



Oregon Fish and Wildlife Commission Minutes

Meeting:
February 3, 2012 – 8:00 a.m.
Holiday Inn Express & Suites
River View Room
204 West Marine Drive
Astoria, Oregon 97103

1
2 *Commission minutes are considered draft until approved by the*
3 *Commission at its next meeting.*
4

5 Notice of these meetings had been made by press release of statewide media
6 circulation. Those attending part or the entire meeting included:
7

Bobby Levy, Vice-Chair
Jon Englund, Commissioner
Skip Klarquist, Commissioner
Bob Webber, Commissioner
Holly Akenson, Commissioner

Roy Elicker, Director
Curt Melcher, Deputy Director
Debbie Colbert, Deputy Director
Steve Sanders, Assistant Attorney General
Erin Donald, Assistant Attorney General
Teri Kucera, Executive Assistant

8
9 **MEETING**

10 On Friday, February 3, 2012 at 8:00 a.m., Vice-Chair Bobby Levy called the Oregon Fish
11 and Wildlife Commission (the Commission) meeting to order. She said Chair Dan Edge
12 and Commissioner Mike Finley were excused from the meeting. She congratulated
13 Commissioner Jon Englund for receiving the “Business of the Year” award in North
14 Bend, Oregon.
15

16 **DIRECTOR’S REPORT**

17 **Field Reports**

18 Vice-Chair Levy noted that the Field Reports were being distributed in hard copy only; no
19 oral reports were given.
20

21 **Reinstatement of Preference Points**

22 Eric Rickerson, Wildlife Division Deputy Administrator, reported that John Woodcock
23 came before the Commission in January asking to amend Oregon Administrative Rule
24 635-060-0046(8). He distributed a written handout and provided background on the
25 Preference Point system. In the past, individuals who drew a tag but could not go hunting
26 would come before the Commission asking for a reinstatement of their preference points.
27 In 2008, ODFW developed a rule giving the Director authority to review those requests
28 and approve whether the applicant should receive those preference points back based
29 on: 1) circumstances beyond the person’s control; and 2) tragic personal circumstances.
30

31 Mr. Woodcock was successful in drawing a tag to hunt the Wenaha “One Bull” Bow Hunt
32 #256R; he had 14 points going into the draw. Rickerson said a severe illness prevented
33 Woodcock from hunting; he petitioned the Director who approved reinstatement of the 14
34 preference points he had prior to the draw. He is now seeking that the current rule be
35 amended to allow him an additional point as if he was unsuccessful in the draw; because
36 he would now lag far behind the other hunters that were in the pool for that hunt.

1
2 Rickerson referred to page 2, paragraph 2, line 2, of his handout and said change, "...
3 213 points..." to read "...**910** points." He said the Wenaha Hunt is one of six bull elk
4 hunts difficult to draw; it takes about 14 plus points; only 20 tags are authorized by the
5 Commission. The Table on page 2 explains point distribution. Mr. Woodcock is no
6 longer in the upper pool and would drop down into a pool of 50 hunters, of which only 14-
7 15 would be based on preference points. Rickerson said the years in the column "*Years*
8 *after 2011 to Empty Pool @ 15 tags/year*"; should read in **ascending order**.
9

10 Commissioner Klarquist said in interpreting our current rule where we reinstate points it
11 is different than Woodcock's request; to grant him a point for the year that he didn't hunt.
12 Rickerson said Woodcock was reinstated 14 points; but the other unsuccessful
13 individuals in the same hunting pool went from 14 to 15 points. Rickerson met with Legal
14 Counsel; the Commission can direct staff to change the language in the current rule.
15

16 Commissioner Webber expressed concerns about party applications. For example, if he
17 applied with somebody else for an antelope tag it would be very beneficial to his partner
18 if he went in the party. Down the road if something came up that was a conflict for me
19 and my partner still went hunting, he benefits from my points. If I applied for
20 reinstatement and qualified would I get my points back, but he could still go hunting?
21 Rickerson said he would have Legal Counsel research that and get back to him.
22

