



Oregon Fish and Wildlife Commission Minutes

Meeting:
June 2, 2011 – 1:00 p.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

Meeting:
June 3, 2011 – 8:00 a.m.
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 |
| Dan Edge, Vice-Chair | Kevin Blakely, Acting Deputy Director |
| Jon Englund, Commissioner | Debbie Colbert, Deputy Director |
| Skip Klarquist, Commissioner | Steve Sanders, Assistant Attorney General |
| Carter Kerns, Commissioner | Teri Kucera, Executive Assistant |
| Bobby Levy, Commissioner | |
| Bob Webber, Commissioner | |

MEETING

On Friday, June 3, 2011 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (the Commission) meeting to order. She said the Commission will discuss dog training rules at about 10:00 a.m.

Exhibit E: 2012 AUCTION AND RAFFLE TAG ALLOCATIONS

Don Whittaker, Ungulate Management Coordinator, noted that a handout on the Proposed 2012 Raffle Hunts was just distributed with a corrected date; it changes the Bighorn Sheep opening date from August 13 to August 11, 2012.

Matt Keenan, Access and Habitat (A&H) Program Coordinator, provided an overview of the Deer and Elk A&H program. He discussed the Auction Sales broken down by type of tag. For 2011 total auction sales were \$232,750. The A&H Board recommends for 2012 Auction proposals: one Governor’s Combination Deer and Elk; four statewide deer; and four statewide elk. Keenan said the proposal is to continue with 25 auction and raffle tags for 2012: two Bighorn Sheep; two pronghorn antelope, one Rocky Mountain Goat; 10 deer and 10 elk.

Public Testimony: There was no public testimony.

Chair Rae noted for the record that the corrected date for both raffles and auctions on Big Horn Sheep is August 11, 2012. She asked for a motion.

Action: Commissioner Kerns moved to approve the 2012 auction and raffle big game tag allocations as proposed by staff. Commissioner Levy seconded the motion, and the motion carried unanimously.

1
2 **Exhibit G: DEFINITIONS FOR DEPARTMENT USE OF AIRCRAFT**

3 Tom Thornton, Game Program Manager, said the Department is asking the Commission
4 to adopt administrative rules related to the use of aircraft by the Department and agents
5 defining:

6
7 “Emergency situation” means that the Department has determined that prompt action is
8 required to implement a provision of a species management plan or administrative rule
9 adopted by the Commission.

10
11 “Necessary” means that the Department has determined that the use of aircraft in a
12 particular instance is the most efficient method of implementing a provision of a species
13 management plan or administrative rule adopted by the Commission.

14
15 Commissioner Edge asked if this is a new statute. Thornton was not sure when the
16 statute was introduced. Legal Counsel Bill Cook said the provision concerning the
17 Department’s use was added in 2003. There had been a temporary rule, and this puts a
18 permanent rule into place; we are catching up. Commissioner Edge asked if this was
19 just for the Oregon Department of Fish and Wildlife (ODFW) or other state agencies.
20 Counselor Cook said it’s “ODFW or its agents”.

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

23
24 *Action: Commissioner Levy moved to amend OAR Chapter 635, Division 043, as*
25 *proposed by staff. Commissioner Klarquist seconded the motion, and the motion*
26 *carried unanimously.*

27
28 **Exhibit H: ACCESS AND HABITAT PROJECT APPROVALS; RE-APPOINTMENT**
29 **OF ACCESS AND HABITAT BOARD CHAIR**

30 Matt Keenan, Access and Habitat (A&H) Program Coordinator, presented projects for
31 funding. He noted that the Willamette Valley Goose Access and Columbia Basin
32 projects would not be funded through standard A&H state funds, but rather through a
33 federal block grant for regional hunting access programs. He described the remaining
34 projects. He said the federal grant of \$2.3 million, Oregon Open Fields, was awarded to
35 ODFW from 2008 Farm Bill Program; funding is administered through A&H Program.
36 Keenan said there are three funding priorities: 1) Columbia Basin Access Program; 2)
37 Willamette Valley Goose Hunter Access Program; and 3) Habitat improvement projects
38 on A&H access areas (a federal requirement for lands open through a state access
39 program). The goal overall is 95,000 acres of public access per priority area. In
40 summary, the project would provide approximately 290,031 access acres; of that 1,120
41 acres is habitat for a total cost of \$1,025,304.

42
43 Keenan also asked the Commission to reappoint A&H Chair Steve McClelland as A&H
44 Board Chair. He said McClelland Steve lives in Cove, Oregon and has been the chair the
45 past two and a half years.

46
47 **Public Testimony:** There was no public testimony.

1
2 Commissioner Levy referred to hunting access in the Columbia Basin. She asked
3 Keenan if he knew the specific landowners in Umatilla County; had Keenan approached
4 any of them. Keenan said he had not, but that some of the district staff have started
5 communicating and working with landowners in Umatilla County; also, representatives
6 from Oregon Wildlife Heritage Foundation have started talking with landowners. He
7 offered to provide Commissioner Levy with additional information as it comes forward.
8

9 **Chair Rae asked Commissioner Levy if she wanted to declare a potential conflict**
10 **of interest. Commissioner Levy said yes, I need to declare a potential conflict of**
11 **interest. Chair Rae noted for the record that Commissioner Levy is declaring a**
12 **potential conflict of interest because of land ownership in Umatilla County and the**
13 **prospects of being approached for this program.**

