



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday, March 7, 2014 - 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Drive S.E.
Salem, Oregon 97302

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
Michael Finley, Vice Chair	Debbie Colbert, Deputy Director
Bob Webber, Commissioner	Curt Melcher, Deputy Director
Holly Akenson, Commissioner	Steve Sanders, Assistant Attorney General
Gregory J. Wolley, Commissioner	Erin Donald, Assistant Attorney General
Laura Anderson, Commissioner	Teri Kucera, Executive Assistant

8 MEETING

9 On Friday, March 7, 2014, Chair Bobby Levy called the Oregon Fish and Wildlife
10 Commission (the Commission) meeting to order at 8:07 a.m. She said Director Roy
11 Elicker will present a Certificate of Appreciation to Mark Wharry for serving on the Fish
12 Screening Task Force (FSTF). During lunch the Commission will meet in Executive
13 Session as authorized by ORS 192.660(2)(h).
14

15 Director Elicker said since this coincides with the Commission meeting and Mark's
16 tenure ending on the FSTF we are asking Chair Levy to present that plaque to Mark.
17

18 DIRECTOR'S REPORT

19 **Field Reports** were distributed in written form.
20

21 Expenditure Report and Update on 2015-2017 Financial

22 Debbie Colbert, Deputy Director for Administration, reported as of January 31,
23 Department wide, expenditures and revenues are within budgeted projections. She said
24 this is the last biennium of the last fee increase. Staff is working on revenues and
25 expenditures to insure we have sufficient capital to make it on our day to day expenses.
26 She also reported on the agency's 2015-2017 Budget Development and External Budget
27 Advisory Committee (EBAC) process. The EBAC membership list is in *Attachment 2 –*
28 *2014 External Budget Advisory Committee*. Chair Levy and Commissioner Webber will
29 participate in EBAC.

- 30 • First EBAC meeting scheduled Tuesday, March 11, at Salem Headquarters (HQ).
31 Staff will provide an orientation to EBAC members.
- 32 • *Attachment 3 – 2015-17 Budget Development Schedule*. Staff will brief EBAC at
33 four meetings this cycle. By holding more meetings staff can respond to EBAC

1 before the next meeting. The last three meetings will be in round robin and break-
2 out format. A sub-committee will assist staff on Commercial Fish Fund issues.

- 3 • *Figure 1- Projected license expenditures and revenues over the next biennia* (see
4 page 2). Projected expenditures are higher than projected revenues. Revenues
5 reflect an all-time low in hunting and fishing in Oregon; a national trend but there
6 is some flattening in participation (see Figure 1). EBAC and Town Hall input will
7 be very important as staff looks at how to balance the budget moving forward.
8 Staff will discuss strategies, amount of fee adjustment, restructuring of fees more
9 desirable to customers, costs shifted to General Fund (GF) and other sources
10 currently paid for with license dollars. For expenditures it is probable there will be
11 downsizing of programs funded with license dollars, so staff will look aggressively
12 at efficiencies for the Department.
- 13 • After EBAC and seven Town Hall meetings staff will brief the Commission and ask
14 for input. Staff to prepare formal budget that will be presented to the Commission
15 on August 1, 2014 for approval.
- 16 • *Governor's 10 Year Plan – Funding Team Proposal Process* (see Attachment 3 -
17 2015-17 Budget Development Schedule. The Governor introduced this new
18 budget approach last biennium. It shifts the state's budget process away from two
19 year increment budgets to a longer horizon and what outcomes to achieve for
20 Oregonians. The Governor will repeat this process. As staff receives those due
21 dates they will be added to the timeline working with managers and external
22 stakeholders.

23 24 **Adopt Temporary Rules**

25 Director Elicker asked the Commission to adopt the eight temporary rules on recreational
26 and commercial fishing and wildlife seasons on pages 1-3 of the tan-colored agenda. He
27 said there is one rule to add that is not in front of the Commission or on this agenda.
28

29 **1. 635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180** 30 **2014 Commercial Winter, Spring, and Summer Fisheries for Columbia River Select** 31 **Areas**

32 Adopted January 29, 2014: effective February 10, 2014 through July 31, 2014.

33 The amended rules set seasons, area boundaries, gear regulations and allowable sales
34 for winter, spring, and summer commercial fisheries in the Columbia River Select Areas.
35 Modifications are consistent with the action taken January 29, 2014 by the Columbia
36 River Compact agencies of the states of Oregon and Washington.
37

38 **2. 635-023-0125** 39 **Columbia River Recreational Spring Chinook and Steelhead Seasons Set**

40 Adopted January 29, 2014: effective March 1, 2014 through June 15, 2014.

41 This amended rule sets 2014 regulations for Columbia River recreational spring Chinook
42 and steelhead seasons with descriptions of areas, dates, and bag limits for harvest of
43 adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead. Revisions are
44 consistent with action taken January 29, 2014 by Columbia River Compact agencies of
45 the states of Oregon and Washington.
46

1 **3. 635-023-0090**

2 **2014 Recreational Smelt Season Set for the Sandy River**

3 Adopted February 5, 2014: effective March 1, 2014 through March 31, 2014.
4 Amended rule sets a 2014 recreational fishing season for smelt in the Sandy River. The
5 fishery consists of one 6-hour fishing periods, 6:00 a.m. to noon, Saturdays of each week
6 beginning March 1 through March 22, 2014 (4 days). Fishers are allowed daily and
7 possession limits of 10 pounds. Revisions are consistent with the action taken
8 February 5, 2014 by the Columbia River Compact agencies of Oregon and Washington.
9

10 **4. 635-070-0020**

11 **Amendment to Extend Dates and Areas of W. Trask and NE Trask Controlled Elk**
12 **Hunts**

13 Adopted February 12, 2014: effective February 12, 2014 through March 31, 2014.
14 The current season for the W Trask (214A) controlled elk hunt is from December 1, 2013
15 to March 15, 2014. This rule amendment would extend the season to March 31, 2014
16 and expand the open areas of the W Trask (214A) to the east, and the NE Trask No. 1
17 (214E1), and NE Trask No. 2 (214E2) elk hunts to the west. The extension of these
18 hunts is necessary to encompass an area that is suffering severe elk damage to
19 seedlings and small trees in reforestation areas. The damage from elk browsing the
20 young trees is so severe that restocking rates specified by the Oregon Department of
21 Forestry cannot be met within the required timeframe for reforestation of the area.
22

