



Oregon Fish and Wildlife Commission Minutes

Tour: August 1, 2013 – 8:00 a.m.
Depart Valley River Inn

Meeting: August 2, 2013 - 8:00 a.m.
Valley River Inn
West Willamette Room
1000 Valley River Way
Eugene, Oregon 97401

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
Michael Finley, Vice-Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Gregory J. Wolley, Commissioner
Laura Anderson, Commissioner

Roy Elicker, Director
Debbie Colbert, Deputy Director
Erin Donald, Assistant Attorney General
Teri Kucera, Executive Assistant

8 **MEETING**

9 On Friday, August 2, 2013 at 8:00 a.m., Chair Bobby Levy called the Oregon Fish and
10 Wildlife Commission (the Commission) meeting to order. She said the Commission
11 participated on a tour yesterday of the McKenzie Fish Hatchery and saw archery
12 technology demonstrated at the BowTech Corporation.
13

14 Director Roy Elicker thanked BowTech Corporation for hosting the Commission
15 yesterday afternoon to demonstrate the archery technology out on the market presently.
16 He said staff and the Commission would have further discussion about that technology
17 that is used by disabled hunters in October.
18

19 **DIRECTOR'S REPORT**

20 **Field Reports**

21 Northeast Region

22 Bruce Eddy, Region Manager, reported that over the winter staff radio collared mule deer
23 in Murderers Creek to collect information to better understand mule deer survival rates,
24 movement and distribution patterns to better strategize management. Eddy said in June,
25 25,000 Tiger muskie was released in Phillips Reservoir to help control the Yellow perch
26 there were illegally introduced in 2010 and became well established. Tiger Muskie is also
27 being used to restore the trout fishing there. The releases will continue for five years.
28
29

30 High Desert Region

31 Amy Stuart, Deschutes Watershed Manager, said staff stocked the high Cascade lakes
32 the week of July 8 and were able to release over 400,000 into 370 lakes. Additional
33 stocking will occur in the region in August. The fish liberation device has been in use
34 since 1997 so staff is looking at fabricating a new device. She discussed the wildfires in
35 the Klamath, Malheur, and Deschutes Watershed Districts. Since the region is extremely

1 dry, staff is concerned other fires could start. She said Wednesday night they had over
2 1,900 fire strikes in Central Oregon alone.

3
4 Director Elicker said Mike Dykzeul, Oregon Forests Industries Council, provides tens of
5 thousands of hunters with access to private timber lands all over Oregon. He asked
6 Dykzeul to report on the fire situation from the perspective of the private industry owners;
7 in particular, access for hunting this fall. Director Elicker said ODFW is getting the word
8 out to hunters that if they routinely hunt in southwest Oregon that tens of thousands of
9 acres that will be closed to motorized access and sometimes walk in access. This is the
10 worst fire season in 25 years in Oregon.

11 Southwest Region

12
13 Tim Walters, Umpqua Watershed District Manager, said staff began monitoring fish,
14 wildlife, and water quality last winter on the Coquille Valley Wildlife Area. Staff conducted
15 surveys on birds and noted a big shift in species composition and abundance. Staff did
16 fish surveys (December to June) to look at species composition, abundance, and
17 distribution. Walters said in June, staff installed a lamprey ramp at Winchester Dam
18 because of declining lamprey numbers coastwide. As of mid-July, 23 lamprey had used
19 the ramp. Walters said 40,000 acres have burned as of yesterday in five major
20 complexes in rugged terrain. The projections for being able to contain those are not very
21 good until the hot dry weather changes.

22
23 Mike Dykzeul, Director of Forest Protection for OFIC, said 53 of their member companies
24 comprise over a million acres of industrial forestland; the majority is west of the
25 Cascades. He distributed *Private Lands – Recreational Access/Voluntary Closure*
26 *Information – 2013*, and said it was developed so landowners could coordinate access
27 restrictions and hunters would know where to hunt and who to call. Landowners in many
28 cases closed their lands to public access as a prevention tool. Fire seasons have been
29 encroaching more into hunting seasons. OFIC is working with ODFW, State Fire Marshal
30 Office, Oregon Hunters Association, and others to coordinate their messaging for the
31 media and public (see handout). He spoke about other agencies and recent activities to
32 combat fires in Oregon. He said the Oregon Legislature passed Senate Bill 709 to
33 define how damages are to be calculated by landowners.

34
35 Director Elicker said ODFW has contributed equipment to Oregon Department of
36 Forestry (DOF). ODFW does not have training to fight fires so staff would not be on the
37 fire line but could help with other backup activities at the DOF office. For roles that don't
38 include fire fighting all the state agencies are helping DOF. Because ODFW is spread
39 out across the landscape DOF looks at ODFW as their sister agency. He said the fire
40 damage this year is extreme and some fires may burn until the rains arrive.

41 Northwest Region

42
43 Steve Marx, South Willamette Watershed District Manager, reported on the release of
44 two bear cubs orphaned in 2012 near Yachats. The cubs were rehabilitated in
45 Lynnwood, Washington (WA) this winter and then released by staff on remote U.S.
46 Forest Service property near the capture site and are doing well. Marx reported that staff
47 investigated a recent report of an individual bitten by a raccoon. The person was walking

1 five small dogs and one of the dogs charged the raccoon. The individual who grabbed
2 the raccoon and was bitten was treated for bites at a local hospital. Staff will follow up
3 with the apartment complex about raccoon complaints.
4

5 Information & Education

6 David Lane, Acting Deputy Administrator, said staff has updated *Easy Angling Oregon* to
7 include 101 fishing places for families and anglers to try easy access fishing around
8 Oregon. To capitalize on a growing interest in fishing and hunting from foodies and
9 locavores, ODFW partnered with Nicky USA, a licensed game-meat butcher and
10 distributor, to host an event in Portland in July hosting regional chefs and reporters (see
11 distributed article, "*Putting guns in the hands of chefs*"). Lane said this time of year sees
12 an increase in demand for Hunter Education Field Days and Adult Pheasant Hunting
13 Workshops. To meet that demand ODFW hired 10 temporary employees (through
14 federal Pittman- Roberts funds) to administer the clinics and field day classes.
15

16 Marine Resources Program

17 Caren Braby, Program Manager, said after a hiatus since 2006, biologists started aerial
18 surveys of Steller sea lion and harbor sea lion populations that provide information on
19 human impacts in the marine environment and in avoiding important reproductive areas.
20 Braby said the Oregon Pacific halibut season has been very successful. She discussed a
21 wave energy project off of Reedsport with Ocean Power Technologies (OPT). Last year
22 OPT was awarded the nation's first hydrokinetic license from Federal Energy Regulatory
23 Commission. OPT deployed some of the mooring system for their first power buoy last
24 September but were not able to complete that deployment and have run into difficulties
25 on regulatory compliance, legal and financial issues. Staff has an agreement with OPT to
26 remove that equipment from the ocean so OPT can solve their issues.
27

28 Commissioner Anderson asked why staff was not doing aerial surveys on California sea
29 lions. Braby said she would guess it was because those rookery sites are distinct areas
30 where multiple species come together. It is an assessment of Steller sea lions under
31 consideration for de-listing under the Endangered Species Act (ESA) as a high priority
32 species. She said harbor seals are a high priority species because they are very
33 resident and don't migrate up and down the coast like sea lions. Staff is interested in
34 those populations for Nearshore ecology questions and understanding how many there
35 are in certain areas in relationship to how they are affecting marine reserves.
36

37 Director Elicker added that California sea lion rookeries are in the Channel Islands off the
38 southern coast of California and why they are not in our aerial surveys. He said we can
39 get a more detailed report on that information.
40

41 Commissioner Anderson asked if the results were available yet from the changes seen
42 from the 2006 surveys to the current aerial surveys. Braby said the surveys were just
43 conducted and staff is working up the results. She promised to get an update on the
44 California sea lion issue as well as when the aerial results will be available.
45

46 Director Elicker said the wind power industry was deploying off the Oregon coast a one
47 quarter full size floating platform wind turbine of new design.

1
2 Braby said there is a wind project by Principal Power that is in conjunction with the liquid
3 natural gas facility that is proposed for Coos Bay about 15 miles offshore. It would
4 consist of five different turbines each of which would be on a separate three-part floating
5 platform. The proposed turbines are enormous – 600 feet.

6
7 Director Elicker said there is new development in the wind energy industry regarding
8 offshore wind turbines in the federal area of the sea and not territorial sea. The largest
9 on land generation is 2.2 kilowatts; double from what they used to have for the size of
10 the turbine mechanism. The ones on the floating platforms will have four to five kilowatts
11 per turbine. He said in the next five to 10 years offshore of Oregon a number of these
12 turbine floating designs could have impact on commercial fisheries. The water is too
13 deep off of Oregon to do a fixed platform, on the east coast the ocean is shallower.

14
15 Braby said the same company has a test pilot turbine and floating system off the coast of
16 Portugal; one of seven demonstration projects funded by U.S. Department of Energy.
17 There will be a down selection process next year and three of those seven sites will be
18 selected for further development and work.

