



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
October 7, 2011  
Red Lion Hotel  
Walla Walla Umatilla Room  
304 SE Nye Avenue  
Pendleton, Oregon 97801

1  
2 *Commission minutes are considered draft until approved by the Commission*  
3 *at its next meeting.*

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

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Dan Edge, Chair	Roy Elicker, Director
Bobby Levy, Vice-Chair	Debbie Colbert, Deputy Director
Skip Klarquist, Commissioner	Steve Sanders, Senior Assistant Attorney General
Holly Akenson, Commissioner	
Michael Finley, Commissioner	Erin Donald, Assistant Attorney General
	Teri Kucera, Executive Assistant

## MEETING

On Friday, October 7, 2011 at 8:00 a.m., Chair Dan Edge called the Oregon Fish and Wildlife Commission (the Commission) meeting to order. He noted that Commissioners Jon Englund and Bob Webber were excused from the meeting. He said the night before the Commission honored former Commissioner Carter Kerns for eight years of service on the Commission. He moved Exhibit E up on the agenda for consideration.

### **Exhibit E: PURCHASE OF THE GARMIN BUILDING FOR THE MARINE RESOURCES PROGRAM**

Bruce McIntosh, Fish Division Deputy Director for Inland Fisheries, said the Commission approved this request in the agency's 2011-13 requested budget as Program Operations Package (POP) 165. It was included in the Governor's Recommended Budget and approved by the 2011 Legislature. The agency included this POP as part of its 2011-13 budget due to the Marine Resources Program (MRP) outgrowing its current space at the Hatfield Marine Sciences Center. McIntosh said the agency entered into a lease-to-own agreement and occupied the building this past biennium. Purchase was pending approval from the Legislature who authorized up to \$600,000 for the purchase of the building; to be paid one-third each by: Commercial Fish Fund; Shellfish funds; and MRP. He said since the MRP 2011-2013 budget did not receive full allocation to pay their \$200,000, MRP will pay one-half of that this biennium; then use its Operating Account to cover the purchase and pay back the remaining balance in the next biennium.

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

*Action: Commissioner Finley moved to approve the purchase of the Garmin Building in Newport and direct staff to exercise its option to purchase under the lease agreement. Commissioner Levy seconded the motion, and the motion carried unanimously by a vote of five.*

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2 **DIRECTOR'S REPORT**

3 **Field Reports**

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5 Northeast Region

6 Bruce Eddy, Region Manager, said staff is completing annual Spring Chinook and  
7 steelhead surveys with the Tribes. He said recent Youth Pheasant Hunts in the region  
8 were well attended. He also reported that there are two new groups of wolves: 1) the  
9 Walla Walla pack in Northern Umatilla County; and 2) a group just south of the Walla  
10 Walla pack. The Imnaha pack continues to be in the press; staff has conducted 24  
11 depredations since wolves were federally delisted in Eastern Oregon on May 5, 2011.  
12 Staff confirmed the last depredation on September 22, triggering efforts to lethally remove  
13 one sub adult and the alpha male from the pack. Eddy said a recent injunction was filed  
14 on ODFW and the Commission regarding the wolf removal.  
15

16 High Desert Region

17 Chip Dale, Region Manager, said on August 17, staff and other science team members  
18 confirmed that juvenile Miller Lake lamprey translocated back into Miller Lake and  
19 tributaries; the lamprey increased in length following a 52-year absence. Lampreys  
20 released into the Lake and tributaries in 2010 should mature this fall and spawn in the  
21 spring of 2012. Dale discussed the attendance and harvest rates of Youth Upland Game  
22 Bird hunts held in the Malheur, Klamath, and Deschutes watersheds in September.  
23

24 Southwest Region

25 Larry Cooper, Region Manager, reported on the Wild Coho fishery in the Lower Umpqua  
26 and 11 coastal basins; the first time in 18 years. He said the harvest quota was set at  
27 1,300 fish; the first four days saw a harvest that was about 45% of that quota; the quota  
28 was met on September 30. He reported on fall Chinook fisheries in Coos Bay; this year it  
29 was very strong; about 80,000 fishing days occurred between August 15 and September  
30 18. The harvest was almost 6,000 fall Chinook resulting in happy fishermen and a  
31 positive injection into the local economy.  
32

33 Northwest Region

34 Chris Wheaton, Region Manager, said about 50 of the 58 Passive Integrated  
35 Transponder (PIT) and radio tagged adult and subadult bull trout that were transferred to  
36 the Clackamas were still alive as of early September. This fall staff will monitor the  
37 general movements of radio tagged bull trout and any spawning activity. He said  
38 hundreds of American bullfrogs were found dead at Rooster Rock State Park in  
39 September. Staff is waiting for test results to see if a high bacterial infection called  
40 Ranavirus is the cause for mortality. He reported that staff is working with the City of  
41 Seaside and a private consultant to relocate an osprey nest located on top of a light  
42 structure scheduled to be torn down at Broadway Field. ODFW approved moving the nest  
43 site closer to Neawanna Creek. Wheaton said staff received two reports of feral swine in  
44 Linn County last month; he noted the cooperation of the Linn County Sheriff Office and  
45 local landowners to remove the animals.  
46  
47

1 Information & Education

2 Chris Willard, Education Services Manager in Information and Education Services  
3 Division, reported on the ODFW Wildlife Viewing Map that was launched in mid-  
4 September on ODFW's website. The online viewing map has information on 235 viewing  
5 locations statewide. The map is very popular; more than 22 newspapers have called in  
6 and said they would cover the website. Staff is seeking grants to expand the map, similar  
7 to the Hunter Access Map. He noted that Oregonians spent more than \$1 billion on  
8 wildlife viewing, travel and equipment. Willard also reported that Hunter Education  
9 programs supported 14 youth pheasant clinics throughout Oregon. He distributed the  
10 new *Columbia Basin Bird Hunting Guide* to the Commission.

11  
12 Conservation Strategy

13 Holly Michael, Conservation Policy Coordinator, said staff is tracking 38 different climate  
14 initiatives that touch Oregon. Climate change was mentioned in the Conservation  
15 Strategy but wasn't identified as a key conservation issues. She reported on five issues:

- 16  
17 1. The 2012 conservation strategy update will include climate change as a seventh  
18 key conservation issue; staff will update the species table for every species in the  
19 Conservation Strategy; including identification of threats.  
20
- 21 2. Established a Memorandum of Understanding titled *Collaboration on State*  
22 *Information Needs and Capacity Building* between the Western Governor's  
23 Association (WGA) and NOAA on climate.  
24
- 25 3. The next climate change workshop is scheduled October 18 in Burns, Oregon on  
26 Northern Basin and range habitats; specifically sage brush and closed wetland  
27 basin systems. The goal is to bring together land manager partners and the  
28 scientists working in that habitat type to talk about the latest science on research  
29 and adaptation strategies and try to identify very specific actions we can take.  
30
- 31 4. Through the Oregon Climate Change Adaptation framework the Governor directed  
32 staff to work with all state agencies knowing that climate change will affect all  
33 working landscapes. Staff was directed to work with the Department of Land  
34 Conservation and Development and others to develop a pilot project identifying a  
35 community that could be at risk and looking at those ways to protect the economy  
36 and the natural resources.  
37
- 38 5. University of California at Davis report that addresses 46 strategy species in the  
39 Willamette Valley most at risk through climate change and what other nonclimate  
40 stressors there are. The report looks at the conservation opportunity areas and  
41 prioritizes those by which of those are most at risk from climate changes that will  
42 really help staff to focus some of those efforts. She offered to make the report  
43 available to the Commission.  
44

45 Commissioner Levy suggested that Holly give the Commission a workshop on climate  
46 change to bring the Commission up to speed with what staff is doing. She said we learn

1 so much every time a workshop is given and it makes it relevant, especially coming from  
2 farming and ranching. Michael agreed to do so.

