



Oregon Fish and Wildlife Commission Agenda

February 12, 2015 - 9:00 AM
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Drive SE
Salem, OR 97302

February 13, 2015 - 8:00 AM
Oregon Department of Fish and Wildlife
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4034 Fairview Industrial Drive SE
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Michael Finley, Chair
Bobby Levy, Commissioner
Bob Webber, Commissioner
Holly Akenson, Commissioner
Gregory J. Wolley, Commissioner
Laura Anderson, Commissioner

Curt Melcher, Interim Director
Michelle Tate, Executive Assistant
Steve Sanders, Assistant Attorney General

3 **MEETING**

4

5 On Thursday February 12, 2015 at 9:00 a.m. public interviews were held for the three finalists
6 for the position of ODFW Director.

7

8 On Friday, February 13, 2015 at 8:00 a.m., Chair Finley called the Oregon Fish and Wildlife
9 Commission (the Commission) meeting to order.

10

11 **DIRECTOR'S REPORT**

12

13 **Field Reports**

14 Field Reports provided in written form only. This report is available in the meeting materials
15 and at

16 http://www.dfw.state.or.us/agency/commission/minutes/15/02_february/Field%20Report%20Feb%202015.pdf

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19 **Expenditure Report**

20 Staff: Bill Herber, Interim Deputy Director for Administration

21 Bill provided the expenditure report as of December 31, 2014. This report is available in the
22 meeting materials and at

23 http://www.dfw.state.or.us/agency/commission/minutes/15/02_february/Director's%20Report%20Expenditure%20Report_021215.pdf

24

25

26 Department wide, expenditures are within budgeted projections and within available revenues.

27

28 The Department has submitted the Governor's Budget and it will be available on the
29 Department's website by February 12, 2015. The Ways and Means Co-Chair framework for
30 the 2015-17 budget has been released and staff are reviewing it to assess impacts for the
31 Department.

32

33 **Adopt Temporary Rules**

34 Curt Melcher, Interim Director

1
2 **1. 635-039-0090**

3 **Prohibition of Canary Rockfish Retention In Recreational Fisheries**

4 Adopted January 13, 2015: effective January 15, 2015 through July 13, 2015.

5 This amended rule re-establishes a prohibition on canary rockfish retention in recreational
6 fisheries in-order-to maintain consistency between state and federal regulations until final
7 federal regulations for all 2015-2016 groundfish fisheries are implemented, expected in March
8 of 2015. On January 9, 2015, the Oregon Fish and Wildlife Commission adopted permanent
9 Oregon Administrative Rules allowing recreational fishermen to retain one canary rockfish per
10 day as one part of a rulemaking package for 2015-2016 groundfish fisheries. However, the
11 National Marine Fisheries Service has announced that implementation of federal regulations
12 governing all 2015-2016 groundfish fisheries will be delayed beyond their original target date of
13 January 1, 2015.

14 **Note:** If and when federal authorization occurs, state regulations would revert to the
15 Commission's January 9, 2015 rules allowing retention.

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17 **2. 635-043-0151**

18 **Amended Hunting Agreement for 2014 Between ODFW and Warm Springs Tribe**

19 Adopted: January 15, 2015: Effective Dates: January 15, 2015 through February 25, 2015.

20 This amendment is needed to amend and clarify the legal authority of Warm Springs Tribal
21 Hunters to take big game species for the 2014 hunting

22 The Warm Springs Tribe and the State of Oregon have reached an amended agreement with
23 regard to off-reservation tribal hunting. The 2014 hunting season is underway so there is not
24 adequate time to go through the normal rulemaking process before the giving effect to this
25 agreement. Continuing the hunting season without rules in place to govern the season's
26 conduct consistent with the amended agreement would result in serious prejudice to the public
27 interest, jeopardizing the safe and orderly conduct of the 2014 big game hunting season.

28
29 **3. 635-004-0505**

30 **2015 Harvest Quota for Commercial Roe Herring Fishery in Yaquina Bay Set**

31 Adopted January 15, 2015: effective January 16, 2015 through April 15, 2015.

32 This amended rule sets the 2015 harvest quota for the Yaquina Bay commercial roe herring
33 fishery for the period from January 1 through April 15, 2015 at 8.8 tons. The yearly harvest
34 quota for the Yaquina Bay commercial roe herring fishery shall not exceed 20% of the
35 available spawning biomass as established in the Yaquina River Basin Fish Management
36 Operating Principles and Objectives described in OAR 635-500-0665(2). Only fishers with a
37 limited entry permit issued pursuant to ORS 508.765 may participate in this fishery.

