



Oregon Fish and Wildlife Commission Minutes

Meeting:
August 5, 2011
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

S

1
2
3
4
5
6
7

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:

Dan Edge, Chair	Roy Elicker, Director
Jon Englund, Commissioner	Curt Melcher, Deputy Director
Skip Klarquist, Commissioner	Debbie Colbert, Deputy Director
Bob Webber, Commissioner	Bill Cook, Assistant Attorney General
Holly Akenson, Commissioner	Steve Sanders, Assistant Attorney General
Michael Finley, Commissioner	Teri Kucera, Executive Assistant

8

MEETING

9 On Friday, August 5, 2011 at 8:00 a.m., Chair Dan Edge called the Oregon Fish and
10 Wildlife Commission (the Commission) meeting to order. He introduced the new
11 Commissioners, Michael Finley and Holly Akenson. He noted for the record that
12 Commissioner Bobby Levy was excused from the meeting.

13

14 *Action: Commissioner Skip Klarquist nominated Commissioner Bobby Levy as*
15 *new vice-chair of the Commission. Commissioner Jon Englund seconded the*
16 *motion and the motion passed unanimously by a vote of six.*

17

18 Director Roy Elicker welcomed new Commissioners Akenson and Finley, and
19 congratulated Bruce Eddy on his promotion to Northeast Region Manager.

20

DIRECTOR'S REPORT

Field Reports

23

Northeast Region

25 Bruce Eddy, Region Manager, reported on wolf depredations since wolves were federally
26 delisted in Eastern Oregon. Staff has investigated 14 wolf depredations jointly with U.S.
27 Department of Agriculture Wildlife Services (USDAWS). Summaries of each depredation
28 can be viewed at http://www.dfw.state.or.us/Wolves/livestock_investigations.asp. Eddy
29 reported on the Grande Ronde Spring Chinook Fisheries. He also noted the passing of
30 Bill Brown on July 12, the first NE Region supervisor who served from 1950 to 1977. His
31 most notable accomplishment was the initial purchase of 120 acres that became the
32 seed for the Ladd Marsh Wildlife Area.

33

High Desert Region

35 Christian Hagen, Sage Grouse Conservation Coordinator, distributed handout Summary

1 of Sage-Grouse Core Area Map Refinements – 15 July 11. He reported on the
2 procedures and outcomes from the public process of Core Area Map refinement working
3 with the Local Implementation Teams (LITs). Five public meetings have been held and
4 recommendations were forwarded to the State Sage Grouse and Sagebrush Habitat
5 Conservation Team for approval and final recommendation to the Department.

6 7 Southwest Region

8 Larry Cooper, Region Manager, reported that horses were used during the recent high
9 lakes stocking in the Umpqua Watershed District. Local volunteers from the Oregon
10 Equestrian Trails horse club packed in fingerling fish. He districted a new brochure, “50
11 *Places To Go Fishing Within 60 Minutes of Roseburg*”, that has been well received by
12 the public.

13 14 Northwest Region

15 Chris Wheaton, Region Manager, reported on the removal of snapping turtles from a
16 wetland complex with the help of Tualatin Hills Parks and Recreation District staff; 70
17 turtles have been captured since 2004. Wheaton discussed the reintroduction of bull
18 trout in the upper Clackamas Basin; staff captured fish from the Metolius Basin for the
19 project. He talked about High Cascades trout stocking; some lakes were postponed due
20 to inclement weather and ice cover on the lakes.

21 22 Conservation Strategy

23 Holly Michael, Conservation Policy Coordinator, reported on the status of White Nose
24 Syndrome in bats, a topic at the recent Western Association of Fish and Wildlife
25 Agencies (WAFWA) conference in Big Sky, Montana. The Department will be working
26 with other Western state agencies and the federal government to find solutions in
27 combating this fungus. Michael talked about a series of workshops hosted by ODFW on
28 conservation strategy habitats and climate change. An upcoming workshop will focus on
29 land practitioners and the adaptive strategies needed to address climate change.

30 31 Information & Education

32 Roger Fuhrman, Division Administrator, said last month about 70 women participated in
33 a three-day Outdoor Woman Event workshop at Suttle Lake. He provided an update on
34 the summer steelhead campaign. Although fishing has been somewhat slow, there have
35 been 5,227 views at www.steelheadsummer.com since early July; additional websites
36 will be set up. Staff will also step up efforts to promote Youth Pheasants Hunts. Fuhrman
37 said a consultant has been hired to analyze the Department’s license sales.

38 39 Ocean Salmon and Columbia River Program

40 Christine Mallette, Columbia River Investigations Program Leader, said in mid-August
41 2011, staff will initiate a two-year study to describe the distribution and migration timing
42 of natural-origin Coho salmon returning to tributaries of the Columbia River downstream
43 from Bonneville Dam. NOAA Fisheries encouraged the study as part of a larger effort to
44 document when Coho stocks listed for protection under the Endangered Species Act
45 (ESA) return to the Columbia River and how long they remain in the river before entering
46 their natal streams. The intent is to enable managers to structure mainstream Columbia

1 River fisheries to better target hatchery-origin Coho and avoid natural-origin Coho.
2 Results will be used to inform fisheries planning in 2012 and 2013.

3
4 Oregon State Police, Fish and Wildlife Division

5 Lieutenant Dave Anderson reported on the sentencing of two ring leaders of a poaching
6 operation. Shane and Rory Donoho of Springfield pled guilty to multiple felony and
7 misdemeanor crimes in Lane County Circuit Court. The case involved poaching of about
8 300 deer. The lifetime suspensions of their hunting licenses extend to other states.

9
10 Director Elicker said the “Wildlife Prosecutor of the Year” Award sponsored by the
11 Oregon Sportmens Coalition was presented to Lane County Deputy District Attorney Jay
12 Hall by Captain Jeff Samuels, Oregon State Police (OSP) Fish and Wildlife Division
13 Director, and Steve Marx, South Willamette Watershed District Manager in Corvallis, at
14 the annual Oregon District Attorney Association meeting in Sunriver. Hall was honored
15 for his work prosecuting wildlife cases in Lane County.

16
17 **Recognition of Rod Moore’s Contributing Service at the Pacific Fishery
18 Management Council**

19 Deputy Director Curt Melcher recognized Rod Moore for his outstanding service the past
20 15 years working in the state process for Oregon. He said Rod’s understanding of the
21 Department is unsurpassed. Rod is an External Budget Advisory Committee (EBAC)
22 member. Steve Williams, Fish Division Deputy Administrator, noted that Moore’s
23 background and experience have been beneficial to Oregon because of his knowledge
24 and inner workings of how we manage groundfish. The Pacific Fisheries Marine Council
25 (PFMC) and the Department has used Rod’s talents in a number of ways.

26
27 Rod Moore said this is truly an honor; it has been a privilege to work formally with the
28 Department and the Council.

29
30 Commissioner Jon Englund said, from the people up and down the West Coast, a huge
31 thank-you. You are the “go to” guy and we will continue to utilize your expertise.

32
33 **Expenditure Report**

34 Debbie Colbert, Deputy Director for Administration, distributed the Financial Report as of
35 June 30, 2011. She said revenues are lagging, partly due to a timing issue of staff
36 completing contract work and subsequent billing and reimbursement for those
37 expenditures. She displayed a 2011-13 Budget Summary table for the Agency and said
38 future reports will provide detail for revenues and expenditures for the new biennium.

39
40 Director Elicker asked for an update on moving Salem headquarters to another site.
41 Deputy Director Colbert said the current lease expires in August 2013. The Department
42 received \$16 million in financing from the Legislature for acquisition of a new site. Staff
43 submitted Requests for Proposals (RFP) through DAS and received a number of
44 alternatives. She noted that any purchase would have to first go before the Commission.

45
46 **Adopt Temporary Rules**

1 Director Roy Elicker asked the Commission to adopt the 37 temporary rules found on
2 pages 1 through 9 of the agenda. He also asked Legal Counsel Bill Cook to give an
3 overview on Temporary Rules. Counselor Bill Cook explained the administrative
4 temporary rules process to Commissioners Akenson and Finley.

5
6 **1. 635-435-0035**

7 **Relocation of Nuisance Wildlife**

8 Adopted June 2, 2011: effective July 1, 2011 through December 29, 2011.

9 The rule amendment will make the language of OAR 635-435-0035, Relocation of
10 Nuisance Wildlife, consistent with the Wildlife Rehabilitation Rules. This ruling specifies
11 the process of relocation of nuisance wildlife to prohibit the release of prohibited species.
12 This temporary rulemaking action will align the language of this rule with the adopted
13 Wildlife Rehabilitation Rules.

14
15 **2. 635-041-0045**

16 **Columbia River Treaty Indian Spring Commercial Salmon Season Modified**

17 Adopted June 7, 2011: effective June 9, 2011 through October 31, 2011.

18 Amended rule allows the sales of fish caught in the Treaty Indian fisheries in the
19 Columbia River downstream of Bonneville Dam, under individual tribal Memorandums of
20 Agreement, effective June 9 through June 15, 2011. Revisions are consistent with
21 action taken June 7, 2011 by the Columbia River Compact agencies of Oregon and
22 Washington in cooperation with the Columbia River Treaty Tribes.

23
24 **3. 635-019-0090**

25 **Lower Umatilla River Spring Chinook Salmon Fishery Extended Through June 30,
26 2011**

27 Adopted June 8, 2011: effective June 13, 2011 through September 1, 2011.

28 Amended rule extends the lower Umatilla River spring Chinook salmon fishery, set in
29 permanent rule to run through June 12, until 11:59 p.m. on Thursday, June 30, 2011.
30 This allows recreational anglers opportunities to harvest excess returning hatchery
31 spring Chinook salmon in an area from the Highway 730 Bridge upstream to Three Mile
32 Dam. This extension was made possible because harvest rates have been very low and
33 harvest allocations remain available from this year's Umatilla River spring Chinook run.
34 In addition, broodstock and natural production needs have already been met. The
35 Confederated Tribes of the Umatilla Indian Reservation (CTUIR) co-manage this fishery
36 and operational plans for the species.

37
38 **4. 635-042-0027**

39 **Implementation of Columbia River Summer Chinook Commercial Gillnet Fishery**

40 Adopted June 9, 2011: effective June 16, 2011 through July 31, 2011.

41 Amended rule implements the summer Chinook salmon commercial gillnet fishery in the
42 Columbia River mainstem consistent with provisions of the *US v Oregon* management
43 agreement. Modifications allows two 8-hour non-Indian commercial summer Chinook
44 fishing periods in the mainstem Columbia River beginning at 9:00 p.m. Thursday,
45 June 16 through 5:00 a.m. Friday, June 17 and from 9:00 p.m. Wednesday June 22
46 through 5:00 a.m. Thursday June 23, 2011. Fishing is authorized in all of Zones 1
47 through 5. Implementation is consistent with action taken June 9, 20110 by the

1 Columbia River Compact agencies of Oregon and Washington.

2
3 **5. 635-041-0045 and 635-041-0076**

4 **Columbia River Treaty Indian Spring Commercial Salmon Seasons Modified**

5 Adopted June 9, 2011: effective June 16, 2011 through October 31, 2011.

6 Rule modifications set two gill net fishing periods in Zone 6 of the Columbia River and
7 allow the sales of fish caught during those periods. Rule modifications were made to the
8 Treaty Indian fisheries downstream of Bonneville Dam, under individual tribal
9 Memorandums of Agreement, effective June 16 until further notice. Revisions are
10 consistent with action taken June 9, 2011 by the Columbia River Compact agencies of
11 Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

12
13 **6. 635-051-0076**

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

16 **635-051-0078**

17 **Domestically Reared Game Bird Season for Hunting Dog and Falconry Training**

18 Adopted June 13, 2011: effective July 1, 2011 to July 25, 2011.

19 Suspend Temporary Rules regarding the use of game birds for dog and falconry training.
20 This Temporary Rule making action is being suspended because the Permanent Rules
21 adopted by the Commission on June 2, 2011 now makes these rules obsolete.

