



1 the Cascade Crest and other areas. In July, staff plans to conduct herd composition  
2 counts using a helicopter to get a better count of those goats.

### 3 4 Southwest Region

5 Larry Cooper, Region Manager, said staff is working with the US Forest Service, North  
6 Umpqua Foundation, Steamboaters and Pacific Rivers Council to improve summer  
7 steelhead passage at Steamboat Falls Fish Ladder. Staff is designing the project;  
8 construction is planned for August 2012. Cooper said volunteers have collected 1,400  
9 fall Chinook scale samples on the Chetco River over the past four years; more sampling  
10 days planned. The focus is to provide quality data to determine annual Chetco Chinook  
11 runs and age compositions as well as the hatchery-wild composition of the run.

### 12 13 Northwest Region

14 Steve Marx, South Willamette Watershed Manager, said the Wendling Travel  
15 Management Area (TMA) was new in 2011, a 130-square mile area in the McKenzie  
16 Wildlife Management Area. Staff monitored each of the access points on opening  
17 morning and by 9:00 a.m. about 278 vehicles entered the area. He said two fishing piers  
18 were upgraded and brought up to ADA standards on the Sauvie Island Wildlife Area  
19 (SIWA) at Gilbert River and Big Eddy. Marx reported that waterfowl hunting at the Fern  
20 Ridge Wildlife Area Reservation has been very good to date; as of mid-December about  
21 1,362 birds were harvested. SIWA has seen similar success; about two-thirds through  
22 the hunting season 16,516 birds have been harvested by 6,951 hunters.

### 23 24 Conservation Strategy

25 Holly Michael, Conservation Policy Coordinator, said the conservation strategy team has  
26 worked with the Marine Program to develop the Nearshore Strategy Ecoregion that will  
27 be added into the Conservation Strategy for Nearshore species and habitat. Staff will  
28 present that to the Commission later in 2012. Staff is adding climate change as the  
29 seventh key conservation issue. She distributed a new brochure, "*Whooooo Am I?*" -  
30 *Oregon Department of Fish and Wildlife – Facts for Kids*, covering the owls of Oregon,  
31 and said 1,000 of copies have gone out to trainers of conservation organizations,  
32 teachers and the public. Michael said in December, Oregon lost one of its most iconic  
33 scientists, naturalist and historian – David Marshall. She discussed his 30-year career  
34 with ODFW; after he retired he continued with conservation work. He was one of the  
35 founding members of the Oregon Chapter of The Wildlife Society.

### 36 37 Information & Education

38 Roger Fuhrman, Administrator, said Oregon is the first state to allow students to register  
39 with Point of System agents or online for courses. He discussed ODFW's campaign to  
40 promote summer steelhead fishing opportunities on the Columbia and its tributaries.  
41 Annual fishing license sales in the Portland Metro area were up ten percent over the five-  
42 year average; the combined angling harvest tags were up five percent. He said anglers  
43 who have a cell phone or a Smart phone can get updates on closures, changes in  
44 harvest limits, or other fishing regulation changes. The Oregon Sport Fishing Regulations  
45 include Quick Response (QR) codes that provide a direct link to information; anglers can  
46 scan the QR codes with their Smartphone and get the latest on a specific region.

1 Oregon State Police, Fish and Wildlife Division

2 Captain Jeff Samuels reported that Oregon State Police former Superintendent Chris  
3 Brown retired January 1; the Governor appointed Deputy Superintendent Rich Evans as  
4 the 12<sup>th</sup> Superintendent pending Senate confirmation. Captain Samuels said during the  
5 recreational crab season at Hammond Boat Basin, Troopers contacted over 100  
6 crabbers and issued multiple citations; 88 crabs were seized. He said compliance was  
7 good for the commercial crabbing season opener on December 15. Troopers on the  
8 *Guardian* responded to multiple complaints of a local crab fisherman using illegal pots  
9 near Arch Cape; and located a string of the crab pots that were seized for evidence. The  
10 fisherman was contacted and cited for multiple offenses.

11  
12 **Fisheries Management of Spring and Summer Chinook in the Columbia River**

13 Tony Nigro, Ocean Salmon and Columbia River Program Manager, reported on the key  
14 elements of his written handout *Director's Report to the Oregon Fish and Wildlife*  
15 *Commission- January 6, 2012:*

16  
17 2012 Spring Chinook Fisheries on the Mainstem Columbia River.

18 1. Management Guidelines.

- 19 a. Joint State obligations are subject to *U.S. v Oregon* Management Agreement  
20 provisions.  
21 b. Run-size forecast: 314,200 upriver spring Chinook; premanagement update is  
22 22,000. The allowable take is for all non-Treaty fisheries prior to the run size  
23 update; has to be allocated among each of the individual fisheries.  
24 c. Management Guidelines for upriver Spring Chinook:  
25 ➤ Recreational: 72% of overall guideline, 16,000 fish. From Bonneville Dam:  
26 80% of recreational share or 12,600 fish.  
27 ➤ Commercial: 28% of overall guideline; 6,000 fish. Mainstem commercial  
28 fishery: 95% of commercial share or just under 6,000 fish.

29  
30 Nigro said using these numbers staff estimated how the 2012 fisheries may shape up.

- 31 ➤ Recreational fishery downstream from Bonneville Dam prior to the run-size is  
32 12,300 for upriver Spring Chinook, twice the harvest in 2011. If the same  
33 conditions prevail in 2012, the season could extend into April.  
34 ➤ Recreational fishery between Bonneville Dam and Oregon-Washington border  
35 in the reservoirs: 1,600 fish; only 70% of the 2011 harvest.  
36 ➤ Mainstem commercial fishery: 5,700 fish; over three times the 2011 harvest.  
37 ➤ Select Areas: recreational and commercial fisheries to be similar to 2011.

38  
39 Nigro said in his report it provides some information on what fisheries may look like after  
40 the run-size update; however, the amount of fishing opportunity we may be able to  
41 provide in May and June depends on fisheries performance in March and April.

42  
43 2012 Summer Chinook Fisheries on the Mainstem Columbia River

44 Nigro said management of Non-Treaty Summer Chinook fisheries is subject to the U.S. v  
45 Oregon Management Agreement provisions. Oregon's recreational fishery on the  
46 Columbia River is managed under permanent rule and marked selective; the

1 Commercial fishery is not marked selective; the Columbia River Compact sets opens  
2 annually.

- 3 • Number of summer Chinook returning to mouth of Columbia: 91,000 fish similar to  
4 2011 forecast. Staff is unsure whether the Colville Tribe will contribute some  
5 share of their allowable harvest to the states for use in non-Treaty fisheries. If the  
6 Colville Tribe makes no contribution in 2012 the number available for harvest in  
7 non-Treaty recreational commercial fisheries is about 9,600 fish; shared equal  
8 among commercial and recreational fisheries; about 4,800 each.
- 9 • Recreational fishery downstream from Bonneville Dam: 3,600 fish.
- 10 • Mainstem Commercial fishery: 4,800 fish.

11  
12 Steve Williams, Fish Division Deputy Administrator, said last May the state was issued a  
13 permit for the lethal removal of sea lions at Bonneville Dam. The State lost authorization  
14 when the Humane Society of the U.S. filed suit; and the National Marine Fisheries  
15 Service (NMFS) rescinded our permit. In August 2011, Oregon, Washington and Idaho  
16 submitted a new request to NMFS; who is conducting a NEPA analysis and hopes to  
17 have a decision the end of February. He said in August 2010, Washington, Oregon, and  
18 Alaska petitioned NMFS to remove Stellar sea lions from the Endangered Species Act  
19 list. The states won't get a preliminary decision until March 2012; at which time NMFS  
20 will indicate whether they believe the biological information supports a delisting. NMFS  
21 will have one year to make the final decision that will ultimately delist the Stellar sea lion.

22  
23 Williams said the 2011 Oregon Legislature passed House Bill 3255 that authorized staff  
24 to expand hazing efforts to seven days a week in the Willamette River below the falls.  
25 Due to recent state agency hiring freezes and administrative budget constraints, ODFW  
26 will delay implementation of that hazing effort in the Willamette River until after the  
27 upcoming 2012 Legislative Session. He said House Resolution 3659 in Congress would  
28 liberalize some aspects of the Marine Mammal Protection Act and aids the states in  
29 managing California sea lions below Bonneville Dam. The bill passed the U.S. House  
30 Natural Resources Committee but it was not unanimously supported. Folks in  
31 Washington, DC, are deciding when to move that bill to the full House for the best  
32 success in getting it passed.

33  
34 The U.S. Army Corp of Engineers started observation work at Bonneville Dam and  
35 observed Stellar sea lions in early October feeding on sturgeon and salmon. This last  
36 week there were five to ten animals at Bonneville Dam; they are following the same  
37 pattern as California sea lions. This week he received an unconfirmed report of two  
38 Stellar sea lions in the St. Johns area feeding all day on sturgeon.

#### 40 **Bear Plan Update**

41 Tom Thornton, Game Program Manager, said at the Commission's December meeting,  
42 Chair Edge asked for an update on the Oregon Black Bear Management Plan (Plan). He  
43 introduced Tim Hiller, the new Carnivore Furbearer Biologist Program Coordinator.

