



Oregon Fish and Wildlife Commission Minutes

Meeting: September 7, 2012 – 8:00 a.m.
Hermiston Conference Center
Great Room
415 S. Hwy. 395
Hermiston, Oregon 97303

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	Steve Sanders, Assistant Attorney General
Holly Akenson, Commissioner	Teri Kucera, Executive Assistant
Michael Finley, Commissioner	
Laura Anderson, Commissioner	
Gregory J. Wolley, Commissioner	

8 **MEETING**

9 On Friday, September 7, 2012 at 8:00 a.m., Chair Bobby Levy called the Oregon Fish
10 and Wildlife Commission (the Commission) meeting to order. She announced that
11 Commissioner Krystyna Wolniakowski submitted a resignation letter from the
12 Commission due to unforeseen business commitments.
13

14 **DIRECTOR'S REPORT**

15 **Field Reports**

17 Northeast Region

18 Bruce Eddy, Region Manager, said yesterday the Commission participated in a tour of
19 several on-the-ground-projects in the Northeast Region. He also reported on two fish
20 habitat enhancement projects on Birch Creek outside of Pendleton that involves the
21 removal of abandoned concrete irrigation dams and a third out of the John Day system.
22 The last project is on Capital Creek just north of Union, Oregon. Eddy reported on a two-
23 year burrowing owl survey started by Baker County District staff. He said a grant was
24 obtained from the Oregon Conservation Strategy and Oregon Wildlife Heritage
25 Foundation to hire an OSU student to study and locate owl burrows and for staff to do
26 census conducted by staff. He noted that staff was surprised by the number of burrowing
27 owls in the Virture Flat area of Baker County.
28

29 High Desert Region

30 Brett Hodgson, Deschutes District Fish Biologist, reported that Kit Fox listed as
31 threatened within Oregon were captured by trail cams around Coyote Lake. He said over
32 the past two months there have been five separate fires in southeast Oregon. He
33 provided statistics on the Miller Homestead fire (165,000 total acres burned), Bonita
34 Complex (18,888 acres), Long Draw (582,313 acres), Ten Mile (14,036 acres), and the
35 Holloway Fire (461,047 acres). Hodgson said due to the amount of sage-grouse habitat

1 burned there will be no sage-grouse tags issued. Bureau of Land Management (BLM)
2 staff is currently working with their administration in Washington, D.C., to secure funding
3 for restoration in the burned areas. The Oregon Department of Fish and Wildlife (ODFW)
4 will provide recommendations on how to use those funds if they receive them. Hodgson
5 also provided an update of reintroduction of Chinook and sockeye salmon into the Upper
6 Deschutes River Basin.

7 8 Southwest Region

9 Larry Cooper, Region Manager, talked about the Huntley Park Seining Project. Gold
10 Beach staff started seining the Rogue River at mile eight, on July 23, 2012. Cooper said
11 smallmouth bass were introduced illegally in the Coquille Basin four to five years ago. In
12 response, ODFW staff submitted an angling regulation proposal to remove bag limits,
13 possession limits, and length restrictions. They are seeking additional funding.

14 15 Northwest Region

16 Chris Wheaton, Region Manager, gave an update on the Black-tailed Deer Plan
17 Implementation. He said staff is radio-collaring deer in the Alsea and Indigo units.
18 Oregon State University wildlife interns assisted with black-tailed deer efforts.
19 In regard to the Northwest Region Trout Stocking Map, Wheaton said the Information
20 and Education specialist has developed an interactive, online map of trout stocking
21 locations. The map is very popular with the public. He discussed the St. Louis Ponds
22 improvements to make ADA-accessible fishing platforms.

23 24 Information & Education

25 Rick Hargrave, Acting Fish Division Deputy Administrator, talked about upcoming Youth
26 Hunting events. Bi-Mart is helping promote two youth pheasant clinics in September.
27 Hargrave said staff is talking with the Portland Timbers to discuss in game or LED
28 advertising during their soccer games. He said the Portland Trail Blazers are hosting a
29 hunter/angler appreciation night on April 12, 2013. They will acknowledge the
30 contributions that hunting and fishing make toward conservation.

31
32 Director Elicker said he read in the United States Fish and Wildlife Service (USFWS)
33 Report, about an increase in hunting and fishing. Hargrave said the report showed a
34 general increase across the board in hunting and fishing and wildlife viewing over the
35 past five years. Details will be released this week in respect to individual states. A lot of
36 state agencies and non-governmental organizations are concentrating on recruitment,
37 retention, and reactivation. We need to continue to push forward with our efforts.

38 39 Oregon State Police, Fish and Wildlife Division

40 Captain Jeff Samuels said last month Director Elicker and he presented the "2011
41 Wildlife Prosecutor of the Year" award to Baker County District Attorney Matthew
42 Shirtcliff at the Oregon District Attorney Association Conference in Sunriver. He also
43 talked about the problem of angling poaching on the lower Columbia River. There are a
44 lot of salmon concentrated in that area. A number of incidents were observed, including
45 a couple of anglers who landed the fish and took the hook out of the body. They left the
46 fish in shallow waters for a couple of minutes before snagging its mouth. They received a
47 citation for unlawful snagging.

1
2 **Lower Columbia River Update**

3 Ed Bowles, Fish Division Administrator, updated the Commission on discussions with the
4 Washington Department of Fish and Wildlife (WDFW) on Columbia River Fisheries
5 Management in 2013 and beyond. He detailed ODFW's activities since they met in
6 Vancouver, Washington on August 14, 2012. Both states embraced common objectives:
7 The need to optimize the long-term economics for sport and commercial.

- 8 • Pursuit of more selective commercial gear types and techniques.
- 9 • Complementing these actions with the conservation needs of the fish.
- 10 • WDFW expressed need to ensure investments for the commercial fleet
- 11 materialized and that those were designed to keep them long-term economically
- 12 viable.
- 13 • Need for flexibility to tailor each of these fisheries among the seasons.
- 14 • Directors agreed to recommend a public process similar to what occurred in 2008.
- 15 • Meetings are scheduled September 21 in Olympia and October 22 in Portland.
- 16 • An eight-person advisory group, four from each state, will be created.
- 17 • Professional facilitation. A facilitator has been retained by WDFW.
- 18 • Develop recommendations through the joint subcommittee to the Commissions by
- 19 November, consistent with the Governor's direction.

20
21 Chair Levy said she has selected Commissioners Bob Webber and Mike Finley to serve
22 on the six-person subcommittee, three from ODFW and three from WDFW.

23
24 Bowles said WDFW is selecting four advisors. Staff is asking Chair Levy for approval to
25 contact Salmon for All to select two commercial advisors, and Northwest Sport Fishing
26 Industry Association and Coastal Conservation Association to each designate one sports
27 advisor. The four advisors will represent their views through the process.

28
29 Chair Levy approved. Bowles said staff will get that done as soon as possible because
30 the first meeting was September 21. Chair Levy asked Bowles to send her a list of the
31 selected advisors as well as Commissioners Finley and Webber.

32
33 Bowles said that ODFW would do a public announcement with WDFW about the public
34 process and public meetings because these advisors will be representing broad groups.
35 He said a second technical meeting was held with WDFW to set the table for the first
36 joint subcommittee meeting.

37
38 **Adopt Temporary Rules**

39 Director Elicker asked the Commission to adopt the 14 temporary rules on pages 1
40 through 3 of the tan-colored agenda.