14
15 *Action: Commissioner Webber moved to approve the recommendations of the*
16 *Access and Habitat Board for project funding, and to re-appoint Steve McClelland*
17 *to a second four-term on the Access and Habitat Board as Board Chair.*
18 *Commissioner Edge seconded the motion, and the motion passed unanimously.*
19

20 **Exhibit J: PUBLIC PROCESS FOR ANGLING REGULATIONS DEVELOPMENT –**
21 **OVERVIEW OF REVISIONS**

22 Rhine Messmer, Recreational Fisheries Program Manager, during a slide presentation,
23 provided a detailed overview of the new Five-Step Public Process and key revisions. He
24 gave a historical overview of the regulation process and the current public process. He
25 said the Commission had directed staff to simplify the process and bring meaningful
26 proposals to the Commission. Messmer explained the five key steps in **Option 1:**

- 27 1. Staff proposals developed; process packet.
- 28 2. Public proposals solicited. Public work with staff on development with emphasis
29 on “social” (non-biological) proposals; non-social (biological) proposals will be
30 considered. Shorter submission window. Proposals to:
 - 31 1) Identify need, benefit, and rational;
 - 32 2) Acknowledge impacts to anglers and public support for change;
 - 33 3) Show changes do not increase risk to fish populations; and
 - 34 4) Actions intended to conserve populations; identify need and conservation
35 benefit.
- 36 3. Public Proposal Reviews. Revised criteria used by ODFW/Oregon State Police
37 (OSP) to review proposals:
 - 38 1) Consistent with ODFW Fish Management/Conservation policies?
 - 39 2) Consistent with Federal Fish management mandates?
 - 40 3) Within ODFW’s rule-making authority?
 - 41 4) Establishes need and makes biological sense?
 - 42 5) Understandable and enforceable?

43 Redefine the public Angling Regulation Review Board’s (ARRB) role in public
44 process - advisory only; ARRB to review select “Social” proposals. Hold meeting
45 in April, and evaluate need for ARRB after 2013. Deferred proposals that may
46 have merit can be taken up in a future regulation process.

- 47 4. Public meetings; present proposals and obtain public comment.

1 5. Two-step Commission action.

2
3 Messmer said staff will present the final Public Process Implementation Plan at the
4 August 5 Commission meeting for final rule adoption. ODFW and OSP will be provided
5 with orientation and training at the September Fish Biologist meeting. Staff proposals will
6 be presented at the official kick-off for the new public process in October 2011 followed
7 by extensive public outreach. The public proposal period is January 1 - February 29,
8 2012. Messmer said **Option 2** rejects staffs proposed public process and instructs staff
9 to make major revisions or start over.

10
11 **Public Testimony:**

Tom Wolf Hillsboro, Oregon	Tom Wolf, Director for Trout Unlimited, thanked Chair Rae for her years of dedicated service on the Commission. He said he supports Messmer's proposals but has two concerns: 1) Public process in other areas. He said make sure you have enough time for people to make comments on regulations in other parts of the state. For instance, there are many fly fishers in Eastern Oregon and they want to participate. 2) Contact and get information to all the fishing groups. He offered to send information out to his 3,000 members. He doesn't know what to do about people not in groups.
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12 A lengthy discussion followed with several suggestions from the Commission.

13
14
15 Commissioner Kerns said the purpose of this new process is to reduce the amount of
16 time that we spend in meetings. He suggested that people from Portland go to meetings
17 in other parts of the state. We are all volunteers and our time is limited. He liked staff's
18 proposed changes to the process.

19
20 Commissioner Edge said one of the criteria in the public proposals is that they will have
21 to document public support. What might that documentation look like? Messmer said in
22 the past, proposals required a certain number of signatures from the public. As far as the
23 level of public support, talk to different groups and bring documentation back from them;
24 they can sign off on it or staff can go back to these organizations and see if the public
25 support is out there. Commissioner Edge said it sounds like the process for public
26 proposals will substantially reduce the number. Messmer said he doesn't anticipate
27 fewer proposals, but it gives staff the opportunity to interact with the public beforehand.
28 Commissioner Edge understood Commissioner Kerns' point, but believes the cost to
29 travel may get more pronounced over time. He said if there are fewer proposals, it
30 seems like a real opportunity to do an outreach statewide and do a statewide review.

31
32 Commissioner Edge referred to Wolf's question about contacting folks. He assumed that
33 ODFW had a contact list of folks that are interested in regulations in general. Messmer

1 discussed distribution methods that will reach hundreds, if not thousands of people.
2 When this process is implemented he will send this information out to those people.

3
4 Commissioner Webber said he heard that there is going to be a substantial number of
5 proposals that are going to be rejected on the basis that they didn't meet the criteria. He
6 asked, will the Commission get any of that information so we will at least have some
7 understanding of what was proposed and why it was rejected. Messmer said, if the
8 proposal is rejected by staff, the public has the option to come back through the petition
9 process at a later year to put that regulation forward to the Commission; they also have
10 the right to contact any Commission members. Messmer said staff will have a summary
11 document available on all rejected proposals and the basic rationale and can include that
12 summary document in the Commission packets and provide a briefing.

13
14 Commissioner Klarquist noted he lived in Portland. He said, as a fisherman, by cutting us
15 off from having any comments on regulations that might affect the rest of the state would
16 not be a good thing. He wanted the opportunity to comment on regulations elsewhere,
17 and not just that region. There are plenty of us who fish in Central Oregon or Southern
18 and Eastern Oregon.

