

1
2 **3. 635-004-0275**

3 **Federal Actions and Management Measures for Commercial Groundfish Trawl and**
4 **Fixed Gear Fisheries Implemented**

5 Adopted July 30, 2014: effective August 4, 2014 through December 31, 2014.

6 This amended rule implements rule corrections and in-season actions previously
7 adopted by the federal government for the 2014 Pacific Ocean commercial groundfish
8 fisheries. Modifications include, but are not limited to: 1) corrections to Rockfish
9 Conservation Area (RCA) coordinates; 2) corrections to shore-based trawl allocations for
10 several species; and 3) changes in the limited entry and open access fixed gear
11 sablefish DTL fishery trip limits.
12

13 **4. 635-014-0090**

14 **Three Rivers Angling Regulations Modified**

15 Adopted August 1, 2014: effective August 4, 2014 through September 30, 2014.

16 This amended rule includes modifications to the permanent rule which were recently
17 adopted by the Oregon Fish and Wildlife Commission at its August 1, 2014 hearing.
18 These necessary modifications were not included in the previous temporary rule.
19
20

21 **5. 635-021-0090**

22 **Thief Valley Reservoir Sport Game Fish Harvest Opportunity**

23 Adopted August 6, 2014: effective August 9, 2014 through December 31, 2014.

24 Amended rule authorizes extraordinary catch limits in Thief Valley Reservoir beginning
25 Saturday, August 9, 2014. Due to low water storage levels, the reservoir will be drained
26 of storage water sometime in September 2014. Fish will then be trapped in isolated pools
27 and stressed by warm and turbid water. Rule modifications provide anglers with an
28 opportunity to harvest many of these trout before they are lost.
29

30 **6. 635-041-0075**

31 **Columbia River Treaty Indian Commercial Gill Net Salmon Seasons Set**

32 Adopted August 7, 2014: effective August 18, 2014 through October 31, 2014.

33 This amended rule allows commercial sales of fish caught during the Treaty Indian
34 commercial fall salmon gill net fishery in the Columbia River and its Washington
35 tributaries. The first of five fishing periods authorized for the fall gill net fishery is
36 scheduled to begin at 6:00 a.m., Monday, August 18, 2014. Modifications are consistent
37 with action taken August 7, 2014 by the Columbia River Compact agencies of the states
38 of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.
39

40 **7. 635-073-0060**

41 **Amend Rule to Expand Hunt Area for Flat Creek Youth Elk Hunt**

42 Adopted August 8, 2014: effective August 8, 2014 through August 29, 2014.

43 Because the majority of the hunt area is closed due to an active wildfire this amendment
44 is necessary to allow the hunters possessing these tags an opportunity to hunt. This rule
45 amendment would expand the hunt area to include that part of the Unit 46 west of U.S.
46 Hwy. 395 to provide an option for Department staff to authorize these hunters to hunt an
47 area not affected by current fire closures. Opening and closing dates are unchanged.

1
2 **8. 635-067-0030**

3 **Amend Rule to Extend Hunt Seasons for Bighorn Sheep Controlled Hunts**

4 Adopted August 8, 2014: effective August 28, 2014 through October 31, 2014.

5 The current season for Bighorn Sheep Controlled Hunt 546A1 is from August 16 to
6 August 27, 2014. The current season for Bighorn Sheep Controlled Hunt 546A2 is from
7 September 6 to September 21, 2014. To accommodate hunters affected by the 2014
8 hunting conditions, Department staff may extend the period during which the tag may be
9 exercised for hunters who drew a tag for the 2014 season, at the hunter's request, to
10 October 31, 2014 to fill the tag, or to forego hunting in the 2014 season and exercise the
11 tag in the 2015 season. Because a large portion of the hunt area is closed due to an
12 active wildfire this amendment is necessary to allow the hunters possessing unused,
13 once in a lifetime, bighorn sheep tags an opportunity to hunt after access restrictions are
14 lifted. Beginning on August 28, 2014, the hunt area for Hunts 546A1 and 546A2 is
15 expanded to include all of the Murderers Creek Wildlife Management Unit. Opening
16 dates of each hunt are not changed.

17
18 **9. 635-042-0010 and 635-042-0031**

19 **Commercial Fall Drift Gill Net and Pilot Seine Seasons Set for the Mainstem
20 Columbia River**

21 Adopted August 12, 2014: effective August 13, 2014 through September 30, 2014.

22 These amended rules extend the ongoing early fall commercial salmon drift gill net
23 season with the addition of two 9-hour fishing periods beginning August 24 through
24 August 27, 2014 in Zones 4 and 5 of the Columbia River. Allowed sales include Chinook,
25 coho, pink and sockeye salmon and shad. Rule modifications allow the use of seine gear
26 for commercial purposes and set season dates and regulations for the pilot 2014 non-
27 Indian commercial seine research fishery. The first of sixteen authorized seine fishing
28 periods begins at 6:00 a.m., Tuesday, August 19, with further fishing periods scheduled
29 through 7:00 p.m., Monday, September 29, 2014. Allowed sales include: Adipose or left
30 ventral fin-clipped Chinook, adipose fin-clipped coho, pink and sockeye salmon and
31 shad. Subject to *Individual Fishing Quotas* (as defined in the 2014 seine permits) and
32 fishing regulations, all legally caught salmon must be landed.

33
34 **10. 635-023-0134**

35 **2014 Snake River Sport Fall Chinook Fishery below Hells Canyon Dam Opens
36 September 1**

37 Adopted August 13, 2014: effective September 1, 2014 through December 31, 2014.

38 This amended rule implements the 2014 fall Chinook fishery on the Snake River in an
39 area from the Oregon-Washington border upstream to the deadline below Hells Canyon
40 Dam. The fishery begins September 1 and runs through November 17, 2014. Rule
41 modifications coincide with State of Idaho regulations for this concurrent fishery.