23 Chair Levy asked Rickerson what staff wanted from the Commission. Rickerson said
24 staff is looking for whether the Commission wants staff to:

- 25 • Work with Legal Counsel to draft a temporary rule and bring back permanent
26 rulemaking at a later date for the Commission's consideration.
- 27 • Add the plus one point if somebody draws a tag and then cannot go hunting; as if
28 they were unsuccessful in that draw.
29

30 Director Roy Elicker said this doesn't affect many hunters; it is something that staff could
31 do. He noted that some Commissioners participate in the Landowner Preference Point
32 program. ODFW is also fine with the rule as is and not doing the plus one; but this is the
33 first time it's been brought to our attention that some hunters would like this to change.
34 He asked the Commission for direction.
35

36 Commissioner Webber said he supports the "plus one rule" as long as the applicant
37 qualifies. He asked staff to look at areas of potential abuse in party applications; to make
38 sure the amendment does not allow somebody with a lot of points to just get somebody
39 else to go hunting in order to get his or her points back. The two issues are totally
40 separate; he didn't want to tie them both together.
41

42 Director Elicker asked Chair Levy for permission to have staff work with Commissioner
43 Webber and bring a draft rule back before the Commission. Chair Levy agreed.
44

45 Rickerson said another preference point issue was just brought to the Wildlife Division's
46 attention. An individual received a tag based on one preference point. Due to a fire in
47 the general area he was not able to access his specific area to hunt, although most of

1 the unit was still open. He sought reinstatement of his points and was denied. According
2 to the rule he has sixty days in which to ask the Commission to review that denial. Since
3 it was brought to staff's attention late; this would have been the last Commission meeting
4 before the sixty days period. Legal Counsel recommended that staff bring this before the
5 Commission at their March meeting; the applicant agreed. The Commission agreed.

6 7 **Expenditure Report**

8 Director Elicker said Deputy Director Debbie Colbert would be back next month to report
9 (written report distributed). He discussed three key issues in the budget process.

- 10
11 1. The Oregon Department of Administrative Services (DAS) and Governor's Office
12 has directed agencies to review expenditures and keep them at a minimum to
13 meet the agency's critical needs.
 - 14 • Staff travel was reduced for this meeting. Staff discussed holding this
15 meeting by conference call; but Oregon Statute requires that the
16 Commission hold a meeting in each congressional district. If the current
17 budget issue continues, staff may look at conference call meetings to keep
18 travel costs down, even for the Commission.
 - 19 • New Salem Headquarters building. Staff is looking at options to make
20 Commission meetings more publicly accessible via the Internet or other
21 technology. Director Elicker said it was important for Oregon legislators that
22 state commissions meet in their districts and talk to people out in the field.
23 ODFW has received requests to hold Saturday Commission meetings or
24 that after hours are more available because of work schedules. In the past
25 the Commission had met on Saturdays; staff may revisit that model for
26 some meetings next year.
- 27
28 2. State Hiring Freeze. ODFW can request exceptions through the Exception
29 Committee but is holding most positions back; those deemed critical are being
30 moved to the Exception Committee. The biggest issue is hiring seasonals in the
31 next few months to conduct monitoring for fish and wildlife programs.
- 32
33 3. The Governor and legislative leadership's current proposal to rebalance the state
34 budget by achieving \$28 million General Fund (GF) savings:
 - 35 • Includes eliminating vacant positions including middle managers, support,
36 and public affairs positions; and reducing agency advertising. ODFW has
37 no advertising or public affairs situations; and is only two percent GF.
 - 38 • Program reductions. ODFW will have additional cuts in GF programs,
39 hatcheries and marine programs. Staff is looking at some fund shifts to
40 License dollars to get through this current budget crisis.
 - 41 • Natural Resources agency directors will propose a budget to DAS as the
42 Natural Resources Cluster Group.

43
44 Director Elicker said yesterday staff signed purchasing documents to move the Salem
45 headquarters to another building. Staff will give an update to the Commission in March,
46 and still needs to meet with the Capitol Projects Advisory Board and other groups.

