



Oregon Fish and Wildlife Commission Minutes

Meeting:
February 4, 2011
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

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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 | Roy Elicker, Director |
| Jon Englund, Commissioner | Curt Melcher, Deputy Director |
| Skip Klarquist, Commissioner | Debbie Colbert, Deputy Director |
| Carter Kerns, Commissioner | Bill Cook, Assistant Attorney General |
| Bobby Levy, Commissioner | Steve Sanders, Assistant Attorney General |
| Bob Webber, Commissioner | Teri Kucera, Executive Assistant |

MEETING

On Friday, February 4, 2011 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (the Commission) meeting to order. She said Commissioner Dan Edge is excused from the meeting today and that she needed to leave at 10:30 am. The gavel would be turned over to temporary Chair Carter Kerns. She extended the Commission's condolences to Director Roy Elicker for the loss of his wife Bonnie.

DIRECTOR'S REPORT

Field Reports (see written reports)

Northeast Region

Craig Ely, Region Manager, said colder than normal temperatures during December caused big game animals to move onto private property and agriculture fields. Staff has been responding to big game damage complaints. Ely said during the 30th annual Christmas bird count, staff counted over 90 species throughout the region. He noted an increase of collared doves. Lastly, staff anticipates a higher than expected catch rate for kokanee at Wallowa Lake, and mysis shrimp densities was the highest since 1987.

High Desert Region

Amy Stuart, Deschutes Watershed Manager, reported on extreme winter conditions; most notably in Malheur and Harney counties that forced deer, elk, and antelope to lower elevations. She said 63 emergency hunts tags resulted in a harvest of 35 antlerless elk. Stuart said a dispersing mountain goat that was captured and collared last March in Dry Canyon is now wintering on a south slope inside the Newberry Caldera. She reported on the dispersement of other goats, some GPS-collared, throughout the region.

1 Northwest Region

2 Steven Marx, South Willamette Watershed District Manager, discussed recent mid-winter
3 storms; biologists have been working with other agencies to address emergency repairs.
4 Marx reported on activities with the upper Willamette Biological Opinion. Staff is engaged
5 with the U.S. Army Corps of Engineers (COE), Bonneville Power Administration, and
6 U.S. Bureau of Land Management (BLM) in design implementation. COE is contracting
7 with ODFW to provide field assistance to assess impacts of Willamette Project
8 Operations and monitoring activities.
9

10 Southwest Region

11 Tod Lum, District Wildlife Biologist, discussed the construction of Rock Creek Fishery
12 and an incident with a high flow event in January. Staff is working with BLM to capture
13 and tag Columbia white-tailed deer to determine habitat utilization. Lum said a winter
14 survey of Western Snowy Plovers was done along the coast; the Plover population
15 continues to move near the recovery goals for Washington and Oregon. He said the
16 2010 return to the Elk River Hatchery was 2,391 adult fall Chinook and 440 jacks. This
17 represents the best adult return since 2001 and suggests strong returns in 2011-2012.
18

19 Conservation Strategy

20 Holly Michael, Conservation Policy Coordinator, reported on the Conservation program's
21 fourth cycle of small grants to partners; \$2-3 million has been put out in State Wildlife
22 Grants to partners. She said about 25 climate change initiatives touch on Oregon's fish
23 and wildlife habitats; staff is engaged in eight of those. Staff has been invited to work on
24 the National Steering Committee for the U.S. Geological Service's Climate Science
25 Centers to help guide the direction of climate research. Holly attended a climate change
26 workshop in Seattle about where connectivity is going to be available in 10-20 years.
27 Oregon, Idaho and Washington will be the Western Governor's Association first pilot
28 project. Staff is putting together the Decision Support System (DSS); to be completed by
29 2013. She commended Tod Lum and others for their Snowy Plover recovery efforts.
30 Lastly, next weekend OPB's Oregon Field Guide will air a special on the only known
31 population of Western Painted Turtles east of the Willamette River. The Lower
32 Willamette Turtle Conservation Project provides a web-based tool for landowners.
33

34 Director Elicker commended Holly for her climate change work, and noted the many
35 initiatives with all the federal services that Holly was prioritizing for the Department. He
36 said there is a regional and national movement among state agencies that if the federal
37 government wants the states to participate in those initiative efforts they will have to
38 provide the resources; otherwise, staff's participation will be very limited, if we participate
39 at all. He asked the Commission to refer any questions about climate change issues to
40 either Holly or he; so they can provide detail about staff's participation; or not.
41

42 Information & Education

43 Roger Fuhrman, Administrator, distributed *ODFW Outdoors – 2010 ODFW Outdoors*
44 *Calendar of Events*; a list of more than 80 outdoor events throughout Oregon. He also
45 distributed, *A Beginners Guide, Waterfowl Hunting, Sauvie Island Wildlife Area*, and said
46 staff was working on a second bird hunting guide, *The Columbia Basin Bird Hunting*
47 *Guide*, that will be out for the 2011 fall hunting season. Through the habitat restoration

1 efforts of ODFW, federal natural resources agencies, Pheasants Forever, Oregon
2 Hunters Association and the Oregon Wildlife Heritage Foundation, over 250,000 acres of
3 public and private land are available for hunting opportunities.