19
20 Oregon State Police, Fish and Wildlife Division

21 Captain Jeff Samuels said Oregon State Police (OSP) has joint jurisdiction with
22 Washington (WA) state. Recently, Oregon (OR) and WA Troopers conducted a joint boat
23 patrol with an emphasis on steelhead on the lower Columbia River (LCR). He discussed
24 two cases of angling violations and the citations issued to anglers for the use of barbed
25 hook and unlawful possession of steelhead. He discussed the Wounded Warrior Project
26 on Three Rivers. Tillamook Troopers prepare a large meal after wounded soldiers have a
27 chance to fish for Spring Chinook on Three Rivers. The annual event is now known as
28 *Hooked on Heroes*.

29
30 Director Elicker said the Marine Resources Program (MRP) is planning a tour for the
31 Commission in October. Braby said we will meet with captains of commercial vessels on
32 the docks, visit a processing facility in Newport, and meet with Foulweather Trawl who
33 builds nets for commercial vessels. We may have time to discuss our habitat research.

34
35 Vice Chair Finley noted an article on ocean acidifications in the Eugene Register Guard
36 this morning. Are we going to have an opportunity to meet with NOAA staff on ocean
37 acidification in October? Braby said staff did not have time built in to meet with NOAA
38 staff. She said to be announced next week is the development of a scientific panel
39 between Oregon and California in understanding ocean acidification and where our
40 information gaps are. The bi-state panel will convene for over one year.

41
42 Vice Chair Finley said you can argue climate modeling and climate change but you
43 cannot argue ocean acidification from carbon dioxide. It's here today and it's damaging
44 us. He would like to be engaged in that type of discussion.

45
46 Chair Levy asked for an update on Pacific Seafoods after their building burned down.
47 Braby said Pacific Seafoods in Warrenton has developed a way to ship fish to other ports

1 and processing plants while maintaining full employment. In terms of commercial
2 landings the biggest impact will be on the pink shrimp industry due to vessels diverting
3 their landings to other ports and to Washington.

4
5 Director Elicker said Governor John Kitzhaber (the Governor) spearheaded Senate Bill
6 (SB) 830 through the Oregon Legislature. He asked Ed Bowles to provide an overview of
7 SB 830 and what it means for the Department, the Commission, and the Columbia River.

8 9 **Columbia River Fisheries Management: 2013 and Beyond**

10 Ed Bowles, Special Assignment to the Director's Office, distributed a copy of Enrolled
11 Senate Bill 830. He spoke to the following key issues.

12
13 *Legislative Actions.* Bowles said Enrolled SB 830 does four specific things:

- 14 1. Removed gear prohibitions; fixed gear and the seines; no new prohibitions.
- 15 2. Establishes a transition program and fund to be administered through ODFW to
16 aid commercial fishers: 1) provide mitigation or compensation if individual
17 economic harm is demonstrated; and 2) support any gear switching that may
18 occur in the economic aspect of that. Grants administered by participating
19 counties through a county advisory committee. \$500,000 General Fund (GF)
20 appropriated for this biennium. Staff will come before the Commission early next
21 year with a design for the County Program. Any harm that should occur would be
22 retro-active to this year. Transition fund runs through 2018.
- 23 3. Enhancement Fund runs to January 2, 2022 and allows the Commission by rule to
24 establish annual and daily Columbia Basin salmon, steelhead, and sturgeon
25 recreational fishing endorsements with a fee not to exceed \$9.75 per resident and
26 non-resident annual license and \$1 per day per daily license. ODFW economist
27 projects it would generate \$250,000 per biennium. The Oregon Legislature
28 appropriated \$1.5 million in GF. Staff will bring this Endorsement package before
29 the Commission in October for rulemaking effective in January 2014.
- 30 4. Objectives of the rules and adaptive management. Requires the Commission to
31 implement a closure off the mouth of Young's Bay. Staff will bring proposed rules
32 before the Commission in January or February 2014; on track with the
33 Commission's direction at their June meeting. The Commission to review at least
34 every three years to make sure it is meeting the objectives.

35
36 Bowles said nothing in this bill changes the course the Commission was already on
37 through their rules or discussion and direction to the staff.

38 39 *Implementation of Rules.*

- 40 • Production. Despite the stay, staff through Commission direction and
41 coordinating with the Court came within 80% of the planned releases for this
42 spring. The rest of them were within what we had planned. Those fish will come
43 home in the next three years contributing to those off-channel fisheries. Bowles
44 said it is a 33% increase this first year over what has been done in the past.
- 45 • Allocation shifts. In the spring the Commission did not reduce allocations to
46 commercial fishers. For summer recreational, the Commission went to a 60:40

1 ratio with WA. Because we were negotiating in the Columbia River Compact we
2 split the difference and ended up with 55:45.

- 3 • Fisheries. We have very strong returns. In implementing the Commission's rules
4 we are moving towards a more selective fishery both by gear and techniques. By
5 implementing a tanglenet Coho fishery this October staff was able to get the
6 commercial fishers back. That is a 12% increase over the harvest last year in the
7 mainstem and over a 56% increase over a five year average. Bowles said this is
8 coupled with the use of selective techniques and gears and robust returns.
- 9 • Research. Bowles said staff is conducting research on alternative gears and off-
10 channel enhancements; looking at expanding existing commercial areas and the
11 times we allow fishers to fish. Staff is continuing research on beach and purse
12 seines in partnership with WA and the fleet. All of this research will take place
13 through contracts with the fleets. Staff is beefing up the monitoring program.

14
15 *Litigation of rules.* Bowles said after the Commission's rulemaking in June, the case
16 was stopped and the Petitioners were given time to respond in order to refile based on
17 the muteness of the prior case. They filed for an emergency stay which was denied. The
18 State just filed a response to their Motion for stay on July 31. We are waiting for a
19 response from the Court. He noted that a denial to the stay is very critical to moving
20 forward this fall and next spring on the production and the fisheries to both improve the
21 selectivity and to shift some of those allocations to recreational fishers.

22
23 Chair Levy asked if research contractors would be paid for the fish they caught. Bowles
24 said yes, but it still has to be implemented. You can also take some of the impacts
25 available and incentivize an actual fishery for those that want to participate and use
26 seines. That is more likely how we will use that authority just to keep it fair.

27
28 Commissioner Akenson said will the fall coho tanglenet fishery be done at the same time
29 as the recreational fishery for coho or Chinook? Bowles said there are several
30 recreational fisheries spread out through the river. There will be a fall coho fishery
31 occurring as you move up the river. The tanglenet fisheries will be in at the same time.

32
33 Commissioner Akenson said regarding the stay when do you expect that decision to be
34 made? Legal Counsel Steve Sanders said the last time the Court of Appeals ruled on
35 the stay was within about a week of when we submitted the documents.

36
37 Commissioner Webber said both the commercial and recreational sides of this
38 discussion will be very interested in the buffer. Is the buffer part of the Compact that we
39 have to negotiate with WA? Bowles said we implement the concurrent fisheries in
40 partnership with WA. Technically the buffer is on your side of the river. Staff will proceed
41 in a complementary fashion with WA and we will bring a packet to the Commission.

42
43 Commissioner Webber said his concern was a deadline of February 1st. Did they have
44 to go through the Compact or agree with WA that maybe January was too late to
45 formulate our plan to see if they agreed with it? Bowles said staff will check on the
46 timeline and make sure the Commission has plenty of time to get this done.

47 Commissioner Webber asked if anyone defined what was meant by the term "reduce

1 interception". Does that mean one, half, or 90%? Bowles said that is your distinct
2 authority as a Commissioner.

3
4 Commissioner Wolley said in terms of the commercial fishers and the process for them
5 to be compensated, funding for selective gear, there are individual economic situations
6 to be assessed. What are your thoughts?

7
8 Bowles said staff is moving forward in a model similar to the Wolf Program. Here the
9 appropriation is coming to ODFW and will be granted to the counties who will establish
10 advisory committees with county commissioners, the industry, and at large public. The
11 Commission will decide how prescriptive to be in setting up this grant program. Bowles
12 preferred to delegate as much of this as possible to the counties and let them take the
13 responsibility of making sure this is legitimate economic hardship and then over time
14 decide if it is being appropriately handled. Our assessments indicate that \$500,000 is
15 sufficient for economic harm should it occur for this first biennium.

16
17 Commissioner Akenson referred to page 7, Section 11, of Enrolled SB 830 and asked
18 what this refers to: "*The amendments to ORS 496.146 by section 10 of this 2013 Act*
19 *become operative on January 2, 2022.*" Bowles said the Transition Fund will sunset
20 January 2, 2019. The Enhancement Fund is abolished January 2, 2022. Bowles said
21 none of these rules sunset other than those two funds. Even if you do new rulemaking it
22 will need to meet the objectives and the adaptive management. Commissioner Akenson
23 said becoming operative actually is referring to sunseting. Bowles said yes.

24
25 Chair Levy thanked Bowles for his hard work, and Commissioners Webber and Finley for
26 sitting on the Joint Oregon Washington Work Group. She thanked the Commission for
27 their thoughtful questions and patience throughout the process and said the Commission
28 will be doing this after she is gone in one year. She expects the Commission to continue
29 to ask thoughtful questions and be proactive and help with this.