1 **Adopt Temporary Rules**

2 Director Roy Elicker asked the Commission to adopt the three temporary rules on pages
3 1-to-2 of the tan-colored agenda; the third rule has 635-041-0045 and 635-041-0065.

4
5 **1. 635-004-0027**

6 **Set the 2012 Harvest Quota for the Commercial Roe Herring Fishery in Yaquina**
7 **Bay**

8 Adopted January 9, 2012: effective January 9, 2012 through April 15, 2012.

9 Amended rule sets the 2012 harvest quota for the Yaquina Bay commercial roe herring
10 fishery for the period January 1 through April 15, 2012 at 23 tons. The yearly harvest
11 quota for the Yaquina Bay commercial roe herring fishery shall not exceed 20% of the
12 available spawning biomass as established in the *Yaquina River Basin Fish*

13 *Management Operating Principles and Objectives* described in OAR 635-500-0665(2).

14 Only fishers with a limited entry permit issued pursuant to ORS 508.765 may participate
15 in this fishery.

16
17 **2. 635-042-0135**

18 **Columbia River Commercial Sturgeon Seasons below Bonneville Dam Set for**
19 **January and February 2012**

20 Adopted January 26, 2012: effective January 30, 2012 through February 29, 2012.

21 This amended rule implements winter commercial white sturgeon seasons in the
22 Columbia River below Bonneville using gill nets. The fishing periods authorized are:

23 6:00 p.m., Monday, January 30 through 6:00 p.m., Tuesday, January 31, 2012 (24
24 hours);

25 6:00 p.m., Wednesday, February 1 through 6:00 p.m., Thursday, February 2, 2012 (24
26 hours); and

27 6:00 p.m., Monday, February 6 through 6:00 p.m., Tuesday, February 7, 2012 (24
28 hours).

29
30 **3. 635-041-0045 and 635-041-0065**

31 **Treaty Indian Winter Commercial Fisheries in the Columbia River**

32 Adopted January 26, 2012: effective February 1, 2012 through March 31, 2012.

33 These amended rules clarify allowable sales of fish caught in Treaty winter commercial
34 fisheries in the Columbia River above Bonneville Dam and for Treaty fisheries

35 downstream of Bonneville Dam allowed under state agreements. Allowable sales

36 include: salmon; steelhead; shad; carp; catfish; walleye; bass and yellow perch. Only

37 white sturgeon caught above Bonneville Dam may be retained. White sturgeon between

38 38 and 54 inches in fork length caught in the Bonneville Pool and white sturgeon

39 between 43 and 54 inches in fork length caught in The Dalles and John Day pools may
40 also be sold.

41
42 *Action: Commissioner Englund moved to approve the three administrative*
43 *temporary rules. Commissioner Akenson seconded the motion, and the motion*
44 *carried unanimously by a vote of five.*

1 **PUBLIC FORUM:**

<p>Rod Moore</p>	<p>Rod Moore, Executive Director West Coast Seafood Processors Association, distributed a handout. He said Oregon regulations have a landing limit requirement for renewal of sardine permits. Under current regulations that landing limit will kick in for renewal of permits in 2013. The regulations as written don't work with the way things are happening in the sardine fishery and in the way the Pacific Council is setting sardine regulations. They are asking that the Commission, at some future date, consider removing the landing limit requirement for renewal of sardine permits.</p>
<p>Mike Okoniewski Clackamas, Oregon</p>	<p>Mike Okoniewski works for Pacific Seafoods, a sardine processor. Out of 12 fishermen and four processors he spoke to, all want to see the landing requirements removed. He works in Alaska (AK), Canada, California (CA), and Washington (WA); this is the only limited entry system with stringent requirements. The landing requirement places the Oregon sardine fisherman and processors in a competitive disadvantage; it forces them to harvest and process sardines for regulatory rather than economic reasons. He said it's actually 2012 when this will kick in (not 2013). Seven or eight Oregon permits will not qualify, and will lead to a greater portion of fish and investment going to CA, WA or Canada. Some seasons makes greater economic sense for fisherman to fish salmon or squid. Having an adequate supply of permits is important to the processors. Adequate supply insures harvesters and processors can each pursue a course of economic activity that bests protect their interests. This in turn keeps the infrastructure stable and viable.</p>