4
5 Commissioner Levy talked about her experience and difficulties while trying to obtain
6 hunting licences and waterfowl stamps from out of state for her husband and immediate
7 family members. She complimented ODFW and said staff was very helpful in faxing her
8 information that she needed.

9 10 Ocean Salmon and Columbia River Program

11 Tom Rien, Ocean Salmon & Columbia River Program, said NOAA Fisheries listed the
12 southern Distinct Population Segment (DPS) of Pacific eulachon as threatened in March
13 2010. Oregon and Washington Compact closed the smelt fisheries. Rien reported that
14 staff is working on a NOAA Fisheries funded project with the Washington Department of
15 Fish and Wildlife to: 1) develop a stock assessment methodology; 2) characterize
16 freshwater distribution; 3) assess impacts of shrimp-trawl operations; and 4) collect
17 tissue samples for genetic analysis of Oregon and Washington eulachon populations in
18 the Columbia River and along the coast.

19 20 Oregon State Police, Fish and Wildlife Division

21 Captain Jeff Samuels said Oregon State Police (OSP) responded to a midnight call of a
22 husband and wife arguing about their son involved in the illegal take of a deer; the son
23 and another person had shot a 4x2 buck deer. OSP contacted the shooter and issued a
24 citation for Taking Deer Closed Season; the son was issued a citation for Aiding in a
25 Wildlife Violation. He reported that last month, OSP patrol vessel *Guardian* seized 34
26 crab pots in the Dungeness crab closure off of Port Orford. OSP served a search warrant
27 on the vessel that resulted in four criminal citations to the skipper of the vessel.

28 29 **Highway 97 Wildlife Crossing Issues**

30 Simon Wray, Regional Oregon Department of Transportation (ODOT) Coordinator,
31 reported on ODOT's first wildlife crossing project in Oregon that takes into consideration
32 all species utilizing and trying to get across Hwy. 97. The project is in the northern
33 Paulina Wildlife Management Unit. ODOT agreed to put in one wildlife structure and two
34 passages; fencing on both sides of the highway will be used to funnel wildlife to the
35 crossings and off of the highway. From 2005 to December 2010, staff documented
36 1,902 road killed deer. He said deer spend the summer in the Cascades and then move
37 across Hwy. 97 to winter on the east side. He showed slides of the wildlife crossings
38 and discussed the habitat around the crossings. He said the total project cost is \$16
39 million; the portion that deals with wildlife passage is \$1.1 million. He talked about the
40 formula used to estimate the economic benefits.

41
42 Director Elicker acknowledged the work of Simon Wray. He held up a plaque to the
43 Department from U.S. Department of Transportation for "Exceptional Environmental
44 Stewardship - Oregon Wildlife Movement Strategy" in recognition of commitment to
45 improve wildlife passage and habitat. Staff partnered with the Federal Highway
46 Administration; ODOT; BLM; U.S. Fish and Wildlife Service (USFWS); and U.S. Forest
47 Service. Director Elicker also commended the work of Jon Germond and Ron Anglin.

1
2 **Sage Grouse Plan Update**

3 Director Roy Elicker said yesterday Commissioner Bob Webber and Eric Rickerson,
4 Wildlife Division Deputy Administrator, participated on a teleconference call with six
5 eastern Oregon counties concerned about our draft Sage Grouse Plan.

6
7 Eric Rickerson distributed handout, *Status of Greater Sage-Grouse Conservation*
8 *Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Populations and*
9 *Habitat* (Plan), containing 11 key event dates. Staff's last update was in December 2010;
10 the Commission directed staff to: 1) present final draft to Commission for consideration in
11 March, and 2) invite counties to participate in Local Implementation Teams (LIT). Staff
12 also invited the Association of Oregon Counties (AOC) to sit on statewide Technical
13 Teams. Staff held their first meeting with county officials yesterday and discussed:

- 14 1. Update on latest Plan revisions; take comments from the counties.
- 15 2. Review general roles of LIT, the expectations from county participants and how
16 that information would be forwarded to the ODFW.
- 17 3. Review and refine Core Area Maps, process, sideboard, etc.
- 18 4. Explain relationship between LIT recommendations and State Technical Team
19 decision, and ODFW.

