



Oregon Fish and Wildlife Commission Minutes

Meeting: January 11, 2013 – 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

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

3
4 Notice of these meetings had been made by press release of statewide media
5 circulation. Those attending part or all of the meeting included:
6

Bobby Levy, Chair
Michael Finley, Vice-Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Laura Anderson, Commissioner

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

7 MEETING

8 On Friday, January 11, 2013, Chair Bobby Levy called the Oregon Fish and Wildlife
9 Commission (the Commission) meeting to order at 8:25 a.m., because Commissioner
10 Laura Anderson's arrival was delayed due to inclement weather. She said Commissioner
11 Greg Wolley was unable to attend. She moved Public Forum forward on the agenda.
12

13 PUBLIC FORUM

Olivia Schmidt
Portland, Oregon

Olivia Schmidt represented BARK (Defenders of Mt. Hood National Forest) and spoke in opposition to Cascade Locks Nestle Water Project. She noted that three permits were being proposed by ODFW to the Oregon Water Resources Department (WRD) and asked the Commission to consider this issue as an agenda item on the Commission's February 8 meeting agenda. She understood that the February meeting may have already been cancelled. She said those permits are designed to transfer water from ODFW's fish hatchery in Cascade Locks to the City of Cascade Locks to sell that water to Nestle, which has a plan to build a water bottling plant in the National Scenic Area of the Columbia River Gorge to bottle up to 100-million gallons of water a year. The issue around the Nestle water bottling plant proposal in the Columbia River Gorge is very controversial.

Schmidt said BARK has been dealing with this proposal for more than three years. In the last year and a half they have submitted over 35,000 public comments from Oregonians opposing this issue. This is a long-term issue and a capacity resource issue for ODFW, the state and organizations involved in that contested case hearing. BARK believes this

	<p>is an issue the Commission needs to have some oversight on and help the public have a transparent process around. She said these permits to transfer water were initially issued by the direction of Governor Kulongoski. There is no direction being given at this point to ODFW by the current governor. Schmidt said before the Commission is a list of over 700 emails from people asking to put this on the February agenda. She asked if the Commission was interested in looking at this issue and if BARK could provide something to help the Commission to understand the controversial nature of this proposal.</p> <p>Chair Levy encouraged Ms. Schmidt to talk further with staff at some other time, but said this issue will not come before ODFW Commission for a vote. She also said they have not considered whether the February meeting is cancelled.</p>
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DIRECTOR’S REPORT
Field Reports

Northeast Region

Bruce Eddy, Region Manager, talked about the Elk Horn Wildlife Area. Staff feeds about 1,400 elk and 800 deer to keep them from moving into Baker Valley. He said it’s been relatively successful in keeping agricultural damage down; farmers and ranchers are satisfied. He said the 113th National Audubon Society Christmas Bird Count period ran from December 14, 2012 through January 5, 2013. It provides valuable information to staff about how wildlife populations are changing and a good day of fun for volunteers.

High Desert Region

Chip Dale, Region Manager, said prior to the December Commission meeting, staff captured 50 bighorn sheep out of the Deschutes and John Day river canyons and released them to supplement four other existing herds throughout Oregon to increase the genetic diversity. Dale talked about mining proposals in southeast Oregon. In June 2012, the Oregon Department of Geology and Mineral Industries received a Notice of Intent from Calico Resources USA for a project to develop a gold extraction and processing mine in Malheur County.

Southwest Region

Larry Cooper, Region Manager, said the Rogue River District fish staff is working with others in an effort to restore trout in lakes and reservoirs. He said the illegal introduction of fish species is getting to be a problem. The most common method for alleviating the problem is to use rotenone, but the group is also looking at the strain of trout used in hatchery production. Restoration priorities are being identified.

Northwest Region

1 Rick Klumph, North Coast Watershed Manager, reported that in December 1,044 people
2 signed up to take the Jewell Meadows Elk Feeding Tours that keep animals on the
3 refuge so they don't cause damage and educates the public. Klump said a combination
4 fish weir and trap was installed in Clear Creek that will operate from early December
5 through May over the next four years; comprehensive spawning will be a part of this
6 study. The U.S. Fish and Wildlife Service (USFWS) is proposing to make an emergency
7 translocation of Columbian White-Tailed deer to Ridgefield National Wildlife Refuge near
8 Vancouver, Washington. Staff is coordinating with USFWS on this effort.

9 10 Conservation Program

11 Holly Michael, Conservation Policy Coordinator, reported on the Western Governors
12 Association Wildlife Council. All the Western states participate in a process to develop
13 data sets that will help with preplanning of wind energy and transmission plants into the
14 future. Phase 1 was completed in 2012, on how we might look at collecting and
15 analyzing data across three states and many numerous data sources. Staff just
16 completed Phase 2, how you get data on important habitat and display it across
17 boundaries. We are entering Phase 3 to be completed this year, a baseline online data
18 tool called the Oregon Decision Support System. She said climate change has been
19 added as the seventh key issue of the Conservation Strategy; it is online with three fact
20 sheets. Michael said the Habitat Conservation stamps and art should be available soon.
21 She recognized The Natural Conservancy (TNC) and others that have been updating
22 and redefining grassland bird populations in the Willamette Basin.

