



Oregon Fish and Wildlife Commission Minutes

Meeting: June 7, 2012 – 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

Meeting: June 8, 2012 – 8:00 a.m.
Oregon Department of Fish and Wildlife
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3406 Cherry Avenue
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1
2 *Commission minutes are considered draft until approved by the*
3 *Commission at its next meeting.*
4

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

Bobby Levy, Chair	Roy Elicker, Director
Bob Webber, Commissioner	Debbie Colbert, Deputy Director
Holly Akenson, Commissioner	Erin Donald, Assistant Attorney General
Laura Anderson, Commissioner	Steve Sanders, Assistant Attorney General
Gregory Wolley, Commissioner	Teri Kucera, Executive Assistant

8 **MEETING**

9 On Friday, June 8, 2012 at 8:00 a.m., Acting Chair Bobby Levy called the Oregon Fish
10 and Wildlife Commission (the Commission) meeting to order. She said the Commission
11 would continue business from yesterday. Commissioners Mike Finley and Krystyna
12 Wolniakowski were excused from the meeting for personal business.
13

14 **Exhibit G – 2012-2014 Oregon Furbearer Trapping and Hunting Regulations**

15 Director Roy Elicker said the Commission had one rule from yesterday that they had
16 asked staff to revise regarding the definition of Section (10) in OAR 635-050-0050 -
17 Definitions. Last night staff reviewed also a couple of other things. He said the trapping
18 rules are still open so the Commission can discuss issues regarding OAR 635-050-0047.
19 Staff wants to bring those to the Commission's attention for clarification.
20

21 Ron Anglin, Wildlife Division Administrator, said yesterday the Commission asked staff to
22 draft a better definition of "public trails" found in 635-050-0550(10) (see handout
23 distributed by staff). He said staff was confused as to what the Commission's intent was
24 and would like clarification regarding the language in 635-050-0047. Staff and the public
25 were confused over the administrative action and the appearance of duplicative
26 permitting requirements on city and county lands.
27

28 **OAR 635-050-0050(10)**. Anglin said the confusion was over the language "50 inches or
29 less in width". Staff changed that section to read by inserting at the end: "... *for the*
30 *purposes of trapping, waterway, water trails designated for floating craft and public*
31 *roadways are not considered a "public trail."*" Staff removed the "50 inches or less"
32 requirement and went with broader definitions and designations that would cover the
33 intent on federal and state lands. In the first line staff removed "any city, county" from the
34 definition of public trails. He said most city and county lands if they are parks and within
35 the city are already closed to trapping. At this time the only way an individual can do any
36 live trapping there, even if ODFW gave them a permit, is if they have city or county

1 authorization for those lands. He said from an administrative standpoint they are already
2 covered through authorization from the city or county so why do they need another
3 authorization from ODFW unless it is a particular species that requires a permit from
4 ODFW to take under damage-type situations. He said cage traps would be banned
5 which was never the intent; they don't pose the same level of threat that is viewed with
6 the conibear and other traps. Staff felt this was appropriate given the administrative
7 concerns expressed yesterday and the care of the trail designation.

8
9 **OAR 635-050-0047.** Anglin said yesterday the Commission discussed whether this OAR
10 would apply to water sets. The Commission did adopt all the rules except for OAR 635-
11 050-0050 (10). He said in OAR 635-050-0047 the concern was over whether water sets
12 would be banned or not if they were "Within 50 feet of any Public Trails" or "Within 300-
13 feet of any trailhead..." Staff didn't feel that the Commission resolved that issue
14 completely. Staff is asking the Commission to discuss that and if the Commission adopts
15 the changes in OAR 635-050-0050(10) that public trails only apply to state or federal
16 lands. He said in 635-050-0047(1) it starts with "On public lands..." He suggested that
17 the Commission change that to "...on state or federal lands except when authorized by
18 the Department." so it links those two things closely together. Staff's intent was to get at
19 the more useable wide-open spaces where the conflict seems to be instead of those
20 areas. Anglin said staff feels that is very clear in the rule that is being proposed, but there
21 is still confusion that if a trail or a trailhead is immediately adjacent to a piece of private
22 property and it falls within the "50 feet" or "300 feet" zone and the private property is out
23 "50 feet" or "300 feet" would trapping be banned from those areas also? Staff does not
24 feel that is the case but asks that the Commission state on the record, that no, this is
25 intended to cover public lands only and that the private lands would not be impacted.

26
27 Chair Levy said so making the wording consistent with the proposed changes in OAR
28 635-050-0050(10) and OAR 635-050-0047(1)(b) it would read "*With 300 feet of any*
29 *trailhead that is designated and maintained as such by any state or federal land*
30 *management agency.*" In subsection (c) it would read "*Within 300 feet of any state or*
31 *federal campground or picnic area designated and maintained by any state or federal*
32 *land management agency*". She asked Anglin if that was his intent.

33
34 Anglin said you get at the same thing in the first sentence in OAR 645-050-0047 by
35 stating where it starts "If on public lands..." If you delete the public piece and say "...on
36 state and federal lands..." then the following down below would apply. He asked Legal
37 Counsel Erin Donald if he was correct. Legal Counselor Donald said yes.

38
39 Chair Levy asked Legal Counselor Donald if the Commission needed to vote on this
40 change. Legal Counselor Donald said the Commission could say they were all in
41 agreement but you need to vote on this amendment at the end. She suggested that the
42 Commission make all the revisions they were going to make and then vote on those as a
43 whole.

