

1 **Adopt Temporary Rules**

2 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
3 The 21 temporary rules were previously adopted by the director under his emergency
4 action authority.

5
6 **1. 635-042-0160**

7 **2015 Fall Commercial Seasons Set for Columbia River Select Area Fisheries**

8 Adopted July 29, 2015: effective August 17, 2015 through October 30, 2015

9 These Amended rules set the 2015 fall commercial gill net salmon seasons for
10 three Columbia River Select Areas including: Blind and Knappa sloughs, Tongue
11 Point/South Channel and Deep River. Modifications are consistent with action taken
12 July 29, 2015 by the Departments of Fish & Wildlife for the States of Oregon and
13 Washington at a meeting of the Columbia River Compact.

14
15 **2. 635-023-0134**

16 **2015 Snake River Fall Chinook Sport Fishery Below Hells Canyon Dam Opens
17 September 1**

18 Adopted August 10, 2015: effective September 1, 2015 through November 30, 2015

19 This amended rule implements a fall Chinook salmon fishery on the Snake River
20 from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam
21 beginning September 1 and running through November 17, 2015. These rule
22 modifications will conform Oregon's regulations to State of Idaho regulations for this
23 concurrent fishery.

24
25 **3. 635-042-0010 and 635-042-0031**

26 **Commercial Fall Seine Salmon Seasons Set for the Mainstem Columbia River**

27 Adopted August 11, 2015: effective August 24, 2015 through September 30, 2015

28 These amended rules allow the use of seine gear for commercial purposes and set
29 season dates and regulations for the 2015 non-Indian commercial fall seine salmon
30 fishery. The first of fifteen authorized seine fishing periods begins at 6:00 a.m. Monday,
31 August 24 with further fishing periods scheduled through 7:30 p.m. Wednesday,
32 September 30, 2015. Allowed sales include: Adipose or left ventral fin-clipped Chinook;
33 adipose-clipped coho, pink and sockeye salmon; and shad. Subject to *Individual Fishing*
34 *Quotas* (as defined in the 2015 seine permits) and fishing regulations, all legal salmon
35 caught must be landed.

36
37 **4. 635-016-0090**

38 **Emergency Rogue River Sport Fishing Restrictions Due to Severe Drought
39 Conditions Lifted**

40 Adopted August 13, 2015: effective August 13, 2015 through December 31, 2015

41 This amended rule removes previously adopted regulations that set daily closures
42 for trout, salmon, and steelhead fisheries in segments of the Rogue River where high
43 stream temperatures have lessened. After unusually warm conditions during much of
44 July, water temperatures have returned to near normal for this time of year. Fisheries
45 managers believe that restrictions previously imposed on segments of the Rogue River
46 are no longer necessary.

1 **5. 635-041-0075**

2 **Columbia River Treaty Indian Fall Commercial Gill Net Season Set**

3 Adopted August 12, 2015: effective August 17, 2015 through October 31, 2015

4 This amended rule allows commercial sales of fish caught during the Treaty Indian
5 fall commercial gill net fishery in the Columbia River and its Washington tributaries. The
6 first of four fishing periods authorized for the fall gill net fishery is scheduled to begin at
7 6:00 a.m. Monday, August 17, 2015. Rule modifications are consistent with action taken
8 August 12, 2015 by the Departments of Fish and Wildlife for the States of Oregon and
9 Washington, in cooperation with the Columbia River Treaty Tribes, at a meeting of the
10 Columbia River Compact.

11
12 **6. 635-001-0341**

13 **Confidentiality and Inadmissibility of Mediation Communications**

14 Adopted August 14, 2015 Effective Dates: August 14, 2015 through February 8, 2016

15 The 2015 Legislative Assembly enacted Or Laws 2015, ch. 114 (SB 189), which
16 required the Attorney General to adopt model mediation confidentiality rules and permits
17 state agencies to adopt those rules by reference. These temporary rules adopt the
18 Department of Justice model temporary rules to allow ODFW to participate in mediation
19 or mediate a dispute over which it has regulatory authority and obtain confidentiality for
20 mediation communications.

21
22 **7. 635-042-0145**

23 **Youngs Bay Commercial Fall Fisheries Modified**

24 Adopted August 18, 2015: effective August 24, 2015 through October 31, 2015

25 This amended rule sets two new 12-hour non-Indian commercial fall salmon and
26 shad gill net fisheries for the Youngs Bay Select Area of the Columbia River. The first
27 new 12-hour fishery commences at 7:00 p.m. Monday, August 24, 2015. Modifications
28 are consistent with State of Oregon action taken August 18, 2015 by the Oregon
29 Department of Fish & Wildlife, Columbia River Programs.