3  
4 Commissioner Finley said he attended a conference in the Greater Yellowstone area. He  
5 said many people could test forward-looking models. Dr. Healy, a scientist from the  
6 California Academy of Sciences, looked at US weather stations in the region for 30 years  
7 and analyzed the data; then she mapped it in a GIS color frame. He said in that area,  
8 while there were certain regions that were warming and others that showed some cooling  
9 over the period while the summer temperatures remained the same, in this analysis it was  
10 the winter temperatures where it didn't get as cold anymore and lost snowpack and melt  
11 led to habitat degradation that affected the rivers and streams in that region; both for  
12 agriculture and natural resources. He suggested looking at what Dr. Healy's data or  
13 systems could do in Oregon's high mountain areas and use past data. He said it is hard  
14 for people who deny climate change on prospective models to deny change in 30 years,  
15 which is evident from our own thermometers. He offered to connect Michael with Dr.  
16 Healy. Michael accepted his offer.

#### 17 Fish Division

18 Bruce McIntosh, Fish Division Deputy Administrator, said the stock composition of the  
19 salmon caught in the commercial and recreational fisheries varies over the season and  
20 they differed from what we assumed in the pre-season planning. Run sizes of certain  
21 stocks were less than forecasted; catch expectations for each fishery was adjusted in-  
22 season as new information became available. He said when you take these adjustments  
23 into account the fisheries that staff has been implementing generally met the  
24 expectations. For commercial fisheries in the Lower Columbia River below Bonneville  
25 Dam in the mainstem and select areas about 68,000 fall Chinook have been harvested  
26 and about 43,000 coho. For recreational fisheries combining the Buoy 10 area and the  
27 Lower Columbia River from Rocky Point/Tongue Point to Bonneville Dam, about 37,000  
28 fall Chinook and 10,000 Coho were harvested. Overall the fishery has gone quite well.

#### 29 Oregon State Police, Fish and Wildlife Division

30  
31 Captain Jeff Samuels, Division Director, said Sr. Trooper Gunderson from The Dalles  
32 area and Trooper Ocheskey received a call at 11:00 pm that boats were fishing near the  
33 mouth of Eagle Creek. One suspect was arrested for fishing after dark and operating a  
34 vessel without any navigational lights; the passenger had an outstanding warrant for theft  
35 out of Washington County and was taken into custody. A person sleeping in a second  
36 vessel was cited for angling with unattended lines. At 2:30 a.m. the troopers observed  
37 another person cleaning fish in Eagle Creek; he had 28 adult coho salmon in possession  
38 and 17 coho in his vehicle. The suspect did not have an Oregon angling license but a  
39 Washington angling license; however no fish were validated on his card. The suspect  
40 was cited for several charges and taken to jail. Captain Samuels said deer season just  
41 started and compliance with the Youth Hunter Orange requirement has been very high  
42 statewide; in the east region OSP distributed about 60 orange hats.

#### 43 **Expenditure Report**

44  
45 Deputy Director Debbie Colbert presented the Financial Report as of August 31, 2011;  
46 Department wide, revenues and expenditures are within projections. The beginning  
47

1 balance is based on the latest information but that number will change in future reports  
2 because 2009-2011 expenditures close in December 2011. She said state agencies were  
3 asked to submit 10.5% reduction options for Lottery and General Funds; due by  
4 November 14. Given the latest forecast the Legislature wants to prepare for any  
5 adjustments they have to make. She discussed the Governor's new zero based budget  
6 process; the design is being lead by Michael Jordan, Chief Operating Officer for  
7 Department of Administrative Services. She asked to give a detailed presentation of the  
8 new budget process at a future meeting; then an extended presentation later as staff  
9 develops conceptual proposals and how they propose to package programs.

10  
11 Chair Edge agreed; the Commission had no concerns or comments.

### 12 13 **Adopt Temporary Rules**

14 Director Roy Elicker noted that staff added two temporary rules that were filed yesterday.  
15 The Commission has the full list of 17 temporary rules on the tan agenda beginning on  
16 page one with 635-018-0090 and ending on page 4 with 635-042-0031.

17  
18 Legal Counsel Steve Sanders said there are two additional temporary rules for the  
19 Commission's ratification. The first, **635-014-0090**, closes the Siuslaw, Nestucca River,  
20 and Yaquina Basins to the retention of wild coho having expected to meet the quota. The  
21 second, **635-041-0063** and **635-041-0075**, sets Treaty Indian fisheries based on Compact  
22 action yesterday; it allows the Treaty Indians on the Columbia to meet their quota as  
23 established in U.S. v Oregon.

#### 24 25 **1. 635-018-0090** 26 **Additional Harvest Opportunity During Shortened Recreational Fishing Season on** 27 **South Twin Lake**

28 Adopted September 2, 2011: effective September 3, 2011 through December 31, 2011.  
29 Amended rule liberalizes daily catch or possession limits and gear types, and removes  
30 size limits for game fish in South Twin Lake from September 3 through October 23, 2011.  
31 The lake is scheduled for treatment with rotenone on October 24, 2011. Modifications will  
32 aid in reducing fish stocks prior to eradication of all fish in the lake.

#### 33 34 **2. 635-041-0075** 35 **Treaty Indian Fall Commercial Fisheries for Columbia River Extended**

36 Adopted September 8, 2011: effective September 12, 2011 through October 31, 2011.  
37 An amended rule extends the ongoing Treaty Indian commercial fall fisheries in the  
38 Columbia River by an additional 4.5 day fishing period. The additional fishing period  
39 begins at 6:00 a.m. Monday, September 12 and runs through 6:00 p.m. Friday,  
40 September 16, 2011. Modifications are consistent with action taken September 8, 2011  
41 by the Columbia River Compact agencies of Oregon and Washington in cooperation with  
42 the Columbia River Treaty Tribes.

#### 43 44 **3. 635-013-0009** 45 **Tillamook Terminal Area Ocean Sport Chinook Fishery Opens October 1, 2011**

46 Adopted September 8, 2011: effective October 1, 2011 through October 31, 2011.

1 Amended rule implements a change to the daily bag limit for Chinook salmon from one to  
2 two per day in the 2011 Tillamook Terminal Area ocean recreational Chinook salmon  
3 fishery. Housekeeping and technical corrections to the regulations were made to ensure  
4 rule consistency with Northwest Zone Chinook salmon fisheries in the areas adjacent to  
5 the Tillamook Terminal Area.  
6

7 **4. 635-023-0130**

8 **2011 Columbia River Fall Sport Fishery Modified**

9 Adopted September 12, 2011: effective September 16, 2011 through December 31, 2011.  
10 Amended rule modifies the 2011 recreational fall salmon season regulations for the  
11 mainstem Columbia River, effective on September 16, 2011. Fall fisheries in 2011 are  
12 structured to optimize the harvest of Chinook and coho within Endangered Species Act  
13 (ESA) limits and to provide a balanced opportunity for the fishers. Modifications are  
14 consistent with action taken on September 12, 2011 by the Columbia River Compact  
15 agencies of Oregon and Washington.  
16