19
20 He referred to a past Commission action taken with regard to the Umpqua River fishery
21 with catch and release only. Commissioner Klarquist said it was a social issue; not a
22 conservation issue. After reading these regulations, it forces us to look at each water
23 body individually rather than allowing us to look at the state as a whole. And where we
24 implement a social issue-type regulation, not just a water body issue, it is looking at the
25 state as a whole. He asked staff to preserve that opportunity. For the Commission or
26 the Department to have set aside for a catch and release fishery set it apart from all the
27 rest of the water bodies in the state; it created an opportunity that is different from
28 anywhere else and an economic benefit at least for the region if not for the whole state.

29
30 Commissioner Klarquist asked staff to preserve the attitude reflected in the proposal and
31 in the issues and the proposals we're willing to accept. So if we choose to preserve this
32 particular regulation or adopt it elsewhere, we can do that without having an uphill fight to
33 what is contrary to our existing regulations. If that was considered in the explanations,
34 there should be a category that asks, does a proposal make social sense. At least allow
35 for the social consideration to have on your level that they have right now.

36
37 Chair Rae said Messmer had done what the Commission had asked him to do.

38
39 The Commission took a break at 9:25 a.m. and reconvened at 9:45

40
41 **Exhibit K: 2011 COASTAL FALL CHINOOK AND COHO REGULATIONS FOR THE**
42 **TERMINAL FISHERIES**

43 **Commissioner Englund declared a potential conflict of interest because his**
44 **company does business with the both commercial and recreational fisheries.**
45 **Chair Rae noted his declaration for the record.**

1 Ron Boyce, Oregon Salmon and Columbia River Program Manager, noted changes to
2 Attachment 3, OAR revision:

- 3 • Page 6, OAR 635-014-0090, text change on line 199 and changes to section
4 lettering on both lines 199 and 202.
- 5 • Page 2, line 43, should read “section 4(a) of this rule”.

6
7 Boyce during the first part of a slide presentation presented the Coastal Fall Chinook
8 fisheries. He said in 2008-09 due to poor returns of fall Chinook coastwide, the
9 Commission adopted restrictive regulations, area closures, and in 2009, complete fishery
10 closures. This was to address conservation needs as well as to meet international
11 agreements established under the U.S./Canada Pacific Salmon Treaty (PST). In 2011,
12 escapements and forecasts continue to improve except for the north coast, and the
13 Commission is being asked to continue restrictions on the Nehalem, Tillamook, and
14 Nestucca rivers. Staff recommends continuing traditional ocean commercial and
15 recreational fisheries off the Tillamook, Elk, and Chetco rivers, and proposes a new
16 ocean terminal commercial fishery off the Coos and Coquille rivers, September 1 through
17 30 to target surplus Chinook.

18
19 Mike Gray, Fish Biologist for Coos/Coquille Ten Mile Fish District, during the second part
20 of the slide presentation reported on 2011 Wild Coho Salmon in bay, river and lake
21 fisheries. He provided regulatory history on Coastal Coho and the closure dates. He
22 briefed the Commission on inland Wild Coho fisheries and the NOAA criteria for bay,
23 river, and lake fisheries on Endangered Species Act (ESA) listed Wild Coho. The
24 Amendment 13 (A-13) Harvest Matrix (from PFM) if combined, ocean and terminal
25 impact rates are at or below the allowable A-13 impact level. He said no additional
26 criteria is required (applies in 2011). If a specific basin is proposed for harvest impacts
27 greater than the overall, allowable A-13 impact level, additional criteria are required.

28
29 Gray also talked about the exploitation rates of the Oregon Coastal Wild Coho fishery,
30 and 2011 proposed Wild Coho locations and quotas (total = 9,050). He asked the
31 Commission to consider three issues:

- 32 1) Ocean sport Chinook terminal fisheries; staff recommendation is Option 1;
- 33 2) Sport, bay and river Chinook fisheries; staff recommendation is Option 1;
- 34 3) Sport inland and Wild Coho fisheries, staff recommendation is Option 1.

35
36 **Public Testimony:**

Shirley Laviolette Rockaway, Oregon	Shirley Laviolette, owner of Jetty Fishery, distributed written testimony. She said the entire Nehalem system should have been closed completely for the past five years. She had hypothetical questions: <ul style="list-style-type: none">• If 50 fishermen fish on the Nehalem Bar and each catch a fish, what would be the percentage of native Nehalem fish to other types of fish?• If 50 fishermen fish up at the Wheeler area and each catches a fish, what would be the percentage of Nehalem native fish to any other fish that make it that far?
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	<ul style="list-style-type: none"> • Is there any difference between these hypothetical situations? <p>She said these questions are confusing because the concept behind this plan is confused. She urged the Commission to protect the salmon all the way up the river.</p> <p>Commissioner Englund asked, are you advocating closing the whole river or just the mouth? Lavolette said she's advocating closing the entire fishery, or why bother closing parts of it?</p>
Tom Wolf Hillsboro, Oregon	Tom Wolf, Trout Unlimited (TU), said one goal is to recover wild salmon populations to levels that allow people to harvest. On the terminal fishery, TU has no problem with regulations. On Chinook bays and rivers, he recommends dropping the line to below Alsea River and dropping the bag limit to one in five. On Coho Fishery, he supports the staff recommendations. We need to continue to bring in money from budget process for monitoring; ODFW doesn't get enough money. We need to make sure that monitoring of harvest is always an important part of plans with ODFW.
Joe Rohleder Waldport, Oregon	Joe Rohleder, Alsea Sportsmen's Association, said he's spent much time doing recovery on the Alsea River, and says improvements have finally started to pay off. He expressed concern on the effect of predators on the out migrating smelts. For the first time in 20 years he agrees with the staff's proposal.
Stan Steele Tidewater, Oregon	Stan Steele, Co-Chair of Government Relations Committee Alsea Sportsman's Association, distributed written testimony. He'd like to see an increased effort to inform the public on ways to interact in the negotiation process. Another problem with PFMC management of our fisheries is lack of an inland sport fishing representative on the advisory sub-panel. He asked the Commission to explore opportunities to appoint someone. He appreciates what the staff has done in the proposed seasons. We still have a lot of work to do.
Dave Schaerer Rockaway, Oregon	Dave Schaerer, angler and member of Association of NW Steelheaders, spoke to eliminating sport fishing below the park. He's a strong advocate of conserving the summer and fall runs on that river. There is no scientific basis to close the river below that state park. It's all social and political pressure to close. This is pure discrimination. If there was a scientific basis for closure he'd support it. We need to use