30
31 **8. 635-004-0275**

32 **Federal Actions and Management Measures Implemented for Commercial**
33 **Groundfish Fisheries**

34 Adopted August 19, 2015: effective August 19, 2015 through February 14, 2016

35 This amended rule implements in-season actions previously adopted by the federal
36 government for 2015 and 2016 Pacific Coast commercial groundfish fisheries.
37 Amendments include, but are not limited to, increases to sablefish trip limits for Limited
38 Entry Fixed Gear and Open Access Daily Trip Limit fisheries. And, rule modifications
39 increase Big Skate trip limits for the shore-based Individual Fishing Quota (IFQ)
40 program.

41
42 **9. 635-005-0355**

43 **Netarts Bay Commercial Cackle Clam Dive Fishery Closes**

44 Adopted August 19, 2015: effective August 26, 2015 through December 31, 2015

45 This amended rule closes the Netarts Bay commercial cackle clam dive fishery at
46 12:01 a.m. Wednesday, August 26, 2015 due to the anticipated attainment of the 8,000
47 pound annual harvest quota allowed under Bay Clam Dive permits. Modifications are
48 consistent with requirements described in OAR 635-005-0355 sections (1) and (3).
49

1 **10. 635-023-0130**

2 **2015 Columbia River Buoy 10 Fall Recreational Salmon Season Modified**

3 Adopted August 21, 2015: effective August 23, 2015 through December 31, 2015

4 This amended rule modifies the 2015 fall recreational Chinook salmon season
5 regulations for Buoy 10 at the mouth of the Columbia River, effective August 23, 2015.
6 Fall fisheries in 2015 are structured to optimize the harvest of Chinook, coho and
7 steelhead within Endangered Species Act (ESA) limits and to provide a balanced
8 opportunity for the fisheries. Modifications are consistent with action taken August 21,
9 2015 by the Departments of Fish and Wildlife for the States of Oregon and Washington
10 at a meeting of the Columbia River Compact.

11
12 **11. 635-014-0090, 635-016-0090 and 635-017-0090**

13 **Statewide Emergency Sport Fishing Restrictions Due to Severe Drought**
14 **Conditions Lifted**

15 Adopted August 24, 2015: effective September 1, 2015 through December 31, 2015

16 These amended and suspended rules remove previously adopted angling
17 restrictions for trout, salmon, steelhead and sturgeon fisheries implemented around
18 Oregon in July 2015 due to unusually warm stream temperatures. Water temperatures
19 in the areas affected by these rule modifications have returned to near normal for this
20 time of year and are expected to continue to improve. Fisheries managers believe the
21 earlier restrictions are no longer necessary.

22
23 **12. 635-004-0355**

24 **Cumulative Trip Limits for Blue and Other Nearshore Rockfish Increased In**
25 **Periods 5 and 6**

26 Adopted August 26, 2015: effective September 1, 2015 through December 31, 2015

27 This amended rule increases the commercial nearshore fishery cumulative trip
28 limits for blue rockfish from 15 to 50 pounds in periods 5 and 6. In addition, this rule
29 increases trip limits for other nearshore rockfish from 100 to 300 pounds for the same
30 periods. Further modifications maintain previous adjustments made to black rockfish
31 and kelp greenling cumulative trip limits (Temporary Rule effective 7-2-2015).

32
33 **13. 635-023-0130**

34 **Columbia River Buoy 10 Fall Recreational Salmon Season Modified**

35 Adopted August 27, 2015: effective August 29, 2015 through December 31, 2015

36 This amended rule modifies the fall recreational salmon season regulations for
37 Buoy 10 at the mouth of the Columbia River and prohibits retention of Chinook salmon
38 beginning Saturday, August 29 through Wednesday, September 30, 2015. Fall fisheries
39 are structured to optimize the harvest of Chinook, coho and steelhead within
40 Endangered Species Act (ESA) limits and to provide a balanced opportunity for the
41 fisheries. Modifications are consistent with action taken August 27, 2015 by the
42 Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of
43 the Columbia River Compact.

44
45 **14. 635-042-0031**

46 **Additional Commercial Drift Gill Net Salmon Season Set for the Mainstem**
47 **Columbia River**

48 Adopted August 27, 2015: effective August 30, 2015 through September 30, 2015

49 This amended rule authorizes an additional 9-hour fishing period for the on-going
50 2015 non-Indian commercial fall seine salmon fishery in zones 4-5 of the Columbia

1 River commencing at 9:00 pm August 30, 2015. Allowed sales include: Adipose or left
2 ventral fin-clipped Chinook; adipose-clipped coho, pink and sockeye salmon; and shad.
3 Modifications are consistent with action taken August 27, 2015 by the Departments of
4 Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia
5 River Compact.