23 24 Information & Education

25 Roger Fuhrman, Administrator, said ODFW and Oregon Parks and Recreation
26 Department are developing a new marketing and branding strategy for Free Fishing
27 Weekend and All Parks Day, which kicks off Oregon's outdoor season. There are over
28 80 Outdoor Skills events for 2013; staff will evaluate whether these workshops are
29 effective. Fuhrman talked about ODFW wildlife biologist Nancy Breuner who took the
30 workshop and now regularly volunteers at workshops. Regarding mandatory hunt
31 reporting, the deadline is January 31 and staff is sending postcard reminders. They will
32 also conduct an email blast to remind people of the changes taking place this year.

33 34 Marine Resources Program

35 Caren Braby, Program Manager, said the Commercial Dungeness Crab Fishery opening
36 was December 31. In the first eight days of the season over 4 million pounds were
37 landed. The season opened at \$2.30 per pound and is now up to \$2.95. Northern
38 California will open on January 15. The Dungeness crab fishery has been certified as
39 sustainable by the Marine Stewardship Council. Also, they are approaching the second
40 audit next month. In meeting the requirements of that certification for sustainability, staff
41 has been involved in commercial sampling of the crab landings. OSP and staff have
42 developed approaches to working with fishermen who have not been sampled in the
43 past. Braby reported that staff is in final stages of Territorial Sea Planning; the Land
44 Conservation and Development Department will consider adopting the plan. Regarding
45 the Japan Tsunami Marine Debris, a second dock has landed in Washington on the
46 Olympia Peninsula. Oregon is helping them in their response to that dock. Oregon's

1 Governor is working with federal agencies to receiving a funding from Japan's
2 government to clean up the tsunami debris. Oregon has spent close to \$1 million.

3
4 Oregon State Police, Fish and Wildlife Division

5 Captain Jeff Samuels talked about Cooperative Enforcement Planning. Troopers and
6 teams are meeting with local fish and wildlife biologists to identify what is important for
7 the next year. We start in April and identify what species are of high-priority each month.
8 Captain Samuels said a John Day Trooper came upon a large group of hunters in a
9 camp. Three did not have tags for that season, but took three bull elk. There was also
10 loaning and borrowing of tags. All six hunters plead guilty, and the three bull elk were
11 seized. Each hunter received license suspensions. Each hunter received a three-year
12 license suspension. Total restitution to ODFW was \$4,500. They also received 240 hours
13 of community service.

14
15 **Expenditure and Budget Report**

16 Debbie Colbert, Deputy Director for Administration, said the 2012 Review of the
17 Director's Financial Transactions is complete and there are no outstanding issues. She
18 recommended that the Commission accept and approve this document.

19
20 Deputy Director Colbert referred to her regular financial report. As of November 30,
21 2012, Department-wide expenditures are tracking with expected expenditures. She said
22 this is the time in the biennium where revenues start to appear to lag behind projections
23 partly because we do contracted work and there is lag time with reimbursements and
24 partly due to seasonality of controlled hunts where there are spikes in revenues. She
25 said one category of revenue was adjusted downward \$7 million, as a result of changes
26 that Department of Administrative Services (DAS) made in terms of requirements on how
27 we accept and log those funds to our accounts.

28
29 Deputy Director Colbert referred to Attachment 2 and discussed the Governor's
30 proposed balanced budget for ODFW. She noted that ODFW staff is working on the
31 budget and preparing for Ways and Means presentations.

32
33 **Headquarters Update**

34 Deputy Director Colbert introduced Greg Parker, Special Projects Manager, said his job
35 is insuring that our headquarters project comes to fruition within the timeframe and
36 budget. She said the new headquarters is the former Western Tool Building owned by
37 K2D Development LLC that was built in 2006.

38
39 During a slide presentation, "Headquarters Project", Greg Parker talked about the
40 conceptual designs of the new building and site. He talked about the layout of the first
41 floor and noted that the new Commission Room will be about 500-feet larger. He said
42 ODFW received the building permit from City of Salem on November 8, 2012 and talked
43 about current ongoing construction. The construction was to begin November 2012 and
44 wrap up August 2013; move-in is scheduled for August and September 2013.

45
46 Chair Levy asked Deputy Director Colbert to schedule a personal tour for the
47 Commission around one of their meetings in Salem. Deputy Director Colbert agreed.

1
2 **Adopt Temporary Rules**

3 Director Roy Elicker asked the Commission to adopt the four temporary rules on pages
4 1-2 of the tan-colored agenda starting with OAR 635-005-0465 and ending with -0125.

5
6 **1. 635-005-0465**

7 **Season Opening for the Ocean Commercial Dungeness Crab Fishery Delayed**

8 Adopted December 11, 2012: effective December 12, 2012 through June 9, 2013.

9 This amended rule delays the opening of the 2012-2013 commercial ocean Dungeness
10 crab fishing season from December 16, 2012 until December 31, 2012 in accordance-
11 with the Tri-State Memorandum-Of-Understanding and Preseason Testing Protocol.