42
43 **11. 635-039-0085**

44 **Summer Sport Pacific Halibut All-Depth Season from Cape Falcon to Humbug
45 Mountain Closes**

46 Adopted August 21, 2014: effective August 21, 2014 through December 31, 2014.

1 This amended rule closes the all-depth summer sport fishery for Pacific halibut in the
2 area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m., on Thursday,
3 August 21, 2014, due to the projected attainment of the pre-season quota of 46,405
4 pounds. This rule is consistent with regulations previously implemented by the federal
5 government and the International Pacific Halibut Commission for the 2014 Oregon sport
6 fishery for Pacific halibut.

7
8 **12. 635-065-0705**

9 **Amend Rules to Allow Copper Conical Bullets during Muzzleloader Seasons**

10 Adopted August 24, 2014: effective August 26, 2014 through February 1, 2015.

11 Currently, lead free copper bullets, although nontoxic, are not identified as a legal option
12 for hunting big game during muzzleloader seasons. This rule amendment would add
13 lead free copper conical bullets as an option for hunters during muzzleloader-only
14 seasons and 600 series hunts where there is a weapon restriction of
15 shotgun/muzzleloader only or archery/muzzleloader only.

16
17 **13. 635-042-0031**

18 **Commercial Fall Drift Gill Net Fisheries Set for the Mainstem Columbia River**

19 Adopted August 26, 2014: effective August 26, 2014 through September 30, 2014.

20 This amended rule extends the ongoing early fall commercial salmon drift gill net season
21 with the addition of two 9-hour fishing periods with the first new period beginning at
22 9:00 p.m., Thursday, August 28, 2014, in Zones 4 and 5 of the Columbia River. Allowed
23 sales include Chinook, coho, pink and sockeye salmon and shad.

24
25 **14. 635-435-0000**

26 **Amend Rule to Clarify Who Can Hold Wildlife Control Operator Permit**

27 Adopted August 29, 2014: effective August 29, 2014 through February 25, 2015.

28 Currently, the individual or business owner charging a fee to control wildlife which is
29 causing damage, is a public nuisance, or is posing a health risk must first obtain a
30 Wildlife Control Operator permit. This rule amendment would add the option for a
31 business owners' designee to be permitted. This amendment is needed in order to clarify
32 who can hold the Wildlife Control Operator permit.

33
34 **15. 635-043-0151**

35 **2014 Warm Springs Special Big Game Hunting Regulations**

36 Adopted August 29, 2014: effective August 29, 2014 through February 25, 2015.

37 These rules are needed to clarify the legal authority of Warm Springs Tribal Hunters to
38 take big game species for the 2014 hunting season. .

39
40 *Action: Commissioner Wolley moved to adopt the temporary rules numbered 1*
41 *through 15 as shown in our Commission packets. Commissioner Webber*
42 *seconded the motion and the motion passed unanimously by a vote of six.*

43
44 **PUBLIC FORUM**

45 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*
46 *agenda. Please contact the Oregon Department of Fish and Wildlife Office of the*
47 *Director at least 24 hours prior to the meeting to be included in the public forum. If you*

1 *bring written summaries or other materials to the meeting please provide the*
 2 *Commission Assistant with 20 copies prior to your testimony. The Commission is unable*
 3 *to take action on items brought to their attention in this forum.*
 4

<p>Todd Nash Enterprise, Oregon</p>	<p>Todd Nash, a rancher and Committee Chairmen of Oregon Cattlemen’s Association (OCA), addressed the current situation of grey wolves in Oregon.</p> <ul style="list-style-type: none"> • The start of the Oregon Wolf Plan (the Plan) states that wolves are listed as an endangered species. The Oregon Endangered Species Act (ESA) requires the Commission to conserve the species of the state. • The first conversation they had with Russ Morgan was when they learned what was to be expected during Phase 1 of the Plan. It was so restrictive and a plan they knew they couldn’t live with but did. Since 2009, they have seen numerous depredations. • Morgan said we need four breeding pairs for three consecutive years to get to Phase 2 and delist wolves. We fully expect at the end of this year that we will be in that situation. • Phase 2 on page 27 of the Plan states that during this phase the wolf will no longer be listed, but it requires a vote from this Commission. <p>Nash said my plea is that we get that and see four breeding pairs for three consecutive years and we are able to move into management that is more effective for those of us who have had to deal with this in this side of the state. It’s been quite a load to bear for a few individuals. Those individuals need some relief and knowledge that it is going to get better.</p>
<p>Susan Roberts Enterprise, Oregon</p>	<p>Susan Roberts, Wallow County Commissioner, said local producers have changed their practice management over time and through generations running the operations. The change now has greatly affected the economics of their operations by either hiring more folks that they can ill afford in order to meet the criteria of the Plan in order to get confirmed depredations. By changing their operations immensely the economic cost has not only been an economic strain but a stress to their families. Families with children who used to round up stock are now afraid to let that happen because of these animals on their land. This had not been an issue before but this is a protected animal even on their private property.</p> <p>Roberts said she heard yesterday there are people who want wolves on the landscape but when you live somewhere</p>

	<p>else that might be a wonderful feeling to you. When you are here you see what they do to your operation and the changes the producer has to make, which has cost them emotionally and economically to do so. We have a Plan that we are moving through. We would like to see that carried forward in the fashion that Mr. Nash just articulated.</p>
<p>Rod Childers Enterprise, Oregon</p>	<p>Rod Childers, a local rancher, said we are in Phase 1 and having instances with getting wolf packs not collared. With the Chesnimnus Pack there was a confirmed depredation and a confirmed injury prior to that. Another injury was confirmed but they are not allowing it to move forward as a good qualifier for lethal take of wolves because there is not enough non-lethal being done in that area. We had a circle drawn where it was at, people out looking, a range rider and Wildlife Service agent in that area, and the producer who reported it said the wolves were howling prior to that incident. He said the Oregon Cattlemen’s Association (OCA) was involved with ODFW, the lawsuit and settlement, and the rule that was written. But we are splitting fine hairs on what can be qualified as a non-lethal. We do not know any more than ODFW where those wolves are at in any given day without a collar on.</p> <p>Childers asked the Commission to visit with Morgan to see if the rule is being followed or interpreted right. They feel they are doing everything they can but don’t know where the wolves are at. They have enough people on the ground to make this thing counts but maybe the agency is interpreting it a little bit different. He asked the Commission to look at it to see what could be done.</p>