6
7 **15. 635-014-0090**

8 **Retention of Non-Adipose Fin-clipped Chinook in Youngs Bay, Youngs and**
9 **Klaskanine Rivers Prohibited**

10 Adopted August 27, 2015: effective September 1, 2015 through December 31, 2015

11 This amended rule prohibits retention of non-adipose fin-clipped Chinook salmon in
12 portions of Youngs Bay and the Youngs River from the commercial fishing deadline at
13 Battle Creek Slough upstream to Youngs River Falls; and the Klaskanine River from the
14 confluence with Youngs River upstream to the Youngs River Loop Bridge (Tidewater
15 Bridge) beginning Tuesday, September 1 through Thursday, October 15, 2015.

16
17 **16. 635-042-0145**

18 **Youngs Bay Commercial Fall Fisheries Modified**

19 Adopted August 28, 2015: effective August 31, 2015 through October 31, 2015

20 This amended rule sets a new 3.5 day non-Indian commercial fall salmon and shad
21 gill net fishery for the Youngs Bay Select Area of the Columbia River. This new fishery
22 commences at 7:00 p.m. Monday, August 31, 2015. Modifications are consistent with
23 State of Oregon action taken August 27, 2015 by the Oregon Department of Fish &
24 Wildlife, Columbia River Programs.

25
26 **17. 635-042-0031**

27 **Additional Commercial Drift Gill Net Salmon Season Set for the Mainstem**
28 **Columbia River Modified**

29 Adopted August 28, 2015: effective August 31, 2015 through September 30, 2015

30 This amended rule reduces the duration of a previously authorized fishing period,
31 for the on-going 2015 non-Indian commercial fall seine salmon fishery in zones 4-5 of
32 the Columbia River, from 9 hours to 4 hours. The start time for the period was modified
33 to begin at 2:00 a.m. August 31, 2015. Allowed sales include: Adipose or left ventral fin-
34 clipped Chinook; adipose-clipped coho, pink and sockeye salmon; and shad.
35 Modifications are consistent with action taken August 28, 2015 by the Departments of
36 Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia
37 River Compact.

38
39 **18. 635-019-0090 and 635-021-0090**

40 **Modified Angling Regulations for Rotenone Treatment in Southeast and**
41 **Northeast Angling Zones**

42 Adopted August 31, 2015: effective September 1, 2015 through December 31, 2015

43 These amended rules liberalize catch limits and harvest methods for several water
44 bodies in the Northeast angling zone and modify the angling closure date for Balm
45 Creek Reservoir in the Southeast angling zone due to the scheduled treatment of these
46 waters with Rotenone, a fish toxicant, in late September. These rule modifications
47 provide sport fishers an opportunity to salvage as many fish as possible prior to this
48 treatment, which is necessary to remove unwanted fish species.

1 **19. 635-023-0095**

2 **Columbia River Emergency Sport Sturgeon Fishing Regulation Changes Due to**
3 **Severe Drought Conditions Suspended**

4 Adopted August 31, 2015: effective September 1, 2015 through September 30, 2015

5 This amended rule rescinds a previous closure to angling for sturgeon, including
6 catch-and-release and retention in the Columbia River mainstem upstream of
7 Bonneville Dam and all adjacent tributaries. Fisheries managers for the states of
8 Oregon and Washington believe these restrictions are no longer necessary as the
9 extremely warm stream temperatures which prompted the closure no longer exist.

10
11 **20. 635-042-0031**

12 **Additional Commercial Seine Net Salmon Seasons Set for the Mainstem Columbia**
13 **River**

14 Adopted September 2, 2015: effective September 4, 2015 through September 30, 2015

15 This amended rule adds two new 14-hour fishing periods to the ongoing non-Indian
16 commercial fall seine net salmon fishery in zones 2-4 of the Columbia River. The start
17 times for the added periods are 6:00 a.m. Friday, September 4 and 6:00 a.m. Friday,
18 September 11, 2015. Allowed sales are subject to *Individual Fishing Quotas* (as defined
19 in the 2015 seine permits) and include: Adipose or left ventral fin-clipped Chinook;
20 adipose-clipped coho, pink and sockeye salmon; and shad. All legal salmon caught
21 must be landed. Rule modifications are consistent with action taken September 2, 2015
22 by the Departments of Fish & Wildlife for the States of Oregon and Washington.

23
24 **21. 635-043-0155**

25 **Amended Hunting Agreement for 2015 Between ODFW and Warm Springs Tribe**

26 Adopted September 2, 2015 Effective Dates: September 2, 2015 through February 28,
27 2016

28 The Warm Springs Tribe and the State of Oregon have agreed to off-reservation
29 tribal hunting under the terms and conditions of the 2014 Arrangement Section of the
30 "Amended Hunting Agreement for 2014 Between the Oregon Department of Fish and
31 Wildlife and the Warm Springs Tribe" incorporated herein by reference. The 2015
32 hunting season is underway so there is not adequate time to go through the normal
33 rulemaking process. Continuing the hunting season without rules in place to govern the
34 season's conduct consistent with the amended agreement would result in serious
35 prejudice to the public interest, jeopardizing the safe and orderly conduct of the 2015
36 big game hunting season.

