



Oregon Fish and Wildlife Commission Minutes

Summer Lake Commission Tour
April 23, 2015 – 8:00 AM
Depart: Bend Fairfield Inn & Suites

Meeting: April 24, 2015 – 8:00 AM
Deschutes National Forest Office
Ponderosa Room
63095 Deschutes Market Rd
Bend. OR 97701

Commission minutes are considered draft until approved by the Commission.

Friday, April 24, 2015

Notice of these meetings had been made by press release of statewide media circulation. Those attending part or all of the meeting included:

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
Erin Donald, Assistant Attorney General

MEETING

On Friday, April 24, 2015 at 8:00 a.m., Chair Michael Finley called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

DIRECTOR'S REPORT

Field Reports

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

http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

Expenditure Report

Staff: Curt Melcher, Director

Bill Herber provided the expenditure report as of March 31, 2015, was excused from meeting to run HQ office. This report is available in the meeting materials and at

http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

Director Melcher – Department wide, expenditures are within budget projections and available revenues. We did receive the Secretary of State Performance audit, it was nicely done, it was nice to have a third party review of the agencies financial status. The department is preparing its phase two presentation to be presented to the Natural Resources Sub- Committee tentatively slated for the second week in May. The department should realize a savings in license funds of \$1-3 million due to efficiencies and cost reductions as well as a savings in obligated and dedicated funds, which is projected to result in an ending balance of \$31,211,156.

1 **Sage Grouse Update**

2 *Staff: Chip Dale, Malheur Watershed District Manager*

3
4 *Chip Dale provided a PowerPoint presentation on the Greater Sage-Grouse*
5 *Conservation Assessment and Strategy for Oregon. This presentation is available in the*
6 *meeting materials and at*

7 http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

8
9 **Discussion:**

10
11 **Chair Finley** - Are the rules from federal agency and the ones being set up by the
12 Conservation Strategy group identical?

13
14 **Chip Dale** – They are consistent across the state for state agencies, but we can't
15 impose upon the federal agency our rules as a prescriptive measure. We are asking
16 when they establish mitigation for projects on federal lands there be some sort of
17 MOU/MOA that they would approach in the same manner.

18
19 **Chair Finley** – When you refer to the term “habitat quality”, does that address both
20 existing in terms of improving per acre quality of the habitat and degraded former
21 habitat that's being restored?

22
23 **Chip Dale** – The way we approach sage-grouse and identify their habitats was based
24 on those breeding populations and based on the nest sites. While you can look at what
25 we identified as core habitat, there is a wide range of quality in that core habitat.

26
27 **Adopt Temporary Rules**

28 *Staff: Curt Melcher, Director*

29
30 **1. 635-041-0065**

31 **Treaty Indian Commercial Winter Gill Net Fisheries in the Bonneville Pool**
32 **Modified**

33 Adopted March 10, 2015: effective March 12, 2015 through March 31, 2015

34 This amended rule modifies the Treaty Indian commercial winter gill net season in the
35 Bonneville Pool of the Columbia River. These modifications close sales of Chinook
36 salmon caught in the Tribal commercial winter gill net fishery in the Bonneville Pool at
37 6:00 p.m. Thursday, March 12, 2015. Modifications are consistent with action taken
38 March 10, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in
39 cooperation with the Columbia River Treaty Tribes, in a meeting of the Columbia River
40 Compact.

41
42 **2. 635-005-0480**

43 **Temporary Waivers to Retrieve Dungeness Crab Gear from the Pacific Ocean**

44 Adopted March 16, 2015: effective March 16, 2015 through August 14, 2015

45 This amended rule allows retrieval of Dungeness crab pots which have become
46 stranded in the Pacific ocean due to extraordinary circumstances whereby the vessel
47 which originally placed them in the ocean is no longer in possession of the necessary
48 permit required for retrieval.

1 **3. 635-018-0090**

2 **2015 Spring Chinook Season on the Hood River**

3 Adopted March 19, 2015: effective April 15, 2015 through June 30, 2015

4 This amended rule allows the recreational harvest of adipose fin-clipped spring Chinook
5 salmon in the Hood River from April 15 through June 30, 2015. The Hood River open
6 area extends from the mouth to the mainstem confluence with the East Fork and the
7 West Fork from the confluence with the mainstem upstream to the angling deadline 200
8 feet downstream of Punchbowl Falls. The daily bag limit is 2 adult adipose fin-clipped
9 salmon per day and 5 adipose fin-clipped jack salmon per day. All salmon that do not
10 have a healed clipped adipose fin must be released unharmed. All other limits and
11 restrictions remain unchanged from those listed in the **2015 Oregon Sport Fishing**
12 **Regulations** for the Hood River.

13
14 **4. 635-042-0145**

15 **Commercial Winter Fisheries for Youngs Bay Select Area of the Columbia River**
16 **Modified**

17 Adopted March 23, 2015: effective March 24, 2015 through July 30, 2015

18 This amended rule rescinds three 4-hour commercial fishing periods previously
19 authorized for the winter commercial Chinook salmon and shad in the Youngs Bay
20 Select Area of the Columbia River. The rescinded periods were scheduled to occur on
21 March 25 (4 hours), March 26 (4 hours) and March 30, 2015 (4-hours).

22
23 **5. 635-042-0022**

24 **Columbia River Commercial Spring Chinook Drift Net Fishery Set for March 31,**
25 **2015**

26 Adopted March 30, 2015: effective March 31, 2015 through April 1, 2015

27 This amended rule allows a non-Indian commercial spring Chinook fishery in the
28 mainstem Columbia River to commence on March 31, 2015 from the mouth of the
29 Columbia River upstream to Beacon Rock (Zones 1 thru 5). The authorized fishing
30 period is from 7:00 a.m. to 2:00 p.m. Tuesday March 31, 2015 (7 hours). Modifications
31 are consistent with action taken March 30, 2015 by the Oregon and Washington
32 Departments of Fish and Wildlife in a meeting of the Columbia River Compact.