44  
45 Tim Hiller distributed a one-page report and said ODFW has operated under the 1993-  
46 1998 Plan since its adoption in 1993. Hiller discussed three substantial changes:

- 1 1. In 1994, passage of a ballot initiative which prohibits the use of bait to attract or  
2 take black bears, or the use of dogs to hunt or pursue black bears.
- 3 2. In 2008, transition from voluntary submission of bear teeth by successful hunters  
4 to a mandatory check-in process of all bears taken for any purpose.
- 5 3. In 1999-2004, ODFW tested the feasibility of using tetracycline-laced baits to  
6 mark black bears in southwestern Oregon using a mark-recapture approach, and  
7 implemented the system in 2005 to develop statewide population estimates.  
8

9 Hiller referred to the timeline table in his handout and said the draft Plan is undergoing  
10 internal comments. When the internal revisions are completed that draft will be provided  
11 to key stakeholders prior to meeting with them in late January and early February. In  
12 March, staff will mail the draft plan based on stakeholder input to the Commission; and  
13 then provide the draft for public comment. He said staff will brief the Commission at their  
14 April 20 meeting; and submit the plan for approval at the Commission's June meeting.  
15

### 16 **Request for Rule Modification**

17 Deputy Director Curt Melcher reminded the Commission that back in October, Jim  
18 Stubblefield had approached the Commission and asked for changes in rules related to  
19 Tribal hunting and Tribal participation in those activities. Staff has reviewed the request  
20 internally, with OSP and Legal Counsel, and recommended to Director Elicker to not  
21 make any modifications at this time. He said staff would follow up with Mr. Stubblefield  
22 on the Department's decision. The Commission had no questions.  
23

### 24 **Expenditure Report**

25 Debbie Colbert, Deputy Director for Administration, distributed a copy of the Director  
26 Transaction Review and reviewed the Director's transactions from September 1, 2010  
27 through September 30, 2011; and said it was satisfactory. She said this is typically done  
28 during the Director's annual performance evaluation; but it was done later than normal in  
29 2011. Deputy Director Colbert recommended that the Commission approve the  
30 document in the minutes and the submission of the Director's Transaction Review.  
31

32 *Action: Commissioner Webber moved to approve the report as submitted by*  
33 *Deputy Director Debbie Colbert. Commissioner Levy seconded the motion; the*  
34 *motion passed unanimously by a vote of six.*  
35

36 Deputy Director Colbert distributed the Financial Report; as of November 30, 2011 and  
37 said department-wide, revenues and expenditures are all within budgeted projections.  
38 She noted two memorandums from the Department of Administrative Services (DAS),  
39 and said the Legislature and Governor's Office have directed agencies to implement a  
40 statewide hiring freeze and administrative restrictions. She said the Administrative  
41 Restrictions in Attachment 3 are pretty broad; suspend all noncritical expenditures. The  
42 internal ODFW Executive Leadership Team met on Wednesday to develop criteria to  
43 implement that direction. After the Session there will be a review of state revenue.  
44

### 45 **Adopt Temporary Rules**

46 Deputy Director Curt Melcher noted that in addition to the seven temporary rules in the  
47 agenda, an additional temporary rule **635-023-0095 Bonneville Dam Reservoir**

1 **Recreational White Sturgeon Fishery** had been added (see Fish Division Administrator  
2 Ed Bowles' memo dated January 6, 2012).

3  
4 **1. 635-012-0020, 635-012-0030, 635-012-0040, 635-012-0050 and 635-012-0060**  
5 **Marine Reserve Administrative Rules Effective Dates Postponed Until January 1,**  
6 **2012**

7 Adopted December 6, 2011: effective December 25, 2011 through December 31, 2011.  
8 Amended rule delays the effective date for the Division 012 rules for Marine Reserves  
9 and Protected Areas that will regulate hunting and fishing activities in the Otter Rock and  
10 Redfish Rocks Marine Reserves and the Redfish Rocks Marine Protected Area. The  
11 suspended rules prohibit take or attempts to take, including fishing or hunting, any fish or  
12 wildlife species in the marine reserves; and allow for removing crab pots and other  
13 fishing gear; and allow scientific take for research with valid permit. In the marine  
14 protected area, the suspended rules prohibit and allow the same activities as in the  
15 marine reserves, with additional allowances for commercial or recreational troll and take  
16 of salmon and fishing for and take of crab in authorized fisheries.

17  
18 **2. 635-005-0045 and 635-039-0090**  
19 **Season Openings for the Ocean Commercial and Recreational Dungeness Crab**  
20 **Fisheries**

21 Adopted December 8, 2011: effective December 15, 2011 through January 31, 2012.  
22 Amended rules to open the 2011-2012 ocean commercial and recreational Dungeness  
23 crab fisheries from the Columbia River southward to just north of Gold Beach (42°26'00"  
24 N. Lat.) on December 15, 2011. Both commercial and recreational Dungeness crab  
25 fisheries will remain closed from just north of Gold Beach (42°26'00" N. Lat.) southward  
26 to the California border until January 15, 2012. Recreational fishing for Dungeness crab  
27 in bays and estuaries, including the Columbia River, remains open.

28  
29 **3. 635-017-0090**  
30 **Corrections to 2012 Recreational Fisheries Rules for the Willamette Zone**

31 Adopted December 13, 2011: effective January 1, 2012 through April 30, 2012.  
32 Amended rule corrects errors found in the *2012 Oregon Sport Fishing Regulations* for  
33 the Willamette Zone. The regulation for retention of steelhead in the Sandy River  
34 mainstem and tributaries upstream from ODFW markers at the mouth of the Salmon  
35 River, including the Salmon River, is amended from "open the entire year" to "open  
36 July 1 to August 31." The regulation for Henry Hagg Lake (Washington County) is  
37 amended to open the fishery on March 3, 2012 instead of March 4, 2012.

38  
39 **4. 635-018-0090**  
40 **Corrections to 2012 Recreational Fisheries Rules for the Central Zone**

41 Adopted December 14, 2011: effective January 1, 2012 through April 30, 2012.  
42 Amended rule corrects errors found in the *2012 Oregon Sport Fishing Regulations* for  
43 the Central Zone. The *Special Regulations* for the Hood River Basin (Hood River  
44 County) mainstem and tributaries not listed, found on page 63 of the *2012 Oregon Sport*  
45 *Fishing Regulations*, and were printed incomplete. Modifications restore bait restrictions;  
46 restrictions for use of artificial flies and lures when angling for trout; and include a

1 description of areas open for retention of adipose fin-clipped coho and adipose fin-  
2 clipped steelhead as well as.  
3

4 **5. 635-006-0232**

5 **Establish Average Market Values of Food Fish for Determining Damages Related to**  
6 **Commercial Fishing Violations**

7 Adopted December 15, 2011: effective January 1, 2012 through February 29, 2012.  
8 Amended rule to establish the average market value of food fish species used to  
9 determine damages for commercial fishing violations in 2012.  
10

11 **6. 635-053-0035**

12 **Correct Dates for the April 2012 Youth Turkey Hunt**

13 Adopted December 21, 2011: effective December 21, 2011 to June 1, 2012  
14 Currently, the 2011-12 Game Bird Regulations (page 15) lists the statewide season  
15 dates for the youth turkey hunt as April 8 and 9, 2012. The hunt dates should have been  
16 listed as April 7 and April 8, 2012. Through this temporary rule, we are amending the  
17 dates by adding Saturday, April 7, 2012. Thus, the statewide season will be April 7, 8  
18 and 9, 2012. This will allow for three days of hunting for the youth turkey hunt.  
19

20 **7. 635-043-0051**

21 **Authority to Take or Harass Wildlife**

22 **Adopted: December 29, 2011, effective December 30, 2011 to June 26, 2012**

23 In April 2011, the Commission approved language regarding law enforcement officers'  
24 authority to take or harass wildlife. In June, the rule was once again amended and the  
25 language from April was inadvertently omitted. This temporary rule will incorporate the  
26 language from April and June as intended.  
27

28 **8. 635-023-0095**

29 **Bonneville Dam Reservoir Recreational White Sturgeon Fishery**

30 Adopted January 4, 2012: effective January 5, 2012 through July 2, 2012.  
31 Amended rule opens the recreational harvest of white sturgeon in the Bonneville Dam  
32 Reservoir and tributaries effective with the filing of this rule. This corrects a conflict  
33 between published sport fishing regulations and existing permanent rule for Columbia  
34 River sturgeon fisheries and allows retention of white sturgeon in the Bonneville Pool.  
35

36 *Action: Commissioner Englund moved to adopt the administrative temporary*  
37 *rules including the new rule added today. Commissioner Levy seconded the*  
38 *motion; and the motion passed unanimously by a vote of six.*  
39

40 **PUBLIC FORUM:**

John Woodcock Oregon City, Oregon	John Woodcock, a Pioneer Hunting License holder, said he will be 72 in May. He said last year put in for an elk tag in the Wenaha "One Bull" Bow Hunt. This year he was one of eight people drawn out of a pool of 56 people; but he could not go hunting. He said in 2011 before he drew this tag he had both hands operated on; they were swelling when he
--------------------------------------	--

	<p>pulled on his bow. He had macular degeneration and had cataracts removed from his eyes. He had a stroke five to six months ago that has impacted his peripheral vision.</p> <p>Woodcock talked about the Director's Preference Point System the Commission implemented a few years. Although his points were reinstated to what he had before the draw; he didn't get the one extra preference point that was given to the other 48 unsuccessful people in the same pool he was in. Without getting the extra point to stay in that group, the system has now put him into a group of possibly 15 people that's going to be drawn out of a pool of 80 people; very easily he could end up looking at five to seven years before he could possibly get this tag again. He may never get his eyesight back and probably won't go hunting again.</p> <p>He asked the Commission to help the Pioneers, and change the rule so people get back the preference points they had prior to the draw and receive the preference point for future drawings. He said, it won't benefit me any but it may somebody else down the line.</p>
Allan Siler Sherwood, Oregon	Allan Siler said he and his wife found out about Mr. Woodcock's stroke the day he was at the hospital. He has hunted with Woodcock who asked him to shoot his elk for him; but he declined. Siler said he told Mr. Woodcock that he knew that this state would work with him. Siler said he was confident that Mr. Woodcock would get his sight back.

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**Commissioner Bob Webber said he holds a Pioneer Hunting License and declared a potential conflict of interest; he does hunt with a bow in the Wenaha Unit.**

Deputy Director Melcher gave background information on the Preference Point System. He said Mr. Woodcock is correct, we would reinstate them to the points that they had prior to the draw; not to the points they would have had; had they not drawn the tag. He said 99% of individuals who take part in this program are thrilled to get back to where they were prior to the draw. We have not had any complaints; so, Woodcock's situation is unique; that one point is critical in their ability to draw in a future year. In the Licensing Section the mechanics of doing this it makes no difference whether we're giving them the number of points they had prior to the draw versus the number of points they would have had, had they just applied for a point saver.

Deputy Director Melcher suggested including this change when the Big Game Regulations came before the Commission in October; it would not help Mr. Woodcock in that staff would be doing the Big Game Regulations after this draw. The opportunity is if the Commissioner were to direct staff, through temporary rule, to amend the program



1 and reinstate people's preference points essentially to where they would have been had  
2 they not drawn the tag. He said if the Commission agrees to do that he recommended to  
3 not selecting only a particular license type holder; it should be uniform and fair to  
4 everyone.