20
21 He said the counties had four concerns; the first two staff can incorporate into the plan:

- 22 1. Greater clarification and extension of those specific ranching activities that would
23 have no negligible impact on sage grouse populations.
- 24 2. Include section under feral horses and burro management; a greater distinction
25 between impacts of feral horses versus domestic horses on large ranches and
26 properly managed ranches activities as it would be with other livestock.
- 27 3. Core area approach and the associated mapping effort as a result of that. Staff
28 said the new core area approach provides more flexibility from an advisory
29 standpoint versus what we adopted under the 2005 Plan and 2009 white paper.
- 30 4. Refinement of Core Area Maps; how to use strictly as an advisory tool.
- 31 5. ODFW has failed to address social-economic issues within the Plan itself. The
32 counties referred to AOC's draft report (November 2010); they felt it was ODFW
33 and the Commission's obligation to consider Co-equal Goal 7 under the Wildlife
34 Policy; any economic impacts that the Plan might have upon the Counties, the
35 Commission needs to weight in on that. For other issues brought up, staff will draft
36 a response, and Bob Hooten will meet with several of the County Commissioners.

37
38 Rickerson said staff will meet with key conservation and industry stakeholders to explain
39 the revised draft Plan. Based on those meetings, staff will incorporate any necessary
40 changes in the latest draft. As a separate but parallel process, staff will meet with the five
41 LIT to refine outer boundaries of the Core 1 area maps.

42
43 Chair Rae said there is no plan to have those maps in any of the administrative rules;
44 those need to remain a lot more flexible than specifically in the rules that staff will bring
45 forward to us. She asked, is there any acknowledgement for those that would express
46 concerns about the socio-economic impacts of the management plan. Is there an
47 appreciation of the socio-economic impacts if that bird gets listed?

1
2 Rickerson said several of the county commissioners acknowledged their concern. Staff is
3 trying to provide the best available science to the decision makers to understand that if
4 this bird gets listed the economic ramifications and impacts, particularly to the ranching
5 community, would be catastrophic.

6
7 Commissioner Webber said in the meeting yesterday there was a lot of discussion about
8 the socio-economic issues. We have the seven co-equal goals; but his sense is that we
9 are not really regulating them in that fashion. He asked if Legal Counselor Bill Cook had
10 any thoughts about how the socio-economic issues play into our discussions.

11
12 Counselor Cook said no law requires the Department to alter its biological advice and
13 biological recommendations based upon economic impacts. As Commissioner Webber
14 indicated in context that the agency has no direct regulatory authority for actions of land
15 use; the recommendation is providing biological advice. That one co-equal goal in the
16 wildlife policy statute tells the Department, "allow for the best economic utilization of
17 wildlife"; it's talking about situations where using wildlife for economic purposes. It's not a
18 wide open consider economics; it's much narrower than that.

19
20 Commissioner Webber said from the teleconference meetings and in listening to what's
21 going on, Eric, Bob and Christian and others are an excellent job of trying to address the
22 issues with the counties and explain what the affects of the sage-grouse plan are.

23
24 Chair Rae said this issue was on the Commission's agenda for action last December, but
25 was taken off so staff could address people's about our process to get the Plan to where
26 it was at that time; people weren't arguing about the science. Staff has had several
27 meetings with the affected constituent groups. If the Commission is not going to adopt
28 the maps themselves in the administrative rules, they were close to taking action. If we
29 do not take that action, the default position is the existing White Paper, which is far more
30 restrictive than the proposed management Plan. She recommended that the
31 Commission put this item back on their April agenda; the Commission agreed.

32
33 Rickerson asked if staff should provide another informational briefing in March and then
34 come back in April for consideration of adoption. Chair Rae asked Director Elicker to
35 make that recommendation. Director Elicker said he would talk with staff and
36 Commissioner Webber and then get back to Chair Rae next week. He recommended
37 leaving the Plan on the Commission's April agenda for adoption.

38 39 **Expenditure Report**

40 Deputy Director Colbert referred to the *ODFW Monthly Report for 2009-11 Biennium*
41 *through December 31, 2010*. Department-wide, expenditures are within budgeted
42 projections and revenues are slightly below because the Department got a bump up in
43 federal limitation through the Emergency Board.

44
45 Deputy Director Colbert said the Governor released his 2011-13 balanced budget on
46 Tuesday. She said the packet materials were in draft form, and commended Cameron
47 Smith and other budget staff for their hard work. Deputy Director Colbert discussed:

- 1 • Attachment 2, *The Governor's Balanced Budget – PRIMARY MESSAGES.*
- 2 • Attachment 3, *2011-13 Governor's Balanced Budget.*
- 3 • Attachment 4, *ODFW 2011-13 Governor's Balanced Budget "Natural Resources*
- 4 *Enterprise Budget.*

5
6 Commissioner Kerns said he noticed in Attachment 3 that OSP expenditures were about
7 \$24 million; to budget them out for this cycle is \$18.6. He asked why the increase.

8
9 Director Elicker asked Captain Jeff Samuels to answer the question about OSP's budget.

10
11 Captain Jeff Samuels said that difference in dollars is the roll-up on our administrative
12 charges; so, other funds that we asked for. Those are the merit increases and the
13 furlough savings. Deputy Director Colbert said essentially the service level that we are
14 buying with the State Police remains the same in terms of FTE and cost; but, they did get
15 some special inflation approval on their overall budget; Personal Services; any agency
16 that's paying for those services saw an increase in the cost.