33
34 **6. 635-014-0090**

35 **2015 Chinook Salmon Seasons on the Siletz River**

36 Adopted March 31, 2015: effective April 1, 2015 through July 31, 2015

37 This amended rule clarifies the regulations for recreational harvest of Chinook salmon
38 on the Siletz River beginning April 1, 2015. The daily bag limit is one non fin-clipped
39 spring Chinook salmon per day and 2 per year. All salmon that do not have a healed
40 clipped fin must be released unharmed. All other limits and restrictions remain
41 unchanged from those listed in the **2015 Oregon Sport Fishing Regulations,**
42 (page 27) for the **Siletz River and Bay.**

43
44 **7. 635-042-0022**

45 **Columbia River Commercial Spring Chinook Drift Net Fishery Set for April 7, 2015**

46 Adopted April 6, 2015: effective April 7, 2015 through April 8, 2015

47 This amended rule allows a non-Indian commercial spring Chinook fishery in the
48 mainstem Columbia River to commence on April 7, 2015 from the mouth of the
49 Columbia River upstream to Beacon Rock (Zones 1 thru 5). The authorized fishing
50 period is from 8:00 a.m. to 6:00 p.m. Tuesday, April 7, 2015 (10 hours). Modifications
51 are consistent with action taken April 6, 2015 by the Oregon and Washington

1 Departments of Fish and Wildlife in a meeting of the Columbia River Compact.

2
3 **8. 635-023-0125**

4 **Columbia River Recreational Season for Salmon, Steelhead and Shad Extended**

5 Adopted April 8, 2015: effective April 10, 2015 through June 15, 2015

6 This amended rule extends the season for recreational spring Chinook, steelhead and
7 shad on the Columbia River mainstem downstream of Bonneville Dam with the addition
8 of two fishing periods, Saturday, April 11 and Thursday, April 16, 2015. Descriptions of
9 areas and bag limits for harvest of adipose fin-clipped Chinook salmon and adipose fin-
10 clipped steelhead remain unchanged from those already adopted by the Departments of
11 Fish and Wildlife for the States of Oregon and Washington on January 28, 2015.

12
13 **9. 635-006-0212, 635-006-0215 and 635-006-0225**

14 **Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty Tribal**
15 **Fishers Allowed**

16 Adopted April 8, 2015: effective May 1, 2015 through October 27, 2015

17 These amended rules allow commercial sales of gilled and gutted Columbia River
18 salmon and steelhead caught by Treaty tribal members to wholesale fish dealers,
19 canners, and buyers. Modifications also require wholesale fish dealers, canners, and
20 buyers to report totals of fish purchased in round weights on the Fish Receiving Ticket
21 using a conversion factor of 1.17.

22
23 **10. 635-004-0375**

24 **Directed Commercial Sardine Fishery Third Allocation Period for 2014-2015**
25 **Season Closes**

26 Adopted April 21, 2015: effective April 25, 2015 through June 30, 2015

27 This temporary rule closes the third allocation period of the directed commercial sardine
28 fishery for the 2014-2015 season effective at 12:01 a.m. Saturday, April 25 through
29 Tuesday, June 30, 2015. Modifications are needed to conform Oregon State regulations
30 to the Pacific Fishery Management Council's decision on April 15, 2015 to close the
31 Pacific sardine fishing season as quickly as possible, citing concerns about a declining
32 biomass and the potential for the remainder of this year's quota to be caught rapidly.

33
34 **Discussion:**

35 **Commissioner Anderson** - Temporary rule 2, we are extending the dates to retrieve
36 the Dungeness crab gear, what prompted the need for the extension?

37
38 **Chris Kern** – A fisherman had gear out and had some type of disagreement with the
39 permit owner and was unable legally to go out and retrieve those pots, so we did the
40 extension to allow him to go and retrieve the pots.

41
42 **Commissioner Webber** – Temp rule 6, I am confused about whether we're talking
43 about fin-clipped or non-fin clipped salmon on the Siletz River, Can you clarify?

44
45 **Ed Bowles** – The confusion may be a typographical error.

46
47 **Steve Sanders** – The sentence "All salmon that do not have a healed clipped fin must
48 be released unharmed" is wrong. The rule itself allows for the retention of one wild fish
49 and that's what we're clarifying out of the regulations. For the spring chinook season

1 allow the retention of one wild fish then it will expire on July 31, by virtue of the
2 expiration of the temporary rule and then it would go back to the published regulations.

3
4 **Action:**

5 Commissioner Webber moved to adopt the temporary rules I through 10 as listed on the
6 agenda, including the clarification for rule 6 by Mr. Sanders. Commissioner Levy
7 seconded the motion, and the motion carried unanimously.

8
9 **PUBLIC FORUM**

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

13
14 **Public Testimony:**

<i>Bob Rees, Oregon Fishing Guide Oregon Forage Fish Management Plan; Sturgeon</i>	<i>Provided written testimony. This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp <i>Oppose the water rights transfer of the Oxbow Springs resources to the Nestle Corporation. Worried that additional water withdrawal may compromise the Columbia River.</i>
<i>Gilly Lyons, the Pew Charitable Trust Oregon Forage Fish Management Plan</i>	<i>Provided written testimony. This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp
<i>Kelly Short, Oregon Fishing Guide Sturgeon</i>	<i>Provided written testimony. This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp

15
16 **Exhibit A: COMMISSION MINUTES**

17 *Approve 2015 Commission Minutes*

18 *Action: Differed*

19
20 **Exhibit B: REGULATIONS FOR OCEAN SALMON FISHERIES**

21 The Commission was asked to adopt rules establishing regulations for recreational and
22 commercial salmon fishing seasons in state managed waters of the Pacific Ocean.