44
45 Commissioner Webber said the revisions cover the lands that this pertains too but not
46 the water set situation. He asked if staff checked to see what sort of affect that OAR 635-
47 050-0047 would have in terms of how much and how many water ways would be

1 affected by the 50 feet buffer. Anglin said last night Larry Cooper, Southwest Region
2 Manager, found 530 miles of designated trail on the Umpqua and the Upper Rogue. Out
3 of that when you took in the trails on the North Umpqua and Lost Creek Reservoir that
4 were designated there would be about 110 miles that would potentially fall within the
5 closure area if you made no changes. If the Commission were to change it to reflect only
6 "on land" it would still, on that 110 miles, allow for the water types of sets to occur for
7 beaver, muskrat and mink. Anglin said that was just on the one forest there.
8

9 Anglin said he explained to Commissioner Akenson that for a lot of these areas
10 depending on the year most of the public use does not seem to occur in the summer, fall
11 or spring. It's outside the trapping season so we have areas that are hot spots where
12 there is that wintertime use; those are the areas that staff is trying to target. It is possible
13 that down the road for the next revisions staff may want to look at a way that gets at
14 those areas versus something that is carte blanche statewide.
15

16 Chair Levy said yesterday, Commissioner Webber said he would like to insert in OAR
17 635-050-0047(1)(a) the phrase "on land within 50 feet of any public trail." Would that
18 cover what we're talking about and clarify it? Legal Counselor Donald said what that
19 would do would put the land restriction only on subsection (a). She suggested that the
20 Commission consider putting "on lands" at the end of the introductory sentence. That
21 way if you have a trailhead that was near water you would also be able to set traps in
22 that water regardless of whether the water was "Within 300 feet of any trailhead..." She
23 said you could capture public trails, trailheads and public campgrounds or picnic areas
24 all in one by putting "on land" in the introductory sentence.
25

26 Commissioner Akenson was concerned about putting in on all three because if they are
27 designated campgrounds and these campgrounds are going to be right along lakes or
28 rivers then we have taken away the 300 feet. There cannot be land sets, but right next
29 to a campground that is next to a lake there could be a trap in the water. If that is typical
30 winter trapping that may not an issue but the trails themselves are better suited to that
31 "land only" designation than the trailheads. Anglin said he had not looked specifically at
32 the federal regulations but all federal campgrounds are closed to the discharge of
33 firearms and trapping; so, those areas would typically be off limits to that type of activity
34 right now. Commissioner Akenson said it sounds like that won't make that much
35 difference if the Commission includes that "on land" and just in Section (1) that would
36 include everything.
37

38 Chair Levy said the corrected reading would be "On state and federal lands except when
39 authorized by the Oregon Department of Fish and Wildlife, no traps or snares may be set
40 on land." The remainder except for the "Within 300 feet..." in subsection (b) where the
41 Commission made the correction would stay the same. Anglin said correct. Because
42 the Commission adopted this yesterday he asked the Commission to reopen and do a
43 specific amendment to OAR 635-050-0047, and then adopt the changes to OAR 635-
44 050-0050(10) and the other piece so there are two separate motions and two separate
45 actions for the record.
46

1 Legal Counselor Donald said that is a clear way to do it. Chair Levy said the
2 Commission wants to adopt OAR 645-050-0047 first. Legal Counselor Donald said then
3 adopts OAR 6335-050-0050; do them as two separate motions. Chair Levy asked if the
4 Commission would reopen OAR 635-050-0047. Legal Counselor Donald said the
5 agenda item is still open; we carried it over night. Chair Levy said the Commission is just
6 making a word clarification amendment to the one we did yesterday. Legal Counselor
7 Donald said that is right.

8
9 *Action: Chair levy moved to adopt amended OAR 645-050-0047 to read as
10 follows: "On state and federal lands except when authorized by the Oregon
11 Department of Fish and Wildlife. No traps or snares may be set on land: (a)
12 with 50-feet of any public trail; (b) within 300-feet of any trailhead that is
13 designated and maintained as such by the public land management agency
14 and is accessible to vehicular traffic; or (c) within 300-feet of any public
15 campground or picnic area designated and maintained as such by the
16 public land management agency on the most current official map of the
17 agency." Commissioner Webber seconded the motion, and the motion passed
18 unanimously by a vote of five.*

19
20 Chair Levy said the new wording for OAR 635-050-0550(10) is "**Public Trails**" is any
21 **trail designated, maintained, mapped and marked by any state or federal land**
22 **management agency on the most current office map of the agency; for the**
23 **purposes of trapping, water way, water trails designated for floating craft and**
24 **public roadways are not considered a "public trail".**

25
26 *Action: Commissioner Akenson moved to adopt OAR 635-050-0550(10) as
27 proposed by staff and as spelled out by Chair Bobby Levy. Commissioner
28 Anderson seconded the motion, and the motion passed unanimously by a vote of
29 five.*

30
31 Anglin said with the private lands adjacent to the trails is your intent that they would also
32 be included in the ban on setting traps within that distance or the minute you get to
33 private land they are excluded from the rules?

34
35 Chair Levy said the Commission's intent is that private land would be excluded.
36 Commissioner Webber agreed. Commissioner Akenson said is it not already clear in the
37 statement "On state and federal lands..." in OAR 635-050-0047 that it does not include
38 private land? Legal Counselor Donald said it was clear, but there was some confusion so
39 to make the intent known now is helpful. Chair Levy said the Commission's intent is not
40 on any private land; they are not included in this. She asked Legal Counsel if the
41 Commission was okay with the actions. Legal Counselor Donald said yes.

42 43 **DIRECTOR'S REPORT**

44 **Shikar Safari Award.** Director Roy Elicker said the Shikar Safari award would be
45 presented at 10:00 a.m.

46 47 **PUBLIC FORUM:**

<p>Joy Keen Portland, Oregon</p>	<p>Joy Keen, Board President for BARK, a watchdog group that works to protect forests, water and wildlife of Mt. Hood, distributed written testimony. She said ODFW submitted three applications to Oregon Water Resource Department (WRD) in 2010 that pertain to Nestle Waters of North America's desire to build a water bottling plant in Cascade Locks. Nestle would bottle the water from Oxbow Springs and Cascade Lock's municipal well water. The State of Oregon holds the water rights for the Spring's water that feeds ODFW's Oxbow Hatchery. In order for Nestle to gain access to that Spring water it has proposed that Oxbow Hatchery exchange its use of the Spring water for the City of Cascade Locks municipal water. Rather than using the Spring water Cascade Locks would sell the Spring water to Nestle at the same municipal rate for both water sources; then Nestle would sell the bottled Spring water for a greater amount. Keen said BARK has been an active member of "Keep Nestle out of the Gorge Coalition" because the water in this exchange belongs to all Oregonians and should not be privatized for a foreign corporation's profit. She said the water bottling industry's impact on global warming is significant; 20,000 of their members sent letters to the Governor asking him to intervene in this process. She talked about Nestlé's history and terrible environmental track record. She said thousands of Oregonians are asking the Department to withdraw its applications from WRD and let the bottled industry know that the public's drinking water is not up for grabs.</p>
<p>Nancy Hatch Portland, Oregon</p>	<p>Nancy Hatch, a volunteer with the Sierra Club (SC), distributed written testimony and spoke to the three permits that ODFW submitted to WRD. SC has over 16,000 members in Oregon concerned about bottled water because of the plastic waste that it creates, the emissions that transporting it releases, and the impact it has on local water resources. SC is concerned about ODFW giving a public water resource away to a private company that will profit from it but give ODFW nothing in return. ODFW should make sure that public water rights are used for a public good such as a hatchery because this is not a public good. Hatch said Nestlé's name is not listed on the three permits but it is impossible to separate Nestle from these permits. She said ODFW's water right for "10 cfs" at Oxbow Spring has been listed at the incorrect location for the past 10 years and was discovered when Nestle asked to gain access to it. She asked the Commission to please withdraw these permits.</p>

1
2 Chair Levy said the Commission could not take any action during Public Forum.