12
13 **2. 635-023-0095**

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

15 Adopted December 18, 2012: effective January 1, 2013 through February 28, 2013.

16 This amended rule sets the season for recreational harvest of white sturgeon in the
17 Bonneville Pool and tributaries effective January 1 through Sunday, February 10, 2013.
18 These modifications are consistent with action taken December 18, 2012 by the
19 Columbia River Compact agencies of Oregon and Washington.

20
21 **3. 635-019-0090**

22 **Morgan Lake in the NE Zone Closed to All Angling**

23 Adopted December 20, 2012: effective January 1, 2013 through April 30, 2013.

24 This amended rule closes Morgan Lake, in the NE Zone near La Grande, to all angling
25 from January 1 through April 26, 2013. Closing the lake during this period will assist the
26 City of La Grande, owner and operator of the lake, to resolve issues posed by the
27 inadvertent removal of *Special Regulations* for Morgan Lake from the **2013 Oregon**
28 **Sport Fishing Regulations** synopsis.

29
30 **4. 635-095-0125**

31 **Habitat Conservation Stamp; Other Provisions**

32 Adopted December 31, 2012; effective December 31, 2012 through June 28, 2013.

33 The original rule states that excess stamps from the current year shall be shredded after
34 auditing of sales takes place. This will amend the rule to allow retention of the Habitat
35 Conservation Stamps with numbers corresponding with the prints that are signed by the
36 Governor and the artist. These stamps will be distributed with the sale of the
37 corresponding Governor Edition print.

38
39 *Action: Commissioner Webber moved to approve the four administrative*
40 *temporary rules. Commissioner Akenson seconded the motion, and the motion*
41 *carried unanimously by a vote of five.*

42
43 Director Roy Elicker referred to Future Proposed Commission Meetings & Topics for
44 2013 on page 4 of the Commission's tan agenda. He noted the following adjustments:

- 45 • September meeting changed to 4, 5, and 6. September 4 is a joint tour with
46 California of projects in Klamath Falls. The joint meeting with California Fish and

1 Game Commission is September 5 in Medford; and the regular Oregon Fish and
2 Wildlife Commission meeting is September 6.

- 3 • February 8 meeting cancelled if the Commission approves. Two topics can be
4 moved to March: Fish Passage Barrier Prioritization List and Upland Artwork
5 Selection. He said there is nothing pending on the Nestle issue that would require
6 the Commission to meet in February.
- 7 • March 7-8 meeting in Medford changed to one day, March 8, in Salem.
- 8 • April 26 meeting to be held in Salem.
- 9 • May - no meeting scheduled.
- 10 • June 6-7 meeting location still to be determined in Congressional District 1.

11
12 Chair Levy asked the Commission if they wanted to cancel the February 8 meeting. The
13 Commission agreed to no February meeting.

14
15 **Exhibit B: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**

16 Aaron Jenkins, Economist, presented the Schedule of Damages in a brief slide
17 presentation - ORS 506.720 Damages for Unlawful Taking of Food Fish. Each year the
18 Commission by rule in January establishes the average market value for each species of
19 food fish for the year. He discussed listed damages for the unlawful taking of the
20 following food fish: pink shrimp; salmon and steelhead, ocean; and for salmon and
21 steelhead, freshwater; and all other food fish. He said *Attachment 3 – Draft Oregon*
22 *Administrative Rules* shows the changes to OAR 635-006-0232 average market values:

- 23 • Reflect last year's average prices as reported by Oregon commercial fish dealers.
- 24 • Reflect the average price of the higher value fish.
- 25 • Minor adjustments to previous year's prices as shown in Attachment 3.

26
27 **Public Testimony:** There was no public testimony.

28
29 *Action: Commissioner Finley moved to amend the Schedule of Damages for*
30 *Commercial Fishing Violations contained in OAR 635-006-0232 as proposed by*
31 *staff in Attachment 3. Commissioner Anderson seconded the motion and the*
32 *motion carried unanimously by a vote of five.*

33
34 **Exhibit A: COMMISSION MINUTES**

35 Chair Levy said the Commission will defer the draft December 7, 2012 Commission
36 minutes to their next meeting because Commissioner Greg Wolley would be at that
37 meeting. The September 7, October 5, November 9, and December 6 and 7, 2012,
38 minutes were deferred to the next meeting.

39
40 **Exhibit C: ROGUE FALL CHINOOK CONSERVATION PLAN**

41 Todd Confer, Southwest District Fish Biologist, Gold Beach Field Office, gave a slide
42 show presentation beginning with an overview of the plan and the development process.
43 Most of his comments concentrated on management strategies.

44
45 Confer summarized the Public Review process and public meetings. Public Advisory
46 Committee (PAC) consensus is support for status criteria except Chetco spawned
47 composition criteria; no consensus on Rogue or Coastal management strategies.