23 *Staff: Chris Kern, Fish Division Deputy Administrator*

24 *Public Testimony*

25 *Action: Rulemaking*

26
27 *Chris Kern provided a PowerPoint presentation of the 2015 Ocean Salmon Regulations*
28 *and highlighted successes from this year. He also expressed concerns relating to*

1 drought. This presentation is available in the meeting materials and at
2 http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp
3

4 **Public Testimony:**

Deaclan Lenartz, Portland	Salmon Conservation – Propose removing all protections from Salmon.
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5
6 **Discussion:**

7 **Director Melcher** – We did receive a letter from Chuck Erickson regarding ocean
8 salmon allocations as it relates to sport and commercial fishing.
9

10 **Commissioner Anderson** – In terms of looking at terminal fisheries as viable
11 opportunities, is the department looking towards more on area management for 2018-
12 2020 given the constraints we’re expecting with the drought?
13

14 **Chris Kern** - We haven’t got that far yet but it something we should be definitely
15 thinking about but there’s not really an opportunity to increase production at that site.
16 We might be able to change season dates to add more time.
17

18 **Commissioner Anderson** – It seems like we know more now on how to avoid stocks of
19 concern particularly the California stocks and be able to continue harvesting robust
20 Oregon stocks. I’m wondering if we will see a shift possibly towards more fine tuning of
21 our mixed stock fishery.
22

23 **Chris Kern** – I think that’s where we are headed. A lot of the scientific staff are
24 struggling with how to include that data. We’d have to be ensuring data is getting input
25 that wouldn’t affect any fisheries that would be outside of the model. We have a lot more
26 latitude in state waters, but I’d have to overlap that with examination of where we might
27 be able to get the fish that would be functional for fishermen as opposed to federal
28 waters.
29

30 **Commissioner Anderson** – In regards to state and federal consistency, we open this
31 fishery on April 1st, the federal authority comes two weeks after that, and then here we
32 are now, three weeks after that, they’ve been fishing now for three weeks, help me
33 understand as to what authority are they out there executing the fishery early?
34

35 **Chris Kern** – The process is a little odd because it’s not a calendar process. May 1
36 starts the federal management year once those rules are adopted they go through April
37 30 the following year. The action you took last year to adopt the rules actually covered
38 state waters and all federal waters combined through April, those are still active today.
39

40 **Commissioner Akenson** – Why are there different minimum lengths on the Chinook in
41 the terminal fisheries in Elk River and Chetco, and what drives that decision?
42

43 **Chris Kern** – The standard is 28” but over the years, I think it’s a marketing issue in the
44 Elk River area. They’ve had a hard time marketing fish 28”.
45

1 *Action:*

2 Commissioner Wolley moved to adopt the 2015 regulations for ocean sport and
3 commercial salmon fisheries, and ocean terminal sport and commercial fisheries as
4 proposed by staff and as reflected in draft OAR's shown in Revised Attachment 3.
5 Commissioner Akenson seconded the motion and the motion was carried unanimously.
6

7 **Exhibit C: 2015 REGULATIONS FOR PACIFIC HALIBUT FISHERIES**

8 The Commission was asked to adopt the 2015 regulations for recreational commercial
9 Pacific halibut fisheries.

10 *Staff: Lynn Mattes, Fishery Project Leader*

11 *Public Testimony*

12 *Action: Rulemaking*
13

14 *Lynn Mattes provided a PowerPoint presentation on the sport and commercial Pacific*
15 *Halibut fisheries. This presentation is available in the meeting materials and at*
16 *http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp*
17

18 **Public Testimony: None**

19
20 **Discussion:**

21 **Commissioner Anderson** – You mentioned how simplified the managing of the
22 commercial fishery is. There is a one 10-hour opening on Wednesday where all
23 fishermen have to go at the same time, but there are fishermen that are going out in
24 excess of three days in advanced of the opener to get their spot and gear and that is
25 inefficient along with all the fish that come in to market at once. Have you heard of any
26 talk on the federal and international levels of IQ's that can bring flexibility to this
27 industry?
28

29 **Lynn Mattes** – IQ's is individual quota fishery and is how they are described in British
30 Columbia and Alaska. I have not heard IQ's discussed for the halibut fisheries on the
31 west coast to date. There has been some discussion at the council level, but I can't tell
32 you a timeline of when it will be moved forward in this process.
33

34 **Director Melcher** - We're happy to carry that message. 25% of the commercial quota is
35 set aside for the troll fishery with weekly landing limits so at least a portion of the coast
36 wide halibut is set aside to do exactly what you've described. The balance of the 2A
37 quota goes to the directed halibut fishery and the relative magnitude of our halibut
38 fishery compared to the rest of the total allowable catch is small. As a result, the
39 participants have generally supported the current approach and the cost of
40 administering an IQ program may not provide significant economic benefits to the
41 participants.
42

43 *Action:*

44 Commissioner Webber moved to adopt the staff recommendations for the 2015 sport
45 and commercial Pacific Halibut fisheries as shown in Attachment 3. Commissioner
46 Anderson seconded the motion and the motion was carried unanimously.
47

1 **Exhibit D: FISH SCREENING TASK FORCE APPOINTMENTS**

2 The Commission will be asked to appoint three members to the Fish Screening Task
3 Force to fill a vacant agriculture and two angling/fish conservation seats.

4 *Staff: Pete Baki, Statewide Fish Screening Coordinator*

5 *Public Testimony*

6 *Action: Approval*

7
8 *Pete Baki provided a PowerPoint presentation of an overview of the applicants and*
9 *made staff recommendations to fill the vacant positions. This presentation is available in*
10 *the meeting materials and at*

11 http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

12
13 **Public Testimony: None**

14
15 **Discussion: None**

16
17 *Action:*

18 Commissioner Webber moved to appoint Barry DelCurto as Agricultural representative
19 on the Fish Screening Task Force and Nathaniel Olken and Theodore Taylor as the
20 Fishing/Fish Conservative representative on the Fish Screening Task Force.