3
4 **Exhibit H: RESTORATION AND ENHANCEMENT PROJECTS**

5 Josie Thompson, Restoration and Enhancement (R&E) Program Coordinator, presented
6 20 projects that were recommended for funding by the R&E Board at their April 20th
7 meeting in Ontario. For the new Commissioners she provided background on the R&E
8 Program and the difference between restoration and enhancement projects. For this
9 cycle the R&E Board recommended funding for eight restoration projects totaling
10 \$361,000, recommended funding for the Coastal Wild Coho Fisheries Creel Surveys,
11 and for 12 enhancement projects totaling \$406,000. She said the cycle five
12 recommendations total \$767,000 with nearly a \$1 million in Match Funds. If all of these
13 projects are approved by the Commission today it will leave about \$1.4 million in the
14 estimated program budget for the remainder of the biennium.

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

17
18 *Action: Commissioner Anderson moved to approve the recommendations*
19 *of the Fish Restoration and Enhancement Board as submitted.*
20 *Commissioner Wolley seconded the motion, and the motion carried*
21 *unanimously by a vote of five.*
22

23 **Exhibit I: COMMERCIAL FISHERY REGULATIONS**

24 Aaron Chappell, Commercial Regulation Project Leader, said ODFW is modifying the
25 current regulations to more efficiently and clearly convey their purposes while reducing
26 confusion and complexity. Staff worked with the OARs dealing with:

- 27
 - Division 004 (Commercial Fisheries Other Than Salmon and Shellfish)
 - 28 • Division 005 (Commercial Shellfish Fishery)
 - 29 • Division 006 (Commercial Gear; Licenses, Poundage Fees, Records and Reports)

30

31 Staff enlisted the help of ODFW, OSP and the public. In March he briefed the
32 Commission. Since March staff formed a Focus Group and asked industry members to
33 overview staff's proposed Divisions (see Attachment 4 – Focus Group General
34 Comments). He said the project has two components: 1) restructuring regulations at the
35 Division level; and 2) reorganizing them on the individual fishery and regulation level.
36 The restructure component has created a new and clear framework in Divisions 004 and
37 005 for regulations to fit into. To illustrate the restructuring Chappell used diagrams for
38 Division 004 (see Attachment 5) and Division 005 (see Attachment 6). He also talked
39 about the reorganization of the Pink Shrimp Fishery as an example.

40
41 He noted that in Attachment 3 – Draft OARs there appears to be a large number of new
42 rules with a new rule connotation next to the rule number. While the project did
43 incorporate several new regulations the vast majority of rules with this connotation have
44 come from regulations which moved across divisions as part of the reorganization or
45 which were broken up within a division to increase clarity.

1 Chappell said to reduce the number of regulations and prevent inconsistency between
2 state and federal regulations groups of regulations were incorporated by reference into
3 the OARs. He talked about the new fishery sections to house regulations that direct the
4 fishers to the fishery they are interested in. For Division 004 staff created general fishery
5 sections for: coastal pelagic species, highly migratory species, and specific fishery
6 sections for albacore tuna, intertidal animals and surfperch fisheries. For Division 005
7 new fishery sections were created for squid and octopus. Staff repealed outdated rules
8 for: developmental fisheries; the Columbia River Limited Fish Seller pilot program from
9 Division 006; and rules redundant with federal regulations for groundfish and halibut.

10
11 **Public Testimony:**

Rod Moore Portland, Oregon	Rod Moore, Executive Director for West Coast Seafood Processors, was a member of the Focus Group that read the regulations and proposed changes. He said staff did an excellent job in clarification and making a better product for users. Occasionally he has to go through the regulations and guide people to make sure that they are following the rules. Several times even in consultation with ODFW staff and OSP, we've had to go through several sections of the regulatory book to figure out what is right and what is wrong. He said this new framework is very easy to use and user friendly; it will help people who don't normally use these regulations. A few years ago the National Marine Fisheries Service undertook a similar project for Groundfish Regulations and created a miracle out of a mess; the same thing is being done here. He recommended that the Commission approve the suggested regulatory restructure.
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12
13 Commissioner Webber said staff did a great job. He said is there a procedure set up that
14 if any new regulation comes up it is run through this process so it would get inserted into
15 the appropriate place? Chappell said there is a public process that has to occur. The
16 formatting is clearer and provides a better framework to know exactly where a regulation
17 will fit. He said Troy Buell and Gway Kirchner have been involved with this project; they
18 will know exactly where a regulation should go once one is proposed.

19
20 *Action: Commissioner Akenson moved to approve staff's recommended*
21 *reorganization and restructure of commercial fishing regulations as shown in*
22 *Attachment 3. Commissioner Anderson seconded the motion, and the motion*
23 *carried unanimously by a vote of five.*

24
25 **Exhibit J: REGULATIONS FOR 2012 COASTAL FALL CHINOOK AND COHO**
26 **TERMINAL FISHERIES**

27 Chris Kern, Interim Technical Resources Manager for Ocean Salmon Program, said staff
28 held two public meetings to discuss proposed angling regulations; about 80 people
29 attended (see Attachment 6 – Public Comments from Tillamook & Newport Fall Angling

1 Regulation Meeting). Overall there was support for staff's proposals. Kern said staff took
2 in several factors when developing the proposed regulations:

- 3 1. Continue improvement in coast-wide Chinook abundances. Beginning in 2009
4 staff experienced downturns in abundance in key areas; those started to turn
5 around last year and have continued that trend this year.
- 6 2. Met obligations for escapement goals under the Pacific Salmon Treaty (PST) and
7 Pacific Fishery Management Council (PFMC). We had low abundances in these
8 areas so staff is proceeding with caution as we liberalize rules back toward permit
9 regulations that existed prior to those periods.
- 10 3. Make regulations consistent and simple.
- 11 4. Additional opportunities for continued input primarily through the four-year angling
12 regulation process for 2013 and during the Coastal Multispecies Conservation and
13 Management planning; both are underway now.