1
2 He highlighted Management Strategies:

- 3 • Limiting factors differ between Rogue and Coastal Strata.
- 4 • Distinct suites of management alternatives for each stratum.
- 5 • Five alternatives developed for Rogue Stratum. Staff prefers Rogue Alternative 4;
6 PAC prefers Rogue Alternative 5
- 7 • Six alternatives developed for Coastal Stratum. Coastal Alternatives 5 and 6
8 received support from advisory committee members; staff and PAC majority
9 prefer Coastal Alternative 5.

10
11 Confer said consensus was reached on both Rogue and Coastal management
12 strategies. Key items: Under both alternatives, spring Chinook would remain the primary
13 priority for fish enhancement flows. For fisheries management, staff proposes to maintain
14 status quo for fisheries. Both alternatives manage primarily for wild fish, but maintain
15 STEP hatchery program. He said the only difference between alternatives 4 and 5 is
16 that Alternative 5 contains action items to haze predators. ODFW prefers Alternative 4
17 because the Native Fish Conservation Policy requires us to include actions that address
18 primary limiting factors. Coastal Alternatives 5 and 6 are almost identical as well. For the
19 sake of improving access to habitat for fall Chinook, Alternative 6 includes management
20 action to improve passage at partial natural barriers.

21
22 Confer summarized the Recommendations:

- 23 • Issue 1: Select one of the alternative suites of management strategies for the
24 Rogue Stratum. Staff recommends Option 1: Select Alternative 4 as the preferred
25 suite of management strategies.
- 26 • Issue 2: Select one of the alternative suites of management strategies for the
27 Coastal Stratum. Staff recommends Option 1: Select Coastal Alternative 5 as the
28 preferred suite of management strategies.
- 29 • Issue 3: Adopt Rogue Fall Chinook Conservation Plan and Administrative Rules
30 related to implementation of the plan. Staff recommends Option 1: Adopt the
31 Rogue Fall Chinook Conservation Plan and the Oregon Administrative Rule
32 related to ODFW's implementation of the plan.

33
34 **Public Testimony:**

Peter Tronquet Medford, Oregon	Peter Tronquet, Native Fish Society (NFS), supports ODFW's management actions and what the staff favors. He submitted a letter that discusses the spawner composition on the Chetco River. If you look at the coast from the Sacramento River to Cape Flattery, the Rogue and Chetco are the gold standard for wild fall Chinook. This is why he is so concerned about the fact that the desired status element for hatchery strays or spawner composition, we went against science, antagonistic to the science, to say a desired status is 18% hatchery spawners among the wild spawners. You can't find a recovery plan anywhere, federal or state, that uses 18% as a standard, desired status. The number is 10%, and that's what you normally see in
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	<p>recovery plans. It makes no sense to me to risk the wild Chetco population by putting a desired status -- 10-year running average 18% of spawners can't come from the hatchery program. The conservation status that says that once the hatchery fish spawning naturally reach 20% for 3 years running, we have to take some kind of action to cut them back. He said this is wrong.</p> <p>Tronquet advocated for this in the Plan: Desired status for hatchery in the Chetco should be 10% and the conservation status for hatchery spawners should be 15%. As written in his letter, he asked the Commission to talk to Ed Bowles and Bruce McIntosh to get a feel for the new process for conservation plans in Oregon going forward. Emphasis is on hatchery programs, and on preserving the wild populations. The Elk River is a real mess, with 35% of hatchery spawners spawning with wild fish. It is important to treat the Rogue SMU as a baseline, as a place to look back and compare to other hatchery programs up and down the coast. He said you can't reach that when you let 18% of hatchery fish spawn naturally with wild fish. You will reduce the population; the reproductive fitness of the fish decreases over time.</p>
<p>Tom Wolf Hillsboro, Oregon</p>	<p>Tom Wolf, Oregon Council Trout Unlimited (TU), represents 3,500 Oregon members. He thanked the Commission for their work on the Columbia River Management Plan and asked the Commission to consider making barbless hooks mandatory. In regard to the Rogue River Management Plan, TU supports the majority of the plan; it is a great effort to protect wild fish. One exception was to echo NFS (Peter Tronquet) concerns about the Chetco. One of our goals is to bring back the wild population to the levels which allow harvest. The 18% suggested figure is too high and should be brought down to 10%. TU urges the Commission to reconsider that part of the Plan.</p>
<p>Val Early Brookings, Oregon</p>	<p>Val Early, a fishing guide, served on PAC and represented the guides. She agrees with Peter that economics do not play a part in this. She focused her comments primarily on issues having to do with the Chetco, Windchuck, and Rogue rivers. They benefit greatly from enhanced data collection. Thousands of volunteer hours are put in every year to improve the data collection; it's working very well. The volunteers have pledged ongoing commitment to ODFW and have secured grants and support from local communities. These volunteers hour have freed up ODFW</p>

