

1 Russ Staff, Rogue Watershed Manager, talked about Gold Ray Dam. The original dam
2 built in 1904 that was replaced by a concrete structure. In 1972 the dam was given to
3 Jackson County. Due to the financial liability and problems with the fish passage, the
4 County started looking at removing the dam. The dam was removed in 2010.

5
6 Northwest Region

7 Rick Klump, North Coast Watershed District Manager, reported on the recent number of
8 Caspian Terns nesting on East Sand Island in the Lower Columbia River. He said on
9 August 17, the National Marine Fisheries Service approved upcoming 2010 wild Coho
10 fisheries in coastal bays, rivers and lakes. The fisheries have been reduced. He also
11 discussed exotic species found in Portland area pet stores. A concerned citizen
12 contacted ODFW and staff seized several illegal animals in a pet store.

13
14 Information and Education Division

15 Roger Fuhrman, Administrator, said the fall 2010 hunting forecast, available online, is
16 part of our recruitment and retention strategy. He distributed *Adding It Up: The*
17 *Economic Benefits of Wildlife Recreation in Urban and Rural Areas* and said it shows
18 travel-generated expenditures in Oregon by activity and the significant economic activity
19 generated by wildlife recreation in each of the 36 counties throughout Oregon.

20
21 Chair Rae said this is a critical set of numbers and information. As we go into this next
22 legislative session and given the cuts that the Department been going through, this
23 information is very important. Natural resources are receiving less of the State's
24 General Fund (GF). We have an opportunity to help with the economic recovery, and
25 need to keep reminding folks of the benefits that our activities bring to the economy.
26 Commissioner Edge agreed and said the data are striking in that over half of our
27 economic activity comes from wildlife viewing activities. He asked if this report is posted
28 online. Fuhrman said no, but promised to email a copy to Commissioner Edge.

29
30 Fuhrman also gave an update on the next round of Restoration and Enhancement
31 (R&E) Grants. Six trailers were purchased with a \$28,000 R&E Grant, and will soon be
32 available for youth to use at angling events.

33
34 Conservation Strategy

35 Rick Boatner, Aquatic Invasive Species Coordinator, said the Aquatic Invasive Species
36 Prevention Program was created by passage of HB 2220 (2009 Legislature). It allows
37 ODFW, Oregon State Marine Board, Oregon State Police, and Oregon Department of
38 Agriculture to operate watercraft inspection stations and create a funding source to
39 operate this program. Boatner reported on watercraft inspections by five teams that
40 started in May 2010. He said the teams have conducted 2,015 watercraft inspections
41 and two decontaminations of watercraft. The roadside inspection is a volunteer
42 program, and there has been only a 27% compliance rate.

43
44 Chair Rae found this to be disappointing. Boatner agreed. He noted that the inspection
45 sites are well marked, but people just pass them by. Oregon is one of few states that do
46 not have a mandatory inspection program. The teams also look for aquatic invasive

1 species, and have done several presentations at state parks, campgrounds, fishing
2 organizations, ODFW biology meetings, fairs and other events.

3
4 Chair Rae asked, what more can the Department do to get folks to stop by the voluntary
5 inspections. Boatner said it is currently unconstitutional to have a mandatory stop. We
6 plan to use electric sign boards next year; that's been successful in Idaho.

7
8 Ocean Salmon and Columbia River Program

9 Tony Nigro, Manager, reported that in 2009, staff from ODFW and Washington
10 Department of Fish and Wildlife (WDFW) began evaluating alternative commercial gear
11 for salmon in the Columbia River. Staff is currently evaluating tangle nets and troll gear,
12 and whether additional commercial fishing opportunities can be provided in select areas
13 during the fall and winter seasons. Both agencies will work with the commercial fishing
14 industry to determine if there are other gears that warrant future evaluation. Nigro also
15 reported on the 2009 and 2010 activities and results. In August, ODFW began testing
16 commercial troll gear. We also plan to facilitate testing of the floating Merwin trap in fall
17 2010. WDFW has resumed its tests of six purse seines, five beach seines, and two
18 floating Merwin fish traps.

19
20 Oregon State Police

21 Captain Jeff Samuels, Fish and Wildlife Division, said they recently transferred in 11
22 troopers, leaving them with four vacancies. We have three temporary (six-month)
23 positions, which leaves one vacancy. He said Superintendent Tim McLain retired after
24 31 years of service. The Governor has appointed Chris Brown, current Deputy Director,
25 who is awaiting confirmation.

26
27 Commissioner Kerns said he had looked for trends in previous Department budgets
28 over his seven years on the Commission and noticed OSP has each cycle requested
29 about an additional \$4 million. He asked if Captain Samuels' Department could provide
30 him with details for this \$4 million increase. Captain Samuels said he could do that.

31
32 Chair Rae thanked Captain Samuels. She also thanked Superintendent McLain for his
33 service and welcomed Chris Brown.

34
35 **Adopt Temporary Rules**

36 Deputy Director Curt Melcher asked the Commission to adopt the six temporary
37 administrative rules listed in the agenda.

38
39 **635-039-0085**

40 **Ocean Sport Pacific Halibut All-Depth Closure from Cape Falcon to Humbug**
41 **Mountain, Oregon**

42 Adopted August 12, 2010; effective August 13, 2010 through October 31, 2010.

43 This amended rule closes the all-depth sport fishery for Pacific halibut in the area
44 between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Friday, August
45 13, 2010 when the all-depth quota of 141,265 pounds is projected to have been taken.
46 This rule is consistent with regulations that have been implemented by the federal
47 government and the International Pacific Halibut Commission for the 2010 Oregon

1 recreational fishery for Pacific halibut.

2
3 **635-023-0134**

4 **Open Fall Chinook Sport Fishery On the Snake River Below Hells Canyon Dam**

5 Adopted August 16, 2010; effective September 1, 2010 through December 31, 2010.

6 This amended rule implements a fall Chinook fishery on the Snake River from the
7 Oregon-Washington border upstream to the deadline below Hells Canyon Dam
8 beginning on September 1, 2010 to coincide with the State of Idaho's regulations for this
9 fishery.

10
11 **635-042-0031**

12 **Fall Commercial Drift Gill Net Seasons Set for August In Columbia River**
13 **Mainstem**

14 Adopted August 17, 2010; effective August 19, 2010 through August 31, 2010.

15 This amended rule implements fall commercial salmon drift gill net seasons in the
16 Columbia River mainstem in zones 4 and 5. Three commercial drift gill net fishing
17 periods were adopted. The fishing periods are: 8:00 p.m. Thursday, August 19 to 6:00
18 a.m. Friday, August 20, 2010 (10 hours); 9:00 p.m. Sunday, August 22 to 6:00 a.m.
19 Monday, August 23, 2010 (9 hours); and 9:00 p.m. Tuesday, August 24 to 6:00 a.m.
20 Wednesday, August 25, 2010 (9 hours).

21
22 **635-041-0075**

23 **Treaty Indian Fall Commercial Gill Net Fishery In Columbia River Above**
24 **Bonneville Dam Implemented**

25 Adopted August 17, 2010; effective August 24, 2010 through October 31, 2010.

26 Amended rule allows the commercial sales of fish caught during the Treaty Indian fall
27 commercial gill net fishery in the Columbia River above Bonneville Dam (Zone 6). The
28 fall commercial gill net Chinook and steelhead fishery begins at 6:00 a.m. Tuesday,
29 August 24, 2010 and runs through 6:00 p.m. Friday, September 10, 2010. Rule
30 modifications are consistent with action taken August 17, 2010 by the Columbia River
31 Compact agencies of Oregon and Washington.

32
33 **635-017-0090**

34 **Coho Seasons Extended In the Santiam Basin**

35 Adopted August 23, 2010; effective September 1, 2010 through December 31, 2010.

36 Amended rule allows for expanded coho seasons in the mainstem Santiam River
37 (months of September and October added); North Fork Santiam River (Stayton to Scio
38 Bridge season expanded into September and October); and South Fork Santiam River
39 (season expanded to include months of September and October) in the reach from
40 mouth up to the Grant Street Bridge in Lebanon. These modifications will allow sport
41 anglers opportunities to harvest returns of naturally produced coho salmon found
42 upstream of Willamette Falls in the Santiam Basin. Willamette Falls historically
43 restricted access to fall returning salmon prior to development of a fish ladder that
44 provided access year round to all fish species.