30
31 Director Elicker thanked Bowles as the team captain, Deputy Director Curt Melcher (for
32 his work during the Legislature), Steve Williams, Tony Nigro, and John North. He said
33 he let the Governor know how much his work was appreciated by the Commission.
34 Without the Governor's personal attention to SB 830 it would not have passed and we
35 would not have the financial support to do this package. Chair Levy said absolutely.
36 Director Elicker said the Governor intervened several times and met with legislators
37 personally to carry the word that the Commission had stepped up and needed the
38 financial package of \$5 million to make this a reality.

39
40 Director Elicker said the Commission will have a full update in January as to how the fall
41 seasons went and to take up the closure. Every 12 months staff has promised to bring
42 the Commission an annual overview.

43
44 Commissioner Webber acknowledged the work of the Fiscal Impact Advisory Committee
45 and participating public to contribute to the Commission's decision.

46 47 **Financial Report and Budget Update**

1 Debbie Colbert, Deputy Director for Administration, said as of June 30, 2013, the last
2 report for the end of the 2013 biennium, Department wide, expenditures are within
3 budgeted projections. At the end of December, staff will do the actual close and she will
4 present the final ending balance to carry over into 2013-2015.
5

6 Deputy Director Colbert discussed development of the 2013-15 Budget. She noted that
7 the numbers in her table (see page 1) were unaudited. Budget staff is working to get
8 final numbers entered into the state budget system that will have to go through audit
9 before everything is finalized. She discussed highlights of ODFW's adopted budget:

- 10 • Increase in GF. The one time Pacific Coast Salmon Recovery Fund money that
11 supported conservation programs in 2011-13 reverted back onto GF in 2013-15.
- 12 • House Bill 5013. Overall consistent with Governor's Budget for the agency.
13 Across the board all Policy Option Packages (POP) were approved except for
14 POP 125 – Columbia River Fisheries Reform; addressed in SB 830.
- 15 • Conservation programs saw fund shifting but generally stayed at current levels.
- 16 • SB 5507 – Capital Construction for Clackamas Hatchery Intake System Project.
- 17 • HB 5008 – Budget Reconciliation for all agencies across the board.
- 18 • HB 3086 – Sage Grouse. One time appropriation of \$500,000 GF to develop new
19 policy approach to mitigation projects affecting sage grouse habitat.
- 20 • SB 830 – Columbia River Fish Management and reform.

21
22 Director Elicker said although our state budget process was successful we are starting to
23 see the results of the federal sequester reductions to a number of federal agencies.

- 24 • As a Pacific Salmon Commission Commissioner he is meeting with National
25 Oceanic and Atmospheric Administration (NOAA) Fisheries next week regarding a
26 10%-15% reduced budget for International Pacific Salmon Treaty activities and to
27 address serious impacts of the current budget for those activities between
28 Oregon, Washington, British Columbia, and Alaska.
- 29 • U.S. Fish & Wildlife Service (USFWS) announced that in the next five years they
30 will reduce refuge personnel in the field by 20%, hopefully by attrition, that may
31 include closing or reducing of public programs on federal and national wildlife
32 refuges; Oregon has over 500,000 acres on the Malheur refuge. He heard where
33 they are considering not filling the manager position at Malheur Refuge for a year
34 or two as they work through the budget cuts.
- 35 • Federal Excise Programs:
 - 36 ➤ Pittman Robertson Act funds have stayed robust and saw a 30% or more
37 federal increase this fiscal year.
 - 38 ➤ Downturn in Sport Fishing and Restoration Funds (SFR) has impacted
39 ODFW. Staff is looking at reductions to some fishery programs. Director
40 Elicker said the Commission will start hearing about reductions in
41 monitoring and stocking fisheries activities.

42
43 Rick Hargrave, Fish Division Deputy Administrator for Inland Fisheries, said the cut in
44 SFR is 25% and it affects a number of programs. He can provide the Commission with a
45 write up about what those programs are. He said notifications have gone out to staff and
46 they are working with Human Resources.

1
2 Director Elicker said this does involve some employees losing their positions; hopefully,
3 we can find other positions for them. We have Federal Funds (FF) in our budget that
4 funds a lot of activities on the ground and otherwise. As FF are cut we will have to
5 reduce those programs because we do not have money to backfill the FF we might lose
6 during this sequester.

7
8 Deputy Director Colbert said when we sign a contract that is when we get a sense of
9 what the funding is going to be. We spent the last four years clarifying our priorities in
10 achieving our core mission. Fish Division has gone back to those core programs and
11 aligned what is funded by SFR with those priorities and used that as a guiding principle
12 for how they would reduce programs.

13
14 Director Elicker said our last fee increase was in 2010. We committed to the Commission
15 and the sportsmen of Oregon that for six years we would have no changes in our core
16 fee structure and we have kept that promise. Now we need to look at our 2015-17
17 budget and programs and work on a fee adjustment package for the 2015 Legislature.

18
19 Deputy Director Colbert talked about using a different approach such as how do we
20 increase participation in hunting and fishing and what are the barriers preventing them
21 from doing it today? She said staff signed a contract with Southwick Associates and is
22 reaching out to different groups to see what influences their decisions on their hunting
23 and fishing activities. We received about 450 ideas about how we might package our
24 licenses differently or provide people opportunities differently. This information will roll
25 into a survey to hit a larger audience. Staff plans to bring the External Budget Advisory
26 Committee and the Commission new ways of adjusting our fees and licenses.

27
28 Chair Levy asked about ODFW's headquarters move. Deputy Director Colbert said the
29 move starts August 16 and staff will be in the new building August 19. A temporary
30 website will explain the move and direct the public to key sites and phone numbers.

31
32 Director Elicker said the Commission's September 6 meeting will be held in Salem at the
33 new headquarters building. This meeting was originally scheduled in Medford but would
34 be rescheduled with the California Fish and Game Commission at a later date. In
35 October the Commission has a tour on October 3 and a meeting on October 4.

36
37 Deputy Director Colbert added that an Open House Tour was planned as part of the
38 Commission's agenda at their September 6 meeting at the new building in Salem.

39
40 Director Elicker said the new headquarters is an old warehouse that has been converted.
41 He asked Deputy Director Colbert to discuss how much ODFW is saving in costs.

42
43 Deputy Director Colbert said compared to the current lease at the Cherry Avenue
44 building, we will save more than \$450,000 a year, close to \$1 million savings a biennium.
45 Over time we have controlled our costs and once we pay off the building at the end of
46 the 25-year bond, we have an asset.

1 Director Elicker said we will have more secured parking for vehicles in the Salem and
2 Corvallis area and more warehouse capacity to store equipment (currently stored at E.E.
3 Wilson Wildlife Area).

4
5 Director Elicker thanked Chair Levy for serving on the 1% Arts Committee. Chair Levy
6 said the 1% Arts Committee is heading in the direction of what the Department would like
7 to have for art at the new location. The artwork of the chosen artist is stupendous and
8 follows with the wishes and the scheme of fish and wildlife.

9
10 Director Elicker said Commissioner Akenson attended a two-day DOF meeting in
11 LaGrande with the Board of Forestry (BOF). He asked Commissioner Akenson to
12 comment on the meeting. He asked Commissioner Webber to update the Commission
13 on his activities on the Oregon Watershed Enhancement Board (OWEB).

14
15 Commissioner Akenson said she attended the BOF meeting and tour last week. Our
16 interest is to connect and have more communication because we have mutual interests
17 in a lot of areas; to help that communication so decisions and policy issues can be
18 discussed before actions are determined to help us to work together to make good
19 solutions for doing what we need to do for Oregon with natural resources. The other
20 piece for her is learning how other Commissions work and if there are ideas that might
21 enhance our ability as a Commission. She said they have committed to communicate by
22 email between meetings to figure out what each agency wants out of the relationship.

23
24 Commissioner Webber represents the Commission on OWEB made up of public
25 members and members of natural resource agencies in the state. OWEB is funded
26 through the Oregon Lottery. He said statewide there are local watershed councils that
27 formulate plans that will enhance the watersheds they deal with. Their projects are
28 submitted and go through a review process where different agencies look at those and
29 then public members review and rank the projects and bring them to OWEB for potential
30 funding. OWEB deals with DOF, DOA, DEQ, and Water Resources Department.
31 Members from Bureau of Land Management (BLM), U.S. Forest Service, and National
32 Marine Fisheries Service review these applications for funding and then OWEB makes
33 awards based on that review. Their last meeting was in Pendleton. They reviewed a
34 watershed enhancement project on Meacham Creek in connection with Umatilla Indian
35 Tribes. They have restored a significant amount of area on Meacham Creek that has
36 already resulted in significant reductions in water temperature and water quality; a
37 benefit to what we do.

38 39 **Adopt Temporary Rules**

40 Director Roy Elicker asked the Commission to adopt the ten temporary rules on page 1
41 starting with OAR 635-018-0090 and ending with OAR 635-008-0120 and 635-065-0625
42 on page 3 of the tan-colored agenda.

43 44 **1. 635-018-0090**

45 **Lower Deschutes River Sport Fall Chinook Fishery Opens August 1st**

46 Adopted July 15, 2013: effective August 1, 2013 through October 31, 2013.

47 The amended rule allows the sport harvest of fall Chinook salmon in the Lower

1 Deschutes River from August 1 through October 31, 2013 from the mouth at the I-84
2 Bridge upstream to Sherars Falls. Catch limits for this fishery is any two adults and five
3 jacks per day.