14
15 Kern said the Nehalem, Siletz and Siuslaw stocks on the North Coast are considered
16 minimum escapement goal indicator stocks required under PST. We were below those
17 goals for a few years but last year were above those and expect to be above those goals
18 for this year. He said the trend is similar across the coast in that staff expects fairly
19 similar returns this year in most streams to what we had last year.

20
21 Director Roy Elicker noted the three stocks referred to as PST stock and said Oregon,
22 Washington, Alaska, British Columbia and federal components of United States and
23 Canada have a treaty with how we harvest salmon stocks in the Pacific Northwest.
24 Oregon originates a lot of the salmon but doesn't get to harvest anybody else's salmon.
25 In Alaska's southeast fisheries they fish on everybody else's fisheries but don't produce
26 any. He said Oregon's coastal Fall Chinook leave the river where they're born and then
27 migrate north to the straits of southeast Alaska and off the coast of British Columbia
28 where they stay for 3-5 years and are subject to repeated harvest. Oregon's coastal
29 stock is the number one component of the southeast Alaska troll fishery.

30
31 Director Elicker represents Oregon as a Commissioner on the Pacific Salmon
32 Commission (PSC). He said the complexities of these different areas and figuring out
33 where these salmon are harvested and by who is debated by hundreds of scientists at
34 PSC meetings. Staff takes the escapement goal very seriously. In 2008 he and staff
35 negotiated a reduction in the southeast Alaska troll fishery to get more fish back to
36 Oregon after they mature and are harvested in Alaska. A couple of years ago when
37 Oregon wasn't making escapement goals for Fall Chinook stocks he met with that group.
38 He said there is a lot of work that goes on before Chris comes before the Commission
39 and talks about what we are going to do in Oregon to get these fish back from where
40 they grow up in the straits of Alaska and up in that area.

41
42 Kern said the remainder of the stock is not under PST. They returned closely to the
43 averages last year and are predicted to do so again this year. One exception is the
44 Nestucca with low abundances in the last year and expected for next year. He said the
45 number methodologies are based on historic index surveys. Staff is realizing that those
46 surveys are not representative of the real abundances in that system particularly the low
47 abundances. Over the last year through PST funding staff us working on marked rate

1 capture surveys to do a better job of estimating abundances in that system and to
2 calibrate those abundance estimates for marked rate capture surveys with the historic
3 index survey so we can reassess what abundance really looks like in the Nestucca.

4
5 Kern said most of the Mid-Coast systems are at or near the long-term average and are
6 projected to be there again. Most of our forecasts are quite similar to last year's return.
7 He said the same situation occurs on the Southern Coast. Staff is proposing:

- 8 • Elk River Ocean Terminal Area. Sport fishery: 1 non-clipped fin Chinook per day
9 and 10 for the season. For Aggregate November 1-30.
- 10 • Cape Blanco-Humburg Mt. Same timeframe for Commercial troll fisheries; 20
11 fish per day daily landing limit. Staff is proposing a 26-inch size limit for this year.
- 12 • Chetco Ocean Terminal. Staff proposes for Sport fishery: October 1-12; a 1
13 Chinook per day fin-clipped or not and 5 per season. Kern noted a typo in
14 Attachment 1 – Agenda Item Summary, page 5, in Option 2. The phrase
15 "...through the earlier of October 21..." should read "October **31**". He said the
16 regulations shown in a table in Attachment 3 are correct. The second proposed is
17 to add two days for the sport fishery to go through October 14.
- 18 • Twin Rocks – OR/CA border; 0-3 miles. Commercial: October 13-31 or 750
19 Chinook quota, 20 daily landing limit.

20
21 Kern discussed 2012 Bag Limits. For non fin-clipped Chinook: 2 per day in all areas
22 with the exception of some areas under Permanent Rule for 1 Chinook per day. From the
23 Yaquina north staff is proposing a 10 fish seasonal limit. The season limitation starts July
24 1 for the Nehalem River and August 1 for the other streams (see slide 10). For the south
25 coast area staff proposes keeping the Sixes and Elk River fisheries at 1 per day and 10
26 per season limitation to be consistent with Elk River Terminal area. Everything from
27 Alsea River south is identical to permanent regulations. There will be proposals for
28 different closure areas compared to permanent rules.

29
30 Kern said there are 2012 Closure Areas different than permanent regulations proposed
31 by staff similar to 2011. The closures are designed to protect spawning fish and some
32 are to continue to reduce harvest rates (Nestucca River). Staff proposals for the
33 Nehalem and Siletz river proposals do extend the upstream deadlines from 2011. In the
34 Siletz it is about a quarter of a mile but incorporates a significant bank access point just
35 upstream from Ojalla Bridge. The Nehalem adds five miles of fishing area. Staff also
36 proposes to remove the temporary closure in place at the Nehalem River bar.

37 38 **2012 Wild Coho Salmon – Bay, River and Lake Fisheries**

39 Mike Gray, District Fish Biologist, provided background on the Oregon Coast Coho
40 regulatory history. He said ESA-listed fish require NOAA's approval for directed harvest.
41 Fisheries Management and Evaluation Plan (FMEP). He said in 2011 the forecast return
42 was very good for coho and 11 basins met the criteria for having fisheries. For 2012 staff
43 is proposing the same 11 basins.

44
45 Gray said under the Salmon Plan of PFMC in Amendment 13 (A-13) to that Plan there is
46 a harvest matrix and coastal states determine the allowable harvest of wild coho (see
47 slide 5). In 2012 the fisheries being determined are in Box J, which is a high parental

1 spawner status and a low marine survival index that allows for equal to or less than a
2 15% harvest rate allowable. He said from the 1970s to mid-1980s harvest rates were
3 upwards of 70%. Beginning in the 1980s those numbers fell to 40% to 70%. With a listing
4 being considered the fisheries were curtailed in the 1990s. Since then exploitation rates
5 on wild coho have been 5% to 15%. Since 1999, the A-13 allowable impact rate has
6 varied. In 2012 with a 15% allowable impact rate from PFMC, the impact rates for
7 Ocean Commercial and Sport Fisheries is 9%, and for Estuary and Freshwater fisheries
8 it is 5.5% for a projected Total Impact Rate of 14.5%.