1 **635-004-0019**

2 **Inseason Actions Implemented by the Federal Government for Commercial**
3 **Groundfish Fisheries**

4 Adopted August 25, 2010; effective August 25, 2010 through November 30, 2010.

5 This 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 for fixed gear fisheries and changes to lingcod retention allowances for vessels
8 fishing in the salmon troll fishery.

9
10 Chair Rae asked for a motion.

11
12 *Action: Commissioner Edge moved to ratify the six temporary administrative*
13 *rules as written in the agenda. Commissioner Levy seconded the motion and the*
14 *motion passed unanimously.*

15
16 **PUBLIC FORUM**

17 Chair Rae called April Olbrick forward. Deputy Director Melcher noted that Ms. Olbrick
18 had contacted him to offer a tour to the Commission of some of her work in the basin
19 but we were not able to take her up on it at this time.

<p>20 April Olbrick Hillsboro, OR</p>	<p>April Olbrick, for Tualatin River Watershed Council, distributed their <i>Annual Report 2008-2009</i>. She discussed Murtuagh Creek Fish Passage Project and said there are three funding sources: 1) ODFW Landowner Initiative Program; 2) ODFW Fish Screening and Passage Program; and 3) Salmon Habitat Fund. ODFW personnel worked with ODOT, which provided 20 truckloads of rock for construction of the weirs. We found about 60 Cutthroat Trout in the stream, along with some Pacific Giant Salamanders and some lamprey. As a result of this project native fish have access to two miles of excellent spawning and rearing habitat upstream.</p> <p>Chair Rae said this is a great project. She thanked Olbrick for inviting the Commission to tour the watershed.</p>
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21
22 **Exhibit A: COMMISSION MINUTES**

23 Chair Rae said the July 16 and August 6, 2010 Commission minutes were deferred to
24 the Commission's September 30-October 1 meeting in Bend. She asked if there were
25 any edits to the June 4, 2010 minutes.

26
27 Commissioner Webber referred to page 19, line 10-11, during discussion of Hunter
28 Orange. It indicates that he preferred Options 4 and 5. This is the opposite of his
29 position, and he asked that language be deleted from that sentence.

30
31 Chair Rae said on page 19, line 11, delete the words, "...preferred Option 4 and 5, but.."
32

1 *Action: Commissioner Webber moved to approve the June 4, 2010 minutes as*
2 *amended. Commissioner Edge seconded the motion and the motion carried*
3 *unanimously.*

4
5 The Commission recessed at 9:15 a.m. and reconvened at 9:27 a.m.

6
7 Deputy Director Melcher said the Expenditure Report is not on the agenda; budget staff
8 has been busy preparing the Agency Requested Budget that was delivered to the
9 Governor's Office yesterday. He said Deputy Director Debbie Colbert was at a Labor
10 Management Commission meeting but will be at the Commission's October meeting to
11 provide an Expenditure Report and update on the budget process. He said the budget
12 news continues to be grim, with regard to State GF revenues, which ultimately affects
13 ODFW in that we have a small portion of our budget in State GF.

14
15 **Exhibit B: SALMON AND TROUT ENHANCEMENT PROGRAM (STEP) ANNUAL**
16 **PROGRESS REPORT**

17 Kevin Herkamp, Statewide STEP Coordinator, introduced Tod Jones, Chair of STEP
18 Advisory Committee (STAC). Herkamp also noted that the *STEP Annual Report* was in
19 the Commission's packet.

20
21 Tod Jones, STEP Advisory Committee Chair provided a brief background of the STEP
22 program. He discussed the structure of the STEP budget and the STEP Advisory
23 Committee. Jones talked about the accomplishments in the four STEP Project
24 Categories and the percentages of volunteer hour contributions by project type:

- 25 1. Education, outreach, and program development – 32%;
- 26 2. Fish and habitat inventory and monitoring – 8%;
- 27 3. Habitat restoration – 3%; and
- 28 4. Fish culture – 57%.

29 Jones discussed the future of STEP. He invited the Commission to the 2011 STEP
30 Conference, March 26-27, 2011, at Twin Rocks Friends Camp at Rockaway, Oregon.
31 The theme is "Teach Today and Fish Tomorrow".

32
33 Chair Rae said that was a great report; what a great opportunity for all of Oregon to be
34 involved in the STEP program.

35
36 Commissioner Levy said this was her favorite ODFW program, and would like to see
37 more of it in Eastern Oregon. Commissioner Kerns agreed and said it was his
38 experience in Eastern Oregon that they don't get any support from the Portland
39 nonprofits for high school biology programs. He asked for help with this.

40
41 Commissioner Webber thanked Tod and Kevin for their presentation. He had the
42 distinct pleasure of meeting with them last Saturday at the annual STEP barbecue.

43
44 **Public Testimony:** No public testimony was given.

45
46 **Exhibit C: CLACKAMAS RIVER BULL TROUT**

1 Todd Alsbury, District Fisheries Biologist, North Willamette Watershed, introduced Chris
2 Allen, U.S. Fish and Wildlife Service (USFWS) biologist in Portland. Alsbury said staff
3 would propose an amendment to the Clackamas Subbasin Fish Management Plan that
4 would clarify the status of bull trout in the Clackamas River Basin; and direct staff to
5 pursue the reintroduction of bull trout native to the river. He said the two lead agencies
6 are USFWS and ODFW. Project cooperators are Mt. Hood National Forest, National
7 Marine Fisheries Service, Confederated Tribes of the Warm Springs, and U.S.
8 Geological Survey.

9
10 Chris Allen expressed their thanks for this partnership opportunity with ODFW. He
11 provided the background and history (see Attachment 1) of bull trout in the Clackamas
12 and noted that bull trout were federally listed as threatened in 1998. A Reintroduction
13 Feasibility Assessment was published in 2007. Allen discussed public comments
14 received during the stakeholder process. Taking these comments into consideration, we
15 moved forward with our proposed action goal, which is to reestablish a self-sustaining
16 bull trout population ranging from 300-500 adults (100 minimum) spawning annually in
17 the Clackamas River by 2030. He discussed proposed actions in that process; three
18 adaptive phases over a 20-year period.

19
20 Alsbury discussed the Management Committee, and the monitoring and evaluation
21 components that they intend to implement for this project. He said implementation of the
22 project is scheduled in spring 2011.

23
24 **Public Testimony:**

Gary Larsen Sandy, Oregon	Gary Larsen, Mt. Hood National Forest Supervisor, submitted a letter supporting the reintroduction effort. He is one of three founding members of the managers group. He thanked the Committee on behalf of the managers group for its support. He is impressed with the high level of science used in this process. The group discovered that the existing Forest Service nexus offered great opportunities for litigation. He expressed appreciation for the role that Portland General Electric played in this effort. He encouraged the Commission to adopt this proposal.
Tom Wolf Hillsboro, Oregon	Tom Wolf, Oregon Council Chair Trout Unlimited (TU), said TU enthusiastically supports reintroduction of bull trout into the Clackamas River system. He commended Chris Allen and Todd Alsbury for their work, and asked the Commission to support and approve the plan.

25
26 Commissioner Edge asked why the stock to be used is Metolius stock. Alsbury said the
27 Metolius stock was the most likely population to withstand the removal of fish. It is the
28 most abundant population to choose from, and they are similar in genetic terms as
29 upper McKenzie fish.

30

1 Chair Rae said the number of fish we are talking about puts this all into perspective,
2 where they have designed a go-slow approach, with opportunities to stop or modify if
3 we need to, in either the Clackamas or the Metolius. She said before the Commission is
4 a proposed Administrative Rule, and a motion to amend the Clackamas Subbasin Fish
5 Management Rules.

6
7 Commissioner Webber referred to the draft motion and said it indicates Attachment 2,
8 but it's actually Attachment 3. Chair Rae said that would be correct.

9
10 *Action: Commissioner Webber moved to adopt the amendment to OAR 635-500-*
11 *0880 as recommended by staff In Attachment 3. Commissioner Levy seconded*
12 *the motion and the motion carried unanimously.*

13 14 **Exhibit D: BASS FISHING TOURNAMENT RULES**

15 Rhine Messmer, Recreational Fisheries Program Manager, said the Commission would
16 be asked to modify Bass and Walleye Tournament Rules to provide for grandfathering
17 provisions in tournament scheduling issues. There are over 40 large bass tournaments
18 in Oregon each year. They have significant economic impacts. Until recently, the
19 scheduling of these tournaments was not an issue, because they did not exceed the
20 number of permits.