2
3 Commissioner Webbers asked if the minimum landing requirement was 10,000 pounds.
4 Moore referred to his handout, (k)(A)(iii), page 2, and said for any year where the federal
5 harvest guideline "...was greater than 100,000 metric tons..." coast wide, you have to
6 have "(I) a minimum of 10 landings of sardines of at least 5 metric tons each, or landings
7 (II) of sardines having an aggregate ex-vessel price of at least \$40,000."
8

9 Commissioner Webber said there are 25 permits and you are talking 94,000 metric tons;
10 if they're under the limit there is no way 25 guys could reach that amount. Moore said
11 correct; we estimate that as many as eight permits fishing in 2012 could not renew for
12 2013 as a result of the landing limits. Commissioner Webber asked if he was
13 suggesting that the Commission lower the landing limits or eliminate them totally.
14 Moore said to eliminate the landing limits. He said the sardine fishery is fully developed
15 and capped out at 25 permits. The processing infrastructure is built up and within the
16 current structure there is enough opportunity for people to make their business
17 decisions, and shift back and forth among different fisheries. He said the Commission

1 was concerned when the landing limits were first put in for the ability for new entrants to
2 enter the fishery. By keeping the number of permits at 25, it provides enough flexibility
3 for someone to buy into the fishery. If you drop down the number of permits it's harder
4 for new entrants to come into the fishery.

5
6 Legal Counsel Steve Sanders said when the Commission originally created this fishery;
7 they wanted to be certain that the people who got the permits were actively pursuing the
8 fishery because there were more people that wanted to get in than we had room for. He
9 said the Commission created an out for itself to consider unusual market conditions as a
10 waiver criterion. The Commercial Fishery Permit Board (CFPB) also has the authority to
11 grant waivers. He said virtually every year either the Commission or the CFPB has
12 granted waivers because of the cyclical nature and the economic factors. Although we've
13 had this criterion it's never actually been applied; instead we've created administrative
14 hurdles for people to shift permits back and forth on boats; we created all the
15 administrative opportunity to try to meet these landing requirements.

16
17 Ed Bowles, Fish Division Administrator, said the greater than 100,000 metric tons that
18 requires any permit landing requirements for permit renewals has not triggered; the
19 federal guidelines for the maximum allowable actually triggered this. He said Moore was
20 right; it would not functionally affect the fishers in their permit until 2013 because it's the
21 landings in 2012 that gauge 2013. Okoniewski is right that they would have to shift their
22 business plans this year in order to meet the requirements for 2013. Bowles said there
23 are 25 permits; by rule if a permittee loses their permit because they don't meet landing
24 requirements, folks could enter a lottery to fill that back up to the active permits.

25
26 Bowles said staff would ask the Commission in April to adopt concurrent rules consistent
27 with the federal regulations; and would also address whether to eliminate the landing
28 permit requirements to get permits, keep it or modify it.

29
30 Commissioner Klarquist said in April; he wants to understand that if permits are lost by
31 someone who failed to process the fishery enough to satisfy the minimums; whether
32 those permits are going to be granted to other people interested in obtaining the permits.

33
34 Commissioner Englund said when this first started sardine permits was very contentious;
35 they are extremely valuable. The job of permits was to create jobs for Oregon. He said
36 knowing this fishery this has changed; there aren't many with delivery requirements. The
37 sardine fishery may again become something special and permits go back up. Under
38 the circumstances he could go along with this. He asked if there was potential for this
39 fishery to be regulated under PFMC and going into catch shares.

40
41 Moore hoped not. He said there is a NOAA policy to put as many fisheries as possible
42 under a catch share system; NOAA has led some discussions to potentially look at the
43 sardine fishery. Whether that will happen given what it takes to set up a catch share
44 system; he doubts it but it is possible.