17 **5. 635-042-0031**

18 **Fall Commercial Drift Gill Net Seasons Extended In Columbia River Mainstem**

19 Adopted September 12, 2011: effective September 18, 2011 through September 30,  
20 2011.

21 Amended rule expands the 2011 commercial fall salmon drift gill net season for the  
22 Columbia River mainstem. This ongoing fishery was expanded with one new 9-hour  
23 fishing period, from 9:00 p.m. Sunday September 18 to 6:00 a.m. Monday September 19,  
24 2011, in the area of zones 1 through 5; and with three new 10-hour fishing periods,  
25 starting at 8:00 p.m. and continuing to 6:00 a.m. the following mornings on September 19,  
26 20, and 22, 2011, in the area of zones 4 and 5.  
27

28 **6. 635-004-0033**

29 **Fall Commercial Season for Youngs Bay Select Area of the Columbia River**  
30 **Expanded**

31 Adopted September 13, 2011: effective September 15, 2011 through December 31, 2011.  
32 Amended rule increases the cumulative trip limits for black rockfish and blue rockfish  
33 combined by 400 pounds in each of periods 5 and 6.  
34

35 **7. 635-041-0075**

36 **Treaty Indian Fall Commercial Fisheries for Columbia River Continues**

37 Adopted September 15, 2011: effective September 19, 2011 through October 31, 2011.  
38 Amended rule extends the ongoing Treaty Indian commercial fall fisheries in the  
39 Columbia River by an additional 4.5 day fishing period. The additional fishing period  
40 begins at 6:00 a.m. Monday, September 19 and runs through 6:00 p.m. Friday,  
41 September 23, 2011. Modifications are consistent with action taken September 15, 2011  
42 by the Columbia River Compact agencies of Oregon and Washington in cooperation with  
43 the Columbia River Treaty Tribes.  
44

1 **8. 635-023-0095**

2 **Recreational White Sturgeon Fishery Re-Opens October 1 Above Wauna**  
3 **Powerlines**

4 Adopted September 15, 2011: effective September 30, 2011 through December 31, 2011.  
5 Amended rule re-opens the recreational white sturgeon retention season in the mainstem  
6 Columbia River above the Wauna powerlines effective at 12:01 a.m., Saturday October 1,  
7 2011. Modifications are consistent with action taken September 15, 2011 by the  
8 Columbia River Compact agencies of Oregon and Washington.  
9

10 **9. 635-004-0017**

11 **Directed Commercial Sardine Fishery Third Allocation Period Closes September 21,**  
12 **2011**

13 Adopted September 19, 2011: effective September 21, 2011 through December 31, 2011.  
14 Amended rule closes the third allocation period of the directed commercial sardine fishery  
15 effective September 21 through December 31, 2011. This modification conforms to  
16 federal rule changes posted for public inspection on September 19, 2011 to be published  
17 in the Federal Register on Thursday, September 22, 2011.  
18

19 **10. 635-041-0075**

20 **Treaty Indian Fall Commercial Fisheries for Columbia River Continue**

21 Adopted September 21, 2011: effective September 22, 2011 through October 31, 2011.  
22 Amended rule extends the ongoing Treaty Indian commercial fall fisheries in the  
23 Columbia River by an additional 3.5 day fishing period. The additional fishing period  
24 begins at 6:00 a.m. Monday, September 26 and runs through 6:00 p.m. Thursday,  
25 September 29, 2011. Modifications are consistent with action taken September 21, 2011  
26 by the Columbia River Compact agencies of Oregon and Washington in cooperation with  
27 the Columbia River Treaty Tribes.  
28

29 **11. 635-042-0031**

30 **Fall Commercial Drift Gill Net Season In Columbia River Mainstem Rescinded**

31 Adopted September 21, 2011: effective September 22, 2011 through September 30,  
32 2011.

33 Amended rule rescinds a 10-hour commercial fall salmon drift gill net season previously  
34 authorized for the Columbia River mainstem beginning at 8:00 p.m. on Thursday,  
35 September 22, 2011 in the area of Zones 4 and 5. Rescinding this fishing period is  
36 necessary to prevent commercial gill net fishers from exceeding their preseason  
37 allocation of this valuable resource.  
38

39 **12. 635-039-0085 and 635-039-0090**

40 **In-season Modifications to Pacific Halibut, Ocean Sport Rockfish and Other Marine**  
41 **Species Seasons**

42 Adopted September 21, 2011: effective October 1, 2011 through December 31, 2011.

43 Amended rules: (1) Re-opens the ocean for lingcod, flatfish and rockfish, cabezon,  
44 skates, and "other fish" marine species listed under "**Marine Fish**" on page 5 of the "**2011**  
45 **Oregon Sport Ocean Regulations for Salmon, Halibut and Other Marine Fish**

1 **Species**" and pages 102-103 of the "**2011 Oregon Sport Fishing Regulations**" booklet,  
2 to all depths from October 1 through December 31 as adopted preseason; and (2) Allows  
3 retention of groundfish when Pacific halibut are onboard the vessel in the re-opened  
4 nearshore halibut fishery from October 1 through October 31, 2011.  
5

6 **13. 635-042-0031**

7 **Fall Commercial Drift Gill Net Seasons Extended In Columbia River Mainstem**

8 Adopted September 27, 2011: effective September 28, 2011 through October 5, 2011.  
9 Amended rule expands the 2011 commercial fall salmon drift gill net season for the  
10 Columbia River mainstem to include one new 10-hour fishing period, from 8:00 p.m.  
11 Wednesday September 28 to 6:00 a.m. Thursday September 29, 2011, in the area of  
12 Zones 1 through 5.  
13

14 **14. 635-041-0075**

15 **Treaty Indian Fall Commercial Fisheries for Columbia River Continue**

16 Adopted September 29, 2011: effective October 3, 2011 through October 31, 2011.  
17 Amended rule extends the ongoing Treaty Indian commercial fall fisheries in the  
18 Columbia River by an additional 3.5 day fishing period. The additional fishing period  
19 begins at 6:00 a.m. Monday, October 3 and runs through 6:00 p.m. Thursday, October 6,  
20 2011. Modifications are consistent with action taken September 29, 2011 by the  
21 Columbia River Compact agencies of Oregon and Washington in cooperation with the  
22 Columbia River Treaty Tribes.  
23

24 **15. 635-016-0090**

25 **Closure of the Non-finclipped Coho Fishery In the Umpqua River and Bay**

26 Adopted September 30, 2011: effective October 1, 2011 through December 31, 2011.  
27 Amended rule closes the Umpqua River and Bay non fin-clipped coho fishery, which  
28 opened on September 15.  
29

30 **16. 635-014-0090**

31 **Closure of the Non-adipose Finclipped Adult Coho Fishery in the Tillamook Bay  
32 Basin**

33 Adopted October 3, 2011: effective October 6, 2011 through December 31, 2011.  
34 Amended rule closes the Tillamook Bay Basin non-adipose finclipped adult coho fishery,  
35 which opened on September 15 due to the expected attainment of the 600 non-adipose  
36 finclipped adult coho allocation.  
37

38 **17. 635-042-0031**

39 **Additional Fall Commercial Drift Gill Net Season In Columbia River Mainstem**

40 Adopted October 4, 2011: effective October 5, 2011 through October 12, 2011.  
41 Amended rule extends the 2011 commercial fall salmon drift gill net season for the  
42 Columbia River mainstem to include one new 10-hour fishing period, from 9:00 p.m.  
43 Wednesday October 5 to 7:00 a.m. Thursday October 6, 2011, in the area of Zones 1  
44 through 5.  
45



1 **18. 635-014-0090**

2 **Closure of Non-adipose Adult Coho Fishery in Siuslaw, Yaquina, and Nestucca**  
3 **River Basins**

4 Adopted on October 6, 2011: effective October 10, 2011 through December 31, 2011.  
5 The amended rule closes the Siuslaw, Yaquina, and Nestucca River Basin non-adipose  
6 finclipped adult coho fishery, which opened on Saturday 15 due to the expected  
7 attainment of the 900, 575, and 200 non-andipose finclipped adult coho allocation,  
8 respectively.

