Kalkhoven, Mayor of the City of Nehalem, agrees with what Mayor Bullard is saying. As Garry said it’s a very fragile run and important economic issue for my area. Please support Mayor Bullard’s request.

23

1 Mike Gray, District Fish Biologist for Coos, Coquille and Tenmile Fish District Fish,
 2 discussed the *2010 Coastal Chinook and Coho Fishery Regulations* and Part 2: Wild
 3 Coho River and Lake Sport Fisheries. He gave a brief history and talked about the
 4 Oregon Coastal wild Coho fishery exploitation rates. He summarized the 2009 fisheries
 5 and discussed the proposed 2010 fisheries. Gray described the process and criteria
 6 used to establish which Coho populations are used for fisheries. He discussed
 7 Amendment 13, PFMC Harvest matrix, which sets maximum limits for harvest of
 8 Oregon Coast Coho salmon.

9
 10 **Public Testimony:**

<p>Cindy Beckman Cannon Beach, OR</p>	<p>Cindy Beckman, owner of Commercial Fish Ecola Seafoods, addressed the Commercial terminal fishery in the Elk River. She distributed a 2009 Petition signed by 66 people and discussed the impact of these policy decisions on her livelihood. She asked that the commercial allocation of the fish be taken into consideration. She doesn't see the justification of the quota system on that particular fishery, and would like the quota on the commercial fishery removed October 1.</p>
<p>David Schaerer Rockaway Beach, OR</p>	<p>David Schaerer, a sports angler, fished the Nehalem area for 25 years. (See written testimony.) He spoke against closing Lower Nehalem Bay, and to: 1) protect the fishery; 2) establish a quota; 3) limit the season; 4) keep the Nehalem Bar open; and 5) consider the economic impact.</p>
<p>Pat Gefre Hebo, OR</p>	<p>Pat Gefrel, fisherman and proprietor of Nestucca Valley Sporting Goods, objects to the way some of the data was gathered for the Nestucca River; the runs are down. He doesn't support reducing the bag limit from 5 to 2. We are in a bad economy, several businesses are in jeopardy. We'll lose out-of-state anglers if they can only catch two fish. It will also put tremendous pressure on Tillamook Bay, with its limit at 10 fish. He disagrees with Option 1, which closes the creek at Farmer Creek. Option 2 closes it at Summer Creek. Opening it up at First Bridge gives an additional three miles to spread the boats out.</p>
<p>Russell Bassett Molalla, OR</p>	<p>Russell Bassett, Native Fish Society, supports the staff's recommendations. Last year NFS supported the closures, but this year supports this very fishery. They respect the way the fishery is being managed. Based on last year there was a lot of public testimony against the Fall Chinook closure. There is a lot more support for conservation. Bassett asked the Commission to look at harvest limits through a new, holistic approach based not only on run size and quota, but also through temperature and flow.</p>

<p>Steve Ogden Beaverton, OR</p>	<p>Steve Ogden, a long-term recreational angler, said the closures of the Nehalem River clearly discriminate against fishing styles and groups of anglers. He recommends managing the fishery through quotas and limiting the seasons. In addition, as fishermen are restricted from Nehalem, they will transfer to Tillamook Bay. The additional traffic becomes a safety issue.</p>
<p>John Bracke Beaver, OR</p>	<p>John Bracke has a house on the Nestucca River that has been in his family for 50 years. He supports Option 1 for the Nestucca with a few restrictions. We don't have a supplemental hatchery fishery, and we have a very limited wild fishery. We are putting too much pressure on them. He objects to the First Bridge closure. He supports maintaining 1-and-5 in the Tillamook Bay system, and maintaining the Siletz as it currently stands. More fish sells more tags, and we're seeing fewer fish every year.</p>
<p>Calvin Lynn Hood Mapleton, OR</p>	<p>Calvin Lynn Hood, STEP and C&D Dock, worked for the U.S. Forest Service 30 years as a fishery tech and biologist. He currently works on a commercial dock and is concerned about the status of the Coho. There are more Coho on the Siuslaw than he's seen in 57 years as an Oregon resident. There are far more fish than are being counted. We need to open fishing up to allow more fish to be caught.</p>
<p>Stan van de Wetering Corvallis, OR</p>	<p>Stan van de Wetering, biologist for Confederated Tribes of the Siletz Indians' Fisheries Program, (see written testimony) said the Tribes do not support any increase in the catch of Chinook salmon or in the movement of the deadline upriver, relative to last year's regulations. The Siletz Basin has seen significant reductions in returns these past few years. The Tribe's greatest concern is the welfare of the fish. Tribal members and the local citizens depend on these fish for subsistence, recreation and tourism. The Tribe is still not able to gather the data required to build a model that has an acceptable level of confidence associated with it. He submitted written testimony of the graphic analyses of annual estimates, stream flow and fish counts, and catch records. He asked the Commission to keep the 2009 regulations in place.</p>
<p>Anthony Tantalo Florence, OR</p>	<p>Anthony Tantalo, co-owner of Angler's Manufacturing and Outlaw Baits and member of Florence STEP, agreed with staff recommendation on closure of Lake Creek October 1 to November 30. It would be better to close Lake Creek</p>