17
18 Commissioner Kerns said this is not what we agreed to two years ago. He asked for a
19 written explanation for this increase and within a week or two. Deputy Director Colbert
20 said staff could put something together about how those numbers changed.

21
22 Director Elicker said the other issue that has come up with OSP is that the Governor has
23 announced his intention to return the Highway Patrol Division funding back to the
24 highway fuel tax; he will take that money and put it back into education. He and Captain
25 Samuels have discussed the ramifications for the Fish and Wildlife Division and any
26 changes for the Patrol Division.

27
28 Chair Rae asked Commissioner Kerns to explain, "This is not what we agreed to two
29 years ago." Commissioner Kerns said our budget allows for \$18.6 million; now we're told
30 the 2011-13 Expenditures is \$21,275.954 for budget. Chair Rae said at this stage in the
31 budget process it is not unusual; we end up reconciling the OSP and Department's
32 budgets in the legislative fiscal and Ways and Means process. I'm not alarmed at this
33 today; you will get what you need from them (staff).

- 34
35 • *Attachment 5, 2011-2013 Policy Option Packages (POPS).* Deputy Director
36 Colbert said five POPs had been added due to recent grants through federal
37 agencies. She said *POP-170 Building and Land Purchases* had a \$1 placeholder
38 for capital construction projects in the works; including potential for a new Salem
39 headquarters building here in Salem; the current lease expires August 2013.

40
41 Chair Rae said we and the Department are operating on the legislative direction given
42 when the Department moved from Portland to Salem; that the Department would be in
43 an owned building within five years. Deputy Director Colbert said correct.

44 **Adopt Temporary Rules**

45 Director Elicker asked the Commission to adopt the four temporary administrative rules
46 listed in the agenda (pages 1-2). He asked Acting Deputy Director Kevin Blakely to brief
47

1 the Commission on the last set of rules with regard to dog and falconry training.

2
3 Chair Rae agreed and said this in regard to:

- 4 • 635-043-0100 Harassment Defined for Dog Training;
- 5 • 635-051-0076 Permit to Release Domestically Reared Game Birds for Hunting Dog
6 and Falconry Training; and
- 7 • 635-051-0078 Domestically Reared Game Bird Season for Hunting Dog and
8 Falconry Training.

9
10 Director Elicker said Kevin Blakely is the permanent Watershed Manager out of
11 Pendleton, and is serving as the Acting Deputy Director while Deputy Director Curt
12 Melcher is tracking legislation at the Capitol.

13
14 Acting Deputy Director Blakely said 635-043-0100 changes definition to allow
15 harassment during the months of April, May and June for dog training on private lands
16 and designated dog training areas on public lands. He said 635-051-0076 allows for the
17 release of domestically reared game birds for hunting dog and falconry training including
18 specific marking requirements for those described species with the exception of Coturnix
19 and bobwhite quail. The third rule 635-051-0078 describes the take provision for
20 domestically reared game birds; take requires a permit for release of those birds and a
21 license to take those domestically reared game bird including stamp validations.

22
23 **Emergency Actions Taken by the Director and Recommended for Commission**
24 **Adoption:**

25 **635-004-0019**

26 **Federal Government Inseason Actions: Start of the Trawl Rationalization Program**
27 **for Commercial Groundfish Fisheries**

28 Adopted January 11, 2011; effective January 11, 2011 through July 9, 2011.

29 Amended rule adopts in-season actions adopted by the federal government for Pacific
30 Ocean commercial groundfish fisheries, including but not limited to the start of the Trawl
31 Rationalization Program. Fishing will begin under the Shore based Individual Fishing
32 Quota (IFQ) Program on January 11, 2011.

33
34 **635-051-0048**

35 **Other Restrictions (General Game Bird Regulations)**

36 Adopted January 19, 2011; effective January 19, 2011 through July 15, 2011.

37 The City of Boardman has passed a resolution calling for legalization of Canadian goose
38 hunting within the city limits and has requested that the department amend rules to
39 permit Canadian goose hunting within Boardman city limits. The department has
40 determined that such hunting would not adversely affect public safety or unreasonably
41 interfere with other authorized uses of these lands. The Boardman Parks and Recreation
42 District Manager or their designee will issue a special permit for taking of Canada Geese
43 as a viable method of reducing the public health hazard identified by the Boardman
44 Parks and Recreation District. The permit will specify dates, times and will have assigned
45 methods of take and locations of take.

1 **635-041-0065**

2 **Treaty Indian Winter Fisheries Set to Open February 1, 2011**

3 Adopted January 27, 2011; effective February 1, 2011 through April 1, 2011.

4 Amended rule implements the 2011 Treaty winter gillnet fishery targeting sturgeon in the
5 Columbia River above Bonneville Dam and platform and hook-and-line fisheries above
6 and below Bonneville Dam. The fisheries are set to run February 1 through March 21,
7 2011. Allowable sales include: Chinook salmon, steelhead, walleye, shad, yellow perch,
8 catfish, bass and carp. White sturgeon
9 between 38 and 54 inches in fork length, caught in the Bonneville Pool, as well as white
10 sturgeon between 43 and 54 inches in fork length, caught in The Dalles and John Day
11 pools may also be sold.