	<p>science and biology to make our decisions, and not politics. Also, regarding Coho fishery, he fished the bay 25 years, and found out that Coho are biters, but the farther up the river they are jumpers. Again it's a fishing issue and lastly, an economic issue.</p>
<p>Steve Ogden Beaverton, Oregon</p>	<p>Steve Ogden, Angler and member of NW Steelheaders Association, said agreed with Dave Schaerer. The preservation of the fish is the No. 1 concern, but the economic impact of the closure has a huge impact on local businesses. He said close the whole river, not parts of it.</p>
<p>Bob Spelbrink Siletz, Oregon</p>	<p>Bob Spelbrink, angler and guide, agreed with Stan and Joe, especially the issue of cormorants; we need to address that problem. We've already see the toll on the Columbia River. He supports staff recommendations, especially for the Siletz River. Staff did a great job in the public meetings and balancing the needs with conservation.</p>
<p>Stan VandeWetering Siletz, Oregon</p>	<p>Stan VandeWetering, Confederated Tribes of Siletz Indians, asked if Commission received the letter from Delores Pigsley. Chair Rae said yes (see packet). He expressed concern over the state's inability to come up with a defensible estimate for the Siletz River Basin. Our recommendation is 1 in 10 is most conservative choice, but we're ready to go with 2. The Tribe supports steps for Coho fishery (similar to Stan Steele's comments). Lastly, the Tribe has real concern about the Pacific Salmon Treaty.</p> <p>Chair Rae asked him to keep in touch with Director Elicker on the Pacific Salmon Treaty issue.</p>
<p>Don Larsen Toledo, Oregon</p>	<p>Don Larsen, Siletz Watershed Council, said he supported what Stan Steele said. He supports the proposed silver salmon season on Siletz. He took a poll to see how they felt about bag limits; out of that meeting we were one in five. He said we need to look at preservation and make sure we have enough fish to seed the river. He asked the Commission to back the Watershed Council on its proposed 1 and 10 bag limit, rather than 2 and 20.</p>
<p>Steve Scrimsher Nehalem, Oregon</p>	<p>Steve Scrimsher, angler in Nehalem River for 25 years, fishes above the town of Nehalem. He's worried that his grandkids will not be able to fish in the future. All the spawning tributaries have been closed for years. We're still fishing that same area, but are not getting fish back to the system. The fish are dying before they get past Nehalem.</p>

	<p>He advocates bar closure at least until September 14, but preferably until the first of October.</p> <p>Commissioner Englund clarified that staff is proposing closing it to the park, including the jaws. Scrimsher said his reference was to the 101 Bridge; the fish aren't making it past there.</p>
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1
2 Chair Rae directed the Commission's attention to the Tables in Attachment 4, followed
3 by the draft Administrative Rules in Supplemental Attachment 3 just distributed today.
4
5 Commissioner Klarquist said if there are proposals for the Siletz River, he would like to
6 keep it at 2 fish per day.
7
8 Commissioner Webber questioned a comment made by VandeWetering that there is a
9 different deadline on the Siletz for Chinook. Boyce said that was correct. In his report the
10 change to this year from last year, last year was Old Mill Park which is river mile (RM)
11 36; proposed to move downstream to Ojalla Bridge (RM 31). Commissioner Webber
12 said from reading the regs it looked like one was at Old Mill and one at Ojalla Bridge,
13 was he mistaken? Boyce said that is correct, his reference was last year compared to
14 this year; which shows that this year it's proposed to be at Ojalla Bridge.
15
16 Commissioner Klarquist noted that one still has the Coho fishery for Ojalla. Chair Rae
17 clarified that is what Table 1 itself says, but the Supplemental Attachment 4 received
18 today would move it from Old Mill up to the Bridge.
19
20 Commissioner Webber commented on boundary changes for the Coos Bay-Coquille
21 Ocean Terminal Area commercial season (Attachment 4, page 2, lines 42-46). He said
22 the way that area is described it starts at the N. Latitude for a distance, then follows the
23 30 fathom line curve and then it starts following the three mile limit south of there.
24 Following the 30 fathom curve seems like a difficult regulation to enforce since the line is
25 under water. He suggested building a box with GPS points; everybody would be better
26 informed of exactly where everybody was in the sense that the fishery marine
27 enforcement would be on the same page. Is that something we can look at?
28
29 Gray said the line of 30 fathoms is basically designed with guidance from our ocean
30 salmon management staff to keep these fisheries clean from harvesting fish that aren't
31 returning to these basins, in particular, Klamath or Sacramento fish returning to other
32 basins. He said 30 fathoms is a line well established and inside the three-mile limit. This
33 is a proposed commercial fishery and the commercial fishermen are used to using 30
34 fathoms and longitude and latitude coordinates; they have navigational equipment to
35 know if they are north or south of a navigational line.
36
37 Commissioner Webber said it's hard for OSP to see where they are unless they're right
38 next to them. From an enforcement position, the 30 fathom line is vague. A GPS track
39 would make it easier to enforce. It's something to consider in the future. Boyce said