21 Terry Shrader, Eastern Oregon Warmwater Fish Biologist, said proposed rules were
22 brought to staff by various bass clubs. He said the current rules were developed in the
23 1980s and requires that tournament sponsors work out any conflicts. Historically, this
24 has worked well except on Tenmile Lake. He discussed the Bass Tournament Rules,
25 and said the sponsors suggested the following modifications of the existing rules:

- 26 • Eliminate B.A.S.S. Jamboree from formal application process and set November
- 27 1 as the first day to submit applications;
- 28 • Grant grandfather status to long-standing tournaments; and
- 29 • Develop simple point system for competing applications.

30 He said that staff recommends that the Commission adopt revisions to the Bass and
31 Walleye Fishing Tournament Rules as proposed by staff in *Revised Attachment 3*.

32
33 Commissioner Weber asked if these rules would affect other water bodies. Schrader
34 said they would not affect other places right now, but could be used in the case of future
35 conflicts. Commissioner Webber said the revised OAR indicates that the permits will be
36 processed and issued in the order of time of receipt. Why is that there? Schrader said
37 through 20 years of issuing permits, staff found it gives competing clubs a little more
38 impetus to work out their conflicts prior to sending in their applications.

39 40 **Public Testimony:**

Ron Buchwald Lakeside, OR	Ron Buchwald, Tenmile Lake Bass Club, thanked the Commission for their assistance in resolving this controversy. He said some contentious behavior occurred among the clubs. One club threatened to boycott the tournaments and thus prevent everyone from getting permits. Without the assistance of local ODFW we would be
------------------------------	--

	pulling hair. The Tenmile Lake Bass Club has averaged a full field of 75 boats over the last 10 years. ODFW stepped in and worked with all the clubs. This is a family-oriented tournament. It is not just the biggest bass tournament, it is the best.
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1
2 Chair Rae referred to Revised Attachment 3 and said the yellow portion is the revision
3 from what was provided to us previously, and there is a correction to *that* new language,
4 and that's in the last line of paragraph (a), where it is December 15 of the year
5 "*preceding*" the year rather than *proceeding*. She said any further questions?
6

7 Commissioner Edge said there are other bass tournaments in Oregon, so would
8 grandfathering potentially apply to other tournaments? Messmer said that is correct.
9

10 Commissioner Kerns asked if these rules apply to tournaments in the Columbia River.
11 Schrader said yes.
12

13 *Action: Commissioner Edge moved to amend OAR Chapter 635 Division 1 as*
14 *proposed by staff in the Revised Attachment 3 including the editorial change.*
15 *Commissioner Webber seconded the motion and the motion carried*
16 *unanimously.*
17

18 **Exhibit E: RESTORATION AND ENHANCEMENT PROGRAM PROJECT**
19 **APPROVALS**

20 Laura Tesler, Restoration and Enhancement (R&E) Program Coordinator, presented
21 projects recommended for funding at the R&E meeting in Gold Beach on August 13. In
22 a slide presentation, she displayed a map of recommended projects across Oregon. In
23 this funding cycle the Board approved 10 projects. For the sixth funding cycle of the
24 2009-11 biennium, the Board recommends approval of six of the eight projects, for a
25 total of \$198,645. Tesler said that leaves \$1.3 million for the remainder of the biennium.
26

27 Commissioner Edge referred to the OSU study in the Long Tom River and asked
28 whether it was correct that none of those resources are going to OSU? Tesler said she
29 believe they are asking for the Long Tom watersheds part.
30

31 ***Commissioner Edge said he would declare a potential conflict of interest because***
32 ***some of those resources may be directed toward OSU students or faculty***
33 ***members in his program.***
34

35 Chair Rae noted his potential conflict of interest for the record.
36

37 **Public Testimony:** There was no public testimony.
38

39 *Action: Commissioner Edge moved to approve the recommendations of the Fish*
40 *Restoration and Enhancement Board for project funding with no exceptions.*
41 *Commissioner Webber seconded the motion and the motion carried*
42 *unanimously.*

1
2 **Exhibit F: ACCESS AND HABITAT – PROJECT FUNDING APPROVAL**

3 Matthew Keenan, Access and Habitat Program Coordinator, presented three project
4 proposals for the Commission to consider: 1) Star 1 Trust Continuation Project (access
5 for disabled hunters only); 2) Bennett Upland Enhancement Project (requires
6 permission); and 3) Sullivan Z Ranch Habitat Improvement. Keenan said these projects
7 would provide 1,100 acres to hunting on private lands, and improve 20,000 acres of
8 wildlife habitat. Staff recommends approval of the three projects.
9

10 Commissioner Kerns asked where Sullivan Z Ranch was located in relation to Phelps
11 Reservoir. Keenan said he didn't know. Commissioner Kerns said he oftentimes get
12 questions from disabled people, veterans, on where they can hunt. He asked if there
13 was a list he could give out or should he direct those questions to Keenan, or who
14 would be the best person to refer them to. Keenan said those questions could be
15 directed to him. He noted that this one property (Project 1) is really the only one that
16 A&H has that specifies disabled hunters.
17

18 Chair Rae stated that staff will also follow up with Commissioner Kerns on location of
19 the Sullivan Z Ranch. Commissioner Kerns said thank you.
20

21 **Public Testimony:** There was no public testimony.
22

23 *Action: Commissioner Klarquist moved to adopt the recommendations of the*
24 *Access and Habitat Board for project funding. Commissioner Levy seconded the*
25 *motion and the motion carried unanimously.*
26

27 **Exhibit G: Agency Representation by an Officer or Employee for Contested Case**
28 **Hearings**

29 DeAnna Erickson, License Services Manager, said there has been an increase in the
30 number of contested case hearings. Staff currently relies on the Attorney General (AG)
31 Office to represent the Agency in these cases. Most of the hearings are simple. She
32 asked the Commission to delegate authority to Agency staff to represent the Agency in
33 these hearings.
34

35 Commissioner Webber said we set out a definition of what's a legal argument. He asked
36 is that consistent with what the Oregon State Bar would consider as not practicing law.
37 Counselor Steve Sanders said yes, it comes out of the Administrative Procedures Act,
38 too, so it's basically double-vetted as a standard way to distinguish between what
39 DeAnna would do and what we would do. Sanders added that DeAnna's too modest to
40 point this out, but we have had a similar system for our Commercial Fishery cases
41 where DeAnna represents the Agency. She's done a really good job. She has
42 coordinated with the AG's Office on any legal or factual complexities, or when other
43 attorneys are involved. We have not lost any of those cases in the Court of Appeals.
44

45 Commissioner Klarquist said just to be clear, it's a legal argument to argue that case
46 law applies or doesn't apply, but it's not a legal argument to argue that a statute or a
47 regulation applies? Counselor Sanders said the idea is that the statute or regulation

1 applies on the face of it with the language of it, whereas, arguably the interpretation of
2 case law extends by analogy, and apparently it would require more legal applications.

3
4 Commissioner Klarquist referred to the five or so subparagraphs under Paragraph B of
5 Rule #2. He asked, shouldn't those be just numbers. Is there a sub of B, just to make
6 that a little clearer? Counselor Sanders said yes, it should be.

7
8 Chair Rae said, you've lost me on that one.

9
10 Counselor Sanders said Subsection (3) (b) underneath there is a colon at the end of
11 subsection (b), followed by a, b, c, d, e. - those should be one. He said they should be
12 capital A, B, C, D, E – that is the normal convention on those.

13
14 Chair Rae said not according to A. Sorry. Little "a", legal argument includes arguments
15 on colon sub-1, sub-2. Little "b" legal argument does not include sub-1, sub-2, sub-3,
16 sub-4, sub-5. By doing that, I want to make it clear I was not practicing law.

17
18 Counselor Sanders said the staff is entitled to make numbering corrections after the
19 Commission votes. He proposed that we recognize this and make them consistent with
20 the way the Secretary of State wants these to be numbered, and you are entitled to do
21 that as a delegation.

22
23 Chair Rae said okay, with that delegation to the Department to be consistent in its
24 numbering, I would entertain a motion to authorize agency folks to represent us.