12
13 **635-043-0100 Harassment Defined for Dog Training,**

14 **635-051-0076 Permit to Release Domestically Reared Game Birds for Hunting Dog**
15 **and Falconry Training**

16 **635-051-0078 Domestically Reared Game Bird Season for Hunting Dog and**
17 **Falconry Training**

18 Adopted January 28, 2011; effective January 28, 2011 through July 25, 2011.

19 Provides clarification of the rule defining harassment of wildlife while dog training. The
20 new rules provide a permit process to allow the release of domestically reared game
21 birds for the purpose of training hunting dogs and falcons. Also addresses hunting dog
22 and falconry training on private lands or on identified dog training areas that are owned
23 or managed by a government agency.

24 Chair Rae asked for a motion to ratify the temporary rules.

25
26 *Action: Commissioner Englund moved to approve the four administrative*
27 *temporary rules. Commissioner Levy seconded the motion, and the motion carried*
28 *unanimously.*

29
30 Chair Rae asked if there were any questions with regard to the dog training advisory
31 group. Commissioner Englund asked when it would come before the Commission.
32 Director Elicker said at the Commission's June meeting. Chair Rae said Commissioner
33 Kerns will chair the balance of today's meeting; she departed the meeting. The
34 Commission took a break at 10:05 a.m., and reconvened at 10:25 a.m.

35
36 **PUBLIC FORUM.** There was no public testimony.

37
38 **Exhibit A: COMMISSION MINUTES**

39 Acting Chair Carter Kerns deferred the October 1, 2010 and the January 7, 2011
40 Commission minutes to the Commission's March 11 meeting.

41
42 **Exhibit B: FISH SCREENING TASK FORCE MEMBER APPOINTMENT**

43 Alan Ritchey, Statewide Fish Screening Coordinator, presented names of three
44 applicants to fill the open agriculture position on the Fish Screening Task Force:

- 45 1. Les Perkins from Parkdale, Oregon
- 46 2. Brent Stevenson from Salem, Oregon
- 47 3. Tony Stroda from Monroe, Oregon

1
2 Ritchey provided background on each applicant and said staff recommends Tony Stroda
3 to best represent agricultural interests.

4
5 **Public Testimony:** There was no public testimony.

6
7 *Action: Commissioner Englund moved to appoint Tony Stroda as an agricultural*
8 *representative on the Fish Screening Task Force. Commissioner Webber*
9 *seconded the motion. The motion passed unanimously by an aye vote from*
10 *Commissioners Webber, Levy, Klarquist, Englund, and Acting Chair Kerns. Chair*
11 *Rae and Vice-Chair Edge were absent.*

12
13 **Exhibit C: FISHERIES MANAGEMENT OF SPRING AND SUMMER CHINOOK IN**
14 **THE COLUMBIA RIVER AND WHITE STURGEON IN THE COLUMBIA**
15 **AND WILLAMETTE RIVERS**

16
17 ***Commissioner Jon Englund declared a potential conflict of interest because his***
18 ***company sells to both the recreational and commercial fishing industry. Acting***
19 ***Chair Kerns noted it for the record.***

20
21 Steve Williams, Fish Division Deputy Administrator, reported on two issues:

22
23 **Issue 1 – Management of Spring Chinook Non-Treaty Fisheries in the Mainstem**
24 **Columbia River.** Williams provided background on the approach that the Commission
25 endorsed in 2008 and reaffirmed in 2010. He discussed the legal obligations under
26 Catch Balancing in the 2008-2017 *U.S. vs. Oregon* Management Agreement. The
27 projected 2011 run size forecasts are:

- 28 • Columbia Upriver Spring Chinook – 198,400
- 29 • Willamette Spring Chinook – 104,000
- 30 • *U.S. v Oregon* Catch Balancing with 30% buffer = 11,500 Upriver Spring Chinook
- 31 available for harvest in March and April.
- 32 • Harvest Share under ESA before run-size update: Sport Fisheries – 81%; and
- 33 Commercial Fisheries – 19%.

34
35 Williams discussed several scenarios for projected Sport Fishery Seasons below
36 Bonneville Dam. In December, staff worked with Sport and Commercial advisory groups.
37 He said the suggested dates are flexible dependant on how the fishery performs. He
38 also discussed more limited scenarios for a Commercial Fishery Structure below
39 Bonneville Dam.