	during the month of September. Snaggers come out claiming to fish for cutthroat, and they are catching the Chinook, mainly for their eggs. He said there is only one law enforcement officer in the whole area.
Michael Glowa Wheeler, OR	Michael Glowa, President of Wheeler City Council and a recreational angler, said he emailed the Department. There is a hole in the Nehalem Chinook fishery, and we must fix it and protect it to ensure its survival. ODFW is providing good leadership, and has made it clear that this fishery is in distress, and has been declining for decades. We all need to work together to reverse this trend. He recommended: <ol style="list-style-type: none"> 1. Close area from Nehalem State Park from July 1 to December 31; and 2. Close the area upstream from Hwy 53 Bridge (Option 2) from July 1 to December 31.
John Krauthoefer Tillamook, OR	John Krauthoefer, City of Nehalem, a commercial troller, said last year he proposed an option to allow a longer harvest for the wild Coho, and protect the Chinook. The Commission said it couldn't ban the use of bait for one year because there is no biological proof. He said there is no biological proof that closing the mouth of the Nehalem will save any fish. There are no records on the number of fish caught there. The closure of the upper river will protect the fish that are already there. Do not close the mouth. For troll fishery outside of Tillamook he supports Option 2. He said the Commission needs to know that a small group of guides in Tillamook has raised half a million dollars for fisheries in the last 7 years. It's time we all work together.
Ed Johnston Toledo, OR	Ed Johnston said Fall Creek Hatchery could be used as a biology project in schools. We could use our schools to produce our food. He also supports offering seal tags strictly to Oregonians. He would like to see the two day limit go back up. We must plan for the future.
Don Larsen Toledo, OR	Don Larsen, Siletz Watershed Council, the assistant sports fishing representative for the Mid-Coast Watershed Council and the Northwest Steelheaders Vice President, submitted written testimony. He said staff recommended 1 fall Chinook a day bag limit and 10 for the season with the deadline to remain at Morgan Park. Last year, ODFW went with 1 a day and 2 for the season, which seemed right for the river and gave angler opportunity to harvest fish and to enjoy fishing. Staff is proposing a season limit for the Siletz at 10 fish that is five times more Chinook than the limit of 2

	last year. Staff recently told me they're expecting only 35% more Chinook back this year for the Siletz River. This just doesn't add up. Wouldn't a more fair approach for the Chinook be to allow us to keep 2 or 3 fall Chinook for the season instead of 10?
Tom Wolf Hillsboro, OR	Tom Wolf, Chair of Oregon Council for Trout Unlimited, submitted written testimony. He said they support staff's recommendation for Chinook and coastal Coho. Whatever we can do to help the coastal community of Nehalem. Also, the Department needs to do a better job of monitoring water temperature and the effect it has on fish. This is important as we face climate change.
Norman Ritchie Milwaukie, OR	Norman Ritchie, Government Affairs Director of Association of Northwest Steelheaders, said they support the Option 1 package. (See written testimony re: Nehalem Basin Fall Chinook Fishery). He said the fishery dates are there to ensure maximum harvest. It would be incorrect to shut down the system in one area. He recommended moving deadline up to the Alsea River Bridge.
Joe Rohleder Waldport, OR	Joe Rohleder lives in Waldport has fished on the Alsea River for 40 years. He talked about fall Chinook regulations on the Alsea. He likes the idea of changing the deadlines. Second, when we renegotiate the Ocean Pacific Salmon Treaty, I hope we give a lot of thought to river of origin. Lastly, he asked the Commission to go to one fall Chinook per day. When two are caught, the first one is usually killed.