1 staff has talked to OSP about the proposal for the Coos/Coquille; but GPS is certainly
2 something for staff to consider for this fishery and for fisheries in the future.

3
4 Commissioner Englund said the 1 and 10 take on the Siletz has been upped to 2 and 20.
5 Does staff feel comfortable that 2 and 20 will not become a biological issue with the run?
6 Boyce said the status of the wild run is good. We've met the escapement goal
7 established under the Treaty for the last couple years and it's forecasted to do that again
8 this year. From public meetings and correspondence, there was strong support in
9 keeping the 2 fish rule on the Siletz. Staff recommended the 20 to maintain consistency
10 for regulations; there is little difference between a 10 and 20 bag limits (about 1%).
11 Boyce said staff could support biologically going to 2 and 10.

12
13 Commissioner Englund said regarding the Nehalem, by closing the jaws up to the state
14 park, is there a biological reason for that? Does it keep the fleet concentrated in one
15 area? Or do we run the chance of one size - more catch being taken down below?
16 Boyce said there is a solid biological basis for this recommendation for the Nehalem to
17 be conservation. We have not met the Nehalem escapement goals established under the
18 Pacific Salmon Treaty for the last five years. We are forecasted to meet the goal this
19 year but we may not hold for five years. This has severe ramifications to maintain our
20 target under the Treaty. Staff felt it's better to err on the side of conservatism. Regarding
21 bar closure, there has been wide-spread public support over the last several years. We
22 don't have a good basis of determining the effect of that bar closure. Staff identified a
23 compromise for this year to close on September 15 rather than through the end of
24 September as last year; it coincides with the coho fishery opening.

25
26 Commissioner Klarquist referred to the modification changing the Old Mill Park Boat
27 Launch to Ojalla Bridge. He said the lines above on page 6, still refer to the Old Mill
28 Park. Should that be changed too? Boyce said those lines have also been struck. Chair
29 Rae said it was stricken at lines 197-198.

30
31 Chair Rae referred to Table 1, page 7, the Elk Ocean Terminal Area. She asked why the
32 difference between 24-inches for Sport and 28- inches for Commercial. Boyce said
33 those are the standards for Ocean Sports Fishery, in the past there was a 26-inch
34 minimum. We have not done that in a couple of years.

35
36 Chair Rae noted a letter from the P.O.O.R.T. President in Port Orford (Supplemental
37 Correspondence) that asked that same question about moving the minimum length from
38 28-inches to 24-inches. Is there any reason why we wouldn't do that? Boyce said given
39 the strong forecast for Elk River hatchery Chinook and the wild status at Six Rivers of
40 wild Chinook that is a proposal that staff could support for this year. There is about 18
41 percent to 20 percent of fish in that 24-inch to 28-inch range available for harvest.

42
43 Chair Rae reviewed the options listed on Tables 1 and 2, Attachment 4:

- 44 • Table 1, page 1, change on the Siletz. Consistent with proposals, we're taking out
45 the mouth of the Old Mill Park boat launch to Ojalla Bridge (RM 31).
- 46 • Table 2, page 3, 2011 Coastal Fall Chinook Regulations. For Nehalem River, staff
47 recommends closure of the Jaws. No opposition from the Commission.

- Table 2, page 4, Siletz and Yaquina Rivers. Staff recommends 2 daily/20 seasonal. Chair Rae said there was discussion on 2 daily/10 seasonal. Englund preferred 2 and 20. Klarquist asked Boyce if he said there is only a one percent increase in the harvest if we go to 20 per year. Boyce said that's correct. Edge would like 1 in 10. Chair Rae, Levy, Webber and Kerns supported 2 and 10. Chair Rae proposed 2 daily/10 seasonal for both the Siletz and Yaquina Rivers.
- Table 2, page 7, Elk Ocean Terminal Area. Chair Rae said the staff proposal is for a 24-inch minimum on Sport and a 28-inch minimum on Commercial.

Chair Rae asked Legal Counsel Steve Sanders to update the draft Administrative Rules over the lunch hour. Commissioner Edge clarified the Commission's two changes: 1) change to 2 daily/10 seasonal on the Siletz and Yaquina; and 2) change to a 24-inch minimum for Commercial on Elk Ocean Terminal Area. Chair Rae said correct. Counselor Sanders added that there are several other drafting things to fix.

Chair Rae returned to Exhibit I; the unfinished business for hunting dogs and falconry training rules. Yesterday the Commission provided staff with some direction so Legal Counsel and staff could revise the draft Administrative Rules.