41
42 **1. 635-042-0160, 635-042-0170 and 635-042-0180**

43 **2012 Fall Commercial Seasons Set for Columbia River Select Area Fisheries**

44 Adopted June 26, 2012: effective August 13, 2012 through October 31, 2012.

45 These amended rules set the 2012 Fall commercial gill net salmon seasons for the
46 Columbia River Select Areas including: Blind and Knappa sloughs, Tongue Point/South

1 Channel and Deep River. Modifications are consistent with action taken June 26, 2012
2 by the Columbia River Compact agencies of Oregon and Washington.

3
4 **2. 635-051-00001; 635-053-0005**

5 **Amend rules to reduce tag numbers to zero (0) for Whitehorse Unit 68, Sage-**
6 **Grouse Hunt J68**

7 Adopted August 10, 2012: effective August 10, 2012 through February 6, 2013.

8 This temporary rule amends rules to reduce tag numbers to zero (0) for Whitehorse Unit
9 68 to sage grouse hunting due to wildfires that have burned a substantial portion of the
10 sage grouse habitat within the Whitehorse Unit.

11
12 **3. 635-041-0075**

13 **Columbia River Treaty Indian Commercial Gill Net Salmon Season Set**

14 Adopted August 14, 2012: effective August 21, 2012 through October 31, 2012.

15 This amended rule allows commercial sales of fish caught during the Treaty Indian
16 commercial fall salmon gill net fishery in the Columbia River and its Washington
17 tributaries. The first period (2.5 days) of the fall gill net fishery is scheduled to begin at
18 6:00 a.m., Monday, August 21, 2012. Modifications are consistent with action taken
19 August 14, 2012 by the Columbia River Compact agencies of Oregon and Washington in
20 cooperation with the Columbia River Treaty Tribes.

21
22 **4. 635-004-0275**

23 **Federal Actions and Management Measures Implemented for Commercial Fixed-**
24 **gear Sablefish DTL Fisheries**

25 Adopted August 14, 2012: effective September 1, 2012 through December 31, 2012.

26 This amended rule implements in-season actions previously adopted by the federal
27 government for 2012 Pacific Ocean commercial groundfish fisheries, including but not
28 limited to changes in limited entry sablefish DTL fishery trip limits.

29
30 **5. 635-067-0030**

31 **Amend rule to extend the hunt season for Bighorn Sheep Controlled Hunt 568B**

32 Adopted August 16, 2012: effective August 16, 2012 through November 1, 2012.

33 The current season for the Bighorn Sheep Controlled Hunt (568B) is from August 18 to
34 August 31, 2012. This rule amendment would extend the season to October 31, 2012
35 and provide an option for Department staff to authorize hunters who do not hunt during
36 the extended 2012 season to exercise the tag in the 2012 season.

37
38 **6. 635-004-0375**

39 **Directed Commercial Sardine Fishery Second Allocation Period Closes August 23,**
40 **2012**

41 Adopted August 20, 2012: effective August 23, 2012 through September 14, 2012.

42 This amended rule closes the Second Allocation Period of the directed commercial
43 sardine fishery effective August 23 through September 14, 2012. Modifications conform
44 state regulations to federal rule changes posted for public inspection August 17, 2012
45 with intent to publish these changes in the Federal Register. The federal publication
46 referenced in the amended rule OAR 635-004-0375(1) (b) is also updated to correspond
47 to current federal regulations.

1
2 **7. 635-023-0134**
3 **2012 Snake River Fall Chinook Sport Fishery below Hells Canyon Dam Opens**
4 **September 1**

5 Adopted August 20, 2012: effective September 1, 2012 through December 31, 2012.

6 Amended rule implements a fall Chinook fishery on the Snake River from the Oregon-
7 Washington border upstream to the deadline below Hells Canyon Dam beginning on
8 September 1, 2012, to coincide with State of Idaho regulations for this concurrent fishery.
9

10 **8. 635-039-0085**
11 **Cape Falcon to Humbug Mountain Summer All-Depth Season Closed To Retention**
12 **of Pacific Halibut**

13 Adopted August 23, 2012: effective August 24, 2012 through December 31, 2012.

14 This amended rule closes the all-depth spring sport fishery for Pacific halibut in the area
15 between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m., on August 24,
16 2012, when the quota of 47,639 pounds is projected to have been taken. This rule is
17 consistent with regulations that have been implemented by the federal government and
18 the International Pacific Halibut Commission for the 2012 Oregon recreational fishery for
19 Pacific halibut.
20

21 **9. 635-042-0031**
22 **Additional Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia**
23 **River**

24 Adopted August 24, 2012: effective August 26, 2012 through October 31, 2012.

25 This amended rule authorizes two additional fishing periods for the 2012 fall commercial
26 salmon drift gill net fishery in the Columbia River mainstem in Zones 4 through 5. The
27 first authorized fishing period begins at 9:00 p.m., Sunday, August 26, 2012.
28 Modifications are consistent with action taken August 24, 2012 by the Columbia River
29 Compact agencies of Oregon and Washington.
30

31 **10. 635-041-0020**
32 **Zone 6 Treaty Indian Subsistence Fishing Area Modified**

33 Adopted August 27, 2012: effective August 27, 2012 through December 12, 2012.

34 This amended rule modifies the subsistence fishing sanctuary restriction around the
35 mouth of Fifteenmile Creek in Bonneville Reservoir to allow the taking of salmon and
36 steelhead, during the period from June 16 through November 15.
37

38 **11. 635-021-0090**
39 **Multiple Southeast Zone Streams Closed To All Angling until Further Notice**

40 Adopted August 28, 2012: effective September 1, 2012 through February 27, 2013.

41 This amended rule closes multiple streams within the Southeast Zone to all angling until
42 further notice. Wildfires within the Willow-Whitehorse Basin, McDermitt Creek subbasin,
43 and Quinn Basin (Malheur County) have caused extensive damage to riparian vegetation
44 and fish habitat. Direct fish mortality has occurred in several streams.
45

46 **12. 635-056-0050**
47 **Amend Wildlife Integrity rules to include “live or dead” Zebra/Quagga mussels**

1 Adopted August 31, 2012: effective August 31, 2012 through February 26, 2013.
2 The current rules for Zebra/Quagga mussels, Dreissenidae, only applies to live species
3 which makes it difficult for law enforcement to have the ability to stop tailored watercraft
4 for suspicion of carrying Zebra/Quagga mussels. By amending the current rule to include
5 "live or dead", this would give law enforcement the ability to stop tailored watercraft
6 suspected of transporting invasive Quagga/Zebra mussels without having to prove that
7 mussels were alive and therefore in violation of the current "prohibited species" rule.
8

9 **13. 635-067-0030**

10 **Amend rules to expand the hunt area for Bighorn Sheep Controlled Hunt 558A**

11 Adopted September 4, 2012: effective September 4, 2012 through March 2, 2013.

12 This rule will expand the hunt area for Bighorn Sheep Hunt 558A, Chesnimnus. This
13 expansion will allow the hunter possessing a tag for Bighorn Sheep Hunt 558A to also
14 hunt in the Snake River No. 1 (539A1) hunt. Because the sheep have moved from the
15 hunt area because of a large wildlife, this amendment is necessary to allow the hunter
16 possessing an unused once in a lifetime bighorn sheep tag an opportunity to an adjacent
17 unburned area.
18

19 **14. 635-021-0090**

20 **Thief Valley Reservoir Sport Gamefish Harvest Opportunity**

21 Adopted September 5, 2012: effective September 7, 2012 through February 27, 2013.

22 Amended rule authorizes increased catch limits and methods of take in Thief Valley
23 Reservoir. Due to low water storage levels, the reservoir will be drained of storage water
24 and fish will be trapped in isolated pools and stressed by warm and turbid water. Rule
25 modifications provide the public opportunity to salvage fish that will otherwise die when
26 Thief Valley Reservoir is drained for irrigation purposes.
27