37
38
39 *Action:*

40 Commissioner Anderson moved to adopt the temporary rules 1 through 21 as set out in
41 the agenda. Commissioner Wolley seconded the motion, and the motion carried
42 unanimously.

43
44
45 **PUBLIC FORUM**

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

1 **Public Testimony:**

Columbia River Reform	
Cary Johnson, Commercial Fishermen	Where we are at in the Kitzhaber plan? In a short amount of time according to the plan, gillnets are supposed to be off the river. Why would I invest a nickel more in my fishing operation? My marine mechanic has closed up his shop due to loss of business. We are progressing towards the deadline and we need some answers so we need to know what to do with our businesses.
Jim Wells, Commercial Fishermen	In August we caught approximately 33,000 chinook salmon in zones 4 & 5, but due to excessive tuli stock present we lost about 14,000 out of projected catch. In the Commission policy is no less than 30% to the commercial fisheries, last year we received 21% of the LCR impacts and we do not want to see a repeat of that. The Seine fishery is not an economically viable fishery; Washington's (WA) Commission would like to get rid of commercial fisheries. If you want to have a commercial fishery, then follow your policy and change the consumptive plan that your Commission voted in the past if you don't we will be out of business and the fishing guides will take over and you won't be able to control.
Mike Wullger, Commercial Fisherman	The Columbia River has been a big part of our business plan which has sustained my business. Under the Kitzhaber plan it's hard to make ends meet. I choose to stay in the select area which are increasingly getting more crowded. We are losing days of fishing time because of the Rogue River stock. We sit and lose days of fishing time, the fleet is taking the burden of conservation. I'd hope we take a hard look at this. We can't take our mainstem fishery away or the impacts away and raise enough fish in select areas to make up for it. I'm not a ciner and it doesn't seem to be panning out.
Steve Fick, Westcoast Seafood Processor Association Member	As a Westcoast Seafood Processor Association member, we have problems with this plan not working at this time. We are seeing less opportunities, and proportional harvest opportunities to recreational fishery. There is some adaptive management that needs to take place in this plan. I believe strongly that we can achieve better fisheries for all user groups if we approach it in a problem solving way. Tough to defend your business in 3 minutes.
Bill Hunsinger, Port of Astoria Commissioner	The Port of Astoria is over run and it's becoming a problem because Sport fleet and guide fleet get a moorage in there but the residence can't. Zones 4 & 5 in commercial fishery we lost 12,000 but that allocation has the Seine Fishery taking 10% for 6 guys which is ridiculous. The highest price for Columbia river salmon in the history in commercial fishery at \$3.00 a lb. The waste going over the dam for the past three years is anywhere from 15 to 20

	million pounds. Look at that wasted number and the economic loss.
Otis Hunsinger	We lost out up river; we're losing out at terminals now-the plan just isn't working.
Mike Backler, Commercial Fishermen	The department has hired people to study the fish but you don't produce more – no money is set aside to do a buy back, we need to get together on same page.

1 **Discussion:**

2 **Commissioner Buckmaster** – How does the Willapa Bay impacts effect Columbia
3 River plan, where is the connection?
4

5 **Jim Wells** - All of the fishers are intertwined and as I stated the WA Commission wants
6 get rid of commercial fishing; Willapa Bay, Grays Harbor, Columbia River. It's up to this
7 Commission to buffer you deem that necessary. In Willapa Bay they passed a policy to
8 cut commercial fishing, no August fishing and increased the recreational bag limit and
9 within that policy. This was an immediate 35% hatchery cut in Willapa Bay because they
10 realized without a fishery in there, those fish can't be caught. They don't want excess
11 hatchery fish and that's less fish for everybody and that includes Columbia River.
12

13 **Commissioner Anderson** – What's our regular schedule for the comprehensive
14 Columbia River update?
15

16 **Director Melcher** – Currently we are in the transition period thru 2016; working w/
17 Washington Department of Fish and Wildlife (WDFW), in the last year of testing in the
18 Seine fishery- will be in front of the Commission in March 2016 for a full review.
19

20 **Commissioner Buckmaster** – As we are working on this plan, is the direction to keep
21 the lower river commercial fishermen whole within the 95% of the economics?
22

23 **Director Melcher** – We are working along those line, it is a difficult assessment
24 because there are many variables but we are doing the best to stick with the original
25 intent of the plan and look at the economic piece and to keep the fishery whole.
26

27 **Commissioner Akenson** - to Mr. Wells; could you provide the information in writing;
28 would be an opportunity to help staff and help the Commission understand why it is not
29 working?
30

31 **Jim Wells** – Yes he will provide information in writing.
32

33 **Commissioner Atkinson** - Is it possible to answer Mr. Johnson's questions about the
34 timeline?
35

36 **Director Melcher** – We are still currently in the process of conducting some of that
37 research as it relates to Seine. We will have a good summary in March of 2016.