22
23 **7. 635-023-0128**

24 **2011 Columbia River Summer Recreational Fisheries Implemented**

25 Adopted June 14, 2011: effective June 16, 2011 through July 31, 2011.

26 Amended rule implements the summer recreational salmon fishing seasons in the
27 Columbia River. Modifications to regulations for 2011 conform to recent regulation
28 changes developed through the Pacific Fishery Management Council/North of Falcon
29 Process. Housekeeping and technical corrections to the regulations were made to
30 ensure rule consistency.

31
32 **8. 635-004-0019**

33 **Revised Cumulative Limits for the Limited Entry Fixed Gear Primary Sablefish
34 Fishery**

35 Adopted June 15, 2011: effective June 20, 2011 through November 8, 2011.

36 Amended rule adopts revised cumulative limits for the limited entry fixed gear primary
37 sablefish fishery. These modifications, adopted by the federal government for the
38 remainder of the 2011 Pacific Ocean commercial groundfish fisheries, include but are not
39 limited to increases in the limited entry fixed gear primary sablefish fishery cumulative
40 limit.

41
42 **9. 635-042-0110 and 635-042-0115**

43 **Area 2S and Camas-Washougal Reef Commercial Shad Seasons Extended**

44 Adopted June 16, 2011: effective June 21, 2011 through June 24, 2011.

45 Amended rules extend, by four additional days, the open commercial shad seasons on
46 the Columbia River in the Area 2S and Camas-Washougal Reef fisheries. The Area 2S
47 fishery is open daily from 3:00 p.m. to 10:00 p.m. while the Camas-Washougal Reef

1 fishery is open daily from 8:00 p.m. to 12:00 Midnight; both fisheries begin Tuesday June
2 21 through Friday June 24, 2011. Only shad may be kept or sold. All other fish must be
3 immediately returned unharmed to the water. Modifications allow harvest using
4 experimental gear when purchasing an *Experimental Fishing Gear Permit* as described
5 in OAR 635-006-0020. Revisions are consistent with action taken on June 16, 2011 by
6 the Columbia River Compact agencies of Oregon and Washington.

7
8 **10. 635-012-0020**

9 **Marine Reserve Administrative Rules Effective Dates Postponed Until January 1,**
10 **2012**

11 Adopted June 22, 2011: effective June 29, 2011 through December 25, 2011.
12 Amended rule delays the effective date for the Division 012 rules for Marine Reserves
13 and Protected Areas that will regulate hunting and fishing activities in the Otter Rock and
14 Redfish Rocks Marine Reserves and the Redfish Rocks Marine Protected Area. The
15 suspended rules: 635-012-0030, 635-012-0040, 635-012-0050, and 635-012-0060
16 prohibit take or attempts to take, including fishing or hunting, any fish or wildlife species
17 in the marine reserves; allow for removing crab pots and other fishing gear; and allow
18 scientific take for research with valid permit. In the marine protected area, the
19 suspended rules prohibit and allow the same activities as in the marine reserves, with
20 additional allowances for commercial or recreational troll and take of salmon and fishing
21 for and take of crab in authorized fisheries.

22
23 **11. 635-042-0145**

24 **Youngs Bay Select Area Closed to Retention of White Sturgeon Effective June 27,**
25 **2011**

26 Adopted June 23, 2011: effective June 27, 2011 through July 29, 2011.
27 Amended rule prohibits the commercial harvest of white sturgeon in the Youngs Bay
28 Select Area fishery beginning at 6:00 p.m. Monday, June 27, 2011. Modifications are
29 consistent with action taken June 23, 2011 by the state of Oregon during a meeting of
30 the Columbia River Compact agencies of Oregon and Washington.

31
32 **12. 635-023-0095**

33 **Recreational White Sturgeon Fishery Opens June 27, 2011 in Bonneville Pool**

34 Adopted June 23, 2011: effective June 27, 2011 through July 31, 2011.
35 Amended rule opens two three-day recreational sturgeon seasons in the Bonneville Pool
36 of the Columbia River, Thursdays through Saturdays, beginning 12:01 a.m. June 30
37 through July 9. Modifications to the recreational sturgeon season in the area from the
38 Wauna power lines downstream to the mouth at Buoy 10, including Youngs Bay, open
39 the fishing periods Monday, June 27 through Thursday, June 30 and Tuesday, July 5
40 through Sunday, July 31 (or until the preseason harvest guideline is reached).
41 Modifications are consistent with action taken June 23, 2011 by the Columbia River
42 Compact agencies of Oregon and Washington.

43
44 **13. 635-041-0076**

45 **Columbia River Treaty Indian Commercial Gill Net Summer Season Implemented**

46 Adopted June 23, 2011: effective June 27, 2011 through October 31, 2011.
47 Rule modifications set a Treaty Indian commercial gill net fishing period in Zone 6 of the

1 Columbia River and allow the sales of fish caught during that period. Revisions are
2 consistent with action taken June 23, 2011 by the Columbia River Compact agencies of
3 Oregon and Washington in cooperation with the Columbia River Treaty Tribes.
4

5 **14. 635-004-0033**

6 **Cumulative Trip Limits Increased for Black and Blue Rockfish Combined**

7 Adopted June 27, 2011: effective July 5, 2011 through December 31, 2011.

8 Amended rule increases the commercial groundfish cumulative trip limits for black
9 rockfish and blue rockfish combined by 200 pounds in each of the harvest periods 4, 5
10 and 6.
11

12 **15. 635-005-0020**

13 **Tillamook Bay Commercial Cockle Clam Dive Fishery Closure**

14 Adopted June 28, 2011: effective July 3, 2011 through December 29, 2011.

15 Amended rule closes the Tillamook Bay commercial cockle clam dive fishery at 12:01
16 a.m. Sunday, July 3, 2011 due to a projected attainment of the 90,000 pound annual
17 harvest quota allowed under bay clam dive permits. Modifications are consistent with
18 requirements described in OAR 635-005-0032 sections (2) and (3).
19

20 **16. 635-039-0085**

21 **Oregon Ocean Sport Pacific Halibut All-Depth Spring Season Closure, Cape Falcon to Humbug
22 Mountain**

23 Adopted June 30, 2011: effective July 1, 2011 through August 4, 2011.

24 Amended rule closes the all-depth spring sport fishery for Pacific halibut in the area
25 between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Friday, July 1,
26 2011 when the quota of 115,578 pounds is projected to have been taken. This rule is
27 consistent with regulations that have been implemented by the federal government and
28 the International Pacific Halibut Commission for the 2011 Oregon recreational fishery for
29 Pacific halibut.
30

31 **17. 635-041-0076**

32 **Columbia River Treaty Indian Commercial Gill Net Summer Season Extended**

33 Adopted June 30, 2011: effective July 5, 2011 through October 31, 2011.

34 Rule modifications set a Treaty Indian commercial gill net fishing period from 6:00 a.m.
35 Tuesday, July 5 through Friday, July 8, 2011 (3.5 days) in Zone 6 of the Columbia River
36 and allow the sales of fish caught during that period. Revisions are consistent with
37 action taken June 30, 2011 by the Columbia River Compact agencies of Oregon and
38 Washington in cooperation with the Columbia River Treaty Tribes.
39

40 **18. 635-039-0085**

41 **Oregon Ocean Sport Pacific Halibut Nearshore Season Closure from Cape Falcon to Humbug
42 Mountain**

43 Adopted July 1, 2011: effective July 6, 2011 through October 31, 2011.

44 Amended rule closes the nearshore sport fishery for Pacific halibut in the area between
45 Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Wednesday, July 6, 2011
46 when the quota of 13,800 pounds is projected to have been taken. This rule is
47 consistent with regulations that have been implemented by the federal government and

1 the International Pacific Halibut Commission for the 2011 Oregon recreational fishery for
2 Pacific halibut.

3
4 **19. 635-004-0019**

5 **Federal In-season Actions and Management Measures Implemented for Commercial**
6 **Groundfish Fisheries**

7 Adopted July 5, 2011: effective July 7, 2011 through December 31, 2011.

8 Amended rule implements in-season actions adopted by the federal government for the
9 remainder of the 2011 Pacific ocean commercial groundfish fisheries, including but not
10 limited to: (a) decreases in trip limits for limited entry and open access fixed gear
11 sablefish "Daily Trip Limit" fisheries; and b) changes in the trawl rockfish conservation
12 area (RCA).

13
14 **20. 635-018-0090**

15 **Lower Deschutes River Sport Fall Chinook Fishery Opens August 1st**

16 Adopted July 6, 2011: effective August 1, 2011 through October 31, 2011.

17 Amended rule allows the sport harvest of fall Chinook salmon in the Lower Deschutes
18 River starting August 1, 2011.

19
20 **21. 635-023-0095**

21 **Recreational White Sturgeon Fishery Closes July 9, 2011 in Bonneville Pool**

22 Adopted July 7, 2011: effective July 9, 2011 through July 31, 2011.

23 Amended rule closes the recreational sturgeon season in the Bonneville Pool of the
24 Columbia River effective at 12:01 a.m., Saturday July 9, 2011. The recreational
25 sturgeon season in the area from the Wauna power lines downstream to the mouth at
26 Buoy 10, including Youngs Bay, remains open during the fishing period Thursday, July 7
27 through Sunday, July 31 (or until the preseason harvest guideline is reached).

28 Modifications are consistent with action taken July 7, 2011 by the Columbia River
29 Compact agencies of Oregon and Washington.

30
31 **22. 635-041-0045 and 635-041-0076**

32 **Columbia River Treaty Indian Commercial Gill Net Fishery Extended Through July**
33 **15, 2011**

34 Adopted July 7, 2011: effective July 10, 2011 through October 31, 2011.

35 Rule modifications set a Treaty Indian commercial gill net fishing period from 6:00 a.m.
36 Monday, July 11 through Friday, July 15, 2011 (4.5 days) in Zone 6 of the Columbia
37 River and allow the sales of fish caught during that period. Further modifications prohibit
38 the sale of sockeye salmon after 6:00 p.m. Sunday, July 10, 2011. Revisions are
39 consistent with action taken July 7, 2011 by the Columbia River Compact agencies of
40 Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

41
42 **23. 635-019-0090**

43 **Increase Daily Bag Limits for Chinook Salmon In the Imnaha and Wallowa Rivers**

44 Adopted July 8, 2011: effective July 11, 2011 through September 1, 2011.

45 Amended rule allows recreational anglers to harvest higher daily limits of adipose fin-
46 clipped adult and jack Chinook salmon in the Imnaha and Wallowa rivers, where
47 unseasonably high water has limited opportunity to date. Harvest of salmon in excess of

1 the Department's hatchery production needs is necessary to provide social benefits and
2 manage numbers of hatchery salmon that escape into the spawning grounds.