45
46 Okoniewski sits on the Workshop Working Group Committee. He said their next
47 workshop on sardine catch shares is April 24. The majority of the industry seems to think

1 that catch share could be a good thing. If we reduce permits or if we go to a floating
2 permit system whereby we are turning them back in and have a lottery, our fishery is
3 really going to take a crash. We could have the permits but not the landings; that will be
4 part of a test most likely as to that gets much catch share.
5

6 Commissioner Englund thanked Rod and Mike for the work they have done on the
7 Pacific Fishery Management Council (PFMC) and in supporting the Department.
8

9 Chair Levy said staff will come before the Commission on April 20; but Okoniewski's
10 committee meets on April 24. Bowles said the work group is just discussing catch
11 shares; it will have no major bearing on what staff brings to the Commission in April.
12

13 Director Elicker introduced Sergeant Tim Swartz, the new supervisor in the Oregon State
14 Police Astoria office as of May 2011.
15

16 **Exhibit A: COMMISSION MINUTES**

17 Vice-Chair Levy deferred the January 6, 2012 draft Commission minutes to March.
18

19 **Exhibit B: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**

20 Ed Bowles, Fish Division Administrator, said the Department each year in January
21 establishes the average market value for each species of food fish for the year pursuant
22 to ORS 506.720. He said a temporary rule was filed to cover the one-month lapse. He
23 discussed damages for unlawful taking of food fish; a scale percentage of market
24 averages with the exception being salmon and steelhead in the ocean and freshwater
25 being capped at \$125 per fish. The other species are scaled as a percent or a multiplier
26 of the market value. He said the outcome of that reflects last year's average price as
27 reported by Oregon commercial fish dealers. Bowles said the adjustments are relatively
28 minor to 2011; see Attachment 4 – Damages for Unlawful Taking. The largest change
29 was Sablefish values; up 34% to over 100% depending on the grade and condition and
30 due to increased Asian demand. He said this reflects the average price, including the
31 higher value of the live fish fishery that is quite popular on the south part of Oregon.
32

33 **Public Testimony:** There was no public testimony.
34

35 Commissioner Klarquist referred to Attachment 3 – DRAFT OARS, line 3, and asked
36 what does "**2011**(~~2010~~)" signify? He also noted the 2006 price in paragraph (1),
37 subsection (a) FISH, line 11, (C) CARP \$0.50 (2006 price). Counselor Sanders said
38 that indicates there have not been commercial sales since 2006. Bowles said it is based
39 on an update of the fish ticket information; used as a weighted average. Counselor
40 Sanders said if you haven't had recent landings you just go with what you had; that is
41 indicated in the rule. Bowles said that would fall under the species that didn't change.
42

43 *Action: Commissioner Englund moved to amend the schedule of damages for the*
44 *Commercial Fishing Violations contained in OAR 635-006-0232 as proposed by*
45 *staff in Attachment 3. Commissioner Klarquist seconded the motion, and the*
46 *motion passed unanimously by a vote of five.*
47

1 **Exhibit C: 2012 Columbia River MAINSTEM RECREATIONAL WHITE STURGEON**
2 **FISHERIES**

3
4 ***Commissioner Jon Englund declared a potential conflict of interest as his***
5 ***company sells supplies to both the recreational and commercial fishers. Chair***
6 ***Levy noted it for the record.***
7

8 John North, Columbia River Fisheries Management Program Manager, said last month
9 Steve Williams and Tony Nigro came before the Commission for guidance on white
10 sturgeon management for 2012. Since then staff, as part of the Columbia River
11 Compact, has set this year's recreational sturgeon retention fisheries following direction
12 from the Oregon and Washington Commissions and agency directors. North summarized
13 the public process in establishing the seasons. During a slide presentation, he showed a
14 map of the Columbia River upstream to McNary Dam where various sturgeon fisheries
15 occur (see slide 4), and highlighted the following rule modifications.
16

17 2012 White Sturgeon Management – Columbia and Willamette Rivers.