5  
6 Commissioner Klarquist said there is a difference from not buying a tag because you  
7 have had a problem and know that in advance; from having bought a tag and did not go  
8 hunting, do we have something in place to determine whether the tag was used or not?  
9 How do we verify the facts? He said before the Commission adopts a temporary rule he  
10 wanted to see what the rules are to consider what the complications are that we are  
11 creating for ourselves before we go forward. Deputy Director Melcher said ODFW has a  
12 program in place; the Commission has adopted rules with specific criterion that guides  
13 staff in this exception process; ultimately the Director signs off on any exception. He  
14 said what Mr. Woodcock is advocating for; none of that would change. It's whether the  
15 points get restored to their pre-application status versus the post-application status as if  
16 they had not drawn the tag.

17  
18 Commissioner Webber supported restoring the preference points to where they would  
19 have been, not to where they were. They have paid the money when they applied for the  
20 tag; so they're not getting anything for free. Under our procedure they would be eligible  
21 to get their points back. Commissioner Levy agreed.

22  
23 Commissioner Akenson asked for additional information as to whether this was an  
24 unusual situation for the Wenaha for having to have that many points versus what would  
25 happen statewide for people with preference points with a similar situation. Is this just a  
26 very unusual situation that is unlikely to come up again or would this happen every year?  
27 Deputy Director Melcher said there are other hunts that are nearly as hard to draw as the  
28 Wenaha Bow Hunt tag in Northeast Oregon. At some point in the future this will come up  
29 again; the program has only been in place for a couple of years.

30  
31 Commissioner Englund shared Commissioner Akenson's thoughts. He asked if it would  
32 change anything for Mr. Woodcock if the Commission received more information before  
33 doing a temporary rule. Deputy Director Melcher said under Public Forum the  
34 Commission does not take any formal action. He suggested the Commission direct staff  
35 to talk with Mr. Woodcock and come before the Commission in February; that will help  
36 individuals from last year's draw.

37  
38 Commissioner Webber said it would be beneficial if staff supplies the criteria for  
39 reinstatement too; so, the Commission could see how it all fits together.

40  
41 Chair Edge said the Commission's preference is to wait and get additional information;  
42 he directed staff to come forward with a temporary rule. He asked Deputy Director  
43 Melcher to keep Mr. Woodcock apprised of the process. Staff will propose a temporary  
44 rule next month at the Commission's February 3 meeting in Astoria.

45  
46 **PUBLIC FORUM - continued**

Bill Kluting	Bill Kluting talked about cormorants; an issue he has been
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<p>Monmouth, Oregon</p>	<p>involved with since 2007. He held up a “SOS flyer” that he sent to all five northwest states with this bird. He also held up a copy of the winter issue of the Northwest Power Conservation magazine; he works with Joan Dukes, a board member. He said in 10 years, the cormorant population has gone from 5,000 to 10,000.</p> <p>Years ago Oregon never had a cormorant population. They found as an ideal nesting site above Astoria; the dredgings of the U.S. Army Corp of Engineers; east Sand Island is a good example. He said this is a very critical area where millions of young smolts coming downstream from the river system and circle in this one area; it takes them two to three weeks to climatize themselves to salt water. Cormorants can eat 25 smolts per day; right now there are almost 14,000 nesting pairs on this one Island; the population is so great in this area that you’re looking at half a million smolts per day. Kluting noted a study done at OSU that was featured in the Northwest Power Conservation magazine. He said we are going to lose 20 million smolts; 13 of these salmon and steelhead listed by the Environmental Protection Agency (EPA) are affected by these cormorants and Caspian terns. One of the flyers he sent out was a final impact EIS by the US Department of Fish &amp; Wildlife and US Department of Agriculture. Since 2003, these birds were destroying fish populations in 24 states. None of these fish populations in these states are listed and here we are trying to protect listed species of salmon and steelhead, which we have spent \$7 billion to bring these populations back.</p> <p>He urged the Commission to pursue the petitions to US Fish &amp; Wildlife to allow these other states, seven months out of the year to shoot these birds; and/or destroy their nesting habitat. We’ve been told by Bonneville and Northwest Power Administration that they’re going to be spending more money to bring these salmon back; it affects the power rates of everyone in the Northwest.</p>
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- 1
- 2 Commissioner Englund thanked Kluting, and said he’s been a cormorant advocate on
- 3 the Commission for some time and has encouraged the Department to find the ability to
- 4 take cormorants. He lives in Astoria and regularly drives over the Youngs Bay Bridge;
- 5 over 25 million PIT tags exist on East Sand Island; not only with terns but the cormorant.
- 6 He said the avian predation on Sand Island is unbelievable.
- 7
- 8 Chair Edge said the species is recognized as a different population segment by the U.S.
- 9 Fish & Wildlife Service under the Migratory Bird Treaty Act; so ODFW does not have

1 clear authority to deal with that. But there has been a comprehensive status review,  
2 which should allow us to move forward with a comprehensive management plan that is  
3 ongoing; that's a federal process and will take some time.

4  
5 **Exhibit A: COMMISSION MINUTES**

6 Chair Edge asked for edits to the draft October 7 and December 2 Commission minutes.

7  
8 *Action: Commissioner Englund moved to adopt the October 7, 2011 Commission*  
9 *minutes as drafted. Commissioner Levy seconded the motion, and the motion*  
10 *passed unanimously by a vote of six.*

11  
12 For the December minutes, on page 8, line 8, Commissioner Klarquist changed  
13 "perpretated" to "perpetrated". On line 16, he changed "perspectively" to "prospectively".

14  
15 *Action: Commissioner Levy moved to adopt the December 2, 2011 Commission*  
16 *minutes as corrected. Commissioner Alkenon seconded the motion, and the*  
17 *motion passed unanimously by a vote of six.*

18  
19 **Exhibit B: 2013-2015 BUDGET PROCESS**

20 Deputy Director Debbie Colbert discussed the 10-Year Plan for Oregon Project; a work  
21 in progress which is driven by the Governor's vision to rebuild Oregon's House by:

- 22 • Setting clear priorities and vision of where we want to be in the future as a state.
- 23 • Recognizing the need to overhaul state government to insure we're delivering on  
24 those priorities.
- 25 • Staying the course over a 10-year period; tracking whether we're putting the  
26 resources to those priorities and making a difference in those areas.
- 27 • Implement the vision by creating a Strategic Plan for the state and the 10-Year  
28 Outcome Based budget process.

29  
30 Deputy Director Colbert reported on the Guiding Principles. She said agency directors  
31 and the Governor's Policy Advisors are working in teams to lay the foundations of the  
32 Strategic Plan by identifying specific outcomes by policy areas. There are seven  
33 outcome policy areas: 1) education; 2) healthy people; 3) economy and jobs; 4) healthy  
34 environment; 5) livable communities; 6) safety; and 7) good government.

35  
36 She said the Governor is convening the 10-Year Plan Advisory Board to implement the  
37 Plan that includes pieces that will engage Oregon citizens. The basic principles toward  
38 Outcome Based Budgeting are:

- 39 • Focus budget on achieving outcomes over a 10-year period through strategic  
40 spending and investments.
  - 41 • Start building the budget with what you expect to spend.
  - 42 • Focus budget on existing priorities.
  - 43 • Separate the people who make recommendations on budgets from the people  
44 who receive the money.
  - 45 • Make budget decisions based on getting the best measureable outcomes.
- 46

1 Deputy Director Colbert discussed the timeline for the budget process.

2  
3 Cameron Smith, Budget Manager, said ODFW was categorized into three outcome  
4 groups that were assigned by DAS:

- 5 1. ODFW Administration and Capital Construction are in Good Government.
- 6 2. Hatcheries and Capital Improvement are in Economy and Jobs.
- 7 3. Other ODFW programs are in Healthy Environment.

8  
9 He said a more detailed description of those program categories are in Attachment 4. He  
10 said for ODFW's budget development process the dates haven't been assigned; staff  
11 has not received budget instructions yet. Staff hopes to come before the Commission in  
12 the spring with the Round 1 conceptual proposals for the proposed buying options that  
13 will be submitted to the Program Funding Teams. Those teams will either ask for more  
14 information or make suggestions on how they see things should be funded; staff will  
15 have a second round of funding proposals that will be presented at the August  
16 Commission meeting. Effective September 1, staff will submit those as our Agency  
17 Request Budget for the Program Funding Teams to approve.

18  
19 Smith said ODFW usually has its External Budget Advisory Committee (EBAC) town hall  
20 meetings; but because the timelines are different in this new process staff will have to be  
21 more nimble with less defined timelines. Staff will have public outreach; maybe a town  
22 hall for each region and more outreach on the ODFW website. He said staff will  
23 schedule outreach with EBAC.

24  
25 Deputy Director Colbert said in terms with the one town hall per region that compares to  
26 11 town halls; we're going from 11 to four. Staff is thinking of holding town halls on the  
27 Internet so the public can be there or listen on the Internet.

28  
29 **Public Testimony:** There was no public testimony.

30  
31 Chair Edge said the concept of developing a budget for this agency is always  
32 challenging; he appreciated staff's efforts. In looking at what the Governor's concepts  
33 are they sound like good logical ideas to move to a long-term strategy for supporting the  
34 state's budget. He questioned how that was going to play out; we have already seen in  
35 this first cycle and hopefully in future cycles to have more lead time to better engage our  
36 public and stakeholders in what our proposals might be. He was concerned about going  
37 down to four town hall meetings when ODFW depends on stakeholder support. He said  
38 it's really the Legislature that determines what the budget is going to be; we have strong  
39 support from our clientele and stakeholder groups. Chair Edge asked that staff continue  
40 to reach out to them.

41  
42 Commission Englund thanked Director Elicker and Deputy Director Colbert for staging  
43 past Town Hall meetings; it meant a lot to rural communities that the Department was  
44 listening. He hoped that going forward with the four meetings that they get that message  
45 out to staff so they call tell the local people why they are not visiting again. He said the  
46 rural area really needs to hear why Director Elicker and she were not coming back.