	<p>personnel to focus on other fishery aspects. A big question before PAC was the distinction between the desired status and the conservation status. The average angler wants more fish and opportunities. She said to balance those things, we had to look at this plan and the framework in which we were developing it. She discussed two important aspects to keep in mind:</p> <ol style="list-style-type: none"> 1. Provide angling opportunity to the public and economic benefit to sport and commercial fishermen, and trickle-down effect to the local economies. 2. Management accountability and reporting, and the fisheries monitoring to keep the stocks healthy. <p>She said the committee supports:</p> <ul style="list-style-type: none"> • Rogue SMU Alternative 5, which includes hazing of pinnipeds and cormorants. • Coastal SMU Alternative 5 that includes reducing hatchery releases in the Chetco <i>only</i> if the windchuck stray rate exceeds 10% hatchery component. It supports the 18% hatchery component, which is not a lot more than 15%. It also provides a great economic benefit. It provides 18% in desired status, 20% in conservation status.
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2 Commissioner Finley asked Early to describe the natural barrier(s) that she mentioned.
3 Early said it was based on the south fork of the Chetco River, and it is rocks. This was an
4 example of a partial natural barrier where there was spawning habitat above it before
5 those rocks moved in. We would like to see some monitoring of future barriers.
6

<p>Richard Heap Brookings, Oregon</p>	<p>Richard Heap represents the Citizens Advisory Group of Oregon South Coast Fishermen (OSCF). He believes this plan answers the toughest management question that can be posed to the public – <i>What do you want ODFW to manage for, in quantifiable numbers and actions?</i> He said approval of this plan is also a commitment by ODFW to achieve the desired status goals and to provide monitoring accountability to measure success. OSCF provided comments on three specific plan elements:</p> <ol style="list-style-type: none"> 1. Conservation status responder in Chetco River. There is significant support for monitoring to reduce hatchery fish. He discussed the acclamation program; volunteers have collected 1500 scale samples. 2. OSCF asks the Commission to approve Management Alternative 5 for Rogue Stratum for continued hazing.
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	3. OSCF asks the commission to approve Management Alternative 5 for Coastal Stratum.
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2 Commissioner Webber lives around Brookings and has contact with OSCF. He thanked
3 OSCF for their volunteer endeavors and work.
4

5 Commissioner Finley asked Heap about the difference in number of fish using the 15%
6 and 18% figures. Is it 200 fish or 100? Heap didn't know. Ms. Early responded, when you
7 have a desired status of 3,800, with an 18% component and a 15% component, it's not
8 even 200. Commissioner Finley asked how the volunteers would go about removing the
9 natural barriers. Would you just go up there with ODFW approval and move them out of
10 the stream bed? Would dynamite be used? Early said they would need to evaluate how
11 to remove the barriers; our volunteers are willing to do just about anything.
12

13 Commissioner Webber said Confer had said that predation in the lower Rogue was not a
14 limiting factor but that we already haze the sea lions in that area. Is that accurate?
15 Confer said yes. We did not identify predation by pinnipeds as a primary limited factor on
16 the fall Chinook populations in the Rogue. However, we do have other reasons we might
17 pursue hazing in the case of sea lions in the Rogue estuary. It is certainly a benefit to the
18 bay fishery to keep the sea lion out of the estuaries.
19

20 Commissioner Webber said there is no science that would drive that? Confer said not in
21 relation to increasing the production of fall Chinook. But certainly from a management
22 perspective you are limiting actions between anglers and sea lions to benefit the
23 fisheries is something we would pursue because we are trying to provide a fishery there.
24

25 Commissioner Webber said in terms of the barriers in the Chetco even if we don't
26 include those in this Plan there is nothing that would prohibit removal? Confer said that is
27 correct. There is nothing in the Plan that would preclude us from looking at that down the
28 road if we determine that that was an issue.
29

30 Commissioner Finley said over the years he has read studies about nutrient transports
31 by anadromous fish and that the isotopes are found in forests and dirt in yards away from
32 the river; it is an important part of the ecosystem. He said in their reading material
33 nutrient transport was mentioned but it was not one of the goals of this specific plan. If
34 we are interested in the ecosystem and we are responsible for wildlife, then wildlife is
35 also going to benefit from these carcasses and fish. They are going to transport and
36 defecate and move these nutrients around. Why is the desire less than the abundance if
37 we were to consider nutrient transport as an important aspect of our policy?
38

39 Confer said the desired status for the Rogue is less than what the current escapement is
40 because essentially that is what can be sustained over a long period of time assuming
41 that the current harvest rates and current conditions that the population has been
42 expanded significantly due to the flow management on the Rogue. We have more and
43 certainly are good with that. Our desired status is to exceed 54,000 for the Rogue

1 aggregate. We don't necessarily want that to go down, but what we can manage for
2 based on the habitat that we have would be to sustain at least 54,000.

3
4 Commissioner Finley said he hears from volunteers in southern Oregon that they would
5 like to put more carcasses out in various aspects of the river. Confer did not have a
6 response. Commissioner Finley said is it a good idea or a bad idea? He said they've
7 been told it is a bad idea. Confer said we have hatchery programs where rather than
8 taking carcasses to a landfill we do take those and distribute them up in the watersheds.