1
2 Chair Levy noted that Commissioner Wolley was unable to attend the tour yesterday.
3 She asked Todd Nash to talk about the losses and the number of cattle lost
4
5 Nash said there have been 48 incidences of depredations in Oregon (per Russ Morgan
6 yesterday). In the beginning of the Plan if there were two, you would go to lethal control.
7 Here in Wallowa County there have been two wolves taken out. We are always thinking
8 if there is one more qualifying incident or one more depredation we will have some
9 action. We had a promise from ODFW that if we had chronic depredators of livestock
10 that they would deal with them; it has been us that dealt with them. He talked about a
11 small sheep producer who checked his sheep several times during the night but when he
12 left for work in the morning he discovered wolf tracks 150-feet of his home and a dead
13 ewe with fetuses partially removed. Nash said but that was not enough to take action.
14 These are the kind of things taking place in our area; the toll is tremendous.
15

1 Susan Robert said a producer on the Imnaha has plenary records of his stock
2 movement. His historical loss coming off the range each year has been three percent or
3 under. Last year he was at about seven percent. The program allows the County to
4 request grant money for the depredations. We paid that producer above his historic loss
5 up to seven percent. She said it is several thousands of dollars we are paying to
6 producers for lost stock and that's just the stock they can account for above their historic
7 losses. It is costing the entire state money. These producers don't want to take money
8 from others. The price in what it is costing the producers in animals and production
9 needs work. We would like the Commission to take another look at the Plan and bring it
10 into a focus that actually works for not only us here but the rest of the state.

11
12 Nash said cattle are the largest commodity in Oregon. To have a nation and state in
13 financial trouble and then put something out there that is a danger to that commodity - it
14 is hard to imagine doing that. The idea of having a pack of wolves 12 to 16 strong and
15 taking one or two out and expecting a better outcome is not going to work. When we
16 have chronic depredators we need effective management. If you're only going to take
17 just one or two out just leave them because it is going to upset the environmental
18 community and it is going to irritate us further if we don't have genuine effective
19 management.

20
21 Childers said in 2010 when these wolves were collared, the producers in that area were
22 allowed to have the GPS points where these wolves were. In 2011 that stopped because
23 wolves were an ESA species and had to be protected. He said the wolves in the state of
24 Washington's are under their ESA but their producers are allowed to have those points.
25 With the Imnaha or Snake River packs, if we could have GPS points available to the
26 producers they would be able to get there in a timelier manner. Currently, we get a circle
27 and are told they are in a polygon, which might be two to five miles long. He has a
28 problem with one state allowing the ESA and Oregon is not allowing it under their ESA.
29 Childers asked the Commission to look into that.

30
31 Nash said they held a joint meeting the Washington Cattlemen's Association last June.
32 The Washington producers felt they were getting fed good information. They received
33 those GPS points early in the morning and that was very handy for them. Nash said with
34 the polygons we are given the location of where the haystack is but not the needle.

35
36 Roberts said the producers in Wallowa County have proven they are not going to go out
37 and slaughter these animals. They would like to be able to maintain their operations and
38 know where to go to with human presence if possible; some ranches are thousands of
39 acres. She added that the cost of the program would go down as well.

40
41 Chair Levy asked Director Elicker to look into that request. She said it would be great
42 form of non-lethal control in order to move that wolf away by non-lethal measures.

43
44 Commissioner Wolley asked if the producers had to bear additional cost of hiring the
45 range riders. Roberts said the County grant program pays for the range riders; two are
46 working right now. We equip them with radios, receivers, and directional antennas but

1 those do us no good if there is no collar to track with. It is important to get a collar on
2 one of the wolves in the new pack out here so the agency can give us that information.

3
4 Childers said even if you do get a collar on a wolf, those wolves can disperse and go to
5 another area but at least we are helping somebody else down the road.

6
7 Chair Levy said the Commission would look into the GPS points for the OCA.
8

<p>Lori Butterfield Joseph, Oregon</p>	<p>Lori Butterfield said her husband and she farm and range full time behind the Moraine at Wallowa Lake. In January and February the wolves were at the Moraine and howling. It is unsettling to have them basically in your yard. In a late spring when there is a light snow you can see their tracks. This winter people on Alder Slope in Enterprise discovered tracks. She spoke to:</p> <ul style="list-style-type: none">• On page 29 of the Wolf Plan it refers to the abundant habitat in Idaho but states, “Oregon, on the hand, was not selected as a recovery state primarily due to lack of large blocks of contiguous public land habitat.” Oregon was never looked at as having the proper landscape for wolves to succeed. They are a magnificent animal that cover 30-50 miles per day. History has shown that in settled landscapes it is not compatible with wolves.• Agrees with delisting. She said animals can be placed on the ESA but we need a more efficient, timelier manner of removing them from that list. We are not managing wolves – it has moved into controlling wolves.• Health and disease. Is there a clear cut protocol for testing the wolves that are captured? Is that available for everyone to see. Is documented and what are they testing for? ODFW website could be updated better with data of what we might be facing.• Need to bridge the gap between rural and urban. Texting and modern technology has helped. Wallowa County is the first to experience wolves. She was not prepared for the stress and impact to family, friends, and community. <p>Butterfield has been at seven investigations with officials. She donated a copy of “<i>The Real Wolf</i>” by authors Ted B. Lyon and Will N. Graves to each Commissioner.</p>
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9
10 **Exhibit A: Commission Minutes**
11 Chair Levy deferred the June 5-6 and August 1, 2014 minutes to October.

12
13 **Administrative Rules**

1 Director Elicker read for the record a new temporary rule that was filed yesterday late
2 and asked the Commission to adopt:

3
4 **635-023-0130**

5 **2014 Columbia River Fall Recreational Salmon Season**

6 Adopted September 3, 2014: effective September 6, 2014 through December 31, 2014.

7 This amended rule delays, by one day, the beginning of the recreational marked
8 selective fishery for salmonids in the Mainstem Columbia River, in the area from Tongue
9 Point/Rocky Point upstream to Warrior Rock/Bachelor Island. The change in retention to
10 a marked selective fishery will now occur on September 8th versus the 7th as was
11 previously set. Modifications are consistent with joint state action taken by the
12 Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting
13 of the Columbia River Compact on September 3, 2014.