3
4 **24. 635-004-0017**

5 **Directed Commercial Sardine Fishery Second Allocation Period Closes July 12,**
6 **2011**

7 Adopted July 8, 2011: effective July 12, 2011 through September 14, 2011.

8 Amended rule closes the Second Allocation Period of the directed commercial sardine
9 fishery effective July 12 through September 14, 2011. These modifications conform
10 state regulations to federal rule changes posted for public inspection July 11, 2011 with
11 intent to publish these changes in the Federal Register on July 12, 2010.

12
13 **25. 635-019-0090**

14 **Fin-clipped Chinook Sport Fishery on Lookingglass Creek Closes July 16, 2011**

15 Adopted July 11, 2011: effective July 16, 2011 through October 31, 2011.

16 Amended rule closes the on-going sport spring Chinook angling season on Lookingglass
17 Creek that was previously established through temporary rule. The pre-season harvest
18 allocation for this fishery is projected to be met by July 15, 2011.

19
20 **26. 635-041-0076**

21 **Columbia River Treaty Indian Commercial Gill Net Fishery Extended Through July**
22 **21, 2011**

23 Adopted July 13, 2011: effective July 18, 2011 through October 31, 2011.

24 Rule modifications set a Treaty Indian commercial gill net fishing period from 6:00 a.m.
25 Monday, July 18 through Thursday, July 21, 2011 (3.5 days) in Zone 6 of the Columbia
26 River and allow the sales of fish except sockeye and white sturgeon caught during that
27 period. Revisions are consistent with action taken July 13, 2011 by the Columbia River
28 Compact agencies of Oregon and Washington in cooperation with the Columbia River
29 Treaty Tribes.

30
31 **27. 635-023-0128**

32 **2011 Columbia River Summer Salmon Recreational Fisheries Modified**

33 Adopted July 15, 2011: effective July 18, 2011 through July 31, 2011.

34 Amended rule modifies the summer recreational salmon fishing season in the Columbia
35 River to prohibit the retention of adult Chinook and all sockeye salmon from the Astoria-
36 Megler Bridge upstream to Bonneville Dam; and to prohibit the retention of all sockeye
37 salmon from Bonneville Dam upstream to the Highway 395 Bridge near Pasco,
38 Washington, effective Monday July 18, 2011. Modifications to regulations were made for
39 consistency with preseason allocations developed through the Pacific Fishery
40 Management Council/North of Falcon Process. Revisions are consistent with action
41 taken July 15, 2011 by the Columbia River Compact agencies of Oregon and
42 Washington.

1 **28. 635-039-0090**

2 **In-season Modifications to Ocean Sport Rockfish and Other Marine Species**
3 **Seasons**

4 Adopted July 19, 2011: effective July 20, 2011 through December 31, 2011.

5 Amended rule closes the ocean for lingcod, flatfish, and rockfish; cabezon; skates and
6 "other fish" marine species listed under "Marine Fish:" on page 5 of the *2011 Oregon*
7 *Sport Ocean Regulations for Salmon, Halibut and Other Marine Fish Species*, published
8 in May 2011 and pages 102-103 of the *2011 Oregon Sport Fishing Regulations* booklet,
9 outside of 20-fathoms, effective 11:59 p.m. on July 20, 2011. Amended rule also closes
10 the sport ocean boat and estuary boat fisheries to retention of cabezon due to attainment
11 of the 2011 Oregon recreational harvest limit of 15.8 metric tons, adopted by the National
12 Marine Fisheries Service.

13
14 **29. 635-019-0090**

15 **Sport Chinook Fisheries Close On the Imnaha River**

16 Adopted July 21, 2011: effective July 23, 2011 through September 1, 2011.

17 Amended rule closes the recreational Chinook fisheries in the Imnaha River effective
18 11:59 p.m. Saturday, July 23, 2011.

19
20 **30. 635-041-0076**

21 **Columbia River Treaty Indian Commercial Gill Net Fishery Extended Through July**
22 **30, 2011**

23 Adopted July 21, 2011: effective July 25, 2011 through October 31, 2011.

24 Rule modifications set a Treaty Indian commercial gill net fishing period from 6:00 a.m.
25 Monday, July 25 through 6:00 p.m. Saturday, July 30, 2011 (5.5 days) in Zone 6 of the
26 Columbia River and allow the sales of fish except sockeye and white sturgeon caught
27 during that period. Revisions are consistent with action taken July 21, 2011 by the
28 Columbia River Compact agencies of Oregon and Washington in cooperation with the
29 Columbia River Treaty Tribes.

30
31 **31. 635-023-0095**

32 **Recreational White Sturgeon Fishery Closes July 30, 2011 in The Dalles Pool**

33 Adopted July 21, 2011: effective July 30, 2011 through December 31, 2011.

34 Amended rule closes the recreational sturgeon retention season in The Dalles Pool of
35 the Columbia River effective at 12:01 a.m., Saturday July 30, 2011. Modifications are
36 consistent with action taken July 21, 2011 by the Columbia River Compact agencies of
37 Oregon and Washington.

38
39 **32. 635-003-0004**

40 **Incidental Halibut Landing Notification Required In Ocean Troll Salmon Season**

41 Adopted July 28, 2011: effective July 29, 2011 through October 31, 2011.

42 Amended rule implements a requirement to notify the Department, within one hour of
43 landing, of incidental halibut caught during the troll salmon season, from July 29 through
44 October 31, 2011. Notification shall include the vessel's name and number; number of
45 pounds of Pacific halibut landed; location of delivery; and estimated time of delivery.

46 These modifications are in response to recent federal regulation changes made by the
47 National Oceanic and Atmospheric Administration (NOAA Fisheries).

1
2 **33. 635-006-0212, 635-006-0215 and 635-006-0225**
3 **Allow Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty**
4 **Tribal Fishers**

5 Adopted July 28, 2011: effective August 1, 2011 through October 31, 2011.
6 Amended rules allow commercial sales of gilled and gutted Columbia River salmon and
7 steelhead caught by Treaty tribal members to wholesale fish dealers, canners, and
8 buyers. Amendments also require wholesale fish dealers, canners, and buyers to report
9 in round weights on the Fish Receiving Ticket using a conversion factor 1.15.

10
11 **34. 635-042-0145**
12 **Fall Commercial Seasons Set for Youngs Bay Select Area of the Columbia River**

13 Adopted July 28, 2011: effective August 3, 2011 through October 31, 2011.
14 Amended rule sets a portion of the 2011 fall commercial salmon seasons for the Youngs
15 Bay Select Area of the Columbia River. Fall fishing periods implemented begin on
16 August 3 with the last currently scheduled period concluding on September 2, 2011.
17 Modifications are consistent with action taken July 28, 2011 by the State of Oregon.

18
19 **35. 635-042-0031**
20 **Fall Commercial Drift Gill Net Seasons Set for Columbia River Mainstem**

21 Adopted July 28, 2011: effective August 4, 2011 through August 31, 2011.
22 Amended rule sets the 2011 fall commercial salmon drift gill net seasons for the
23 Columbia River mainstem in Zones 1 through 5.

24
25 **36. 635-041-0063 and 635-041-0075**
26 **Treaty Indian Fall Fisheries for Columbia River Above Bonneville Dam**
27 **Implemented**

28 Adopted July 29, 2011: effective August 1, 2011 through October 31, 2011.
29 Amended rule allows commercial sales of fish caught during the Treaty Indian Fall
30 salmon platform and hook-and-line; Fall gill net; and Fall sturgeon setline fisheries in the
31 Columbia River above Bonneville Dam (Zone 6). The fall platform and hook-and-line
32 Chinook and steelhead fishery begins at 6:00 a.m. Monday, August 1, 2011 and runs
33 through Monday, October 31, 2011. Implementation is consistent with action taken
34 July 28, 2011 by the Columbia River Compact agencies of Oregon and Washington in
35 cooperation with the Columbia River Treaty Tribes.

36
37 **37. 635-019-0090**
38 **Sport Chinook Fisheries Close On the Wallowa River**

39 Adopted July 29, 2011: effective August 7, 2011 through September 1, 2011.
40 Amended rule closes the ongoing recreational Chinook fishery in the Wallowa River
41 effective 11:59 p.m. Saturday, August 7, 2011.

42
43 *Action: Commissioner Webber moved to approve the 37 administrative temporary*
44 *rules submitted in the agenda. Commissioner Klarquist seconded the motion, and*
45 *the motion carried unanimously.*

1 Director Elicker said the Recognition of Two Fish Passage Task Force Members and the
 2 Pride Awards Recognition would begin at 11:30 a.m.

3
 4

PUBLIC FORUM

<p>Judge Steve Grasty Burns, OR</p>	<p>Judge Steve Grasty, Harney County, distributed a letter stating that Harney County believes that the completed Sage Grouse Conservation Strategy (SGCS) in most instances will be able to be applied on the ground. He said Dr. Christian Hagen did an incredible job working through the process and came out with a good product overall. ODFW updated its strategy for the right reason. He asked the Commission to:</p> <ol style="list-style-type: none"> 1. Defend this new strategy. 2. Appoint a subcommittee of the Commission to participate in an on-the-ground meeting in Harney County, to look at the strategy through a landowners' perspective. <p>Judge Grasty, a member of the Technical Review Team, was heartened to hear that the Core and Low Density areas marked on maps are not a regulatory mechanism through a special designation but rather a trigger for a process should some development occur in one of those areas. His letter stated, "...it is already apparent that the guidelines in the strategy may become regulatory in the end." He held up a large map, "<i>Special Management Areas Federal and State</i>", and said the darker the grey the more spatial designations there are. There are eight areas that you can't do anything with. The final overlay (southern half of the county) is core, low density and conservation opportunities to the area. We have to work through a variety of rules to understand what actions we can take. It has become incredibly complicated. Do you update and work with the Plan?</p> <p>3. Judge Grasty distributed a second letter dated August 4, 2011 regarding the interim mitigation plan. His letter states that communities and county government were excluded from a process ignoring rural needs, and didn't provide a process for wind developers to weigh in. He asked the Commission to set aside this new plan until it is fully vetted with participation by other communities and interests.</p> <p>Commissioner Edge asked Judge Grasty to provide a digital version of the map he held up for the public record.</p>
<p>County Commissioner Dan Nichols Burns, OR</p>	<p>Dan Nichols, Harney County Commissioner, distributed his letter dated August 4, 2011. After the SGCS was adopted, the Oregon Natural Desert Association filed a temporary restraining order and a preliminary injunction against the</p>

	<p>Burns BLM District to halt work on the North Steens Juniper Control project, because BLM did not consider the SGCS during the EIS process. Another mandated conservation plan is being used as a basis for litigation to disrupt the efforts of private landowners, organizations and agencies to manage public land for the improvement of wildlife habitat.</p> <p>Commissioner Nichols said there is an excess of 20 spatial designations within Steens Mountain CMPA; each acre is covered 3.2 times. The mountain is protected; it's the people who live there who need protection because they are suffering due to the protection of Steens Mountain. He requested the Department's continued support of the SGCS Plan and the management objectives within it.</p>
--	---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Chair Edge commented on two things:

1. This agency is going to stand behind its SGCS. We think it's absolutely fundamental to keep from listing the species as a federal species, and so we have to take proactive conservation practices.
2. He acknowledged the importance of collaborators of regional governments and private landowners. He said this agency is well aware that the private landowners in this state host the species that we are responsible for managing on hundreds of thousands of acres; which he appreciates. He said, you asked us to consider a subcommittee; I'm going to take that under advisement. Are there proposed actions in particular? You mentioned a few weeks to a couple of months. If we decided to do that, are we anticipating any specific action that might be helpful to look at?