- 18 • Manage under the basic structure in the 2011-2013 Joint State Accord; except the
19 state directors agreed to reduce the harvest rate from 22.5% to 16% for 2012.
- 20 • Management guideline of 10,400 fish for all 2012 sturgeon fisheries; based on the
21 2012 abundance of 65,000 legal sized fish.
- 22 • Sharing between recreational (80% - 8,320 fish) and commercial (20% - 2,080
23 fish) fisheries remains the same.
- 24 • Recreational harvest will remain allocated at 60% for estuary fishery (4,160) and
25 40% for area above Wauna Power lines upstream to Bonneville Dam (2,080).
- 26 • Lower Willamette Sturgeon fishery management guideline of 1,768 to 2,022 fish;
27 provide for a four-day retention fishery to occur in mid-February.
28

29 2012 Recreational Sturgeon Seasons

- 30 • White Sturgeon fishery for Estuary. Seven days per week during January 1
31 through April 30; and May 12 through July 8 (23 days shorter than last year).
- 32 • Wauna Powerlines upstream to Bonneville Dam. Three-day week, Thursday
33 through Saturday retention fishery in the channel during January 1 through July
34 31; and October 20 through December 31 (eight days less than 2011).
- 35 • For both fisheries, catch and release angling remains open year round.
- 36 • Sturgeon angling prohibited in spawning sanctuary below Bonneville Dam from
37 Skamania Island upstream during May 1 through August 31. The Sand Island
38 slough area near Rooster Rock is closed to all angling January 1 through April 30.
39 North said that is to prevent the quota from above the Wauna area from being
40 used up in this one site which is where sturgeon have congregated in recent
41 years.
- 42 • Lower Willamette and Multnomah Channel season will be the shortest ever with
43 only four days expected. Open for two Friday-Saturday periods starting February
44 17 through February 25.
45

1 North said that staff recommends that the Commission adopt the rules pertaining to the
2 Columbia River Recreational White Sturgeon fisheries as described in Attachment 3 –
3 Draft OARs. He noted one edit on page 2, line 38, section 10 the reference to “...section
4 (10)...” should actually read section “(9)” in both places.
5

6 **Public Testimony:**

Mike Okoniewski Clackamas, Oregon	Mike Okoniewski, Pacific Seafood, had left the meeting.
Jody Mather Astoria, Oregon	Mr. Jody Mather, a guide boat operator, said we are all aware of the sturgeon situation; where the numbers are so depleted. He asked the Commission to allow that 1,015 more fish be caught in just the lower Columbia River during the May 12 through July 8 fisheries. He said any day in June on the Columbia River you can count a minimum of 100 charter or guide boats. With the current five fish per year for each person, if you were to count each person on all those boats during that fishery, everyone will have five fish. He said that used to be okay when there was 30,000-40,000 fish available; but to keep this fishery stretched out the full length and to give everybody the opportunity to catch these fish and not worry about the season closing, he's suggesting dropping down to a one fish limit. If we do this now and with the measures taken by ODFW, we won't have to go to a no sturgeon fishery. He's a guide and this is 60% of his income. He noted it would also reduce the abuse factor on the Columbia River.

7
8 Commissioner Englund asked Mather to clarify his request. Mather said while the
9 numbers are down, for everyone that fishes Oregon and Washington have a one fish
10 annual retention limit until the numbers come back and the fishery gets healthy.

11
12 Commissioner Englund said people have approached the Commission and said, look
13 what they do upriver and in the Willamette. Is staggering days to extend the season, for
14 instance 3-4 days per week (we have seven days in the estuary), is that good or bad?
15 Mather said it's very bad for everyone; it lumps everybody into the small areas and
16 makes the fishing conditions terrible. Keeping the estuary at seven days a week is
17 wonderful; it takes pressure off of the sturgeon. It is perfect for the lower Columbia River
18 and keeps it from being crowded.

19
20 Commissioner Englund said in the estuary there is a 38-inch minimum limit for upriver
21 until April; then it goes to 42-inches. There is some confusion about the size limit and
22 we're talking about conservation. Would 41-inches overall for everybody leave more
23 sublegals in the system? Mather said that would be the most intelligent thing to do; one
24 fish annually, get it 41- to 54-inches riverwide, because we're fishing for the same fish.