4
5 **2. 635-019-0090**

6 **Imnaha River Sport Fisheries Close**

7 Adopted July 12, 2013: effective July 19, 2013 through September 1, 2013.

8 This amended rule closes the recreational spring Chinook fishery in the Imnaha River
9 effective 11:59 p.m., Friday, July 19, 2013. The fish run size did not meet preseason
10 expectations.

11
12 **3. 635-023-0134**

13 **Snake River Recreational Spring Chinook Fishery below Hells Canyon Dam Closes**

14 Adopted July 16, 2013: effective July 21, 2013 through September 30, 2013.

15 This amended rule closes the recreational spring Chinook salmon fishery on the Snake
16 River in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells
17 Canyon Dam effective at 11:59 p.m., Sunday, July 21, 2013. This closure coincides with
18 the State of Idaho's closure of this fishery, which was effective July 19, 2013.

19
20 **4. 635-041-0076**

21 **Columbia River Commercial Treaty Indian Summer Chinook Fisheries Modified**

22 Adopted July 17, 2013: effective July 22, 2013 through July 31, 2013.

23 The amended rule authorizes a 3.5 day Treaty Indian Summer Chinook commercial gill
24 net fishery in Zone 6 of the Columbia River from 6:00 a.m., Monday, July 22 through
25 6:00 p.m., Thursday, July 25, 2013. Rule modifications suspend sales of fish caught
26 after 6:00 p.m., July 27, 2013 in the Tribal platform hook-and-line fisheries both above
27 and below Bonneville Dam and in Yakama Nation tributary fisheries. Fish caught during
28 open periods may be sold at any time or retained for subsistence. Revisions are
29 consistent with action taken July 17, 2013 by the Columbia River Compact agencies of
30 the states of Oregon and Washington in cooperation with Columbia River Treaty Tribes.

31
32 **5. 635-039-0085**

33 **Pacific Halibut Nearshore Sport Season Closes from Cape Falcon to Humbug
34 Mountain**

35 Adopted July 22, 2013: effective July 23, 2013 through October 31, 2013.

36 Amended rule closes the Nearshore (inside 40 fathom) sport fishery for Pacific halibut in
37 the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m., on
38 Tuesday, July 23, except for Friday, July 26, 2013 to allow attainment of the pre-season
39 quota of 23,038 pounds. This rule is consistent with regulations previously implemented
40 by the federal government and the International Pacific Halibut Commission for the 2013
41 Oregon sport fishery for Pacific halibut.

1 **6. 635-017-0095**

2 **Willamette River below Falls including Multnomah Channel and Gilbert River Opens**
3 **July 25 for Sturgeon**

4 Adopted July 22, 2013: effective July 25, 2013 through December 31, 2013.

5 This amended rule authorizes a recreational fishery for white sturgeon in the Willamette
6 River below the falls, including Multnomah Channel and the Gilbert River, beginning
7 Thursday, July 25 through Sunday, July 28, 2013. Revisions are consistent with Oregon
8 State action taken July 22, 2013.

9
10 **7. 635-042-0145**

11 **Fall Commercial Gillnet Fisheries Set for Youngs Bay Select Areas of the**
12 **Columbia River**

13 Adopted July 25, 2013: effective July 31, 2013 through October 31, 2013.

14 This amended rule sets the fall commercial gillnet fishery in the Youngs Bay Select Area
15 of the Columbia River. The first authorized fishing period is from 7:00 a.m., Wednesday,
16 July 31 through 7:00 p.m., Thursday, August 1, 2013. Further amendments authorize
17 various fishing periods through 12:00 noon, Thursday, October 31, 2013. Modifications
18 are consistent with the action taken July 25, 2013 by the State of Oregon.

19
20 **8. 635-023-0130**

21 **2013 Columbia River Fall Recreational Chinook Seasons Set**

22 Adopted July 25, 2013: effective August 1, 2013 through December 31, 2013.

23 This amended rule sets the 2013 fall recreational Chinook salmon season regulations for
24 the mainstem Columbia River, effective on August 1, 2013. Modifications were based on
25 *2013 Non-Indian Columbia River Summer/Fall Fishery Allocation Agreement* that was
26 developed during the Pacific Fisheries Management Council) and North of Falcon
27 meetings in March and April 2013. Fall fisheries in 2013 are structured to optimize the
28 harvest of Chinook, coho and steelhead within Endangered Species Act limits and to
29 provide a balanced opportunity for the fishers.

30
31 **9. 635-042-0031**

32 **Early Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River**

33 Adopted July 25, 2013: effective August 11, 2013 through August 31, 2013.

34 Amended rule sets the 2013 fall commercial salmon drift gill net season for the Columbia
35 River mainstem in Zones 4 through 5. The first authorized fishing period begins at
36 9:00 p.m., Sunday, August 11, 2013 with further fishing periods scheduled through 6:00
37 a.m., Friday, August 23, 2013. Authorized sales include salmon and white sturgeon.

38
39 **10. 635-008-0120 and 635-065-0625**

40 **Amend Rules to Allow Big Game Hunting on Ladd Marsh Wildlife Area**

41 Adopted July 26, 2013: effective July 26, 2013 through January 21, 2014.

42 Amend rules to allow big game hunting north and east of foothill road on Ladd Marsh
43 Wildlife Area as authorized by Department permit. Currently, the regulations for Ladd
44 Marsh prohibit big game hunting north and east of Foothill Road except for designated
45 youth hunts. Due to damage by resident elk herds on Ladd Marsh and surrounding
46 private lands, there is need for emergency elk hunting to reduce conflict on neighboring

1 properties. This amendment would allow emergency hunts that would encompass Ladd
2 Marsh Wildlife area, including areas north and east of Foothill Road.

3
4 *Action: Commissioner Webber moved to adopt the temporary rules as set out in*
5 *the packet numbered 1 through 10. Vice Chair Finley seconded the motion, and*
6 *the motion carried unanimously by a vote of six.*

7
8 **PUBLIC FORUM.** No one signed up for Public Forum.

9
10 **Exhibit A: COMMISSION MINUTES**

11 Chair Levy asked for edits to the draft June 6 and June 7, 2013 minutes.

12
13 *Action: Commissioner Anderson moved to approve the minutes of Thursday, June*
14 *6, 2013, and Friday, June 7, 2013. Commissioner Wolley seconded the motion*
15 *and the motion carried unanimously by a vote of six.*

16
17 **Exhibit B: BLACK BEAR AND COUGAR MANAGEMENT PLAN REVIEW PERIODS**

18 Tom Thornton, Game Program Manager, said a few years ago staff removed the review
19 periods in rule. One benefit was it freed up time for more analysis and implementation of
20 the plans and reduced time spent in review and revision of that process. Staff is
21 proposing to reinstate the five year review requirements for the Black Bear and Cougar
22 Management Plans. He said this has come about because of the high level of interest in
23 the large predator management and it was requested by legislators and some public.

24 Thornton said the proposed rules have two pieces:

- 25 1. Requirement to review at least once every five years.
- 26 2. Reminds the Department to request the review from species experts outside of
27 the Department, including in other Western states, when staff reviews these
28 plans.

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

31
32 Commissioner Webber said we removed this requirement because there was a threat
33 that we were going to be sued for not following our own rules. Why would we want to go
34 back to a situation that created that set of circumstances? Thornton said that was one of
35 the reasons regarding the Bear Plan in particular. During that process staff looked at the
36 other plans and made the decision to remove it from all of them.

37
38 Commissioner Webber said when you say the public are we talking about the hunting
39 community or a specific segment of the public?

40
41 Director Elicker said even though staff had asked the Commission to remove the
42 absolute five year limitation issue for our species specific plans, we retained it for the
43 Wolf Plan because of the high interest in wolves in Oregon by members of the public.
44 There were a number of environmental groups that were unhappy about us removing the
45 five year rule review at the time. During this session, several legislators inquired why we
46 had removed the five year rule and told us they were either going to re-impose the rule
47 by statute or we could take it back to the Commission for further discussion, at least

1 reinstating the rule for bear and cougar. Originally, the legislators wanted to re-impose
2 the rule for all fish and wildlife species resulting in a huge burden on ODFW to put in a
3 five year review must do on all our fish basin plans, fisheries issues, game and other
4 non-game species.

5
6 Commissioner Webber said he was uncomfortable with we shall do it at least every five
7 years which puts us under an absolute deadline that we cannot violate. He would expect
8 that we would review this every five years. He suggested doing it every five years unless
9 there are some circumstances that the Commission feels justifies some delay.

10
11 Legal Counsel Erin Donald said that would be within the Commission's authority to adopt
12 such a modification with this rule.

13
14 Commissioner Webber said is that going to satisfy the people that are looking to have
15 this reinstated? Thornton said staff did look at this wording and it was agreed to in
16 concert with some of the key legislators and some of those folks. While it is within the
17 Commission's discretion to modify this language, it is what they were expecting to see
18 come forward.

19
20 Vice Chair Finley asked if the Department was truly litigated for not meeting the
21 requirement of its own rules. Director Elicker said we were under threat of litigation
22 when the Commission took action to remove that threat by removal of the five year
23 review rule. The only reason the litigation did not go forward is the Commission removed
24 major grounds for their suit against us at the time on the Bear Plan revision.