Judge Grasty said he would like to bring that perspective to this Commission. If we got it done this fall before the snow flies that would be good timing. Chair Edge said the Commission would get back to Judge Grasty on his request.

Public Forum

<p>Lauren Prince Portland, OR</p>	<p>Ms. Lauren Prince, Policy Associate for Renewable Northwest Project (RNP), distributed a letter. She spoke of RNP's favor of the revision of the Greater Sage-Grouse Strategy, and she expressed appreciation for ODFW and the Commission's work and commitment to balancing greater sage grouse and sagebrush habitat protection, and facilitates the development of responsible sited renewable energy projects in southeastern Oregon. Prince stressed the importance of meeting the needs of the communities.</p>
<p>Ty Stubblefield Roseburg, OR</p>	<p>Ty Stubblefield, Field Administrator for Oregon Hunters Association (OHA), distributed a letter dated July 25, 2011 to the Commission from the OHA Partnership Improvement</p>

	<p>Committee (PIC), representing 27 chapters statewide. He said page 3 gives an overview of PIC's concerns:</p> <ol style="list-style-type: none"> 1. Most important is that biologists change their focus from buck-to-doe and bull-to-cow ratios to the population management objective to increase overall herd numbers. 2. Issue only one deer tag per year; like elk. 3. Reduce antlerless harvests by not issuing antlerless tags on public lands in units below the Population Management Objective. Eliminate on public ground to private property; or to private lands open to access. 4. The deer and elk season should not start any earlier than the last weekend in August and should end no later than January 31. Stubblefield said OHA requests a plan of action for the resolution of these issues brought forward in this letter by September 21, and to allow us time to come back to the Commission and visit more about this.
--	--

1
2 Commission Webber said the proposed changes to hunt dates would eliminate some
3 hunts, including youth hunts. Stubblefield said OHA is supportive of youth hunts but is
4 concerned that the seasons are too long; elk with calves are being shot.

5
6 Director Elicker said ODFW has been working closely with OHA on some of these issues
7 and is making progress. We have lagged behind on our Black-tail Deer Plan to
8 concentrate on the Mule Deer Initiative. He said this is the start of more detailed
9 discussions with ODFW, OHA, and the Rocky Mountain Elk Foundation. Staff will
10 respond in writing, specifically, on these points. He said to Stubblefield that he wanted all
11 OHA Chapters to be aware that Department staff has made quite a bit of progress in
12 reducing antlerless hunts. Director Elicker also said, we will definitely be following up at
13 your Board meeting with more discussion on this.

14
15 Chair Edge asked when the next OHA Board meeting will be held. He said, you have
16 asked us for a date (in your letter) in anticipation of getting comments in for the October
17 meeting and the next round of our big game regulations for next year. Stubblefield said
18 the next OHA State Board meeting is scheduled on August 20, 2011.

19
20 **Exhibit A: COMMISSION MINUTES.**

21 Chair Edge asked for edits to the February 4, April 22, June 2, and June 3 draft minutes.
22 He submitted for the record, seven edits from Commissioner Levy as follows:

- 23 1. February 4, pg. 7, line 44: change "specific" to "specify".
- 24 2. April 22, pg. 19, last paragraph: insert "Commissioner" before "Kerns".
- 25 3. June 2 and June 3, pg. 1: change "Bobby Levy, Commission" to "Bobby Levy,
26 *Commissioner*".

- 1 4. June 2, pg. 18, line 7: insert “*an*” between “...doing exemplary...”.
- 2 5. June 2, pg. 20, line 31: insert “*a*” between “...have requirement...”.
- 3 6. June 2, pg. 21, line 11: change “...written note from a permittee to release
- 4 dead birds.” to read “...written note from a *permittee* to release *live* birds.”
- 5 7. June 2, pg. 21, line 14, change “...taken with four days...” to read “...taken
- 6 *within* four days...”.
- 7

8 Commissioner Englund noted February 4, page 12, last paragraph: Tom Wolf is with
9 “*Trout Unlimited*”; delete “Oregon Council Tribal member”.

10
11 Commissioner Webber noted February 4, pg.11, line 33: change “Dave” to “*Dale*”. Also
12 on pg. 11, line 34: change “...Oak River hatchery...” to read “...*Elk* River hatchery...”

13
14 *Action: Commissioner Englund moved to approve the February 4, April 22, June*
15 *2, and June 3, 2011 draft Commission minutes as amended. Commissioner*
16 *Klarquist seconded the motion, and the motion carried unanimously.*

17 18 **Exhibit B: 2011-2012 GAME BIRD REGULATIONS**

19 Dave Budeau, Upland Game Bird Program Coordinator, gave a PowerPoint presentation
20 on the 2011-12 Proposed Oregon Upland Game Bird Regulations. He included a brief
21 overview of the population status, harvest surveys, and regulation framework, and
22 discussed controlled sage-grouse hunts; expansion of fall turkey hunts in Northeast
23 Oregon; and special hunting opportunities including youth hunts, hunting workshops, and
24 fee pheasant hunts. Budeau said we are in the second year of a five-year framework.
25 Regulations are largely self-regulating, depending on the populations. Early surveys
26 indicate a continued growth in populations of Upland Game birds.

27
28 Brandon Reishus, Assistant Game Bird Biologist, gave an overview of the regulation
29 setting process for Migratory Game Birds; hunting frameworks are managed
30 cooperatively by USFWS; most seasons are staying status quo. He discussed Zones.
31 Lake and Harney Goose Zones remain status quo, and the Duck Zone 2 season is
32 status quo concurrent with Duck season in Eastern Oregon minus Columbia Basin
33 counties.

34
35 Reishus said the Commission had directed staff to review Wilson Snipe hunting. There is
36 little data describing migration timing into Oregon and winter population numbers. Most
37 snipe harvest currently occurs November through January. A recent study gave us a
38 pretty good idea when Snipe are leaving the valley. There is no winter population data
39 for snipe. With regard to Duck Zone 1, delay opening of Snipe season by three weeks to
40 allow three weeks of hunting in February:

- 41 • November 5 – February 19.
- 42 • Some wildlife areas would not be open to snipe hunting in February.
- 43 • February would provide a different opportunity for snipe hunters.

44
45 Reishus discussed Other Issues: hunting within Boardman city limits; and permit
46 requirements to harass migratory birds with a dog that remove the requirement for a
47 landowner to secure a permit to use a dog to harass non-threatened/ endangered

1 migratory birds during the months of April-July. He said The Tami Wagner Wildlife Area
2 is open for wildlife-oriented public use unless otherwise excluded or restricted by the
3 following rules:

- 4 • Discharging firearms is prohibited except as authorized during game bird and
5 game mammal seasons or by permit.
- 6 • Camping is prohibited except by permit.
- 7 • Unauthorized motor vehicle use is prohibited.

8
9 **Public Testimony:** There was no public testimony.

10
11 Commissioner Klarquist thanked staff for making the changes to the Snipe season. He
12 asked what staff had heard from Worth Mathewson since making this proposal. Reishus
13 said he had personally called Mathewson to let him know what staff was doing. Mr.
14 Mathewson was very appreciative and also sent an email to Brad Bales and the
15 Department indicating he is happy with the proposal.

16
17 Commissioner Akenson asked about the status of the Eurasian collared doves. Are they
18 affecting native dove and band-tailed pigeon populations? Reishus said all studies show
19 there is no significant impact to native doves. He is not aware of any studies on band-
20 tailed pigeons. The Eurasian doves don't appear to be competing with the other doves
21 for food or nesting sites.

22
23 Chair Edge referred to a 24-page letter in Attachment 5 – Public Correspondence that
24 was handwritten from Art Lamm with some wonderful observations regarding the work
25 that we do. Chair Edge referred to Proposed Seasons and said one letter was
26 concerned about the inclusion of the Eurasian collared dove into the mourning dove bag.
27 What have we got going there? What kind of flexibility do we have?

28
29 Reishus said in 2008, staff included the Eurasian collared dove within the mourning dove
30 bag limit and dove season. The options to deal with them range from classifying them as
31 an unprotected species, similar to European starlings and house sparrows, through what
32 we have them now. The option in between would be to leave them as a regulated game
33 bird but with a longer season, potentially as a bonus bird. The Department is concerned
34 about having different dove seasons and incidental mourning dove mortality at that time,
35 just from folks not being aware that there are actually two different kinds of doves. Staff
36 will discuss with field staff the different options that people may desire more to see in the
37 future, and we may bring this back to the Commission next year.

38
39 Chair Edge pointed out that the thesis on Snipe that Reishus referenced in his report had
40 received the Outstanding Thesis Award from the Oregon University System a couple of
41 years ago. He noted the public comments from the Salem Audubon Society concerning
42 lead shot, and asked Director Elicker for an update regarding this issue and the Western
43 Association of Fish and Wildlife Agencies (WAFWA).

44
45 Director Elicker said the gentleman from the Salem Audubon Society who wanted to start
46 the discussion today about lead in the environment was unable to make it. Director
47 Elicker chairs the WAFWA Ad Hoc Lead and Wildlife Working Group. He said eagles and

1 condors feed on large animals; so, when we talk about large birds of prey and lead
2 poisoning, it's more a discussion of using lead bullets for big game, and not lead shot for
3 game birds. A recent petition to the Environmental Protection Agency (EPA) from the
4 Center for Biological Diversity asked EPA to put restrictions on the use of lead for
5 recreational hunting and fishing products. The EPA denied it because they don't have
6 jurisdiction, particularly over ammunition manufacturing; that decision was appealed to
7 federal court. If the federal court tells the EPA it has jurisdiction, it might be a hot topic for
8 the western states.

9
10 Director Elicker talked about the Condor breeding program at the Oregon Zoo. He said
11 Oregon would be a viable candidate for the reintroduction of California (CA) condors.
12 Condors are back in the wild in CA; about two-thirds of CA is under a lead bullet and
13 lead shot ban imposed by the CA Legislature. Director Elicker said with the help of the
14 ammunition manufacturers, Arizona (AZ) started a volunteer program and has a 70-80
15 percent compliance rate of hunters turning in lead bullets in return for non-toxic bullets to
16 use during hunting season in those areas where condors are present. Condors are
17 moving into Utah (UT) from AZ, and UT is moving into a similar volunteer program.
18 Texas is releasing a study on mourning dove seasons and the amount of lead deposited
19 in mourning dove fields. Iowa just went to non-toxic shot statewide for mourning dove
20 season; other states are looking at that action as well.

21
22 Director Elicker said for fishing the use of lead sinkers in the environment has been less
23 of a problem. The State of Washington adopted new non-toxic lead sinker regulations for
24 Northwest Washington in lakes where loons are dying from lead poisoning. Later this
25 month, he'll talk to the Council for Advancement of Hunting and Shooting Sports.
26 WAFWA is trying to work closely with the lead bullet ammo manufacturing industry, as
27 the western states take this issue on in a more regional approach.

28
29 Director Elicker said a Northern CA Tribe wants condors moved into northern CA. If
30 condors move into the Rogue Basin, the Commission and staff will have a fundamental
31 discussion about the use of lead, particularly for big game – if condors are the issue. He
32 was not prepared to make any recommendations today, but promised to keep the
33 Commission updated, and keep working with the ammo manufacturing industry and
34 WAFWA on a step-by-step approach.