25
26 **Public Testimony:** There was no public testimony.

27
28 *Action: Commissioner Klarquist moved to adopt OAR 635-010-0070 as proposed*
29 *by staff in Attachment 3. Commissioner Edge seconded the motion and the*
30 *motion carried unanimously.*

31
32 **Exhibit H: Sauvie Island Wildlife Area Management Plan**

33 Nancy Breuner, Wildlife Area Operations Coordinator, introduced Mark Nebeker,
34 Wildlife Area Manager. She discussed the public review process. At the June 4
35 Commission meeting she presented a revised draft Plan, followed by a public review
36 meeting on June 16. Staff integrated written and verbal correspondence into the final
37 draft. She also discussed key public issues: goose management; dog training;
38 additional wildlife viewing opportunities; and habitat restoration activities. Additional
39 public comments were not in Commission packet, but were distributed today. She noted
40 there were several correspondences from dog trainers concerned about the proposed
41 three-dog limit and a proposed seasonal closure to occur in dog training areas (see
42 Goal 3, Objective 3.2).

43
44 Breuner discussed the draft Plan's four proposed Goals and Objectives:

- 45 1. Protect, enhance, and manage wetland habitats to benefit fish and wildlife
46 species.

2. Protect, enhance, and manage upland habitats to benefit a wide variety of wildlife species.
3. Maintain waterfowl hunting and water fowl hunting programs and provide a variety of other fish and wildlife oriented recreational and educational opportunities to the public that are compatible with Goals 1 and 2.
4. Control other public uses to minimize impacts on fish and wildlife, their habitats, and fish and wildlife related recreation and to maintain the security of the wildlife area and reduce disturbance to neighboring private lands.

Chair Rae asked Breuner to clarify where we are with dog training on the island. Breuner deferred to Mark Nebeker.

Nebeker said there were some real concerns with the dog training. We met with the dog trainers in mid-August and discussed the proposal at length. We decided nothing would change for 2011 season. He will spend the next year meeting with dog trainers to work out a solution.

Public Testimony:

<p>John Poer Yacolt, WA</p>	<p>John Poer, Oregon Retriever Trial Club, distributed written testimony concerning the history of dog trials and training. He said the Commission meetings for the Plan have been contentious. The military and government agencies use many of these dogs. Our main objection is that we were not involved in the process of restricting our areas. The Plan that they are accepting has bothersome language. His main request is that when this Plan goes forward, that it not restrict the already shrunken area that we are allowed to use.</p>
<p>David Illias Sauvie Island</p>	<p>David Illias, member of Oregon Retriever Club and dog trainer, distributed written testimony. He commented on the limitation of the number of dogs per person for training on the Sauvie Island (SI) Wildlife Area. Hunting dogs require a significant amount of training and ground. As a SI resident, he is concerned that the Plan does not address the impacts of increased population, e.g., roads, emergency response, etc.</p> <p>Chair Rae asked for clarification – you want us to address more of the Island and not just the Wildlife Area? Illias said yes. We should hold off approving the Plan until these things are addressed.</p>
<p>Phil Sperr Sauvie Island</p>	<p>Phil Sperr, Director of Oregon Hunting Retriever Club and SI resident, distributed written testimony against approval of the Plan. He said his wife and he have been retriever trainers on SI for almost 20 years. We never heard the</p>

	<p>“true plan” until August 10 when 50 retriever trainers met with him, staff and his boss. He’s also concerned about a one year moratorium, and asked for a legitimate inclusion of dog trainers. He asked the Commission to delay approval of the Plan in order to incorporate trainer input.</p>
<p>Bryan Hogan (n/a)</p>	<p>Bryan Hogan, President of Northwest Pointing Dog Association (NWPDA) and Director of Northwest Field Trial Council, distributed written testimony. He expressed concern that testimony that he previously submitted was not included in the Commission packet. He is upset that members of the dog training community were not included in the planning process.</p>
<p>Leslie Like Hillsboro, OR</p>	<p>Leslie Like, Secretary for NWPDA and Secretary for Willamette Weimaraner Club, distributed written testimony proposing revisions to the Plan. As a former City Counselor, she’s had experience on how staff involves people in the process; that hasn’t happened this time. She attended a meeting in June 2009, and Mr. Nebeker said there would be no changes to the dog training rules. He was actually drafting extreme changes, and that makes us suspicious. She asked for postponement of the Plan.</p> <p>Chair Rae expressed fear that something has been lost in the translation, because Anglin and Nebeker do not normally operate this way. This draft was not just dropped onto people; it’s been around a while.</p> <p>Ms.Like said that is what is so disturbing; we were told nothing was going to impact dog training. I’m addressing the west side, and the Plan completely eliminates everything we’ve done for 50 years. She said Mr. Nebeker referred to a 2-3 page addendum to the Plan that is not even open for discussion.</p>
<p>Larry Porter Portland, OR</p>	<p>Larry Porter, Vice President Field Activities and Board Member of Oregon Brittany Club, distributed written testimony. He’s a land use planner who has volunteered to obtain permits to replace a culvert at the Blue Slough at the Westside Unit. His issues are: 1) communication is lacking among special interest groups; and 2) would like certainty that SI dog trainers can continue to use the area, as they have for decades. He asked the Commission to delay adoption.</p>
<p>Lynn Calkins</p>	<p>Ms. Lynn Calkins, German Wirehaired Pointers Club of</p>

<p>Sherwood, OR</p>	<p>Oregon (GWPCO) and Northwest Field Trial Council (NWFTC), referred to a written letter from her husband Raymond Calkins, who has raised, trained and hunted with German Wirehaired Pointers in Oregon for 34 years. She spoke in opposition to the Plan. Every year it is increasingly difficult to train pointing dogs in western Oregon. The new Plan is an attempt to eliminate dog training and the organized events to evaluate their dog's skills on SI. The present dog training area is a safe place to train, but the new proposal pushes all dogs into an inadequate area and timeframe. They have no place to go if this Plan is enacted.</p>
<p>Mary Hanson Beavercreek, OR</p>	<p>Mary Hanson, a recent retiree of ODFW, belongs to three pointing dog clubs and is the secretary for Oregon German Wirehaired Pointer Club. She distributed personal testimony and said she shares the concern of others who have testified today that the current draft Plan could be construed so as to eliminate dog training and dog trials on the management area. She expressed concern over the failure to adequately engage the stakeholders associated with the current planning effort. She said the Plan would have warranted a working group, given the many stakeholders. Hanson said the staff needs to do a better job of public outreach to the user groups.</p>
<p>Wayne Yamashita Washougal, WA</p>	<p>Wayne Yamashita, Vice President of GSPCO, in written testimony, said GSPCO recommends a delay in adoption of the Plan until an amendment or revisions of the dog training rules are applied. GSPCO would like to see the use of current areas remain the same in acreage and timeframe. He also recommends a statewide dog training review committee with ODFW to cultivate a better partnership and ensure better communication in the future.</p>
<p>Chris Tewes Eagle Creek, OR</p>	<p>Chris Tewes distributed written testimony. He has trained pointing breed dogs professionally for hunting for 15 years. Pointing breed clubs use about 175 acres in the Crane Unit. The Plan shuts us out of this area. He said Nebeker mentioned studies on the Internet concerning dogs and ground nesting birds. There is no data to back up ODFW's reasoning for the change. In order to get federal funds, there cannot be any commercial use on this land. Tewes said pro trainers are willing to purchase permits in order to legally get around this restriction.</p>
<p>Jane Hartline</p>	<p>Jane Hartline, Vice President of Multnomah Conservation</p>