38
39 **4. 635-041-0065**

40 **2015 Treaty Indian Winter Commercial Fisheries in Zone 6 of the Columbia River Set**

41 Adopted January 28, 2014: effective February 2, 2015 through March 31, 2015.

42 This amended rule sets both the platform hook-and-line and gill net Treaty Indian winter
43 commercial seasons for 2015. These modifications allow commercial sales, in Oregon, of fish
44 caught in Bonneville, The Dalles, and John Day pools by tribal fishers beginning February 2,
45 2015. Modifications are consistent with action taken January 28, 2015 by the Oregon and
46 Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty
47 Tribes, in a meeting of the Columbia River Compact.

1 **5. 635-042-0130**

2 **2015 Commercial Smelt Season Set for the Columbia River**

3 Adopted January 28, 2014: effective February 2, 2015 through February 28, 2015.
4 The amended rule sets a commercial gill net fishing season for smelt in Zones 1-3 of the
5 Columbia River. The fishery consists of 7-hour fishing periods beginning 7:00 a.m. through
6 2:00 p.m., Mondays and Thursdays of each week from February 2 through February 26, 2015.
7 Revisions are consistent with the action taken January 28, 2015 by the Oregon and
8 Washington Departments of Fish and Wildlife in a meeting of the Columbia River Compact.

9
10 **6. 635-005-0355**

11 **Tillamook Bay Commercial Cockle Clam Dive Fishery Closes**

12 Adopted January 28, 2015: effective February 6, 2015 through July 31, 2015.
13 Amended rule closes the Tillamook Bay commercial cockle clam dive fishery at 12:01 a.m.
14 February 6, 2015 due to a projected attainment of the 90,000 pound annual harvest quota
15 allowed under bay clam dive permits. Modifications are consistent with requirements described
16 in OAR 635-005-0355 sections (2) and (3).

17
18 **7. 635-042-0145, 635-042-0160, 635-042-0170 and 635-042-0180**

19 **2015 Commercial Winter, Spring, and Summer Fisheries for Columbia River Select**
20 **Areas**

21 Adopted January 28, 2015: effective February 9, 2015 through July 30, 2015.
22 These amended rules set seasons, area boundaries, gear regulations and allowable sales for
23 winter, spring and summer commercial fisheries in the Columbia River Select Areas. Rule
24 revisions are consistent with action taken January 28, 2015 by the Oregon and Washington
25 Departments of Fish and Wildlife at a meeting of the Columbia River Compact.

26
27 **8. 635-023-0125**

28 **Columbia River Recreational Seasons for Salmon, Steelhead, Shad and Smelt Set**

29 Adopted January 28, 2014: effective March 1, 2015 through June 15, 2015.
30 This amended rule sets regulations for Columbia River recreational spring Chinook, steelhead,
31 shad and smelt seasons with descriptions of areas, dates, and bag limits for harvest of adipose
32 fin-clipped Chinook salmon, adipose fin-clipped steelhead, shad and smelt. Revisions are
33 consistent with action taken January 28, 2015 by the Oregon and Washington Departments of
34 Fish and Wildlife in a meeting of the Columbia River Compact.

35
36 Action: Commissioner Webber moved to adopt the eight temporary rules number one
37 through eight as shown our agenda starting on page 1 and ending on page 2.
38 Commissioner Levy seconded the motion and the motion passed unanimously by a vote
39 of six.

40
41 **PUBLIC FORUM**

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

45
46 **Eurasian Collared Doves**

47 Worth Mathewson
48 Prairie Dale, OR

1 Mr. Mathewson spoke to the Commission in regards to his concern that Eurasian Doves are
2 being categorized as unclassified and unprotected. He explained that there are limited
3 numbers of species to hunt in the Willamette Valley, due to changes in agriculture lands. The
4 Eurasian collared dove made its way to Oregon on its own and seems to be doing well. The
5 doves are moving out of the urban areas and starting to populate the countryside. The
6 category of unclassified does not offer any type of management plan; resulting in land owners
7 allowing hunters to take large numbers of these birds at one time. Because the population of
8 mourning –doves is very low and they have a less versatile diet, the increasing number of
9 Eurasian collard doves should not pose a risk to the mourning- dove’s habitat. Mr. Mathewson
10 believes if there was some kind of management offered in the future this will provide good
11 opportunity.