23 **5. 635-018-0090**

24 **2014 Spring Chinook Seasons on the Lower Deschutes and Hood Rivers**

25 Adopted February 14, 2014: effective April 15, 2014 through July 31, 2014.
26 This amended rule allows the sport harvest of adipose fin-clipped spring Chinook salmon
27 in the Lower Deschutes River from April 15 through July 31, 2014 and sport harvest of
28 adipose fin-clipped spring Chinook salmon in the Hood River from April 15 through
29 June 30, 2014. The Deschutes River open area extends from the mouth at the I-84
30 Bridge upstream to Sherars Falls. It is unlawful to continue to angle from Sherars Falls
31 downstream to the upper railroad trestle after taking the daily adult bag limit of spring
32 Chinook. The Hood River open area extends from the mouth to the mainstem
33 confluence with the East Fork and the West Fork from the confluence with the mainstem
34 upstream to the angling deadline 200 feet downstream of Punchbowl Falls. The daily
35 bag limit for both rivers is two adult adipose fin-clipped salmon per day and five adipose
36 fin-clipped jack salmon per day. All non-adipose fin-clipped Chinook salmon must be
37 released unharmed. All other limits and restrictions remain unchanged from those listed
38 for in the 2014 Oregon Sport Fishing Regulations.
39

40 **6. 635-023-0095**

41 **Columbia River Recreational Sturgeon Season Set for the Bonneville Pool**

42 Adopted February 20, 2014: effective February 24, 2014 through July 31, 2014.
43 The amended rule sets a white sturgeon retention fishery in the Bonneville Pool from
44 February 24 through March 9, 2014 in the mainstem Columbia River from Bonneville
45 Dam upstream to The Dalles Dam including adjacent tributaries with a fork length of 38 -
46 54 inches allowed. Revisions are consistent with action taken February 20, 2014 by
47 Columbia River Compact agencies of the states of Oregon and Washington.

1
2 **7. 635-041-0065**
3 **Treaty Indian Winter Commercial Fisheries in the John Day Pool Close February**
4 **26**

5 Adopted February 25, 2014: effective February 26, 2014.

6 The amended rule closes allowable sales of fish caught in the treaty winter gillnet fishery
7 in the John Day Pool effective 6:00 p.m., Wednesday, February 26, 2014. White
8 sturgeon between 43 - 54 inches can still be retained for subsistence purposes.

9 Revisions are consistent with action taken February 25, 2014 by Columbia River
10 Compact agencies of the states of Oregon and Washington.

11
12 **8. 635-041-0061 & 635-041-0065**
13 **Treaty Winter Gillnet Season Modified**

14 Adopted February 28, 2014: effective March 1, 2014.

15 The amended Rule changes the fork length for white sturgeon that can be retained in the
16 Columbia River between The Dalles Dam and the McNary Dam to 38 - 54 inches
17 beginning Saturday, 6:00 p.m., March 1 through 6:00 p.m., Wednesday March 12, 2014.
18 Effective 6:00 p.m., Wednesday March 12, 2014 white sturgeon caught between 43 - 54
19 inches in fork length may be retained for subsistence but not sold. The amended rule
20 also closes allowable sales of fish in the treaty winter gillnet fishery in the Columbia River
21 between the Bonneville Dam and The Dalles Dam effective 6:00 p.m., Monday March 3,
22 2014, after this date fish may be retained for subsistence but not sold. Revisions are
23 consistent with action taken February 28, 2014 by Columbia River Compact agencies of
24 the states of Oregon and Washington.

25
26 **9. 635-042-0145**
27 **Youngs Bay Salmon Winter Season Modified**

28 Adopted by Oregon State Action March 6, 2014: effective March 10, 2014 through
29 July 30, 2014.

30 This temporary rule modifies the previously adopted winter commercial Salmon seasons
31 scheduled for Monday, March 10; Wednesday, March 12; and Thursday, March 13 as
32 follows: Monday, March 10, from 6:00 a.m. - midnight for a period of 18 hours;
33 Wednesday, March 12, from 6:00 a.m. – 6:00 p.m. for a period of 12 hours; and
34 Thursday, March 13, from 6:00 a.m. - midnight for a period of 18 hours. Modifications
35 are consistent with Oregon State Action taken on March 6, 2014.

36
37 Legal Counsel Steve Sanders referred to **OAR 635-042-0145 – Modifies 2014**
38 **Commercial Winter Fishery for Youngs Bay Select Area** and said the rule refers to
39 opening a few additional seasons in Youngs Bay to catch our quota there. We will ask
40 the Commission to adopt these in the first instance so there is a slightly different
41 procedural point. Typically we are asking the Commission to ratify rules which have
42 already been adopted. You will be adopting these temporary rules in the first instance if
43 you accept our recommendation.

44
45 Chris Kern, Fish Division Acting Deputy Administrator, said the issue is tied to the first
46 temporary rule (see agenda, page 1). On January 29, staff established spring seasons
47 for off-channel areas including Youngs Bay. This is a spring fishery issue that has no

1 bearing on the actions from the last meeting. We set seasons and there are three that
2 staff is asking the Commission to modify today. We sought a series of 12 fisheries in late
3 January and February that were between 18 and 12 hour openers. Next week those
4 fisheries are scheduled to go to a four-hour schedule a couple days apart. Staff has
5 reviewed the fishery performance to date and believe they can add a few more hours to
6 each of those days already set. This is pursuant to our policy that speaks to adding more
7 time to existing off-channel areas. It was discussed and presented by staff late yesterday
8 to take effect on Monday thus the short timeline. Kern said it is not a Compact action but
9 a state action completely inside the Youngs Bay Select Area.

10
11 Director Elicker asked the Commission to adopt all the rules in the tan agenda and the
12 addition of the ninth temporary rule, **OAR 635-042-0145 – Modifies 2014 Commercial**
13 **Winter Fishery for Youngs Bay Select Area.**

14
15 Legal Counsel Sanders said the record will reflect that the Commission has an actual
16 copy of the rule here that the Commission can review. Chair Levy presented a copy of
17 the ninth rule (OAR 635-042-0145) to the Commission for review.

18
19 *Action: Commissioner Webber moved to adopt the temporary rules 1 through 8*
20 *laid out on the tan agenda and rule 9 which deals with 635-042-0145 as*
21 *presented in the handout. Vice Chair Finley seconded the motion. The motion*
22 *passed unanimously by a vote of six.*

23 24 **Fish Screening Task Force Certificate of Appreciation**

25 Director Elicker said the Fish Screening Task Force (FSTF) represents waters users and
26 fish interests; they give advice on screening priorities. No other state has done more
27 work to screen it's diversions than Oregon. The original statute in 1985 started the fish
28 screening surcharge. FSTF has enabled Oregon to move ahead on important screening
29 issues to protect anadromous fish in particular. He thanked Mark Wharry for his service.

30
31 Chair Levy said Mark Wharry has been an active member as chair of FSTF and an
32 outspoken proponent of fish screening between 2007 and 2013. His background as a
33 design engineer of fish screening and passage products for GHD has been of great
34 importance. He recently completed a fish screen design for a large lower Umatilla
35 diversion that has a history of entraining fish. Mark has been very engaged with FSTF
36 and was involved in the rewriting of the Priority Unscreened Diversion Inventory, a listing
37 of high priority diversions in Oregon. The Department appreciates Mark's dedication to
38 fish screening and FSTF. She presented Mark with a plaque of appreciation.