28 *Action: Commissioner Webber moved to approve administrative temporary rules 1*
29 *through 14 set out in the agenda. Commissioner Finley seconded the motion, and*
30 *the motion carried unanimously.*
31

32 **PUBLIC FORUM**

33 Chair Levy said this part of the meeting is for comments on topics not scheduled on the
34 agenda. The Commission does not vote on these items. She said yesterday the
35 Commission participated on a tour of J.R. Cook aquifer recharge project.
36

Chuck Lang Hermiston, Oregon	Chuck Lang, Conservation Director for Oregon BASS Federation Nation, distributed written testimony. He introduced Lonnie Johnson, Black Bass Action Committee. He said illegal introductions were named the No. 1 issue for fisheries management at the 2012 Classic Conservation Workshop. Non-natives and natives, gamefish and non-gamefish, domestic and exotic species all can affect the food chain and the relationships between species and their prey. The Oregon Hunters Association TIPS program is offering a reward for information leading to the arrest and conviction of the lawbreaker. The poster we present today is a sample.
---------------------------------	---

	<p>The addition of sponsors will sweeten the pot.</p> <p>Director Elicker asked Lang and Johnson to talk to Captain Jeff Samuels about how the mechanics of that would work.</p>
<p>Mike Morris Bend, Oregon</p>	<p>Mike Morris said he submitted a written proposal this week asking the Commission to close all hunting in one unit to mule deer in 2013. The proposal, "Enhancing Oregon's Mule Deer Populations", details the decline of this population over the last 40 years, and proposes a way to turn this around. Morris said his proposal is based on simple concept; we have systematically overharvested the buck population to the point that we no longer have sufficient mature bucks to breed. If the number of breeding does is less than the number of does harvested, the deer population goes down. You have to have more production than mortality, and we don't have this.</p> <p>Morris' modest proposal is to take one unit and close it to all hunting—no archers, rifle hunters. Build that buck population back up to where it needs to be. He said you will see an increase in herd populations. This was the primary tool used in the 1920s through 1950s. Since 1985 in the five states he has studied he has not seen this method used. He will submit additional information. This is a reasonable, low-cost, easy to implement proposal.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Exhibit A: COMMISSION MINUTES

Chair Levy asked for any edits to the draft August 14, 2012 Commission minutes. The draft August 3, 2012 minutes were deferred to the October meeting.

Action: Commissioner Finley moved to approve the draft August 14, 2012. Commission minutes as proposed by staff. Commissioner Webber seconded the motion, and the motion carried unanimously.

Exhibit B: ACCESS AND HABITAT PROJECT APPROVALS

Commissioner Akenson declared a potential conflict of interest. Chair Levy clarified that Commissioner Akenson was declaring a conflict of interest because in the Commission's packet Project #2012-11 Zumwalt Prairie Elk Management and Habitat Protection is being funded specifically for where she works at Wallowa Resources, the applicant. Commissioner Akenson said that is correct. Chair Levy stated that does not prohibit Commissioner Akenson from voting on this or reaching a deliberation on it.

Matt Keenan, Access and Habitat (A&H) Program Coordinator, said the Juhl project expands the existing Lawen access area, which provides excellent waterfowl and

1 pheasant hunting opportunities in the A&H Program. It would bring the total size of that
2 area to just less than 8,000 acres. Although presented as an access only project, this
3 property has undergone extensive wetland restoration and would bring 1,700 acres of
4 hunting access into the program for a total of five years. The Match Funding is \$2500
5 and the total A&H grant request is \$20,280.

6
7 Keenan said the Zumwalt project is a cooperative project. A&H funds would be used to
8 haze elk from private lands to national forests, and to modify fences to reduce elk injury
9 and fence damage. Landowners are eager to bring in more public hunters. The total
10 acres of access are 92,000, for a total of five years. Total habitat acres to be improved
11 are 116,600. There is over \$102,000 in Match Funding, with an A&H Grant request of
12 \$32,000. He said there was one dissenting vote on the R&E Board due to concerns
13 about ongoing budget strains of hazing projects.

14
15 In summary, these two proposals would provide an additional 93,700 acres of public
16 hunting access, and improve 116,000 acres of wildlife habitat. Total cost is over
17 \$157,000, of which \$105,000 comes from partners. Total A&H grant request of \$52,280.

18
19 **Public Testimony:** There was no public testimony.

20
21 *Action: Commissioner Anderson moved to approve the recommendations of the*
22 *Access and Habitat Board for project funding. Commissioner Wolley seconded the*
23 *motion, and the motion passed unanimously.*

24
25 Keenan said the A&H Board would like to invite the Commission to their October 15
26 board meeting and tour of the Zumwalt area.

27
28 **Exhibit C: RESTORATION AND ENHANCEMENT PROJECT APPROVALS**

29 Josie Thompson, Restoration and Enhancement (R&E) Program Coordinator, presented
30 12 R&E projects that were recommended for funding at the R&E Board meeting on July
31 20. She said a typo error was corrected in **Revised Attachment 3 – List of Project**
32 **Recommended by the R&E Board**. Specifically, for *Project 11-090 – Trout Creek*
33 *Acclimation Pond* the R&E Board vote was actually **4 yes to 1 no** and not 4-to-0, as
34 shown in the original Attachment 3 (see Vote column). Also staff was just notified that
35 for *Project 11-115 - Filet Table at the Port of Port Orford* they are going to screen the
36 drain and make sure that they're in concordance with our DEQ requirements.

37
38 During a slide presentation, Thompson presented 12 restoration projects. The R&E
39 Board recommends eight restoration projects (slide 1) for a total \$192,435, and four
40 enhancement projects totaling \$69,962. She said Total R&E funds for the 2011-13
41 biennium are \$262,397; remaining funds would be \$867,840.

42
43 **Public Testimony:**

John Atkins Portland, Oregon	John Atkins, President of Molalla River Alliance (MRA), spoke in opposition to the R&E Board's recommendation for #11-090 -Trout Creek Acclimation Pond on the Molalla River (see letter in Attachment 4 – Public Correspondence).
---------------------------------	---

	<p>He said MRA believes the plan is illegal and violates the Endangered Species Act (ESA) because the releases are in direct conflict with the Upper Willamette Biological Opinion of 2008. Therefore the R&E Board is not able to recommend approval. It violates ODFW's policy because it is in direct conflict with the Upper Willamette River Salmon and Steelhead Recovery Plan. There is no phasing of introduction of spring Chinook, as required in the plan. Hatchery management plan has not been developed. There are no funding sources in the proposal for research and recovery effort. On page 5-45 of the plan, Atkins pointed out the sentence with regard to Hatchery Management Key threat. He said hatchery fish interbreeding with wild Molalla populations presents a significant risk of genetic introgression and associated loss in viable salmonid population attributes." This is not a recovery plan at all; it is just more of the same.</p>
--	---

1
2 Commissioner Webber said the acclimation pond will get more fish to come back to the
3 Molalla. Atkins said that is the plan. Commissioner Webber said the Molalla is not
4 capable of sustaining its own run due to habitat degradation. If we quit putting these fish
5 in, there's going to be no run. Atkins said MRA conducted carcass counts on the river
6 and identified 25-to-35 natural spawning wild Chinook carcasses. They believe there is
7 twice that number, and that is a sustainable number. You have an adopted plan, and one
8 wonders why they are ignoring it. MRA does not oppose acclimation, but it needs to be
9 done in concert with recovery efforts that are called for in the plan.

