



# Oregon Fish and Wildlife Commission Agenda

Meeting:  
Friday, December 5, 2014 - 8:00 am  
Oregon Department of Fish and Wildlife  
*Commission Room*  
4034 Fairview Industrial Drive S.E.  
Salem, Oregon 97302

**Friday, December 5, 2014**

## **DIRECTOR'S REPORT**

Field Reports – in written form only

Sage-Grouse Plan Update – ***Will occur at 1:00 p.m.***

*Richard Whitman, Governor's Office, Natural Resources Policy Director*

Expenditure Report and Budget Update

*Debbie Colbert, Deputy Director for Administration*

Adopt Temporary Rules

*Curt Melcher, Interim Director*

### **1. 635-014-0090**

#### **Northwest Angling Zone Sport Angling Regulations Modified**

Adopted October 1, 2014: effective October 15, 2014 through December 31, 2014.

This amended rule modifies previously filed temporary rule language which implied permission to angle from the Big Creek railroad trestle bridge (private property, Clatsop County) since this agency lacks sufficient authority to grant the fishing public access to private properties. Further modifications amend the July 16-November 30 closure period for Trask River Hatchery Hole, originally put in place to protect hatchery spring chinook, fall chinook and coho broodstock, to allow fishing beginning October 16, 2014. District managers determined that all spring Chinook broodstock will have been collected and spawned before October 15 and moderate to large surpluses of fall Chinook and coho in excess of broodstock needs are expected.

### **2. 635-021-0090**

#### **Krumbo Reservoir Open for Angling through End of 2014**

Adopted October 1, 2014: effective November 1, 2014 through December 31, 2014.

This amended rule extends the open period for angling at Krumbo Reservoir in Harney County in the Southeast Angling Zone through December 31, 2014. A recent change to policy at the Malheur National Wildlife Refuge allows year round fishing at Krumbo. Permanent sport fishing rules for 2014 close the reservoir from November 1 through the end of the year. Permanent rules for 2015 will allow year round fishing at Krumbo, except ice fishing will be prohibited.

### **3. 635-017-0090**

#### **Coho Salmon Bag Limit Increased to Three Fish in Select Willamette Zone Streams**

Adopted October 8, 2014: effective October 15, 2014 through December 31, 2014.

The amended rule allows the sport harvest of three adipose fin-clipped coho in each of the Tualatin, Yamhill, Molalla, Santiam, and Willamette (Section 2 only) rivers beginning Thursday, October 15, 2014. These modifications allow sport anglers opportunities to harvest substantial

numbers of coho that are returning to the Willamette River and tributaries above the Willamette Falls.

**4. 635-004-0355**

**2014 Commercial Nearshore Greenling Cumulative Trip Limits Increased for Periods 5 and 6**

Adopted October 9, 2014: effective October 13, 2014 through December 31, 2014.

This amended rule increases the 2014 commercial nearshore fishery cumulative trip limits for greenling from 300 to 350 pounds in periods 5 and 6. Harvest in this fishery is behind schedule. Allowable harvest levels are not expected to be attained at current harvest rates. By increasing cumulative trip limits for greenling in the fishery, commercial fishers will have greater opportunity for success in achieving the available harvest.

**5. 635-041-0063**

**Treaty Indian Commercial Fall Sturgeon Set-Line Fishery Set in The Dalles Pool**

Adopted October 23, 2014: effective October 23, 2014 through November 29, 2014.

This amended rule sets the 2014 Treaty Tribe white sturgeon set-line fishery in The Dalles Pool, effective 6:00 a.m. Monday, October 27 through 6:00 p.m. Saturday, November 29, 2014. Fishing for the purpose of commercial sales and subsistence is allowed. Modifications are consistent with joint state action taken October 23, 2014, by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact in cooperation with the Columbia River Treaty Tribes.

**6. 635-042-0060**

**Mainstem Columbia River Late Fall Commercial Drift Gill Net Season Modified**

Adopted October 23, 2014: effective October 23, 2014 through December 31, 2014.

This amended rule authorizes additional fishing periods for the 2014 late fall commercial salmon drift gill net fishery in zones 1 through 5 of the Columbia River mainstem. The first additional fishing period is in Zones 4 through 5 and is scheduled to begin at 7:00 p.m. Sunday, October 26, 2014. Modifications are consistent with joint state action taken October 23, 2014 by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact.

**7. 635-041-0045 and 635-041-0075**

**Columbia River Treaty Indian Commercial Fall Salmon Season Extended**

Adopted October 23, 2014: effective October 31, 2014 through December 31, 2014.

This amended rule extends the period for commercial sales of fish caught during the Treaty Indian commercial fall salmon platform and hook-and-line fisheries in Zone 6 of the Columbia River. The fishing period authorized for the Treaty Indian fall commercial salmon platform and hook-and-line fisheries originally scheduled to end October 31 is extended to run through 6:00 p.m. Wednesday December 31, 2014. Modifications are consistent with joint state action taken October 23, 2014, by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact in cooperation with the Columbia River Treaty Tribes.