21 Commissioner Akenson seconded the motion and the motion was carried unanimously.

22
23 **Exhibit E: OREGON CONSERVATION AND OREGON NEARSHORE**
24 **STRATEGIES**

25 The Commission was given an update on the Oregon Conservation and Oregon
26 Nearshore Strategies.

27 *Staff: Audrey Hatch, Greg Krutzikowsky, Natural Resources Project Leader*

28 *Public Testimony*

29 *Action: Informational*

30
31 *Audrey Hatch provided a PowerPoint presentation and provided a brief background of*
32 *the Oregon Conservation Strategy, conservation strategy species update process; plant*
33 *invertebrate, habitat, and seven key conservation issues. Greg provided a brief on*
34 *Oregon Nearshore Strategy; Definition and area; estuaries; Habitats; Marine Habitat –*
35 *maps; and species. This presentation is available in the meeting materials and at*

36 http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

37
38 **Public Testimony: None**

39
40 **Discussion:**

41 **Commissioner Levy** – Are you just starting public input or have you been doing that
42 with the updates you've done to date?

43
44 **Audrey Hatch** – Through the technical advisory committee we have identified state
45 wide a list of 160 folks through existing conservation group meetings, or conferences
46 that the department was engaged in with the thinking being folks could help with the
47 technical side and also help us create a better product.

1
2 **Commissioner Levy** – Will you be taking this statewide, I'd like to see more input from
3 local people. The conservation strategy effects high value agriculture land in our area.
4 I'd like to see more farmer and rancher input into that part of it that affects their use of
5 the property that they raise crops on and move cattle across?
6

7 **Audrey Hatch** – Through the stakeholder advisory committee we are engaging with
8 Farm Bureau and Cattlemen's Association. Through the agency we are engaging with
9 district biologists throughout the state to review different pieces of the conservation
10 strategy. It hasn't been practical to do the town hall style meetings where we invite folks
11 specifically to come to a new process but rather try to identify the existing processes
12 and get the information out about the updates to the folks through a format that they are
13 familiar with.
14

15 **Commissioner Levy** – How do we help them implement the use of that land and still
16 follow the conservation strategy and sage-grouse strategy?
17

18 **Audrey Hatch** – Through the update process for the statewide conservation strategy
19 we realize by creating a framework for better communication that we can have through
20 the web enabled conservation strategy. We will be able foster that communication better
21 and also through the district offices to help folks understand what tools and resources
22 are available out there so that they are in a great position to engage locally.
23

24 **Commissioner Wolley** - Regarding the invasive species, have you seen a lot of
25 change compared to 10 years ago to now in terms of what species you are focusing on
26 being particularly threatening?
27

28 **Audrey Hatch** – Looking at the updated list of priority invasive species for the state
29 there are not large changes in the types of species but there are changes of eco regions
30 that there are concerns about them reaching.
31

32 **Commissioner Akenson** – Pleased to hear that you are increasing online access of
33 information from these two plans, what specific tool are you looking at, or what areas
34 are you looking at to increase information?
35

36 **Audrey Hatch** – We are looking to really emphasize the online format in a web
37 application for the Oregon Conservation Strategy so that all the content will be web
38 enabled. Emphasizing the conservation opportunity areas; currently in the conservation
39 strategy. We have about 160 areas and have profiles for each of those conservation
40 opportunity areas but its all static and a long document. With the web enabling we want
41 to focus on the profiles because that is really where it all comes together; for example a
42 district biologist could look at the areas nearby and help a watershed council or soil
43 conservation district understand where impacts are and where the restoration efforts fit
44 in the landscape. We want to make those profiles more dynamic and updatable so that
45 new information can be brought in that can highlight or change things that are involved.
46

47 **Commissioner Akenson** – Will the two plans have a similar format?
48

1 **Greg Krutzikowsky** – We are planning to have a different structure in the Oregon
2 Nearshore Strategy. Currently there is one chapter that includes information about
3 species, habitats, research and monitoring and factors affecting the species, which is a
4 lot of information to have in one place. We are planning to break that out, so there will
5 be some similarity and some differences.
6

7 **Audrey Hatch** – We are really looking at integrating our species information into a
8 common table. You can imagine what that would look like, on the website you could pull
9 up information about the nearshore region and be able to tell that there are shore birds
10 in the region as well as other species. That's a big part of what we're looking to do to
11 meet the service requirements.
12

13 **Commissioner Akenson** – When the Conservation Strategy is submitted to the
14 USFWS, will the Nearshore Strategy be part of that submission?
15

16 **Greg Krutzikowsky** – There is good reason, to have it as a document that we can hand
17 out to other people because there are very specific set of constituents on coastal and
18 nearshore issues. They will remain separate but still integrated. They will be integrated
19 on the web, but as a document per se they will be a separate document.
20

21 **Commissioner Akenson** – What's the role of the Stakeholder Advisory committee?
22

23 **Audrey Hatch** – The department sees three major tasks before the Stakeholder
24 Advisory Committee. We're hoping that this is a group of folks who will take a little extra
25 time with us to understand the content behind the updates. In turn, that time will help us,
26 as we develop the sections to keep them relevant by letting us know if we got it right or
27 if we missed something. The last role is to help us get the word out. Prior to the public
28 comment time period, the Stakeholder Advisory Committee will be able to articulate
29 back to their constituents necessary information so that we can get some diverse
30 feedback during that official public comment period.
31

32 **Commissioner Akenson** – Why wasn't climate change considered as a key
33 conservation issue as well as being integrated into the other parts?
34

35 **Audrey Hatch** – It is a key conservation issue. To clarify; the official decision to make
36 climate change one of the seven statewide conservation key issues happened in 2012.
37 The department then contracted an update to write a climate change section. Right now
38 it's a little difficult to decipher all of that because it sits as a separate document on the
39 website so with this 10-yr update and the revised web application and better formatting
40 and all the content it should be very clear that it is part of the seven.
41

42 **Commissioner Akenson** - What about ocean energy production, how is that going to
43 be integrated into the Nearshore strategy?
44

45 **Greg Krutzikowsky** – There has been great interest shown in renewable energy
46 possibilities off the Oregon coast. There are some test projects that are slated to go in
47 place and basically what we're doing is recognizing that new emerging issue. There
48 may be concerns about its effects on various species and certainly people have posed

1 concerns about light for some of the birds but it also may incorporate reef structures or
2 anchor structures and may create some habitat as well. What we want to do is
3 recognize this is an ongoing and still in its early development stages.