9  
10 **19. 635-041-0063 and 635-041-0075**

11 **Treaty Indian Fall Commercial Fisheries for Columbia River Modified**

12 Adopted on October 6, 2011: effective October 8, 2011 through October 31, 2011.  
13 Amended rules discontinue sales of fish caught from the platform and hook-and-line fisher  
14 in Zone 6 of the Columbia River. Modifications also discontinue sales of steelhead  
15 caught in Yakama Nation tributary fisheries, and require a Yakama Nation Permit to sell  
16 Chinook, coho, Pink, and chum salmon caught in those fisheries. Modifications are  
17 consistent with action taken October 6, 2011 by the Columbia River Compact agencies of  
18 Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

19  
20 *Action: Commissioner Klarquist moved to adopt the 17 temporary rules presented*  
21 *in the agenda and the two additional rules Counsel informed the Commission of.*  
22 *Commissioner Levy seconded the motion, and the motion carried unanimously by*  
23 *a vote of five.*

24  
25 **PUBLIC FORUM**

<p>Leslie Like Hillsboro, OR</p>	<p>Ms. Leslie Like, Secretary for Willamette Weimaraner Club and Northwest Pointing Dog Association and member of Ducks Unlimited, read from her letter dated October 5, 2011. She asked the Commission to clarify their intent for the goal of the Committee reviewing the Sauvie Island Management Plan (the Plan). Last year she testified before the Commission (see Exhibit A – written testimony dated August 29, 2010) outlining places in the Plan where dog training and events needed to be addressed. She testified again in August 2011 and left with the understanding that the new Committee was limited to addressing “dog training and events” only in the entire Plan.</p> <p>Like said dog trainers and field trailers were left out of the rewrite of the entire Plan in 2010. She attended the first meeting held by staff and was told nothing would be changed that impacted dog training and field trialing; that is not what happened (see Exhibit B – Oregonian article – Bill Monroe: Sauvie Island plan won’t change dog training area). The 100-page Plan of rules and goals impacts them directly and replaces them with other users.</p>
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	<p>Like said in 1948, ODFW requested dog trainers to use the Wildlife area to assist them in qualifying for Pittman Robertson Funds (see Exhibit C – definition of Pitman Robertson Funds; field trialing on page 2). She said 75% of the Sauvie Island wildlife areas annual budget relies on these funds (see Exhibit D, page 71 of Sauvie Island Plan finances). They would like to ensure that the entire Plan reflects the significance of their participation and fully addresses their use of the area.</p> <p>Like said the Commission directed staff to form a Committee that was “diversified” because the Statewide Dog &amp; Raptor Training Committee had only one person from the bird community willing to serve. Their group has 2 upland, 2 retrievers and 1 commercial trainer volunteering to participate; the President of the Oregon Duck Hunters Association would like to serve. She said the facilitator could only locate 4 people interested in participating that have a singular interest in birds or habitat. Because there are only 4 birders, the facilitator is requiring that 2 valuable participants be declined a position on the Committee. She said we would like to know if the Commission intended for the Committee to be diverse or if it was your intent for it to be an exact 50-50 (see Exhibit E – minutes highlighted from August 5 meeting). Like asked the Commission to let them have an equal and fair amount of input into the use of the Wildlife area they have financially supported and used for 63 years and not limit our participation to two parts of the Plan, Objectives 2.4 and 3.2.</p>
<p>Larry Porter Portland, OR</p>	<p>Larry Porter, Vice President of Field Activities for Oregon Brittany Club, expressed concerns about ODFW’s direction with respect to the Dog Training Advisory Committee (DTAC). He said staff has stated that DTAC will only be allowed to focus on aspects of the Sauvie Island Wildlife Area (SIWA) draft Management Plan (the Plan) pertinent to hunting dog training and habitat issues and other aspects of the draft management plan will not be open for discussion. He said DTAC is charged with only focusing on the following:</p> <ul style="list-style-type: none"> <li>• Objective 3.2: Provide opportunities for individual dog training and dog field trials, which will not conflict with wildlife habitat management objectives or Objective 3.1.</li> <li>• Objective 2.4: Protect, enhance and manage approximately 2,230 acres of pasture/grassland habitats to benefit wildlife species, with emphasis on ground nesting songbirds.</li> </ul>

	<p>Porter said this review of only two objectives is not equitable. Many from the dog training community testified at the Commission's September 2010 meeting regarding the entire Plan; not just two objectives. He referred to Ms. Like's letter of August 29, 2010 that pointed out 25 areas where parts of the Plan have a direct impact on those who run dogs and train them at SIWA. Her letter lists those sections where it prevails; it starts from the very beginning to the very end of the Plan, not just two objectives.</p> <p>Porter said it is unreasonable now to narrow the focus of our user group when our comments submitted to the Commission over a year ago related to all sections of the Plan have really not yet been addressed by this group. Porter asked the Commission to direct staff to ask DTAC to address any objective or aspect of the Plan that is pertinent to dog training as a use.</p>
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1  
2 Commissioner Akenson asked for examples of other areas within the Plan that they would  
3 like to provide more input where they're not currently being heard.  
4  
5 Like referred to Exhibit A in her letter and said the 10-year Plan goes through each item;  
6 staff put in bird watching and planning and left out dog training and dog events. Like said  
7 they want to insure that dog training and dog events are reinserted into the Plan as a user  
8 group. She talked about deleting the emphasis on ground nesting sound birds. Their  
9 group uses an area for field trialing that is grazed by cattle to enhance goose habitat; it's  
10 wet and flooded and not suitable for ground nesting birds. At the first meeting, a field trip,  
11 they had no opportunity to show people that it's really flooded there. Everything about  
12 ground nesting is throughout the whole Plan, not these two areas.  
13  
14 Larry Porter said he could envision times when other user groups would strongly push to  
15 have his use pushed aside so that their use would prevail. It has been suggested that  
16 they find private land to for their events; that is difficult if not impossible to find and cost  
17 prohibitive. Sauvie Island is next to Portland. As a user group they are asking to continue  
18 their use on this one area. He said if we have to demonstrate that it's not conducive to  
19 ground nesting birds because of the seasonal flooding that occurs on the area we may  
20 have to do that. They look to the Commission for guidance.  
21  
22 Chair Edge said the Commission is charged with insuring a balanced approach to  
23 representation on the new Committee. Based on conversations with staff the challenge  
24 was getting more than four people from the conservation or environmental community.  
25 The last time Commission met they asked staff to consult with the facilitator to make sure  
26 the Committee is diversified and balanced. Chair Edge said the Commission has done all  
27 they can do in association with that – an eight person Committee. The process will allow  
28 opportunities for others that were not able to sit at the table to provide input.