25
26 Director Elicker asked if the Commission would like to put a qualifier into the existing
27 proposed language or whatever appropriate. He said our commitment to certain
28 legislators is that we will review both these plans every five years; a full scientific review
29 with comment from outside experts. Whether it is this ironclad rule or if the Commission
30 provides us with a qualifier to the extent practicable, it is the Commission's rule and we
31 said that the Commission would address it. The main thing is it is the intention of the
32 Commission to request us every five years to review the Bear Plan and the Cougar Plan.
33 As long as that is clear from the Commission's rule, it is fine.

34
35 Vice Chair Finley agreed it should be reviewed every five years, but he hates to see
36 other priorities intervene and if staff does not make it in exactly five years and they find
37 themselves at the courthouse. He supports the phrase "to the extent practicable" by
38 Director Elicker. The Commission agreed.

39
40 *Action: Vice Chair Finley moved to amend OAR 635-170-0001 and OAR 635-180-*
41 *0001 as proposed by staff except that at each amendment in regulation section*
42 *(2) for both Cougars and Black Bears (see Attachment 3, line 12 and line 32)*
43 *would lead with the phrase "**To the extent practicable,**" at least once every five*
44 *years the department shall review the black bear management plan and make*
45 *recommendations to the Commission for any changes to the plan. Review of the*
46 *plan should include incorporation of the best available science and should also*
47 *seek comments from other scientific experts in Oregon and in other western*

1 states. Commissioner Akenson seconded the motion and the motion carried
2 unanimously by a vote of six.
3

4 Director Elicker said he did not hear the word “once”. Was that part of Vice Chair
5 Finley’s motion? Vice Chair Finley said yes. Director Elicker said it passed as proposed
6 with adding the phrase “**To the extent practical,**” at the very beginning of Section (2)?
7 Chair Levy said yes, it passes unanimously.
8

9 **Pride Awards.** Director Elicker presented the annual 2012 Pride Awards to award
10 recipients nominated by their peers for outstanding job performance.
11

12 *Individual Pride Awards*

- 13 • Todd Confer South Coast District Fisheries Biologist, Southwest Region
- 14 • Corey Heath Assistant Dist Wildlife Biologist, High Desert Region (HD)
- 15 • Mark Lewis Research Project Leader, Northwest Region (NW)
- 16 • Stuart Love District Wildlife Biologist, Southwest (SW) Region
- 17 • Erik Moberly Natural Resource Specialist 3, HD Region
- 18 • Joe Sheahan Western Oregon Stream Restoration Program Coordinator,
19 Headquarters (HQ) - Wildlife Division
- 20 • Heather Thomas Office Manager, NW Region
- 21 • Margaret Wert Accountant, HQ – Administration
- 22 • Tracy Wyllie Regional Office Manager, Northeast Region (NE)
- 23 • Jeff Ziller District Fish Biologist, NW Region
24

25 *Director’s Pride Award* Jon Paustian, Wildlife Habitat Biologist, NE Region
26

27 *Team Pride Awards*

- 28 • Bonneville Hatchery Team - ensuring success of the Passport to Fishing for 18
29 years. Matt Adams, Erin AnDyke, Bill Bray, Hugh Brown, Scott Clark, Greg Davis,
30 Ann Flood, Dan Green, Ryan Hogan, Scott Johnston, Jennifer Krajcik, Suzy
31 Lambert, Patrick Naas, Miranda Petersen, Ryan Queen, Brett Requa, Stephen
32 Warner, David Williams
33
- 34 • Field Server Deployment Team – installation of replacement network servers at
35 30 field site locations. Tom Brokaw, Valerie Finger, Jan Johnson, Kendrick Lee,
36 Scott Linzmeier, Brenda Miller, David Mohny, Skip Piki, Jon Taylor, Michael
37 Tran.
38

39 *Director’s Team Pride*

- 40 • Fish Identification Section Team – improved Fish ID’s current and future
41 performance. Richard Black, Trevor Clark, Jim Davis, Linda Fulop, David Fundak,
42 Larry Funston, Bill Haugen, Elyn Hill, Kevin Kennedy, Sarah Sapienza, Jake
43 Sausville, Ken Taber, Geoff Vanderbeck
44

45 *Volunteer Leader Award*

- 1 • Myrna Britton Outdoor Skills Education Assistant, HQ – Information &
2 Education

3
4 *Dave Liscia Award*

- 5 • Mike Crickmer Volunteer with Outdoor Skills, Salmon & Trout Enhancement
6 Program, and Aquatic and Angler Education Program

7
8 **Exhibit C: 2013-2014 OREGON GAME BIRD REGULATIONS**

9 *Migratory Game Birds.*

10 Brandon Reishus, Migratory Game Bird Program Coordinator, said the USFWS
11 establishes migratory bird hunting seasons. ODFW establishes seasons within
12 frameworks set by USFWS in consultation with the Pacific Flyway. He said the
13 Commission just received *Supplemental Recommendations for Migratory Game Bird*
14 *Seasons* because Pacific Flyway finalized their proposals to USFWS last Friday.
15 USFWS handed down their proposals Wednesday afternoon. Seasons are established
16 based on annual biological surveys and adaptive harvest management programs. He
17 said most seasons are status quo seasons with no changes except for minor date
18 adjustments. He presented the proposed changes:

- 19
20 1. Increase possession limits for migratory game birds from twice the daily bag limit to
21 three times the daily bag limit. Propose to adopt change made by USFWS.
22
- 23 2. Duck seasons are based on harvest strategies.
 - 24 ➤ Reduced scaup season. Allows 3 birds bag for a limited 86 day season. General
25 duck season is 107 days and for scaup 86 of those 107 days.
 - 26 ➤ Increase canvasback bag. Allows 2 birds per day instead of 1 bird per day.
27
- 28 3. Goose seasons:
 - 29 ➤ September Canada goose season; occurs second week of September.
 - 30 ✓ Reopen Klamath County to season closed since 2006.
 - 31 ✓ In Eastern Oregon increase bag limits from 3 per day to 5 per day.
 - 32 ➤ Regular Goose Seasons:
 - 33 ✓ Separate bag limits and/or seasons for dark geese (Canada and White-
34 Fronted). Bag limits for Canada goose proposed to remain at 4 per day.
35 Proposing White-fronted geese at 6 per day with exceptions.
 - 36 ➤ Depredation areas in Klamath and Malheur counties:
 - 37 ✓ Reinstate regular Canada goose season in Klamath.
 - 38 ✓ Change three period depredation hunts back to two period seasons.
 - 39 ✓ Increase white goose bag limit in Malheur County Zone from 10 to 20 per day;
40 matches adjacent areas in Idaho and interior states of Pacific Flyway.
 - 41 ✓ Reduce size of public lands hunt closure for later goose hunting season in
42 Klamath County. Only Miller Island Unit of Klamath Wildlife Area and all
43 USFWS refuges in Klamath Basin remain closed.
 - 44 ➤ Allow white goose hunting on Sauvie Island Wildlife Area. Increases public land
45 opportunity for geese in northwest Oregon that is very limited.

46
47 Reishus discussed Other Proposals:

- 1 • Clarify Hunting Regulations about License Applicability on the Columbia River in
2 general; mainly relates to Lower Columbia River.
- 3 • Ladd Marsh Wildlife Area. Require free self-service daily hunt permit to allow staff
4 hunter use harvest data. Restrict horses to a portion of the area to keep them off
5 of marsh and foothill. Prohibit firearms discharge unless hunting. Clarify that
6 access to closed areas requires special written permission from Wildlife Area.

7
8 Reishus presented new topics for the 2014-2015 Seasons:

- 9 • Look at Game Bird Wildlife Area Hunt Programs to improve access to hunting
10 areas. Include public comment and input; present to the Commission in 2014.
- 11 • Consider opening additional portion of Columbia River Refuge to provide extra
12 waterfowl hunting opportunity.

13
14 Commissioner Webber said in one of the public comments, an individual suggested
15 having a bird identification page similar to the fishing regulations. Is that workable and
16 something that could be helpful to the hunters? Reishus said it would be workable but
17 does add expense to the bird regulations. Certainly staff can consider it in the future.

18
19 Director Elicker expressed his concern that this year the calendar only allowed four days
20 of public comments on potential waterfowl regulations for the upcoming year, and that
21 the Commission just received *Supplemental Recommendations for Migratory Game Bird*
22 *Seasons* yesterday. He apologized and said this year it was out of his control because
23 staff needed to get the bird regulations out and finalize state recommendations. Director
24 Elicker asked the Commission to move ahead with the decisions today on the waterfowl
25 regulations knowing it was not a good public process. Because the regulations were
26 similar to last year and there are additional hunting opportunities he believes the public
27 will be good with these regulations. He said next year with the changing federal
28 migratory bird calendar there will be more time to get the proposed regulations out to the
29 public and several weeks to take comments from waterfowl hunters.

30
31 *Oregon Upland Game Bird Regulations.*

32 Dave Budeau, Upland Game Bird Coordinator, said we are in the fourth year of a five
33 year framework adopted by the Commission in 2009. The Upland Game Bird population
34 fluctuates annually and hunting effort is largely self-regulating. Hunting mortality is a
35 small part of the annual mortality; most of the species do not live very long. He said the
36 wildlife districts are just beginning their game bird production surveys and it looks like a
37 mixed bag this year. He discussed specific seasons.