9
10 Commissioner Finley referred to Attachment 1 – Agenda Item Summary, page 5, about
11 continuous support of pinniped hazing and initiating a program to decrease cormorant
12 densities and the phrase, "...fundamentally, inclusion of them into the rule would commit
13 resources to management actions that do not address primary factors that could possibly
14 limit attainment of Desired Status." He said meaning harassment of cormorants would
15 commit resources to management action that do not address primary factors which he
16 agrees to. He asked what if there was modified language that really did not commit you
17 and then suggested the following language, "**Implement pinniped and cormorant**
18 **harassment when necessary and appropriate considering available resources.**" He
19 said it's your judgment call then and it doesn't really commit you if it is not necessary, not
20 appropriate, or you do not have the resources. If you had language like that would you
21 change your recommendation on the alternative?

22
23 Confer said staff's only concern with those management actions being included is that
24 the Native Fish Conservation policy specifically requires us to include management
25 actions to address primary limiting factors. Since those actions don't address what we
26 identified as primary limiting factors we didn't feel it was appropriate to include them. On
27 the practical side it doesn't really make any difference whether they're included or not
28 because we're pursuing those anyway for other management reasons.

29
30 Commissioner Finley said if this Commission decided to adopt that alternative we would
31 be amending the other policy specific to this plan, would be superseding other actions?
32 In other words we would make it easier for you and you would not be bound by that.
33 Confer said that is correct.

34
35 Commissioner Finley spoke to the removal of partial natural barriers. He referred to
36 staff's language that the Department is authorized to remove or modify natural migration
37 barriers to enhance Chinook populations at its discretion upon a finding that the native
38 fish species would not be negatively impacted. Confer said the reason we typically don't
39 do that is because in the case of the south fork of the Chetco we do have cutthroat and
40 winter steelhead that access regularly up there and the intent would be to not impact
41 those by increasing Chinook usage up there.

42
43 Commissioner Finley said you mean in terms of they're not feeding on them right? This
44 states that you wouldn't do it unless you made a determination that it did not impact
45 native species. Confer said there would not necessarily be predation but there could be
46 competition between the species which is why we typically wouldn't do it.

1 Commissioner Finley asked what the competition is, what is the concern.

2
3 Bruce McIntosh, Acting Fish Division Administrator, said the type of language staff
4 proposes is consistent with policy and does not constrain us or put us in a place we don't
5 want to be. When we look at these landscapes they have been moving around for
6 millennia and fish have evolved and adapted to those. If you get into situations like this
7 where there may be partial barriers staff would look at it and evaluate it. As a general
8 rule, we would let Mother Nature run her course. He said the type of language
9 Commissioner Finley is proposing is fine.

10
11 *Action on Issue 1: Commissioner Akenson moved to select Alternative 4 in the*
12 *final draft of the Rogue Fall Chinook Conservation Plan as the suite of*
13 *management strategies preferred by the Oregon Fish and Wildlife Commission for*
14 *the Rogue Stratum. Commissioner Webber seconded the motion, and the motion*
15 *carried unanimously by a vote of five.*

16
17 *Action on Issue 2: Commissioner Finley moved to select Alternative 6 in the final*
18 *draft of the Rogue Fall Chinook Conservation Plan as the suite of management*
19 *strategies preferred by the Oregon Fish and Wildlife Commission for the Coastal*
20 *Stratum including the following language, "**The Department is authorized to***
21 ***remove or modify natural migration barriers to enhance Chinook population***
22 ***at its discretion finding that the native fish species would not be negatively***
23 ***impacted."** Commissioner Anderson seconded the motion. The motion passed by*
24 *a vote of four to one. Commissioner Akenson voted nay.*

25
26 *Action on Issue 3: Commissioner Webber moved to adopt the final draft of the*
27 *Rogue Fall Chinook Conservation Plan, including the Oregon Fish and Wildlife*
28 *Commission's preferred suites of management strategies, and the Oregon*
29 *Administrative Rule OAR 635-500-6650 as proposed by staff in Attachment 5.*
30 *Commissioner Anderson seconded the motion, and the motion carried*
31 *unanimously by a vote of five.*

32 33 **Exhibit D: AMENDMENTS TO 2013 OREGON BIG GAME REGULATIONS**

34 Tom Thornton, Game Program Manager, asked the Commission to approve the
35 following amendments to the 2013 Big Game Regulations:

- 36
37
- 38 • Amendment 1. Clarify that hunters who do not report on their deer and elk tags
39 by the deadlines will be required to pay the \$25 penalty but will not be required to
40 complete a late report. This is a technical change that removes the following three
41 words "first reporting and" in the phrase "...will not be able to obtain a license to
42 hunt without first reporting and paying a penalty."
 - 43 • Amendment 2. Add Pennsylvania as a state from which import of certain cervid
44 parts are restricted in the regulations. Thornton said after the Commission's
45 October 2012 meeting that Chronic Wasting Disease was found in Pennsylvania.
46