**8. 635-065-0765**

**Amend Rules to Add Ohio to Cervid Part Importation Ban**

Adopted October 28, 2014: effective October 28, 2014 through April 26, 2015.

This temporary rule amends rules to add Ohio to the list of states from which the importation of certain cervid parts is banned. In June 2003, the Fish and Wildlife Commission adopted rules banning the importation of certain cervid parts from those states with documented cases of Chronic Wasting Disease (CWD). The rules noted that the Department would add additional states to the rules as new cases of CWD were documented. Based on new information, the Director amends the rule to add Ohio to the list of states from which cervid parts may not be imported. Following the permanent rule making process, rather than taking this temporary rule making action, will result in serious prejudice to the public interest because it would delay banning the importation of cervid parts from a state with documented cases of CWD. The purpose of the cervid parts ban is to protect Oregon's wildlife from disease. The purpose can only be carried out only if the ban covers all states affected by CWD, and the ban takes effect soon enough to intercept parts ban from those states. Failure to promptly add Ohio to the parts import ban could expose Oregon to risk of disease. The temporary rulemaking action will avoid this consequence by adding Ohio to the list of banned states immediately.

**9. 635-005-0705**

**Prior Year 5,000 Pound Landing Requirement Temporarily Removed from Brine Shrimp Permit Renewal Rule**

Adopted November 7, 2014: effective November 10, 2014 through January 31, 2015.

This amended rule allows the renewal of Brine Shrimp permits without the previously required 5,000 pound landing from the previous year. Due to low water in Lake Abert, in 2014, harvesters were unable to use their boats and harvest enough Brine Shrimp to satisfy the 5,000 pounds in landings required by permanent rule for permit renewal.

**10. 635-005-0465 and 635-005-0485**

**Regulations for the Commercial Dungeness Crab Fishery in the Pacific Ocean and Columbia River**

Adopted November 21, 2014: effective November 25, 2014 through May 23, 2015.

On August, 1, 2014 the Oregon Fish and Wildlife Commission adopted rules to lengthen the commercial Dungeness crab fishery's presoak period prior to opening the fishery from 64 hours to 73 hours to facilitate a gear retrieval start time of 9:00 a.m. on Dec 1, 2014. This rule is needed to correct an error in the rules adopted at that time to align them with the intended change to the length of the presoak and start time of the fishery.

**11. 635-041-0063**

**Treaty Indian Commercial Fall Sturgeon Set-Line Fishery in The Dalles Pool Extended**

Adopted November 25, 2014: effective November 25, 2014 through December 31, 2014.

This amended rule extends the 2014 Treaty Tribe white sturgeon set-line fishery in The Dalles Pool through 11:59 p.m. Wednesday, December 31, 2014. Fishing for the purpose of commercial sales and subsistence is allowed. Modifications are consistent with joint state action taken November 25, 2014, by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact in cooperation with the Columbia River Treaty Tribes.

## **PUBLIC FORUM**

*Note: This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director at least 24 hours prior to the meeting to be included in the public forum. If you bring written summaries or other materials to the meeting please provide the Commission Assistant with 20 copies prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.*

Jim Wells  
Astoria, Oregon

Commission Vacancies and ESA Impact Sharing

### **Exhibit A: COMMISSION MINUTES**

*The Commission will be asked to approve the draft June 6, September 5, and October 9, 2014 Commission minutes.*

### **Exhibit B: RESTORATION AND ENHANCEMENT PROJECT APPROVALS; RESTORATION AND ENHANCEMENT BOARD APPOINTMENTS**

*The Commission will be asked to approve Restoration and Enhancement Board's recommendation for project approval, and appoint a Sport Fishing and a Gill Net representative on the Fish Restoration and Enhancement Board.*

*Kevin Herkamp, STEP and Restoration and Enhancement Program Coordinator  
Public Testimony  
Approval*

### **Exhibit C: COOS BAY NORTH BEND WATER BOARD FISH PASSAGE WAIVER REQUESTS: LOWER PONY CREEK DAM AND UPPER PONY CREEK DAM**

*The Commission will be asked to approve an amendment to the existing fish passage Memorandum of Understanding on Upper Pony Creek Dam and approve a new fish passage waiver for Lower Pony Creek Dam.*

*Greg Apke, Statewide Fish Passage Program Coordinator  
Mike Gray, Coos Coquille Watershed District Fish Biologist  
Public Testimony  
Approval*

### **Exhibit D: COLUMBIA RIVER FISHERIES TRANSITION PROGRAM**

*The Commission will be asked to approve the administrative rules to implement the Columbia River Fisheries Transition Program.*

*Chris Kern, Fish Division Deputy Administrator for Ocean Salmon and Columbia River Program  
John Seabourne, Fish Division Operations Manager  
Public Testimony  
Rulemaking*