- 38
39 • Greater Sage-grouse Season. Upland game bird framework allows a nine day
40 season between September 1 and September 20 with bag limit of 2 birds. Actual
41 permit numbers are set annually based on our fall forecast of that population.
42 Proposal allows hunting in 12 of 21 Wildlife Management Units (WMUs).
- 43
44 • Controlled Sage-grouse. Proposed a nine day season from September 7 to
45 September 15 in 12 WMUs. Keep closed portion of Whitehouse WMU.
46 Daily/Season Bag Limit of 2 birds; can be taken same day. Proposing 870
47 permits portioned among 12 WMUs.

- 1
2
- Controlled Fall Turkey Seasons not covered under the Frameworks. Staff sets permit numbers annually; 1,025 permits total. No change to season dates and bag limits. Five eastern Oregon controlled fall hunts.

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4
5

 - Budeau said staff proposes to make permanent a temporary rule adopted this past spring that eliminated the minimum shot size for turkeys. In the past staff felt that #6 shot was the smallest effective shot size for turkeys but manufacturers have developed dense alloys that will allow the manufacturing of smaller shot sizes that are effective for turkeys. Oregon would join most other states where they do not have a minimum size.

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12 Director Elicker said that temporary rule proposal came out of a request from Federal Ammunition, the largest manufacturer in the U.S., and as a result of the industry and ODFW's partnership program through Association of Fish and Wildlife Agencies (AFWA). Smaller turkey loads have been successful nationwide.

13
14
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16

- Special Hunting Opportunities are not covered under the Upland frameworks but need to be adopted as seasons because most occur outside our general seasons.

17
18
19

 - Youth Upland Hunts. Proposing 13 youth hunts at 12 locations. New is a one day mentored youth hunt at E.E. Wilson WA for youths who have not passed Hunter Safety but have a mentor who will take them hunting.

20
21
22
 - Continue Western Oregon Fee Pheasant Hunts:

23

 - 1) Denman WA: September 17 – October 5
 - 2) E.E. Wilson WA: October 1 – 31
 - 3) Fern Ridge WA: September 10 – October 7
 - 4) Sauvie Island WA: September 17-30
 - Pheasant Hunting Workshops; expand to seven at five different locations.

24
25
26
27
28
29
- 3-Day Nonresident Game Bird Hunting License. Staff is proposing:

30

 - 3-Day nonresident license be valid for all game birds and crows provided all other applicable permit/tag requirements are met.

31
32
 - Issue wildlife area parking permit with 3-day nonresident hunting license.

33
34

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

36

37 Vice-Chair Finley said you cannot use lead shot for migratory birds under federal regulations. Is lead shot allowed in Oregon for non-migratory species? Budeau said yes generally, but for most of our wildlife areas no and for most of our federal refuges no; even for upland game bird hunting. It depends on the location.

38
39
40
41

42 Vice-Chair Finley said as a society we took the lead out of our gasoline and paint. In California they banned lead bullets in condor areas. If someone took a turkey and they wanted to use a 22-caliber long rifle bullet, wouldn't you cumulatively have less shot out in the environment or if someone used an "atlatl" they would not be putting any lead out there? Budeau said that is correct. A lead bullet would be less than usually the typical load of turkey shot. We do allow archery for turkey hunting so those folks would not be
43
44
45
46
47

1 contributing lead in the environment. He said the Western Association of Fish and
2 Wildlife Agencies (WAFWA) have been dealing with this issue. Director Elicker is a
3 member of WAFWA's Lead and Wildlife Ad Hoc Work Group.
4

5 Director Elicker sits on AFWA's *Lead and Fish and Wildlife Health Work Group* and
6 Chairs the *Lead and Wildlife Ad Hoc Work Group*. At a later date he would like to update
7 the Commission on developments on lead toxicity issues and where ODFW might go
8 with that in the next few years. He said that would depend somewhat on current
9 proposed legislation in California that would ban all lead bullets and shot for all hunting
10 throughout California and not just in condor range. It would mandate a three year
11 transition period for all hunters to move towards nonlead bullets and shots for all species.
12 He said it has a good chance to pass and when it does it will spark an active discussion
13 at all levels in Oregon about how we want to move ahead on that issue.
14

15 Director Elicker said conservation groups are very interested in this issue and are in the
16 process of hiring an outreach coordinator with funds provided by Audubon, the Portland
17 Zoo, and USFWS to help in discussions over the use of lead shot and bullets because of
18 their secondary impacts on birds and other animals. A federal health organization just
19 lowered by half its lead level for adults; most research shows that no amount of lead in
20 blood is a good idea for people or animals.
21

22 Vice-Chair Finley agreed as Director Elicker suggested having a cumulative thinking
23 about why things are prohibited and why they are allowed. He said what are the long
24 term consequences; the unintended consequences?
25

26 Budeau added that safety is also an issue. The National Wild Turkey Federation
27 recommends against the use of rifle or handguns for taking turkeys which is why most
28 states still do have a maximum shot size for turkeys which we are retaining as well.
29

30 Commissioner Webber referred to *2013-2014 Oregon Game Bird Regulations* and said
31 the new duck season proposed by staff is "3" scaup, but looking at the book it looks like
32 7 ducks (see page 16 under Daily Bag Limit column). Reishus said 7 are the limit for
33 ducks but there is footnote (a) right next to the 7. Footnote (a) states: "*Within the daily
34 bag limit of seven ducks you may not have more than: three scaup (during open
35 season), two hen mallards, two pintails, two redheads, and two canvasbacks.*"
36

37 Commissioner Webber said "7(a)" is there but not the actual footnote (a). Reishus said it
38 is on the top of the next page (see page 17). Commissioner Webber said it's confusing.
39 Reishus said he could list the exceptions in Footnote 7(a) in the box under Daily Bag
40 Limit on page 16. Commissioner Webber said that is clearer and easier to enforce.
41

42 *Action: Commissioner Akenson moved to amend OAR Chapter 635, Divisions*
43 *008, 045, 051, 052, 053, 054, and 060 as proposed by staff to set regulations for*
44 *2013-2014 game bird seasons and to modify rules regulating public access and*
45 *use of the Ladd Marsh Wildlife Area. Vice Chair Finley seconded the motion and*
46 *the motion carried unanimously by a vote of six.*
47

1 **Exhibit D: 2014 OREGON SPORT FISHING REGULATIONS**

2 Mike Gauvin, Acting Recreational Fisheries Program Manager, discussed the Public
3 Involvement Process. He discussed the proposed changes in the following issues:
4

5 *Issue 1 – Technical.*

- 6 • Universal date changes for opening days of fishing season to reflect four
7 Saturdays of April and May 2014.
- 8 • Changes all references in proposed changes and OARs concerning 2013 Sport
9 Fishing Regulations to the 2014 Sport Fishing Regulations.

10
11 *Issue 2 – Proposed Rule Changes.* Gauvin said ODFW and OSP proposals were
12 developed under five criteria (see PowerPoint slide 6). Staff is proposing 59 proposals
13 with minor housekeeping changes, nine key issues, and proposed rule language.
14

15 Gauvin presented statewide proposals:

- 16 • Sockeye Salmon. Classify all sockeye salmon as adults regardless of size for
17 harvest management and for consistency. Anglers have not been tagging
18 sockeye on their harvest tags because they are falling under the 20-inch minimum
19 and are being classified as jacks and anglers don't have to tag those.
- 20 • House Bill 2697 – Disposal of fish carcasses. Anglers may dispose of a fish
21 carcass back into the water in which it was caught. However, they must retain
22 proof of compliance with the pertinent regulations in the area. Fish carcass is
23 defined as entrails, gills, head, skin, fins, and back bone.

24
25 Gauvin reported on the following Oregon angling zones with key changes:

- 26 • Northwest Zone. Extend spring Chinook season at the “hatchery hole” located at
27 Trask River Hatchery.
- 28 • Southwest Zone. Changes will be made to comply with rules prohibiting sturgeon
29 retention; minor housekeeping corrections.
- 30 • Willamette Zone:
 - 31 ➤ Increase white sturgeon sanctuary in Willamette River below Willamette Falls
32 downstream to Lake Oswego Oak Grove Railroad Bridge. Closure effective
33 May 1 to August 31 when white sturgeon are spawning and recovering post
34 spawn; areas would reopen to catch and release after September 1.
 - 35 ➤ Willamette River above Willamette Falls. Allow sturgeon retention upstream of
36 Willamette Falls; 1 fish per day 2 per year, between 38-inches and 58-inches.
 - 37 ➤ Santiam River. South Fork Santiam to Foster Dam. Taking this proposal off
38 because there is already a 3 fish steelhead retention allowed in this area.
 - 39 ➤ Sandy River. Close a portion of mainstem Sandy River from the mouth of the
40 Salmon River (including the Salmon River) to steelhead fishing. Close
41 steelhead fishery for marked and unmarked steelhead.
- 42 • Central Zone. Open Lake Simtustus to year round angling; currently closes end
43 of October. Consistent with fisheries that occur in Crooked River and Deschutes
44 River arm of Lake Billy Chinook upstream and will provide one of the few open
45 water fishery in the winter. This lake is co-managed with the Confederated Tribes
46 of Warm Springs who support this proposal.