14
15 *Action: Commissioner Webber moved to adopt temporary rule 635-023-0130 as*
16 *read by the Director. Vice Chair Finley seconded the motion and the motion*
17 *passed unanimously by a vote of six.*
18

19 **Exhibit B: Petition for Controlled Fish Species; Reclassify Two Species; and**
20 **Add Additional Criteria for Classification Requests**

21 Rick Boatner, Invasive Species Wildlife Integrity Coordinator, presented four issues:
22

23 Issue 1 – Petition to classify Barramundi (*Lates calcarifer*) as a Controlled Fish Species.

24 Boatner said at the Commission's April 25 meeting the Commission authorized staff to
25 move forward and develop rules for a Petition to classify Barramundi as a Controlled
26 Fish Species in Division 56 with conditions similar to Tilapia in Division 56. He provided
27 background and the life cycle of Barramundi. Staff proposes:

- 28 • A person must apply and receive a propagation license before commencing
29 operations.
- 30 • Must obtain a fish transport permit to accompany live Barramundi.
- 31 • Fish health certification is required and on record.
- 32 • Possession of live Barramundi outside an approved facility or without a transport
33 permit is prohibited.
- 34 • No live Barramundi or their gametes, fertilized eggs, or larvae may be released
35 into waters of Oregon.
- 36 • Propagation must occur indoors and in closed recirculating systems.
- 37 • Access must be through secure locked gates.
- 38 • Permittee must provide adequate veterinary care.
- 39 • Effluent water may not be discharged directly into state waters from the facility.

40
41 Issue 2 – Reclassify BrushTailed Bettong (*Bettongia penicillata*) as a
42 Noncontrolled Species

43 Boatner said the Brush Tailed Bettong (the Bettong) is not classified in Division 56 rules
44 and is considered Prohibited. The Wildlife Integrity Panel (WIP) received a request from
45 Angela Goodwin to classify the Bettong as a Non-controlled Species. Bettong are native
46 to Australia and related to Kangaroo and Wallabies. They are small and live in a warmer

1 climate that seldom gets below freezing. Under the International Union for the
2 Conservation of Nature (IUCN) they are critically endangered but bred by U.S.D.A.
3 licensed breeders in the United States (U.S.). Staff proposes that the Bettong be allowed
4 as a pet. When staff reviewed the criteria they are a low degree of risk to native wildlife
5 to Oregon. Because WIP is concerned the Bettong are critically endangered, staff's
6 recommendation is to classify the Brush Tailed Bettong as a Controlled mammal instead
7 and asks that the importation outside of the U.S. be prohibited.

8 9 **Issue 3 – Reclassify Non-native Crayfish as Controlled Crustaceans.**

10 Boatner said the "Signal Crayfish" is native to Oregon. ODFW allows the harvest of
11 crayfish 100 per day, no fishing license required. Oregon has three invasive species in
12 the Cambaridae family: Red Swamp crayfish in Willamette Valley; Ringed crayfish in
13 Southern Oregon; and Rusty crayfish in the John Day system. These species are
14 classified prohibited so a person is not allowed to possess, transport, sell or exchange
15 them. Boatner said we encourage people to harvest these species. A new family called
16 Parstacidae has shown up that is native to the southern hemisphere. Called fresh water
17 lobsters or "Yabbie" the Parstacidae is being promoted in the aquaponic trade for
18 personal consumption. He said there is no population in Oregon but they can be
19 purchased on the Internet. The proposed rules for the importation, possession,
20 propagation, transportation, sale, purchase, exchange and disposition of non-native
21 crayfish families Cambaridae and Parstacidae would be controlled according to the
22 following restrictions and standards:

- 23 • Non-native crayfish may be harvested, possessed and sold commercially or
24 harvested recreationally from waters of Oregon.
- 25 • Live crayfish may not be used as bait except in the water body where taken.
- 26 • Non-native crayfish or their gametes, fertilized eggs or larvae may not be released
27 into waters of Oregon.
- 28 • Prohibits propagation in Oregon.
- 29 • Non-native crayfish can only be imported by recognized educational institutions or
30 for immediate consumption (within one week of delivery date).
- 31 • Must receive authorize from ODFW prior to purchase and importation.
- 32 • Crayfish must be euthanized after educational section is completed.
- 33 • Must remain in an indoor secure facility and only removed when transporting for
34 immediate preparation for consumption.
- 35 • ODFW fish transport permit must accompany non-native crayfish when importing
36 into Oregon.
- 37 • Fish health certification must be on file with ODFW Fish Health personnel or
38 veterinary staffs before crayfish are imported into the state.

39
40 Staff recommends that both these families be re-classified as Controlled Crustaceans.

41 42 **Issue 4 – Add Two Questions to Criteria in OAR 635-056-0130 and OAR 635-056-0140**

43 Boatner said staff is proposing to add two more questions to the criteria lists:

- 44 1. How is the species categorized in the IUCN Red List of Threatened Species?
- 45 2. Is the species commercially propagated? – Unknown, rarely, moderate, common.

1 Chair Levy noted the item regarding IUCN was in response to Commissioner Wolley's
2 request at the Commission's April meeting. Boatner added that the term "IUCN" would
3 be inserted in the taxonomy as well as reference material.
4

5 Issue 5 – General Housekeeping

6 Boatner presented two changes to adopt temporary rules into Permanent rules:

- 7 1. Adopt the temporary rule for "catch and release of Tiger muskies in the Phillips
8 Reservoir" to permanent rule in OAR 635-056-0075.
- 9 2. In April 2014 when staff amended the temporary rules to reinstate the Order
10 Sphenisciformes: "Penguins – Spheniscidae – All Species and the Order
11 Cuculfiromes: Turacos, Plantan eaters and Go-away birds – All species" as
12 Noncontrolled in OAR 635-056-0060, staff inadvertently removed these species
13 for the Noncontrolled species list when it amended it in June 2011.
14