1
2 **Commissioner Atkinson** – What can the agency do to help you between now and
3 when that report comes out?
4

5 **Cary Johnson** – where are we at in the timeline? There is not a lot of time from the
6 March 2016 date to the end of the year to figure out what we are doing after that. We
7 are in a holding pattern and puts us in a tough spot.
8

9 **Commissioner Buckmaster** – The *Salmon for All* organization has put together an
10 annual report evaluating the five state Kitzhaber plan. It's been factual and vetted
11 through the departments and very informative. We've never had the opportunity to have
12 a full presentation on that report. I'd ask that we carve out enough time that a
13 reasonable presentation is made to the Commission at the March update or even
14 before.
15

16 **Vice-Chair Webber** – I think that is reasonable and we can accommodate we just need
17 to figure out the timeline.
18

Forage Fish Management	
Starla Gade, Business Owner	Chocolatier-applaud forward thinking to preserve forage fish. Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp</i>
Rowen Baker, retired Fish and Wildlife Biologist	Need cautionary management of forage fish; they are a critical component of marine life systems. In my opinion we need state based plan; forward looking actions; ODFW state plan from coast to three miles out. We need to consider all threats that come with climate change.

19 **Discussion:**

20
21 Commissioner Buckmaster – I hope you both are aware of the significant investment the
22 state of Oregon is making in marine studies at OSU; studies on the issues that you have
23 talked about.
24

25 **Exhibit A: COMMISSION MINUTES**

26
27 The Commission considered approval of the February 13 and April 24, 2015
28 Commission minutes.
29

30 *Action:*

31 Commissioner Akenson moved to approve the minutes of the February 13 and April 24,
32 2015 Commission minutes as corrected.

33 Commissioner Wolley seconded the motion, and the motion carried unanimously.
34

1 **Exhibit B: 2016 Oregon Sport Fishing Regulations**

2 The Commission was asked to adopt permanent rules for the 2016 Oregon Sport
3 Fishing Regulations.

4 Staff: Mike Gauvin, Recreational Fisheries Program Manager

5 *Public Testimony*

6 *Rulemaking*

7
8 *Mike provided a presentation addressing the regulation proposals for the 2016 Oregon*
9 *Sports Fishing regulations and administrative rules and adopt changes associated with*
10 *the simplification of the Oregon sport regulations. This presentation is located in the*
11 *commission material and can be viewed at*

12 http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp

13
14 **Public Testimony:**

Representative Deborah Boone	<p>Consider the identification of the tule; if people knew more about identifying the fish correctly you wouldn't have to shut it down. Consider the value of not allowing trapping of beavers; beaver ponds is where the little fish will go. Commissioner Buckmaster mentioned the OSU marine studies initiative, we just completed the economic summit and viewed - increase the size of the student body to build new structures for research for fisheries; forage fish, and ocean acidification. The work is happening.</p> <p>The gill net fishery issue and the patience the fisherman have had. The bi-catch bill, I've been told from the food bank; feels that it is working well. In Astoria, processors have done close to a million pounds over the last two to three years.</p>
Gene Gilliland, B.A.S.S	<p>Opposes proposals that have the potential to reduce angling opportunities that are not scientifically based. In our opinion this proposal to deregulate the warmwater species on the Columbia, John Day and Umpqua Rivers are such a proposal. These fisheries are nationally ranked among Bass Masters magazines. Anglers come from all around the country to fish these waters. Deregulation sends a message that they don't count. The appeal to BASS and others who run fishing tournaments will be diminished due to the perception of how these fisheries are being managed. We are creating a new generation of avid license buying anglers through educational programs and tournament competition and carry this proposal through several years when all warmwater species be devalued and deregulated will be seen in the decline of future anglers. Manage them for their true recreational value and BASS encourages the implementation of this proposal after it's been vetted through all constituents and stakeholders.</p>
Lonnie Johnson, OR BASS Nation	<p>Provided written testimony. <i>This written testimony is available in the meeting materials and at</i></p>