9
10 Gray said following determination by the Commission the next step will be to get NOAA's
11 approval for these listed fish. He said NOAA's criterion for Bay, River and Lake fisheries
12 on ESA-listed wild coho follows Amendment 13 (A-13) Harvest Matrix from PFMC. He
13 said for 2012 staff is not proposing any fisheries that would exceed the 15% allowable
14 Impact Rate. Gray talked about annual estimates of spawning escapements. The
15 projected post-fishery estimate for 2012 is 250,000 fish. He talked about the Oregon
16 Coast Natural spawners and full seeding as described in A-13. The A-13 estimate of
17 spawners need to full seed habitats in coastal basins is 130,000 fish.

18
19 Gray discussed the 2012 Proposed Wild Coho Locations and Quotas (see slide 13). He
20 said for Ten Mile staff proposes managing without a quota or creel, if staff manages with
21 a quota that would be established at 600 fish. For Siltcoos and Tahkenitch staff proposes
22 to continue with fixed seasons and no quotas under the permanent regulations. He
23 showed slide 13 listing the 2012 Wild Coho Population Forecasts and Projected Fishery
24 Impacts. He said the projected total impacts do not exceed the 15% for any individual
25 population or overall. Inland fishery impacts are 4% to 6% for any individual basin; staff
26 expects to harvest no more than 6% of those returning fish. The other 94% are allowed
27 to return to spawn.

28
29 Gray said Attachment 4 shows basin- by-basin regulations. He highlighted bag limits for
30 the 2012 season.

- 31 • Tillamook/Nestucca Bag Limits: 1 adult wild coho daily/1 seasonal.
- 32 • Nehalem, Siletz, Yaquina, Alsea, Siuslaw, and Umpqua: 1 daily/2 seasonal.
- 33 • Coos, Coquille, Ten Mile: 1 daily/ 5 seasonal
- 34 • In all fisheries: 1 jack wild coho per day.
- 35 • Season runs September 15 – November 30, except the Alsea (October 1 –
36 December 15) and Ten Mile (October 1 – December 31).
- 37 • Open 7 days per week except for Tillamook Bay Rivers (Friday and Saturdays
38 only) and Nestucca (Sundays and Mondays only).
- 39 • Open Areas same as 2011 except for Siletz that moves deadline 1,200-feet
40 upstream of the Ojalla Bridge.

41
42 Gray reported that staff's Long-Term Strategy for Wild Coho Fishery Management is to
43 continue with conservative fisheries within A-13, ESA Recovery, and escapement and
44 seeding of basins. Staff also has a strategy to move toward fixed regulations with annual
45 quotas similar to fisheries on Siltcoos and Tahkenitch.

1 Lastly Gray reported that the Regulatory Process begins with the PFMC process for
 2 ocean/overall harvest in the spring. Today staff is asking for action on this proposal and
 3 following determination by the Commission staff will submit the proposed fisheries to
 4 NOAA by July 1 along with a report of the performance of our 2011 fishery.

5
 6 Kern summarized staff's recommendations. He noted that he had discussed Option 2 on
 7 the Chetco Sport fishery and said a draft was given to the Commission of the OAR
 8 changes (see handout OAR 635-013-0007 – Special South Coast Seasons) under that
 9 scenario. It changes the date from October 12 to October 14 (see lines 15 and 19).

10
 11

Public Testimony:

<p>Joe Rohleder Waldport</p>	<p>Joe Rohleder said he lives between the Alsea and Yachats River down toward the beach. He supports staff's recommendations. He talked about why he wants to harvest coho from a longtime fisherman's perspective. Back in the 1980s when we were harvesting fish at too high a rate in order for them to be sustainable, commercial and sports fishermen volunteered to cut their take and then took no take in the ocean and river for several years. He said the idea of recovering salmon in the Oregon Plan was that we would all work on habitat improvements and other management changes. On the Alsea he has seen salmon recover to harvestable levels. We meet the A-13 requirements and goals so the fish will sustain some harvest. For some people they need to take a fish home to eat occasionally; it's part of their culture and history. He said the Alsea season starts a little later and stretches out for four months. Last year they harvested just the first part of the run and asked staff to extend that out with 1 fish per day/ 2 per year. Staff also moved deadlines, which we also recommended.</p>
<p>Stan VandeWetering Siletz, Oregon</p>	<p>Stan VandeWetering, biologist for Confederated Tribes of Siletz Indians (Tribe), referred to Chairman Dolores Pigsley letter in the Commission packet and distributed several graphs. He said in the past the Tribe was concerned with the rate of harvest up north with the PST process. The Tribe has wrangled with local interests as to whether we should reduce harvest in the Siletz relative to the harvest that occurs in the ocean. He said we are in a better place this year; the Tribe feels there has been some recovery but there is concern to focus on conservation. This year the Tribe is focused on the deadline more so than the harvest rates. The Tribes support the recommendation by staff for 2 and 10 for the Chinook, and support the regulation for coho. The Tribes support moving the deadline up 1,200 feet from the Ojalla Bridge. VandeWetering referred to three graphics:</p>

Graph 1 – Percent of All Live Fish Head of Tide to Moonshine, by Reach, 2009-2011. This shows the percentage of fish reserved by the spawner crews. The Ojalla to the Old Mill is the reach that the Tribes are proposing that the deadline be at the bottom of that rather than have the deadline go back up to Old Mill. He noted the number of fish on the graph that are holding in that reach. Looking at the redd production of that reach goes up but it is the greatest proportion of redds in the overall zone of river.

Graphic 2 – 2011 Total Redds by Reach. In said in the reaches below Morgan to Morgan-Ojalla that on Graphics 1 and 2 we still have reasonable numbers of fish there; those are reaches where fishing would still be allowed within the proposed regulation.