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

17 Commissioner Anderson referred to Attachment 3 – Draft Oregon Administrative Rules,
18 page 26, and said subsection (F) reads, "*Propagation must occur indoors (enclosed*
19 *structure capable of excluding predators) and only in closed recirculating systems.*" She
20 said what is the process for evaluating those structures to insure they are capable of
21 excluding predators? Boatner said there is a site visit by ODFW Fish Division staff
22 before they approve the propagation license. Commissioner Anderson said is that
23 generally a best practice and not necessarily a requirement? Boatner said yes a best
24 practice; we have no minimum standards listed.
25

26 Commissioner Webber said the Bettong is a critically endangered species in its native
27 habitat. If we allow importation with whatever restrictions it would create some vacuum
28 however small in the market that is going to put pressure on the native resource. He did
29 not feel comfortable doing it because restricting it to just importation within the U.S. does
30 not totally protect those animals. Boatner said most importation is through U.S.
31 Department of Agriculture (USDA) licensed breeders in the U.S. Most of these animals in
32 their native countries are on preserves and not allowed to be taken legally. It is of
33 concern but staff looked at the nine criteria and they were considered a low risk. ICUN is
34 not part of the current criteria that Ms. Goodwin was applying for.
35

36 Commissioner Wolley spoke to Barramundi and disease. He said is this always
37 continuously circulating water and treated within a closed system or does the water have
38 to go somewhere at some point to be changed? Boatner said it is a continuously
39 recycling water system in northern climates. If any are released it is very minimal but
40 generally the folks keep using the water which goes through filters.
41

42 Commissioner Wolley asked if breeders of the Bettong have to be licensed by the USDA.
43 Boatner said yes they do. The breeders are a very small group that actually breeds these
44 animals; mainly zoos and a few private breeders. They do occasionally have excess
45 animals and that is what Ms. Goodwin is requesting. Commissioner Wolley asked if the
46 Commission would be able to obtain any evidence of that license. Or if this were
47 approved is it now a relationship between the buyer and breeder and the Commission

1 would have no more involvement? Would any documentation come to ODFW in terms of
2 the authenticity of that breeder? Boatner said for the agency that would be true.
3 Breeders would still require an Oregon Department of Agriculture certification, a
4 veterinary certification and the import permit from them. We do have a little bit of control
5 when they issue an import permit. In context to Ms. Goodwin's request for Noncontrolled
6 they could do anything they want with them.

7
8 Vice Chair Finley said the proposed rule in Section (C) requires a fish health certification
9 (see Attachment 3, page 26, lines 6-7). He asked how extensive the certification process
10 is in terms of disease and parasites. What happens to those fish tanks with feces and
11 waste? How is it disposed of? If we miss something what is the consequence? Boatner
12 said the health certification requires permittees to sample the lot being sold and to
13 sample the water for Quagga and Zebra Mussels and New Zealand Mud Snail, diseases,
14 and other invasive species. Our pathologists require that Barramundi be checked for
15 disease before they can be imported. Boatner promised to get back to the Commission
16 regarding what happens to the feces.

17
18 Vice Chair Finley asked the Commission to consider any of these if we miss something.
19 Is the feces dried or torched? Boatner said in the aquaponic trade they use feces as
20 fertilizer for the plants. He will find out if they use it the same for Barramundi.

21
22 Commissioner Anderson asked if the cost of a propagation license was generally
23 sufficient to cover the costs of a site visit. Boatner said it costs \$112 for a propagation
24 license and \$12 or \$15 for a transport permit plus the application fee.

25
26 Commissioner Akenson said possession of barramundi outside an approved facility is
27 prohibited. Who designates an approved facility? Boatner said the fish district biologist
28 does a site inspection to check the water system and location of the drains.

29 Commissioner Akenson said is there written documentation that this facility has been
30 recommended by ODFW? Boatner said the district fish biologist signs off of the site
31 inspection before a propagation license is approved.

32
33 Commissioner Akenson noted that proposed OAR 635-056-0075 (E) (iii) states non-
34 native crayfish must remain in an indoor secure facility. She said if crayfish importation is
35 related to teachers and classroom is that really necessary? If people have to eat the
36 crayfish within a week do they need a locked room? Boatner said not so much in the
37 classroom because they are behind locked doors. Staff proposes that they euthanize the
38 crayfish after the lesson.

39
40 Commissioner Akenson asked if the companies that sell crayfish to the teachers have
41 information they send to make the teachers aware how important it is to not release
42 them? Boatner said it depends on the company. If a teacher applies for a prohibited
43 species permit, ODFW sends them information about crayfish along with the brochure
44 "Don't Turn them Loose". He said Sea Grant developed a curriculum so teachers know
45 how to euthanize crayfish and take care of them in the classroom. A lot of the biological
46 companies are not aware of our laws so teachers often are surprised when they find out

1 they need to talk to ODFW first. This is the first year in the import of crayfish that a
2 Louisiana crayfish company called about our rules.

3
4 Commissioner Akenson asked if staff could ask those companies to send that
5 information to Oregon teachers about expectations and what is required. Boatner said
6 we have sent letters to some of these companies explaining our laws but most of the
7 time they ignore it. Oregon, Idaho, and Washington are working to get that message out.
8

9 Commissioner Akenson asked if there is information on the web or in the fishing
10 regulations that show pictures of native crayfish versus non-native to encourage people
11 to not transport non-natives to other places but to eat them instead. Boatner said our
12 website has a picture comparison chart (see *Crayfish found in Oregon*) but you have to
13 know how to find the Invasive Species link under the Conservation menu. Commissioner
14 Akenson asked staff to create a link in the fishing regulations bait section so the public
15 can see what baits are allowed and view the different species of crayfish. Boatner said
16 the Oregon Invasive Species Council would like to see that too.
17

18 Commissioner Akenson said would allowing the Bettong as a pet in Oregon drive a
19 market to get more Bettong in the U.S.? Would it pressure other states to get into the
20 same pet market? Boatner said there are less than 200 Bettongs in private, mostly in
21 zoos. How they come into Oregon is very difficult. Commissioner Akenson said does this
22 rule allow for propagation in Oregon or just allow them as pets? Boatner said it only
23 allows them for pets.
24