- 1
- 2 Director Elicker introduced three Department district biologists: Robert Bradley and
- 3 Chris Knutsen from Tillamook, and Bob Buchman, Newport.
- 4
- 5 Chair Rae said staff's PowerPoint handout would serve as the Commission's
- 6 framework; see page 9. She asked for responses to concerns with the Siletz Tribes.
- 7
- 8 Bob Buckman said staff's deadline on the Siletz is a permanent rule at Moonshine Park.
- 9 This year is a compromise that we used in 2008 due to implementing new conservation
- 10 measures. We met this specific Salmon Treaty goal of 2,900 for 23 straight years up
- 11 until the decline in 2007. This deadline is likely to achieve that goal in coming years.
- 12
- 13 Commissioner Englund asked to add 100 commercial fish to the Tillamook fishery. Kris
- 14 Knutsen said he would have no major issues with doing that.
- 15
- 16 Chair Rae asked the Commission to look at Table 1, page 9 of staff's handout, and
- 17 express their support of what option. The Commission supported the following options:

1
2 **Page 9, Table 1, Staff Recommendation is for 2010 Area Closures for the Nehalem**
3 **and Nestucca rivers**

4 Nehalem: Option 1

5 Nestucca: Option 1

6
7 **Page 9, Table 2, Staff Recommendations for 2010 Coastal Fall Chinook**
8 **Regulations**

9 Tillamook Ocean Terminal: Option 2

10 Elk Ocean Terminal: Option 1

11 Chetco Ocean Terminal: Option 1

12
13 **Page 10, Table 2 Staff Recommendations for 2010 Coastal Fall Chinook**
14 **Regulations:**

15
16 Regarding “Nehalem, Nestucca”, Commissioner Englund said he had a question about
17 taking the first fish caught. Boyce noted a regulation would be needed that requires
18 anglers to retain the first fish they catch. A “1 and 1” would still allow maintaining the
19 two- fish rule, where anglers could continue to angle for hatchery marked Chinook Coho
20 and steelhead. Chair Rae addressed Counsel Steve Sanders and said in order to
21 accomplish what is suggested we would need to say that the first fish you catch is the
22 one that you retain. She asked Sanders to work on that as the Commission went
23 through the remaining options. Counselor Sanders agreed. Boyce said staff discussed
24 this concept with the public and saw pushback against it; they wanted to maintain the
25 two-fish rule. He said staff needs additional public input.

26
27 Commissioner Englund said we continually handle the fish. Everywhere we go it’s a big
28 contested issue, and I’m attempting to eliminate that. Chair Rae said why we don’t start
29 letting folks know that there are some grave concerns on the Commission and discuss
30 this next year. Commissioner Englund agreed. Chair Rae said the Commission will
31 leave Nehalem and Nestucca at Option 1 for this year. She said staff should let the
32 public know that the Commission is interested in hearing from them. But keep in mind
33 that this Commission is not bound to only those things you recommend.

34
35 Nehalem, Nestucca: Option 1

36 Necanicum, Tillamook Basin, and Salmon River: Option 1

37 Siletz: Option 1

38 Yaquina: Option 1

39
40 **Page 10, (bottom) Table 2 Staff Recommendations for 2010 Coastal Fall Chinook**
41 **Regulations:**

42 Yachats, Umpqua, Coquille, Elk, Rogue, Hunter Cr., Pistol R: Option 1

43 Alsea: Option 1

44 Siuslaw: Option 1

45 Coos: Option 1

1 **Page 11, Table 2 Staff Recommendations for 2010 Coastal Fall Chinook**

2 **Regulations:**

3 Floras Cr.: Option 1

4 Sixes: Option 1

5 Chetco: Option 1

6 Winchuck: Option 1

7
8 **PROPOSED 2010 WILD COHO FISHERIES**

9 Chair Rae moved to page 20 of the PowerPoint handout and asked if there were any
10 comments regarding the Siletz, Tenmile and Coquille basins. Hearing none she asked
11 Counselor Sanders to talk about the Administrative Rule changes in Attachment 3.

12
13 Counselor Sanders referred to Section (2) in Attachment 3, page 1 of 5, changing the
14 Tillamook Bay quota. In 635-003-0085 Extended Commercial Seasons under Rule #1,
15 subsection (c) change quota of 500 Chinook to ".quota of **600** Chinook". He said on
16 page 4, under Rule # 1, subsection (B), "waters of Lake Creek" would change from
17 "October 1" to "**September 1** through November 30."