1 The fish migrate up and down the river and letting them go upriver just so they be caught
2 down here doesn't make sense. We'll see increased angling opportunity for everyone.

3
4 Commissioner Englund said July 8 is a set closing date. What if we did not have a set
5 closing date but have a quota of fish; when that quota is reached then we close it. Is that
6 good or bad for your business? Mather said this week he has tried to find dates for his
7 clientele; having that July 8 closing date is better for him because he can schedule his
8 client's name and give them an opportunity to catch sturgeon. With no closing date he
9 can't confirm they can fish on a date certain. He doesn't mind the closing date; if quota
10 is left over close the season. Save those fish; let them propagate and go into the next
11 year and give us opportunity later. He would love to have just a season set so he can
12 manage his bills and clientele; he doesn't want to go to catch and release only; he would
13 not be able to run his business and support his family.

14
Tom Wolf
Hillsboro, Oregon

Tom Wolf, Chair of Oregon Council of Trout Unlimited, said he's entering his third term on the Columbia River Recreational Advisory Group (CRRAG). At their recent meeting they advised reducing the retention rate to 16%. He referred to Mather's testimony and said he supports the one fish per limit; but, we also need to look in the future of going to catch and release; a method that would still allow guides to work on the river but would protect the white sturgeon from harvest. Wolf said years ago we used to have the largest population of white sturgeon in the world below Bonneville Dam; he doesn't know if that can be claimed anymore. If we don't take action now and look seriously at the depletion of this fishery we won't be able to talk about any sturgeon; they will become a part of history. Wolf asked the Commission to continue to monitor the depletion of this wonderful fish.

15
16 Commissioner Webber asked North to comment on Mather's request to limit retention
17 from five to one. North said when you have a one fish daily you cannot do much short of
18 going to catch and release; the annual bag is one of the few remaining tools. Based on
19 data from 2003 to 2008, a two fish bag limit would save about nine percent and a one
20 fish bag limit about 22%. Staff would have to rerun those numbers, because now with
21 the lower populations, the catch rates are less and therefore the percentage of folks that
22 are reaching those numbers is probably less; the actual savings may be 15% with one
23 fish. He said it would allow for a longer season.

24
25 Commissioner Webber said at Bonneville Dam, you have three days per week, Thursday
26 through Saturday, which seems to discriminate against the working man. If you went
27 Friday through Sunday would that change things? North said Thursday through
28 Saturday above Wauna has been in place for quite a while. Over the years there have
29 been lots of public comments about folks with different schedules; it was a compromise
30 between opportunity and having both weekend days open that can be more expensive.

1 He said if you went Friday through Sunday you wouldn't get as many months because
2 there would be more effort due to the two weekend days.

3
4 Commissioner Englund said you heard the testimony today. We realize the Compact has
5 already met, the rules are done and it's out there in the media. To make any drastic
6 changes right now would have to be endorsed by the Compact and the State of
7 Washington; but staff has heard thoughts and ideas for next year. The concern for
8 sturgeon, both recreational and commercially, is a real hard one to fix.

9
10 *Action: Commissioner Klarquist moved to adopt OAR 635-023-0095 as proposed*
11 *on Attachment 3 with the correction on page 2, line 38: since the section numbers*
12 *have changed the two references to Section 10 should now read Section (9) in*
13 *both places referenced. Commissioner Akenson seconded the motion, and the*
14 *motion carried unanimously by a vote of five.*

15
16 **Exhibit D: HABITAT CONSERVATION STAMP**

17 Eric Rickerson, Wildlife Division Deputy Administrator, presented the draft rules related
18 to the artwork to the new Habitat Conservation Stamp Program. He said the draft
19 proposed rules mirror the Upland Artwork stamp contest. He discussed the draft rules:

- 20
21 1. 635-095-0100 – Purpose. Statement of new draft rules.
22
23 2. 635-095-0105 - Submission of Artwork: Requirements. He said because
24 development of this year's artwork was started late; staff proposes the deadline
25 be 5:00 p.m. on February 29 of this year to allow time to receive artwork entries,
26 create a selection panel, and reproduce the artwork so the stamp is available for
27 delivery July 1. For subsequent years; so stamp is available January 1, staff
28 proposes the last Friday of the month of August.
29
30 3. 635-095-0111 – Selection Process and Criteria. Selection panel consist of one
31 Fish and Wildlife Commission member and four citizens chosen by the Director.
32
33 4. 635-095-0125 – Other Provisions. Staff proposes a \$38 fee plus \$2 agent fee for
34 total of \$40; includes free annual ODFW Wildlife Area Parking Permit. Sale of
35 stamp to end December 31 of respective year.
36

37 Commissioner Webber referred to 635-095-0105, line 21, subsection (b), "All subsequent
38 years the habitat conservation stamp deadline is the last Friday of the month of August."
39 and said but that stamp is for the next year. He suggested making the draft rule clearer;
40 it will be the last Friday of August of 2012 for the 2013 stamp. Rickerson agreed.

41
42 Commissioner Akenson noted 635-095-0105, subsection (4), and said artwork entries
43 cannot be "...entered into any other state habitat stamp competition." Does that mean if
44 somebody enters one for this February and they're not number one that they can't enter
45 that one in August? Rickerson said staff could clarify that to make it a onetime
46 submission. Commissioner Akenson said that intention was to other states, not other
47 cycles or our own state. Rickerson said correct.

1
2 Commissioners Klarquist and Webber recommended stating that the stamp deadline for
3 each subsequent year after 2012 was the August immediately preceding the year.
4

5 **Public Testimony:** There was no public testimony.
6

7 Chair Levy asked Counselor Bill Cook to amend the proposed rule language.
8

9 Counselor Bill Cook said in 635-095-0105, (1)(b), line 21, at the beginning insert a
10 sentence, "**For the 2013 habitat conservation stamp, the deadline is August 31,**
11 **2012.**" Insert "**For each**" at the beginning of the existing sentence and delete the word
12 "All" so it reads "For each subsequent year, the habitat conservation stamp deadline is
13 the last Friday of the month of August..." and at the end of that sentence insert the
14 phrase "**.of the preceding year.**"
15

16 Counselor Cook referred to subsection (4) and said you have a limitation that it (the
17 artwork) cannot have been used in another habitat stamp competition. Are you talking
18 only about other states; what change do you want to look at?
19

20 Commissioner Akenson said it should state, "...into any other *state's* habitat stamp
21 competition." Is that what the intent was? Rickerson answered yes.
22

23 Counselor Cook said Commissioner Akenson is right. In the second sentence of
24 subparagraph (4), line 29, change it to "...**state's**..." With those tweaks to (1)(b) and (4)
25 that would pick up the policy concepts he heard from the Commission.
26

27 *Action: Commissioner Akenson moved to adopt Oregon Administrative Rule 635,*
28 *Division 095, with the amended proposed changes in Section (1)(b) it would read:*
29 *"For the 2013 habitat conservation stamp deadline is August 31, 2012. For each*
30 *subsequent year, the habitat conservation stamp deadline is the last Friday of the*
31 *month of August of the preceding year." The second amendment change in*
32 *Section (4) (see lines 28-30) to read: "The artwork shall be original and unsigned*
33 *by the artist, and shall not have been used in production or entered into any other*
34 *state's habitat stamp competition. Any artwork signed by the artist will not be*
35 *accepted and will be returned t the artist without being judged." That change was*
36 *to indicate that it was another state and not within Oregon. Commissioner*
37 *Webber seconded the motion, and the motion carried unanimously by a vote of*
38 *five.*
39

40 **ADJOURN**

41 Chair Levy said this was the Commission's last meeting will Counselor Bill Cook; he was
42 moving to Montana. She presented an Award of Appreciation to Legal Counsel Bill Cook.
43

44 Counselor Bill Cook said it has been an honor and a pleasure to represent the
45 Department for 15 years. Thank you.
46

47 Chair Levy adjourned the public meeting at 10:22 a.m.