**Exhibit E: CONFEDERATED TRIBES OF SILETZ INDIANS CLAMMING**

*The Commission will be asked to approve the administrative rules to adopt a Memorandum of Understanding between the Confederated Tribes of Siletz Indians and the Oregon Department of Fish and Wildlife on clam harvest.*

*Caren Braby, Marine Resources Program Manager  
Public Testimony  
Rulemaking*

**Exhibit F: ACCESS AND HABITAT PROJECTS**

*The Commission will be asked to approve the Access and Habitat Board's recommendation for project funding.*

*Keith Kohl, Access and Habitat Program Coordinator  
Public Testimony  
Approval*

**Exhibit G: OREGON HUNTER EDUCATION COURSE LENGTH**

*The Commission will be asked to approve the administrative rules to change the minimum hours for Oregon Hunter Education courses.*

*James Reed, Statewide Hunter Education Coordinator  
Public Testimony  
Rulemaking*

**OTHER BUSINESS**

**Executive Session**

*The Commission will hold an executive session to consult with legal counsel with respect to litigation filed or likely to be filed against the Commission, and to conduct deliberations with persons designated by the governing body to negotiate real property transactions, as authorized by ORS 192.660(2)(e) and (h).*

**Exhibit H: WILLAMETTE WILDLIFE MITIGATION PROGRAM PROPERTY ACQUISITIONS**

*The Commission will be asked to approve proceeding with a land donation and acquisition of 270 acres, and a fee title acquisition of 225 acres at Fern Ridge Wildlife Area.*

*David Stroppel, South Willamette Watershed Manager  
Public Testimony  
Approval*

**ADJOURN**

## **FUTURE PROPOSED COMMISSION MEETINGS & TOPICS**

### **January 9, 2015 – Salem Headquarters (Congressional District #5)**

- Oregon Conservation Strategy Revision Process Update
- Marine Fishery Management Plan Framework Briefing
- 2015 Groundfish Fisheries Regulations; Review 2013 Nearshore Logbook Report
- Schedule of Damages for Commercial Fishing Violations
- Implementation of Columbia River Fish Management & Reform Rules Briefing
- Gear Requirements in Lower Willamette and Select Area Recreational Fisheries

### **February 13, 2015 – Salem Headquarters**

- Director Recruitment
- ODFW Art Contests
- Mule Deer Initiative Briefing

### **March 6, 2015 – Salem Headquarters**

- Restoration and Enhancement Project Approvals
- Access and Habitat Project Approvals

### **April 24, 2015 – Bend (Congressional District #2)**

### **May 15, 2015 – No meeting; only if needed**

### **June 5, 2015 – Salem Headquarters**

- 2015 Big Game Regulations
- Furbearer and Unprotected Mammal Regulations
- Access and Habitat Project Approvals
- 2016 Access and Habitat Auction and Raffle Tag Allocations

### **July 10, 2015 – No meeting, only if needed**

### **August 7, 2015 – Salem Headquarters**

- Restoration and Enhancement Project Approvals
- 2015-2016 Oregon Game Bird Regulations

### **September 4, 2015 – Seaside (Congressional District #1)**

- Access and Habitat Project Approvals

### **October 9, 2015 – Florence (Congressional District #2)**

- 2016 Big Game Regulations

### **November 2015 – No meeting scheduled**

### **December 4, 2015 – Portland (Congressional District #3)**

- Restoration and Enhancement Project Approvals
- Access and Habitat Project Approvals

## PLEASE NOTE

### **AGENDA**

The Commission meeting will begin at 8:00 AM on Friday, December 5, 2014. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 to request a packet for those items, which interest you or see the agency's website at <http://www.dfw.state.or.us/agency/commission/minutes/>.

On December 5 a recess will be taken at 12:00 Noon, when the Commission will have lunch.

### **PUBLIC TESTIMONY**

If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided the day of the meeting. You will be called to testify by the Commission Chair. The Commission places great value on information received from the public, and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- (1) Provide written summaries of information to the Commission twenty (20 sets);
- (2) Limit testimony to five (5) minutes, recognizing that substance, not length, determines the value of testimony or written information;
- (3) Endorse rather than repeat testimony of other witnesses; and
- (4) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

### **PUBLIC FORUM**

If you wish to give testimony on any item not scheduled elsewhere on the agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 503.947.6044, at least 24 hours prior to the meeting. You will be called to testify by the Commission Chair immediately following the Commissioner Items portion of the agenda. Please provide 20 sets of written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

### **Thank you for taking the time to present your views.**

Materials delivered to the Director's Office sufficiently in advance of the meeting can be copied and distributed to the Commission. If you bring written materials to the hearing, please provide twenty (20) copies. If you have questions regarding this Agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302, 503.947.6044.

### **PARKING**

Parking at Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302, is available to anyone who attends the Commission meeting.

### **REASONABLE ACCOMMODATION OF DISABILITIES**

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to be connected to 503.947.6044.