COMISSIONER ITEMS

Exhibit A: COMMISSION MINUTES

14 Approve January 9 Commission minutes deffered.
15 Action: Deffered
16

**Exhibit B: HABITAT CONSERVATION, WATERFOWL, and UPLAND GAME
BIRD STAMP ART CONTESTS**

17 Adopt amended rules for the Habitat Conservation, Waterfowl, and Upland Game Bird Stamp
18 Art Contest.
19 Staff: Kelly Walton, Assistant Game Bird Biologist
20 Public Testimony
21 Action: Rulemaking
22 Kelly provided a PowerPoint presentation proposing rules to make the waterfowl art contest
23 permanent and will amend all art contest rules for consistency. This presentation is available in
24 the meeting materials and at
25 http://www.dfw.state.or.us/agency/commission/minutes/15/02_february/index.asp
26

No public testimony received

27
28
29 Kelly Walton clarified the reasoning that resulted in the art contest rules not allowing
30 resubmissions; this is a standard practice that prevents the artist from resubmitting the same
31 piece of art year after year. She also explained the need to have artists not sign their art work
32 prior to judging; to allow for anonymous judging. After the judging is complete, the artists are
33 allowed to sign the art for artist exposure.
34

35 Commissioner Webber commended staff for the effort that is being made to reduce regulations
36 and make them clearer to understand.
37

38 Commissioners Akenson and Wolley, offered congratulations for the success of the event held
39 this year at Duck Pond Cellars.
40

41 Director Melcher, recognized Andrea Hanson for the work she has done and the initiative and
42 leadership developing the partnership with Duck Pond Cellars.
43

1 Chair Finley offered to assist in making connections, find additional partners or opportunities to
2 expand this program.

3
4 Action: Commissioner Akenson moved to amend OAR Chapter 635, Divisions 053, and 095 as
5 proposed by staff in the replacement OAR attachment 3 to set rules for Habitat Conservation,
6 Waterfowl, and Upland Game Bird art competitions. Commissioner Levy seconded the motion
7 and the motion passed unanimously by a vote of six.

8
Exhibit C: MULE DEER INITIATIVE BRIEFING

9 Informational briefing on management actions being implemented as part of the Mule Deer
10 Initiative such as habitat manipulation, travel restrictions, disease and predator management.

11 Staff: Craig Foster, District Wildlife Biologist, Lakeview
12 Brandy St Clair, Habitat Biologist, Lake County
13 Steve Cherry, District Wildlife Biologist, Heppner

14 Public Testimony

15 Action: Informational

16 Craig provided a provided a PowerPoint presentation and a five year Mule Deer Initiative
17 Summary. This presentation and summary are available in the meeting materials and at
18 http://www.dfw.state.or.us/agency/commission/minutes/15/02_february/index.asp

19
20 **Public Testimony:**

Fred Craig, President/ Al Elkins; Oregon Hunters Association	Supports the Mule Deer Initiative; written testimony provided at available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/02_february/index.asp Chair Finley asked Mr. Craig if OHA was interested in a wildlife watch program; on a voluntary basis. Mr. Craig commented that there has been much success with the TIP program, if there was a program, OHA would be willing consider to participation. Mr. Craig replied to Chair Finley's question regarding how much weight OHA puts on the science when deciding where to invest their money. He explained that science is a very important part of how OHA determines where to invest their money when partnering with state and federal agencies. Sometimes we deviate because of political or other reasons, but the science is always important.
Ken Hand; Mule Deer Foundation, Regional Director, Klamath Falls	Supports the Mule Deer Initiative; Mr. Hand provided observations including an increase in the fawn survival; and survival rate is effected by the increased number of predators including coyotes and cougar. Mr. Hand posed some question that has been brought up to him: what are tag numbers based on and when are they developed?

	Mr. Hand would like the department to look at not only elk vs deer but also white tail vs. mule deer.
Edward Johnston	Stop logging, it is destroying the habitat. Mr. Johnston provided a packet of documents and publication not directly related to this agenda item. These materials have been included in the public record files.
Janet Raven-Pingraph, Philomath	Expressed concerns about habitat and the food the deer are eating, and need more restriction on timber harvest.

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Steve Cherry

Addressed questions related to the increase in coyote populations. He explained that the widespread increase in coyotes throughout the basin could be a result of a multitude of reasons. There is less coyote control going on than in the past; possibly less livestock than there has been previously, crop producers are less concerned with the presence of coyote; and pelt prices have decreased resulting in fewer public trappers targeting this species as in the past. The overarching issue that Commission Wolley brought up, relating to the size of the area that was chosen and the amount of removal that was done did not have an effect on the mule deer population.

Commissioner Akenson

Recognized that the Mule Deer Initiative is the kind of program that is great for ODFW. The outcomes of the past five years will help us for example; refine our population model and generated information, and engage other organizations that want to partner with the department particularly on the habitat side.