10

<p>Mike Moody Lake Oswego, Oregon</p>	<p>Mike Moody, former President of MRA who also owns property on the Molalla, and is the Executive Director of the Native Fish Society (NFS), distributed written testimony and asked the Commission to reject the R&E Board's recommendation to fund the Trout Creek Acclimation Pond. NFS believes this hatchery-on-wheels is illegal, and has been a complete failure after 30 years. The release of South Santiam spring Chinook and the proposed hatchery violate the ESA because the releases are in direct conflict with the upper Willamette Biological Opinion of 2008 and the 2011 Supplement. He said last fall's rapid bio assessment proved that there are dense populations of intact juveniles in the lower river. In other words, there are wild spring Chinook that are successfully reproducing and producing live smolt in the Molalla. He understands that the Molalla River is a low priority for the agency. However, there is no data confirming this project's success or failure. Mother Nature is doing fine on her own, leave the river alone for one more generation. There needs to be a wild-only river in the system. He said</p>
--	--

	NFS is already litigating against ODFW and NMFS issue on the Sandy River. "It's bold and startling behavior, being repeated on the Molalla in light of active litigation."
Russell Bassett Molalla, Oregon	Russell Bassett, Executive Director of Association of Northwest Steelheaders (ANS), distributed written testimony in support of Project 11-090 – Trout Creek Acclimation Pond on the Molalla. He said ANS is working with the Coastal Conservation Association (CCA), to implement this. Oregon Wildlife Heritage Foundation also supports this project. He said this project is specifically called for in the Recovery Plan (see Appendix E). He has worked on this reintroduction plan for five years and would like to see it move forward. It is one key step called for by various scientists and biologists as necessary for reintroduction of wild spring Chinook on the Molalla. He said the biggest limiting factor is hot water temperatures. We do have some natural production; about 10% are unclipped. It's not enough to start a program. The limiting habitat is spawning habitat, not rearing habitat. This program will increase fishing, and hopefully reintroduce wild fish. Rather than criticize it, why do I not see critics writing a grant to move the rest of it forward? He asked the Commission to adopt #11-090. He objected to the statement that there is no monitoring, since he and other volunteers participate in monitoring the river, doing spawning surveys.
Gary Wise Molalla, Oregon	Gary Wise, CCA Pacific Northwest, spoke in support of Project 11-090. He said last year's survey finding is 26 unmarked fish and the carcass survey was great to hear. It had to do with the cold water temperature four to five years ago, due to the snow pack quality, the best in 25-years. It is limiting factors that are keeping this from happening. Wise said a high level of poaching over the years has resulted in shortage of fish in the Molalla. He sits on North Willamette Fishery Leader Group. The acclimation sites have been very successful.
Kaitlin Lovell Colton, Oregon	Kaitlin Lovell, Co-president of NFS and a landowner on Molalla River, submitted written comments dated September 1, 2012 (see Supplemental Public Correspondence). She urged the Commission to reject the R&E Board's recommendation to provide \$31,750 for a spring Chinook acclimation facility on the Molalla. At age 36, she has cancer. She seeks out special people and places. The Molalla River is one of those rare, special places. She plans to give back to the river. She said these fish are healthy because there are no dams and no hatcheries. There is no

	evidence that this proposal will do what it says. She argued that the coded wire tags are a nice idea, although there will be nobody to read them. Volunteer surveys are not armed with radio readers. Lovell said ODFW actions contradict their words. ODFW will tell you they have authorization to do this project. In my research I have not come across a single document authorizing this acclimation pond. They will also tell you the spring Chinook are extinct in the Molalla. That is not true. We have abundant juveniles downstream; the wild fish are coming back. She said isn't the goal of a recovery plan to recover fish, and not drive them to extinction? Also, we are seeking block grants to open up more habitats for these fish. Landowners have spent hundreds of thousands of dollars to restore this site.
--	--

1
2 Ed Bowles said the approvals and commitments for recovery in the Molalla Basin are
3 consistent with our policies and recovery plans. We spoke with Lance Kruzic of National
4 Marine Fisheries Service (NMFS), and they concur that there is nothing inconsistent
5 here. This is an acclimation site. If there are going to be 100,000 spring Chinook
6 released into the Molalla, is it better to have them acclimated through this facility in order
7 to improve their survival? As Mr. Bassett explained, a community group came together
8 with a strategy to manage the Molalla with a split basin approach, upper and lower basin.
9

10 Commissioner Finley said he heard reference to a biological opinion that the south
11 Santiam stock is a major constraint and should be eliminated.
12

13 Bowles said the basic Molalla genetic legacy has been extirpated. We welcome any
14 natural reproduction that is occurring; we don't have all the genetic information relative to
15 that legacy, but assumption is extirpation due to temperature and other problems. The
16 appendix mentions transitioning that to some future time into what may be a better suited
17 stock for recolonization. Right now the current program is not designed to recolonize. It is
18 a harvest program, the last remaining one, and we're trying to keep it in the lower river.
19 The next phase of recovery is to figure out the appropriate brood stock and how to
20 ensure it meets those objectives.
21

22 Commissioner Finley asked will this acclimation be a necessary step if you switch the
23 stock for recovery. Bowles said it would be and it's identified as a stepping stone, best
24 management practices.
25

26 Commissioner Wolley said we've been hearing conflicting information about monitoring.
27 Is there money for funding at this time? Todd Alsbury, District Fish Biologist, said all the
28 monitoring on the Molalla is conducted by volunteers. The surveying done by Corvallis
29 Research in the past was discontinued due to funding constraints.
30

1 Commissioner Anderson asked Bowles to address Ms. Lovell's concerns regarding
2 permitting. Bowles said buy-up of ESA authorizations is authorized. Also, 98% of all
3 Hatchery and Genetic Management Plans (HGMPs) are in discussions with NOAA.
4 Thompson added that it took the R&E Board a long time to recommend funding because
5 they were waiting for Salmon and Trout Enhancement Program (STEP) project approval,
6 which gives them the water rights for this acclimation pond.

7
8 Commissioner Wolley asked if STEP approval has been granted. Thompson said yes, if
9 funding is approved it will be part of the grant agreement. Alsbury said the water right is
10 part of the STEP project approval. He spoke to Mr. Kruzic at NMFS and said it does not
11 require a HGMP.

12
13 Commissioner Finley said there were references made to R&E Board recommendations
14 bound by Oregon Administrative Code (OAC) and biological opinions. He assumes that's
15 true. Legal Counsel Steve Sanders said yes.

16
17 Commissioner Finley asked whether the instruction to the R&E Board is not to consider
18 the legality of the project. If not, where is that determination made and who makes it?
19 Bowles said the R&E Board is not usurping the authority of the Commission or of the
20 legislature. But it is absolutely their prerogative to make certain that what has come
21 before them is consistent with the policies established by the Commission and others. It
22 is not their job to debate or set state policy.

23
24 Commissioner Wolley asked if the Commission is obligated to approve all projects as a
25 block. Legal Counsel Steve Sanders said the projects can be approved individually.

26
27 *Action: Commissioner Wolley moved to approve projects individually as opposed*
28 *to approving the projects altogether as a block.*

29
30 Chair Levy asked if there is a specific project he wishes to oppose.

31
32 Commissioner Wolley voiced concerns about Project 11-090 – Trout Creek Acclimation
33 Pond on the Molalla. He said the Commission received the brief summary of the project
34 proposal, but did not receive it in detail. He has not read many of the plans and has not
35 received enough material. He also has concerns about outstanding permits.

36
37 Chair Levy asked Thompson if it is possible to table this proposal to allow the
38 Commission more time. Thompson said yes, she is scheduled to return in December
39 for Cycle 7 approvals. Bowles asked staff to clarify constraints of the construction
40 windows. Alsbury said it is important to start now, in order to construct for this coming
41 acclimation season which starts in February. If we wait until October or November when
42 the rains start, it becomes much more difficult. We prefer that approval be today.