1  
2 Chair Edge referred to Objective 3.2 and said it was unclear why this objective specifically  
3 targeted at providing opportunities for individual dog training and dog field trials would not  
4 cover their specific interests; that in combination with the grassland habitat issue  
5 identified as being a conflict.

6  
7 Porter said it excludes other objectives within the Plan. He agreed that Objective 3.2  
8 addresses dog training. He said if we don't address the other ones that have an entrance  
9 to this then down the road we can find ourselves in conflict and how it's resolved is  
10 through ODFW. We would simply like more protection than that as a user group.

11  
12 Chair Edge recognized their concerns about losing access to SIWA; clearly other  
13 interests have grown over the years. We have started a process that we think will resolve  
14 our particular issues with the dog hunting community; we need to let it play out. You  
15 asked the Commission for clarification; the approach that staff has embarked upon is the  
16 one that we asked them to do. Chair Edge said he looked forward to their participation in  
17 the process. He asked if they had selected four people yet.

18  
19 Like said four people: Phil Sperr and Dave Illias (retriever); and Larry Porter and she  
20 (upland) have been working with staff on the Plan. She said the commercial dog trainer  
21 has no representation on the Committee. The Oregon Duck Hunters Association is not  
22 recognized by the facilitator as a conservation group because they are hunters; they  
23 would like a place at the Committee; but there is no room. She has phoned people  
24 interested in avian species and habitat, but doesn't get return phone calls.

25  
26 Chair Edge noted that they had two upland field dog people and suggested that Like  
27 consider dropping one of those two to put one of the other folks she mentioned on the  
28 Committee. He assumed that those people had very similar interests in common  
29 perceptions about how the area should be managed.

### 30 31 **Exhibit A: COMMISSION MINUTES.**

32 Chair Edge referred to the August 5 Commission minutes. On page 21, line 46, change  
33 "...June 2010..." to "...July 2010...". On page 1, line 19; change "...Northwest..." to  
34 "...Northeast...". He deferred the draft September 1, 2011 minutes to December.

35  
36 *Action: Commissioner Finley moved to approve the August 5, 2011 draft minutes*  
37 *as just amended. Commissioner Akenson seconded the motion, and the motion*  
38 *carried unanimously by a vote of five.*

### 39 40 **Exhibit B: 2012 BIG GAME REGULATIONS**

41 Tom Thornton, Game Program Manager, during a slide presentation talked about the  
42 regulation development process. He talked about the telephone and population surveys  
43 conducted by staff, and also discussed proposed changes to General Regulations:

- 44  
45
  - Beneke Track in Jewell Meadows Wildlife Area (WA) has been closed to access  
46 during Saddle Mtn. elk seasons. Extended youth hunts in 2010 closed it to deer  
47 hunters. Staff proposes a specific exemption to reinstate deer hunters to the area.

- 1 • Standardize wording and concepts between regulations and administrative rule for
- 2 the check in of bear and cougar.
- 3 • Purchase of preference points July 1-November 30 by written request; sale
- 4 completed at ODFW Salem headquarters. This is not an opportunity for an
- 5 additional points; it simply extends the time period that hunters can accrue the one
- 6 point per year series.
- 7 • 2012 Spring Bear – 8,403 proposed tags. For spring season move Heppner and
- 8 Fossil units from West Blue Mts. Hunt to South Blue Mtns.
- 9 • 2012 Fall Bear. Allow hunting in Applegate Unit during elk season without elk tag.
- 10 Applegate is an Elk De-emphasis area with very few elk; 90 hunters hunt there in
- 11 combined second coast seasons.
- 12 • Cougar Quotas – unchanged at 777 total.
- 13 • Pronghorn – new Thief Valley Youth Hunt in Keating Unit.
- 14 • California Big Horn Sheep. Combining two different areas so hunters have better
- 15 opportunity to move around; and add second period to South Central hunt.
- 16 • Rocky Mountain Goat. Add South Snake River; Cusick Mountain hunt ends this
- 17 year. Expanding Hat Point hunts to include northern portion of Snake River Unit.
- 18 • Deer. Reduce antlerless tags in Northwest Oregon. Complete the process and
- 19 close same units to antlerless hunting during archery season and for hunters with
- 20 disability permits.
- 21 • Elk.
- 22 ✓ Trade bag limits out of Tioga unit that allow an antlerless animal to harvest
- 23 for hunters with disability permits and archers, put Sixes unit into that
- 24 group.
- 25 ✓ Add third hunt period for Zumwalt area, December 10, 2012 – January 6,
- 26 2013, to address elk damage (not in the Commission’s June packet).
- 27 ✓ Grant County. Increase harvest in Murderers Creek and Northside units to
- 28 alleviate property damage. Thornton noted that this would not increase the
- 29 number of Landowner Preference Program (LOP) tags that landowners are
- 30 eligible for; these tags would go primarily to public hunters.
- 31 ✓ Increase Youth Hunt to include Phillip W. Schneider WA and split Grant
- 32 Youth hunt (3 units) into two other hunts to increase participation.
- 33 ✓ Murderers Creek Unit: retain Murderers Creek Private lands Plus #1
- 34 (August –September); add Murderers Creek Private lands Plus #2
- 35 (December-January). He noted that the County Court of Grant County
- 36 support these proposed times and lengths for hunting season (see their
- 37 letter distributed at meeting).
- 38 ✓ Northside Unit Hunts (see slide 16).

39 Thornton said the Grant County Wildlife Advisory Committee (GCWC) supports:

- 40 ➤ Add East Northside Private #1 (August – March)
- 41 ➤ Retain East Northside Private #2 (August – September)
- 42 ➤ Add East Northside Private #3 (December-January)
- 43 ➤ Retain West Grant Private #1 (August –September)
- 44 ➤ Retain West Grant Private #2 (October-December)

45  
46 Thornton said GCWC did not support:

1 > Shorten West Grant Private #3; to January-February that is currently  
2 January- March (Hunt 247D3).

3 > Add West Grant Private #4, from August to March (Hunt 247D4)

4 He said staff proposed to shorten the West Grant Private #3 hunt from January to  
5 February and add a fourth hunt (West Grant Private #4) August through March but with  
6 very low tag numbers. Landowners feel very strongly that a lot of their damage starts to  
7 get worse in March with spring green-up; they did not support those changes because it  
8 would reduce the effort in March. He said since the Commission's packets have come  
9 out, the District has continued to work with the Committee. **Staff would like to modify  
10 the proposal in the Commission's packet (Hunt 247D3) and return to the January -  
11 March timeframe; and delete Hunt 247D4 - August through March.** With those  
12 changes we are back to the 2011 structure and will consider tag adjustments next spring  
13 during the regular tag setting process.

14  
15 Thornton provided a recap of the 2010 Extended Youth Elk Hunts; surveys showed a  
16 57% success rate out of the 98% tags purchased. He said for Auction Tags there is no  
17 change to the structure for this year; revenue from auction tags was over \$200,000 last  
18 year; Bighorn Sheep and pronghorn antelope funds took in about \$146,000; and the raffle  
19 tags will be drawn at the Oregon Hunters Association State Convention in Redmond on  
20 May 19, 2012.