Craig Foster

Answered questions related to strategies being used to address cougar populations. Craig explained that under the current laws, what has been developed to strategically control the cougar population is the use of cougar target areas; which are very expensive. With the tools we have currently, there is not a way of providing the benefit of reduced cougar populations without implementing cougar target areas which may result in increase in costs to the hunters. The amount of control that we can do in a given area is budget driven.

The quadrat has not been as effective as the department had hoped, due to the shape and terrain of the state. The department is currently in the process of implementing a new sampling method.

Ron Anglin

Provided information relating to direction the department has for the future of the MDI program. Ron explained, the department's intent is to continue the MDI program, maintain what is currently being done, and expand in the next biennium. This is dependent on the fee increase, license dollars available and an expected increase in PR funds. The department has a lot already in place and is ready to continue work. Direction has been given to the regions to start looking at other units to expand the program to.

Craig Foster

1 Explained that the committees had identified the relationship between elk population relative to
2 deer is an issue; this is a difficult question to address especially in a non-research
3 environment. This issue was not addressed at this time.
4

5 **Commissioner Akenson**

6 Asked that the department provide an update on the Starkey deer research. Travel
7 management is a big and difficult topic in eastern Oregon right now with local communities.
8 Would like to have an update from ODFW research on the effects of open travel on deer and
9 elk.
10

11 **Chair Finley**

12 What was seen in these test units where you focused in on road kill and mortality? Any
13 opportunities, mentioned ODOT.
14

15 Steve Cherry, Craig Foster and Ron Anglin answered questions regarding road kill on
16 highways.
17

18 **Steve Cherry**

19 Provided information about work that had been done in the Murderers Creek Unit. In this Unit
20 the department worked with ODOT, specifically looking at road kill to identify pinch points and
21 timeframes. What has been found is that road kill was all through the valley. There were time
22 frames that stood out, particularly in the fall when the deer are migrating into the valley as well
23 as in the spring when they are moving back out of the valley. We're not able to identify specific
24 pinch points that would be improved by construction. Lighted signs were placed along the
25 highway, these had little effect.
26

27 **Craig Foster**

28 Explained that road kill along Hwy 97 has also been looked at. Vegetation has been cut back
29 to allow the drivers increased visibility around identified pinch points; ODOT has installed
30 some underpasses.
31

32 **Commissioner Webber**

33 Asked staff if improvement had been seen with the removal of vegetation.
34

35 **Ron Anglin**

36 ODOT started an initiative, clearing along Hwy 97 to reduce icing on the highway in the winter.
37 We saw the added benefit of animals becoming more visible; it had also served as an
38 attractant caused by a bitter bush bloom. A public service announcement was run on the radio
39 during prime migration time at dusk at night and first thing in the morning. This is something we
40 have been trying to deal with for a long time. ODOT has taken a proactive role trying to
41 address this along Hwy 97. The department has had discussions about fences; ODOT is
42 taking a more regional approach and looking at crossings to reduce vehicle strikes.
43

44 **Craig Foster**

45 Answered questions from Chair Finley related to the vegetation changes as a result of
46 wildfires. Craig explained there are two types of deer food- fire tolerant shrubs and fire
47 intolerant shrubs. The vegetation that are fire tolerant; are regenerated by fire; wildlife has

1 been beneficial to mule deer habitat. It can take about 10 years to see a response. In the shrub
2 step habitat it is the opposite, resulting in weed and annual grass invasion that can take
3 decades, possibly centuries for the sagebrush habitat to recover. Some of the research that is
4 coming out shows the benefit of wildfires.

5
6 **Director Melcher**

7 Explained that much of this funding for MDI work has been a result of Pitman Robertson (PR)
8 funds and require a 25% match. This is met with license dollars and will continue to require this
9 match to continue this work with the PR funds.

10 **Exhibit D: DIRECTOR INTERVIEWS**

11 Final interviews for the Oregon Department of Fish and Wildlife Director

12 Action: Interviews

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14 **Executive Session**

15 The Commission will hold an executive session to conduct Director Interviews and consider
16 employment of a director, as authorized by ORS 192.660(2) (a).

17
18 The Commission reconvened in to public session to authorize.

19
20 **Action: Commissioner Levy moved to** extend an offer of employment as permanent director of
21 the Oregon Department of Fish and Wildlife to Curt Melcher. Commissioner Webber seconded
22 that motion, and also moved that the Commission authorizes the chair to handle employment
23 offer and associated negotiations with Curt Melcher working with Roxie Burns, ODFW Human
24 Resources Administrator. **Commissioner Anderson seconded the motion and the motion**
25 **passed unanimously by a vote of six.**

26
27 **OTHER BUSINESS**

28
29 **ADJOURN**

30 Chair Finley adjourned the Commission meeting at 6:15 PM