39 40 **PUBLIC FORUM**

41 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*
42 *agenda. The Commission is unable to take action on items brought to their attention in*
43 *this forum.*

44
45 Director Elicker introduced Mike Dykzeul, Director of Forest Protection employed by the
46 Oregon Forest Industries Council (OFIC). Mike has worked with ODFW for a number of
47 years on damage issues in private forests, hunter access, and forest fire issues.

<p>Mike Dykzeul Salem, Oregon</p>	<p>Mike Dykzeul, OFIC, distributed a written handout and said he represented industrial forest landowners. His report is not trend data since they don't survey the same members every year. This is a voluntary program subject to the number of members that submit information. He highlighted the 2014 annual Deer and Elk Damage Survey results:</p> <ul style="list-style-type: none"> • 23 surveys submitted. • Number of complaints increased by 177; total of 1,122. • Acres increased by 10,826; total of 55,336 acres. • Deer complaints decreased by 23; total of 302. • Elk complaints increased by 200; total of 820. • Number of "Severe" acres increased by 790 to 10,105 acres. "Severe" means in all likelihood they are below the state's stocking level and reforestation efforts will take place. OFIC only estimates the damage of financial loss for the reforestation effort - \$3,536,663 on 10,105 acres. • Number of "moderate" acres increased by 10,022 to 45,228 acres. • Top 3 counties for deer damage: Lane, Douglas, and Clackamas. Last year was Douglas, Coos, and Linn. • Top 3 counties for elk damage: Coos, Lincoln, and Curry. Last year it was Coos, Curry, and Douglas. <p>Dykzeul said the last page (see 2014 – OFIC Plantation Damage Survey (2013) Damage) Deer and Elk) shows by county the number of severe and moderate damage complaints and the acres assumed with that.</p>
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Exhibit A: COMMISSION MINUTES

Chair Levy asked for edits to the draft February 7, 2014 Commission minutes. Commissioner Anderson referred to page 30, line 19, "Commissioner Anderson said that was generally the line that she had.", and said it was in reference to the Control Zone blue line in Exhibit D – Youngs Bay Control Zone. She clarified for the record that it was indeed the line that I had. There was no question that the line that I was looking at from my home office was the same one the Commission was looking at. Commissioner Anderson referred also to page 39, line 11, and said replace the word "interpretating" with "*interpreting*". Commissioner Webber said the minutes as reported collected the thoughts that were expressed.

Action: Commissioner Webber moved to adopt the minutes for the February 7, 2014 meeting with the clarification and amendment. Commissioner Akenson seconded the motion and the motion carried unanimously by a vote of six.

1 Director Elicker thanked Teri Kucera for doing a fine job on the minutes. He said for
2 issues like this (Youngs Bay) these minutes are going to be looked at by many people so
3 she made sure they were as accurate as possible. It takes a lot of work since there is
4 only two support staff in the Director's Office now. The January 10, 2014 minutes will be
5 caught up for the next meeting.

6
7 **Exhibit B: Sea Urchin Permit Lottery Suspension**

8 Scott Groth, South Coast Shellfish Biologist, during a slide presentation said the Sea
9 Urchin fishery is a limited entry with 30 individual permits. When the number of issued
10 permits falls below 30 a lottery is held to bring issuance back to 30. Permittees must land
11 5,000 pounds of urchins to land their permit per year; however, once 20,000 pounds are
12 landed a permit may be transferred. Almost all landings over recent years have been the
13 same few divers. Permits have been issued each year and more permits have ended in
14 the lottery. Groth said OAR 635-005-0825(10) states, "The Commission may suspend
15 the lottery for up to two years based upon its assessment of the condition of the resource
16 and recommendations of the Sea Urchin Permit Review Board" (SUPRB).

17
18 Groth said red sea urchins inhabit rock reefs along the Oregon coast. The fishery
19 product is roe and the market product is called "Uni". Sea urchin divers fish full time year
20 round with a focus on the Nearshore rocky reefs of the south coast where kelp beds are
21 abundant; a small number harvest about a half million pounds of urchins annually.

22
23 Groth said the agency received SUPRB's recommendation to suspend the lottery for two
24 years and in support of the proposed management action which is based on the current
25 resource condition. In April 2012, staff met with active urchin harvesters to provide an
26 update on urchin stock conditions and to discuss management options. Concerns were
27 raised about the low density of urchins and clear limits on harvest pressures that can be
28 supported into the near future. Other concerns were raised about the potential shift into
29 Oregon by displaced divers from neighboring states.

30
31 Groth said for prime stock conditions Orford Reef populations are used as an index as it
32 accounts for half of the fishery. Staff does collect data at other sites; those places are
33 similar but not presented here. ODFW and OSU performed sub-tidal population surveys
34 across areas of Orford Reef that indicate the densities of red sea urchins have declined
35 substantially over time and the recruitment rate of juveniles is low. Urchin harvesters are
36 concerned about sustainability of the fishery and recommend a reduction in the number
37 of permits. The industry is concerned that Oregon urchin populations will not be able to
38 support an increase in the number of active harvesters in the future.

39
40 Groth said staff recommends suspending the lottery of sea urchin permits for two years.
41 The anticipated outcomes are:

- 42 • No management effect on current stable fishery.
- 43 • Reduce likelihood of new effort that will reduce stock and fishery stability.
- 44 • Address immediate concerns of fleet; allow time for data acquisition and analysis.
- 45 • Provides a stepping stone for work with the industry to promote fishery
- 46 sustainable.

1 Staff will continue surveys across Orford Reef and work with the industry to find
2 management solutions that insure fishery sustainability. Staff will come before the
3 Commission and report on these solutions.
4

5 **Public Testimony:**

Tim Foley Roseburg, Oregon	Tim Foley, an urchin diver, said he has been diving 25 years for urchins in the four states on the west coast. For the last 14 years he has had an Oregon permit. His boat and divers have been 85% of the fishery for the last 12 years. Foley said he is in support of the suspension of the lottery until we can have a sustainable fishery in the future.
Travis Easlon Port Orford, Oregon	Travis Easlon, an urchin diver in his second year, said he agrees for the cancellation of this. Just from the hearsay, other divers, e.g., from California, are going to be coming here. He said to help protect what we do have before it gets too late we will have to shut the fishery down, which is why he agrees with this.