21  
22 Thornton discussed Mandatory Reporting and said the Legislature passed legislation  
23 authorizing ODFW to implement a penalty fee for hunters who do not report by specified  
24 deadlines; hunters will have to pay that fee before they can purchase a subsequent  
25 license; it is tied to the license and not the individual tags. The penalty will be assessed  
26 beginning in 2013 when individuals purchase their 2014 license. Staff is also proposing  
27 changes to clarify reporting deadlines. Staff is looking initially to implement the penalty  
28 just for deer and elk tags because there are quite a few deer and elk general seasons and  
29 some of the information that staff needs the most has the lowest compliance rating.

30  
31 Thornton said two servicemen stationed in Iraq drew lifetime bighorn sheep tags; staff  
32 filed temporary rules to extend their hunts to accommodate their schedules. Both  
33 servicemen were successful in their hunts.

34  
35 **Public Testimony:**

James Stubblefield Wilsonville, OR	James Stubblefield, member Nez Perce First Nations Tribe, referred to page 28 of the draft 2012 Oregon Big Game Regulations and asked for change in the regulations under <i>Tagging, Possession, and Transportation</i> , sixth bullet point:  <i>1. No person shall receive or have in possession any game mammal or part thereof which: (1) is not properly tagged; (2) was taken in violation of any wildlife laws or regulations; or (3) was taken by any person who is or may be exempt from jurisdiction of such laws or regulations.</i>
---------------------------------------	--

He speaks for himself and not for any of the people he has been in contact with: Deputy Director Curt Melcher; Mike Lopez, head of Nez Perce Tribes; Chief Villavacencio, Tribal Enforcement; OSP Lieutenant Scorby, Baker Division; and Stephanie Striffler at Attorney's General Office. He said he is not allowed to have any help in getting his meat out in exercising his Tribal rights to take deer and elk.

(Note: ODFW called Nez Perce Tribe for spelling and titles: Michael Lopez, Tribal Staff Attorney; Chief Adam Villavacencio, Tribal Fisheries Enforcement. Also, Stephanie Striffler is Senior Assistant Attorney General at Oregon Department of Justice (DOJ).)

Stubblefield said he is not allowed to have any help in getting his meat out in exercising his Tribal rights to take deer and elk. He was adopted out of the Tribe when two-years old, and has been in Portland for 40 years. He doesn't know other Tribal members that can help him get his meat from the field to his car. He has only his sister and mother, both Tribal members.

If he goes on a Tribal hunt he contacts OSP to let them know he is in the area. He contacted a former Director 20 years ago who said he had the right to get his animal out and help getting it out. Stubblefield said he has medical issues with his back and is 60-years old. When he contacted OSP that he wanted to get a Tribal elk and would have help, members of the Sheriff's Department and OSP Lt. Scorby told him that if anyone else helps that they can stand on the road; but as soon as they help you get your Tribal meat from the field they are in possession. The Lt. said he would arrest or cite any individuals under this rule (3).

Chair Edge asked for clarification that under Stubblefield's Treaty Rights to hunt there is an OAR that prohibits a non-Tribal person from helping him.

Stubblefield said, "...any person who is or may be exempt from jurisdiction of such laws or regulations." He did not know of any other exempt people other than Indians; they want to stay away from that because it's a federal area. If you are an Oregon licensed hunter and have a tag and get an animal down there is no problem having people help you remove your meat; that animal's been tagged and is the property of the hunter; those other people are not in possession. As an American Indian, they are using this law against me so that I cannot have any help.

	<p>Stubblefield said he talked to Curt Melcher and Stephanie Striffler about what is possession and what isn't; she hasn't gotten back to him yet. Melcher said I should address the Commission for rule change because that clearly it is not the intent of this regulation to keep me from having help getting my meat out. In our last conversation he said that his staff had informed him that the reason why this regulation is written this way is to prevent the sale or barter of meat; but that is addressed on page 27 under Disguising Sex, Waste, Sale (see bullet point three).</p> <p>He said I can come to the Commission for help; or I will use the Tribe's legal counsel; which I will do if I have to go to the federal government in Portland and ask for an injunction against the regulation and or a federal lawsuit to keep this from happening under the discrimination laws. This is far reaching. He said this is not a legal threat against the Commission but is a statement of fact.</p>
--	---

1  
2 Director Elicker said he had not had a chance to discuss this with Deputy Director  
3 Melcher. He agreed there are Tribal issues here; ODFW takes this very seriously. He  
4 asked the Commission to let him personally go back and take a look at this issue and see  
5 if relief is available for Mr. Stubblefield before going to court.  
6  
7 Commissioner Klarquist referred to the regulation language in the synopsis and said he  
8 could not find it in the proposed regulations (see Attachment 4, page 27). Counselor Erin  
9 McDonald said the proposed rules adopt the synopsis by incorporation. Counselor Steve  
10 Sanders said that Big Game Hunting Regulations are incorporated by reference into the  
11 administrative rule and thus become equally effective to a rule as if it had been adopted  
12 word for word into the Secretary of State's rule.  
13  
14 Director Elicker said this is in the proposed rules by reference; the question is whether we  
15 can find any relief for Stubblefield; recognizing he is here as an individual and not as a  
16 Tribal member representing the Nez Perce Tribe; but is here as a Tribal member of a  
17 recognized Tribe in Oregon. He asked staff to explain the context of the rule and noted  
18 that Counselor Sanders was ODFW's Tribal lawyer.  
19  
20 Counselor Sanders referred to Commissioner Klarquist's question and said the actual rule  
21 language is 635-065-0011(2), which says this section incorporates by reference the  
22 requirements for hunting game mammals set forth in the document entitled. He said you  
23 are changing it to 2012 Oregon Big Game Regulations  
24  
25 Ron Anglin, Wildlife Division Administrator, said the rule, as originally adopted by the  
26 Commission, was designed to prevent non-Tribal members in participating in Treaty  
27 authorized rights, and exercising of those rights and taking and possessing game animals  
28 that they did not have a Treaty right to do outside of a season authorized by the State.



1 He said through time, as staff looked back at what our records were, that is basically how  
2 it evolved. It is broader than just what we have in the Wildlife law because on the Wildlife  
3 side it also applies to the Treaty Fisheries with the Columbia River and the Compacts that  
4 we have with the very same type of language.

5  
6 Captain Jeff Samuels, OSP Fish & Wildlife Division, said Mr. Stubblefield could have  
7 assistance; it just has to be a Tribal member. He said some of the things that Anglin is  
8 talking about; there is definitely some implications to a change whether it be with other  
9 wildlife related issues and fish and possession. He said there are times in the fishing  
10 realm we're not allowing Tribal participation within that fishery or holding fish. He said that  
11 is why bullet six, number (3) on page 28 came into play. There are a lot of changes  
12 currently of more than just a situation that Mr. Stubblefield is talking about.

13  
14 Counselor Sanders said the legal principle that underlies this rules applies equally to  
15 fishing which is the Tribal right cannot be conferred upon or handed off to a non-Indian.  
16 The right to take or possess an animal or a fish by a Treaty right, you have to hold onto  
17 that on your own. As Captain Samuels mentioned in the fishing context we do not allow  
18 non-Indians to participate in the fishery. He said although he has gone as an observer on  
19 several Tribal fisheries, he could not touch the gear or the fish. Similarly, Washington  
20 applies the same rule in the Tribal crab fisheries. The Makah Tribes are authorized to  
21 take a share of the crab; but they cannot have non-Indian crewman and the Tribal  
22 member must own the boat. So that is the legal principle that underlies this rule.