Sauvie Island	District, said she is a “weed warrior” because SI has a problem with invasive species. She is happy that this Plan calls for managing and restoring habitats for a wide variety of species. She asked the Commission to give Nebeker the resources to deal with the problem, and help restore SI. Hartline also spoke on behalf of Barbara Scott, who couldn’t attend today. Her issue is that there needs to be more access for recreational users who are not hunting.
Donna Matrazzo Sauvie Island	<p>Donna Matrazzo with Sauvie Island Conservancy spoke as an individual and resident of SI. In 1991 she helped rewrite this predecessor, which included: shift to overall habitat considerations; accommodate wildlife recreation by providing additional year-round opportunities; and explore additional funding to support resources. She said the current Plan doesn’t do these things. It continues to focus on hunted and fished species, and not enough focus on all of the wildlife species, hunted and non-hunted. She’s an Oregon Book Award finalist for “Wild Things of Interest of a Grassroots Environmentalist”, that features stories on SI. The problem is funding, and ODFW should look for more funding sources in order to protect all wildlife and not just focus on hunted and fish species. Far more people who support wildlife and don’t hunt.</p> <p>Chair Rae thanked Matrazzo and said she had to rise to the challenge. She invited Matrazzo and invited her to join the Department in talking with the Oregon Legislature when they are seeking funding for our Conservation Strategy. Matrazzo said she’d be glad to do that. Chair Rae said we’ll let you know when those hearings are coming up; it’s not for lack of asking.</p>
Dick Springer Portland, OR	Dick Springer, Manager of West Multnomah Soil & Water Conservation District, distributed a brochure. He served 16 years in the Oregon Legislature, and served as Chair of the Senate Agriculture Natural Resources Committee from 1989-1993. He owns property on SI. The District is now granting over \$300,000 per year to support private landowners on conservation projects. He attended all five public hearings on the management Plan, and thanked Anglin and Nebeker for their efforts. He encouraged an ongoing process, perhaps a quarterly forum, to talk about management issues. This would resolve the concerns about participation and communication. He said we need to work together and focus our efforts. He offered the Conservation District’s assistance and invited the

	Commission to contact them.
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Chair Rae asked the Commission if they had any questions.

Commissioner Kerns said the people who testified make a good point. He's owned and hunted with English Springer Spaniels for almost 50 years in a rural area; it would be difficult to live in a metropolitan area and not have a place to train your dogs. He said the Commission should table approval of this Plan until May (his last meeting), and insert a dog training section in the goals and the body of the Plan. He also said that Matrazzo made a good point in that, increasingly, statewide we see fewer hunters and fishermen; but there's an increasing interest in wildlife viewing. He talked with Commissioner Edge about how we engage the non-hunting public to financially support our Department. We, as a Commission, need to think about that long-range in our vision process. He said we've stumbled in not incorporating dog trainers in this Plan.

Chair Rae asked staff to talk to the Commission about the public process; how it led to here today, and what staff wants. The Commission heard a lot from the dog trainers. She said to Nebeker, I don't think that you're a villain, and I don't think that they think that either. But something got lost in communications here along the way, and I'd like to figure out how to right that ship.

Eric Rickerson, Wildlife Division Deputy Administrator, said this Plan is the last of 16 management plans before you. We've prided ourselves in doing a good job in outreach during the development and implementation of those plans; but, it's obvious today that we did not get word out to those folks that the draft Plan had proposed changes that would impact dog trainers and other users. He said on August 11, Ron Anglin, Jeff Becker, Nebeker, Breuner and staff met with a number of the dog trainers and determined it would be in the best interest to pull out any changes to dog training referenced in the Plan. He said Bruener mentioned that the three-dog limit was an attempt to arrive at a balance between individual dog trainers vs. commercial users. He said Nebeker received comments from folks who felt there was a little monopolization going on at times, across the area. In staff's attempt to balance those uses, in reference to the season closures as well, it didn't get out to the dog trainers adequately for enough feedback, so staff pulled those references out. Rickerson said in the Plan, dog training was not referenced except in Objective 3.2 - Provide opportunities for individual dog training and dog field trials which will not conflict with wildlife habitat management objectives or Objective 3.1 – Hunting use on the area.

He said Nebeker sent a letter to the those folks in attendance and made the commitment to the dog trainers to pull out strategies talking about changes on dog training and to not propose any changes to the 2011 season for dog trainers. Rickerson said Nebeker and the Division also made a commitment to work with other affected users on how can we balance some of the proposals the Conservation community would like to see outlined in the Oregon Conservation Strategy to benefit a number of strategy species and habitats and minimize impact to the users of the area. It was never staff's intent to eliminate dog training. There was some effort to reduce it in scope of

1 impact or timing, so we could allow some ground nesting birds to nest on the area. He
2 said staff is seeking the Commission's adoption of just the goals and objectives today.
3 Any kind of changes (restrictions to dog training) is just at a strategy level and would not
4 be adopted by the Commission.
5

6 Commissioner Edge said he heard from the dog trainers that they started to engage
7 early on and were told nothing was going to change, and then they disappeared from
8 the process. It wasn't until the last draft that they caught on that something might
9 change. He asked if that was the sequence of events, or if the statement that nothing
10 would change was just recently done in Nebeker's letter.
11

12 Rickerson said when staff first started development of the Plan; it wasn't staff's intention
13 to tell user groups that nothing would change. As we looked at incorporating other
14 management strategies; oftentimes it requires some minor changes to occur. When the
15 June 2010 draft came out there were changes highlighted and they were unaware of
16 those that would impact them. A meeting was scheduled in August to discuss those.
17

18 Chair Rae said the Commission is being asked to do the 30,000-foot level of the goals
19 and objectives. What happens if we say today, we've been looking at this plan for over a
20 year now and we bless the goals and objectives? And we go along with staff's
21 recommendation to have this different kind of process to meet with the dog trainers and
22 other user groups. Because if you were to have just a meeting with the dog folks, I'm
23 waiting for the Audubon to come in and say we're making these changes and these
24 nesting grounds and going on. How does that work?
25

26 Rickerson said in developing the Plan, staff tried to recognize the original intent of the
27 wildlife area and why it was purchased. He said SI is a wintering waterfowl area and
28 public hunting area so that's why Goals 1 and 2 are so important for waterfowl,
29 particularly with the goose issues in the Willamette Valley right now. He said the Goose
30 Task Force is placing greater emphasis on the wildlife area and other public lands to
31 hold more birds; that's why the upland component is so important. Staff felt it was best
32 to reference dog training under Goal 3; it's really to condition those dogs to reduce
33 crippling losses and it fits in with the hunting. He said the Division's commitment to
34 work with the dog trainers and other users is steadfast; to better articulate what we'd
35 like to do on the area, and get their direct input on how we can do it. It's a real balancing
36 act on SI, unlike any other wildlife area just because of the sheer use of the area.
37

38 Chair Rae said that use has increased substantially since 1993 when the last plan was
39 drafted by the group. She asked the Commission for comments.
40

41 Commissioner Webber said he felt that the Commission was being asked to bless the
42 Plan and trust staff to deal with these people. Having listened to the dog trainers he felt
43 that they don't trust that that's going to work, and they want the Commission to hold
44 onto it until some adjustments are made. He didn't know exactly what commitment staff
45 was making to the Commission that staff will work things out and not down the road just
46 make a rule and its tough luck for the dog trainers.
47

1 Rickerson said staff could come back to the Commission and report on the efforts of
2 working with those folks to address their concerns. There are many different viewpoints
3 on SI, but staff could report on the status of what that is and what we came up with.
4

5 Commissioner Levy agreed with Commissioner Webber; she wasn't willing to relinquish
6 her control. She was more comfortable that it should be discussed with staff and then
7 brought back before the Commission. What guarantee do we have that the user groups
8 will not return to the Commission and say you didn't do what you said you would do or
9 come to some equitable solution?
10

11 Chair Rae said if the Commission says this is not ready today, I want to make clear to
12 folks that we have seven co-equal goals and one of those says "all user groups". I don't
13 want the dog folks to leave here and think that's the only group we're going to be
14 working with from here on out. Do not take that message; because there are many other
15 users of SI that have also earned their right at the table. So don't think this is an
16 opportunity to say we got what we needed, because everybody's going to be at the
17 table. She wasn't willing to say return in May. Commissioner Kerns said that's fine.
18

19 Chair Rae said unless there are thoughts otherwise, as Commissioner Edge said it at
20 the beginning, now don't be getting your hopes up, it's not over till it's over. And it
21 sounds to me like it's not over yet. Is that where we are? I'm seeing nods. Okay.
22

23 Deputy Curt Melcher asked for clarification; we're looking at this as it relates to dog
24 training, not as it relates to all the goals and objectives.
25

26 Chair Rae said the Commission is saying we've stumbled a bit; we haven't done a very
27 good job—and this is not finger pointing at any person. Do not take it that way, and
28 particularly you Mark. We missed our typical good job of public outreach with all user
29 groups. We pride ourselves in doing that, and I commend the Department every
30 opportunity I can for its outreach to all user groups. We didn't get all user groups, and
31 this is the opportunity to do that, rather than piecemeal and say okay we bless this, now
32 go work it out this way, I've got colleagues that are saying we want to see it altogether.
33

34 Commissioner Edge pointed out that a traditional user group got dropped early on, at
35 least from the standpoint of their engagement in it. For some reason they think nothing's
36 going to change, and I hope you didn't get that message, because things are going to
37 change; there are many more users of the wildlife area. It's an urban area. What
38 happened is they weren't engaged in the process all along, understanding why things
39 were going to change. I am bothered by how it has panned out.
40

41 Chair Rae asked staff if they needed further direction. Rickerson, Deputy Director
42 Melcher, Nebeker and Breuner all said no.
43

44 Chair Rae said the Commission is not taking final action on this today. She told staff to
45 tee it back up when you're ready but please don't do it in October; that agenda is too
46 long already. The public process will continue and it is going to include all of the public.
47 She moved to the Shikar Safari Award presentation.