43
44 Chair Levy said the Commission has a dilemma and asked for a second motion to
45 Commissioner Wolley's proposal to vote on the projects separately.

46

1 Commissioner Akenson seconded the motion. Commissioners Wolley, Anderson,
2 Finley and Akenson voted aye. Commissioner Webber and Chair Levy voted no.
3 The motion passed by a vote of four.
4

5 Legal Counsel Sanders said for the record he would like the actual vote. Chair Levy
6 said Commissioner Webber and she both voted no. The remainder of the Commission
7 voted yes on voting on each project separately.
8

9 Chair Levy referred to Revised Attachment 3 – List of Projects Recommended by the
10 R&E Board that lists each project separately. We will vote on each one separately.
11

12 *Action: Commissioner Webber moved to approve Project 11-090. Commissioners*
13 *Webber, Akenson, Anderson and Chair Levy vote aye. Commissioner Wolley*
14 *voted nay for a one-month delay.*
15

16 Commissioner Finley said he understands construction windows, but there is no
17 recovery plan ready to use this facility. Is a year delay since we haven't had it that
18 critical?
19

20 *Commissioner Finley abstained. The motion to approve Project 11-090 – Trout*
21 *Creek Acclimation Pond passed by a vote of four, with one nay vote and one*
22 *abstaining vote.*
23

24 Legal Counsel Sanders confirmed for the record that the yes votes were Chair Levy,
25 Commissioners Webber, Akenson, and Anderson. Chair Levy said yes, and
26 Commissioner Finley is abstaining from the vote and Commissioner Wolley is voting nay.
27 Counselor Sanders said it still constitutes a majority.
28

29 Chair Levy asked for a motion to vote on Projects 11-101, 11-105, 11-115, 11-116, 11-
30 118, 11-121, 11-122, 11-125, 11-126, 11-127, and 11-128, or would the Commission like
31 to go through each project individually?
32

33 Commissioner Webber said the Commission already moved to approve each project
34 individually. Chair Levy asked if the Commission could make a move again. Legal
35 Counsel Sanders said the Commission could change their view and revote.
36

37 *Action: Commissioner Akenson moved to approve the recommendations of the*
38 *Fish Restoration and Enhancement Board for the following Projects: 11-101, -105*
39 *-115, -116, -118, -121, -122, -125, -126, -127 and -128. Commissioner Webber*
40 *seconded the motion, and the motion carried unanimously by a vote of six.*
41

42 **Exhibit D: 2013 OREGON SPORT FISHING REGULATION DEVELOPMENT**

43 Rhine Messmer, Recreational Fisheries Program Manager, said the "Proposal Review
44 Guide for Category B Proposals, Attachment 4", contains 11 proposals. During a slide
45 presentation he discussed three issues for consideration:
46

47 1. Technical Changes.

- 1 ➤ *Attachment 3 – Draft Oregon Administrative Rules.* Change all references
2 concerning “2012 Sport Fishing Regulations” to refer to the “2013 Sport Fishing
3 Regulations”.
- 4 ➤ *Attachment 5 – Memo to Commission Summarizing Universal and General*
5 *Formatting Changes* shows the minor edit changes to improve readability and
6 consistency of the regulations.

- 7
- 8 2. Adopt Category A proposals. Staff recommends the Commission adopt all proposals
9 the Commission confirmed as Category A proposals at their August 3 meeting (see
10 Attachment 6 – Summary of Regulation Changes).
- 11
- 12 3. Review and adopt Category B proposals. See descriptions in Attachment 4 – Staff
13 Report Addendum. He said some were deleted and three were added due to several
14 impacts to riparian due to fires (See Addendum to Attachment 6).

15

16 Messmer discuss the following proposals during a slide presentation:

17 **Statewide B Proposals**

- 18 • 6P – Revised Lure/Bait Definitions. Proposed rule: Define soft-plastics and rubber
19 imitations as lures. Under current regulations classified as bait. Internal review
20 group responses mixed. Oregon does not regulate scent, nor do they wish to.

21

22 **Southwest Zone**

- 23 • 62P – Chetco River; Fall Chinook Deadline
- 24 • 61S – Umpqua Smallmouth Bass limit in Umpqua Basin
- 25 • 139P-- Lemolo Reservoir expanded Trout Season. Lemolo Lake Resort owner
26 requested (see page 10, slide 20).
- 27 • 25S - Rogue River – Redefine new angling boundary.

28

29 **Willamette Zone**

- 30 • 31S – McKenzie River. Eliminate use of bait to reduce hooking mortality on wild
31 trout in a non-stocked wild trout rearing area. Messmer noted the yellow-
32 highlighted correction to rule language in Attachment 6. Excellent wild trout
33 production area. Eliminating bait reduces the mortality rate.
- 34 • 53P/57P – Molalla River Angling Boundary. Restore deadline for adipose fin-
35 clipped Chinook fishing on Molalla River to Horse Creek Bridge, alternate
36 deadline at Turner Creek Bridge. Staff recommends adopting Turner Bridge Creek
37 Bridge boundary.

38

39 **Central Zone**

- 40 • 36S – Crane Prairie. Create a quality trout fishery; limited wild trout harvest. Staff
41 recommends proposed rule: The 5-trout daily limit may include only 1 non-adipose
42 fin-clipped trout and only 1 rainbow trout over 16-inches in length. Existing rule is
43 1 rainbow trout over 20-inches. Change would increase the number of larger trout
44 to generate a quality fishery. Staff revised proposal after reassessing monitoring
45 data including redd and net surveys, and angler reports.

- 3P – Wickiup Reservoir. Restore ODFW management for Largemouth bass. Proposed rule: Statewide bass limit of 5 fish per day, 2 daily limits in possession. No more than 3 over 15- inches in length. Would improve the bass fishery with negligible impacts.

Southeast Zone Basin Closures. Severe August fires destroyed riparian habitat.

Columbia River Zone:

- 57S – Reduction in Annual Sturgeon Catch limit. Reduce white sturgeon annual limit from 5 to 2 per year to help distribute available sturgeon to more anglers.
- 15P – Marine Zone. Increased limit for purple varnish clams. Proposed rule: Limit 72-days. Current rule first 36 taken per day. To control this non-native species.

Issue # 3, Commission Options. Staff recommendation: Option 1. Review B proposals individually; adopt/amend those proposed by staff.

Public Testimony:

<p>Tony Hobbs Brookings, Oregon</p>	<p>Tony Hobbs, President of Oregon South Coast Fishermen (OSCF), represents the majority of members who voted to stop all fishing in the Chetco area. They agreed on half the area from Nook Creek to South Fork, the main area where the most Chinook and redds are. They conducted surveys on the river for four years collecting carcasses to get samples and found out that 40% of spawners in mainstem Chetco are in this area. He said when collecting carcasses they found that the lure is being cut out and the carcasses are being thrown back into the river. We can't prove who is doing this. Those fish should be left alone.</p>
<p>Richard Heap Brookings, Oregon</p>	<p>Richard Heap, Oregon South Coast Fishermen (OSCF), said OSCF is actively involved in fish management on the Chetco and has developed a long-term strategy with ODFW to protect, manage and enhance the fishery, while optimizing angling opportunities and economic benefit for our community. OSCF supports supplemental stocking of Chetco River fall Chinook and has provided initial funding to mark 100% of the released fall Chinook smolt. OSCF has invested \$50,000 in fall Chinook program and helped develop a plan for fall Chinook, which it will present to the commission late this fall or early next spring for adoption. Heap said 62P – Chetco River Salmon Fishing Deadline at Nook Creek has biological ramifications. As much as 40% of spawning activity takes place in the mainstem Chetco River. This habitat is critical during periods of low flows and scant precipitation. River characteristics change above the South Fork as the flow is reduced; spawning occurs, but at a substantially reduced rate. OSCF is committed to monitor</p>