6
7 Commissioner Anderson said limiting the number of permits on the fishery is a move
8 towards reducing potential for over harvest. But even with five of you out there if the
9 market demand increases and there is less production from Alaska and California, how
10 do you feel about other management measures like quota limits or area or seasonal
11 closures to help limit the potential of over harvest even by the five active permits? Have
12 there been discussions within your industry on that?
13

14 Foley speaks to his processor all the time. He said we supply and have access to sea
15 urchins all year long because it is a fresh product; it only has a 10 day shelf. When you
16 have a three month season you can't keep everything going; e.g., the employees to
17 process the urchins. California in the mid-1990's had closures in the summertime so they
18 would send divers up here because it was open year round. They changed it so they
19 were closed three days per week but they have a steady product year round.
20

21 Commissioner Anderson said in terms of having a quota on the fishery you are saying
22 that the market can only absorb so much of the product at once because of perishability
23 and the limitations in the processing? Foley said that is true but they want a steady
24 supply of fresh product year round. Washington has a quota of 300,000 pounds. For a
25 long time nobody has bought them because it is not worth setting up a program to sell
26 them. It takes a lot of infrastructure; one man he sells to has 100 employees.
27

28 Commissioner Webber said if we set a weekly quota you could still deliver over a long
29 period and we would have some control over how many were taken. How would that
30 work? Foley said it would depend on how many divers are involved. They have to get
31 so much to make it worth their while to dive. Commission Webber asked how many
32 divers go down. Foley said me and three other guys. Commissioner Webber said do you
33 work on different permits? Foley said each diver has his own individual permit.

1
2 Commissioner Akenson said when you harvest sea urchins are there things you and the
3 other divers do to maintain the breeding population in those areas? Do you take them all
4 or keep some there for reproduction? Foley said we do not usually go any deeper than
5 80-feet so there is still more of the product down there. It is not economical time wise;
6 you don't have much bottom time.

7
8 Commissioner Webber asked staff, if the stock is becoming depressed do we want to
9 limit the number of permits? Do we want to put a quota on the fishery? Are we
10 suspending the lottery so we can think about those things? Groth said we are
11 suspending the lottery as a stepping stone to think about not only permit changes but
12 other logical valuable changes that exist in the fishery today, such as Mr. Foley alluded
13 to - only diving to 80 feet so that leaves deeper stocks in refuge.

14
15 Steve Rumrill, Shellfish Program Leader, said in April 2012, staff met with all the industry
16 members in Port Orford to discuss possible management actions including rotational
17 closures, depth limits, what the industry calls a "slot limit" by putting a cap on the largest
18 sizes, and an overall reduction in the number of permits. At this point it made sense for
19 staff to come to the Commission and ask for suspension of the current permit system to
20 give staff time to go out in the field to gather information and work with industry to see
21 what management steps may make sense in the future.

22
23 Commissioner Wolley asked if there are a lot of outside divers. Groth said the industry is
24 concerned that groups from Washington, Alaska, and California will shift their efforts to
25 Oregon, the only urchin fishery along the west coast that is open and has available
26 permits. Commissioner Wolley asked if California divers coming to Oregon had to apply
27 for a permit. Groth said right now there are no California divers with permits to dive here.
28 When permits are available they could call for a permit and receive one.

29
30 Commissioner Anderson thanked Steve Rumrill for meeting with her in Newport to
31 explain this issue. She supports what staff is doing and said there is a lot of hard work in
32 the next two years to develop a management structure that can protect the sea urchins
33 and to research their life histories, e.g., living 100 to 200 years.

34
35 Chair Levy noted that only three seats were filled on SUPRB. Who has the authority to fill
36 the two empty positions? Rumrill said SUPRB has three seats for members of the
37 industry (only one is filled by Mr. Foley) and two seats for members of the public. Mr.
38 Foley's position will expire soon. You would have to recruit new members in the industry.

39
40 Legal Counsel Steve Sanders said the Commission appoints those positions.

41
42 Chair Levy urged staff to bring those proposed positions before the Commission so they
43 can be appointed before Mr. Foley is off of SUPRB.

44
45 *Action: Vice Chair Finley moved to suspend the lottery of sea urchin permits for*
46 *two years given the condition of the stock and recommendation of active*

1 *harvesters. Commissioner Wolley seconded the motion and the motion carried*
2 *unanimously by a vote of six.*

3
4 **Exhibit C: WILDLIFE INTEGRITY RULES**

5 Rick Boatner, Invasive Species Wildlife Integrity Coordinator, said the four categories of
6 wildlife classifications are: animals exempt from rules; prohibited; noncontrolled; and
7 controlled species. A person can request that a species be classified or reclassified by
8 providing information on each of the nine criteria in the Wildlife Integrity Rules. That
9 request is presented to the Wildlife Integrity Panel (the Panel) who assigns risk to each
10 criterion and makes a recommendation to the Commission on how it should be
11 classified. Risks can be unknown, high, medium, or low. He said the Panel determined
12 the following “nonclassified” species are a low risk for becoming invasive in Oregon
13 based on criteria. Staff recommends that they be listed as a “Noncontrolled” species:

- 14 1. Marbled tree frog
- 15 2. Tonkin Bug-eyed frog
- 16 3. Splendid Japalure
- 17 4. Somali and Taylor’s Strange Agama.
- 18 5. Asian Grass lizard

19
20 The Panel determined the following species still pose a high degree of risk for becoming
21 invasive in Oregon. Staff recommends they remain listed as a “Prohibited” species:

- 22 6. Spanish Ribbed Newt; currently prohibited.
- 23 7. Redbelly toad; currently prohibited.
- 24 8. Pixie Frog or Tschudi’s African Bullfrog; currently prohibited

25
26 The Panel determined the following species pose a high degree of risk for becoming
27 invasive in Oregon. Staff recommends that the following species be placed on the
28 “Prohibited” species list.

- 29 9. Armored Glass lizard; currently not classified.
- 30 10. Asian small-clawed otter; currently not classified.
- 31 11. Eastern subspecies of North American River Otter; currently not classified.

32
33 Boatner asked the Commission to approve the following Division 56 rule amendments:

- 34 • Divide OAR 635-056-0000 “Purpose and General Information” into two categories:
35 1) 635-056-0000 – Purpose; and 2) 635-056-0002 – Taxonomy.
- 36 • Amend OAR 635-56-0130 (f), Feasibility and cost of capturing or eradicating
37 escaped animals into two categories:
38 1. (f) Feasibility of capture and eradicating escaped animals; and
39 2. (g) Cost of capturing and eradicating escaped animals.
- 40 • Add new criteria to OAR 635-056-0140 (1)(c) “Whether the species has the
41 potential to prey upon *and impact* native wildlife. Adding the word “impact” would
42 reflect a more accurate degree of risk that might occur directly or indirectly on
43 native wildlife.
 - 44 • Add to OAR 635-056-0140, “(g) *What types of disease or parasites could*
45 *be passed on to native wildlife...*”
- 46 • Under Grandfathering in (a) remove “..., or signed affidavit;” as proof for
47 grandfathering for legal possession as described in OAR 635-056-0150(1)(a).