35
36 Chair Edge asked for a motion referencing the **Supplemental DRAFT OAR – August 5,**
37 **2011.**

38
39 Commissioner Webber referred to Attachment 4 – Division 043 in the Commission
40 packet, page 5, line 15, and said “(8) Notwithstanding the prohibition in paragraph (6):”
41 should read “(8) Notwithstanding the prohibition in paragraph (7):”, since a new
42 paragraph (6) about Waterfowl hunting was inserted on lines 11-12.

43
44 *Action: Commissioner Webber moved to amend OAR Chapter 635, Divisions 008,*
45 *043, 045, 051, 052, 053, 054, and 060 as proposed by staff; and adopt the*
46 *document titled “2011-2012 Oregon Game Bird Regulations” with the numbering*
47 *amendment he just mentioned, and the Supplemental DRAFT OAR – August 5,*

1 2011. Commissioner Klarquist seconded the motion, and the motion carried
2 unanimously.
3

4 **Exhibit C: FALCONRY LICENSES, PERMITS AND REQUIREMENTS**

5 Martin Nugent, Threatened and Endangered, Sensitive Species Coordinator discussed
6 the amendments to Division 55. The regulations require the agency to be in compliance
7 with federal regulations no later than January 1, 2014. Nugent referred to Attachment 5
8 – Code of Federal Regulations, Subpart C – Specific Permit Provisions. He said there
9 are 11 sections in the regulations; he overviewed subsections (a) through (k) dealing
10 with falconry standards and permitting. Nugent also overviewed Attachment 4 – Code of
11 Federal Regulations, Subpart A – Introduction, and 635-055-0075 – Concerns
12 dispositions of accidentally killed wildlife. He said during the process staff had
13 consultations with the Oregon Falconers Association (OFA), Oregon Hawk Club,
14 OHA, Audubon Society of Portland (Nugent distributed a letter by President Bob
15 Sallinger), and worked separately with USFWS, Pacific Region, Migratory Birds and
16 Habitat Programs and other biologists and hawkers.
17

18 **Public Testimony:**

Bob Welle Canby, OR	Bob Welle, past-president of OFA and current vice-president of National Association of Falconers, spoke in support of the proposal and complimented staff for leading the working group. He said the process works. He has timelines and would appreciate this going through.
Trent Seager South Beach, OR	Trent Seager, Oregon falconer, BLM raptor biologist, and vice president of OFA, said OFA sent a letter to all licensed falconers in Oregon asking for their input on regulations. Many came back with regulations that would be more restrictive than federal regulations. The group tabled the issue of additional take, in order to gain federal approval and allow the sport to survive in Oregon. That issue will be addressed later. Commissioner Webber asked Seager to define “passage” -- how do you tell the difference between a migrant bird and a resident bird? Seager responded we have year-round residents and some that migrate.
Rob Gibson Salem, OR	Rob Gibson, director-at-large for OFA, thanked ODFW for helping with the new regulations. He said through a poll they did of all Oregon falconers we decided to be more restrictive because the federal regulations are a little bit too loose.

19 Commissioner Klarquist said the process worked very well; constituents are pleased. He
20 referred to comments by David L. Peterson in Attachment 6 - Public Correspondence on
21

1 adding Ferruginous hawks to the list. Nugent replied that Mr. Peterson's comments were
2 very thoughtful. We have not explored this yet, but would like to. They are not doing well
3 and are subject to disturbance. We don't have current information on their status, and
4 need to work with academia to gather better information.
5

6 Commissioner Webber asked about Mr. Peterson's suggestion of taking "migrant" out of
7 the "passage" definition. Is that logical? Nugent responded, it's virtually impossible to tell
8 the difference between a bird that's a migrant and one that isn't, unless it's marked and
9 banded. He believes the current rules work quite well, but should be kept under review.
10

11 Commissioner Webber referred to OAR 635-055-0037 (8), which indicates that if a
12 permit holder violates any of the following rules, it will invalidate his Peregrine Falcon
13 Capture Permit. He said when this was originally envisioned, it was envisioned that the
14 violation would invalidate the permit, and require the Department to do it.
15

16 Legal Counsel Bill Cook said this tracks the approach we take in other rules where
17 licenses are issued, that if there is a violation the Department has to take some action
18 then. And that gives the person the opportunity for some due process. Sometimes there
19 is a facial issue as to whether there was a violation or not; we have to have that step.
20

21 Chair Edge asked for a motion that included the addition of **Supplemental DRAFT OAR**
22 **– August 5, 2011.**
23

24 *Action: Commissioner Englund moved to amend the Oregon falconry rule, OAR*
25 *635, Division 055 and obtain certification from the U.S. Fish and Wildlife Service,*
26 *as proposed by staff, including the Supplemental DRAFT OAR dated August 5,*
27 *2011. Commissioner Akenson seconded the motion, and the motion carried*
28 *unanimously.*
29

30 **AWARDS**

31 Director Elicker presented Dr. Christian Hagen with an appreciation award for his work
32 on Western Sage grouse initiative. Last year he was drafted by the A West Y Plan for
33 sage grouse conservation, and he received the WAFWA Contributor of the Year award
34 last year for his work. Eric Rickerson said last year he witnessed Hagen's technical
35 skills and his ability to convey complex issues to a wide body audience. He is simply
36 tireless crisscrossing the state and never complaining. Chair Edge has worked with
37 Christian for years. He said Hagen teaches a Wildlife Biology course at OSU Bend
38 campus; the evaluation of that course has been exceptional.
39

40 Director Elicker also presented Kevin Blakely, Watershed Manager from Pendleton, with
41 an Award of Appreciation for serving as the Acting Deputy Director for Fish and Wildlife
42 while Curt Melcher was involved with the Oregon Legislative Session.
43

44 **Recognition of Two Fish Passage Task Force Members**

45 Greg Apke, Fish Passage Program Coordinator, said Rob Schab has been with us for 10
46 years and drafted legislation that was passed in 2001. His volunteer services on these

1 task forces entailed countless hours. Rob has been paramount to the success of the Fish
2 Passage Program. Apke also acknowledged Mark Mouser who was unable to attend.
3

4 **Pride Awards Recognition**

5 Director Roy Elicker described the different awards – recipients are selected by their
6 peers coming forward and saying that you are doing a tremendous job. He discussed the
7 criteria reviewed by a nine-member committee and handed out awards to the following:
8

9 **2010 Pride and Liscia Awards**

10 **Individual Pride Awards**

- 11 • Todd Alsbury, District Fish Biologist in Northwest (NW) Region, for his work to get
12 bull trout re-introduced into the Clackamas Basin. His ability to build and maintain
13 positive relationships with a large diverse constituency in Portland Metro area.
14
- 15 • Amy Baker, Office Specialist in High Desert (HD) Region, for her hard work and
16 skill in the numerous aspects of her job that support the agency's mission.
17
- 18 • Marla Chaney, Assistant Manager Captive Broodstock Program at Bonneville Fish
19 Hatchery in NW Region, received the *Northwest Region Employee of the Year*.
20
- 21 • Brett Hodgson, District Fish Biologist in HD Region, for working with his staff on
22 monitoring native fish stocks while looking for future opportunities to enhance
23 angler opportunities.
24
- 25 • Michael Hogansen, Project Biologist in NW Region, for expertise in fish and
26 fisheries issues in upper McKenzie Basin; going beyond the call of duty.
27
- 28 • Ann Keimig, Office Specialist in NW Region, for high-level performance. In 2010,
29 she recognized a stolen identity issue and worked with OSP that resulted in nine
30 people being indicted on 103 counts of poaching and racketeering.
31

32 **Director's Award**

- 33 • Rod Krahmer, Forest Practices Program Coordinator in Salem Headquarters
34 (HG), for his positive attitude and ability to work with multiple state and federal
35 agencies; his excellent negotiation skills that allows him to be successful in
36 acquiring positive things for Oregon fish and wildlife resources.
37

38 **Team Pride Awards**

- 39 • *Hunter Orange Working Group*: Chris Willard (HQ); Dave Budeau (HQ); Joel
40 Hurtado (HQ); Herman Biederbeck (NW); Mark Kirsch (Northeast (NE) Region);
41 Tod Lum (Southwest (SW) Region); Corey Heath (High Desert (HD) Region);
42 Lieutenant Andy Heider (OSP).
43
- 44 • *Request to Hire Lean Kaizen Team*: Jennifer Hughes; Roxie Burns; Lisa Evans;
45 Phil Pilgrim; Vicki Cloyd; Bill Herber (all from HQ); and Linda Lytle (NW)
46

- *Oregon Hunting Access Map Development Team:* David Lane; Dave Budeau; Matt Keenan; Jon Bowers; Rick Hargrave; Tom Thornton; Eric Rickerson.

Director's Team Award

- *Dog Training Team:* Kevin Blakely (NE/HG); Brandon Reishus (HQ); Dave Budeau (HQ); Tod Lum (SW); Michelle Denney (HQ); Lieutenant Andy Heider (OSP).

Volunteer Leader Award

- Jennell Hoehne, Volunteer Coordinator for NW Region, first recipient of this award for her outstanding work with volunteers, families and children.

Dave Liscia Volunteer Award

- *Friends of Fern Ridge Wildlife Area – Volunteer Tuesday Crew:* Jim Barnes; Doug Dewald; Mike Farrell; John Harrison; Roger Hetzke; Jim Jacobson; Dusty Lewis; Tony Mulder; Marvin Powell; Sam Sears; Marvin Sherman; Max Smith; Bruce Tait; Steve Taylor; Dave Walp; Gary Wills. The group distributed a copy of *Friends of Fern Ridge Wildlife Area 2010 Volunteer Annual Summary*.

Chair Edge congratulated all the awards recipients on behalf of the Commission.

Exhibit D: SAUVIE ISLAND WILDLIFE AREA MANAGEMENT PLAN AND HUNTING DOG TRAINING ADVISORY COMMITTEE PROCESS

Nancy Breuner, Wildlife Area Operations Coordinator, gave a PowerPoint presentation and summarized the Sauvie Island Wildlife Area (SIWA) Management Plan (the Plan):

- Management Plan Process. The first informational briefing was held in 2009. Public review meetings were held and public comments were included in the final draft presentation in September 2010 for adoption by the Commission. Because of concerns raised by the dog training and field dog trial groups during their public testimony, the Commission did not adopt the final draft and gave ODFW direction to work with that constituent group to address their concerns.
- Draft Goals and Objectives. Breuner said Goal 1 is to protect, enhance and manage wetland habitats to benefit fish and wildlife species. Goal 2 is to protect and manage Upland habitats to benefit habitat for a wide variety of wildlife species. Goal 3 provides a wildlife hunting area; to maintain waterfowl hunting programs and a variety of fish and wildlife related recreational and educational opportunities. Goal 4 controls other public uses to minimize the impact to fish and wildlife and habitats, related recreation, and reduce impact to neighboring private lands.
- Key Public Issues. Potential seasonal closure to hunting dog group areas; proposed grassland habitat restoration activities; and goose management.