	<p>and manage, and will work with ODFW to propose other regulation changes following this plan to increase retention of hatchery fish. Nook Creek fishing deadline is intended to reduce removal of wild fish and focus fishing in areas where encounters with hatchery fish are more probable. The practice of marking hatchery fish at 100% rate helps facilitate select harvest of those fish. They do not believe the establishment of a deadline would have any impact on bank fishermen, since both bank and boat anglers prefer lower portion of river. Most of their member prefer the deadline at the second bridge and urge the Commission to adopt 62-P.</p>
<p>David Thomas Eugene, Oregon</p>	<p>David Thomas, McKenzie Flyfishers and the Oregon Council of the Federation of Flyfishers, distributed written testimony. He provided information from comments made at the August 31 meeting and spoke to 31S – McKenzie River:</p> <ol style="list-style-type: none"> 1. Possible impact of regulatory proposal, restriction of use of bait, in particular possible use of these sections by young anglers. A group of 40 anglers are participating in a five-year study to evaluate impact of the cessation of hatchery trout planting on wild trout population and just finished their third year and made over 220 float trips. Rarely do they see bank anglers due to almost complete lack of river access. 2. Is there documentation that wild trout numbers have diminished in recent times? They are unaware of any recent study in the Lower McKenzie River. 3. Is there evidence that hatchery trout planted in wild trout habitat suppresses the wild trout population? 50 years of fisheries studies have documented this effect and it is now a settled issue in fisheries science. Hatchery fish planted where they overlap with wild fish populations suppress the latter. Local anglers and ODFW are doing a study to measure the effect on wild trout populations after the removal of hatchery trout in this section. 4. Why was this section of river chosen for the removal of hatchery fish planting? It abuts to the wild trout sanctuary downstream, and provides the gravels, slope and braiding making it suitable as a riparian zone for wild trout. 5. Are there other unintended consequences of not implementing this proposal? Yes. The section in upper McKenzie River contains wild trout, and is restricted to no bait, catch-and-release. Middle section, allows bait, with

	<p>catch-and-release for wild trout. The lower reach of river the rules are same as upper river. The section in question has no planting of hatchery trout, but allows the use of bait. It's questionable whether people understand the differences in these three sections. He said two sets of rules would clarify this to people.</p>
<p>John Atkins Portland, Oregon</p>	<p>John Atkins, President of MRA, spoke to 53P/57P – Molalla River. He referred to a brochure <i>Welcome to the Molalla River Recreation Corridor</i> and said the river flows from south to north. Current deadline is in the middle of the recreation corridor at Pine Creek. Four years ago this Commission moved the deadline from Pine Creek to Horse Creek. He wrote the Commission a letter objecting to the proposed moving of the deadline back to the original location. He proposed to split the difference and move the deadline to Turner Creek Bridge, about halfway. He's concerned that moving the deadline to Pine Creek would hurt reproduction. Atkins said in the four years since spawning moved upstream, reproduction has increased, probably due to reduced fishing in these areas. Staff said one reason for the move was to increase law enforcement. Patrolling is no longer a funded activity. He asked the Commission to retain the current deadline.</p>
<p>Chuck Lang Prineville, Oregon</p>	<p>Chuck Lang, Conservation Director for Oregon Bass Federation (OBF), said they affiliated with the Bass Angler Sports Society. Lang spoke to three proposals:</p> <p>61S – Umpqua Basin. When changes increase that much we like to see an improvement in the fishery. Not sure this would actually make a change. The Roseburg District office has committed to doing a stomach sample survey, and we should wait until they finish the study. If people begin keeping too many of the larger fish the predation may start occurring that you would want to stop.</p> <p>6P – Soft-plastic and rubber imitations defined as lures. OBF supports because it removes the confusion.</p> <p>3P – Wickiup Reservoir. OBF thinks more and better fish equates to more anglers. It would provide an opportunity for trophy fishery at no fiscal impact to ODFW. He said members of OBF and BASS support this.</p>
<p>Kevin Gray n/a</p>	<p>Kevin Gray, Oregon Bass Federation, said Chuck Lang spoke on his behalf.</p>

<p>Mike Moody Lake Oswego, Oregon</p>	<p>Mike Moody, former president of MRA, a property owner on Molalla River and Executive Director of Fish Society, urged the Commission to reject movement of the current fishing line on the Molalla River and to reject staff recommendation. He said OSP felt fishing regulations and rampant poaching could be better enforced by bringing it downstream. These waters are playing a significant role in the strong resurgence of wild winter steelhead on the Molalla. Where is the peer-reviewed science that justifies this abrupt about-face? Where is the data to support this dramatic shift? This is an insult to volunteers who've worked hours trying to recover wild fish runs. He said NFS and MRA in view of their work without the help of ODFW are entitled to an explanation that is science-based. He urged the Commission to retain the existing location of the fishing line on the Molalla River.</p>
<p>Todd Martinson Bend, Oregon</p>	<p>Todd Martinson, Stilluch Fly Shop, spoke to 36S – Crane Prairie Reservoir. He fully supports this measure to achieve quality angling opportunities. He said this is an excellent resource in Central Oregon but he has seen a dramatic decrease in fishermen on the lake this year. This is just an “okay” fishery right now, and we need to make a change, to make this a world-class destination fishery.</p>
<p>Gary Wise Molalla, Oregon</p>	<p>Gary Wise, CCA, spoke to 53P/57P – the Molalla River deadline. He said in 2007-2008 we surveyed the stretch of river from Turner Bridge to Pine Creek Ridge. One year we found five redds; the second year we found four redds. This is an easily enforceable area of the river, and provides many fishing opportunities. He does not advocate opening the river up from Turner Ridge to Horse Creek Bridge, because that is where the majority of poaching took place, causing demise of the fishery.</p>
<p>Russell Bassett Milwaukie, Oregon</p>	<p>Russell Bassett, Executive Director of ANS, sat on the Molalla Watershed Council and has done a lot of volunteer work there. He spoke to 53P/57P and said the ANS Board voted not to support moving the deadline. It just happened in 2008. Groups that supported that move do not support moving it again. He said winter steelhead is a huge success story for conservation in Oregon. Spawning occurs between Pine Creek and Turner Bridge, and people sight fish them. We want to protect them. Ed Bowles just talked about separating the river, lower for harvest and upper as a wildlife refuge for spring Chinook. So why would you move that deadline up? It doesn't make sense. In summary, if you</p>