4
5 **Commissioner Akenson** – I feel like we need to decide as a commission and agency
6 on how we want to direct the conservation strategy relative to implementation on
7 whether we want that strategy to have some prioritization of projects or species or
8 activities or whether we continue to be more de facto on how we select projects to be
9 funded. I feel like we need to take a stronger role and drive some of those directions of
10 what we want done first, even though the conservation strategy has been tremendously
11 underfunded we don't have funding to do what we need to do. I think if we have a
12 prioritizing list of what we want to accomplish we have to go out and seek that funding.

13
14 **Audrey Hatch** - In my time working on nearshore issues in Oregon, the act of
15 prioritization is riddled with conflict and would probably at least for Nearshore exceed
16 the time that is available for this. I think it's incredibly important but what I think would be
17 a good first step, knowing where the key data gaps are. That will help direct research
18 and help with private partnerships but given the October timeframe I'm concerned about
19 getting too detailed in terms of prioritization on a statewide level.

20
21 **Greg Krutzikowsky** - The table for our species we do list data gaps and those will be
22 incorporated in the tables for the statewide and nearshore strategy.

23
24 **Chair Finley** – You both mentioned habitat descriptions and during the presentation,
25 you used the term when you update habitat description you include new conservation
26 concerns and include restoration guidance and documents, is that on a statewide or per
27 eco-region basis?

28
29 **Audrey Hatch** – The habitat descriptions that I spoke of, the update covers the 11
30 statewide conservations strategy habitats including estuaries and wetlands. Updating
31 the habitat descriptions I'm referring to are short sections about each of the habitats
32 describing the key conservation issues that impact those habitats. In updating those to
33 include for example, better understanding of zero stage forest habitat, more detailed
34 mapping of wetlands, and those are habitat by habitat.

35
36 The web enabling conservation strategy is the eco-regional sections where you could
37 go into each eco-region in those 11 habitats and you can quickly pull up a more detailed
38 description. The guidance document that we're referring to are things like improved
39 information on old restorations that are now available online. They would not be getting
40 different information from eco-region to eco-region and not necessarily specific to their
41 location but rather they would be able to use the eco-region as an organizational
42 structure and zoom in to get to those common guidance documents and common
43 habitat descriptions.

44
45 **Chair Finley** – If you have an area of interest and you want to know about that area. In
46 the habitat quality description you can see effects of temperature, invasive species, and
47 sedimentation effecting spawning. If we were to look at a region, there is a macro map,

1 but they are too small of scale. We can talk about loss or evasiveness and
2 effectiveness; it's a matter of how you display this data in a usable form.

3
4 I understand the web description but if it just refers you to other lists, you still don't have
5 a focus on that eco-region.

6
7 **Audrey Hatch** – We have heard the emphasis on the conservation opportunity areas
8 are a place where folks find the strategy to be useful so those may be the place where
9 we're able to be more specific and gain more traction. With this update process, we will
10 not be developing detail habitat guidelines for every single one of those opportunity
11 areas. With this updated process by October we'll only be able to refer to more general
12 guidance documents.

13
14 **Chair Finley** – Under the section of descriptions of habitats, I know it's difficult to grade
15 habitat. Example – Mule deer habitat, is that habitat in a degrading state, or is it holding
16 it owns, or are there effects in which we are improving it. More of a qualitative statement
17 other than it has Ponderosa pine.

18
19 **Director Melcher** – When the strategy was initially developed back in 2005 it was really
20 designed to be the vehicle that brought funds into ODFW. Originally the prospect was to
21 bring in additional federal funds through alternative funding for ODFW. This was the
22 vehicle to help us to get those funds. It was never intended to prioritize our license
23 funds. Nor is it a regulatory document. The level of public review and public process
24 required to make this a regulatory document would be much more rigorous. We can all
25 agree that this strategy is not funded at the level that any of us like, but it is working. We
26 have both state and federal agencies that use our strategy to help them to develop their
27 actions, while it may not be funding at the level we like, it is serving a purpose and
28 directing folks to those opportunities.

29
30 *Action:* Informational briefing, no action

31
32 **Exhibit F: WOLF INFORMATIONAL PRESENTATION**

33 Commission will be given an informational presentation providing an update on the
34 delisting process.

35 *Staff:* Russ Morgan, Wolf Program Coordinator

36 *Public Testimony*

37 *Action:* Informational

38
39 *Russ Morgan provided a PowerPoint presentation to evaluate the biological status of*
40 *wolves in Oregon and determine if significant information exists to justify rulemaking to*
41 *delist the wolf under the Oregon ESA (OESA) This presentation is available in the*
42 *meeting materials and at*