1 Species are difficult to age in the field to determine if a person had possession
2 before January 1, 2000.

3
4 **Public Testimony:**

<p>William Ahlquist Junction City, Oregon</p>	<p>William Ahlquist, petitioner and otter owner, distributed a written statement. He requested the North American River Otter and Asian Small-clawed Otter be classified as “non-controlled”. The Panel determined that the risk of these otters becoming an invasive species in Oregon is too high for any classification other than “prohibited”. His request was related to his future prospects of keeping river otters because they were obtained from an out of state U.S.D.A. license. As captive born animals they did not fit into any existing rules regarding native and non-native wildlife species. He said has extensive experience with the river otter only. The exotic otter species was his alternative in case a “prohibited” classification was given for his current otter. His other option would be to place both species in the “controlled” classification or to modify other regulations that would cover only captive born river otter and would allow this type of activity under ODFW oversight.</p> <p>Ahlquist said there should be a law for the dedicated and sincere to achieve their dreams and be able to raise otters without the need for publicity or making money. He hopes that at least the recommended option will allow for that capacity. He wants to raise otters to help eliminate the need of capturing otters from the wild so they can be kept in public and commercial facilities. Last year the High Desert Museum in Bend obtained two otters from a Louisiana USDA licensed breeder; only one survived. Ahlquist provided one of his otters to the museum’s otter exhibit as a temporary loan. His goal remains to be able to raise otters and someday help propagation efforts on a sustained level.</p>
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5
6 Commissioner Akenson asked if Ahlquist had an ODFW permit for the otters. Ahlquist
7 said no, only an import permit that was issued by Louisiana. He brought the otters back
8 on the plane. He made arrangements for payment and insured that they were health
9 checked before receiving them. Commissioner Akenson asked if the otters had a
10 veterinarian check before coming into Oregon. Ahlquist said they had a health certificate.

11
12 Commissioner Akenson referred to the proposed change to OAR 635-056-0140 (1)(c)
13 “Whether the species has the potential to prey upon *and impact* native wildlife.” She
14 thought it had to meet both of those criteria and so took it opposite of what is being
15 proposed. She said adding “*and impact*” was redundant to another line that talks about
16 competition. Doesn’t your impact refer to competition of other species? The example

1 used was a non-native frog may prey on the same food source such as insects the
2 native species consumes, so there may be potential impact to the species. She said that
3 would be competition which you already addressed in the rules.
4

5 Boatner said that would be similar. The Wildlife Integrity Panel looked at if either or
6 happened, competition or direct impact, and that is why the Panel wanted to insert the
7 word "impact" into that statement.
8

9 Commissioner Akenson referred to page 23, line 6, "(gh) *Whether the species has the*
10 *potential to compete for food, water, shelter, or space with native wildlife;*" She said that
11 is the same as the description of adding "*and impact*". Boatner said it appears to be
12 redundant and should be removed.
13

14 Commissioner Akenson said in our information on Issue 2 (see Attachment 1 – Agenda
15 Item Summary, page 6, fourth paragraph) where it states OAR 635-056-0140 (1)(c) that
16 should be sub-section "(d)" regarding the prey upon native wildlife.
17

18 Commissioner Wolley asked if staff took into consideration the status of the
19 recommended species in their countries of origin when deciding to make these
20 recommendations. Boatner said that is not taken into consideration by the Panel. We
21 only use the nine criteria listed in the Division 56 rules.
22

23 Commissioner Wolley said the International Union for Conservation of Nature (ICUN)
24 has a "Red List of Threatened Species" which is the global status of species around the
25 world. Climate change, air quality, and deforestation affect everybody around the world;
26 the status of these species is a direct reflection of the environmental impacts on the
27 environment. The Red List did not list any of these as threatened and some are very
28 prevalent in the pet trade now. He said in the future it would be responsible due diligence
29 to consider the status and impacts on the species in their native habitat as we are doing
30 these reviews. Boatner said staff would work with him to develop that criterion.
31

32 Commissioner Akenson referred to page 23 of Attachment 3 and said at the end of line 7
33 and the end of sub-section (h) there is the word "and". She said sub-sections (i) and (j)
34 follow so remove the word "and".
35

36 Legal Counsel Erin Donald referred to Commissioner Akenson's request to remove the
37 word "**and**" on page 23, end of line 7, and suggested that "**and**" be added to the end of
38 line 8 to make clear that each one of those factors need to be considered. She noted that
39 on line 7 the word "**ildlife**" was missing a "**w**".
40

41 *Issue 1 Action: Commissioner Akenson moved to adopt the staff recommendation*
42 *to amend Wildlife Integrity Rules OAR 635-056-0060 to classify the following*
43 *species as Noncontrolled: Marbled tree frog; Tonkin Bug-eyed frog; Splendid*
44 *Japauze; Somali Strange; Taylor's Strange Agama; and Asian Grass lizard with*
45 *the scientific names recorded in the staff report (see Attachment 1 – Agenda Item*
46 *Summary, page 5), and that the following species be classified as Prohibited in*
47 *OAR 635-056-0050: Armored Glass Lizard; Asian Small-clawed otter; and*

1 *Eastern subspecies of the North American River Otter. Commissioner Wolley*
2 *seconded the motion and the motion carried unanimously by a vote of six.*

3
4 Vice Chair Finley said Legal Counsel's suggestions are for Issue 2 here? Legal Counsel
5 Donald said correct.

6
7 *Issue 2 Action: Vice Chair Finley moved to adopt staff recommendations to*
8 *amend Division 56 Wildlife Integrity Rules: 635-056-000, 635-056-0130, 635-056-*
9 *00140, and 635-056-0150 with the amendments and editing suggestions*
10 *suggested by Legal Counsel.*

11
12 Chair Levy said the end of 635-056-00140 should read -0140.

13
14 *Vice Chair Finley amended his remarks to correct 635-056-00149 to 635-056-*
15 *0140, and to include the suggestion of Commissioner Akenson.*

16
17 Legal Counsel Donald clarified that Vice Chair Finley moved to not add the words "***and***
18 ***impact***" to line 2 of page 23 (see Attachment 3 – Draft Oregon Administrative Rules).
19 Vice Chair Finley said that is correct.

20
21 Legal Counsel Donald clarified and to delete the word "***and***" from the end of line 7 on
22 page 23 and to add "***and***" to the end of line 8, page 23. Vice Chair Finley said correct.

23
24 *Commissioner Akenson seconded the motion and the motion passed*
25 *unanimously by a vote of six.*

26
27 **Exhibit D: ACCESS AND HABITAT PROJECT APPROVALS; LANDOWNER**
28 **REPRESENTATIVE APPOINTMENT; AND HUNTER REPRESENTATIVE**
29 **APPOINTMENT**

30 Matthew Keenan, Access and Habitat (A&H) Program Coordinator, during a slide
31 presentation presented three issues to the Commission for consideration.

32
33 ***Issue 1: New River Aleutian Goose Project.*** Keenan said A&H funds would be used
34 to reimburse a portion of the fertilizer (45 tons) required to recover pastures heavily
35 damaged by Aleutian Canada geese that stage on these lands before they fly back to the
36 Aleutian Islands in Alaska in the early spring. The landowners would purchase 100 tons
37 and apply all of the fertilizer. He said this project proposal originally requested two years
38 of project funding. The A&H Board approved the project for one year and asked staff to
39 look into receiving additional match funding for the project to help reduce the cost to the
40 A&H program. The project would provide 4,780 acres of public goose and duck hunting
41 access; less than half of that area would be fertilized with this project funding. Total cost
42 of the project is \$82,700 leaving an A&H funding request of \$24,750.