1 **Exhibit C: SALEM HEADQUARTERS BUILDING**

2 Deputy Director Colbert discussed past efforts by staff to locate a new headquarters  
3 building. An Internal Selection Committee ranked several proposals. Staff is proposing  
4 that the Commission approve the acquisition of The Western Tool Building (K2D  
5 building) located at 4030 Fairview Industrial Drive in Salem; and that this be a turnkey  
6 project. She said the owner of the K2D building would retrofit the building to our  
7 specifics. ODFW would pay a lump sum price for the building and those improvements.  
8

9 Greg Parker, Special Projects Manager, said the proposed property is located in  
10 southeast Salem in the Fairview Industrial Park on 10 acres. He said the building site  
11 has ample parking and potential for future expansion. He said the building is a big  
12 warehouse, but is of a height to put in a second floor for staff. The agency will be able to  
13 transfer a lot of vehicle storage that is being paid for elsewhere to this new location. He  
14 discussed the Phase I preconditions and due diligence items in the draft Purchase and  
15 Sale Agreement (PSA):

- 16 • Title review and seller's document review.
- 17 • Buyer inspection and environmental site inspection of property. He noted that the  
18 property was part of the State's former Fairview Center for the developmentally  
19 disabled; it was part of their farm.
- 20 • Government Approvals – all conditional on whether we move forward. Deputy  
21 Director Colbert added that since this is a turnkey project, ODFW needed an  
22 Exception from Competitive Bidding requirements from DAS. A hearing was held  
23 last week by DAS. This sale is conditioned on getting those approvals.  
24

25 Parker discussed the Phase 2 of conditions:

- 26 • Reaching agreement on the design with the owner of K2D, ODFW is not  
27 purchasing the building until it is completed.
- 28 • Dalke Construction Co. Inc. will go out to bid for contractors.
- 29 • ODFW will preapprove the design. Staff is working on a conceptual plan and  
30 retained CB2 architects to prepare conceptual and schematic working plans for  
31 the site for preliminary planning and preparation of materials.
- 32 • Completion of construction on time and as specified. – June 2013. ODFW will  
33 close on the property.
- 34 • Obtain an Occupancy permit. Staff to move in June and July 2013.  
35

36 Deputy Director Colbert said staff is asking the Commission to approve the acquisition of  
37 a new headquarters building consistent with the terms and conditions in the final PSA.  
38

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

41 Commissioner Klarquist asked if the agency's lawyers wrote the proposed PSA. Deputy  
42 Director Colbert said yes, staff wrote the first draft of the PSA with help through the  
43 Oregon Department of Justice. Commissioner Klarquist asked if Ball Janick LLP  
44 represents the Department or the seller. Deputy Director Colbert said the Department.  
45

46 Commissioner Klarquist said during the due diligence phase, the PSA would give us the  
47 opportunity to do an appraisal, conduct the environmental audit or other inspections that

1 he assumes staff will do. Are you asking us to approve everything without having had a  
2 chance to observe your report on what the due diligence provides to you? He would like  
3 a second look after that is completed before signing off on the project. Deputy Director  
4 Colbert said the Commission is giving staff the approval to move forward on this  
5 acquisition; and if staff conducts these different due diligence Phase I steps, we will bring  
6 those back to the Commission and tell you the outcome of those and get direction on  
7 where we go in terms of the existing PSA.

8  
9 Commissioner Klarquist said he would approve that kind of a motion; but it sounds like  
10 staff is asking the Commission to approve the entire acquisition without having that  
11 opportunity. Deputy Director Colbert suggesting amending the motion; the Commission  
12 could approve the acquisition subject to the terms and conditions of the PSA on the  
13 condition that staff returns during the Phase I steps for Commission review.

14  
15 Commissioner Englund said the public is aware that one of the reasons for this move is  
16 financial; due to the lease on this building we had to obtain a new building and save on  
17 rent? Deputy Director Colbert said that is correct. The current lease is 20% above market  
18 value; and increases by two and half percent annually. Assuming the project costs the  
19 full \$16 million, we will save \$5 million over a 25-year period compared to leasing.

20  
21 Commissioner Englund said K2D is a good-sized building with the potential of  
22 expansion. Is there any talk of sharing that with another agency? Deputy Director  
23 Colbert said as staff looks at the retrofit, we are planning for a consolidated unused office  
24 area that we might be able to lease to another state agency.

25  
26 Commissioner Englund said knowing buildings, there are a lot of things we have not  
27 discovered yet or are going to need. With the 10-year budgeting; is this new building  
28 part of the long-range effort within your budget? Deputy Director Colbert said the agency  
29 has to be out of the current building by August 2013; which is barely into the 2013-2015  
30 biennium. We are bonded for the full \$16 million and have six years to spend it.

31  
32 Commissioner Akenson asked about a contingency if the construction was not done on  
33 time. Deputy Director Colbert said the current lease has an option to extend it.

34  
35 Chair Edge said Commissioner Klarquist expressed reservations about the due diligence  
36 part. He said he read that the due diligence was in the terms and conditions that the  
37 Commission was asked to approve.

38  
39 Commissioner Klarquist said the distinction is that we review these Phase I conditions  
40 because the Commission does not have any further review. He would like staff to come  
41 back and report on what they did to satisfy themselves that these conditions are met. For  
42 instance, that the value of the property was appropriate for the price we are paying; that  
43 the Fairview Center didn't do anything to the property that is causing us problems.

44  
45 Legal Counselor Bill Cook proposed a new motion, and said add to the end of the current  
46 motion, "*and on the condition that staff obtain Commission review and approval of due  
47 diligence items after Phase I of the purchase process has been completed.*"

1  
2       *Action: Commissioner Klarquist moved to approve the acquisition of the K2D*  
3       *Building for a new headquarters subject to the terms and conditions in the final*  
4       *Purchase and Sale Agreement and on the condition that staff obtains Commission*  
5       *review and approval of the due diligence items after Phase 1 of the purchase*  
6       *process has been completed. Commissioner Webber seconded the motion, and*  
7       *the motion passed unanimously by a vote of six.*  
8

9       **Exhibit D: 2011 OREGON WOLF MANAGEMENT REPORT**

10       Ron Anglin, Wildlife Division Administrator, said Russ Morgan and Bruce Eddy are out  
11       on the ground working with local folks and landowners; both at the political level and with  
12       the implementation of the Plan. Wolves are everywhere in the media with regard to  
13       what's going on in the state. Staff is engaged in that; the information presented will be  
14       very helpful in showing that and things accomplished over the course of the last year;  
15       and looking at some of things we want to accomplish with our partners.  
16

17       Russ Morgan, Wolf Coordinator, referred to *Attachment 2– 2011 Oregon Wolf*  
18       *Management Report* (the Report) and said that most of the facts occur through  
19       November 30. He said staff plans to update those numbers through the end of the year  
20       and then produce a final report following this meeting. During a slide presentation,  
21       Morgan discussed some of the Report's highlights.  
22

23       *Conservation/Legal Status.* Wolves are listed in two-thirds of Oregon and delisted in  
24       Northeastern Oregon. At the time the federal government delisted the wolves they  
25       initiated a process in which they would take a more comprehensive look at how to  
26       manage both listing status and classification of wolves across the country. Staff is  
27       discussing with U.S. Fish and Wildlife (USFS) the creation of a new distinct population  
28       segment for portions of Oregon, Washington and possibly California. USFW expects to  
29       complete their normal status review of wolves in February.  
30

31       *2011 Wolf Population.* Staff is monitoring four packs; and documented reproduction in all  
32       of those packs; but only documented one breeding pair -- the Walla Walla pack. Since  
33       December 29 wolves were accounted for. The number of wolves changes because we  
34       report on animals and don't do population estimates throughout the year. Staff can only  
35       report how many wolves there are by what is accounted for. Morgan discussed statistics  
36       of known wolf packs in Oregon since December 31, 2011. He used a map to depict  
37       wolf use areas and the routes of radio-collared dispersing wolves.  
38

39       *Capture and Radio Monitoring.* He said the Plan sets specific conservation goals for  
40       Oregon and identifies radio monitoring as a primary tool to know when and how staff is  
41       reaching those goals. Six wolves were captured over the year; three were GPS radio-  
42       collared; the other three have VHS collars. Staff is using genetic sampling and can piece  
43       together how these wolves are related to each other and better understand the  
44       population. Staff also uses trail cameras to monitor wolves.  
45

46       *Data Management.* Morgan said GPS collars produced over 6,000 data points this year.  
47       This year staff implemented two new GIS databases to help store and analyze this

1 information. One is a known wolf database that is streamlined so that all wildlife  
2 managers can incorporate information into that; e.g., timely mapping. The other  
3 database is an online report system where data can be directly incorporated into the  
4 database from the public and wildlife biologists; it allows our system to be compatible  
5 with USFW's system. Staff received over 300 reports this year.

6  
7 *Issues and Challenges in 2011.*

- 8 ✓ Livestock depredations; 34 investigated beginning May 2011; ODFW confirmed  
9 10 depredations by the Imnaha Pack.
- 10 ✓ Livestock producer assistance. Non-lethal measures and regular information to  
11 Imnaha area producers; text messages sent twice a day. Staff produces a weekly  
12 map showing where the wolves have been.
- 13 ✓ Caught-In-Act permits issued to 32 producers in area of Imnaha pack. No wolves  
14 were taken; staff expects to re-issue many of these in 2012.
- 15 ✓ Agency Lethal Control. ODFW initiated lethal removal of Imnaha pack wolves in  
16 May 2011; two were removed and staff was unsuccessful in removing a third wolf  
17 in June. Continued incremental control efforts in September after another  
18 confirmed depredation.
- 19 ✓ Workload associated with depredations and an increasing wolf population: public  
20 wolf report follow-up; data collection and monitoring; respond to suspended wolf  
21 depredation; and assist livestock producers.

22  
23 Commissioner Levy said on the Caught-In-Act permits everything they have done up and  
24 through December, does that continue into the new permit year or do they have to start  
25 over? Morgan said the prerequisite of nonlethal or preventative measures can be made  
26 a part of the Caught-In-Act permit. Our rules state that a producer must continue to  
27 implement nonlethal action; there is not a point in which efforts that have taken place are  
28 no longer a part of that. If you have a Caught-In-Act permit, you still need to be  
29 implementing these measures; many of these measures are different for each producer.

30  
31 Commissioner Akenson commended Roblyn Brown and Morgan for the text-messaging  
32 program. She said local livestock producers in Wallowa County feel this is the best  
33 program from ODFW on wolves to help them deal with that uncertainty of whether their  
34 cattle will be impacted today. There are not a lot of options for livestock producers; this is  
35 a great PR tool to show the support from ODFW that every effort is being made to help  
36 producers. She said this has really been successful.

37  
38 *Depredation Investigations.* In 2011, 34 investigations were conducted; ODFW staff was  
39 on-scene at 28 investigations. Prior to making an official determination, ODFW reviews  
40 all information. In Wallowa County, staff made 70% of the notifications to the producers  
41 the same day, 96% were made within two days of investigation. ODFW has an internal  
42 review process. Bruce Eddy, Northeast Region Manager, said staff goes through a very  
43 sophisticated investigation to investigate these depredations.