Jeff Boechler, North Willamette Watershed District Manager, discussed the process to form the Dog Training Advisory Committee (DTAG). He said a controversy arose regarding grassland habitats and the protection of ground nesting birds. A letter was sent out in July 2010 to the organized dog training clubs that utilize SIWA. In that letter ODFW proposed to close portions of some currently used dog training areas that had

1 been identified as potential grasslands, and to implement that closure during ground bird
2 nesting season. The hunting dog training community raised serious questions about that
3 proposal; they would have lost a significant amount of time during their normal activities.
4

5 Boechler said at the September 2010 Commission meeting staff received direction to
6 work with the affected groups to seek a resolution with the hunting dog group and
7 strategies that we had for grasslands habitat and species. Staff had already embarked
8 on a statewide rule process dealing with hunting dogs and raptor training. The hunting
9 dog and raptor training rules were adopted by the Commission in June 2011 when staff
10 received direction to ensure there was equal and balanced representation of both
11 hunting dog and training interests and wildlife and habitat conservation interests in the
12 SIWA process. Boechler discussed the use of an Advisory Committee (the Committee):

- 13 • Use the Committee format to seek resolution.
- 14 • Goal is consensus amongst the Committee on recommendations.
- 15 • Professionally facilitated through the Oregon Consensus program out of PSU. The
16 Department contracted The Mary Orton Company, who served on the statewide
17 DTAG.
- 18 • Committee meetings are open to the public for public testimony.
- 19 • Eight members on Committee. Four representing hunting dog training interests;
20 staff will strive to include people with interest and experience in retriever breeds
21 and pointer flushing breeds; individual training activities and organized events
22 have differing needs for how they conduct their activities. And four wildlife and
23 habitat conservation with a focus on grassland habitats and avian species.
- 24 • Facilitator has requested flexibility in minor adjustments to total size based on her
25 feedback from Committee members. Staff will make sure there is equal and
26 balanced representation as directed by the Commission.
- 27 • Facilitation process is underway; interviews will be conducted with interested
28 parties and used to select Committee members; complete by mid-August.
- 29 • Staff is asking the Committee to focus their deliberations on the goals and
30 objectives and management strategies directly related to this issue. Objective 2.4
31 deals specifically with grassland habitats and protection of ground nesting
32 species. Objective 3.2 – hunting dog training and trials. Management strategies
33 implementing those objectives embodied in the Sauvie Island Dog Trial and
34 individual dog training plans.
- 35 • Four Committee meetings will be held: late August-early September through mid-
36 October. Results of Committee will be inserted into final draft SIWA Management
37 Plan and the associated dog training plans to the greatest extent possible.

38
39 Boechler said staff's plans to present the final draft to the Commission for consideration
40 and adoption in January 2012. He noted in the Commission's packet that staff said they
41 would come back before the Commission in December 2011. The facilitator had
42 previous scheduling commitments in August and asked staff to delay the December
43 presentation to provide more time for her schedule and for the work of the Committee.
44

45 **Public Testimony:**

Leslie Like	Ms. Leslie Like is Secretary for Willamette Weimaraner
-------------	--

<p>Hillsboro, OR</p>	<p>Club and Northwest Pointing Dog Association, distributed written testimony. She said during the last attempt to rewrite the Plan, the dog training community went to the first meeting and was told by staff that there would be no changes to dog training rules. It turns out that wasn't the case; there was a controversy but it arose over the process, not the content. Dog trainers were left out of the process during the development of the plan, and the notification to dog trainers was not about some of the traditional areas seasonally closed but almost all; it completely wiped out three months of a five month season in areas that we have financially sustained and used for over 50 years.</p> <p>Like said the Commission directed staff to work with representatives of the dog training community and to include a diverse group. Regarding the Committee, staff has decided to whittle the directive from former Chair Rae and the Commission down to two groups leaving out all other recreational users. As a participating member of the last Advisory Committee, Like suggested that the group:</p> <ul style="list-style-type: none"> • Be more diverse than staff's proposal; include more people with different recreational uses which use the same grounds that we do at the same time. • Members representing the dog training community are selected by dog training community rather than staff. At their last Advisory Committee, a list of qualified members of their community was presented to staff; two people from every category. Like offered to provide this list to staff again. <p>There is an Addendum that is never mentioned that covers dog training rules. Like suggested:</p> <ol style="list-style-type: none"> 1. Committee be expanded to 12 members of the public, plus staff and OSP. 2. The number of meetings be determined after an outline of topics is determined by the committee. 3. The training community provides its own representatives. <p>Commissioner Englund said that the staff recommended four and four. Are you suggesting four dog people, four conservationists and four other users? Like said she wasn't sure what the eight was supposed to cover. She proposed for the dog side: two specialists in upland birds, two specialists in retriever work and two professional trainers. Also houndsmen have been locked out of the process and should be represented. She suggested at least 12 members on the Committee.</p>
----------------------	---

<p>Larry Porter Portland, OR</p>	<p>Larry Porter, Vice President, Field Activities for the Oregon Brittany Club, distributed a letter. He is pleased that the Commission adopted the Plan in June. He agreed with Ms. Like that four members from the dog training community is too few, and that the number of Committee members should be increased. The addition of ODFW staff is a good thing. He said, let's be sure we don't dilute the user groups with a large number of participants. He urged staff to include all the written testimony submitted to the Commission last year in the Commission's packet, including a number of letters from stakeholders like him.</p>
<p>Phil Sperr Portland, OR</p>	<p>Phil Sperr, Oregon Retriever Club, has been a Sauvie Island resident for 11 years. He distributed written testimony. He agrees with most of Leslie Like's testimony. He encouraged the Commission to include upland, retriever and sport hunting people who use the refuge; should include people recommended by the groups themselves. He suggested more than four advisory group meetings.</p>
<p>David Illias Portland, OR</p>	<p>David Illias, Oregon Retriever Club, distributed written testimony. He referred to the proposed formation of an advisory group for the dog training aspect of the Plan. He said the members of the group cited by ODFW fail to include the hunters; who have a very important long-term investment in SIWA. Their funds bought the area and continue to annually fund the area. He recommended that the Committee include representatives from organizations such as Ducks Unlimited, Pheasants Forever, and especially Oregon duck hunters.</p>
<p>Rob Walton Portland, OR</p>	<p>Rob Walton signed up for public testimony but was not present in the audience.</p>

1
2 Commissioner Klarquist, a resident on Sauvie Island but not a dog owner asked for
3 clarification on the 2,230 acres that are identified as pasture grassland habitats. That's
4 also where the dog training takes place, is that correct? He asked questions on Draft
5 Objective 3.2: "Provide opportunities for individual dog training and dog field trials which
6 *will not conflict with wildlife habitat* management objectives or Objective 3.1." If one takes
7 precedence over the other, then we're taking away from the dog training.
8
9 Boechler said the goals for the grassland habitats are goals and don't necessarily reflect
10 everything we've got out there now that could potentially be managed into grassland
11 habitats. There will be opportunities for the Committee to talk about these things. He
12 noted that there will be financial restraints.

1
2 Commissioner Webber said at the last meeting of DTAG there was a clear message that
3 one group felt like the Committee was dominated, so they didn't participate. He
4 expressed concern that the Committee should not alienate any group. Boechler said
5 staff is relying on the facilitator and her neutral role to choose the Committee.

6
7 Commissioner Finley said the facilitator should be given some kind of criteria in the
8 process of choosing members; e.g., geographic, specialty. It ought to be more diverse
9 than dog users and those against using dogs. Boechler said staff is helping the facilitator
10 with that criterion, although not trying to dictate where the facilitator goes with this.

11
12 Chair Edge said at the Commission's September 2010 meeting, staff was given clear
13 direction to focus on these two issues; a more focused group is appropriate. He's worked
14 with professional facilitators with positive results. He said staff should allow the facilitator
15 to decide on the number of committee members and to determine whether the
16 Committee needs more diversity. He asked what the plan is to make sure that the other
17 groups who originally commented on the Plan are brought into the fold.

18
19 Boechler said the Department will sit on the Committee but not necessarily be part of the
20 voting for consensus. We want them to provide us the input. If staff sees the Committee
21 going in a direction that would severely impact another user group, or goals or
22 objectives, staff will step in.

23
24 Chair Edge said he liked the Plan the way it rolled out a year ago. He appreciated that
25 staff was trying to keep sideboards on most of the Plan and focus on conflicting interests
26 that cropped up in the last draft. We have a professional facilitator to provide us
27 guidance on how to staff the Committee and today the Commission heard interest in
28 diversifying the Committee. He told staff perhaps they would have to increase the
29 number on the Committee. He is mindful that these facilitated processes are very
30 expensive. He asked staff to make sure they engage the particular public that is
31 interested and in a means that they feel like their views have been heard and that we've
32 listened to them. He said make sure there's enough diversity on the Committee that we
33 properly incorporate what we need to address on those two particular objectives.

34
35 Boechler asked if Chair Edge was talking about the diversity to address the objectives
36 that staff highlighted - grassland strategies and dog training. Chair Edge said correct.

37
38 **Exhibit E: 2012 OREGON SPORTFISHING REGULATIONS**

39
40 ***Commissioner Jon Englund declared a potential conflict of interest since his***
41 ***family business deals with the sportfishing community. Chair Edge noted it for the***
42 ***record.***

43
44 Rhine Messmer, Recreational Fisheries Program Manager, said the sportfishing
45 regulations go through a major review every four years; this is interim year three. The
46 new rules take effect January 1, 2012. He reported on several issues:

- 47 1. Issue 1 – Technical

- Universal Date Changes (see Attachment 3); fourth Saturdays of April and May; Free Fishing Weekend, etc.
- OARs (see Attachment 5). Change all references in OARs concerning “2011 Sport Fishing Regulations” to refer to the “2012 Sport Fishing Regulations”.

2. Proposed Rule Changes (see Attachment 4) and guidelines:

- Critical conservation needs.
- Error corrections and clarifications.
- Inadvertent restrictions.
- New non-controversial opportunities or expanded angling opportunities.
- 34 staff proposals.
- Three Key Issues (see Attachment 3):
 - 1) Smelt regulations. Remove blanket closure – only Eulachon smelt closed to harvest. Allows harvest of other smelt species in bays, estuaries.
 - 2) Diamond Lake trout limits – increase daily trout limit from five to eight.
 - 3) Tiger Trout – catch and release; Fish Lake and Phillips Reservoir.

Messmer asked the Commission to accept the Department’s proposal in Attachment 4, and authorize staff to make text or formatting changes to correct typographical or grammatical errors, inadvertent inconsistencies, or to meet publishing needs.

Public Testimony: There was no public testimony.

Commissioner Akenson asked about tiger trout in Phillips Reservoir. If that becomes a successful program, would you continue doing “put-and-take” with tiger trout, or switch to rainbow trout? Messmer said if tiger trout are successful, they’ll be used to complement the other trout stocking. The most efficient program would be to reestablish a trout fishery with a fingerling plant. We anticipate that rainbow trout will always be a part of this fishery. Commissioner Akenson asked, what is the purpose of choosing the tiger trout? Messmer said to attract anglers and to control prey species.

Chair Edge said Washington’s regulations are similar to those proposed. He asked how easy is it to identify the smelt; how do you confirm the capture method, is that a net fishery; and do we have any concern of incidental take on the listed species? Messmer said at the jig fishery, nets are not normally involved. It’s likely there will be enough separation in habitat. Eulachon are primarily caught in dip nets. Commissioner Edge asked how long the Washington regulation has been in effect. Messmer said it was adopted in December 2010.