43
44 ***Issue 2: A&H Landowner Representative Appointment.*** Keenan said staff advertises
45 this position through a variety of media resources and direct communication with
46 landowner groups. Landowners who represent farming and ranching send their
47 applications to the Oregon Department of Agriculture (DOA), and timber representatives

1 sent their application to the Oregon Department of Forestry. Seven applications were
2 ranked by an internal review committee by criteria in *Attachment 1 – Agenda Item*
3 *Summary* (see page 3). Using a slide map he discussed the distribution of current A&H
4 Board members and the landowner representative candidates. He briefly discussed the
5 top ranking five applicants presented today and noted four were from western Oregon
6 and one applicant represented northeast Oregon.

7
8 **Issue 3: A&H Hunter Representative Appointment.** Keenan said the process is similar
9 except a hunter representative application is submitted directly to ODFW. Staff received
10 nine applications that were ranked by our internal review committee. The top five
11 candidates are presented to the Commission today. He pointed to slide maps and
12 discussed the current distribution of the A&H Board members and the hunter
13 representative candidates. He noted that an incumbent Board member has served four
14 years and is seeking re-appointment. The candidates are distributed across the state.

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

17
18 Commissioner Wolley said we need a landowner in eastern Oregon. There are a lot of
19 well qualified individuals but there will still be a vacuum in representation from that area.

20
21 Vice-Chair Finley knows a lot of very qualified women who hunt and fish or own land yet
22 everyone on both lists are men. He said is there just not the interest or do they not make
23 the top of the qualification list? Keenan said we receive very few applications from
24 women interested in serving on the A&H Board. Some women do serve on regional
25 councils and we encourage their continued interest in the program and to apply for these
26 positions. Vice Chair Finley said perhaps Al Elkins can look at his Oregon Hunters
27 Association membership list and help you with that.

28
29 Commissioner Wolley said the Commission does not know how we are enhancing or
30 complementing the existing composition of the Board. He suggested that staff provide a
31 brief profile of the existing committee members to help them weigh out their decision
32 making on how to balance the Board out. Keenan agreed to do so next time.

33
34 Commissioner Webber said Alan Christensen is applying for reappointment to the hunter
35 representative position. He asked if Christensen has been a valuable member who has
36 been regularly attending and been beneficial to the A&H Board. Keenan said absolutely.

37
38 *Issue 1 Action: Commissioner Wolley moved to approve the Access and Habitat*
39 *Board recommendation for project funding. Commissioner Anderson seconded*
40 *the motion, and the motion passed unanimously by a vote of six.*

41
42 Chair Levy moved to Issue 2 Action and said she personally knows one of the
43 applicants. Commissioner Webber said he knows Craig Ely from working at the
44 Department. Ely would make an excellent candidate and he does represent an area that
45 is in need of representation; particularly from a landowner's perspective. I would value
46 his opinion. Chair Levy agreed that Mr. Ely would be an excellent candidate.

1 *Issue 2 Action: Commissioner Webber moved to appoint Craig Ely to serve a*
2 *four-year term as Landowner Representative on the Access and Habitat Board.*
3 *Vice Chair Finley seconded the motion, and the motion passed unanimously by a*
4 *vote of six.*

5
6 Commissioner Wolley said Alan Christensen's background is more varied than some of
7 the other candidates, having worked with Western Rivers Conservancy and The Wildlife
8 Society. He brings a conservation background in to the mix of Board members.

9
10 *Issue 3 Action: Commissioner Wolley moved to appoint Alan Christensen to*
11 *serve a four-year term as Hunter Representative on the Access and Habitat*
12 *Board. Commissioner Akenson seconded the motion and the motion passed*
13 *unanimously by a vote of six.*

14
15 Commissioner Anderson said as someone involved in commercial fisheries she has
16 "board envy" at how many people apply for positions like the A&H Board. In October
17 2012, she encouraged staff to be more proactive in filling Commercial Fisheries Permit
18 Board (CFPB) positions to avoid unrepresented type situations. She referred to the
19 people applying for the A&H Board and suggested that staff talk with these voluntary
20 board people and find out what the incentives are to participate. Perhaps a permit board
21 may be too limiting to draw significant interest from the commercial fisheries sector, but
22 broadening the scope of their purview to something that was more of an incentive to
23 them to participate might help in this regard.

24
25 Director Elicker said staff will take a look at her suggestions. Staff has always thought
26 with commercial fishermen working so hard and being away from home a lot during the
27 commercial fishing season the thought of them putting time in a meeting is an anathema
28 sometimes to them. He said staff will continue to recruit good candidates for CFPB and
29 will follow up with Caren Braby, Marine Resources Program Manager.

30
31 Commissioner Anderson said these guys show up for a Commodity Commission
32 meeting over periods of years of appointment. Several ad hoc groups have been put
33 together by the Department to address specific issues; such as logbook data use or
34 Nearshore fisheries in season management. She asked if there is a way to bundle
35 people who are already participating with the Department and the Commission and bring
36 the CFPB review perhaps bundled together with some of those other activities.

37
38 Director Elicker said that is a very good suggestion. Staff will come back and have more
39 discussion with the Commission.

40
41 **Exhibit E: 2013 OREGON WOLF MANAGEMENT REPORT**

42 Russ Morgan, Wolf Program Coordinator, during a slide presentation gave the annual
43 report on the Oregon Wolf Conservation and Management Plan (the Plan) and 2013 wolf
44 management activities.

45
46 *2013 Wolf Population.* The wolf population is doubling about every two years. Staff
47 documented four breeding pairs in 2013; down from six pairs in 2012. The Plan calls for

1 four breeding pairs for three consecutive years as the Phase 1 conservation objective.
2 Staff has identified and documented 17 pups but there may be more. There are 64
3 wolves, an increase from 48 in 2012. He noted eight known packs (see bottom slide,
4 page 2) and said the breeding pairs are in the Minam, Snake River, Umatilla River, and
5 Walla Walla packs. There are new packs in the Mt. Emily and Catherine/Keating Units.
6 Morgan pointed out eight wolf pack areas (see top slide, page 3) and said the Wenaha
7 pack goes up to near Dayton, Washington but staff only reports Oregon data.
8

9 *Capture and Monitoring.* To document breeding pairs and understand how these wolves
10 are filling in habitats, staff relies on radio-collaring. The two new packs are both
11 uncollared and are priorities for applying radio collars. Morgan said 16 wolves were
12 being monitored during 2013. Some dispersed out of state and collar failures continue to
13 be an issue. Staff collared eight wolves (three were incidental takes) and applied GPS
14 collars that provided 15,267 location points in Oregon. Wolf OR-18 is an example of what
15 happens when a wolf disperses from Oregon or the collar fails. Managers are left with
16 less information about the pack and less ability to interface with livestock producers.
17