43 http://www.dfw.state.or.us/agency/commission/minutes/15/04_April/index.asp

44
45 **Public Testimony:**

Craig Lassen, Oregon Wild	Support Wolf recovery and not the delisting of the wolf. A typical wolf pack will take 20 to 120 square miles for their
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	habitat.
Stephanie Taylor, Portland	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Quinn Reed, Oregon Wild	Fully supports their constituents speaking today and their members on not delisting the wolf.
Rob Klavins, Oregon Wild	Involved in wolf recovery since 2008. It seems premature to delist the wolves at this time.
Amanda Baisley, Portland	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Tim Barbouletos, Bend	I'm realistic about wolves but we need to figure out how to co-exist with them. I believe they should be managed and managed appropriately. Please follow your plan.
April Lane, Redmond	Support maintaining the OESA protections. Coming originally from wolf country in Montana, lifting the ESA protections will include a more relaxed perception from the public of the danger coming from the wolves.
Dave Wiley, Rocky Mountain Elk Foundation	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Stephanie Christensen, Portland	Concerned about and opposed to the delisting of the gray wolf. It's important that we build a legacy that all Oregonians can look forward to for many years.
Amaroq Weiss, Center for Biological Diversity	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Sue Jackson, Alfalfa	My interest in wolves began in 1993 in Alaska. I'm concerned that your decisions are guided by or prompted by the special interests groups rather than the welfare of the wolf.
Wally Sykes, Northeast Oregon Ecosystems	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Wendy Kalinowski, Sisters	I'm involved with Oregon Wild, Defenders of Wildlife and Center for Biological Diversity. I agree with their stance on not delisting the gray wolf.
Jason Gonzales, Walton	I'm familiar with living with predators and I do it every day because of where I live. People are passionate about the wildlife they see in the wild. Delisting the wolf is the wrong thing to do. I disagree with your staff recommendation but I urge the collaboration to continue and move forward in keeping the wolf on the OESA.

Shelly Cater, Eugene	It's premature to delist when the population is so small. 77 wolves is not a lot.
Suzanne Stone, Boise ID. Defenders of Wildlife	The plan allows consideration of delisting but does not require delisting. No species has ever been considered recovered with such low numbers.
Nick Cady, Cascadia Wildlands	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Joan Beldin, Portland	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Danielle Moser, Endangered Species Coalition	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Ruth Spetter, Portland	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Suzanne Fouty, Baker City	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Susan Prince, Sisters	The ESA has been developed for a reason. Supports the recovery of the wolf and opposes the delisting of the gray wolf.
Alex West, Redmond	Opposes the delisting of the gray wolf. Wolves will continue to be the scapegoat of specific hunting organizations. Social factors around wolves need the protection and endangered status.
Rusty Ingles, Princeton	Supports the delisting of the wolves. The economic impact in Harney County will be devastating in our community if wolves continue to return to eastern Oregon and receive protection as an endangered species under Oregon law.
Jenny Dressler, Oregon Farm Bureau	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Mary Powell, Bend	My concern is that there is nothing about reproductive potential and biological diversity in the wolf information. Oppose the delisting of the gray wolf.
Martha Bibb, Bend	Please consider keeping the wolves on the ESA listing. Oppose the delisting of the gray wolf.
Clair Kunkel, Bend	Former ODFW employee of 32 years. With heavy heart I disagree with the staff recommendation. Agree with the projections in the staff report but I don't think any decision

	should be based on projections.
Todd Nash, OCA	As ranchers we have lived up to our promise of abiding by the rules of the ESA when our livestock was threatened with depredation now we've moved into phase II. It is now the time to live up to your promise as stated in the wolf plan to delist the gray wolf from the OESA.
Ray Sessler, OCA	The wolf plan that was adopted is well thought out. I think we've have reached the point to where we can delist the gray wolf. Trust your advisors. Supports the delisting of the gray wolf.
Eric Porter, Imnaha	Rancher and lives on the river with at least one pack of wolves on each side of the river. Life has been hell for us. Before we ship our calves, we have to have someone with them 24 hrs. a day for the full 2 weeks or the wolves would infiltrate them and we would not be compensated for the calves unless they were killed. This would cause a great economic disaster.
Ingrid Lustig	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/04/April/index.asp</i>
Craig Miller, Bend	There are not enough wolves to be genetically viable to warrant a delisting of the gray wolf.
George Wuerthner, Bend	Predator Ecologist. Oppose the delisting of the gray wolf at this time because there are not enough wolves to do so.
Mike Morris, Bend	It's not reasonable to have wolves in the entire state to wait to delist them. I've had wolves in Montana for 20 years and they are only in the western part of the state. Wolves have a very significant impact on wildlife populations in specific herd areas. I'm here about elk and the statistics on the populations in the eastern Oregon are at risk on many counts.
Irene Olivieri, Bend	Opposes the delisting of the gray wolf.
Eric Helmy, Bend	Opposes the delisting of the gray wolf.
Dr. Dean Bolinger, Bend	Why delist now when by looking at other states, we will be re-listing in two years. Unfortunately whatever decision you make will be wrong.
Susan Strauss, Bend	If you don't base your decision on science it will come back to bite you. The wolf as a predator is very important to the ecological system.

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Questions by Commissioners:

Commissioner Anderson – If the wolf plan has been successful in recovery for northeast Oregon in recognizing that delisting does not mean no more protection what's wrong with considering a delisting now and following the approach of maintaining those Phase I protections in western Oregon while that population continues to recover as well?

1 **Suzanne Stone** – it's a great landscape that we have here. But we're talking about two
2 distinct areas of the state. We have success happening in the northeast area under the
3 current restrictions of Phase I. Research shows, when wolves are killed due to
4 depredation of livestock loss it has an impact on the wolf pack and it changes the
5 dynamics of the landscape and the pack becomes destabilized. The mindset would then
6 fall back to this lethal control action. The success of the northeastern populations is very
7 key to the success of the western populations. We'd be concerned about jeopardizing
8 the entire recovery process.

9
10 **Commissioner Anderson** – I don't believe that is what Phase II of the wolf plan is
11 suggesting in terms of management. Thank you for your response.

12
13 **Commissioner Anderson** – The staff recommendation is coming out of a sense of
14 urgency per se to delist. Agreements were made with many parties in this room at the
15 table when the wolf plan was brought together through a stakeholder process. Given
16 that and in light of your experience working with the department for so long, do you see
17 also not just a sense of urgency, there were agreements, criteria set forth and we have
18 the task before us in terms of whether or not those criteria has been met and as a
19 former staffer do you feel a sense of obligation to move forward with the plan as it was
20 adopted?