23  
24 Commissioner Klarquist said based on staff's comments he was concerned about  
25 changing the rule without a great deal of discussion about the implications. Chair Edge  
26 agreed and asked Director Elicker to have staff look at this issue.

27  
28 Director Elicker said this has implications to some aspects of how we manage the Tribal  
29 hunting and fishing rights.

30  
31 Commissioner Klarquist said there seems to be a distinction between participating and  
32 removing a dead animal taken by a Tribal member and participation in the hunting of that  
33 animal before it's taken. He said that would be a very hard line to distinguish which seems  
34 to be the reason for the restriction on the fishing gear. It might become a very slippery  
35 slope if we go too far down this path.

36  
37 Director Elicker agreed to meet with staff and law enforcement. Counselor Sanders also  
38 would talk to DOJ. He said would report back at the December Commission meeting  
39 whether the Commission needed to take some action on this issue.

40  
41 Chair Edge agreed and clarified that ODFW staff would report back to Mr. Stubblefield.  
42 Director Elicker said absolutely.

43  
44 Chair Edge returned to Exhibit B.

45  
46 Commissioner Finley referred to Attachment 4 – Draft OARs, page 5, line 23, and read,  
47 "*Therefore, persons must consult the 2012 Oregon Big Game Regulations in addition to*

1 OAR Chapter 635, to determine all applicable requirements for game animals. The annual  
2 Oregon Big Game Regulations are available at hunting license agents and regional,  
3 district, and headquarters offices, and website of the Oregon Department of Fish and  
4 Wildlife.” He asked, shouldn’t we also state that it will be made available by mail.  
5

6 Don Whitaker, Ungulate Coordinator, said all of the Department OAR divisions are posted  
7 on the website. Commissioner Finley said but what if you don’t have a computer; in this  
8 recession a lot of people are turning off their Internet. Whitaker said if anybody request  
9 hard copies we would also mail it to them. Commissioner Finley just wanted to make  
10 sure that people know that they can have access to all of ODFW’s rules and regulations  
11 in Chapter 635 and where that access is.  
12

13 Commissioner Klarquist made several requests:  
14

- 15 1. Supplemental DRAFT OAR October 7, 2011, Chapter 635, requirement that if we  
16 continue cougar or bear hunting after a successful elk hunt that we carry our used  
17 or unused tag. He said if I have used my elk tag I tried to vision myself dragging  
18 the elk along with me. In the synopsis that is not clearly written that we do not have  
19 to do that; that we are required to fill out that used tag and attach it to the animal.  
20 He said our OAR regulations still need to make that change so they are consistent.  
21

22 Thornton said staff would change that to make sure those two are consistent.  
23

- 24 2. Mandatory Reporting might be facilitated even more if on the backside of the tags  
25 and licenses, which has a reminder about the mandatory reporting requirement; it  
26 includes both the telephone number and website address to report. He noted that  
27 the telephone number is on page 2 of the synopsis. It would be hard for someone  
28 to argue they didn’t know about mandatory reporting with those numbers on the  
29 backside.  
30

31 Thornton said ODFW got in a new supply of licensing paper that has it outlined in  
32 red on the back; but he didn’t know if both the number and website were included.  
33 He promised to find out and get back to the Commission with that information.  
34

35 Commissioner Klarquist said adding the website address to page 2 of the synopsis  
36 would help too; especially the younger generation who like to use the computer.  
37

- 38 3. Attachment 4 – Draft OARs, page 5, line 1, change “...November 31...” to read  
39 “...**November 30**...”.  
40
- 41 4. Attachment 4 – Draft OARs, on page 32, line 20. Staff outlines the requirements for  
42 bringing in the skull of a bear, an excellent pattern to follow. He said on page 34,  
43 line 3, paragraph (3)(a) is confusing. If staff said, “.... the hide with skull and proof  
44 of sex attached of any cougar taken must be presented to an ODFW office.”; the  
45 person who took the cougar is responsible to have it presented within 10 days of  
46 harvest; that would follow exactly what you have with the bear. Commissioner  
47 Klarquist said in the material presenting this discussion, you made it clear that it is

1 important to have other information available at the time the cougar or bear are  
2 presented; but in the regulations it didn't say what that information was. So, if the  
3 nonhunter, the designated agent bringing the hide or skull in has to have some  
4 information available it might be helpful to alert us to what that is.

5  
6 Thornton said in the regulations; the synopsis, it does talk about needing complete  
7 hunter information including cougar tag number.

- 8  
9 5. Attachment 5 - Public Correspondence. Commissioner Klarquist said one person  
10 said he is a quadriplegic and can't hold a weapon; yet his son is blind and can  
11 have somebody else hold the weapon and take the animal for him. Has there been  
12 discussion in the past; should we have any discussion regarding someone who is  
13 disabled, quadriplegic as well as being blind?

14  
15 Thornton said the provision that allows a blind person to have another individual  
16 shoot the animal for them is by Statute; the statute did not extend that benefit to  
17 any other categories. He didn't know if staff could be more lenient than the statute  
18 allows. It could be considered in the future. In talking to the federal American  
19 Disabilities Act specialist is that we need to be consistent with the Statute; staff  
20 was told that the Department should not be judging if a person is more or less than  
21 disabled.

22  
23 Counselor Sanders said he would have to look at the statutes (spoke from the  
24 audience; inaudible) and get back to the Commission. Chair Edge asked staff to  
25 resolve this issue.

- 26  
27 6. Commissioner Klarquist said Al Elkins raised a lot of questions in his letter. He  
28 asked staff to address some of his concerns.

29  
30 Director Elicker identified the letter dated July 25, 2011 from the Board of Director's  
31 Partnership Improvement Committee of the Oregon Hunters Association (OHA).  
32 He said staff met with OHA and filed a written response dated September 12,  
33 2011. He offered to send Commissioner Klarquist a copy of that response. Teri  
34 Kucera did mail a copy to the Commission (see email dated September 13, 2011).

35  
36 Commissioner Levy referred to Attachment 4 – Draft OARs, page 32, line 21, "... [~~by~~]The  
37 person...", and said reinsert the "T". Thornton said staff did correct that error.

38  
39 Chair Edge recapped the Commission's suggestions and corrections.

40  
41 *Action: Commissioner Levy moved to amend OAR Chapter 635, Divisions 008,*  
42 *060, 065, 066, 067, 068, 069, 070, 071, 072, 073, and 078 as proposed by staff,*  
43 *and 635-065-0740 provided in the Supplemental DRAFT OAR dated October 7,*  
44 *2011, and to adopt the document entitled 2012 Big Game Regulations including*  
45 *changes to page 67 to the hunt dates for Hunt 247-D3 and to delete Hunt 247-D4*  
46 *as proposed by staff. Commissioner Akenson seconded the motion as amended,*  
47 *and the motion carried unanimously by a vote of five.*

1  
2 **Exhibit C: ADOPTION OF ADMINISTRATIVELY SET NON-RESIDENT**  
3 **COMMERCIAL FISHING LICENSE FEES**

4 Bruce McIntosh, Fish Division Deputy Administrator, said these new lower fees are in  
5 response to a lawsuit filed by Washington fishers in 2010 challenging Oregon's  
6 nonresident commercial fees based on federal constitutional theories. In both 2005 and  
7 2009 the Oregon Legislature raised fees on nonresident commercial fees despite advice  
8 from ODFW and legal counsel that the size of the increases in relationship to resident  
9 fees was too large. In the past Legislative Session in response to the lawsuit adopted  
10 revised fees. He said these administrative rules match the fees set in the Legislature.  
11 Passage of these rules will also resolve the pending lawsuit. McIntosh noted that the  
12 different license types were listed in the *Non-resident Commercial License and Permit*  
13 *Fees* table on page 1 of the Fiscal and Economic Impact Statement in Attachment 2.