18 *Livestock Depredation 2013.* There were 41 investigations; 13 incidents were confirmed
19 depredations. An incident is where one or more are killed or injured by wolves.
20 Confirmed incidents are up five from 2012. Much of that can be contributed to the Snake
21 River pack, depredating for the first time in 2013. In other parts of NE Oregon things
22 were relatively the same. All the depredations occurred in Wallowa and Umatilla
23 Counties.
24

25 *Wolf-Caused Livestock Issues.* Morgan said seven animals were injured by wolves. In
26 2013 five cattle, six sheep and 1 goat were confirmed to be killed by wolves. This is not a
27 tremendous difference from last year (see top slide, page 5).
28

29 *New Rule Implementation* as a result of litigation. Staff has been busy with:

- 30 ➤ New wolf-livestock management website. Most transparent process in the
31 country; anybody can access this information and staff investigations. 2,000
32 people have subscribed to our automatic updates.
- 33 ➤ 9 areas of known wolf activity.
- 34 ➤ 3 areas of depredating wolves.
- 35 ➤ 3 conflict deterrence plans in place.
- 36 ➤ Went through qualification process on six different depredations.
- 37 ➤ Requires staff to coordinate with producers within an area.
38

39 Morgan clarified a sentence on page 13 in *Attachment 2 – Staff Report: 2013 Oregon*
40 *Wolf Conservation and Management Report*. Under “Litigation and Settlement” the last
41 sentence in the first paragraph reads, “Because of the lawsuit, no wolves were lethally
42 controlled in Oregon in 2013.” He said for part of the year that was true but the **rest of**
43 the year we didn’t do any lethal control of wolves because none of the packs met the
44 new rule requirements.
45

46 *Automated Wolf Notification System* is designed specifically for livestock producers to
47 help them know when wolves are in the area of their livestock. In 2013 about 83,000

1 messages were sent to the producers. Morgan discussed ongoing issues with the
2 system:

- 3 • GPS collars create an expectation of information and a belief that staff knows
4 where these wolves are at all times. If somebody does not get this information
5 then there is disconnect.
- 6 • Producer may not get these locations all the time by text or email because the
7 collar may not connect with the satellite.
- 8 • Wolf may be outside the area that staff has set for information and producer does
9 not get any information.
- 10 • Once the message is sent out staff is not always in control of when, for example,
11 your cell phone receives it. That depends on the provider used.
- 12 • Wolf OR-4 has been collared four times by staff.

13
14 *Incidental and Illegal Take.* Three wolves were incidentally trapped by two licensed
15 trappers. Both trappers followed ODFW's procedures and called staff. All three wolves
16 were safely radio-collared and released. One wolf from the Umatilla River pack was shot
17 in Umatilla County; that case is being investigated by Oregon State Police. OR-17 is a
18 recent disperser to Idaho and has since been killed in Idaho.

19
20 *Wolf Research.* The Wolf Plan calls for conducting research to understand and know
21 how to understand wolf interactions on Oregon's landscape with all ungulate species.

- 22 • Staff conducted a review of research in other states and how it would apply to
23 Oregon.
- 24 • Agreement with OSU. Ph.D. student embarking on a four year project in areas
25 where wolves are starting to come into; such as the Mt. Emily pack.
- 26 • Finding and collaring wolves; also cougars.
- 27 • Understanding prey selection where prey availability differs. In most places where
28 wolves have been studied, elk has been the most primary and abundant prey
29 species. In NE Oregon, deer outnumber elk which is different.
- 30 • Research has shown that cougars have a singular importance in the ability to limit
31 recruitment for elk in NE Oregon. As wolves expand into these areas and
32 establish the interaction between wolves and cougars becomes more important
33 than other areas. What is the impact and do wolves affect cougar populations?

34
35 Commissioner Wolley said regarding collar failures are there any technology issues? Are
36 you finding collars abandoned or removed by wolves? Morgan said collar failure is not
37 uncommon. Last year Idaho put nine GPS collars on wolves and only five continue to
38 operate. Wolves are very hard on these collars which have sensitive electronics,
39 especially the two-way communication collars used with satellites. The collars we use
40 are expensive but appear to have the best track record seen yet in the lower 48 states.
41 The reason we put four collars on the breeding male, OR-4, was because of collar failure
42 and not because the battery burned out; alpha males are harder on collars.

43
44 Commissioner Wolley said in your report producers can be compensated through a block
45 grant program or a tax credit. If someone is already being compensated through a block

1 grant can they also apply to receive tax credits? Morgan said no, by statute and rule a
2 person cannot double dip in the system and get both a tax credit and the compensation.

3
4 Commissioner Webber asked if staff collars every wolf they have an opportunity to put a
5 collar on. Morgan said yes, within the limitations of the animal. If we catch an animal that
6 is 45 to 50 pounds we are not going to collar it. We have new collars now that are lighter.
7 Those two incidental captures in 2013 we did put a light GPS collar on those pups.

8
9 Chair Levy asked, when you collar a wolf pup how do you account for the growth of its
10 neck. Morgan responded that staff has data for the size of adult female and adult male
11 necks that provide a range. We measure that neck and make the collar to that range and
12 after we apply it we actually try to pull it off the animal. If it comes off we don't collar the
13 animal. We have recaptured many wolves and have yet to find too tight a collar.

14
15 Commissioner Akenson asked for an update on how the compensation program was
16 doing. Has staff received any recent feedback from livestock producers that have been
17 involved in that? Morgan said he was not directly involved with the compensation
18 program, which is not within ODFW but the Oregon Department of Agriculture. He does
19 attend county meetings and has been to all of the counties that have committees in NE
20 Oregon. Generally, it is still a developing program. More experienced counties with
21 depredations like Wallowa seem to have an understanding of the system, how it works
22 and helped develop it. Other counties with less depredation experience are still in a
23 process to understand it and what they should be doing. Morgan has not been involved
24 with who gets paid and the criteria used in that program.