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Shikar Safari International Award

Shikar-Safari representative Lynn Loacker presented the Shikar Safari Club International Wildlife Officer of the Year Award to Senior Trooper James Hayes, who has been with OSP for 11 years before transferring to the Fish & Wildlife Division in Bend. He's been there 6 years. Many of the cases he has worked with are in partnership with the USFWS and ATF. He has an incredible ability for apprehending violators. Loacker said the Shikar-Safari Club is an international group of about 200 members that was started in 1952 in Chicago as a social club of big game hunters. In 1966 they formed a foundation to support conservation projects around the world.

The Commission recessed for lunch at 12:45 p.m., and reconvened at 1:35 p.m.

Chair Rae said that Commissioner Jon Englund is excused for the remainder of the meeting. She returned briefly to **Exhibit H: Sauvie Island Wildlife Management Plan** to allow Bob Salinger to testify.

<p>Bob Salinger Portland, OR</p>	<p>Bob Salinger, Conservation Director for Audubon Society, presented written testimony in support of the Plan. He expressed concern that there was not a stakeholder group, and encouraged the Commission to put one together in the future. He would like to see a better balance between wildlife hunters and viewers. One big concern is the increase in Canada geese. Concerning dog training, he is disappointed that the language was weakened. He favors protecting the ecosystem first. He appreciates the work of Mark Nebeker and others.</p> <p>Chair Rae repeated that the Commission is not prepared to act on the management Plan today because it needs more stakeholder input.</p> <p>Commissioner Edge thanked Sallinger for his comments and his creative ideas about alternative funding strategies. Salinger said he'll be involved in the Wild Bird Conservation bill that will go before the Legislature in 2011; it's a five-cent tax on bird seed.</p>
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Exhibit I: WOLF PLAN INFORMATIONAL BRIEFING

Craig Ely introduced Russ Morgan, Statewide Wolf Biologist Coordinator; Robyn Brown, Project Assistant from LaGrande; and Allison Field, OSU intern.

Commissioner Edge acknowledged the Department's role in hiring a number of OSU undergraduate interns.

1 Craig Ely noted that Sharon Beck had asked him to mention a letter in Public
2 Correspondence from Cynthia and Dan Warrick; it shouldn't be located in the "pro" wolf
3 section of the correspondence.

4
5 Ely gave a PowerPoint presentation on the Oregon Wolf Conservation and
6 Management Plan (Wolf Plan). He discussed:

- 7 • Background of the status of wolves in Oregon. Currently, staff is monitoring two
8 breeding pair in Northeast Oregon, Imnaha and Wenaha packs. Since the Wolf
9 Plan was adopted there have been a number of depredations of livestock events.
10 Also, wolves have been relisted federally as protected.
- 11 • Plan Evaluation Process; and
- 12 • Draft Plan Development and recommended changes to improve efficiency and its
13 implementation.

14
15 Russ Morgan discussed four policy issues were not included in the draft Wolf Plan:

- 16 • Population Objectives, Wolf Management Zones and Delisting/Relisting Criteria;
- 17 • Lethal Wolf control measures for conflicts with pets and close proximity to
18 residences;
- 19 • Compensation for wolf-caused losses of livestock, working dogs, and sporting
20 dogs; and
- 21 • Different wolf management principles on public vs. private lands.

22
23 Morgan and Ely discussed the 11 proposed changes and the rationale for each change:

- 24 1. Relocation, translocation. Rationale: current rule ineffective.
- 25 2. Radio collaring wolves. Rationale: not ODFW's intention to collar all wolves.
- 26 3. Wolf diseases. Rationale: important to learn more about natural pathogens and
27 parasites.
- 28 4. Change in Oregon legal status - move legal status portion of Appendix P (2005
29 Plan) into main body of Plan. Rationale: no substantive changes made.
- 30 5. Unreasonable circumstances. Rationale: Clarifies the Wolf Plan and rule, change
31 from "unreasonable" to "identified" circumstances.
- 32 6. Holder of harassment and take permits. Rationale: current Wolf Plan and rule is
33 cumbersome; expected to reduce number of listed agents on a permit.
- 34 7. Persistent wolf activity. Rationale: increases flexibility to harass a wolf from
35 livestock, thereby reducing chance of depredation.
- 36 8. ODFW confirmation of depredation. Rationale: much confusion over this issue in
37 2010.
- 38 9. Previous measures. Rationale: improves ability to protect livestock.
- 39 10. Chronic depredation. Rationale: clarifies original intent of Wolf Plan.
- 40 11. Area of lethal take permits. Rationale: control actions tied to area of wolf problem
41 instead of arbitrary property boundaries.

42
43 **Public Testimony:**

Jennifer Swartz LaGrande, OR	Jennifer Swartz, Hell's Canyon Preservation Council (HCPC), said she submitted comments electronically. HCPC endorses Oregon Wild and Cascadia Wildlands comments.
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Chair Rae said she wanted not only the HCPC, Oregon Wild and others to know that the Commission saw their written comments and concerns about process. We have not only the staff but individual Commissioners who routinely meet with those who ask to meet with us. And they are not, as they were called in one of the letters (couldn't recall which letter) "closed door negotiations". That's not the purpose of those meetings. Some regard it as lobbying; others regard it as information sharing. There's nothing untoward about it in any way, because no one individual Commissioner has the authority to act on behalf of the full Commission. So anything we were to do is done in the broad daylight in a public meeting. So I want folks to not be concerned about any so-called independent contacts. She said the whole list (stakeholders) that Ely had in his PowerPoint, I've heard from everyone on there. So it's not limited to one interest group over the others, and I want to lay those concerns aside for folks as they come up.

Jennifer Swartz said she appreciated Chair Rae's comments, since this was a concern that HCPC had raised. They did not intend to imply any wrongdoing. HCPC has been heavily involved in wolf recovery issues for several years. They support the current Plan, but it does reflect many compromises on behalf of HCPC. This is why we are concerned with pressure from OCA for such sweeping, wholesale changes to the Plan. She urged the Commission that, if they are going to consider major changes, to reconvene an advisory committee. HCPC strongly opposes any weakening of the delisting criteria or changing the Caught in the Act Permit language to allow killing wolves for any act other than attacking livestock. She expressed concerns with the Commission's adoption of the Temporary Rule that changes the definition of chronic livestock depredation. Language "in the area" is far too broad.

Commissioner Edge asked if he heard her say she is okay with the changes with the exception of adjacency. Swartz said yes that is correct, they support or are neutral to most changes.

Commissioner Webber said in regard to the wording "in the area" that Schwartz stated there should be some distance limitation. What distance? Swartz suggested "in the immediate area" which is more reflective of the original language; a three-mile radius also seems reasonable.