	<p>move the deadline, you'd be adopting what just a few fishermen want, and rejecting what NMPS, NFS, BLM, OSP, MRA, and ANS all support -- keeping the deadline as it is.</p>
<p>Brett Dennis Bend, Oregon</p>	<p>Brett Dennis, owner of Stillwater Fly Shop, supports 36S – Crane Prairie Reservoir. He said the most difficult thing right now is to get the younger generation involved in the outdoors. Kids have so many other options. ODFW made the right changes in 2005 to change the regulations from 1 over 16-inches. We know that it works and can create a quality fishery. Now it's been changed back to 1 over 20-inches and the fishery has declined. He said at Crane Prairie you can create a quality trophy fishery and the kids can fish successfully. The reduction in hatchery populations the last two years has put pressure on the wild population, and we don't want to do that. He proposes catch-and-release for all wild fish.</p>
<p>Bud Hartman Portland, Oregon</p>	<p>Bud Hartman, Oregon Bass and Panfish Club (OBPC), spoke to 61S - Umpqua Basin; increase smallmouth bass limit. He was born and raised in Maryland and moved to Oregon 56 years ago. In 1958 he was a founding member of OBPC and has fought for the rights of black bass all these years. He said all of the bass living in Oregon today are native to this state, so must be considered as native species. ODFW recognizes him as a pioneer angler. He said our fish deserve the same recognition. He can live with a 15-fish limit and believes it sends a wrong message to anglers. When you increase the bag limit you devalue that fish.</p>
<p>Lonnie Johnson Grants Pass, Oregon</p>	<p>Lonnie Johnson, President of Oregon Black Bass Action Committee (OBBC) and an R&E Board member, said members of OBBC that have fished the South Umpqua have no objections to this proposal 61S – Umpqua Smallmouth Bass. However, he objects to taking the limit off all together because of the devaluation that would occur. Regarding 3P - Wickiup Reservoir; management of Largemouth Bass, they have seven bass clubs that virtually stopped fishing Wickiup when they took the limit off seven years ago. He said reestablishing its value would bring more bass and tournament anglers backing to Wickiup Reservoir.</p>
<p>Bob Judkins Portland, Oregon</p>	<p>Bob Judkins, OBPC and member of Inland Sports Advisory Committee, invited the Commission to attend a Warmwater Working Group meeting to learn together. He does not support 61S because it says "this proposal was developed in response to extensive request by public for increased</p>

	<p>smallmouth bass limits.” He said one man wanted to increase it to 25 which is excessive and the other man wanted no limits at all. Judkins held up a May 2012 issue of <i>Bass Master</i> and said it has the top 100 bass angling places in America. There are thousands of bass lakes and Umpqua Basin is rated number 45. He said people come from all over the country to fish there. It is very important to the local economy. He doesn’t like to see bass devalued like that. People are just trying to make a living.</p>
<p>Marcia Hartman Portland, Oregon</p>	<p>Marcia Hartman, OBPC, said she is a member of the Warmwater Working Group and a strong advocate of warmwater species. She opposes 61S. She eats fish and 10 smallmouth bass is more than adequate to feed a large family per day. Raising the limit would not mean that it would take away for someone providing food for the family. Smallmouth bass are a delight to catch, and can provide a wonderful experience for children. She said another species of warmwater fish not talked about is the beautiful pumpkin seed fish. She opposes raising the smallmouth bass limit from 10 to 15 on the Umpqua River.</p>
<p>Tom Wolf Hillsboro, Oregon</p>	<p>Tom Wolf, Chair of Oregon Council of Trout Unlimited (TU), spoke in support of 36S - Crane Prairie Reservoir. He spoke in support of 31S – McKenzie River to increase catch-and-release, no-bait area, from Hayden Bridge to Hendricks Bridge because: a) there are no longer hatchery fish in that section; b) it is a high quality spawning area; and c) there is not a lot of bank access so the majority fish from a boat and already use artificial gear. He fishes that area all the time. The staff in Eugene is committed to making this river the quality fishery it once was. They have done a great job and should be supported in that. He always tells his members to work with staff. He said there is a good chance to protect the wild fish population and to make it consistent with other areas where hatchery fish are not released in the McKenzie.</p>
<p>Scott Kinney Springfield, Oregon</p>	<p>Scott Kinney said he supports proposal 31S. The McKenzie River used to be a world class fishery – not today. It also hosts three ESA-listed species. The Willamette Recovery Plan has already infringed on the remnants of the river’s fishery. The ESA situation is likely to get worse before it gets better. Given the constraints imposed on us, can we have any fishery for any species at all? In the past three years he has spent over 800 volunteer hours collecting data for ODFW because management decisions should be made with the best available data. Kinney made seven key points:</p>

	<ol style="list-style-type: none"> 1. Vast majority of users are boat fishers, recreational anglers, and guides with clients. 2. All are using artificial flies and lures. 3. The banks are primarily agricultural parcels with no public access posted against trespassing. 4. Trout are not stocked in the section. 5. Retention is not allowed on wild trout. 6. People seeking to retain trout are not angling in this section of the river. 7. Strong support from ODFW staff.
--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Chair Levy said Issue 1 before the Commission was to adopt the date change.

Action: Commissioner Anderson moved to amend OAR Chapter 635, Divisions 011, 013, 014, 016, 017, 018, 019, 021, 023, and 039, as proposed by staff in Attachment 3, to uniformly reflect the calendar dates for trout season openers as described in Attachment 5, and authorize staff to make text or formatting changes to correct typographical or grammatical errors, correct inadvertent inconsistencies, and improve readability or to meet publishing needs. Commissioner Wolley seconded the motion, and the motion passed unanimously.

Chair Levy said Issue 2 is regarding the entire Category A proposals.

Action: *Commissioner Webber moved to adopt all Category A proposals and clarifications as printed in Attachment 6. Commissioner Akenson seconded the motion, and the motion passed unanimously.*

Chair Levy said Issue 3 is review of the Category B proposals.

- 6P – Soft-plastic and rubber imitations defined as lures.

Commissioner Webber said we are taking soft plastic and rubber imitations and putting them into lures, and then say bait fishing is harmful to native fish or to catch-and-release. The scented soft plastic baits are going to be treated by fish much like bait which is going to result in a higher mortality. The lures are devices that fish don't seem to inhale like they do with bait and flies. It seems inconsistent to move these from baits to lures.

Messmer said in effect yes, in some areas if fished more passively, especially the heavily scented, you will see angling induced mortality that more approaches bait. In a lot of

1 these areas is opportunity to fish these soft plastic baits and to target non-native species
2 in the lower reaches of streams. This is two trade-offs that we're looking at. When staff
3 looked across the landscape to where these would potentially be used and the mortality
4 that could be attributed to this the assessment gets complicated because scent is not
5 regulated. Since scent is not regulated and could be considered as a lure, the distinction
6 between what is being proposed and what already exists, the difference is very minimal.
7 He said one of the key issues in this is the use of scent and the nature of the bait when
8 that scent is added, and that fish can potentially ingest that deeper.,
9

10 Commissioner Webber said he had a problem going to non-bait in the McKenzie and
11 then allowing scented soft plastic or rubber. We are just trading one for the other and not
12 really getting anywhere.
13

14 Commissioner Finley said the write-up on 31S states one reason to eliminate bait is it will
15 reduce hooking mortality on wild trout. Yet if the Commission endorses 6P it will put
16 artificial scented bait back on the McKenzie because it will be classified as a lure. He
17 asked if the Department has done a line-by-line analysis of every one of those sections
18 in the regulation, where there's an impact from bait on a specific species of a suite of
19 species. He hadn't read in the write-up where changing that word has the same effect
20 as it would on *31S – McKenzie River; eliminate use of bait in section*. If we reclassify
21 these artificial baits as lures, it nullifies what the Department has said in 31S, particularly
22 since there's no control on scenting.
23

24 Messmer said the districts looked at their areas and considered the opportunity versus
25 the impact. In coastal areas there is support for soft plastics especially to target non-
26 native species in the lower reaches above tidewater. Staff also saw opportunity to target
27 non-native species in the lower reaches of some Willamette River tributaries. Of concern
28 were those areas higher up where anglers may target trout or fish for those species
29 where there is salmon or steelhead or even bull trout. Staff took into consideration what
30 was legal to use and what could occur there. There are gear types that approximate
31 rubber, soft plastic and lures that are perfectly legal; even scented ones. He said that's
32 where the difficulty came, is when you have a feathered jig that's soaked in scent; it's not
33 much different from a rubber jig that may have scent on it. If scent was taken out of the
34 equation, it would be a simpler decision, especially if the soft plastics are actively fished.
35 He said the question is what prevalence of use of this new bait or the new lure if it's
36 classified a lure would be used in those sensitive areas. Again it depends on angler
37 preference and angler effectiveness using those types of baits.
38

39 Commissioner Finley said he began fishing bait when he was five years old. How it is
40 fished does matter. Why would a bait fisherman actively fish it like a lure? They're going
41 to drift it and make it look just like its natural bait. How do we control that activity with
42 anglers? He agreed that the mortality is reduced when you fish it like a lure.
43

44 Messmer said in smaller mountain streams with trout and other species the most
45 common method, even in areas that allow bait, is spinners and flies. Anglers use those
46 because of the nature of the river. It's not like a lake setting where the fish are moving

1 around where the bait is sitting on the bottom. That is why fishing is actively in these
2 stream systems, you are casting and retrieving versus casting and setting.