21
22 **Clair Kunkel** - Promises made on both sides of the equation. At this point the criteria
23 would ask the Commission to consider delisting. I didn't see it as a trigger or a promise
24 that you would delist it. The letter of the law says you have to use those criteria to delist;
25 the spirit of the plan is there would be wider distribution of viable species throughout
26 Oregon before delisting occurred.

27
28 **Commissioner Webber** – There's eastern Oregon and western Oregon; eastern
29 Oregon has moved into Phase II. Western Oregon is still in Phase I. What would be
30 your thoughts if we proposed delisting of the wolves in the eastern half?

31
32 **Todd Nash** - As I understand the state doesn't allow a partial listing of an endangered
33 species so that becomes problematic. I don't see a need to do that, Phase I especially
34 under the rules that were established by the settlement are quite restrictive. It was
35 stated before. Since 2011 when that lawsuit first took place there has not been a lethal
36 take on a wolf. It's a very restrictive rule and that rule will still be in place in western
37 Oregon.

38
39 **Discussion:**

40 **Commissioner Levy** – Can you address the general statement we've heard about in
41 Phase II we can just go out and shoot the wolf?

42
43 **Russ Morgan** – There is a stigma with the ESA – The ESA means protection and
44 without the ESA means no protection. There is a philosophy that delisting is the
45 opposite of protection. Any decision to delist or not really does not change that
46 protection status of wolves now. However as we get to Phase III it assumes that wolves
47 have been delisted.

1 **Commissioner Levy** – I’m a rancher and if I see a wolf chasing my sheep I can shoot
2 it. If I can’t catch it or don’t see it chasing my sheep and I see it at some other point just
3 standing there am I legally allowed to shoot that wolf?
4

5 **Russ Morgan** – There are rules in statue already in place that allow the take of wolf
6 chasing livestock. The rule is and I want to make this perfectly clear; it depends on
7 whether your sheep are on the eastside of 395 or the westside of 395. Under either
8 Phase I or Phase II you cannot just shoot a wolf because you see it.
9

10 **Commissioner Levy** – At what point in the plan will we allow hunting of wolves, if ever?
11

12 Russ Morgan – Our plan specifically under Phase III deals with the take of wolves
13 authorized by the agency and can occur in response to two things; chronic livestock
14 depredation and impacts to big game. Our plan also goes on; clearly states that no
15 general season over the counter tags will occur under any phase of the plan.
16

17 **Commissioner Levy** – Who can address the genetic analysis?
18

19 **Darin Clark** – In general genetic analysis would be difficult to try to consider Oregon as
20 an isolated population and from biological; it’s not. It’s part of the larger Rocky Mountain
21 population. There are sufficient numbers of wolves in the larger Rocky Mountain north
22 population that maintains genetic diversity. If you look at Oregon population isolated by
23 itself which it does not occur that way it could be a concern. At this time there should be
24 enough immigrants and movement between the populations that that issue should not
25 be a problem, at least in the short term.
26

27 **Commissioner Levy** – Have we done any genetic analysis on any of the wolves that
28 we have collared?
29

30 **Russ Morgan** – Yes, we take tissue samples from every animal that we get in our
31 hands. In fact, Oregon has captured and collared a very high proportion of our wolf
32 population. When we do that we sample genetically. Genetics have come a tremendous
33 way even from eight years ago when we couldn’t even identify between a wolf and a
34 domestic dog. Now we can tell the species, the population of the origin if there is a data
35 set for that, sex, etc. So there is a lot we can learn from genetics. When we talk about
36 genetic connectivity, we cannot ignore that most western pack of wolves, the alpha
37 breeder of that pack is one generation removed from land that is east of Boise, Idaho.
38 They are genetically connected, that doesn’t in itself assure adequate genetic diversity
39 but in Darin’s model there was an incorporation of a periodic influx. We see wolves go in
40 and out of the state from those populations. We’ve documented the genetic flow and our
41 best science says that likely would be adequate.
42

43 **Commissioner Levy** – I raise large breed guardian dogs to protect my sheep and I’m
44 very particular about genetics on raising them. I try not to breed my female with a dog
45 that has similar characteristics as her and that has usually more aggressive
46 temperament than her. If you non-continual genetic diversity that eventually you’re
47 going to have some very bad genetics within those breeding and will cause other

1 problems in the future. Are we worried about that happening in our specific wolf
2 population?

3
4 **Russ Morgan** – Your concern is valid because diversity is important to the health of the
5 population. Poor genetic diversity is very hard to detect, often times when populations
6 stay static, and struggle then it will bring into question if there is genetic bottlenecking. If
7 you have a healthy and growing population there are intrinsic checks, which keep things
8 like inbreeding from occurring. If we have a struggling population, not by size, it certainly
9 raises that question a little bit more. We have a healthy and growing population and
10 documented in and out flow of Oregon. I don't think it is a concern.

11
12 **Commissioner Wolley** – In your modeling, what kind of safe guards were considered
13 regarding catastrophic disease outbreaks in the population as a variable?

14
15 **Darin Clark** – We incorporated two different types of catastrophes into the population
16 model. One simulated an outbreak of some random disease or some other unknown
17 event and would incur at periodic interval and cause 25% reduction of wolves across
18 the entire population. The other way we worked it in was periodic catastrophic infections
19 in reproductive rates. Randomly drawing a specific pack in the model, resulted in having
20 the entire pup populations die within the second year. That is similar to the effects of a
21 parvo outbreak. So we incorporated those types of catastrophic events into the viability
22 analysis and those effects are rarely seen in small populations.

23
24 **Commissioner Wolley** – If there were a catastrophic parvo outbreak next week you're
25 saying that it would not have significant effect on the populations?

26
27 **Darin Clark** – Parvo tends to be a pack specific outbreak it doesn't tend to be
28 population wide. In general, most diseases are not going to occur population wide. It
29 would be pretty rare to see an entire population effected by a disease outbreak as a
30 single event. However, that 25% would not eradicate the Oregon population.