40
41 **Issue 2 –Management of Summer Chinook Non-Treaty Fisheries in the Mainstem**
42 **Columbia River.** Williams reminded the Commission that last month staff reported on
43 Summer Chinook policy issues that the State of Washington was putting before their
44 Commission either today or tomorrow; Washington staff will recommend status quo.
45 Williams discussed the current policy guidance on Non-Treaty harvest of Summer
46 Chinook downstream from Priest Rapids Dam, and talked about Mark-Selective fisheries
47 conducted for the first time last year in the Sports Fishery. The 2011 projected run-sizes:

- Summer Chinook Sport Fishery downstream from Priest Rapids Dam – 91,100. With the Guideline – 4,781 (does not include Colville Tribe contribution). The potential approximate catch with guideline: Downstream of Bonneville Dam – 3,586; Bonneville Dam to Hwy. 395 – 1,145; Hwy. 395 to Priest Rapids Dam – 51.
- For Summer Chinook Commercial fisheries with Guideline - 4,781 adults.

Issue 3 – Management of White Sturgeon Fisheries in the Columbia River Downstream from Bonneville Dam

Tony Nigro, Ocean Salmon and Columbia River Program Manager, discussed staff's concern about the 40% decline in legal-sized sturgeon from the 10-year average; catch rates in sport fisheries have recently declined by 40%. He discussed key elements of past Columbia River Sturgeon Management Accords. A portion of the annual harvest quota is allocated to: Commercial (20%) and Sport fisheries (80%). During 2003-2009 the quota was 40,000 legal fish; last year staff reduced it to 24,000 fish due to decreases in population. Staff continues to work with NOAA Fisheries to remove problem animals; and pursue funding for studies to better understand that extent of sea lion predation.

Nigro said staff estimates that the abundance of legal-size fish for 2011 is about 77,000. Using a population model, staff calculated a sustainable exploitation rate of 22.5%; the optimum harvest number is approximately 17,000 legal-sized fish. At this rate, the population will still be allowed to grow and accumulate brood stock over time. If harvest is allowed among the Sports and Commercial fisheries in the same proportions as in 2010, the following guidelines would be put in place for 2011:

- Commercial – 3,400
- Sports downstream from Wauna (estuary) – 6,812
- Sports upstream from Wauna – 5,440

During a slide presentation, Nigro discussed potential spring and fall seasons for Sports Fisheries downstream from Bonneville Dam based on public and advisors feedback. He also discussed Sport Fisheries upstream from Bonneville Dam.

Issue 4 – Management of White Sturgeon Fisheries in the Willamette River.

Nigro provided background on the agreement between Oregon and Washington last year to allocate a portion of the Columbia River guideline to the Willamette fishery; 3,600. He said some dramatic action would have to be taken in the Willamette River relative to last year. The 2010 average catch rates indicate a lower fishery in the spring and fall for this year. He said about 3,000 were caught in the spring fishery and 500 were caught in the fall during the first three days of the fishery; forcing staff to close it. He said public feedback supports a spring season this year. He noted that there is public interest to revisit the harvest quotas for 2012 and beyond because of relatively small quotas over the next few years. For 2011, the season to run from January 1 until guideline is met; seven days per week until the quotas are met:

- Bonneville Reservoir – 2,000
- The Dalles Reservoir – 300
- John Day Reservoir - 500

Staff is asking for policy guidance on key elements of Sturgeon Management Accord:

- 1 • Columbia River harvest guideline – 17,000
- 2 • Sharing of quota among fisheries:
- 3 ✓ 80% Sport / 20% Commercial
- 4 ✓ 60% Estuary / 50% above Wauna
- 5 • Delegate authority to the Director to negotiate and adopt a three-year Accord for
- 6 2011-13

7
8 In summary, for the Willamette River staff recommends:

- 9 • Provide policy guidance on retention seasons in Willamette:
- 10 ✓ Guideline – 2,550
- 11 ✓ Retention Season: open in February (three days/week) until guideline met.
- 12 • Assign highest priority to spring retention seasons for white sturgeon.

13
14 **Next Steps.** Steve Williams announced three upcoming meetings:

- 15 • Columbia River Compact/Joint State Hearing – February 8 in Oregon City. Will set
- 16 seasons for Spring Chinook and Sturgeon.
- 17 • Columbia River North of Falcon – March 14 in Vancouver, WA. Summer Chinook
- 18 seasons will be set.
- 19 • North of Falcon Planning Meeting – April 5 in Lynnwood, WA. Discuss Summer
- 20 Chinook season structure and Fall Chinook and coho seasons.

21
22 Williams showed a slide of the new fishing platform on the Willamette River across from
23 “The Oregon City Wall” closed by the Commission last year. The new catwalk will
24 provide a lot of good fishing opportunities in the future.

25
26 Commissioner Klarquist said with respect to Summer Chinook fishing we have a
27 commercial season that is not mark selective and there is quite a bit of bycatch and
28 mortality. He asked if staff had evaluated the effect of this fishery on the bycatch. His
29 concern is that staff has enough data to determine if the fishery should continue as is, or
30 be constrained. Williams said staff will continue to directly monitor the commercial
31 fisheries for the bycatch rates and can share those numbers with the Commission.