	http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp
Tom Wolf, Trout Unlimited	We have three concerns; opening up the upper part of the Metolius, removing the slot limits on the Deschutes and allowing harvest on Seven Mile creek. ODFW staff addressed all of that and made the correct decision. We support the proposed the opening the bag limits on non-native fish and warmwater fish.
Sara LaBorde, Wild Salmon Center	Support removing bag limit on warmwater fish on the Columbia, John Day and Umpqua Rivers. We are supportive of Warmwater fishery programs and fishers and their role. Removing the bag limit will continue the recovery of the Salmon. Maintaining the status quo is not going to help salmon and steelhead. We've tried to have these rivers do everything for everyone and its not working.
Marcia Hartman, Portland	Provided written testimony. <i>This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp
Bud Hartman, Portland	Founder Oregon Bass and Pan Fish Club 57 years ago. Was honored that a pond was named after us; Hartman pond, which is being managed as a warmwater fishery in the Columbia River Gorge. To paraphrase Martin Luther King, I've had a dream that the opportunity to fish for bass and pan fish in the state of Oregon will be better in the future for my having been here. My biggest fear is that my dream will be ended.
Jake Crawford, Native Fish Society	Provided written testimony. <i>This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp
Brad Houslet	Provided written testimony. <i>This written testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp

- 1 **Discussion:**
2 **Commissioner Wolley-** How are the non-native brook trout impacts managed because
3 they are a stock fish?
4
5 **Mike Gauvin** – For brook trout; we don't stock in streams; do stock brook trout in high
6 lakes. Some fish may have escaped in some head water areas, we've identified those
7 through the years and we no longer stock trout in those areas. In the absence of going
8 no-limit on the brook trout it's very difficult to control them. They are in sensitive waters

1 with listed bull trout and by removing the limits on those fish is one management
2 strategy that we can employ to help reduce those populations.

3
4 **Commissioner Akenson** – I'd like to see in the new reg's an area that directs new
5 fishermen and youth to a website where they can find resources with information. I think
6 it would help new fishermen in locating places they can fish without the confusion.

7
8 **Mike Gauvin** – The new format will allow more room to add educational information
9 directing constituents to this information. We have youth only angling opportunities
10 where we stock the ponds with trout and warmwater fish.

11
12 **Commissioner Buckmaster** – With the great work you've done, it is also a disservice;
13 it is a stretch to consider the changes we are making to warmwater as a simplification.
14 However, I am in support of the change but as a process I think we needed more time
15 and more consideration to make this policy change in a form other than regulations and
16 simplification change.

17
18 **Mike Gauvin** – From the warmwater community we had specific dedicated meetings to
19 discuss warmwater issues in addition to the other public meetings.

20
21 **Commissioner Atkinson** - This is an opportunity for the public to reach out to the
22 department, you did make the adjustments and have that relationship move forward?

23
24 **Discussion with Brad Houslet**

25 **Vice-Chair Webber** – The regulation that is in question is the open for trout all year? Is
26 the tribe in favor in keeping the slot limit the staff has proposed?

27
28 **Brad Houslet** – yes, the tribe does not have a position on the slot limit.

29
30 **Discussion:**

31
32 **Vice-Chair Webber** - in regards to the warmsprings issue, what would be consistent
33 with everywhere else?

34
35 **Mike Guavin** – If we went to the consistent May opener we would be reducing
36 opportunity. The tribe does have their own series of regulations.

37
38 **Vice-Chair Webber** – In terms of the bass; concerns of the upper and middle fork of
39 John Day, is there any flexibility there we can do to show that we respect the fishery?

40
41 **Mike Gauvin** – From the John Day standpoint, if we add different reach breaks it will
42 make it more complex. From conservation perspective, as these warmwater fish are
43 infiltrating higher up into the spawning areas, still getting into the mainstem John Day
44 and Columbia Rivers.

45
46 **Commissioner Wolley** – Do you feel that anglers will be able to differentiate one side
47 of the river tribal land over the other; is the trespass issue valid?

1
2 **Mike Gauvin** – Signage has been previously put up on any island tribally owned and
3 from the correspondence coming in, the public is aware of the Deschutes area and they
4 know where they can and can't fish.

5
6 **Commissioner Buckmaster** - Trespass is already an issue and this change will just
7 extend the issue for a longer period of time

8
9 **Brad Houslet** - currently we have regulations and fishing permits that will allow angling
10 on the bank during trout season. If it were opened year round, additional enforcement
11 will be needed- opportunity to trespass would increase.

12
13 **Commissioner Buckmaster** – I understand that currently this process is an annual
14 one. I think some time in the year we need to take the opportunity to work with the
15 Warmsprings Tribe and in turn work with us and have those discussions before we
16 address this again.

17
18 **Commissioner Atkinson** – We are talking about two areas regarding floating; how is
19 the department posting the regulations?

20
21 **Bob Hooton** - The department post both locations. We own the warmsprings ramp and
22 manage with cooperation with Oregon Parks and Recreation Department (OPRD);
23 four enforcement is with Oregon State Police (OSP) and Jefferson County.