44  
45 *Investigation Progress.* ODFW uses an evidence-based procedure for determining the  
46 appropriate depredation category and USDA-APHIS categories of depredation  
47 (confirmed, probable, possible/unknown, and other). A confirmed wolf depredation



1 shows reasonable physical evidence that an animal was actually attacked by a predator  
2 and that the predator was a wolf. He discussed the four segments of General  
3 Investigation:

- 4 1. Initial information about the situation. Wolves kill an animal by biting it to death;  
5 superficial exterior bites that cause the animal to go into shock and succumb.
- 6 2. Scene details.
- 7 3. Wolf presence in the area.
- 8 4. Examination of the animal. He said wolves scavenge as much as they kill animals.

9  
10 During a slide presentation Morgan explained several depredation sites and the  
11 evidence that staff looks for to determine if it's a confirmed wolf kill.

12  
13 *Panel Review.* Morgan said in August, ODFW initiated a review of its investigation  
14 process. A seven-member panel of wildlife professionals from Oregon, Idaho and  
15 Washington discussed and provided feedback regarding how ODFW conducts  
16 investigations. The panel concluded that ODFW is thorough in its collection of available  
17 evidence during each investigation; determinations made were consistent with the  
18 evidence collected. The panel review recommended that ODFW:

- 19 • Modify the depredation system.
- 20 • Continue working with US Wildlife Services to address differing conclusions.
- 21 • Even if no evidence of depredation by wolves is found, ODFW investigators  
22 should consider collecting biological samples and attempt to determine the cause  
23 of livestock injury or mortality.

24  
25 *Expectations for 2012:*

- 26 • Increase monitoring and surveys for wolves.
- 27 • Review the depredation categories.
- 28 • Continue non-lethal and preventative efforts.
- 29 • Continue to explore options of how to efficiently disseminate wolf information.
- 30 • Develop a wolf disease testing protocol as identified in the Plan.

31  
32 **Public Testimony:**

Cristina Hubbard Cottage Grove, Oregon	Cristina Hubbard, Project Director for Forest Web of Cottage Grove, said they work on environmental issues in rural Linn County, which include organizing public events to raise awareness on topics such as the growing population of wolves in Oregon and providing information to help prepare rural residents for the wolves return.  When OR-7 crossed into California in late December, Jack Hanson, Treasurer of the California Cattlemen's Association, issued the following statement "We do not welcome the wolf back in California. We would like to put a big shield up and keep him out. If there were no regulations our families would shoot him on site, so they would not multiply." She said this was a response to a single wolf that had harmed no
---	--

	<p>livestock. Unfortunately the sentiment seems to be the standard response from many in the Pacific Northwest. Some feel a landscape barren of wolves is the best possible solution when in truth the return of the wolf to our wilderness regions is something to be encouraged.</p> <p>Hubbard said the role of a keystone species is vital to the maintenance of a healthy ecosystem, and when the apex predator is removed it creates a serious imbalance. Wolves have only established a fragile foothold in Oregon and we need to develop a land ethic that allows them to thrive throughout the state instead of demanding their destruction. We need to see past fear and prejudice and continue to utilize proven nonlethal solutions to allow humans to and wolves to coexist. Hubbard thanked ODFW for their efforts and for their thoroughness in their investigative processes. Hubbard encouraged a new focus on education.</p>
<p>Jim Welsh N/A</p>	<p>Jim Welsh, for Oregon Cattlemens Association (OCA), said OCA appreciates ODFW's responsiveness to the concerns OCA raised in September relating to the protocol for determinations in wolf damage investigations. The implementation of the depredation investigation procedures have improved since Fall, with the inclusion of third party information and with ODFW local biologists being involved on the ground in the investigation. He said further discussion is warranted regarding:</p> <ul style="list-style-type: none"> <li>• Level of criteria appropriate for a confirmed determination. Depredation investigation procedures could be strengthened by incorporating the findings of experienced and trained experts rather than relying on a solely evidence-based approach. Using the same standards may resolve differences between the conclusions of ODFW and USWS. Investigations are found by the Review Panel to be problematic. With limited funds and resources, it is important to utilize the experience and training of wildlife experts and work in concert to make reliable determinations.</li> <li>• OCA looks forward to expanded use of the new technologies and databases. Ranchers in areas with wolf activity can be better prepared and exercise rigorous nonlethal control methods when they receive more timely information about reports of wolf sitings as well as GPS information. Consideration to using email for communication rather than a text would be helpful for ranchers not in cell phone range.</li> <li>• OCA requests that efforts be made towards discovery</li> </ul>

	<p>and confirmation of the wolves currently in Oregon. Using that information and GPS sitings, if it was less time involved, OCA would have Russ and staff work at identifying where the wolves were more.</p> <ul style="list-style-type: none"> <li>• OCA asks that talk on the 2011 Wolf Management Report continue to the next Commission meeting. We have not had enough time yet to go over this with our Wolf Committee. OCA would like to analyze it and get back to the Commission in written form.</li> </ul> <p>Welsh referred to staff's printed PowerPoint report and made the following comments.</p> <p>Panel Review Recommendations (page 18). OCA agrees with the three items from that Panel Report. On Bullet 2 (The department should continue to work with Wildlife Services to address the issue of differing conclusions.), OCA stresses that if there are differences, we need consistent investigation protocol; so that we can rely on those decisions being made between the two different departments; there is no doubt about it; and if there are some differences there that are occurring.</p> <p>Expectations for 2012 (page 18). OCA agrees with two of the five bullet points. OCA puts emphasis on Bullet 1 (Increase monitoring surveys for the wolves). He said being able to know where they are helps the producers, and protects their property if they have more information.</p> <p>For Bullet 4 (Continue to explore options of how to efficiently decimate wolf information.), we have very good technology; ODFW is working to streamline that and come to us with better ways to disseminate that information. We heard that from Russ Morgan today and OCA appreciates that.</p>
--	--

1  
2 Commissioner Klarquist said he was sure that Russ Morgan and his staff would work  
3 with OCA on the communication part. He asked why email would work better than a cell  
4 phone. His computer requires being plugged in or is battery operated. How do you do  
5 that on the range? Welsh said a family member may be back at the farmhouse and  
6 would be able with their computer to receive that information. If they were out of range  
7 on their phone, they could maybe go out to a site or connect with them someway and get  
8 that information out. They are not always getting this on their phones.

9  
10 Commissioner Levy asked if anyone had approached the conservation groups about  
11 donating money or purchasing GPS collars and helping to pay for the tracking fees; so  
12 we could collar more of the wolves and track them. Morgan said in the past the answer

1 is yes. They have in many cases offered to buy collars for us; much of the nonlethal  
2 preventative measures have been paid for by other organizations interested in wolf  
3 management. He didn't know if that was enough or not. Sometimes staff hears concern  
4 from the conservation groups about us putting collars on because of some of the issues  
5 that happened last summer; others are very supportive of it. He didn't know if it could be  
6 a possibility; but something we could inquire about.

7  
8 Commissioner Akenson asked if there are any changes to managing risks for  
9 depredations. Right now, because there is not the option from the Plan for lethal control,  
10 is there anything else that can be done to help producers address that increased risk of  
11 predation. Morgan said yes, but it requires an evaluation of what works and what  
12 doesn't and what can be improved. Staff met with some of those folks and talked about  
13 new ideas. There are husbandry changes and some producers are shifting how they use  
14 their pastures to reduce that risk. He said biofencing is starting to show some promise  
15 by where you can actually have an impact on how wolves use a particular landscape by  
16 artificially marking the site with scent.

17  
18 Ron Anglin wanted to note that the landowner community was really stepping up to the  
19 plate and doing everything asked of them and still suffered depredations; a lot of it is a  
20 learning curve for all of us. In the west folks keeping trying to find things that might work  
21 and help ease the situation of the landowner.

22  
23 Chair Edge referred to Attachment B, where staff had control actions and nonlethal  
24 actions, and asked staff to present that in a table with several different categories of  
25 information. In the future you will want to have the same information on multiple packs;  
26 so those different categories you present in the different bolded items put in a table like  
27 you did on the number of wolves. Russ Morgan agreed.

28  
29 Chair Edge asked if staff knew enough about USFWS's distinct population segment  
30 status review concepts. Are they going to listen to us about where our border is relative  
31 to something they might come up with? Anglin said no, but staff met with Washington  
32 and California recently with USFWS. Director Elicker is currently at the WAFWA Mid-  
33 Winter meeting; this is a major topic. Staff has made the point with USFWS that we want  
34 wolves federally delisted in Oregon. USFWS is looking at how to do that but they have  
35 legal logistical challenges. If we can't move that line how do we establish a process to  
36 do a federal delisting in Oregon and Washington; that is where the new DPS would come  
37 into play. Staff is defining what that would look like with them and the role of our Plan  
38 serving as the template for delisting in the state.

39  
40 Chair Edge said we need to train all the district biologists and west side biologists. Within  
41 five years every biologist in the state is going to be doing cases that might be  
42 questionable; as fast as we can get folks trained the better. Anglin noted a major training  
43 at a statewide biologist meeting and said it will continue. Staff is also developing a  
44 training manual; and working with Washington and others about combining efforts.

45  
46 Chair Edge referred to a point made by the Panel Review that some of the confirmed  
47 cases were not as rigorously investigated as others and with the suggestion that they

1 should be. He fully supported that. He said we've talked about an appeal panel process;  
2 if we get into a situation where we go back and look at those particular cases, we need  
3 them documented as well as any of them.

4  
5 Chair Edge asked staff about data sharing; texting or going into a different direction.  
6 Eddy said staff has met with OCA. Based on the technology we have, we implement that  
7 technology. We need to meet with OCA again and ask what is working for them; then  
8 meet with ODFW media and Information Services on how to implement that. Anglin  
9 added that staff needs to get to the landowners, what is useful to them and how staff  
10 does that in the most efficient manner possible. Anglin also referred to Chair Edge's  
11 statement to put the information in Attachment B into table format; he said because we  
12 have not finalized this year's report, we will make that change for this year's report.

13  
14 Chair Edge said this is public information to some extent. There is probably a lot of public  
15 that would be interested in knowing where the wolves are. He suggested that staff think  
16 about sharing where the wolves are to anybody interested; as a straight download from  
17 the data site; and as long as there is not trespass issues associated with that.

18  
19 Chair Edge said this report was very informative and helpful to the Commission. He  
20 acknowledged the hard work of staff and Eddy's concerns about employees working 24-  
21 7. He said Jim Welsh of OCA asked that the Commission hold this item over; since this  
22 is an informational item he was not inclined to do that but the Commission would be  
23 interested in any comments on the final report. The Public Forum was also available with  
24 24-hour advance notice to the Director's Office.