Exhibit I – HUNTING DOG AND FALCONRY TRAINING RULES

Acting Deputy Director Kevin Blakely reviewed the changes in Supplemental Attachment 4 – Division 43, Miscellaneous Permits and Records:

- Page 3, line 27, (a). : Commissioner Klarquist requested clarification on organization. Inserted “...**sporting dog organization**;..” The intent is to add local dog clubs; not just national organizations. In Attachment 8 are drafts of the applications for competitive trials; they are required to list sponsoring organizations and contact information.
- Page 4, line 4. Definitions are now in alphabetical order because definition of “raptor” was moved to page 5, lines 3-4. On line 15; inserted “..**teach or**..” to “...purpose of training to **teach or** reinforce..”
- Page 7, line 3. Staff searched the entire document for the term “their” and replaced it with “**his or her**”; occurs first on line 3. Under Section (2), lines 6-7, added new subsection (a), “**A designee(s) must possess a copy of the permittee’s permit or written authorization from the permittee to release domestically-raised birds on his or her behalf.**” The original subsections (a) through (f) were re-lettered to reflect the addition (lines 8, 11, 13, 14, 19 and 24).
- Page 8, line 20. The intent was the multi-day training session to have it no longer than four days. The original language read “... the birds must be pursued or taken within four consecutive days of release.” Changed language to read, “..**the birds must be pursued or taken within three consecutive days after the day of release.**”
- Page 9, line 23, subsection (b). Changed the term “their” to “**his or her**”.
- Page 10, line 9. Deleted original subparagraphs (a), (b) and (c) (see original language in Attachment 4, page 10, lines 5 – 13). New language inserted to read: In Supplemental Attachment 4, lines 9-11, subparagraph (a), “**If the Department denies the issuance a permit, the Department will provide the applicant with**

1 ***a written explanation and an opportunity to request a hearing to appeal that***
2 ***action.***

3
4 In Supplemental Attachment 4, lines 12-14, subparagraph (b), "***The applicant***
5 ***may appeal the Department's decision by submitting a written request for a***
6 ***contested case hearing to the Department within 10 business days after***
7 ***mailing of the Department's decision.***", (lines 12-14).
8

9 Chair Rae asked Commissioner Klarquist if he supported the changes, and he agreed.

10
11 *Action: Commissioner Edge moved to amend OAR Chapter 635, Divisions 043,*
12 *046, and 050 as proposed by staff in the **Supplemental proposed draft***
13 ***Attachment 4. Commissioner Klarquist seconded the motion, and the motion***
14 ***passed unanimously.***
15

16 Chair Rae said this issue came up in connection with the Commission's consideration of
17 the Sauvie Island Wildlife Management (SIWA) Plan. Where are we going with this?
18

19 Acting Deputy Director Kevin Blakely said with the adoption of these statewide rules, the
20 Director's Office will ask the Wildlife Division and Northwest Region to update and review
21 the SIWA Management Plan. He said at the September 2010 Commission meeting
22 constituents expressed concern on the public process for potential impacts to dog
23 training and competitive trial activity at SIWA. Staff was directed to complete statewide
24 rules to clarify release and take, and then convene a work group of SIWA users to
25 address those concerns. He said the Director's Office is suggesting that the public
26 process start at the August 2011 Commission meeting. The Northwest Region will brief
27 the Commission on: an outline to use an advisory group; the makeup of the advisory
28 group; and the timeline and process to address issues around trial and dog training on
29 SIWA. The goal is to reach consensus on those issues and to incorporate those
30 strategies into the current draft SIWA Plan. The advisory group will be tasked with
31 balancing dog training and trialing, with conservation and habitat issues, rather than
32 reopening everything in the draft Plan.
33

34 Chair Rae said yesterday she briefly visited with the facilitator of the DTAG group. With
35 the greater issues in wildlife area overall, and our requirements and desire to
36 accommodate and account for, and be concerned about all user groups, and nobody
37 getting to jump ahead of the line, she urged everyone to be quite sensitive to the
38 criticism that we received this last time of having a so-called "stacked group"; that was
39 specifically related to dog training. But this is a much bigger issue, and we need a very
40 well rounded set of advisors on that.
41

42 **OTHER BUSINESS**

43 **Executive Session.** Chair Rae called for Executive Session. She said for those
44 members of the public the Commission will now meet in Executive Session for the
45 purpose of deliberating persons designated to negotiate a real property transaction. The
46 authority for the Executive Session is the Oregon Public Meetings Law, ORS
47 192.660(2)(e). ODFW staff and representatives of the news media are allowed to

1 attend. All other persons are asked to leave the room. Reporters directed not to report
2 on the discussions during Executive Session except to state the general subject. No
3 decisions will be made during the Executive Session. At the end of the Executive
4 Session we will return to open session. She expected the Executive Session to take the
5 Commission up to the noon hour when the Commission would take lunch. They would
6 reconvene in public session at 1:00 p.m.

7
8 Chair Rae reconvened the public meeting at 1:07 p.m., and returned to Exhibit K.

9
10 **Exhibit K: 2011 COASTAL FALL CHINOOK AND COHO REGULATIONS FOR THE**
11 **TERMINAL FISHERIES**

12 Chair Rae said the revised Administrative Rules for the Terminal Fisheries for 2011 were
13 before the Commission and the changes accomplished everything they had requested.

14
15 Counselor Steve Sanders said the revised OAR document had 6-3-11 in the lower right-
16 hand corner of the document.

17
18 *Action: Chair Rae moved for adoption of OAR 635-003-0085, related to the 2011*
19 *Coastal Fall Chinook and Coho Regulations for the Terminal Fisheries in the*
20 *document provided to us and dated on the bottom corners with 6-3-11.*
21 *Commissioner Klarquist seconded, and then said he had a question of*
22 *clarification. Chair Rae withdrew her motion.*

23
24 Counselor Sanders clarified that there are a number of rules in the packet.