14  
15 **Public Testimony:** There was no public testimony.

16  
17 *Action: Commissioner Akenson moved to amend OAR 635-006, as presented by*  
18 *staff. Commissioner Levy seconded the motion, and the motion carried*  
19 *unanimously by a vote of five.*

20  
21 **Exhibit D: FISH RESTORATION AND ENHANCEMENT PROJECTS**

22 Josie Thompson, Acting Restoration and Enhancement (R&E) Program Coordinator,  
23 presented 14 projects recommended for funding by the R&E Board on August 12<sup>th</sup>.  
24 For this cycle the Board recommended funding for five restoration projects totaling  
25 \$264,000. She noted an error in the Commission packet on Attachment 3 – Cycle Two  
26 R&E Recommended Grant Applications. She switched the "Total of Requests" for  
27 Commercial ("C") - \$398,657 and Recreational ("R") - \$263,938 recommendations. The  
28 only commercial recommendation was Project 11-048 - South Coast Fall Chinook  
29 Spawning Surveys 2011 in the amount of \$4,700. Thompson said the eight  
30 recommended enhancement projects total \$140,000. She explained the *R&E Budget*  
31 *Status 2011-2013 Biennium – Cycle 2 of 8* for new Commissioners Akenson and Finley.

32  
33 **Public Testimony:** There was no public testimony.

34  
35 Commissioner Klarquist said in a couple of these projects the Board recommended partial  
36 funding for. In your summary presented it tells us the funds requested. Is that number,  
37 where the partial funding was recommended, the partial funding number or is that the full  
38 number being requested by the applicant? Thompson said what is shown in the packet is  
39 just what the Board recommended. She explained those projects and what wasn't funded:

- 40 • Project 11-041 – Adult Salmon Holding Pond and Spawning Shed. Applicant  
41 requested \$180,000 to restore pond used for spawning out returning Chinook and  
42 coho salmon. The design had a large shelter for bad weather that would partially  
43 cover the holding pond. The Board questioned whether the shelter was needed  
44 and didn't fund that part of the project; they approved \$140,000.
- 45 • Project 11-045 – Fish Eggs to Fry Program Volunteer Guide. The Board funded  
46 \$100,000 less than the original request. The applicant requested money to pay the  
47 member of the NW Steelheaders who already has a paid position with them

- 1 • Project 11-046 – Leaburg Hatchery Salmon Viewing Access. The Board asked  
2 whether the public could access the public viewing area without fixing the concrete  
3 stairs; the applicant said yes. The Board funded improvement of the path but did  
4 not provide funding for the concrete stairs or the railings.  
5

6 *Action: Commissioner Klarquist moved to approve the recommendations of the*  
7 *Fish Restoration and Enhancement Board. Commissioner Levy seconded the*  
8 *motion, and the motion carried unanimously by a vote of five.*  
9

## 10 **Exhibit F: DIRECTOR APPOINTMENT**

11 Chair Edge said the Commission had delayed the reappointment of Director Elicker  
12 because the Governor had wanted to meet with Director Elicker prior to the Commission's  
13 decision; they had a conversation and we're good to go.  
14

15 Debbie Colbert, Deputy Director for Administration, said by Oregon Revised Statute the  
16 Commission has the authority to appoint the Director of the Fish and Wildlife Department  
17 for four-year terms, and has the authority under statute to reappoint the Director for  
18 additional terms. Director Elicker was appointed in August 2007; his first term expired in  
19 August 2011. She said given the Commission's favorable performance evaluation for the  
20 Director in August, we assume that the Commission would take action today to reappoint  
21 the Director for an additional four years retroactive to August 2011.  
22

23 Counselor Steve Sanders said the Commission also has the authority to change its  
24 delegation of duties to the Director. We are assuming that the Commission will leave the  
25 current delegation of duties to the Director in place.  
26

27 *Action: Commissioner Finley moved that the Commission reappoint Director Roy*  
28 *Elicker for an additional four-year term retroactive to August 2011 and maintain the*  
29 *same delegations of authority pursuant to ORS 496.112(1) and (4). Commissioner*  
30 *Levy seconded the motion, and the motion carried unanimously by a vote of five.*  
31

## 32 **EXECUTIVE SESSION**

33 Chair Edge said the Oregon Fish and Wildlife Commission will now meet in executive  
34 session for the purpose of conducting deliberations related to real property transactions.  
35 The executive session is held pursuant to ORS 192.660 (2)(e) and (2)(f), which allow the  
36 Commission to meet in executive session to conduct deliberations with persons  
37 designated by the governing body to negotiate real property transactions and to consider  
38 information or records that are exempt by law from public inspection, such as real estate  
39 appraisal information. The Commission will also meet in Executive Session for  
40 consultation with legal counsel concerning current litigation or litigation likely to be filed  
41 pursuant to ORS 192.660(2)(h). Representatives of the news media and designated staff  
42 shall be allowed to attend the executive session. All other members of the audience are  
43 asked to leave the room. Representatives of the news media are specifically directed not  
44 to report on any of the deliberations during the executive session, except to state the  
45 general subject of the session as previously announced. No decision may be made in  
46 executive session. At the end of the executive session, we will return to open session  
47 and welcome the audience back into the room in order to adjourn the public meeting.

1  
2 Chair Edge reopened the meeting to the public and recessed the Commission for lunch.  
3 The Commission reconvened at 1:05 p.m. and went back into Executive Session.  
4

5 **EXECUTIVE SESSION - continued**

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7 session for the purpose of conducting deliberations related to real property transactions.  
8 The executive session is held pursuant to ORS 192.660 (2)(e) and (2)(f), which allow the  
9 Commission to meet in executive session to conduct deliberations with persons  
10 designated by the governing body to negotiate real property transactions and to consider  
11 information or records that are exempt by law from public inspection, such as real estate  
12 appraisal information. The Commission will also meet in Executive Session for  
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16 asked to leave the room. Representatives of the news media are specifically directed not  
17 to report on any of the deliberations during the executive session, except to state the  
18 general subject of the session as previously announced. No decision may be made in  
19 executive session. At the end of the executive session, we will return to open session  
20 and welcome the audience back into the room in order to adjourn the public meeting.  
21

22 Chair Edge reopened the Public meeting at 2:15 p.m.  
23

24 **OTHER BUSINESS**

25 The Commission approved their 2012 Commission meeting dates and locations:  
26

- 27
- 28 • January 6 Salem (Congressional District 5)
  - 29 • February 3 Astoria (Congressional District 1)
  - 30 • March 9 Corvallis (Congressional District 4)
  - 31 • April 20 Salem
  - 32 • May No meeting scheduled
  - 33 • June 7-8 Salem
  - 34 • July 13 Salem (no meeting scheduled; use as placeholder if needed)
  - 35 • August 3 Salem
  - 36 • September 7 Hermiston (Congressional District 2)
  - 37 • October 5 Salem
  - 38 • November No meeting scheduled
  - 39 • December 7 Portland (Congressional District 3)

40 **ADJOURN**

41 Chair Edge adjourned the Commission meeting at 2:19 p.m.