	<p>Webber asked what distance might be unreasonable. Swartz said 70 square miles is unreasonable.</p>
<p>Pete Sandrock Portland, OR</p>	<p>Pete Sandrock, HCPC Board of Directors member, said he appreciated the difficulty of wrestling with this issue. He said six years ago the Department and Commission planned in advance for the repopulation of wolves into Oregon. One of HCPC's central messages is that we appreciate that both the Department and the Commission have committed to maintain the spirit and intent of the original 2005 negotiations.</p>
<p>Josh Laughlin Eugene, OR</p>	<p>Josh Laughlin, Campaign Director of Cascadia Wildlands, a non-profit conservation organization, said they were involved in the 2005 stakeholder plan. The intention of the review is to iron out the wrinkles in the plan, not to make wholesale changes. Please consider the following prior to adopting changes:</p> <ol style="list-style-type: none"> 1. Caught in the Act Permits; 2. Compensation Program. Must continue to advocate that the Oregon Legislature create a fund to compensate producers for lost livestock; 3. Recovery numbers. Recovery benchmarks where compromise is part of the stakeholder process. 4. Confirming depredations must be the exclusive job of ODFW professionals; 5. Adjacency language; 6. Remaining proactive to reduce depredation.
<p>Rodger Huffman Union, OR</p>	<p>Rodger Huffman, Member of Board of Agriculture, distributed a letter from Director Katy Coba and Robert Levy, Chairman, Board of Agriculture. Huffman said the review is good and the Plan can be improved. He focused his comments on the rules.</p> <ol style="list-style-type: none"> 1. Remove Wildlife Services that can make confirmation on potential wolf kills; 2. Acknowledged the positive action take by ODFW 3. Economic costs to agencies, programs and producers have been identified.
<p>Rob Klavins Portland, OR</p>	<p>Rob Klavins, Roadless Wildlands Advocate for Oregon Wild (OW), distributed written testimony. He said they represent over 7,000 members and supporters. Oregon's Wolf Plan is relatively good, and has been tested this year. OW generally supports the Plan, while recognizing that it is relatively weak and under-funded.</p>

<p>Bill Hoyt Salem, OR</p>	<p>Bill Hoyt, President of Oregon Cattlemen’s Association (OCA), distributed written testimony and made three comments regarding the Wolf Plan.</p> <ol style="list-style-type: none"> 1. We need to make it clear to USFWS that if we are to be the point of the spear for the management of wolves in Oregon, two things need to happen: 1) We need to be reimbursed for that; and 2) We don’t want to be the scapegoat; no unfunded mandates. 2. The most expertise brought to the table in terms of identifying livestock depredation is Wildlife Services, and must be the lead agency. 3. In the Interagency Agreement we would like to see the Plan clarified.
<p>Jim Welsh Salem, OR</p>	<p>Jim Welsh, Political Advocate for OCA, discussed the consequences of going back to delisting the wolves. He has no problem with livestock producers being asked to help with conservation. But there needs to be a balance between regulating private property and protecting wolves. He commented on:</p> <p>Page 6, VI, Suitable Habitat must be defined.</p> <p>Page 6 – Caught in the Act. Takers must have a permit; producers must be able to protect their livestock</p> <p>Page VII – Delisting rules, OCA supports this change.</p> <p>Page 12 – Identifying the type of habitats. The plan update should include the following: Information on the Imnaha pack and the Wenaha pack.</p> <p>Page 45 – Lead agency for depredation agency – we support Wildlife Services as lead agency.</p> <p>Page 54 – Unreasonable circumstances – We would appreciate working together on this issue.</p> <p>Page 57 – We support this language change.</p> <p>Page 58 – Permit required to stop wolves from attacking. It is inappropriate to stop a rancher from killing a wolf that is attacking personal property such as a cow.</p> <p>Page 58 – Increases minimum requirement for lethal take on chronic wolf-related depredation. OCA doesn’t support.</p> <p>Page 60 – Area vs. adjacent property. OCA supports change.</p> <p>Page 62 – Final determination on cause of death of livestock depredation. Wildlife Services should be the lead agency for confirming dead livestock.</p> <p>Page 86 – Incidental take permit for Wildlife Services</p> <p>Page 91 – Timely and transparent reporting; OCA supports</p> <p>Lastly, economics of wolves needs to be broken down per head of cattle. Wolf depredation has a tremendous</p>

	economic impact on this industry.
Barry Baschu Salem, OR	<p>Barry Baschu, Oregon Farm Bureau, said they support the efforts of the OCA.</p> <ul style="list-style-type: none"> • Relocation of wolves: an improvement but we don't have many vast areas; relocate them out of state. • Need to clarify lethal take of wolves caught in the act • Wildlife Services as primary agency – we support that. These changes make considerable difference. • It is easy to talk about compromise when your livelihood is not at stake. We need to compensate the damage to stakeholders.

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2 Commissioner Edge asked if it is correct that the annual loss to the livestock industry
3 (about \$250 million) exceeds the annual gate value. Bill Hoyt said Oregon's annual sale
4 of cattle is \$680 million. The question of the cost to the industry is really ticklish. The
5 average cost of a calf is \$600. Average loss to a rancher in Idaho is 8-15% of the calf
6 crop. The potential for the loss is \$250 million statewide, should the Wolf Plan come to
7 fruition. Unintended non-depredated losses are as large as the depredated losses. The
8 presence of wolves has a ripple effect on the herd.

9
10 Commissioner Edge asked, what is a sustainable population for wolves in Eastern
11 Oregon in relation to the cattle industry? Hoyt said he didn't know. Is there an
12 acceptable cost for loss? Having wolves in Oregon is a societal choice. We must realize
13 there will always be a cost for wolves being here. We can come up with a balance of
14 what is acceptable, but I do not know what that number is. If USFWS wants to manage
15 wolves, OCA would like them to pay for it. We are asking society to acknowledge that
16 there is a cost. Decide what that cost is, and how they're going to pay it.

17
18 Commissioner Kerns asked what kind of losses has the Idaho livestock industry
19 suffered. Hoyt said they directly attribute 15% to the wolves. In Oregon our problem will
20 be not so much what happens on public lands, but what happens on private lands. We
21 don't want to make good folks criminals if they protect themselves.

22
23 Commissioner Webber said he gets the feeling that Hoyt doesn't trust ODFW to make
24 the decision on depredation. Hoyt said it's not that we don't trust you; it's just that
25 Wildlife Services has many years of experience in identifying depredation and trapping.
26 They have the expertise and they do a great job.

27
28 Commissioner Kerns asked if the OCA financially supports the Wildlife Services. Hoyt
29 said OCA does not, but the livestock industry does. Wildlife Services is funded by the
30 state, counties, and individuals. The state has reduced its funding considerably.

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32 **Public Testimony:**

David Williams Portland, OR	David Williams, Oregon State Director of USDA APHIS, Wildlife Services, said he oversees a program that
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	<p>generates cooperative funding to support service delivery. They address a diversity of wildlife conflicts. He gave his perspective on the presence of wolves and the impacts on their ability to deliver services. The Wolf Plan goes a long way in managing conflicts. The presence of wolves increases the costs for Wildlife Services, and is definitely a stress on our funding. Timely response is critical in wolf depredation.</p> <p>Chair Rae asked if his agency receives funds directly from organizations other than county, state and federal. Williams said no, but we receive significant funding in some areas. Landowners and timber producers fill in where the government can no longer participate.</p>
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2 Commissioner Klarquist asked Williams to explain the difference in the number of
3 depredations determined by Wildlife Services and by the Department. Williams said he
4 attributes a lot of the difference to a very steep learning curve for both parties.
5 Commissioner Klarquist asked if Williams believes ODFW staff would be qualified to
6 make that determination, as well as his own staff. Williams said there is no “yes” or “no”
7 answer. Even with the expertise, there will be differences in opinion.
8
9 Commissioner Levy asked Williams to explain the training that his group goes through to
10 make that decision factor on whether it’s a wolf kill or not. Williams responded, over the
11 years when they heard the wolves were coming, they utilized classroom presentations
12 from experts in Idaho and go through “lab practicals” every day on the job.
13
14 Commissioner Edge asked how many of your agents in Oregon have had actual
15 experience with wolves. Williams said they’ve sent at least three staff to Idaho to
16 shadow their peers. Whenever there is an opportunity, we try to get our staff exposed.
17
18 Chair Rae asked when his staff calls in the veterinarians; for instance, concerns about
19 disease. Williams said checking for disease is part of the investigation.
20

21 **Public Testimony:**

<p>Bruce Taylor</p>	<p>Bruce Taylor, for Defenders of Wildlife and on behalf of colleague Suzanne Stone (Idaho), said the Oregon Wolf Plan is already the product of heavy compromises, and we do not want to see it further weakened. The recovery goals are too low and may not lead to a viable wolf population. The main change is to allow state to proactively move wolves that are too close to livestock operations. A Wolf Conflict board is needed. We pledge to work with livestock owners to develop a compensation program. He requested ODFW be present at depredation investigations; they support the Department’s work.</p>
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2 Chair Rae, in response to Commissioner Edge's question, said the Range Rider is
3 funded by USFWS through a grant to ODFW and Defenders of Wildlife.
4