32
33 **Public Testimony:**

<p>Dale Ballard Molalla, Oregon</p>	<p>Dale Ballard, Coastal Conservation Association Oregon (CCA), distributed written testimony (<i>Protect & Restore Upper Columbia River Summer Chinook</i>) and expressed concerns with the management of Upper Columbia River Summer Chinook. He urged the Commission to require mark selective fishing for both recreational and commercial fishers in the 2011 summer Chinook season and to disallow the use of gillnets or tangle nets. He asked the Commission to consider the history of this commercial fishery (it began in 2005 as a “test fishery” only). CCA based their recommendations on scientific data and HSRG (Hatchery Science Review Group) guidance regarding escapement.</p>
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	<p>He asked the Commission to consider their data for harvest planning: 1) <i>Appendix 1: Columbia River Run Timing Chart</i>; and 2) <i>Appendix 2: Observer Bycatch Table</i>. He talked about rough estimates of discarded bycatch by species in <i>Appendix 3: Total Discarded Bycatch Estimate</i>, and recommended that the Commission end the non-selective commercial test gillnet fishery for summer Chinook for 2011. He said it is possible that the recreational fishery could be expanded to harvest additional hatchery fish while passing additional wild fish to the spawning grounds.</p>
<p>Bruce Polley Sherwood, Oregon</p>	<p>Bruce Polley, CCA Oregon, distributed written testimony: <i>Considerations for Determining White Sturgeon Harvest</i>. He expressed several concerns:</p> <ul style="list-style-type: none"> • CCA believes sturgeon in the lower Columbia River is being over-harvested; they are troubled by the current harvest management. • Columbia Smelt were ESA listed; ODFW said it was managing the smelt harvest “conservatively” but continued commercial harvest up to five days before smelt was listed. • Green sturgeon has been listed as endangered. CCA sees a similar pattern being followed on White Sturgeon. In 2010, recreational anglers were unable to catch their quota in the estuary. Over-harvest and sea lion predation are contributors to the downward trend in sturgeon stocks and must be taken into account when setting harvest guidelines. <p>Polley said CCA recommends that ODFW discontinue the winter directed commercial gillnet season for sturgeon. Gillnetters can easily catch their sturgeon allotment as incidental catch during the salmon seasons. Also, there is an unacceptable mortality of ESA listed wild steelhead. CCA urges the Commission to put conservation of sturgeon ahead of making it economically advantageous for a very small group of commercial fishers during the winter months.</p>
<p>Tom Wolf Hillsboro, Oregon</p>	<p>Tom Wolf, Trout Unlimited, also sits on the Columbia River Recreational Advisory Group. He said he supports Mr. Polley’s recommendations to cut the harvest for white sturgeon; the rapid drop of white sturgeon in the Columbia and Willamette Rivers is alarming. He urged the Commission to be even more conservative about the harvest numbers. Wolf said if it continues to plummet at this alarming rate we could be looking at a white sturgeon population that could disappear. We need to look at</p>

	conservation methods to protect those fish and make sure that future generations can be allowed to use those fish. He recommended that commercial fishing for white sturgeon in the Columbia River be curtailed; only allow white sturgeon to be allowed as a bycatch during the spring Chinook harvest. He said it's time to protect and conserve these magnificent prehistoric fish.
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1
2 Acting Chair Kerns acknowledged Williams, who asked Tony Nigro to explain how staff
3 arrived at the number of 17,000. Director Elicker added that the question before the
4 Commission is, "Are we being conservative enough?" Nobody wants these fish to slide
5 toward a threatened status. Nigro said to arrive at 17,000, staff used a population model
6 they developed as part of their conservation planning efforts. He discussed the strategy
7 to determine at what harvest rate the population declines. He said staff does have some
8 time in the next two to three years to observe if these methods work without exposing the
9 population to significant extinction risks. Williams added that with constant monitoring
10 staff had the ability to react more quickly than in the past and manage these fish.

11
12 Acting Chair Kerns said the Commission will vote separately on each of the four issues
13 in Attachment 1 – Agenda Item Summary.

14
15 *Action: For Issue 1 – Management of Spring Chinook Non-Treaty Fisheries in the*
16 *Mainstem Columbia River (see page 4), Commissioner Englund moved to*
17 *approve Option 1. Commissioner Levy seconded the motion. The motion passed*
18 *unanimously by an aye vote from Commissioners Webber, Levy, Klarquist,*
19 *Englund, and Acting Chair Kerns. Chair Rae and Vice-Chair Edge were absent.*
20

21
22 *Action: For Issue 2 – Management of Summer Chinook Non-Treaty Fisheries in*
23 *the Mainstem Columbia River (see page 6), Commissioner Webber moved to*
24 *adopt Option 1 for 2011 reaffirming the policy guidance adopted in December*
25 *2008. Commissioner Englund seconded the motion. The motion passed*
26 *unanimously by an aye vote from Commissioners Webber, Levy, Klarquist,*
27 *Englund, and Acting Chair Kerns. Chair Rae and Vice-Chair Edge were absent.*