## 25 26 **Exhibit E: FISHERIES MANAGEMENT OF WHITE STURGEON IN THE COLUMBIA 27 AND WILLAMETTE RIVERS**

28 Steve Williams, Fish Division Deputy Administrator, said staff was seeking the  
29 Commission's guidance to both the staff and Director Elicker regarding management  
30 strategies and issues in the Columbia and Willamette Rivers. This is being done in  
31 preparation of the Columbia River Compact meeting on January 26; staff will meet with  
32 the State of Washington in that meeting.

33  
34 Tony Nigro, Ocean Salmon and Columbia River Program Manager, reported on four  
35 elements of management issues of white sturgeon with Washington.

36  
37 1. *Key elements of Columbia River Sturgeon Management Accord.* Nigro said the  
38 Accord describes the principles and guidelines under which we agreed to manage  
39 sturgeon and fisheries in the Columbia, effective 2011 through 2013. At its core is six  
40 management principles; the first two are ODFW's management principles:

- 41 1) Safeguard spawning-size sturgeon.
- 42 2) Harvest at a rate that grows in population.
- 43 3) Maintain concurrent regulations with Washington.
- 44 4) Provide viable and diverse fishing opportunity.
- 45 5) Manage tributary and coastal sturgeon fisheries consistent with needs of  
46 Columbia River sturgeon.
- 47 6) Limit incidental take of at-risk fish species in sturgeon-directed fisheries.

1  
2 Nigro reported on Management Objectives:

- 3 • Annual harvest guideline not to exceed 17,000 or 22% legal-sized fish.
- 4 • Commercial fishery share of 20%.
- 5 • Sport fisheries share of 80%: 48% below Wauna (Estuary); 20% above Wauna;  
6 and 12% in Willamette.

7  
8 2. *2012 Sturgeon Population Forecast downstream from Bonneville Dam.* Nigro said  
9 the harvest rate percent of forecasted abundance of legal-sized fish caught and kept in  
10 fisheries for Near-term is 22.5%; and for Long-term - 16%. He talked about the  
11 Population Status of the fish in 2012-2013. Staff will use 65,000 fish as the guideline for  
12 2012. Because the population estimate went down and is below the 77,000 threshold,  
13 staff will manage on the harvest rate and not the harvest cap. In 2013, the forecast  
14 increases on legal-sized fish; about 115,000; staff expects a rebound driven by  
15 recruitment of 33-inch to 37-inch fish.

16  
17 3. *Potential changes in Fisheries manager in 2012-13.* Nigro said the commercial  
18 fisheries used 97% of their share in 2011; the shares harvested in each of the fisheries  
19 differed from what was initially planned. These differences were driven by lower than  
20 expected harvest in winter and spring fisheries and the reallocation of the unused  
21 guideline to the summer and fall fisheries. He said recreational fisheries used 92% of  
22 their share. Oregon and Washington have discussed whether the unexpected decline in  
23 the 2012 estimate of legal-sized sturgeon warrants a more conservative approach to  
24 setting the harvest guideline than in the existing Accord; would it be more prudent to  
25 reduce the harvest rate to the 16% level called for in our Conservation Plan sooner than  
26 in 2014. He said any changes in our management at this time would be precautionary  
27 and not driven by an immediate conservation need. Staff discussed three possible  
28 scenarios with Washington:

- 29 1) 22.5%. The guideline under the current Accord; each fishery would be 15%  
30 less; 2,400 fewer fish to harvest than in 2011.
- 31 2) 19.25%. This rate is halfway between the 22.5% under the Accord and the  
32 16% in our Conservation Plan. Is 26% less than in 2011 or 4,500 fewer fish.
- 33 3) 16% harvest rate cap is about 40% less than 2011 or 6,600 fewer fish.

34  
35 Nigro reported on the Commercial Fisheries share in each scenario just described and  
36 as recommended by the Columbia River Commercial Fishery Advisory Group.

- 37 1) 22.5% - 2,900 fish.
- 38 2) 19.25% - 2,500 fish.
- 39 3) 16% - 2,100 fish.
- 40 1) 22.5% - Minority Recommendation from a member of the group who dissented  
41 from the opinion of the other members; requested that at least 400 sturgeon  
42 be allocated to Select Area fisheries regardless of which scenario adopted by  
43 the Compact.

44  
45 Nigro said staff will meet with the advisory group on January 10 in preparation for the  
46 January 26 Compact; this will provide us an opportunity to discuss with them any

1 potential changes to these allocations that may come out of guidance the Commission  
2 provides today and subsequent negotiations with Washington.

3  
4 4. *Recreational Sturgeon Fisheries Upstream from Bonneville Dam managed under*  
5 *U.S. v Oregon Agreement.* Nigro said fishing efforts and catch rates in 2012 are similar  
6 to 2011.

- 7  
8 • 2012 White Sturgeon Sport Fisheries Downstream from Bonneville Dam. Under a  
9 22.5% harvest rate not much different than 2011. The Estuary season would be  
10 shortened by a couple of weeks but would still extend beyond July 4. Upstream  
11 from Wauna the season would likely not change much. For Lower Willamette  
12 retention days would be reduced one-third and not exceed eight days as  
13 compared to 12 days in 2011.  
14  
15 • 2012 White Sturgeon Sport Fisheries Upstream from Bonneville Dam. If the  
16 harvest rate is reduced to 16% the retention season in the Estuary may not  
17 extend beyond mid-June. Under the 19.25% rate, it may extend through July 4 for  
18 the fishery upstream from Wauna the number of retention days in June and July  
19 would be reduced to provide retention days in October. If we delay the start of the  
20 October retention fishery to mid-month, the effect on June and July fisheries  
21 would be less. In the lower Willamette and depending on the scenario, staff may  
22 be able to provide three to five retention days.  
23

24 Nigro provided statistics for the 2011 White Sturgeon Sport Fisheries upstream from  
25 Bonneville Dam in the Bonneville, The Dalles, and John Day Reservoirs. For 2012, staff  
26 does not anticipate any significant changes to how they manage recreational sturgeon  
27 fisheries in the reservoirs upstream from Bonneville Dam. Each fishery is currently  
28 opened under permanent rule, effective January 1. He said because the late June and  
29 early July fishery in Bonneville was so popular, staff held a public meeting in The Dalles.  
30 Most of the local anglers asked staff to reserve part of the 2012 harvest guideline so we  
31 can provide some retention in June and July; staff is monitoring the catch between now  
32 and the joint state hearing on January 26, where we may consider modifications to the  
33 Bonneville Reservoir fishery.  
34

35 Steve Williams referred to Attachment 5 – Public Correspondence and noted an email  
36 dated December 13, 2011 from Shawn Miller of Coastal Conservation Association (CCA)  
37 that recommended an end to the winter sturgeon-gillnetting season. He said in the  
38 winter sturgeon fishery the fishermen are restricted to nets with a minimum mesh size of  
39 9-inches and a maximum of 9-3/4-nches. The purpose is to allow for the harvest of these  
40 larger fish while at the same time avoiding steelhead catch.  
41

42 During a slide presentation, Williams responded to the issues raised in the CCA  
43 information; he referred to a slide - By-catch of ESA-listed Salmon and Steelhead (page  
44 9). He said one point often made is that staff does not monitor the winter sturgeon  
45 fishery. He said that is true. We do not have the onboard monitoring observers at that  
46 time of the year due to the extremely low handling of salmon and steelhead. Referring to  
47 the slide, he said this is the targeted salmon fishery in March utilizing the same mesh

1 size currently used in the winter sturgeon fishery. The number of drifts shown is the  
2 number of drifts directly observed by the agency during those fishing periods. The far  
3 right column showed that in just less than 500 observed drifts there was a handle of five  
4 unmarked winter steelhead. He noted for 2004, that the run sizes for Chinook and  
5 steelhead in this year were fairly impressive. The spring Chinook run for the Willamette  
6 in this year was at 140,000. The upriver adjusted run for upriver Spring Chinook was  
7 220,000; the wild winter steelhead run was about 30,000; one of the largest return in  
8 recent years. This winter sturgeon fishery is obviously a directed fishery conducted in  
9 January and February, which is traditionally ahead of the bulk of the returning Spring  
10 Chinook. It is put into place prior to the returning of most of the Spring Chinook and  
11 ahead of the peak runs of winter steelhead.

12  
13 Williams referred to the handling of sub-legal and Brood-Stock Sturgeon and mortality of  
14 sturgeon in the gillnet fishery. He said in the winter colder water temperatures means  
15 lower stressors on those fish. Holding studies show little mortality from capture and  
16 handle in gillnets. Through 2009 and 2022, staff captured 184 sturgeon with gillnets at a  
17 time when water temperatures were warmer, and held them for a short-term mortality  
18 study. No mortalities were observed after a 48-hour holding period. That's not to say that  
19 there are no mortalities associated with the handle of sturgeon in the commercial or sport  
20 fisheries. It indicates to staff that that mortality is extremely low in its preponderance  
21 associated with the handling and use of this gear.

22  
23 The Harvest in the Winter Sturgeon Gill-Net Fishery represents a very small portion of  
24 the annual commercial harvest in 2011. Although the portion of the sturgeon harvest in  
25 2011 was only 2% of overall winter harvest guideline, the winter gillnet fishery harvest  
26 made up 11% to 21% of the harvest guideline 2007 through 2010. Staff believes the  
27 2011 fishery was an anomaly when you compare it to the years shown in the slide (see  
28 page 10, top slide). Nigro had said it was about 12% for the commercial harvest  
29 guideline. The table depicts the fishing periods for each of those years, the number of  
30 deliveries per opener. You can see that 7 to 31 deliveries over the course of those four  
31 openers are relatively low participation in this fishery compared to other fisheries. The  
32 weekly possession and sales limit numbers are used by staff to stay within the harvest  
33 guideline for that period and to stretch out the number of sturgeon to be available to the  
34 individual harvesters.

35  
36 Sturgeon caught in the directed winter fishery is harvested during another time. Williams  
37 said yes. With the smaller harvest guidelines and the 20% share that the commercial  
38 industry has, we could catch those fish in other fisheries throughout the year as  
39 incidental catch.

40  
41 Price per pound for these fish is fairly constant throughout the year. ODFW agrees.  
42 Sturgeon prices stay fairly level across all the seasons.