Action: Commissioner Englund moved to amend OAR Chapter 635, Divisions 008, 011, 013, 01, 016, 017, 018, 019, 021, 023 and 039 as proposed by staff in Attachment 5, and to uniformly reflect the calendar dates for trout season openers as described in Attachment 3 and shown in Attachment 4. Commissioner Finley seconded the motion, and the motion carried unanimously.

1 *Action: Commissioner Englund moved to adopt the 2012 Sport Fishing*
2 *Regulations pamphlet as proposed by staff in Attachment 4 to reflect changes*
3 *made to the 2011 rules and authorize staff to make text or formatting changes to*
4 *correct typographical or grammatical errors, correct inadvertent inconsistencies,*
5 *improve readability or to meet publishing needs. Commissioner Finley seconded*
6 *the motion, and the motion carried unanimously.*

7
8 **Exhibit F: LOWER COLUMBIA RIVER AND OREGON COAST WHITE**
9 **STURGEON CONSERVATION PLAN**

10 Tony Nigro, Ocean Salmon and Columbia River Program Manager, said the revised
11 rules reflect changes to the title of the plan so that it includes “Oregon Coast”. He pointed
12 out; with respect to the Independent Multidisciplinary Science Team (IMST) comments,
13 the summary of the draft comments included in the packets reflect a conversation with
14 the IMST in June. We’ve provided a copy of those final comments today. He introduced
15 Tucker Jones, lead author of the Plan; Christine Mallette who oversaw the planning
16 process; and Chris Kern of Columbia Fisheries Management Group who did population
17 modeling (not present). Nigro and Tom Rien presented a slide show, Lower Columbia
18 River and Oregon Coast White Sturgeon Conservation Plan.

19
20 Tom Rien, Columbia River Coordination Program Manager, defined the difference
21 between conservation and desired status. The current population is dominated by
22 juvenile fish, about 900,000. He talked about how current population relates to
23 conservation and desired status. Four significant key limiting factors are:

- 24 1. Sea lion predation;
- 25 2. Hydropower system operations and river conditions;
- 26 3. Overharvest; and
- 27 4. Habitat loss and degradation.

28
29 Rien discussed four major steps with regard to the Adaptive Management Framework:

- 30 1. Convene a White Sturgeon Technical Management Team.
- 31 2. Use a “weight-of-evidence” scheme for assessing problems and potential
32 remedies.
- 33 3. Develop a list of feasible measures to address problems.
- 34 4. Work with policy-makers to implement remedies.

35
36 Rien discussed the comments made by the Independent Multidisciplinary Science Team
37 (IMST) (see Addendum to Attachment 5 – IMST Revise Comments).

38
39 Nigro summarized the Current Status versus the Benchmarks, the Limiting Factors,
40 Adaptive Management, and Feedback on these issues. He said there is broad support
41 for improvements to hydropower operations to benefit sturgeon, and broad support to
42 reduce near-term harvest as a means to rebuild the population. Nigro introduced Lance
43 Beckman, retired fishery biologist with USFWS, member of Columbia River Recreational
44 Fisheries Advisory Group; and Bob Rees, President of NW Guides & Anglers
45 Association, and past member of Columbia River Recreational Fisheries Advisory Group.

46

1 Lance Beckman commended the Department staff, but expressed concern that all the
2 recovery eggs are in one basket: Harvest Management. Recovery efforts of sturgeon
3 populations are dedicated to supplementation. He said supplementation should be more
4 strongly addressed in this document. Sturgeon are suffering major depredation by sea
5 lions and poor natural success in propagation. We've imposed several quotas and other
6 solutions, and yet they still decline. Now what do we do? This is a wakeup call.

7
8 Bob Rees provided comments from the Stakeholders Team.

- 9 • Did not insist but believes hatchery supplementation is a tool. Others believe we
10 should reserve this option. Other actions include fishing mortality.
- 11 • Fisheries specific impacts. Look at impacts each user group has, and apply those
12 impacts to our own quota system. They should be counted against us in the
13 harvest of sturgeon.
- 14 • Current and constant conservation status – Is this plan too optimistic?
- 15 • Adaptive Management – turn this framework as a course of action into
16 implementing strategies. This comes down to adequate funding.
- 17 • Research Needs. Understanding the food ecology and prey availability.
- 18 • Understanding the magnitude and extent of sea lion predation.
- 19 • Mortality rates associated with catch and release fishing.

20
21 **Public Testimony:**

Tom Wolf Hillsboro, OR	Tom Wolf, Trout Unlimited, commended staff for their work. He said it is perhaps ODFW's best conservation plan. He doesn't believe that hatcheries are the solution to everything. There are as many problems with hatcheries as there are possibilities. He commended staff for their plans to stick with natural recovery because hatcheries aren't the solution; the second reason is cost. How are you going to pay for a hatchery for white sturgeon in this continually declining economic reality? He urged the Commission to stick with the current plan and not look at hatcheries.
---------------------------	--

22
23 Commissioner Klarquist said your PowerPoint graph separated the sturgeon into three
24 age classes: juvenile, sub-adult and adult. He was not sure how to tie those ratios
25 together, and said the concern portrayed by the IMST in its report has to do with the
26 indirect effects of either sturgeon not necessarily eating, but their spawning ability so the
27 recreational catch and release is putting stresses on them. Have we focused our goals
28 on adequately managing what we can manage, which is the catch and release so that
29 we keep the recruitment of the younger fish in the right balance? What is the current
30 status of our effort to manage the sea lion predation with more than just hazing, which
31 seems to have limited success?

32
33 Nigro responded, we have established spawning sanctuaries that minimizes the risk to
34 sturgeon during the time they stage and spawn. There is some uncertainty as to whether
35 those sanctuaries fully incorporate areas in which sturgeon will spawn in that given year.
36 We believe that those sanctuaries will provide significant and adequate protection from

1 handling in the fisheries of the broodstock fish He asked Counselor Steve Sanders to
2 respond to recent federal government actions with respect to sea lion predation.

3
4 Counselor Steve Sanders said the Federal government recently withdrew the letter of
5 authorization issued to the states of Oregon and Washington, which permitted us to
6 lethally remove California sea lions from Bonneville. The problem was a process issue
7 on the federal issuance of the permit, and they promised to expedite the reissuance of
8 that permit near the time for the next year's season. So we should be able to get that in
9 place by early next year. The problem though, really, from the sturgeon's perspective is,
10 that our letter of authorization authorizes the removal of California sea lions, not Stellar
11 sea lions, which are targeting primarily on the sturgeon. That's a problem inherent in the
12 Marine Mammal Protection Act, which really only authorizes us to remove sea lions to
13 protect listed salmonoids, not sturgeon. And it does not authorize us to remove listed sea
14 lions, which the Stellar sea lions are listed under ESA. While we petitioned for a removal
15 of the Stellar sea lions from the listed status, that still will not get us by the basic problem
16 in the Marine Mammal Protection Act (MMPA), that we are not authorized to take sea
17 lions to protect sturgeon. Tribes have employed a lobbyist, and he was able recently to
18 get a hearing in front of Congress with an effort to re-authorize the MMPA, including
19 Stellars, and for the protection of sturgeon. Frankly, that would be the change required
20 to really provide legal protection for sturgeon.

21
22 Commissioner Englund asked for clarification about stress being placed on brood stock.
23 Is harassment a big concern with spawning? Nigro said we try to minimize that issue
24 with sanctuaries. With respect to sea lions, we're not sure. Commissioner Englund said
25 so have the sea lions and the fishers, both commercial and recreational, 20/80% ratio.
26 Are we staying within those limits? Nigro said yes, easily.

27
28 Chair Edge, a strong supporter of the IMST concept, has always used their comments in
29 order to gauge the bar of success. He applauded staff for producing a very forward
30 conservation plan.

31
32 *Action: Commissioner Klaquist moved to adopt the Administrative Rules,*
33 *presented as Attachment 3 as revised, and to approve the Lower Columbia River*
34 *and Oregon Coast White Sturgeon Conservation Plan, as provided in Attachment*
35 *4. Commissioner Englund seconded the motion, and the motion carried.*
36

37 **Exhibit G: RESTORATION AND ENHANCEMENT BOARD APPOINTMENTS**

38 Josie Thompson, Restoration and Enhancement (R&E) Program Coordinator, presented
39 the candidates who applied for three vacant positions on the R&E Board; seven
40 candidates applied. She said in summary the R&E Board recommends:

- 41 • Reappointment of Jack Glass to the Sport Fishing position.
- 42 • Reappointment of Dixie Boley to the Seafood Processing position.
- 43 • Appointment of John Alto to the Commercial Troll Fishing position.

44
45 John Alto said he was really looking forward to the opportunity. It really is an honor to be
46 nominated.

1 **Public Testimony:** There was no public testimony.
2

3 *Action: Commissioner Webber moved to re-appoint Jack Glass to a four-year term*
4 *as a Sport Fishing representative on the Fish Restoration and Enhancement*
5 *Board; to re-appoint Dixie Boley to a four-year term as a Seafood Processing*
6 *representative on the Fish Restoration and Enhancement Board, and to appoint*
7 *John Alto to a four-year term as a Troll Fishing representative on the Fish*
8 *Restoration and Enhancement Board. Commissioner Akenson seconded the*
9 *motion, and the motion carried unanimously.*

10
11 **Exhibit H: REVISED PUBLIC PROCESS FOR ANGLING REGULATIONS**
12 **DEVELOPMENT**
13

14 Rhine Messmer, Recreational Fisheries Program Manager, provided background on the
15 public involvement and the public process development review. He presented the new 5-
16 Step Public Process at the Commission's June 3 meeting for review and comment. The
17 Key Rule Changes are:

- 18 • Public process cycle – flexibility
- 19 • Public proposal content enhanced
 - 20 ➤ Change in fishing opportunities
 - 21 ➤ Conserve fish populations
- 22 • Public proposal Review Criteria
- 23 • Proposal review and processing:
 - 24 ➤ Staff review based on specific criteria
 - 25 ➤ If rejected, dropped from process

26 Staff encouraged the Commission to adopt the revisions to OAR 635-011-0050
27 Procedures for Promulgation of Angling Regulations as proposed by staff in Attachment
28 3, with an effective date of August 31, 2011.
29

30 **Public Testimony:**

Tom Wolf Hillsboro, OR	Tom Wolf, Trout Unlimited, has served on Angling Review Board. He expressed concern that ODFW must continue to ensure that the public gets a voice in this process. Make sure the public understands the need to work with staff. The public must feel that they can reach out to ODFW and make suggestions. If not, public support will diminish.
Mark Sherwood Oregon City, OR	Mark Sherwood, River Steward Coordinator for Native Fish Society (NFS), distributed a letter, which he read verbatim. He commented on: <ul style="list-style-type: none">• Regulation changes from the public that were of a social orientation, NFS cannot distinguish between the biological and the social. Anytime anglers interact with fish we are necessarily affecting their biological condition. NFS is encouraged that the latest draft of the public process includes room for both the biological and the social concerns.