24
25 **Vice-Chair Webber** – Do we post the northern border of the Warmsprings Reservation
26 on the East side of the River?

27
28 **Bob Hooton** - There is a sign posted.

29
30 *Action:*

31 Commissioner Akenson moved to adopt the 2016 Sport Fishing Regulations as
32 proposed by staff in Attachment 4 and the Addendum Attachment 4 to reflect changes
33 to the 2015 regulations, to re-adopt the 2015 Sport Fishing Regulation as administrative
34 rules to carry forward those regulations that will not change in 2016, and authorize staff
35 to make any formatting changes, to correct spelling or grammatical errors, address
36 inadvertent inconsistencies, and improve clarity and readability.

37 Commissioner Anderson seconded the motion and the motion was carried unanimously.

38
39 **Exhibit C: Commercial Bay Clamming Rules and Housekeeping for Commercial**
40 **Dungeness Crab**

41 The Commission was asked to adopt updated rules for commercial bay clam fishery
42 regulations based upon new research and also adopt housekeeping rules for the
43 commercial Dungeness crab fishery, moving previously adopted temporary rules to
44 permanent rule.

45 Staff: Steve Rumrill, Shellfish Program Leader

46 *Public Testimony*

47 *Rulemaking*

1
2 Steve provided a presentation to address several issues pertaining to; increase annual
3 landing limits for bay clams harvest by dive fishery; adjustment of minimum sizes for
4 bay clams harvested by dive fishery, clarification and expansion of commercial
5 prohibited area in Tillamook Bay, establish designated commercial harvest area and
6 adjustment of annual landing limits for cockles in Netarts Bay, Statewide prohibition on
7 commercial harvest of native littleneck clams. Bay clam dive fishery housekeeping:
8 increase number of person allowed aboard vessel during commercial dive fishery
9 operations, Commercial Dungeness crab housekeeping. *This presentation is located in*
10 *the commission material and can be viewed at*
11 http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp
12

13 **Public Testimony: No Public Testimony**

14 **Discussion**

15 **Commissioner Anderson** – How many commercial licenses are currently active or that
16 have been issued? Are there also a resident and non-resident to those licenses?
17

18 **Steve Rumrill** - In the dive fishery there is a limited entry to 15 permits, and its open
19 access for the intertidal and there are about eight to 10 active harvesters. There are
20 some out of state fishers.
21

22 **Commissioner Anderson** - Any talk amongst the sea core group or in the any public
23 forums that have been held to limit entry intertidal component given the increase
24 pressure that we are seeing?
25

26 **Steve Rumrill** – Yes, we have talked about that internally and also with our
27 stakeholders and we are not proposing limits for the intertidal at this time because the
28 overall harvest levels are not posing a concern for us at this time.
29

30 **Commissioner Akenson** – What’s the cause of that sharp increase in the commercial
31 harvest in the last year, is it the number of people participating or an increase effort?
32

33 **Steve Rumrill** – It’s an increase effort by some different harvesters and they have really
34 focused on that area where they have not had the constraints. It doesn’t reflect the
35 abundance of clams.
36

37 **Commissioner Akenson** – How do you know when the clams come from the intertidal
38 or the sub-tidal?
39

40 **Steve Rumrill** - The information comes from log books and confirmation from the fish
41 tickets.
42

43 **Commissioner Anderson** – Are the purple varnish clams viable as crab bait?
44

45 **Steve Rumrill** – Purple varnish clams are a non-native species that have recently been
46 established in the Oregon coast from Asia. Their populations are certainly increasing
47

1 down on the coast and there have been some ecological work that shows that crabs do
2 prey upon them and could be bait.

3
4 **Commissioner Anderson** - Is there anything in our current rules or regulations that
5 would prohibit testing by crabbers by using purple varnish clams for bait?

6
7 *Action:*

8 Commissioner Anderson moved to amend OAR Chapter 635, Divisions 005 (0290,
9 0305, 0310, 0350, 0355, and 0385) as proposed by staff and approved the staff
10 recommended proposals for modification to rules regarding commercial harvest of bay
11 clams. Commissioner Wolley seconded the motion the motion was carried unanimously.

12
13 Commissioner Anderson move to amend OAR 635-005-0465, 635-005-0485 and 635-
14 005-0491 as proposed by staff, and approve the recommended housekeeping changes
15 to the rules regarding commercial Dungeness crabbing.
16 Commissioner Wolley seconded the motion and the motion was carried unanimously.