43  
44 Conservation measures associated with all of these fisheries are being addressed by  
45 ODFW. Staff manages sturgeon under the harvest guideline based on a harvest rate that  
46 is sustainable. It's not constrained by when you catch them; it's the fact that we're  
47 staying with that harvest rate. For salmon we constrain our fishery to ESA guidelines;



1 ESA impacts are calculated and contribute to subsequent fisheries. Staff also follows  
2 the conservation measures in our Conservation Plan and federal ESA guidelines.

3  
4 Williams announced the schedule for upcoming meetings in 2012:

- 5 • Columbia River Commercial Fisheries Advisory Group - January 10.
- 6 • Columbia River Recreational Fisheries Advisory Group - January 10.
- 7 • Columbia River Compact/Joint State Hearing - January 26.

8  
9 **Commissioner Englund declared a potential conflict of interest as he deals with**  
10 **both the recreational and commercial fisheries in his family business.**

11 **Public Testimony:**

12 Bruce Polley  
Sherwood, Oregon

Bruce Polley, Coastal Conservation Association (CCA), read from his distributed written testimony. CCA has deep concerns over the continued decline of White Sturgeon in the Columbia River. Fishery managers have cut harvest rates in order to reverse the decline of sturgeon; CCA testified last year asking for deeper cuts. He said managers agree that the harvest in the current plan is not reversing the downward trend of the sturgeon population. CCA supports further reductions in harvest rates.

Polley read three goals in the current management policy and said we are failing to meet these objectives and populations continue to decline. CCA is troubled that in the spawning sanctuary below Bonneville Dam, gillnets are being used, and sturgeon harvest and handling are being allowed, even though sport anglers willingly set these areas aside for catch and release. Sport anglers have failed in the past two years to reach their harvest quotas; CCA believes there is less sturgeon in the river than manager's estimate.

CCA asked the Commission to direct staff to work with the Columbia River Compact and eliminate the Winter Directed Sturgeon Gillnet fishery. Their data shows this fishery has low participation with very little price advantage gained by harvesting sturgeon in the directed winter season. More salmon were sold last year than sturgeon with no accounting for bycatch of the ESA listed salmon and steelhead in the river. Polley said in recent years, more efforts have been made by managers to make gillnets less damaging to wild fish; he described them. He said not one of these measures are in place during the sturgeon season where more salmon than sturgeon were sold. CCA has worked with ODFW and the Oregon and federal legislature on these issues.

CCA asked the Commission to:

	<ul style="list-style-type: none"> <li>• Do the right thing for the fish, while maintaining viable sport and commercial fisheries that are not only important to Oregon, but to its fisheries.</li> <li>• Direct that gillnet fisheries are never allowed in a spawning sanctuary at a time when even catch and release sport fishing is not allowed.</li> <li>• Direct your representatives on the Columbia River Compact to eliminate this winter directed sturgeon gillnet season for the sake of the white sturgeon, and the ESA listed wild winter Steelhead and wild Spring Chinook that need to swim through the river that time of year unharmed.</li> </ul>
<p>Peter Roscoe Astoria, Oregon</p>	<p>Peter Roscoe, chef and owner of Fulio’s Pastoria in Astoria; also a board member of the Oregon Restaurant and Lodging Association, and City Councilor for the City of Astoria, said sturgeon has always been a menu item along with other fish species in the ever increasing and branding of Oregon and the Northwest as a culinary destination. Any decrease or outright curtailment of accesses to this species degrades the joint efforts of many different parties throughout the region. Roscoe said the current science and regulation of commercial fishermen on the Columbia River is a tremendous example of responsive and responsible management. It is one thing to strive for sustainability in wild caught fishing and quite another to deny it outright. The commercial fishers who are the access conduits for the nonfishing public are closely calculated and monitored. Any decrease while understandable from a conservation-planning viewpoint, eventually has to have a negative impact throughout the entire economic artery; including the sports fishermen. Roscoe asked the Commission to follow the staff recommendation and set the appropriate harvest rates but not close it altogether.</p>
<p>Ryan Rogers Eugene, or</p>	<p>Ryan Rogers, owner of the Fishermen’s Market, said they are a full service retail market and fish restaurant that takes great pride in supporting local fishing families for 30 years. They provide sturgeon and years ago added it to their fish and chips menu; over time it became one of their best sellers. Rogers appreciates the jobs that fishery managers do to protect and sustain the valuable resources. He thanked the Commission in advance for considering the average citizen and the consumer when they roll on this issue. He asked that instead of taking this resource away from the average citizen to increase the allocation percentage to the consumer through the commercial fishermen instead.</p>

<p>Tim Heuker Beacon Rock, Washington</p>	<p>Tim Heuker, a commercial fisherman, supports the interest in keeping the winter sturgeon fishery; he has fished it since 1997. He doesn't know if he ever caught a steelhead in the winter sturgeon fishery; it's a very incidental catch in salmon and steelhead. He said CCA brought up the closure. The oversized fisheries have been moved down from the dam to Beacon Rock three different times; it's down to Skamania Island. During the August fishery when he fishes for salmon he's not targeting sturgeon. The sport fishery target on the oversized has moved down. There are still a lot of sport fisheries up above that deadline that occurs that are salmon fisheries that catch sturgeon. He said that they are saying they are totally shut down up there for catching over-sized sturgeon in that time of year and they're not. There is a spring salmon fishery and a summer salmon fishery up there.</p>
<p>Bill Hisinger Astoria, Oregon</p>	<p>Bill Hisinger, Port Commissioner for Port of Astoria, on the Salmon Advisory Committee for Oregon and Washington, and a commercial fisherman on Columbia River for 50 years has seen changes he doesn't understand. When you talk about taking away the winter sturgeon season and a handful of salmon, listen to the predators in the Columbia River who take more fish in one day than the commercial fishermen in the winter season take in that length of time. Hisinger favors cutting back to some extent but everybody has to cut back. He agrees that the problem is more than the biologists actually realize; they do a great job with the resources in monitoring what is actually going on in the Columbia River, but most of the monitoring takes place in the upper river. The lower river has a completely different type of sturgeon that comes in from the ocean in the August months. He said commercial fishermen are asking for a handful per day to catch about 80 salmon and a handful of sturgeon. He doesn't understand why with the economy in Oregon today that they want to take those jobs away.</p>
<p>Liz Hamilton</p>	<p>Liz Hamilton had to leave. (See letter in Supplemental Correspondence.)</p>
<p>Mike Wullger Chinook, Oregon</p>	<p>Mike Wullger, a fisherman, passed his time on to Jim Wells.</p>
<p>Jim Wells Astoria, Oregon</p>	<p>Jim Wells, commercial fisherman; member of Columbia River Commercial Advisory Committee; and President for Salmon for All, distributed charts and said he agreed with staff on the conservation issue. He referred to the attack by CCA to close our season in the winter; he was there to fight for that. He</p>

	<p>explained his charts:</p> <p>Winter Sturgeon Season (page 1). He said the red columns depict the sturgeon they caught; the blue is for Spring Chiook. Over five years they averaged 912 sturgeon and 78 salmon.</p> <p>Wild Winter Steelhead Mortalities (page 2). They've been accused of being big steelhead killers in the Spring. There is a 2% ESA cap on the wild winter steelhead; we've been holding that under a half of one percent. The yellow is run size; you can see that neither group is having a very big impact; usually 16,000-18,000 fish. The 2010 sport fishery kills a lot more winter steelhead than the commercial fishery.</p> <p>2009-11 Short Term Mortality Study on Sturgeon (page 3). Under Table 1, in June, July and August warm water; he highlighted, under Catch Statistics, the number of fish kept for holding. Steve Williams talked about this study and here's the data. 184 fish were caught using a 7-3/4 mesh net. He discussed Table 2; when released all were healthy. It is also important to note that during all lower Columbia River white sturgeon testing fishing projects dating back to 1995, only two direct mortalities have been recorded. That's in sturgeon; this is not a conservation problem.</p> <p>Wells said page 4 is a study done by the State of Oregon; Carcass surveys and research on live fish. He said live fish were taken out of the gillnets during the tagging study and observed by the state people on the boat with leaders in them. Teine hooks in carcasses and live fish; that would be leaders coming out of the anal vent of the fish or out of their mouths. Through 2004 and 2009, that's 19.5% of adult fish with retained fishing tackle in them. He said one of the groups is petitioning the Commission to go to strictly hook and release fishing. He believes that is the worst thing you could do; you don't play with those fish. If they want to reduce the amount that we can catch; each group needs to take whatever the professionals say is harvestable; each side needs to get their share and be done when you're done.</p>
<p>Bruce Buckmaster Astoria, Oregon</p>	<p>Bruce Buckmaster, retired business owner, a community activist and avid fly fisherman, said for five years he has served on the federal Pinniped Salmon Task Force. He supports the staff recommendations on moving forward looking at ways to maintain abundance and sustainability. He said the CCA proposal is clearly not about conservation; it</p>

	<p>was cherry picked information; he believes their motives are for other people. He said it was easy to get tunnel vision regarding the mandate of ODFW and begin to believe that both commercial and sport fisheries can carry the needs of recovery in conservation through their license fees and their efforts; it's simply not true. He said if Oregon and ODFW are going to be able to fund and execute the full range of options for the protection of salmon and sturgeon, we need the full support of the majority of all Oregonians. Sturgeon and salmon help us get the support for rural communities; these things are all cemented to the support of conservation by commercial fishermen. These people are the public's fishermen and we need to take care of them. He said Oregon's Columbia River fishermen continue to support ODFW's conservation goals. But not for all our sakes can they be made to show a disproportionate share of the burden up to and including a loss of their livelihoods. We support the staff and hope the Commission will take no action on the CCA proposal.</p>
<p>Otis Hunsinger Astoria, Oregon</p>	<p>Otis Hunsinger said he came on behalf of some commercial fishermen and gillnetters in the lower Columbia River. His family has fished for four generations in the Lower Columbia. From the data presented today it looks like there are enough numbers to support a healthy January fishery. He said looking at the fishing quota set by ODFW for both the gillnetters and the sports fishers, and the suggestions to fish at a later date that the people that are buying the fish would like to see fish at abundance throughout the year spread equally versus one lump sum of sturgeon or salmon. When we fish earlier we get a better price for these fish. With regard to conservation, he doesn't understand that if they catch this fish right now or later, if we're still catching a certain quota of fish why it matters when they catch this fish. He said the water conditions are actually doing less damage catching this fish in January than when the water warms up. Regarding the 9-inch mesh restrictions, he said it's hard to catch a steelhead or short sturgeon and do damage to them in a 9-inch mesh. He's a fishermen and he came here today to protect his chance to fish.</p>
<p>Steve Fick Astoria, Oregon</p>	<p>Steve Fick represented the West Coast Sea Food Processors Association (WCSPA). He said WCSPA is interested in continuing their businesses and supports a winter sturgeon season on the Columbia River, and asked that the Commission not consider the CCA proposal. He said ODFW staff has showed that this is not a biological issue. We have x</p>