Graphic 3 - Area Open to fall Chinook and coho harvest as proposed for 2012. He said Bob Buckman produced this graph. There are two Siletz alternatives: Siletz to Ojalla and Siletz to Moonshine. He said a letter was sent to the Commission proposing that the deadline be moved back up to Moonshine where it was several years ago. He said upstream from the tidewater for Nehalem, Nestucca, Yaquina, Alsea and Siuslaw are all going to be similar distances as far as available river miles for fishing above Tidewater or lesser distances.

VandeWetering said the Tribe spoke with guides, local fishers and watershed councils about these issues. This past winter they met with Bob Buckman and other ODFW staff about their concerns. He said there is an attachment in their letter to the Commission that has a list of professional guides. These folks have an interest in seeing this deadline moved lower; a few would like to see the deadline moved to the Tidewater and would like to see the harvest limit at 1 in 5 fish; a more conservative approach than what the Tribe currently supports.

He referred to an email from Darren Row of Reel Row who specifically requests a lower limit and deadline and a 1 fish limit. Lastly regarding Drift Creek the Tribes left that one fall through the cracks at their Council meeting, he doesn't have an opinion from their Council members. He suggested that the staff's recommendations would be what the Tribe most likely would support – the deadline would allow for the protection of spawning fish.

<p>Don Larsen Siletz, Oregon</p>	<p>Don Larsen has fished the Siletz since 1962 and represents the Siletz Watershed Council. He also is the sport fishing representative for the Mid-Coast Watershed Council (MCWC). They are concerned about the predicted returns of wild Fall Chinook on the Siletz. He said there is few fishermen who would like to see the proposed deadline of Ojalla Bridge be moved upriver to Mill Park or further up to Moonshine park. Way above Ojalla Bridge to Mill Park has on average 35% to 37% of mainstem spawners. These five miles have the highest Redd density. Guides and fishermen tell us that only 10% of the Chinook are keepers good enough for table fare. He said these fish should be left alone to help rebuild the native Chinook run. Regarding the boat slide at Ojalla Bridge it has been worked on and improved for launching and accessibility. Next year a new slide, parking area and restroom will be put in by the county and ODFW. With the deadline of 1,000 feet above Ojalla Bridge it will give us 33-miles of very good fishing down to the mouth of the Siletz. This is more fishable miles north of the Umpqua River except for the Wilson River. He said ODFW is predicting a return of fall Chinook close to last year; under abundance will still be 25% below the average for the past two decades. They support staff's recommendation to a 2 and 10 bag limit, deadline 1,000-feet above Ojalla Bridge for angler access. They support 1 and 2 for coho on the Siletz. For Drift Creek unless the bag limit is reduced substantially they support the proposal for the deadline to remain at Quarry Creek to protect prime spawning areas above it.</p>
<p>Leslie Bavart Glenden Beach, Oregon</p>	<p>Leslie Bavart, an Oregonian, has fished Drift Creek for better than half of his life. The deadline proposed at Quarry Creek is not a reasonable deadline. 1) Quarry Creek is a very obscure creek at the head of the gorge. The portion of the stream that ODFW wants to keep open for "opportunity" of a person catching a fish for the table is not very reasonable. He said you have to be a mountain goat to get down in there and back out. Access to the stream is what is important to give a person opportunity. The lower portion of the stream is all private property on both sides. For 30-years he has asked permission to cross their property to fish. One landowner told him that for \$2,500 he could cross his property and fish. He can't afford \$2,500 per year to go fish a public waterway. There is only spot on Drift Creek that is accessible to the mass public – at Drift Creek Camp. If staff is going to move the deadline from Sampson Creek downstream he suggested that the deadline be put at the concrete bridge above the Mennonite Camp that way the</p>

	<p>general public has access to the stream. Regarding the section between Drift Creek Camp and Quarry Creek how many fish biologists have actually walked through that canyon? He has and there are only 3-4 places there with gravel that salmon will spawn because they cannot spawn on bedrock. He has fished that creek from Sampson Creek to the mouth. The section between Sampson Creek and the Mennonite Camp is a vast area where they spawn. He can see protecting that and doesn't have a problem moving it downstream but you have to allow the general public access to it. He opposes Quarry Creek and asked that the deadline be set above the bridge at the Mennonite Camp.</p>
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2 Commissioner Anderson asked how many miles is it from the proposed Quarry Creek
3 site to what you are suggesting at the Drift Creek Camp. Bavart said there is no milepost
4 on that river but they say Quarry Creek is at river mile 8. He estimated that Drift Creek
5 Camp is at mile 10. He said it is a 2-mile stretch; the bottom of the creek is
6 predominantly bedrock and it is a real deep hole and fast water. From my experience
7 from Mennonite Creek Camp to upstream to Sampson Creek in the fall every ripple has
8 a fish spawning in it; they spawn in the upper river more than they do the Mennonite
9 Camp.
10

<p>Steve Scrimsher Nehalem, Oregon</p>	<p>Steve Scrimsher, self, noted two letters from two other gentlemen (not identified) in the Commission's report. He has guided on the Nehalem for 15-years and has watched that run deteriorate for 15-years due to pretty intense increase in the fishing pressure there. They have managed to stave off the feds involved by drastic curtailment of fishing there that is listed in the publications. He said we finally get a few extra fish back; the goal is 7,000 and we have 8,700 coming in. He said with opening the jaws back up the main concern is there is an area down there where the majority of fish mill back and forth until they're ready to move up and a lot of them get killed down there. Last year it was barely opened at the Nehalem Sand & Gravel which is a half-mile above Tidewater; now it's going to open up to the mouth of the Salmon Berry River which will make people happy. He said the 1-in-10 regulation is the preferred regulation by a lot of people there. Because of the good supply of hatchery coho coming into the North Fork it could be a 1-Chinook and 1 wild coho daily limit. With 10 Chinook for the year and 2 wild fish. He supports a closure of the jaws. There is a separate run that comes in there. It's the July - August fish and their numbers are way down so by having the jaws open from July on that fish gets hammered down there. He said there are a lot of people down there concerned about the</p>
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	future of fish. It's going to take more conservation in the regulations to keep that run healthy and rebounding. He asked for curtailment on the Chinook in order to get their historic levels back up 10,000 to 12,000 fish per year escapement.
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1
2 Commissioner Webber said you want the Mainstem closed to salmon and steelhead
3 angling below the Nehalem Bay Park? Scrimsher said no, as far as the upper deadline
4 and moving it back up to the Salmon Berry there are places in there where the dark fish
5 are going to be caged up and the quite a bit of fishing pressure on them. Commissioner
6 Webber said how would you describe the jaws; he thought they were downstream from
7 the Nehalem Bay State Park? Scrimsher said the park was the line they have used
8 down to the tips of the jetties. Commissioner Webber said you are supporting closure
9 below the Nehalem Bay State Park? Scrimsher said yes; at least the 15th of September
10 and October 1 would even be better.