25 Commissioner Webber said the proposed rule would classify them as a Controlled
26 mammal. Does that prohibit breeding? Boatner said no that would not prohibit breeding.
27

28 Chair Levy said why can't we add that it would prohibit breeding through this rule?
29 Boatner said that could be added to these rules if the Commission wished. With a
30 controlled species, staff could add in conditions and still allow a person to have one but
31 under these conditions.
32

33 Eric Rickerson, Wildlife Division Deputy Administrator, recommended pulling out the
34 Bettong amendment so staff could review and make it clear whether propagation would
35 be allowed, could bring information on the number of breeders in the U.S., and what kind
36 of pressures could be facing the species within its native habitat. Chair Levy agreed.
37

38 Commissioner Wolley asked staff if they had any sense of the rate of growth for crayfish
39 in the state and whether they could be a threat in the future. Boatner said crayfish in
40 general adapt really well to new environments and can tolerate pollution and high
41 temperatures. Based on the family Cambaridae they would have similar results if they
42 were released into the waters of the U.S. They have spread into Great Britain, so staff
43 feels if they can survive there; the crayfish would survive here in Oregon if released.
44

45 Commissioner Wolley said there are some very impressive species of crayfish. They can
46 competitively exclude other species from preferred habitat. He said that is something to
47 consider as we move forward with this.

1
2 Chair Levy requested that the Information & Education section at ODFW make the
3 website easier to access the crayfish comparison chart. Rickerson said also
4 Commissioner Akenson's request that it be prominently noted in the fishing regulations.
5

6 Commissioner Anderson asked if the propagation license required annual renewal.
7 Boatner said he believed so but would double check and get back to the Commission.
8 Commissioner Anderson said when we have concerns about these facilities and whether
9 or not somebody gets a license if that's good in perpetuity or if there is re-evaluation of
10 sites after a period of time to look for degradation, etc.
11

12 Chair Levy said is this limited entry on these licenses or can just anybody do it? Boatner
13 said anybody can apply for a propagation license. Chair Levy said so I could even
14 though I know nothing about the species? Boatner said correct. You would pay the
15 application fee, go through the process, and you would be granted a propagation license.
16

17 Chair Levy asked staff to change that and think about a limited entry or better control
18 over who could qualify and apply for a propagation license, especially for a species that
19 had the potential to be dangerous to the native population.
20

21 Commissioner Anderson said this a limited population of people that engage in these
22 types of activities at this point, but the Commission should definitely have an eye towards
23 the future as aquaculture becomes more prominent in feeding our communities, state,
24 and our nation. We should look at what kind of controls we would want to have on this.
25

26 Commissioner Wolley said in the spirit of entrepreneurship often starting a small
27 business is learn as you go. In this case we know there have been global disasters with
28 introduced species. He told staff this is something to look into, in terms of what
29 background someone may have if they want to go into this sort of business.
30

31 Chair Levy said except for Issue 2 the Commission would vote separately on each issue.
32

33 *Issue 1 Action: Commissioner Akenson moved to adopt the staff*
34 *recommendation to amend the Wildlife Integrity Rules OAR 635-056-0075 to*
35 *classify Barramundi (Lates calcarifer) as a Controlled Fish Species.*
36 *Commissioner Webber seconded the motion and the motion passed unanimously*
37 *by a vote of six.*
38

39 *Issue 2 was tabled.*
40

41 *Issue 3 Action: Commissioner Wolley moved that the Commission adopt the staff*
42 *recommendations to amend the Wildlife Integrity Rules OAR 635-056-0050 and*
43 *OAR 635-056-0075 to re-classify the crayfish species Cambaridae from a*
44 *Prohibited Species to a Controlled Crustacean species and to classify the crayfish*
45 *family Parastacidae as a Controlled Crustacean species. Commissioner Akenson*
46 *seconded the motion and the motion passed unanimously by a vote of six.*
47

1 *Issue 4 Action: Vice Chair Finley moved that the Commission amend OAR 635-*
2 *056-0130 and OAR 635-056-0140 as proposed by staff. Commissioner Anderson*
3 *seconded the motion and the motion passed unanimously by a vote of six.*

4
5 *Issue 5 Action: Commissioner Webber moved that the Commission adopt the*
6 *temporary rules to permanent rules as proposed by staff. Vice Chair Finley*
7 *seconded the motion and the motion passed unanimously by a vote of six.*
8

9 Chair Levy said at the end of their agenda the Commission will discuss Director Roy
10 Elicker departure from ODFW and will hear the Field Reports from staff.

11
12 **Exhibit C: The Confederated Tribes of Grand Ronde Fish and Wildlife**
13 **Management Plan; Delegate Management Authority to the Tribes**

14 Jeff Boechler, North Willamette Watershed District Manager, provided background on
15 the actions and decisions made prior to today. In 2007 a Proclamation was signed by
16 the Governor, the Commission Chair, and The Confederated Tribes of Grand Ronde (the
17 Tribe) Tribal Council Chair. The Proclamation recognized:

- 18 • A shared Tribal and state vision for wise stewardship of fish and wildlife for
19 present and future generations.
- 20 • A need for additional Tribal opportunities to harvest big game for ceremonial
21 purposes.
- 22 • Tribal interest in assuming additional responsibility for managing fish and wildlife
23 resources on Tribal lands.
- 24 • Directed staff to complete legal agreements for adoption for these issues.

25
26 Boechler further reported that in April 2008, the Commission adopted rules that provided
27 for ceremonial harvest of big game animals by the Tribe, and also approved a Resolution
28 that:

- 29 1. Recognized an Interim Plan for Tribal fish and wildlife management based upon
30 Tribal adoption of existing State fish and wildlife management plans.
- 31 2. Directed ODFW to provide assistance to the Tribe to complete a permanent fish
32 and wildlife plan for reservation and trust lands.
- 33 3. Specified that upon completion and approval by the Commission, the permanent
34 Tribal Fish and Wildlife Management Plan (the Plan) shall regulate management
35 of fish and wildlife resources on the Tribe's reservation and trust lands.