31
32 **Commissioner Anderson** – Concerns have been raised about that specific number of
33 77, and you made clear that 77 was a minimum counted observed population. Are we
34 doing a disservice in putting that number out there under the heading of population, and
35 is it clear to the public that number doesn't represent the actual?

36
37 **Russ Morgan** – It's certainly possible that I didn't represent that well. 77 is the number
38 of wolves that we documented, it does not and I hope we are not conveying it in any
39 way that it represents an optimum number. Delisting and the questions related to this
40 process really are not even on the same par or level of how many should or could
41 Oregon have. Delisting is not about what is the optimum number, it is can or can't these
42 meet the criteria.

43
44 **Commissioner Anderson** – The delisting test does not have a population number
45 associated with it at all?

46
47 **Russ Morgan** – Correct

1 **Commissioner Anderson** – During public testimony there was a lot of comparison of
2 our state with others, is it fair for us to be comparing our wolf numbers with other
3 states?
4

5 **Russ Morgan** – Every state has different demographics, habitat features, geographical
6 differences, which will allow for fewer or greater number of wolves. Even through our
7 plan we've said the wolf will probably tell us where they're going to persist and do well
8 and where they're not. The biology of the wolf standpoint, it is fair. Wolf biology doesn't
9 change much between Idaho and Oregon. Really, the question becomes more policy
10 from state to state. One of things that we don't routinely do is look at policy in other
11 states and try to assess these questions based on those policies.
12

13 **Commissioner Anderson** – If you could respond to the requests from public testimony
14 today for an independent scientific review.
15

16 **Russ Morgan** – There are a lot of ways and avenues to seek review. With the limited
17 time and resources, we viewed the start of this process certainly as a part of a review.
18 We welcome any input, scientific especially and undoubtedly will look at all of it and
19 evaluate it based on what we know. However scientific review is a time consuming
20 process.
21

22 **Director Melcher** – Depending on what decision is made today, we would certainly and
23 have never prohibited anyone from reviewing any of the work we do. If there is anyone
24 who wants to review Darin's published viability assessment model we would certainly
25 include that in the public comment section.
26

27 **Commissioner Levy** – I'm battling lice and tick infestations on my livestock and dogs,
28 are those a potential problem for the wolf population?
29

30 **Russ Morgan** – We do a thorough examination of all of the wolves we capture. In all
31 the time I've been capturing wolves, I've only pulled off two ticks from two separate
32 wolves. The lice are common and any active parasite can affect an animal, but I haven't
33 seen any cases that really effect survival. I think it could affect the animal but not the
34 survival of the animal.
35

36 **Commissioner Webber** – If you had to pick a number that was within plus or minus 20
37 of the actual number of wolves out there, not the ones you've counted, what would be
38 that number?
39

40 **Russ Morgan** – It would be difficult to pick a number, but as I said in the presentation
41 we know that our population is minimum. If we apply just a range of figures 7 to 20% for
42 the transit wolves that I refer to add that onto the 77, the rest of that eco-region it would
43 be hard to answer because you never know when you don't see something how many
44 there are. For example, in March I recorded the number of packs and pairs and one of
45 those was a new pair of wolves, we since have data that that pair is now 6 wolves.
46 Figuring in all of that in, there are about 90 to 100 wolves in Oregon.
47

1 **Commissioner Webber** – Delisting eastern Oregon and not western Oregon may be
2 prohibited on a legal standpoint, but beyond that is there any real problem with that
3 thought?
4

5 **Russ Morgan** – From a biological standpoint pertaining to the wolves, no because the
6 way the plan is written if the Commission chose to maintain those protections on the
7 westside those protection emulate ESA protections.
8

9 **Chair Finley** – We have three options that have been discussed. We can take no
10 action, we can instruct the staff to prepare a partial delisting regulation of the eastern
11 population where we have a robust population, that way we can feel better about the
12 genetics and broad habitat occupancy, or we can consider a full delisting state wide.
13

14 **Commissioner Wolley** - How we vote today doesn't have a bearing on wolves. When
15 this plan was established it was entered into with compromise and hope. Consensus
16 says that we have a good plan, work is being respected. Any vote today will not have an
17 impact on how we manage wolves in Oregon.
18

19 **Commissioner Webber** – I think that whatever we do will be defensible because as I
20 see it within a year or two, we will go into phase III in eastern Oregon.
21

22 **Commissioner Akenson** – I'm happy to see growth in population. I'm very confident
23 that we will have a sustainable, healthy population in Oregon. I say that as a wolf
24 researcher myself, in looking at our science the numbers look strong. We have met the
25 criteria for delisting. We have a dispersal of the wolves and have not seen mortality. I'm
26 very confident in protections in the plan and we could delist at any time and not have
27 trouble. Our plan states that it's not about occupied habitat it's about habitat that is at
28 risk of extinction.
29

30 **Commissioner Wolley** – I'm confident that wolves are doing well and will continue to
31 do well. We need to consider the perception of the public and if we are fulfilling our
32 mission. I feel that the vote should respect the views of people throughout the state.
33

34 *Action:*

35 **Commissioner Anderson** - moved to direct staff to develop two options for
36 Commission consideration; **1)** The biological, legal and policy basis for delisting wolves
37 in the eastern part of the state of Oregon while maintaining the listing on the western
38 part of the state; and **2)** The biological, legal and policy basis for delisting wolves in the
39 entire state. Commissioner Levy seconded the motion, and the motion carried
40 unanimously.
41

42 **Executive Session – held during lunch break**

43 *The Commission held an executive session to consult with legal counsel with respect to*
44 *litigation filed or likely to be filed against the Commission, as authorized by ORS*
45 *192.660(2) (e).*
46

47 **OTHER BUSINESS**
48

1 Chair Michael Finley adjourned the meeting at 5:15 p.m.

DRAFT