	<p>amount of fish to catch. In many years past, WCSPA has worked with recreational user groups to build allocation shares; these shares were agreed upon that we would catch our allocations, as each group felt was best in their best interests. We have continued to do that in cooperation for years and would like to continue to do that.</p> <p>He addressed a comment about by-catch in the Summer Chinook fishery. First, with sockeye you have two very healthy runs going into Washington; you have a very minimal run that the sport recreational fishery took 1,400 of them during that time period where we took less than 100. He said we have very few days of fishing opportunity in the summer; so that means there is very little sturgeon handle which is important marketing to harvest some of those fish at that time. Staff data shows that we are not creating mortalities in that. He encouraged that to continue.</p> <p>He said there is a reason why we have a sustainable price for the fisherman for fish; it is spread out. You can provide it for a longer period of time and the market levels out; we can provide that to the consumer over many months because of that.</p> <p>The recreational fishery did not willingly move out of those sanctuary areas. Testimony from the Conservation Director of NSIA in previous years, testified trying to keep that sanctuary fishery; that catch and release of over-sized fishery alive and it's in the Commission record. It's contrary to what's been testified here today. We just want to protect our right to exist.</p>
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1  
2 Commissioner Englund said there was a question that we have an allocation on the  
3 commercial side. If you took that out of winter fishery, is that a conservation measure?  
4 Williams said you could catch those fish at any time; you can move them to another  
5 period and they would be caught. He said given the preponderance of the information  
6 and the data we are using with regard to the winter fishery; low handle of steelhead and  
7 generally low catch of listed spring Chinook that has very low impact overall on  
8 conservation. He said the conservation requirements we have regarding the accounting  
9 for the impacts those fish are still accounted for. The period in January and February  
10 has some of the lowest handle of these species we are concerned about.  
11  
12 Commissioner Klarquist said even if you look at where the averages are on this winter  
13 fishery, there seems to be a trend of increasing capture of salmon and sturgeon for a  
14 short period of time. He said if that trend were to continue we might want to think about  
15 managing that fishery as a salmon fishery with a bycatch of sturgeon. He was not

1 suggesting that staff do that today, as it may be premature. He said he was struck with  
2 the continuing decline in the numbers of fish and despite our adjustments they continue  
3 to decline. He was interested in reducing the harvest rate to the 16% now rather than  
4 putting it off for a couple of years. He has no objection to catch and release, but it still  
5 has some handle of the fish but catch and take has an even higher mortality rate.

6  
7 Commissioner Webber agreed. If we are having a consistent drop in the numbers  
8 available, we need to jump-start the number in what we take. In the catch and release  
9 when we close it off, people are doing that now. Is that something we need to deal with  
10 in the sense that if you set the quota at nothing then there would be a lot of catch and  
11 release if we set the quota at 16%? We're still going to have the catch and release. He  
12 wanted to move quicker than just stepping it down slowly.

13  
14 Commissioner Englund said we are working with 19% and 16% does staff have a  
15 recommendation if the Commission goes to 19%. We are talking huge numbers of fish  
16 between each one. He looks at what takes place in his area; you have a commercial  
17 guide industry and this is a big issue with them. It concerns him when we start taking  
18 fishing out. He agrees with his two colleagues – why not take it all out but is that  
19 necessary. We have heard about jobs and recreation taking 80% of the fish.

20  
21 Williams said staff left it open-ended what percentage; and left some room for the  
22 Director to negotiate with Washington; they are meeting this afternoon. He said the fish  
23 didn't perform as staff had anticipated and there is reason to be a bit more conservative.  
24 As a manager that has to implement those fisheries, he said the step down approach is  
25 the better way to go. If we end up at 16% in two years, it gives him a year to sit down  
26 with all the participants in the industry and reevaluate a number of the givens in order to  
27 manage and adjust those to get more stability in the fishery.

28  
29 Commissioner Klarquist said when you see the abundance of the legal-sized sturgeon in  
30 two years go down 25% without the biological trend he would be very concerned. He  
31 said reducing the catch rate seems like an obvious thing to do. Nigro said with respect  
32 to the trend analysis, this trend we're seeing is not unprecedented. Back in 1988 through  
33 1992, the population estimates almost mirrors exactly what we're dealing with here.  
34 Within two or three years of hitting a low of 30,000 legal-sized fish, we had 189,000 fish.  
35 This is a population that has 25 years in terms of generation time; it's an open population  
36 and staff doesn't know how many fish are in the ocean. The females only spawn once  
37 every three years; they could be out in the ocean building up resources and coming;  
38 there is a lot of uncertainty. Nigro said given that uncertainty there is a good argument to  
39 be precautionary, being prudent moving to the 16% sooner than later relative to our  
40 Conservation Plan. Staff is alarmed about the trend in the legal-sized fish in our  
41 forecast. We do have a checkpoint schedule in 2014-2015 to look at the three-year  
42 running average of these trends to gauge our expectations, and to a review of our plan.

43  
44 Chair Edge asked if staff knew what the Washington staff would suggest to their  
45 Commission today at their meeting. Williams said he talked to Guy Norman; they will  
46 suggest this step approach to their Commission and use the 19.25% for 2012.

47

1 Chair Edge said the NSIA proposal suggested going to the catch and release direction.  
2 He said that is better run through the typical fishing regulation process. He said we are  
3 hearing that we have a lot of catch and release now, especially in the Willamette. Do we  
4 know anything about mortality for catch and release fishing for sturgeon? Williams said  
5 the agency has not done any kind of evaluations specific to the recreational fisheries  
6 side on catch and release sturgeon fishery. He said some evaluations have been done  
7 in the Fraser River; they attributed recreational catch and release over 2% mortality to  
8 recreational fisheries. Tony added that in all of staff's analyses they've assumed a  
9 release mortality of two to three percent. Chair Edge said that is already in the models?  
10 Nigro said yes.

11  
12 Chair Edge said asked about fishing in the sanctuary and the retention from commercial  
13 fishermen. Williams said the fishing described was accurate. We had a spawning  
14 closure that eliminates directed sturgeon fisheries from May through August. However,  
15 we allow salmon fisheries both commercially and recreational to take place as we've  
16 moved the sanctuary downriver further; obviously consuming more of what is more  
17 traditional fishing area for both recreational and commercial fishers. Those folks are not  
18 targeting sturgeon; however there is some handle of sturgeon taking place by both.

19  
20 Chair Edge said he also is concerned about the decline. We rolled out a Conservation  
21 Plan and are at a place with additional concerns about the fish. He supports slowing  
22 down the harvest rate and prefers to leave the flexibility to staff to decide how to do that  
23 can be important; so as they get into discussions with colleagues across the river to  
24 decide what the best way to go is. Staff may not be in the same spot as Washington. He  
25 acknowledged the concern about the fishery from Commissioners Klarquist and Webber.

26  
27 Commissioner Akenson said it was important to maintain those allocations that have  
28 been determined long before about commercial versus the recreational. She has heard  
29 that biologically that winter season is not adversely affecting listed salmon or sturgeon  
30 relative to any of the other fisheries.

31  
32 *Action: Commissioner Klarquist moved to delegate authority to the Director to re-*  
33 *open negotiations with the Washington Department of Fish and Wildlife ~~and to~~*  
34 *consider to reduce the harvest rate on legal-sized fish currently in the Joint State*  
35 *Accord on 2011-2013 Columbia River Sturgeon Fishery Management.*  
36 *Commissioner Webber seconded the motion.*

37  
38 Chair Edge said the Commission took out "...and to consider..." in the draft motion to  
39 state that the Commission does want the harvest rate reduced and not to consider it.

40  
41 Commissioner Klarquist said is it understood from that or does he need to modify it to  
42 reducing it to at least 19.25% and lower if that is what Washington and ODFW decides to  
43 do? Williams said he had a clear picture of the expectations from the discussions today.

44  
45 Commissioner Akenson asked if mattered if the Commission said to reduce versus  
46 reducing. She said considering reducing means evaluating multiple percentages and  
47 multiple situations rather than just saying it will be like this; even though it appears that



1 staff prefers to reduce that number. She would like to see staff have the flexibility to look  
2 at a range of options even though we know what their interests are.

3  
4 Legal Counsel Steve Sanders asked if the Commission intended to leave off the second  
5 part of the motion with respect to the focus on the spring part of the period as it was  
6 drafted:

7 *“.., and to reaffirm that the spring record be assigned the highest priority when*  
8 *structuring the retention season for the white sturgeon recreational fishery in the*  
9 *Willamette River.”*

10  
11 Commissioner Klarquist said no he did not. He said on the Willamette we have a fishery  
12 in February; a “spring fishery” that we are addressing in this proposed motion. Williams  
13 said that is correct. Commissioner Klarquist said that fishery is in the “**winter**”. Chair  
14 Edge asked Commissioner Klarquist to complete the last phrase.

15  
16 *Commissioner Klarquist said subject to the correction to the appropriate reference*  
17 *to “winter”. Commissioner Webber seconded the motion.*

18  
19 For the Record: *“.., and to reaffirm that the winter record be assigned the highest*  
20 *priority when structuring the retention season for the white sturgeon recreational*  
21 *fishery in the Willamette River.”*

22  
23 Chair Edge asked if the motion was clear. Counselor Steve Sanders said the motion is  
24 clear enough if the staff is clear enough; we are really providing direction to the staff. If  
25 the staff feels that they have gotten enough to negotiate. If they would like something  
26 more specific it probably would be helpful then.

27  
28 Williams said he was comfortable with the guidance we have. He understands the  
29 discussion that Commissioner Akenson had with regard to the language and how it’s a  
30 bit different, but he takes it to mean that staff will have some of that flexibility to discuss;  
31 not knowing exactly what Washington may have done we’re going to need that flexibility  
32 regardless.

33  
34 *The motion carried unanimously by a vote of six.*

35  
36 **ADJOURN.** Chair Edge announced that he would not be at the next meeting;  
37 Commissioner Levy would chair the February 3<sup>rd</sup> meeting. He adjourned the public  
38 meeting at 4:10 p.m.