17
18 **Exhibit D: Access and Habitat – Project Funding Approval**

19 The Commission will be asked to review and approve the Access & Habitat Board's July
20 21, 2015 recommendations for project funding

21 Staff: Keith Kohl, Wildlife Area Operations Coordinator

22 *Public Testimony*

23 *Approval*

24
25 Keith provided a detailed presentation to the Commission describing four project
26 recommendations proposed by the Access and Habitat Board at the July 21, 2015
27 board meeting. *This presentation is located in the commission material and can be*
28 *viewed at*

29 http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp

30
31 **Public Testimony: No Public Testimony**

32
33 **Discussion: no discussion**

34
35 *Action:*

36 Commissioner Wolley move to approve the recommendation of the Access and Habitat
37 Board for project funding. Commissioner Buckmaster seconded the motion and the
38 motion was carried unanimously.

39
40 **Exhibit E: Oregon Conservation and Oregon Nearshore Strategies**

41 The Commission will be asked to approve the 10-year update of the Oregon
42 Conservation Strategy, along with the Oregon Nearshore Strategy component for
43 submission to the U.S. Fish and Wildlife Service.

44 Staff: Audrey Hatch, Oregon Conservation Strategy Coordinator

45 Greg Krutzikowsky, Nearshore Resources Project Leader

46 *Public Testimony*

47 *Approval*

1
 2 Audrey and Greg provided a presentation summarizing the Oregon Conservation (OCS)
 3 and Oregon Nearshore Strategies (ONS).
 4 *This presentation is located in the commission material and can be viewed at*
 5 http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/index.asp
 6

7 **Public Testimony:**

Tom Wolf, Trout Unlimited	Support both the OCS and the ONS. Using new technology by moving to paperless. I thought the previous OCS was not particularly fish centric and last the major habitat issue we face is invasive species and this version tackles that in a greater way than the previous version.
Norm Ritchie, NW Steelheaders	Supports the OCS and the ONS. Adding estuaries; salmon and forage species to the ONS are important to steelhead and salmon and our recovery efforts.
Ninette Jones	Support the native aquatic life, estuaries and watershed recovery, focus on fish screens, and clearing up fish passages.

8 **Discussion**

9
 10 **Commissioner Akenson** - Will the online format be submitted to USFWS?

11
 12 **Audrey Hatch** – no, it’s just a format to explain the content. It will be explained to them.

13
 14 **Commissioner Buckmaster** – Have any other states gone online with their strategies?

15
 16 **Audrey Hatch** – yes, some states have to a different extent in answering their SWAP
 17 charge from the service.

18
 19 **Commissioner Buckmaster** – I would like to see links to other states online strategies
 20 just to see the difference between our web applications versus theirs.

21
 22 **Commissioner Anderson** – Regarding the economic section; giving 20 pages in this
 23 report to the coastal communities says that economics in coastal communities is an
 24 important part to this ecosystem and to the department. In the document we refer to
 25 nearshore fishery as a specific number of limited entry permits that have what is called
 26 nearshore endorsements, this section does not make it clear to the readers what the
 27 numbers represent. This needs to be clarified as to the fisheries that occur in the
 28 nearshore area.

29
 30 **Greg Krutzikowsky** – It is not nearly represented of all the fisheries that take place in
 31 our nearshore waters, and I’m sure we can clean that up as we move forward.
 32

1 **Vice-Chair Webber** – Since we are discussing making some changes, if we approve
2 this today can we make adjustment to it after approval?

3
4 **Greg Krutzikowsky** – The staff recommendation is to move this forward to get it ready
5 for submission. The USFWS is concerned about the description of habitats, species,
6 and the factors affecting them. The specific things that Commissioner Anderson was
7 mentioning are coastal communities, and the cleaning up and formatting issues can
8 take place.

9
10 **Caren Braby** – I would like to have an idea of where we can take this to minimize the
11 confusion and not misrepresent that we can fix everything. I would like to get specific on
12 what changes you want to see changed.

13
14 **Commissioner Anderson**- The clarifications would best serve by referencing table 4.2
15 and making it clear; being clear that we are talking about a small portion.

16
17 **Commissioner Akenson** – Thanked Audrey and Greg for going through the process
18 and bring us this final product.

19
20 *Action:*

21 Commissioner Akenson move to approve completion of the 10-year update of the
22 Oregon Conservation Strategy, including the Oregon Nearshore Strategy component,
23 for submission to the U.S. Fish and Wildlife Service. Commissioner Buckmaster
24 seconded the motion and the motion was carried unanimously.

25
26
27 **OTHER BUSINESS**

28
29 **Executive Session**

30 *The Commission held an executive session to consult with legal counsel with respect to*
31 *litigation filed or likely to be filed against the Commission, as authorized by ORS*
32 *192.660(2) (h) and to consider records exempt from disclosure under the public records*
33 *law, that is, an attorney client privileged document, as authorized by ORS 192.660(2)(f).*

34
35 Vice-Chair Webber adjourned the meeting at 2:37 p.m.