25
26 *Action: Commissioner Klarquist moved to adopt the 2011 regulations for fall*
27 *Chinook in ocean sport and commercial terminal fisheries, bay and river sport*
28 *fisheries and Coho in sport bay, river, and lake fisheries as proposed by staff in*
29 *the handout just distributed to us dated 6-3-11 in the bottom right-hand corner.*
30 *Commissioner Levy seconded the motion, and the motion passed unanimously.*

31
32 **Exhibit L: COMMERCIAL FISHERY PERMIT BOARD APPOINTMENTS**

33 DeAnna Erickson, License Services Manager, presented candidates for the Commercial
34 Fishery Permit Board for the Commission's review and appointment (see slide
35 presentation for names of nominees and appointees). She said there are not enough
36 nominees to fill all of the positions. Staff recommends approval of all nominations with
37 the exception of the at-large members, where the Commission will need to choose two of
38 the four.

39
40 **Public Testimony:** There was no public testimony.

41
42 *Action: Commissioner Edge moved to approve the nominations as recommended*
43 *by staff, and to appoint Jeff Salo and Frank Weber to the at-large positions*
44 *representing the public. Commissioner Englund seconded the motion, and the*
45 *motion passed unanimously.*

1 *Action: Commissioner Edge moved to approve the nominations presented by staff*
2 *for the remaining positions. Commissioner Levy seconded the motion, and the*
3 *motion passed unanimously.*
4

5 **Exhibit M: RESTORATION AND ENHANCEMENT PROJECT APPROVALS**

6 Gary Vanderohe, Restoration and Enhancement (R&E) Program Coordinator, said that
7 the Restoration and Enhancement (R&E) Board recommended 26 projects for funding,
8 totaling \$1,505,875, at their April 28-29 Troutdale meeting. This is the first of eight cycles
9 in the 2011-13 biennium. Recommendations include Coastal wild Coho creel surveys,
10 and Creeks and Kids Watershed Workshops. Staff recommends approval for all projects.
11

12 **Public Testimony:** There was no public testimony.

13
14 Commissioner Edge stated that he didn't see anything in these projects that suggested
15 the funds would be going to Oregon State University for research projects. Vanderohe
16 said that is correct. Commissioner Edge said he didn't need to declare a potential
17 conflict of interest.
18

19 Commissioner Edge asked about the two projects requesting emergency funding.
20 Vanderohe said in the past, emergency accounts typically fix things like hatchery
21 equipment or a boat ramp. Applicants asking for funds over \$5,000 go through the R&E
22 Board; requests under \$5,000 can be approved by the R&E coordinator. All the
23 information is passed on to the board members. Commissioner Edge noted that one
24 project is dependent upon an Oregon Watershed Enhancement Board (OWEB) match.
25 Do we know where OWEB is on that? Vanderohe said he thinks the OWEB office is
26 going to decide this month.
27

28 Chair Rae said the same question would apply to the City of Independence, and whether
29 or not the Oregon Marine Board gets funding. Vanderohe said it is the same thing, he
30 promised to ask those questions.
31

32 *Action: Commissioner Kerns moved to approve the recommendations of the Fish*
33 *Restoration and Enhancement Board. Commissioner Webber seconded the*
34 *motion, and the motion passed unanimously.*
35

36 **Exhibit N: LOWER COLUMBIA RIVER WHITE STURGEON CONSERVATION**
37 **PLAN**

38 Tony Nigro, Ocean Salmon and Columbia River Program Manager, recognized ODFW
39 employees Tucker Jones and Christine Milette (in the audience) as instrumental in
40 overseeing the planning process. Nigro gave an overview of the Lower Columbia River
41 White Sturgeon Conservation Plan (Plan) that began in 2008 under the Native Fish
42 Conservation Policy. Staff worked with the Washington Department of Fish and Wildlife
43 (WDFW); also the Plan is undergoing peer review by the Independent Multi-disciplinary
44 Science Team (IMST). Nigro said the Plan today provides conservation and
45 management framework consistent with Lower Columbia River Conservation and
46 Recovery Plan for salmon and watersheds.
47

1 Tom Rien, Columbia River Coordination Program Manager, defined several terms and
2 discussed the difference between adult and sub-adult sturgeon. He discussed key topics:

- 3 • How conservation status (CS) and desired benchmarks were developed.
4 Accounts for recent increases in sea lion predation, and incorporates 16% harvest
5 rate that is sustainable and assures abundant broodstock.
- 6 • Desired Status represents a condition that is healthy and harvestable.
- 7 • Desired status for future populations and potential harvest from 2014 to 2561.
8 Desired abundance is 16,000 adult fish; 95% of population is juvenile fish.
- 9 • Current population is dominated by 900,000 juveniles, 89,000 sub-adult, and
10 11,000 adult fish.

11
12 Rien reported on three key limiting factors attributed toward sturgeon loss:

- 13 1. Staff continues the program of harassment and removal of problem sea lions, and
14 assesses extent of predation river-wide.
- 15 2. Staff continues to advocate for hydropower system operations that best mimic a
16 natural hydrograph and normative river conditions.
- 17 3. Overharvest. Staff intends to reduce harvest rate; continue monitoring of
18 populations and fisheries; and increase law enforcement.