28
29 *Action: For Issue 3 – Management of White Sturgeon Fisheries in the Columbia*
30 *River Downstream from Bonneville Dam (see page 7), Commissioner Klarquist*
31 *moved to adopt delegation of authority to the Director to negotiate and adopt the*
32 *Sturgeon Management Accord for 2011-2013. Commissioner Levy seconded the*
33 *motion. The motion passed unanimously by an aye vote from Commissioners*
34 *Webber, Levy, Klarquist, Englund, and Acting Chair Kerns. Chair Rae and Vice-*
35 *Chair Edge were absent.*

36
37 *Action: For Issue 4 – Management of White Sturgeon Fisheries in the Willamette*
38 *River (see page 8), Commissioner Webber moved to adopt Option 1 and assign*
39 *the highest priority to the Spring when structuring retention season for White*
Sturgeon in the Willamette River. Commissioner Englund seconded the motion.

1 *The motion passed unanimously by an aye vote from Commissioners Webber,*
2 *Levy, Klarquist, Englund, and Acting Chair Kerns. Chair Rae and Vice-Chair Edge*
3 *were absent.*

4
5 **Exhibit D: AMEND RULES RELATED TO WILDLIFE TAXONOMY AND WILDLIFE**
6 **INTEGRITY RULES**

7 Rick Boatner, Aquatic Invasive Species Coordinator, discussed proposed amendments
8 to the Wildlife Integrity Rules, updates to the taxonomy standards and common scientific
9 names, and proposed changes and clarifications for administrative rules relating to non-
10 controlled and exempt species lists.

- 11
12 • Division 44. Remove Tiger salamanders from 635-044-0000 – contradicts with
13 635-056-0050(1)(c)(A)(i) – Prohibited Species. Also remove from 635-044-
14 0060 (1) – License Required to Propagate Wildlife.
- 15
16 • Division 56 – Reference Material Updates. Add new reference citation for
17 Piranha. Change common and scientific names to correspond with reference
18 materials. Moved some classes of species within rules to be consistent.
19 Classify Chinese Mystery Snail and Japanese Mystery Snail as Prohibited
20 Species. Move Crocodylia from Non-controlled to Controlled to comply with
21 Senate Bill 391. Require listing of scientific names for nonnative wildlife offered
22 for sale, trade, or barter as listed in reference material on cage, tank or pen.

23
24 Commissioner Webber referred to *Attachment 3 - Division 044*, subsection (2) of 635-
25 056-0000 on page 2; the list of reference manuals. He clarified that subsection (2) was
26 an attempt to adopt the definitions or common names used in those documents. Boatner
27 said that is correct. Ron Anglin, Wildlife Division Administrator, explained that staff
28 wants to define where to go for the definitive names and subspecies of these animals;
29 what is legal or not and what’s accepted by the State of Oregon and what is legal.

30
31 Commissioner Webber asked Legal Counsel Bill Cook if the language in subsection (2)
32 accomplished that. Counselor Bill Cook said yes; that’s what we recommend.

33
34 Commissioner Webber referred to the first sentence of subsection 2, “Scientific
35 taxonomic nomenclature and common names reflect the following:”, and suggested that
36 the Commission should adopt the meaning within those books.

37
38 Counselor Bill Cook suggested amending subsection (2) to read, “**On matters of**
39 **scientific taxonomic nomenclature and common names, the following are**
40 **authoritative.**” Commissioner Webber said that would reflect that those are the books
41 that we are looking at; it cleared it up in his mind.

42
43 **Public Testimony:** There was no public testimony.

44
45 *Action: Commissioner Webber moved to amend OAR Chapter 635, Divisions*
46 *044, 056 as we just amended and 057 as proposed by staff in Attachment 3.*
47 *Commissioner Levy seconded the motion. The motion passed unanimously by an*

1 *aye vote from Commissioners Webber, Levy, Klarquist, Englund and Acting Chair*
2 *Kerns. Chair Rae and Vice-Chair Edge were absent.*

3
4 Acting Chair Kerns recessed the Commission for lunch at 12:15 p.m. Chair Rae
5 returned to the meeting and reconvened it at 1:12 p.m.

6
7 **OTHER BUSINESS**

8
9 **Upland Artwork Selection**

10 Chair Rae said the Commission would select the Upland Game Bird Artwork. She asked
11 the Commission to pick out one that will become the new stamp.

12
13 *Action: Commissioners Webber, Klarquist, Englund, and Chair Rae voted for art*
14 *work number 1. Commissioner Levy voted for art work number 2. Commissioner*
15 *Kerns voted for art work number 2. Chair Rae said on a four to two selection, the*
16 *winner is artist number 1.*

17
18 Brandon Reishus, Upland Game Bird and Waterfowl Assistant, said artist number one is
19 John Renn, currently from West Virginia, who also won last year with his painting of the
20 sage grouse. Mr. Renn was born and raised in Oregon; he's more of a landscape stylist,
21 which has helped him pull off the habitat scenes correctly.

22
23 **ADJOURN**

24 Chair Rae adjourned the Commission meeting at 1:16 p.m.