- 1 • Northeast Zone. At Wallowa Lake increase bag limit of Kokanee from 10 to 20
2 per day; no more than 5 fish over 12 inches. Hydroacoustic surveys shows
3 population dominated by fish less than 12-inches.
- 4 • Columbia Zone. Changes were made to comply with rules prohibiting sturgeon
5 retention from Bonneville Dam to the Oregon/Washington border.
- 6 • Marine Zone. Changes made to comply with rules prohibiting sturgeon retention.
7

8 Gauvin summarized Legislative Actions. He mentioned earlier House Bill 2697 which
9 allows anglers to dispose fish carcasses. Staff will return to the Commission in October
10 to present details on how staff will implement the following bills.

- 11 • SB Bill 830 establishes the Columbia River Fisheries Enhancement Fund.
12 Endorsement will be charged to anglers for salmon, steelhead, or sturgeon in the
13 waters of the Columbia River Basin. The actual amount to be charged will be
14 based on Commission approval but the Commission may choose to charge up to
15 a maximum of \$9.75 for an annual license and \$1 for a daily license. Gauvin
16 pointed to several areas on a map (see PowerPoint slide 43, page 22) and said it
17 is the areas where the endorsement will be implemented; staff is still working on
18 the details. He said it is the tributaries to the Columbia River Basin and a very
19 wide area that is going to be needed for this endorsement.
- 20 • House Bill 2252 allows for multi-year licenses and allows nonresident uniformed
21 services to purchase licenses at resident rates.
22

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

25 Commissioner Akenson referred to *Attachment 3 – Draft Oregon Administrative Rules*
26 and said on page 11, starting at **Sturgeon Season** on lines 400 through 436 (page 12);
27 it still has all the information about the details of the 2013 sturgeon season with retention.
28 Is that coming out of the rules or will the rules stay like that because they only refer to
29 2013? Gauvin said staff will go through this again; he highlighted that to make sure that
30 the language is appropriate and consistent.
31

32 Commissioner Akenson referred to *Revised Attachment 4 – 2014 Oregon Sport Fishing*
33 *Regulations*, page 16, Columbia River Zone Regulations, Proposal 46 – Sturgeon, and
34 said under the Seasons column it states, “**Note:** *Sturgeon* fisheries are managed on a
35 quota basis. Anglers should check the status of regulations prior to fishing.” She asked
36 is that not valid anymore? Gauvin said that is correct because that deals with the quota
37 fisheries that will occur above Bonneville Dam.
38

39 Commissioner Akenson referred to HB 2697 and said Gauvin had mentioned that anglers
40 must retain proof of compliance of regulations. Will that be defined in the regulations so
41 people will know specifically what they have to keep in order be in compliance? Gauvin
42 said what is proposed is the language out of HB 2697. Staff did not interpret that and
43 there is an enforcement issue. Staff will work closely with OSP to make sure that it is
44 clear as possible. He said OSP will be dealing with that in the field more but it will be
45 made clear that they need to make sure that they are retaining proof of compliance with
46 the regulations in place. If that means they need to retain parts of the fish to show
47 adipose fin clipped or length it is going to be their job to do that.

1
2 Lieutenant David Anderson said the current regulations say size, species, and fin
3 clipped. Those are the three things we would need to be able to identify on the fish
4 carcass.

5
6 Commissioner Akenson asked if staff had a copy of HB 2697. She wants to make sure it
7 was not too vague so people did understand what was required of them. Gauvin said
8 the language in *Revised Attachment 4 – 2014 Oregon Sport Fishing Regulations* is
9 verbatim to what it says in the bill. Commissioner Akenson said it did not say what the
10 proof is; it only says what a carcass is. Gauvin said that is correct, that is the language
11 that was there. Commissioner Akenson said a fish carcass is defined but the proof that
12 OSP will require is not defined. What pieces of that fish carcass do you have to retain?
13

14 Lieutenant Anderson said it will be important that OSP and ODFW work together to
15 educate the public in any outreach efforts, public education, and news releases.
16 Anything on the website clearly defines what needs to be kept and displayed to OSP or
17 ODFW to make sure they are in compliance with the current regulations. He said it is
18 definitely spelled out in the regulations what is required for compliance, but it is also
19 important as we communicate to the public this new law that they are also reminded of
20 what they need to comply with. He agreed that needs to be part of the outreach.
21

22 Commissioner Akenson said there will be something in the regulations between now and
23 October or will the Commission do something more on this in October? Gauvin said HB
24 2697 is already in place; as soon as it is signed by the Governor it is regulation. We will
25 work with Information and Education on a new release to the public, and there will be a
26 public service announcement in the regulation book about this bill and the other bills.
27

28 Commissioner Webber referred to Captain Jeff Samuel's report earlier (Director's
29 Report) and said the retention of the proof requirement ended when you reached the
30 location of your ground transportation? Lieutenant Anderson said the current regulations
31 read that once an angler has reached their mode of transportation, their land
32 conveyance, and have finished their angling for the day they could filet the fish, throw the
33 carcass into the river and not retain proof that is required in the regulations, because
34 there is an exception that once they are done angling for the day and reach that land
35 conveyance and are going to go home they can do that.
36

37 Commissioner Webber referred to *Revised Attachment 4 – 2014 Oregon Sport Fishing*
38 *Regulations*, page 17, *Proposal No. 50 - 4. Bonneville Dam upstream to*
39 *Oregon/Washington border located upstream of McNary Dam*, and said it reads "When
40 angling for salmon and andipose fin-clipped steelhead, a single-point hook with a gap
41 size no larger than 3/4-inch in required for all non-buoyant lures...". Below that it reads,
42 "Only single-point hooks allowed when angling at Cascade Locks in the area between
43 the boat ramp at the lower end of the locks upstream to the east (upstream) end of the
44 lock wall." He said it does not ever mention barbless and it is a barbless area. It would
45 help if we make sure that we don't mislead people by not including that word where
46 possible. He considers that housekeeping.
47

1 Legal Counsel Steve Sanders said we consider that to be a technical matter so that each
2 place where hooks are mentioned with respect to salmon, we would insert the word
3 “barbless” to match and make it parallel to the sturgeon regulations. He said that
4 wouldn’t require a formal Commission motion; that is just part of what we would consider
5 the technical clean up of the rules.

6
7 Director Elicker referred to Commissioner Akenson’s questions about the disposal of fish
8 carcass and asked if the Commission wanted to add additional words to that proposed
9 rule regarding that to make it more clear what we are expecting of anglers. He said
10 Legal Counsel has a recommendation.

11
12 Legal Counsel Sanders referred to Proposal No. 10 –HB2697, page 1 in *Revised*
13 *Attachment 4 – 2014 Oregon Sport Fishing Regulations 1*, under “General Statewide
14 Restrictions” where it starts “**Dispose of a fish carcass into waters other than where**
15 **the fish was caught.**” He said to clarify the point that Lieutenant Anderson was making
16 that in the next sentence “*Anglers must retain proof of compliance...*” add the phrase
17 “**...enough of a fish carcass to show...**” before “*...proof of compliance with any*
18 *provisions of angling regulations.*” He said we are telling you what part of the fish you
19 have to keep to pass an enforcement stop and that addresses the point that
20 Commissioner Akenson was making.

21
22 Vice Chair Finley suggested giving guidance to what that is. Lieutenant Anderson said
23 currently it is size, species, or fin clipped. Chair Levy suggested adding that to the
24 language. Lt. David Anderson said the exact verbiage in the regulations is, “*possess the*
25 *field game fish, dressed or mutilated so that size, species, or fin clipped cannot be*
26 *determined.*”

27
28 Legal Counsel Sanders said okay.

29
30 Commissioner Akenson said Proposal No. 10 states, “*Dispose of a fish carcass into*
31 *waters other than where the fish was caught.*”, but she thought this was actually about
32 where the fish was caught.

33
34 Legal Counsel Sanders you can basically gut the fish into the waters where you caught it
35 but you cannot do it in other places. But you can’t dispose of so much of the fish that the
36 state police can’t tell what kind of fish you caught.

37
38 Commissioner Akenson said so the next sentence is not really a restriction it is a
39 compliance. Legal Counsel Sanders said right, it’s an explanation of how you comply.

40
41 Director Elicker asked Legal Counsel to read for the Commission exactly what the rule
42 will say before they vote on it.

43
44 Legal Counsel Sanders said, “***It would be unlawful to dispose of a fish carcass into***
45 ***waters other than where the fish was caught. Anglers must retain enough of a fish***
46 ***carcass to show size, species, and fin clipped and proof of compliance with any***
47 ***provisions of fishing regulations. A fish carcass is defined as...***”

1
2 Director Elicker asked the Commission if that language was clearer.

3
4 Commissioner Akenson said it is clearer but maybe some of it is not all necessary if size
5 is not part of proof of compliance then you should not have to keep the size piece. Chair
6 Levy said size is part of the proof of compliance.

7
8 Commissioner Akenson said size is always? Lieutenant Anderson said yes; for
9 example, steelhead is 20 inches generally. Most waters are 24 inches. Commissioner
10 Akenson said salmon as well? Lieutenant Anderson said salmon yes, there is adult and
11 jack. You do not have to validate jacks, so 24 inches. He said size is critical.