18
19 *Action: Commissioner Edge moved to adopt the 2010 regulations for fall Chinook*
20 *in open ocean and commercial terminal fisheries and bay and river sport fisheries*
21 *and Coho in sport bay, river, and lake fisheries as proposed by staff and*
22 *amended in Attachment 3. Commissioner Klarquist seconded the motion, and the*
23 *motion carried unanimously.*

24
25 **Exhibit L: REGULATIONS FOR 2010 COLUMBIA RIVER SUMMER AND FALL**
26 **RECREATIONAL FISHERIES**

27
28 ***Commissioner Jon Englund declared a potential conflict of interest because his***
29 ***business is involved in the sports and commercial fisheries.***

30
31 Chair Rae noted his potential conflict of interest for the record.

32
33 John North, Fisheries Management Program Manager, presented a summary of
34 recommended modifications for 2010 summer and fall fisheries on the Columbia River.
35 He talked about the public process that led to establishing these regulations. He
36 explained the proposals for summer and fall Chinook, Sockeye and Coho. He
37 referenced a management boundary map.

38
39 **Public Testimony:** Chair Rae noted that Ed Johnston had left the meeting.

40
41 Chair Rae asked for a motion.

42 *Action: Commissioner Edge moved to adopt the 2010 summer and fall Columbia*
43 *River recreational fisheries as proposed by staff in Attachment 3. Commissioner*
44 *Levy seconded the motion, and the motion carried unanimously.*

45
46 **Exhibit M: RAFFLE/AUCTION TAGS – ACCESS AND HABITAT/BIG GAME**

47 Don Whittaker, Ungulate Coordinator; and Matt Keenan, Access and Habitat (A&H)

1 Program Coordinator, gave a slide show overview, *2011 Oregon Big Game Auction and*
2 *Raffle Tag Allocation*. Auctions this year were successful for sheep and goat tags; deer
3 and elk tags were down a little. Proposals this year are the same as last year.

4
5 **Public Testimony:** Chair Rae noted that Ed Johnston had left the meeting.

6
7 *Action: Commissioner Klarquist moved to approve the 2011 auction and raffle big*
8 *game tag allocations as proposed by staff. Commissioner Webber seconded the*
9 *motion, and the motion carried unanimously.*

10
11 **Exhibit N: FURBEARER REGULATIONS FOR JULY 2010 – JUNE 2012**

12 Tom Thornton, Game Program Manager, discussed proposals for the 2010-11 and
13 2011-12 Furbearer Trapping and Hunting Regulations. He discussed average pelt
14 prices, harvest effort and number, and catch per unit effort for each furbearer species
15 for the 2008-09 and 2009-10 seasons. For beaver trapping, staff proposes to remove
16 the closure in Camas Creek Watershed, and proposes to open Grant County to river
17 otter trapping. He discussed the General Regulation Proposals.

18
19 **Public Testimony:** Chair Rae noted that Ed Johnston had left the meeting

.Bob Gilman Albany, OR	Bob Gilman, Oregon Trappers Association, distributed written testimony supporting staff's furbearer recommendations for 2011-12. He commended staff for identifying and addressing issues important to fur hunters and trappers, and for working towards a sound and understandable bobcat management strategy.
Don Gilbert Roseburg, OR	Don Gilbert, President of OUSDA, said OUSDA agrees with OTA and all the recommended 2011-2012 regulations.
Jerry Ray Corvallis, OR	Jerry Ray, Mary's Peak Hound Club, supports the efforts of ODFW and the cooperation they've had with OTA and OUSDA.

20
21 Chair Rae asked for a motion after hearing no concerns about the proposals.

22
23 *Action: Commissioner Edge moved to amend Oregon Administrative Rule*
24 *Chapter 635, Divisions 050 and 200 as proposed by staff to set regulations and*
25 *seasons for the harvest and pursuit of furbearing mammals. Commissioner*
26 *Klarquist seconded the motion, and the motion carried unanimously.*

27
28 Commissioner Edge requested that the word "coon" be replaced with "raccoon" in the
29 Economic Impact Statement.

30
31 **ADJOURN**

32 Chair Marla Rae reminded the Commission they would meet next on July 16 at
33 1:00p.m. in Salem for a budget-related session. She adjourned the meeting at 5:02 p.m.