19
20 Rien also discussed adaptive management; its framework and assessments. He said
21 from public, advisor, and stakeholder feedback staff received six key actions: sea lion
22 management; hydropower system management; sustainable harvest rates, increase
23 enforcement, habitat protection, and hatchery supplementation.

24
25 Nigro talked about Current Status vs. the Benchmarks. Limiting factors are:

- 26 • Current sea lion management program benefits white sturgeon.
- 27 • Improvements to hydropower system operations for salmon benefits white
28 sturgeon.
- 29 • Recent changes in fisheries management are consistent with those needed to
30 protect and grow the population.

31
32 Nigro also talked about Adaptive Management and said staff received strong support
33 about doing something about running the river along a more natural state if it benefited
34 sturgeon. The Plan calls for the continuation of existing population assessment and
35 fishery management programs; important and central to the management framework. It
36 also calls for the initiation of studies that are critical, specifically, sea lion predation and
37 affects on other populations, and the effects of recent declines of significant food sources
38 on sturgeons.

39
40 **Public Testimony:**

Tom Wolf Hillsboro, Oregon	Tom Wolf, Trout Unlimited, as a member of the Columbia River Recreational Advisory Committed, commended Nigro and Rien for doing a remarkable job. He thanked the Department for doing this. He said White sturgeon are magnificent fish. He urged the Department to support this, and to continue to hire people to monitor this. He stands ready in any way to help get money for the Department. We
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	need to continue working with Oregon and Washington Departments to modify the Marine Mammal Protection Act.
--	---

1
2 Commissioner Kerns referred to a federal Appeals Court case, Humane Society versus
3 Secretary Locke. How does that case relate to this conservation plan? Legal Counsel
4 Steve Sanders said it deals with the control of California sea lions that are going after
5 salmonoids. The Steller sea lions are listed as endangered; we have petitioned for a
6 delisting of the stellar sea lions so we can go for the lethal take.

7
8 Commissioner Klarquist asked, would it allow for the take for protection of salmon.
9 Counselor Sanders said yes, if they are not listed, we could take Steller sea lions
10 targeting salmon.

11
12 Commissioner Klarquist referred to penniped predation. How many fish are being taken?
13 The reports appear to have numbers that we've actually seen them take, rather than the
14 number that is actually taken; the number used are misleading. It is important to report
15 the number that's closest to the actual number taken, rather than what we've observed.
16 Nigro said the Plan presents an analysis based on the expansion of the observed.
17 Somewhere around 10,000 or 11,000 are taken based upon 1,500 observed.
18 Commissioner Klarquist expressed concern that people are going to take these numbers
19 and tell us the numbers are really low, and wonder why we are worried. Nigro said we
20 should put that number forward in other descriptions of the planning of our management.

21
22 Commissioner Webber said he noted that we anticipate in the near future a drop in the
23 adult abundance. It seems reducing the maximum size limit would increase the number
24 of sub-adults going up. Would that be practical? Rien said there are a variety of ways to
25 reduce harvest; we recommended a reduced harvest in the Plan, including the one
26 you've described. Nigro said that during public meetings staff heard a variety of fisheries
27 management options that they should consider.

28
29 Commissioner Edge said staff did a good job. He wanted to confirm that staff said the
30 hatchery supplementation is not something we anticipate; it just might be an option in the
31 future. Nigro said yes, we believe we are able to restore population without hatchery
32 supplementation. We've received public feedback, and have kept it on the table as
33 something that might be used in the future.

34
35 Chair Rae thanked Tom, Tony, Tucker and Christine for their impressive work.

36
37 **PARTING COMMENTS:**

38 Commissioner Kerns: Thank you all for a wonderful, interesting, very enjoyable time on
39 the Commission, and I'll miss you.

40
41 Chair Rae: When I was first appointed to the Commission, I was meeting with a
42 representative who said they wanted the Commission to get beyond setting hook sizes
43 and bag limits, and wanted it to be at the policy level. I went through and did a quick
44 cruise of some of the issues that we've taken on in my nine years here. They include, in

1 no particular order, the Oregon Conservation Strategy, Wolf Management Plan, Fish
2 Conservation Plan, Hatchery Management Policy, Hatchery Research Center with
3 Oregon State University, sea lions, marine reserves, crab pot limits, cervid ranching,
4 cougar management plans, dam removal, restoration agreements, Columbia allocation
5 matters, three directors, integrated water strategy, destination resorts, and the
6 implication on winter ranges, sage grouse, and wind power. We have together,
7 colleagues, done some very good and some very important work. As I leave here and try
8 not to get too sappy, I encourage you to stay true to the statutory wildlife policy. We have
9 an important role in balancing the interests of the many, different user groups that are
10 our constituents. Be true to that policy; don't let any user group jump to the head of the
11 line; they are all equal, and that is in the Oregon way, in my view, as it should be. I've
12 been proud and privileged to be here, and once again thank the very dedicated and very
13 professional career professionals who have impressed me mightily with their passion
14 and dedication.

15

16 Director Roy Elicker: I want to say on behalf of everyone in the Department, how proud
17 we have been to serve with you Marla, and with you Carter, as members of the
18 Commission. We are very proud of the legacies that both of you leave, for the
19 Department, for new commissioners and existing commissioners. I know I speak for
20 every person in the Department, to thank you for your service to the state of Oregon and
21 thank you for your service to Oregon's Fish and Wildlife resources.

22

23 **ADJOURN**

24

25 Chair Marla Rae adjourned her last Commission meeting at 2:23 p.m.