25
26 **Public Testimony:**

<p>Al Elkins Wilsonville, Oregon</p>	<p>Al Elkins, Oregon Hunters Association (OHA), said if the Commission was legislators and we were talking about OHA's priorities for funding, our two priorities are money for always keeping biologists and state game enforcement officers on the ground. Elkins said:</p> <ol style="list-style-type: none">1. OHA is concerned about the amount of time and effort that the biologists have to spend on this issue that would take away from their regular wildlife management duties. That was voiced to him by a number of OHA members during the past two weeks after the packet came out.2. OHA member approached him about the map (OR-19) on page 4 (see top slide) and said they thought there was a collared wolf in the Imnaha Pack far north of what is shown on the map. The member didn't know if they were reading the map wrong or if it needed to be corrected. They believe that this wolf was collared before the report came out and maybe the map was not an accurate depiction of the entire wolf population.
--	---

1
2 Chair Levy asked Russ Morgan to address Mr. Elkin's comments.
3

4 Morgan said on the map is a wolf use area. These maps are made using irregular
5 polygon shapes using actual data which is why you see irregular patterns. These maps
6 change over time and encompass all of the data that we have during the calendar year
7 minus one thing. He said wolves often do "walk abouts" and go somewhere and stay for
8 a day or so and come back. We don't include those because all of these packs would
9 probably double in size. Staff is trying to show where the packs occurs virtually all of the
10 portions of the year. After the first of the year, some of the Imnaha pack wolves did go
11 north of the line as Mr. Elkins correctly pointed out. That is the single wolf, OR-17, which
12 has also continued on and out of the state. The data that you see (e.g., Minam pack)
13 would be all of the data that we have; they haven't gone on any walk abouts. These use
14 areas become important for the rules for non-lethal and things that producers do.
15

16 **Exhibit F: OREGON FALCONRY RULES**

17 Lindsay Adrean, Strategy Species Coordinator, on behalf of Martin Nugent presented
18 four proposed amendments to the Oregon Falconry rules. She said the administrative
19 corrections include an update to the Department's mailing address, grammatical errors,
20 and administrative oversights. The other three issues are:
21

22 *Issue 1: Conditions for take of peregrine falcons.* The Oregon regulations are more
23 restrictive than federal regulations in some areas. Adrean said proposed amendments
24 would simplify the rules by:

- 25 • Removing some conditions and requirements; monitoring and reporting
26 requirements would appear on individual permits. Provides Department with
27 additional flexibility if those conditions need to be further amended in the future.
- 28 • Allow residents to take nestlings from natural or man-made sites or post-fledging
29 birds.
- 30 • Non-residents would continue to be allowed to take nestlings only from man-made
31 structures or post-fledging birds.
32

33 *Issue 2: Maximum number of peregrine falcon take.* Adrean said amendments would:

- 34 • Increase maximum take from 7 to 10 peregrines per year.
- 35 • Ten permits still below U.S. Fish and Wildlife Service threshold for take in Oregon.
36 This is indicated by peregrine falcon survey in 2012 that showed 175 nests in the
37 state; survey documented high productivity.
- 38 • Nine permits designated for Oregon residents.
- 39 • One permit for non-resident.
- 40 • Permits continue to be selected by lottery draw.
41

42 Adrean said only one permit has been authorized in the last four years but staff foresees
43 an increase in the demand as a result of the proposed changes outlined in Issue 1.
44

45 *Issue 3: Additional species for take.* Adrean said Oregon currently allows 11 raptors to
46 be taken for falconry although federal regulations allow for many additional species. The

1 Oregon Falconers Association (OFA) requested to add the Red-shouldered Hawk and
2 Ferruginous Hawk to the Oregon list. She said:

- 3 • Red-shouldered hawk is expanding into Oregon from California where they are
4 authorized for falconry take. Staff recommends up to three passage or migrant
5 birds for take; excludes any take of nestlings.
- 6 • Ferruginous hawk is a state sensitive species with a critical designation and an
7 Oregon Conservation Strategy species. They face negative impacts from
8 development in their sagebrush habitat in central and eastern Oregon and are
9 vulnerable to human disturbance. Since there is lack of data on their population
10 size and trends, staff recommends that they continue to gather more population
11 information before allowing any take for falconry.

12
13 Adrean said the Department worked with OFA, other falconers, and the Audubon Society
14 of Portland (ASP) on these proposed amendments.

15
16 **Public Testimony:**

Bob Welle Canby, Oregon	Bob Welle, for OFA, said he was part of the working group with staff. They did a great job in polling his group. He said OFA represent about 80% of the licenses falconers in the state. All of these issues were put in front of their group and this is what they suggested. Welle said through the process with ASP and Department staff we support these recommendations.
----------------------------	---

17
18 Vice Chair Finley said the application fee is nonrefundable. What is the fee for the falcon
19 permit? Rickerson said \$127 for a three year license. Vice Chair Finley said every three
20 years you must renew that license if you have a bird in possession? Rickerson said yes.

21
22 Commissioner Webber referred to page 5, lines 23-24, in the *Supplemental Draft OARS*
23 and said Section (8) indicates that if a permit holder violates the rules or permit
24 conditions they would be subjected potentially to the Department invalidating their
25 peregrine capture permit. He said these are major violations of significant portions of the
26 permit. He suggested that the permit be automatically invalidated; it has a significant
27 impact on what these people can be charged with criminally. He referred to a case in
28 2010 in which the subjects were charged with felonies, whereas a permit violation would
29 be a misdemeanor. He asked staff to figure out a mechanism to make that work.

30
31 Vice Chair Finley said the \$127 license fee over three years is \$42.33 every year. Why
32 are we accommodating an out-of-state resident? Are they charged the same price? He
33 does not see a basis for it. He can see if for out of state fishing and hunting licenses
34 because the state derives revenue from that but this is deminimis revenue or fringe
35 support or activity. He does not support a nonresident permit.

36
37 Director Elicker said he could not speak to that exactly and asked OFA to respond.
38

1 Bob Welle, OFA, said the federal program was turned over to the states several years
2 ago; every state regulates the falconry programs. We pay the falconry fee and the
3 hunting fees. He is a duck hunter and pays for federal and state duck stamps. Most
4 states offer reciprocity. If there is another state that offers a species of raptor that we
5 don't have, if we offer nonresident take then that state allows us to take from their state.
6 Prairie falcons are the only species in our state that nonresidents are after. Most of the
7 local states have peregrines or red-shouldered hawks. Prairie falcons are more common
8 in eastern Oregon. If you take it away from us then we lose the ability to go to another
9 state to take, for example, a merlin or a Goss hawk from Minnesota.

10
11 *Action: Commissioner Anderson moved to amend OAR 635-055 as presented*
12 *by staff. Commissioner Akenson seconded the motion, and the motion passed*
13 *unanimously by a vote of six.*

14 15 **OTHER BUSINESS**

16 **Executive Session.** Chair Levy announced that the Commission would adjourn for
17 lunch and Executive Session at the same time. She said the Commission will meet in
18 executive session, as authorized by ORS 192.660(2)(h) to consult with legal counsel
19 regarding current litigation relating to Columbia River salmon management.
20 Representatives of the news media and designated staff shall be allowed to attend the
21 executive session. All other members of the audience are asked to leave the
22 room. Representatives of the news media are specifically directed not to report on any
23 of the deliberations during the executive session, except to state the general subject of
24 the session as previously announced. No decision will be made in executive session. At
25 the end of the executive session, we will return to open session and welcome the
26 audience back into the room.

27 28 **ADJOURN**

29 Chair Levy reopened the Commission's public meeting to adjourn at 12:50 p.m.