11
12 Chair Levy asked for explanation on the various deadlines.

13
14 Bob Buckman, District Fish Biologist in Newport, referred to a slide and said the
15 Mainstem Siletz starts at river mile 10 and 20 about two miles above the ocean. Just
16 above river mile 30 is Ojalla Bridge, 33-miles above the ocean, which is where the
17 deadline was last year. Just upstream of that is to include one bank hole that several
18 members of the public requested that does not have salmon spawning, that is what staff
19 is recommending for the deadline this year. The other proposals for the deadline are:

- 20 1) Upstream about six miles to Old Mill is a boat launch. However there is
21 substantial mainstem spawning between Ojalla Bridge and that location.
22 2) The permanent deadline all the way upstream at Moonshine Park at river mile 52
23 that would open up substantial areas of the Mainstem Siletz to fishing where the
24 majority of the Chinook spawning in the basin occurs through that reach. Staff
25 does not recommend that because from Ojalla down to the ocean there is intense
26 fishing throughout those 33-miles. Based on past records staff believes that will
27 produce a 20% in basin impact rate that is about the target staff is shooting at He
28 said Leslie Bavart is recommending a loop in the river around the Mennonite
29 Camp; staff is not recommending that.
30 3) Drift Creek to the north it is a smaller stream. Using a slide Buckman pointed to
31 the deadline at Quarry Creek. He pointed to an area that looped around the
32 Mennonite Camp and said Leslie Balart would include that area in the open area.
33 Buckman said staff does not recommend that because it comes out of a rock-
34 based canyon and opens up into a flat with gravel with heavy substantial fall
35 Chinook spawning. He said this stream is far in the backcountry and those
36 spawning Chinook are extremely vulnerable. He said there has been low
37 spawning abundance overall in the Siletz in recent years so staff recommends
38 maintaining that Quarry Creek deadline.

39
40 Commissioner Webber said in regard to Drift Creek Mr. Bavart said it is very restrictive in
41 terms of public access with the current proposed deadline. Is that accurate? Buckman

1 said yes that is accurate. You have to be in the boat in the very lower part of the Siletz
2 below Drift Creek to access those fish or there is just very limited public access with that
3 deadline. Commissioner Webber said if you adopted his suggestion of the Mennonite
4 Camp and upper deadline that would impact in a negative way some significant
5 spawning areas? Buckman said yes.

6
7 Commissioner Anderson said she lives in this area and checked in with some of the
8 constituents. As Buckman said there was fairly broad support for the Ojalla Bridge with
9 the concession of the extra 1,200-feet for improved bank access to reduce the crowding
10 issues that was the concern of many of the public comments.

11
12 Commissioner Webber said the bubble fishery for the Elk River goes from Port Blanco to
13 Humbug Mt. and would include the Redfish Rock Marine Reserve. Do we need to put
14 that in there that it is excluded otherwise there might be confusion. Director Elicker said
15 the Commission is going to adopt rules that would close the Redrock Fish Marine
16 Reserve at some point. Ed Bowles, Fish Division Administrator, said the marine
17 protected area which is the west side of the Marine Reserve for Redfish Rock is open to
18 salmon troll and ocean commercial crabbing and recreational crabbing. It is only the
19 reserve itself, which is exclusive to no extraction which is the shore side of that. Bowles
20 said that will be closed to all ocean troll that is already in rule. The Commission adopted
21 the rules that went into effect January 1.

22
23 Commissioner Webber said he knew that but looking at the regulations the public may
24 think they could. Should we exclude that? Bowles said it is well defined and all of the
25 fleet is well aware of that already.

26
27 Commissioner Anderson said regarding the staff recommendations; there was a choice
28 of October 12 or October 14 for the Chetco Terminal Fishery. Do we need to determine
29 that prior to making a motion? Chair Levy said it was in staff's handout for OAR 635-
30 013-0007(1)(b)(a) on lines 15 and 19.

31
32 Legal Counsel Steve Sanders said the motion should include the Commission's choice
33 on October 14 or the 12th. Whoever makes the motion should refer to either including
34 the rule as it has been amended dated 6-8-12 in the bottom right-hand corner of the
35 handout, or the Commission wants what was originally handed out. We didn't discuss
36 this at all.

37
38 Commissioner Webber said we heard public testimony about Drift Creek. We're in a
39 public bind about the deadline potentially impacting spawning areas. There was talk last
40 year that we had closed the jaws of the Nehalem and this year we're not doing that,
41 correct? Kern said staff's proposal would be to remove that closure for this year.

42
43 Director Elicker asked Kris Knutson to talk about the history on the jaws and how staff
44 arrived at their recommendation.

45
46 Kris Knutson, District Fish Biologist in Tillamook, referred to slide '2011 Nehalem Wild
47 Coho Fishery' and provided background on the fishery. He said in 2009 the entire

1 Nehalem Basin was closed to Chinook angling to address conservation concerns. As a
2 result of poor ocean survival from 2004 through 2006 a lot of the coastal Chinook stock,
3 particularly the north coast stock, took a dive. Since 2008, staff is trying to address that
4 poor survival and has been fairly conservative on some of the regulations implemented.
5 Staff knew in the Nehalem Basin that we needed area closures to curb the harvest; the
6 public in the area was supportive of a closure of the bar area. In 2010 and 2011 we had
7 seasonal closures of the Nehalem Bar to reduce harvest.

8
9 Knutson said the area of concern extends from the Nehalem State Park down to the tips
10 of the jetty; an area that many believe has lot of harvest. Staff has never verified that with
11 creel survey work. There are days when the catch rate is very good. Most of the fishing
12 effort in terms of total boats based on creel survey work is actually outside that area near
13 Nehalem and Wheeler. He is working with staff to get more information on what
14 prospective catch rates are between the bar and other fishery areas in the Nehalem
15 basin to help form future decision-making. Last year staff met the escapement goal in
16 the Nehalem Basin and is forecasting about 1,700 fish above our escapement goals for
17 this year. Knutson said these model numbers for forecasts are numbers expected to
18 reach the spawning grounds after the fisheries have been executed. So, this is proposed
19 fishery above abundance, 8,700 and about 1,700 fish above our PST escapement goal.