36
37 Boechler reported that ODFW and Tribal staff developed a permanent Plan and worked
38 with Oregon Department of Justice (DOJ) and with Tribal legal representation to develop
39 the administrative rules that would allow the transfer of the authority to the Tribe to
40 manage fish and wildlife resources on Tribal reservation and trust lands.

41
42 Reyn Leno, Tribal Council Chairman of The Confederated Tribes of Grand Ronde (the
43 Tribe), said the Tribe is made up of more than 27 Tribes and bands from the Willamette
44 Valley and surrounding areas with approximately 5,200 members. The Tribe has seven
45 ratified treaties with the U.S. government and many more which remain unratified. Their
46 reservation was established by the federal government through these treaties in the mid
47 1850's. He said their people inhabited nearly a third of Oregon and through the Treaty

1 process it was reduced to approximately 60,000 acres of prime timber land. In 1954 the
2 Western Oregon Termination Act tried to strip the Tribe of everything. When we were
3 terminated the federal government left us with nothing but our name, cemetery lot, and a
4 small building. The Tribe continued to be good stewards of the land and was restored in
5 1983. After restoration the Tribe focused its efforts on providing their members with
6 education, housing, and health care and continued to be good stewards of their lands.
7 Since 1983, the Tribe has devoted much of its time to natural resources and takes pride
8 in sustainable management of our most valuable resources looking forward seven
9 generations to make sure our kids will always have it.

10
11 Chairman Leno said since April 2008 this has been an extremely successful partnership.
12 He noted the Tribe's successful partnerships with the Oregon State Police (OSP), the
13 Port of Tillamook, and other local government and state agencies. He discussed working
14 with ODFW on ceremonial hunting rights in the Trask Unit that allowed Tribal members
15 to hunt for deer, elk, and bear meat for ceremonial celebrations. Chairman Leno said the
16 Tribe considers ODFW to be a partner in the Tribe's efforts to improve wildlife habitat
17 and implement management rules that will insure our grandchildren and their children
18 can hunt, fish, and enjoy the woods. Most importantly the Tribe and Tribal members will
19 assume the lead role in implementing the management plan on Tribal lands. He said this
20 is a way for us to gain back some sovereignty.

21
22 Kelly Dirksen, the Tribe's Fish and Wildlife Manager, explained the Plan structure. He
23 said their Natural Resources Office will carry out the Plan with 21 full-time staff (over 100
24 in the summer) and through several programs. Their Fish and Wildlife Program has four
25 full-time staff and two field people. Tribal Council did approve adding staff and funds to
26 improve their infrastructure. They hope to build a wildlife laboratory this fall.

27
28 Dirksen said in developing the Plan they faced two issues. The Tribe comes from
29 throughout the Willamette Basin and has an interest in fish and wildlife across the basin,
30 and critters don't follow any specific boundaries. As a result, the Plan sets up a three
31 tiered system with authorities that differ for each of these different lands.

- 32 1. Ceded Lands. The Tribe looks for cooperative opportunities and partnerships to
33 further the values they have established within the Plan, e.g., the lamprey project.
- 34 2. Trask Wildlife Unit. As established under Consent Decree, the Tribe's hunting,
35 fishing, and gathering rights occur in the Trask Wildlife Unit. The Plan asks the
36 State to recognize the special interests the Tribe has in these lands and to meet
37 and look for cooperative opportunities. For instance, the Tribe is involved in the
38 Black-tailed Deer Action Plan.
- 39 3. Tribal Reservation and Trust Lands. On these lands management authority would
40 be delegated by the State to the Tribe. Reservation lands cover 10,200 acres with
41 about 1,200 acres of Trust land south of the reservation. Of those Trust parcels
42 many are for housing, a casino on one, and for other uses with no direct wildlife
43 value.

44
45 Dirksen explained how the Plan is formatted. He said there are 17 different species
46 included in the Plan. For each species they state the broadest management goal and go
47 into the biology and requirements of a species and its economic/cultural importance for

1 the past, present, and future. Management issues cover the obstacles to overcome to
 2 reach management goals. The Plan gets into management objectives and strategies. He
 3 said there are 19 species of fish on the reservation – four are covered by the Plan. A fifth
 4 species, spring Chinook salmon, does not occur on the reservation but does occur on
 5 ceded lands and is culturally very significant to the Tribe. He used coho as an example
 6 to explain this process. Dirksen said the Tribe is really excited about what they can do on
 7 the reservation and taking the next step together with the State.

8
 9 Boechler said under this Plan the State-Tribal working relationship and cooperative
 10 efforts are expected to only get better. He then provided an overview of the major
 11 provisions of the proposed rule that would:

- 12 • Delegate management authority for fish and wildlife to the Tribe on Reservation
 13 and Trust Lands per the Tribal Plan.
- 14 • Authorize the take of specified wildlife through state-issued tags where applicable
 15 and set annual limits on the number of animals that can be taken.
- 16 • Tribe may impose conditions or limitations upon the take of specified wildlife on
 17 Reservation and Trust lands.
- 18 • All harvest associated with this rule will be reported to ODFW annually.
- 19 • Rule does not delegate any authority to establish fish hatcheries or fish
 20 supplementation programs without additional Commission approval.
- 21 • Not change any existing legal restrictions on the sale, barter, trade, or exchange
 22 of wildlife or wildlife parts.
- 23 • No additional legal or treaty entitlements are created, nor is any existing
 24 agreement, treaty or court decree modified by adoption of these rules, or the Plan.