3
4 Commissioner Finley did not want to adopt 6P. He said the Commission has seen the
5 staff analysis. He reminded them that 50% of the staff didn't agree with this report so
6 there is uncertainty in the professional staff. None of the written comments he read
7 supported 6P but he did read written comments that objected to it. There was an
8 analysis but not a line-by-line analysis about how it applied to each one of these. He
9 already referenced 31S – *McKenzie River; eliminate use of bait in section* where the
10 Commission would be undoing one of the purposes if the Commission approved that.
11 One of the rationales for doing this is not native target fish can be selected against; he
12 agrees with that. Regarding the reference to coastal areas there is a better way to define
13 this. Rather than a statewide regulation apply it to the areas where you have problems
14 with invasive species, where you want to target a specific type of fish. Make that the
15 exception. He said this Commission at some point needs to address scent. If it looks like
16 bait, smells like bait, and is fished like bait, it is bait.

17
18 *Action: Commissioner Webber moved that the Commission **not adopt** Proposal 6P.*
19 *Commissioner Finley seconded the motion. Commissioners Webber, Finley,*
20 *Anderson, Wolley, and Chair Levy voted nay. Commissioner Akenson voted in favor*
21 *of adopting 6P. The motion passed by a vote of five with one nay vote.*

22
23 *Action: Commissioner Webber moved to adopt proposal 62P – Chetco River Salmon*
24 *Fishing Deadline. Commissioner Anderson seconded the motion, and the motion*
25 *passed unanimously.*

- 26
27 • 25S – Rogue River; redefine new angling boundary.

28
29 Commissioner Finley has fished this area for 30 years. He said part of staff's write-up
30 alluded to enforcement issues. It's been two years since the dam's removal and there
31 are no signs that the site's fishing regulations have changed. Would signs work in lieu of
32 changing the fishery boundary which has numerous consequences?

33
34 David Haight, Central Point Assistant District Fish Biologist, said staff thought relocating
35 the boundary would be better. Maps and other references to Gold Ray Dam would be
36 deleted and it would be difficult for people who aren't familiar with the river to be able to
37 look at the map and determine where they were fishing relative to the deadline; whereas,
38 the Fishers Ferry boat ramp shows on maps and other documentation.

39
40 Captain Jeff Samuels said if there were signs in that location we could enforce the
41 regulation. To have a defined point is very helpful for enforcement, whether it's a boat
42 ramp or something that is marked and signed.

43
44 Haight said it is popular for people to put in at TouVelle State Park and float to the
45 Fishers Ferry boat ramp. Below the boat ramp are Class 3-plus rapids. Most people that
46 fish that section by boat float between those two points and prefer that the regulations
47 change at the take-out of that float rather than partway through. If someone is coming

1 down the river and has several Chinook salmon in November, OSP don't know whether
2 those people caught it above the former dam site where it would be closed or if they
3 caught it in that float section below the dam site.

4
5 *Action: Commissioner Akenson moved to adopt proposal 25S, Rogue River,*
6 *redefining the new angling boundary. Commissioner Laura Anderson seconded*
7 *the motion, and the motion passed unanimously.*

8
9 *Action: Commissioner Akenson moved to approve proposal 61S – Umpqua Basin;*
10 *increase smallmouth bass limit in Attachment 6. Commissioners Webber and*
11 *Finley seconded the motion, and the motion passed unanimously.*

12
13 *Action: Commissioner Webber moved to adopt 139P – Lemolo Reservoir;*
14 *extended trout season. Commissioners Finley seconded the motion, and the*
15 *motion passed unanimously.*

16
17 *Action: Commissioner Anderson moved to adopt 31S – McKenzie River; eliminate*
18 *use of bait. Commissioner Webber seconded the motion and the motion passed*
19 *unanimously.*

20
21 *Action: Commissioner Finley moved that the Commission approve 53P/57P –*
22 *Molalla River; restore angling deadline for Chinook to Turner Creek.*
23 *Commissioner Akenson seconded the motion and the motion passed*
24 *unanimously.*

25
26 *Action: Commissioner Wolley moved that proposal 36S– Crane Prairie Reservoir;*
27 *selective quality trout fishery be approved as written. Commissioner Finley*
28 *seconded the motion and the motion passed unanimously.*

29
30 *Action: Commissioner Webber moved to approve 3P - Wickiup Reservoir;*
31 *management of largemouth bass. Commissioner Wolley seconded the motion,*
32 *and the motion carried unanimously.*

- 33
34
 - 57S – Reduction in annual sturgeon catch limit, 2 per year.

35
36 Chair Levy asked if staff coordinated this change with State of Washington. Bowles said
37 the season bag for sturgeon has been part of our process that WDFW technical staff and
38 leadership have watched closely. Depending on what their Commission decides to do
39 with that, their plans are to perhaps consider this as an emergency rule so that we have
40 concurrent regulations beginning in January. They would follow up with a permanent rule
41 in their traditional process.

42
43 *Action: Commissioner Finley moved that the Commission approve proposal 57S,*
44 *reduction in annual sturgeon catch limit to 2 per year. Commissioner Webber*
45 *seconded the motion, and the motion carried unanimously.*

46

1 *Action: Commissioner Wolley moved to accept 15P - Coastal bays; increase the*
2 *daily limit on purple varnish clams to first 72 taken. Commissioner Anderson*
3 *seconded the motion, and the motion carried unanimously.*
4

5 Chair Levy asked for a motion to approve the following three Southeast Zone Basin
6 closures listed on page 5 of Addendum to Attachment 6: 62S – White Horse Creek
7 Drainage; 63S – Willow Creek Drainage; and 64S – McDermott Creek Subbasin.
8

9 *Action: Commissioner Akenson moved to adopt proposals 62S, 63S, and 64S as*
10 *written in Addendum to Attachment 6, including changes for fishing regulations in*
11 *southeastern stream closures due to fires on Willow, White Horse, and McDermott*
12 *basins. Commissioner Finley seconded the motion, and the motion carried*
13 *unanimously.*
14

15 **OTHER BUSINESS**

16 Director Elicker said the Commission next meets on October 5; he expects to have a
17 Columbia River (CR) process update. A Commission teleconference may be needed on
18 November 9 to update the Commission on the CR. There is a potential joint meeting
19 with the Commission and WDFW in December. Two joint subcommittee meetings are
20 scheduled for September 21, 9 am – 4 pm, in Olympia, Washington, and October 22 in
21 Oregon from 9 am to 4 pm.
22

23 Chair Levy asked if Director Elicker wanted a full joint Commission meeting on both
24 November 9 and December 7. Elicker said he would work on that. Chair Levy asked that
25 these meetings be closest to the already established meeting dates.
26

27 **ADJOURN**

28 Chair Levy adjourned the public meeting at 1:33 p.m.