- 1 • Amendment 3. Deletes Antlerless Elk Hunt 225C, a small “Master Hunter” hunt in
2 southwest Oregon that is gated off. A landowner has had problems with hunters
3 not wanting to return keys and taking non-Master Hunters into the area with them.
4 The landowner has withdrawn their support and asked staff to delete this hunt.
5 The company is still on good terms with staff and will still allow walk-in hunting in
6 the area within the boundaries of a larger hunt. Tag numbers may be increased in
7 another hunt that overlays the area to compensate for the loss of this small hunt.
8

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

10
11 *Action: Commissioner Webber moved to amend OAR Chapter 635, Divisions 065,*
12 *and 070 as proposed by staff in Attachment 3. Commissioner Finley seconded the*
13 *motion, and the motion carried unanimously by a vote of five.*
14

15 **Exhibit E: APPLICATION FEE FOR CONTROLLED GAME BIRD HUNTS**

16 Tom Thornton, Game Program Manager, said Game Bird Regulations are adopted as a
17 combination of specific administrative rules with other pieces being adopted by reference
18 to the printed regulations. Normally ODFW has all fees included in specific regulations. It
19 was noticed that the Game Bird Controlled Hunt Application Fee was not in a specific
20 OAR, it was simply adopted by reference. For consistency, staff is asking the
21 Commission to add the Game Bird Hunt Application fee to OAR 635-0060-0005. The fee
22 remains at \$2 plus a \$2 license agent processing fee for a total of \$4 per application.
23

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

25
26 *Action: Commissioner Akenson moved to amend OAR Chapter 635, Division 060*
27 *as proposed by staff in Attachment 3. Commissioner Webber seconded the*
28 *motion, and the motion carried unanimously by a vote of five.*
29

30 **Exhibit F: WILLAMETTE WILDLIFE PROPERTY ACQUISITIONS: COYOTE CREEK**
31 **AND FLIGHTS END**

32 Bernadette Graham-Hudson, Willamette Fish and Wildlife Policy Coordinator, Northwest
33 Region, gave an overview of the Willamette Wildlife Mitigation Program. She said it
34 resolves the wildlife mitigation responsibilities related to Willamette River Basin flood
35 control project dams. This project includes 13 multipurpose dams and reservoirs owned
36 and operated by Army Corps of Engineers. Its purpose is primarily flood control, but also
37 recreation, fish and wildlife, and power generation. Total federal wildlife mitigation
38 equates to protection of 26,537 acres. BPA agreed to provide \$144 million over 15 years
39 for conservation and habitat restoration. ODFW recommends 16,880 acres for purchase
40 to BPA; ODFW may also acquire property, although most of the property will be acquired
41 by third-party sponsors. ODFW established the Willamette Mitigation Advisory Group
42 (WMAG), a stakeholder group. Projects will be scored and ranked by a technical review
43 team. The group will review those scores and make recommendation to Director Elicker.
44 ODFW then recommends a final list to BPA for funding each year.
45

46 Graham-Hudson said another provision of the agreement is 10% of acquisitions will be
47 dual-credit. They benefit both fish and wildlife habitat; these include salmon, steelhead,

1 bull trout, and Oregon chub listed under the Endangered Species Act. She discussed the
 2 Current Status of the program. Since 2010 over 850 acres have been acquired by third
 3 party sponsors. The 2013 project recommendations include over 2,600 acres; about half
 4 will provide dual credit.

5
 6 Laura Tesler, Willamette Wildlife Mitigation Biologist, spoke about the two sites: 1)
 7 Flights End, 100 acres on the North Willamette; and 2) Coyote Creek, 310 acres in the
 8 South Willamette. She said public hearings were held in December 2012, and all
 9 comments received were positive. Flights End is currently owned by a duck hunting club,
 10 and is managed for waterfowl hunting. Coyote Creek is adjacent to Fern Ridge Wildlife
 11 area, and is almost entirely in grass and hay. TNC is willing to sell it. Last week we were
 12 made aware of a new-found species of mushroom. If these two properties are
 13 purchased, ODFW will develop a Management Plan specific to each of these properties,
 14 within 18 months. They will create and maintain desired wildlife habitats; and public
 15 recreation must be consistent with conservation easement.

16
 17 **Public Testimony:**

<p>Steve Frazier Portland, Oregon</p>	<p>Steve Frazier, a private citizen, spoke in support of purchasing Flights End. He has a unique perspective of this property. He was a managing partner of the property from 1977 to 2011. Following the deaths of his hunting partner and brother-in-law, he sold his share in 2010. He expressed his strong feelings about the history of the club. He met a man named Hank Helber in 1977, the original caretaker. He said this is only the third time that this property has been available for sale since 1949, and there might not be another opportunity. The club hosted youth hunts and charity events, and tried to give back over the years. Frazier noted that in the 1980s a young hunter shot a goose there. That young man was Director Roy Elicker. He supports the acquisition of Flights End; it's the right thing to do.</p>
<p>Gerry Pavelek Jefferson, Oregon</p>	<p>Gerry Pavelek, Oregon Duck Hunters, spoke for Greg Spollick who submitted a letter. ODH has done a lot of work on Sauvie Island over the years; they've contributed more of their funding on Sauvie Island than any other project in the state. They also contributed to Ladd Marsh and Summers Lake. They restrict their funding to where public hunting is allowed. This is a great project, and we support ODFW purchasing the property.</p>
<p>Dan Bell Portland, Oregon</p>	<p>Dan Bell, Willamette Basin Director for TNC, said TNC owns the property at Coyote Creek. He spoke in support of ODFW's purchase of this property. This property has been on TNC's wish list for a decade. When it became available for auction, ODFW staff had to work fast. They have been terrific to work with. TNC is prepared to transfer the</p>