12
13 Director Elicker said size is commonly used. Legal Counsel Sanders said yes. As a
14 grammatical matter the sentence would read, "*Anglers must retain proof of **size***
15 *compliance with angling regulations.*" He said if there was no size compliance you would
16 not have to show it. If any regulation has a size aspect to it you would have to retain
17 enough of the fish to show the size.

18
19 Lieutenant Anderson said he was concerned that anglers need to know that those
20 compliance regulations are in place until they are done fishing and return to their vehicle
21 for the day. It may almost be better to just have a note under the new law that spells out
22 what is right here in the regulation which says what Counselor Sanders read but goes
23 further, "...until the angler has reached their automobile..." so there is absolutely no
24 confusion on the part of the angler.

25
26 Legal Counsel Sanders said we could certainly add the phrase into the booklet, "...until
27 the angler reaches their vehicle..." Commissioner Webber said but they also have to
28 have finished angling for the day. Vice Chair Finley said we should say the whole thing.
29 Legal Counsel Sanders clarified, "...until the angler has reached their vehicle..."

30
31 Lieutenant Anderson said after the fin clipped phrase, "...**cannot be determined until**
32 **the angler has reached their automobile or principal means of land transportation**
33 **and has completed their daily angling....**" Legal Counsel Sanders said we propose to
34 add that entire clause on to the end of the sentence. Chair Levy said yes.

35
36 Commissioner Wolley said in making a motion would Counsel Sanders' language be
37 inserted into the bracketed section that says "with the following changes" when the
38 motion is read? Legal Counsel Sanders said yes. Chair Levy asked for a motion on
39 Issue 1 first.

40
41 *Action on Issue 1: Vice Chair Finley moved to amend OAR Chapter 635, Divisions*
42 *008, 011, 013, 014, 016, 017, 018, 019, 021, 023, and 039 as proposed by staff in*
43 *Attachment 3, and to universally reflect the calendar dates for trout season*
44 *openers as described and shown in Revised Attachment 4 - 2014 Oregon Sport*
45 *Fishing Regulations. Commissioner Anderson seconded the motion and the*
46 *motion carried unanimously by a vote of six.*
47

1 Legal Counsel Sanders said the Commission meant to say Attachment 3 on the last
2 motion. Chair Levy said the staff's motion says Attachment 4. Legal Counsel Sanders
3 said right but we should have said Attachment 3 because the rule language is actually
4 Attachment 3. The second motion actually relates to Attachment 4.
5

6 *Vice Chair Finley amended his motion to end with the term "Attachment 3" instead*
7 *of Attachment 4. Commissioner Anderson seconded the motion and the motion*
8 *passed again with the revision by a vote of six.*
9

10 Chair Levy asked Legal Counsel to read the motion on Issue 2. Legal Counsel Sanders
11 said because we are going to make other editorial changes there is no doubt about what
12 we are trying to accomplish here. He said if the Commission is willing to delegate to
13 Lieutenant David Anderson and myself getting the exact language to accomplish the
14 effect of identifying how long it is you have to keep the carcass and what aspects of the
15 carcass you have to keep, we can do that as part of our editorial cleanup if the
16 Commission is willing to delegate that kind of editorial authority to us. The Commission
17 agreed.
18

19 Legal Counsel said we have Revised Attachment 4 and it provides at the end that
20 allows the staff to make formatting changes to correct grammar, inadvertent
21 inconsistencies, and improve readability.
22

23 *Action: Vice Chair Finley moved to adopt the 2014 Sport Fishing Regulations*
24 *pamphlet as proposed by staff in Revised Attachment 4 to reflect changes made*
25 *to the 2013 rules and authorize staff to make formatting changes, to correct*
26 *spelling or grammar errors, address inadvertent inconsistencies, and improve*
27 *readability. Commissioner Akenson seconded the motion and the motion carried*
28 *unanimously by a vote of six.*
29

30 **OTHER BUSINESS**

31 **E-Commission**

32 Deputy Director Debbie Colbert introduced Michael Anderson, the Lean Kaizen
33 Coordinator for the Department.
34
35

36 Michael Anderson said his role is to lead Lean Kaizen projects and work with various
37 teams to help find efficiencies within the agency. He said his position is a shared
38 resource through an inter-governmental agreement with DOF and DOA. Anderson
39 presented a new concept initiated by Director Elicker to move from hard copy paper
40 packets to more of an electronic media. He noted his report in the Commission packet
41 and said he contacted other state and federal agencies. Three state agencies and one
42 federal agency have gone to electronic media. He spoke to the advantages:

- 43 1. Eliminates staff time and resources and materials to produce paper copies.
 - 44 2. More immediate and don't have to package for UPS and send to one location.
 - 45 3. Changes are received immediately.
 - 46 4. Definite cost savings.
- 47

1
2 Chair Levy said she would love it to go completely this way.
3

4 Commissioner Webber said it was a great idea although he likes paper. He has a printer
5 and could print his own packet. He assumed that staff would still put printed materials out
6 front for the public. Anderson said this is related mostly to how we provide material to
7 the Commission as well as some other staff. For the public we understand that we would
8 still need to provide a certain number of printed copies to be available.
9

10 Commissioner Wolley said he works now for a public agency that is in a paper saving
11 mode and competes for various kinds of conservation awards.
12

13 Commissioner Akenson said when she started with the Commission she was very
14 interested in having materials sent to her electronically because she lives far away and it
15 would speed up when she gets materials. She uses sticky notes and makes comments
16 on her packet so she would have to start doing that electronically which is okay. When
17 the Commission is at a meeting they either need to have their own computer or tablet or
18 to have them supplied by the Department so we can look at those files. She said it is
19 nice sometimes to refer back to a copy of PowerPoint with details that maybe a slide has
20 gone by and we would want to review. For that interactive period we need to have the
21 real time access whether it is by computer or by hard copy.
22

23 Deputy Director Colbert said if the Commission says to pursue this idea, we will survey
24 the Commission. Anderson added that a survey will be sent to the Commission next
25 week to find out your needs and requirements. He has been looking at options so based
26 on the needs and preferences staff can find an option that works for each person.
27

28 Commissioner Akenson said for things we need to look at for formatting like these drafts
29 or regulations it is nice to see these in real paper because it is hard to see formatting
30 when you are only looking at half of a page on a computer screen or tablet.
31

32 Commissioner Anderson said she could download documents and have everything there
33 and could take it with her. Her biggest concern is the file management between her
34 laptop and the three desktops that she uses between home and work and how she is
35 going to manage all of these files and keep them organized. She recommended using a
36 Cloud type program to keep it all tidy so no matter what device she is trying to access
37 files from that it is the right one, the revised one and not one from two weeks ago. Those
38 are her fears going this direction but she does support it.
39

40 Chair Levy suggested using "Drop Box". It makes it easier and has worked well for their
41 business. She asked Anderson to make sure he trains all of the Commission. Anderson
42 said once we come up with an option or options that are acceptable to the Commission,
43 one of his responsibilities is to develop the training needed.
44

45 Commissioner Webber said his office is paperless. He has a thumb drive that he gets
46 updated every time he goes to his office. Is that a savings or convenient as far as being
47 efficient? Anderson said thumb drives are one option staff has discussed. They just

1 need to know if that is the Commission comfort level and then he would work with the
2 Information Services Division about security concerns, and with I&E who manage the
3 website. Any option we come up with needs to work with well with all three. In this
4 process we don't want to develop a lot of extra work for staff.
5

6 Vice Chair Finley said the minutes and PowerPoint would be great electronically. But
7 when the Commission gets into the regulations themselves he would like to see the
8 context and how they flow; it's easier for him. As long as we can tailor it, he is all for it.
9

10 Commissioner Wolley said you asked for the Commission's authorization to pursue
11 options. Do we need to formally adopt it or are we saying it is fine and to move forward?
12

13 Director Elicker said we have talked about this for quite a while, particularly since the
14 Legislature started its second full session paperless and other boards and agencies have
15 gone this way. He wanted this discussion at this time and to survey the Commission. He
16 said we do not have to push to go totally paperless; he is not under any direction from
17 the Governor's Office. It is the direction that all boards and commissions will ultimately
18 move towards in the next couple of years. If the majority of the Commission wants to
19 stay with the current process and method that is an option too and he is fine with that. He
20 said a couple of Commissioners have asked him from time to time to move toward
21 electronic.
22

23 Chair Levy said no vote. Legal Counsel Sanders said that is correct.
24

25 **Executive Session**

26 Chair Levy said the Fish and Wildlife Commission will now meet in Executive Session for
27 the purpose of reviewing and evaluating Director Roy Elicker pursuant to ORS 192.660
28 (2)(h) and (i). Representatives of the news media and designated staff should be allowed
29 to attend the executive session. All the members of the audience are asked to leave the
30 room. Representatives of the news media and Deputy Director Colbert are allowed to
31 attend. All other persons are asked to leave the room. Reporters are directed not to
32 report on the discussions during the executive session, except to state the general
33 subject of the session as previously announced. No decision may be made in executive
34 session. At the end of the executive session we will return to open session and welcome
35 the audience back to hear me adjourn the meeting.
36

37 **ADJOURN**

38 Chair Levy reopened the public meeting after the Commission's Executive Session in
39 order to adjourn the meeting at 4:30 p.m.