	<ul style="list-style-type: none">• Mr. Messmer suggested NFS discuss potential regulation changes with affected angler groups. We don't feel that the burden to poll and weigh the needs of the angler is ours.• NFS cannot support a new Public Process for Angling Regulations if the concerns of the public, based on the best available science, are ignored.
--	---

1
2 Commissioner Finley said he understands what the Commission is attempting to do by
3 reducing the inappropriate, well-thought-out proposals that are in the system. But
4 Commissions have a special relationship with the public. He referred to last meeting's
5 minutes when Commissioner Webber said, if a proposal is rejected, the public has the
6 option to come back through the petition process. He asked how burdensome the
7 petition process is. Does it really provide an opportunity for groups who feel that the
8 relationship to the Commission is now chilled if not truncated?
9

10 Messmer said the materials that are submitted are the same as would be submitted in
11 the public process petition. There's a specific format for submitting it, and criteria, such
12 as effects on local businesses. The Commission has 90 days to accept or reject. Many
13 times it's folded into that year's angulation process. There are three ways the regulation
14 can be implemented: petition process, public process, and public talking with staff at any
15 time during the process.
16

17 Commissioner Klarquist thanked Messmer for including the social angle. The remarks
18 you gave earlier regarding the high grading of fish taken in Diamond Lake, regulations to
19 mitigate the effect of the high grading, was part of my concern a couple of years ago. It
20 may not be a conservation need at all; it may be only a social need. I think the line
21 between the two is very blurry. I want to make sure that if we can't recognize it as one;
22 we can recognize it as the other. Will this regulation design allow us to do that?
23

24 Messmer said that type of regulation is really what the process is allowed to encompass.
25 It's a social regulation dealing with how we regulate the impacts of that population, either
26 through direct consumption or non-consumption. In cases where we don't have a very
27 good gauge of social acceptance, we will be proactive and seek out information, as in
28 the case of steelhead. The social aspect is definitely something that this process will
29 embrace.
30

31 Commissioner Klarquist asked Mesmer to send him a copy of the Policy Statement and
32 the Visions that Messmer sent to Mark Sherwood by email.
33

34 Messmer said he would email the Commission the AFS Policy Statement developed by
35 American Fisheries Society members that outlines a process on how to take a look at the
36 need for regulations, and how regulations apply. He noted another paper about how in
37 the future regulations are going to become more social in nature in terms of how we
38 divide the resource up, and how different groups will come up and try to visualize what
39 suits their needs and how staff will deal with that.

1
2 Chair Edge asked Mesmer to outline the process by which staff incorporates new
3 scientific information into these proposals – both the proposals that staff develops, as
4 well as evaluating what the public may bring forward.

5
6 Messmer said for staff to bring a proposal forward, they may be dealing with
7 conservation or sustainable fisheries or developing a fishery with an attribute that the
8 public has requested. Oftentimes these are in basin plans, that there is some
9 assessment of the biological information that leads to that. In other cases, they'll take a
10 look at the growth potential. If a regulation asks that they forego harvest to reach a large
11 size, there may be biological information to show that fish don't live that long, they can't
12 grow that big, water temperatures may preclude that.

13
14 Messmer said in terms of conservation that people request for additional spawning
15 escapement; they would have spawning ground counts. The Oregon Plan monitors
16 results that look at productivity in streams, parent progeny ratios – all that information
17 would go into an assessment of whether there's additional need to conserve a
18 population. In some areas we have creel estimates, looking at the harvest rates of fish.
19 Staff would look at the ratio of harvest to escapement and determine whether or not you
20 were too high or whether there's enough room for additional fisheries.

21
22 On many public proposals, staff receives requests to manage a fishery a certain way:
23 look at a higher yield or harvest, bag limit changes or reduction of bag limit, to provide for
24 a quality fishery. Staff would evaluate that based on its potential to achieve that; is it
25 biologically feasible that this proposed action will have a result?

26
27 During review, staff would look to see that the district incorporated these thought
28 processes. And if the proposal was rejected, provide a sound basis for that rejection.
29 Messmer said staff relies heavily on OSP Enforcement on the enforceability of
30 regulations and the outcome of what they're trying to achieve through that enforcement.

31
32 Chair Edge said the Commission had directed staff to bring forward a new process; the
33 last one was burdensome and unfair to the many public proposals that were never going
34 to be given much consideration. He recommended going forward with staff's Plan to see
35 how it works. The Commission has an opportunity to change it in the future if we start to
36 hear from the public that they feel disconnected from the Commission.

37
38 *Action: Commissioner Akenson moved to adopt the revisions to OAR 635-011-*
39 *0050 Procedures for Promulgation of Angling Regulations as proposed by staff in*
40 *Attachment 3 with an effective date of August 31, 2011. Commissioner Klarquist*
41 *seconded the motion, and the motion passed unanimously.*

42
43 **Exhibit I: UPPER WILLAMETTE RIVER CONSERVATION AND RECOVERY PLAN**

44 Dave Jepsen, Conservation Planning and Implementation Specialist, during a slide
45 presentation briefed the Commission on the Upper Willamette River Conservation and
46 Recovery Plan (Plan) for Chinook Salmon and steelhead:

- 47
- Brief Plan Overview – plan has been through several revisions.

- Changes to Public Review Draft – no major revisions.
- Draft Rule Language – added clarifying language.
- Revisions to Basin Fish Management Plans.

Rob Walton, National Marine Fisheries Service (NMFS), Protected Resources Division in Portland, complimented ODFW staff for doing a good job over a long number of years to complete this plan. The hardest part is yet to come – adaptive management and implementation. We face challenges with climate change and population growth. He discussed the six different recovery plans that state and federal agencies are cooperating with. It’s a monumental challenge.

Chair Edge asked Walton to outline how the federal process interacts with the state plan. Walton said it will be a federal and state plan. He said the Plan with the Executive Summary and the response to comments that we both worked on with a federal Register Notice, is now in the clearance process through the federal government. We expect that Federal Register notice to publish this month that will signal the official adoption as our recovery plan.

Public Testimony:

<p>Tom Wolf Hillsboro, OR</p>	<p>Tom Wolf, Trout Unlimited, said staff and the stakeholders group did a great job with the Plan. Overall it is a great plan but he has two concerns with the Plan:</p> <ol style="list-style-type: none"> 1. Hatchery resident rainbow trout dumped into the McKenzie River was not addressed. We need to look further at the impact that the hatchery could have on wild Chinook that compete with spawning Chinook. 2. Summer steelhead are not native to the upper Willamette because they couldn’t get passage over Willamette Falls. It’s time to cut that program. They have a negative impact due to competition for space, and some predation.
<p>Russell Bassett Molalla, OR</p>	<p>Russell Bassett, ANWS, Executive Director of Northwest Steelheaders, is also involved in volunteer efforts on the Molalla River. He said the Steelheaders encourage the Commission to adopt this Plan. I’m a firm believer in this recovery planning process; it’s very important. He encouraged the Commission to stay involved. The large part of this Plan is implementation. I know some of the writers of the 5-year process sigh with relief. They’ve got to do updates once a year on how far implementation has gone. He asked the Commission to have them back in front of the Commission and say, “How close are you to your delisting criteria?” Stay with them through implementation and make sure it does get implemented. Bassett said without money it probably won’t be implemented. Money’s going to be tough here. He encouraged the Commission to work with Oregon Watershed Enhancement Board</p>

	<p>(OWEB), Oregon Department of Agriculture, the Governor's Office and the Counties, to make sure that this recovery Plan is a priority for them, especially OWEB. The recovery plan should be in OWEB's language for grant proposals; right now it's not. The plan is only as good as its implementation.</p>
<p>Liz Redon Stayton, OR</p>	<p>Liz Redon coordinates the North Santiam Watershed Council (NSWC) and served on the Stakeholder Committee for the Recovery Plan. NSWC said the Plan is a good start for a roadmap, considering how complex the salmon issue is. She said there are partners who are ready to start the implementation. NSWC has used the draft Plan as a cornerstone document to its Action Plan, and integrated it with the Conservation Strategy, the TMDL Plan, and others, to create our own roadmap locally. It has also been used in grant applications. By having this Plan, money is moving into the watershed for restoration projects. NSWC is working with 32 landowners on seven tributaries on the North Santiam. Because all of those actions with those landowners were identified in the recovery plan, we received grant funds. She urged the Commission to approve the recovery Plan.</p>
<p>Jim Myron Canby, OR</p>	<p>Jim Myron testified on behalf of the Native Fish Society (NFS). He said Bill Bakke had sent him comments, which he had forwarded to the Commission early this morning. Among Mr. Bakke's suggestions:</p> <ul style="list-style-type: none"> • Data monitoring requires a lot more evaluation than what's been occurring. In areas where you have enough data to develop viability criteria, NFS suggested you go ahead and do that, rather than waiting. • The Plan focuses heavily on habitat measures and on passing fish over the dams. But this Agency and this Commission have authority in hatcheries and harvest. The Plan identifies these areas as limiting factors, but they don't get a lot of play. It's late to delay implementation, but if we find that the focus on habitat isn't working, we need to be able to concentrate on those two factors that you have control over. He encouraged the staff to become engaged in those two priorities early in the process. <p>Recommendations:</p> <ul style="list-style-type: none"> • Would like to see continued removal of Summer Steelhead from the Molalla. We support the Trout

	<p>Unlimited proposal to remove them from the entire basin.</p> <ul style="list-style-type: none"> • Monitoring and evaluation to determine the effects of removal of Summer Steelhead on the Winter Steelhead. • Encouraged aggressive continuation of the implementation process. Be prepared to change direction when things aren't working.
--	---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Chair Edge said Dave Jepsen has been working on this Plan for five years. We don't want to lose sight of the fact that we're just starting. He asked Jepsen to provide more detail on the monitoring and evaluation process. Jepsen said one of the elements of the implementation is the Willamette project buyout; it has an R&E process within that. It's our vision that this serves as basin-level monitoring. Developing the funding and monitoring for those other populations is the next phase.

Walton said that Dave had mentioned earlier that 80 to 100% of spawning female Chinook will die without depositing their eggs. That's a primary source of needed research. We will be working with the universities, U.S. Army Corps of Engineers, ODFW and NMFS to make sure it's aligned with the recovery process.

Chair Edge asked how staff would update the Commission with regard to the progress of this Plan. Jepsen discussed the implementation schedule and reporting structure in the plan: one-year assessments, five-year, and multi-year.

Action: Commissioner Webber moved to adopt the administrative rules shown in Attachments 3 and 4 and approve the Upper Willamette River Conservation and Recovery Plan for Chinook salmon and Steelhead (as Attachment 5). Commissioner Klarquist seconded the motion, and the motion passed unanimously.

OTHER BUSINESS

Exhibit J: DIRECTOR APPOINTMENT

Chair Edge said the Commission had pulled Exhibit J - Director Appointment. He spoke with the Governor yesterday, who wants to have a conversation with Director Roy Elicker before the final approval of the appointment. During that conversation the Governor said he was very supportive of Roy's reappointment, but he did want to have a conversation with him about his future goals within the state.

Executive Session

Chair Edge said the Fish and Wildlife Commission will now meet in Executive Session for the purpose of reviewing and evaluating Director Roy Elicker pursuant to ORS 192.660 (2) (i). Representatives of the news media and designated staff should be allowed to attend the executive session. All the members of the audience are asked to leave the room. Representatives of the news media and Deputy Director Colbert are

1 allowed to attend. All other persons asked to leave the room. Reporters are directed not
2 to report on the discussions during the executive session, except to state the general
3 subject of the session as previously announced. No decision may be made in executive
4 session. At the end of the executive session we will return to open session and welcome
5 the audience back to hear me adjourn the meeting.

6
7 The Commission recessed at 5:30 p.m.

8
9 **ADJOURN**

10 Chair Edge said the Commission had a very positive discussion about Elicker's
11 reappointment. He adjourned the Commission meeting at 6:35 p.m.