	<p>property to ODFW; funding is in place from the Wildlife Mitigation Program. They look forward to working with ODFW on future restorations on that property. It is a key piece in the Fern Ridge Wildlife Management Area.</p>
<p>Garrett Dorsey Junction City, Oregon</p>	<p>Garrett Dorsey, Wildlife Biologist for U.S. Army Corps of Engineers (COE), is located at Fern Ridge Reservoir with the Willamette Valley Project. Read written testimony. The COE strongly supports the ODFW acquisition of this land; it will substantially increase the value of the ongoing conservation efforts. Fern Ridge Reservoir and adjacent COE lands include 375-acres of high-quality wet prairie, of which 83-acres are managed. There are 300-acres of upland prairie that support one endangered butterfly and its threatened host plant. The addition of the Coyote Creek property would extend the total amount of wet prairie. ODFW is one of our oldest and most important partners, and contributes substantially to conserving wildlife habitat. The vicinity floods annually, which often damages water control infrastructure at the wildlife area. Removing a berm on the property would allow the force of floodwaters to dissipate, and provide habitat benefits. The site is actively managed as a grass seed field, and is relatively free of invasive species. It is suitable for ecological restoration, using well-tested methods. It fits well into long-term habitat and open-space plans.</p>
<p>Bruce Taylor West Linn, Oregon</p>	<p>Bruce Taylor, Executive Director for Oregon Habitat Joint Ventures, also works for Defenders of Wildlife. He said they support joint acquisition and appreciate ODFW's willingness to take ownership; it really makes sense. He said the Coquille Valley Wetlands land exchange last month is another great example. These acquisitions fit in with the Oregon Conservation Strategy that our partners embrace. In regard to Laura's maps, these aren't just isolated opportunistic acquisitions, they really fit into a much bigger picture to patch together a big block of conservation lands.</p>
<p>Jane Hartline Portland, Oregon</p>	<p>Jane Hartline, Sauvie Island Habitat Partnership Director, submitted written testimony in support of the Flights End property. They have multiple projects on Sauvie Island that benefit small animals. She said this acquisition on Flights End is very important for habitat, and she'd hate to see the property get into the hands of developers.</p>

1 Chair Levy said this property is zoned Exclusive Farm Use (EFU). What is the farmer
2 currently growing grass hay on it going to do? Tesler said the farmer has a year-to-year
3 lease on the property that was renewed to December 2013. ODFW will continue his
4 lease on the property until we're ready to talk about scaling back and offer the farmer the
5 opportunity to do restoration work. Chair Levy said what do you anticipate the transition
6 period would take? Tesler did not want to guess. She said right now all of our energies
7 have been channeled into acquiring the property. Once purchased staff will think about
8 long-term projections, write a management plan, and set up public stakeholder meetings.
9

10 Chair Levy said you will have to do a zone change. Do you anticipate any problems to
11 get it out of EFU? Tesler was not aware they would have to do a zone change. Chair
12 Levy said if you're going to turn it into wetland you will have remove it out of EFU. Tesler
13 said she didn't have the knowledge to comment. She noted one of piece of the Fern
14 Ridge property is not zoned EFU, so staff would look into that.
15

16 *Action: Commissioner Anderson moved to approve the acquisition of both the*
17 *Coyote Creek and Flight's End properties, and direct staff to proceed to escrow*
18 *closing upon completion of the due diligence process required under Oregon*
19 *Administrative Rules. Commissioner Akenson seconded the motion and the*
20 *motion carried unanimously by a vote of five.*
21

22 **OTHER BUSINESS**

23 **Executive Session**

24 The Oregon Fish and Wildlife Commission will now meet in executive session for the
25 purpose of conducting deliberations related to real property transactions. The Executive
26 Session is held pursuant to ORS 192.660 (2)(e) and (2)(h), which allows the Commission
27 to meet in executive session to conduct deliberations with persons designated by the
28 governing body to negotiate real property transactions; and to consult with legal counsel
29 with respect to litigation filed against the Commission. Representatives of the news
30 media and designated staff shall be allowed to attend the executive session. All other
31 members of the audience are asked to leave the room. Representatives of the news
32 media are specifically directed not to report on any of the deliberations during the
33 executive session, except to state the general subject of the session as previously
34 announced. No decision may be made in executive session.
35

36 **ADJOURN**

37 Chair Levy adjourned the public meeting at 1:09 p.m.
38