5 Commissioner Kerns asked what population of wolves in Northeastern Oregon ODFW
6 staff can reasonably manage. Ely said he does not know. The first two packs to be
7 established have caused problems with the livestock industry. Other packs have stayed
8 out of trouble, and require very little management. As wolves re-colonize in the state,
9 they will find places where they can exist with minimal conflicts.
10

11 Commissioner Webber said he assumed that Ely proposed that ODFW take the lead on
12 depredation, that ODFW is able to do that. Ely said he's confident that ODFW staff has
13 that expertise. He emphasized that this is a state endangered species; other animals
14 are not endangered. We are proposing to have control over the confirmation piece
15 through the first and second phases of wolf management, and then to turn it over to
16 Wildlife Services to make those determinations. We will consult with them, but I do not
17 want to transfer the responsibility of lethal control to someone else.
18

19 Chair Rae said she does not know how a state Commission can direct a federal agency
20 to be the lead in a state plan. I don't know how you get there! We don't have the
21 authority to do this.
22

23 Commissioner Levy said there are quite a few references to the producers notifying
24 ODFW within a 48 hour period of harassment. What is our timeframe in responding to
25 those harassments and to a confirmed kill? Morgan responded, concerning harassment
26 notification that would depend on whether this is an area of known wolves where ODFW
27 is already working on a situation, or whether it is a new situation. Our response to a
28 confirmed kill has been nearly immediate in every case – within hours.
29

30 Commissioner Levy asked, in the case of reporting a suspected kill, how long would it
31 take to confirm that it's a wolf kill? Do we need to send blood samples into a lab?
32 Morgan said most of the time the kill will be confirmed visually. Commissioner Levy
33 said in a couple of the letters we've received, e.g. Baker County, they'd like their County
34 Sheriffs to be part of the response team. How do we use those people who are already
35 on the ground to help out? Morgan said it might be useful to train these people so they
36 can provide even more service, but a lot of the actions that are taken can be reduced by
37 fewer people being involved.
38

39 Commissioner Levy said they need to be educated so they will not damage the site. Ely
40 said staff is asking for the Commission's direction on how to proceed. Regarding
41 sheriffs, we might include them. We already train them on bear attacks. This might be
42 another opportunity to train them how to help us in securing the scene.
43

44 Chair Rae asked Ely to contact the sheriffs. She cautioned about expectations in
45 compensation for producers. That's not the direction we're going in regard to the state
46 budget. Also, how would we pay for the sheriffs?
47

1 Commissioner Levy asked Morgan to explain the differences in terminology of “legally
2 occupying” being added to “owned and leased land”. Morgan said the intent of this
3 proposal is to tie the problem with the person – the producer or operator. From that
4 standpoint the choice of words is not critical; we just wanted to cover whoever has the
5 livestock. He agrees with Roger that if there are legal issues, we need to look into them.

6
7 Commissioner Edge commented about ODA’s statement about legally occupying land.
8 You could have a livestock producer that’s not legally occupying that land, and the
9 intent of the Wolf Plan is to help those people. He does not want to exclude anyone
10 who’s having livestock problems. Morgan said the point is well taken.

11
12 Commissioner Edge said let’s talk about expanding the Adjacent Area. How do other
13 states deal with it? Morgan said he didn’t know, but could find out.

14
15 Chair Rae said when the Commission ratified the temporary rule a few months ago; she
16 understands the problem of saying “adjacent”. The phrase “in the area” does not bother
17 her. She does not know if “in the *immediate* area” makes it worse, but doesn’t have a lot
18 of concern over it.

19
20 Commissioner Edge said he agreed with what staff did earlier; we needed to resolve a
21 problem we had with these wolves, and that’s going to be our purpose in managing
22 these animals when we’ve got wildlife-livestock conflict. But everyone I heard was
23 feeling uncomfortable about what that really meant. He said there might not be a good
24 solution. He was good with knowing that staff has the professional ability to make those
25 determinations; but, also acknowledged that the public is concerned about those kinds
26 of decisions. He asked staff to look and see what other states are doing.

27
28 Commissioner Klarquist agreed with the terminology as presented. The purpose of the
29 rule is to allow us to go after the wolves that cause the problem. The definition needs to
30 be made in the context of the problems as they arise.

31
32 Ely said the notion of having the terminology “in the area” helps. It is unreasonable to
33 wait until two adjacent depredations occur. Morgan said this idea is particularly effective
34 with collared wolves; the idea is to use what we know about the wolves.

35
36 Chair Rae said it holds true to our intent five years ago that we plan ahead and be
37 prepared when the wolves arrive. She asked if we get any funds from helping ODFWS.
38 Morgan said with federal listing most of the items in our Wolf Plan stay pretty much the
39 same. We get some federal funds through SWIG, although there is no money
40 earmarked for it at this time.

41
42 Ely said Mr. Hoyt has made pointed requests to USFWS compensation. He asked if the
43 Commission wanted staff to do anything with respect to economics.

44
45 Commissioner Levy suggested that the OCA should work with Christine Broniak on
46 costs of livestock production and loss.

1 Chair Rae said no action will be taken today on this issue. We will take another month
2 of public comments and be prepared for a large crowd at the next Commission meeting
3 on September 30. There may be opportunities for additional questions in the meantime.
4 Whatever is done will be done in a *very, very* public process.

5
6 **Exhibit J: Proposed Furbearer Trapping and Hunting Regulation Changes**

7 Chair Rae asked Commissioner Kerns if he needed to declare a potential conflict of
8 interest. Do you still have your tag? Commissioner Kerns said he is not currently a
9 member of the Trappers Association. I have had a fur license but I did not get my card
10 in on time. Chair Rae said this proposed rule would allow you to get it back.

11
12 ***Commissioner Kerns declared a potential conflict of interest for reasons just***
13 ***stated. Commissioner Bobby Levy said for the record that her husband holds a***
14 ***Furbearer and Trappers license; she declared a potential conflict of interest also.***

15
16 Chair Rae noted Commissioners Kerns and Levy's declarations for the record.

17
18 Tim Hiller, Carnivore-Furbearer Coordinator, presented two proposals for the
19 Commission to consider (see Attachment 3).

- 20 1) Modify OAR for Bobcat harvest report cards to be consistent with bag limit of five
21 bobcats in Eastern Oregon; and
22 2) Adopt rules to modify the ability regarding furtakers that miss the April 15
23 deadline for reporting mandatory annual Harvest Report for previous season to
24 be able to purchase a license the following year; assessed a fee of \$50.

25
26 **Public Testimony:** There was no public testimony.

27
28 Commissioner Edge asked if there is data about the people who were noncompliant.
29 Hiller said he's been contacted at least seven times by folks who wanted to know what
30 their options were. We don't have any statistics about what proportion of the fur
31 harvesters they are.

32
33 Commissioner Webber asked if you only went out every other year, you wouldn't have
34 to turn in a report or pay \$50? Hiller said true, you are only ineligible for the following
35 season. Commissioner Webber didn't like this; people should have to pay \$50 to get
36 back into the game. Hiller agreed. Chair Rae said we get the information, but it's
37 provided after the season ends. Tom Thornton said he understands the concept that
38 Commissioner Webber is talking about. But we've been looking at how other states do it
39 for big game, and it is generally a one-year sit out. And also we only want the data
40 within a certain time frame. Commissioner Webber asked if \$50 a year is reasonable to
41 keep penalizing them. It's sort of an encouragement to give us the information. Thornton
42 said staff has not really talked about that concept. It's up to the Commission whether
43 they want to discuss this concept.

44
45 Chair Rae said her recommendation was to try this and see what happens.
46

1 *Action: Commissioner Edge moved to amend Oregon Administrative Rule*
2 *Chapter 635, Division 050 as proposed by staff in Attachment 4. Commissioner*
3 *Webber seconded the motion and the motion carried unanimously.*
4

5 Chair Rae thanked Hiller and welcomed him to the Department and his first Commission
6 meeting. She also acknowledged the former State Representative Larry Sowa in the
7 audience, who continues to advise us on budget issues.
8

9 **ADJOURN**

10 Chair Rae adjourned the meeting at 4:42 p.m.