25
 26 **Public Testimony:**

<p>Tom Wolf Hillsboro, Oregon</p>	<p>Tom Wolf, Trout Unlimited, was born in Enterprise. He said he supports all of the recommendations being made in the Plan. He spoke to the horrible ways the American Indians have been treated, particularly in the Northwest. Wolf is very supportive of any efforts to help the Tribes regain some of their Tribal areas. In particular management of the species. For coho, he does not believe because of Willamette Falls they were native above there, so any fish that are now spawning successfully are a wild population. A management area that includes a lot of harvest is fine with him and Trout Unlimited. They support the proposal and the management efforts to be given to the Tribes. Wolf said he would love to see more stuff done for the Nez Perce in this area.</p>
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27
 28 Commissioner Wolley asked if the Plan is designed to be in effect as is in perpetuity or is
 29 there a review period? What sort of monitoring is occurring between the partners?
 30 Boechler said the Plan specifies a review period every five years. The goal is for the Plan
 31 to exist in perpetuity but with ability for the Commission in the future to make changes to
 32 either the Plan or the rules implementing the Plan.
 33

1 Commissioner Webber said we have these tags but the where, when, and how is that left
2 up to the Tribes? Boechler said yes, the Tribe will have the latitude to control limiting
3 how, where, and when harvest occurs on Reservation and Trust Lands.
4

5 Commissioner Akenson asked how often those numbers will be re-assessed. Boechler
6 said the amount was set high enough to allow the Tribe the authority to implement the
7 provisions of the Plan. Over time we will learn what numbers fit better and we can be
8 back in five years or earlier, whenever necessary, to adjust those numbers.
9

10 *Action: Vice Chair Finley moved to approve The Confederated Tribes of the*
11 *Grand Ronde Fish and Wildlife Management Plan, dated September 5, 2014 and*
12 *adopt OAR 635-043-0130 as proposed in Attachment 6 authorizing the take of*
13 *wildlife and the delegation of management authority to the Tribe on Reservation*
14 *and Trust Lands. Commissioner Akenson seconded the motion and the motion*
15 *passed unanimously by a vote of six.*
16

17 **DIRECTOR'S REPORT**

18 Chair Levy said the Commission would like to have the field reports one week before the
19 day of their meeting so they can ask questions.
20

21 **Field Reports**

22 **East Region.** Bruce Eddy, Region Manager, said about 800,000 acres have burned in
23 Eastern Oregon; most fires have occurred in the desert and forest country in Northeast
24 Oregon. The biggest impact has been to roughly 400,000 acres of sage grouse habitat;
25 100,000 acres of core was burnt. He said there was not much impact to the hunts. Eddy
26 also discussed the Upland Game bird hunting forecast. Staff is seeing a bit of
27 improvement in the birds available for this year's season.
28

29 **West Region.** Steve Marx, Acting Region Manager, said staff completed a fish passage
30 barrier replacement project in the Tillamook Basin that restored access to three miles of
31 spawning habitat. Marx said two weeks ago wildlife staff had reports of 71 Black-Tailed
32 deer in the Rogue Watershed and 63 Columbia White-Tailed and Black-Tailed deer in
33 the Umpqua Watershed with Adenovirus Hemorrhagic Disease, a lot like a cold or
34 bronchitis that breaks down blood vessels. He said ODFW has looked at Unmanned
35 Aerial Vehicles (UAV) as a way to improve safety during aerial fish and wildlife surveys.
36 Staff is looking at three opportunities in the upcoming year: 1) surveying the Jewell
37 Wildlife Area and/or Chinook surveys on the Umpqua with National Oceanic and
38 Atmospheric Administration; 2) contracting with an Oregon State University graduate
39 student to assist with UAV use in fish and wildlife surveys; and 3) written a Restoration
40 and Enhancement grant to purchase two UAVs for Department use in fish surveys.
41

42 **Oregon State Police (OSP).** Captain Jeff Samuels of OSP's Fish and Wildlife Division
43 reported that a Trooper in The Dalles worked with Inter-Tribal police on a case involving
44 a disorderly subject found to be in possession of several sockeye, an oversized sturgeon
45 and undersized sturgeon. The subject was cited for several criminal charges and
46 arrested. He said a landowner notified Senior Trooper Turnbo in McMinnville about
47 finding a poached deer with half the meat removed. The Trooper was able to locate

1 individuals from Washington who shot the deer at night. The subjects were charged with
2 Taking Deer Closed Season and Waste of a Game Mammal. Captain Samuels said OSP
3 presented the "2013 Wildlife Prosecutor of the Year Award" to Lincoln County District
4 Attorney Michelle Branam at the Oregon District Attorneys Association summer
5 conference held in Bend.

6
7 **Information and Education.** Rick Hargrave, Deputy Administrator, distributed
8 promotional material on the "Trout 365" campaign and said it was taking advantage of
9 the popularity of trout fishing in Oregon; about 78% of anglers fish for trout. Staff is trying
10 to get more information out to the general public and industry partners that you can fish
11 someplace in Oregon for trout 365 days per year. The public can access our website to
12 look at the seasons and where these opportunities are in Oregon. This campaign was
13 kicked off at the Oregon State Fair and received a lot of great feedback from the public.
14 Staff will distribute these materials and is even talking about billboards in certain areas.

15 16 **Other Business**

17 Chair Levy announced that Director Roy Elicker is leaving the Department; his last day is
18 September 19 in the office. She said the Commission is available for a conference call
19 on Friday, September 12, at 10:00 a.m., regarding the issue of appointing an Interim
20 Director. She said Vice Chair Finley and she will have delved through the information
21 that Deputy Director Debbie Colbert will send them. She and Vice Chair Finley will
22 endeavor to get information to the Commission that is completely relevant to making a
23 qualified decision on the Commission's appointment of an Interim Director. Chair Levy
24 said the Commission will miss Director Elicker.

25
26 Director Elicker asked the Commission to change their December 5 teleconference
27 meeting and to meet in person at the Department's Salem headquarters due to a number
28 of issues that have come up.

29
30 Commissioner Webber thought the meeting was scheduled in Clackamas. He asked if
31 there would be a problem with the requirements of meeting in each congressional
32 district. Director Elicker said because we have rescheduled this it is impossible now to
33 get hotel reservations and a meeting place in Clackamas. Chair Levy said Deputy
34 Director Curt Melcher discussed this with Legal Counsel who said because of those
35 constraints and because we had to change it that it would be okay.

36
37 Chair Levy said the Commission would like an update on the SageCon process at the
38 Commission's December 5th meeting. Director Elicker said that is easy to do. It is a big
39 Governor's initiative on sage grouse conservation and the fact that the bird may be listed
40 in 2015. He encouraged Commissioner Akenson to continue to attend the SageCon
41 meetings as a standing member for the Commission.

42 43 **ADJOURN**

44 Chair Levy adjourned the Commission meeting at 11:30 a.m.
45