20
21 Staff essentially wants almost permanent regulations in the Nehalem Basin this year with
22 the bar area open and the river up to Foss Bridge on the Mainstem. He said Mr.
23 Scrimsher was talking about the mouth of the Salmon Berry but that is a permanent
24 regulation. Staff proposes for 2012 to move it downstream about eight miles to the CC
25 Bridge. It still gives great bank access for some folks. He said overall in the Nehalem
26 Basin staff is proposing that we have some fish to harvest.

27
28 Commissioner Webber said what you're thinking about this year is opening up the jaws
29 and then take a closer look at it and see what the harvest is. If they are particularly
30 susceptible in there then we can look at it down the road as moving it back up? Knutson
31 said yes. This is our first opportunity with a fall season fishery beginning in July to begin
32 to monitor catch rate by month.

33
34 *Action: Commissioner Webber moved to adopt the 2012 regulations for fall*
35 *Chinook in ocean terminal and inland fisheries and for coho in inland fisheries as*
36 *proposed by staff in Attachment 3 (Outline of Proposed Coastal Fall Chinook*
37 *Salmon Fishery Modifications), and Attachment 4 (Outline of Proposed Coastal*
38 *Wild Coho Salmon Fishery Regulations), and as reflected in draft OARs shown in*
39 *Attachment 5, and with the addition that in 635-013-0007 the Chetco River fishery*
40 *dates would be October 1 through the 14 as on the document dated 6-8-12 (see*
41 *lower right-hand corner). Commissioner Akenson seconded the motion, and the*
42 *motion carried unanimously by a vote of five.*

43 44 **DIRECTOR'S REPORT**

45 **Shikar-Safari Club International Award**

46 Captain Jeff Samuels introduced Shikar-Safari Club International representative Lynn
47 Loacker and said she would recognize Senior Trooper Adam Turnbo.

1
2 Lynn Loaker said the Shikar-Safari Club International is a worldwide organization with
3 about 200 members. She talked about the history of the club. She said Senior Trooper
4 Adam Turnbo is a member of the Mid-Coast Fish and Wildlife team in McMinnville and a
5 valuable asset to the younger members of the team. She said Adam has mastered the
6 use of social media websites and sets up fictitious accounts using Facebook and other
7 sites with wildlife violators and monitors their actions using these websites to obtain
8 information, which enables him to get search warrants on wildlife violators. She
9 presented Senior Trooper Turnbo with the "Wildlife Officer of the Year" award.

10
11 Captain Jeff Samuels said Senior Trooper Turnbo's dedication to the protection of
12 Oregon's natural resources is unwavering and he is a very skilled investigator who
13 knows how to perform his job well.

14
15 **Exhibit K: SALE OF STEELHEAD IN OREGON BY COLUMBIA RIVER TREATY**
16 **TRIBES** was deferred to a later date.

17
18 **OTHER BUSINESS**

19
20 **2013 Commission Dates**

21 Director Elicker asked the Commission to discuss proposed 2013 meeting dates. Since
22 two Commissioners were absent he said staff would ask the Commission to officially
23 adopt the 2013 dates in August. The Commission discussed the following dates:

- 24 • January 11
- 25 • February 8
- 26 • March 14-15 - in Medford; to be confirmed with the California Department of Fish
27 and Game.
- 28 • April - to be determined (suggested April 18 or April 12)
- 29 • May – no meeting
- 30 • June 6-7
- 31 • July 12 – no meetings scheduled; but hold this date if a meeting is needed.
- 32 • August 2
- 33 • September 6
- 34 • October 11
- 35 • November – no meeting
- 36 • December 6

37
38 Commissioner Akenson asked if the Commission was going to meet with Oregon Water
39 Resources Department and the Oregon Forestry Commission. Director Elicker promised
40 to talk to State Forester Doug Decker and Director Dick Pedersen at DEQ and see if
41 there is a desire from the Board of Forestry or the Council of Environmental Quality to
42 have a joint discussion with this Commission.

43
44 Chair Levy said she would prefer not August 2 and April 26. Anglin said regarding
45 August 2 staff has to go to Press Check in Utah on the Game Bird Regulations on

1 August 7 in order to have the regulations printed to vendors by the opening of the
2 season by September 1. She said okay.

3
4 Director Elicker said five of the seven Commissioners are new. Staff is looking at
5 combining the out-of-town meetings with resource tours to get the new Commissioners
6 familiar with the decisions they're going to be asked to work on. Deputy Director Curt
7 Melcher is looking at the second half of 2012 to schedule resource tours.

8
9 Commissioner Akenson said in interest of the distance she has to travel to the west side,
10 she's interested in having those (tours) coordinated with meetings if possible. Director
11 Elicker said we would definitely combine them with a meeting. He said Caren Braby,
12 Marine Resources Program Manager, is putting together a resource tour for the
13 Commission. Steve Williams said Braby is working on that and will have something to
14 the Director's Office shortly. Director Elicker said we would have potential dates to run
15 by the Commission for the fall this year. Staff will work on the marine tour first.

16
17 **EXECUTIVE SESSION**

18 Chair Levy said the Oregon Fish and Wildlife Commission will now meet in executive
19 session for the purpose of conducting deliberations related to real property transactions.
20 The Executive Session is held pursuant to ORS 192.660 (2)(e) and (2)(f), which allows
21 the Commission to meet in executive session to conduct deliberations with persons
22 designated by the governing body to negotiate real property transactions and to consider
23 information or records that are exempt by law from public inspection, such as real estate
24 appraisal information. The Commission will also meet in Executive Session for
25 consultation with legal counsel concerning current litigation or litigation likely to be filed
26 pursuant to ORS 192.660(2)(h). Representatives of the news media and designated staff
27 shall be allowed to attend the executive session. All other members of the audience are
28 asked to leave the room. Representatives of the news media are specifically directed not
29 to report on any of the deliberations during the executive session, except to state the
30 general subject of the session as previously announced. No decision may be made in
31 executive session.

32
33 **ADJOURN**

34 Chair Levy reopened the public meeting to adjourn at 1:40 p.m.