



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday, August 7, 2015 - 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Drive S.E.
Salem, Oregon 97302

1
2 *Commission minutes are considered draft until approved by the*
3 *Commission.*

4 **Friday August 7, 2015**

5
6 Notice of these meetings had been made by press release of statewide media
7 circulation. Those attending part or all of the meeting included:
8

Michael Finley, Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Greg Wolley, Commissioner
Laura Anderson, Commissioner
Bruce Buckmaster, Commissioner
Jason Atkinson, Commissioner

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

9
10 **MEETING**

11
12 On Friday, August 7, at 8:00 a.m., Chair Michael Finley called the Oregon Fish and
13 Wildlife Commission (the Commission) meeting to order.

14
15 **DIRECTOR'S REPORT**

16 Field Reports – in written form only; *this report is available in the meeting materials and*
17 *at http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp*
18

19 Expenditure Report

20 *Staff: Bill Herber, Acting Deputy Director for Administration*

21
22 *Bill Herber provided the expenditure report as of March 31, 2015, was excused from*
23 *meeting to run HQ office. This report is available in the meeting materials and at*
24 *http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp*
25

26 The Commission Financial Report for the 2013-15 biennium as of June 30, 2015 is
27 provided as an attachment. Our trend continues of department-wide expenditures
28 being within budgeted projections and available revenues. While this report
29 encompasses the entire previous biennium, the numbers noted are not final until the
30 Department completes its administrative close of the fiscal year and the biennium.
31
32
33

1 **2015-17 Budget Development**

2 The new 2015-17 biennium started July 1, 2015. Budget staff is entering the budget
3 data into the statewide budget system. Listed on the report is the Department's
4 Legislatively Adopted Budget, which is preliminary pending a final audit by the
5 Department of Administrative Services (DAS).

6
7 **Adopt Temporary Rules**

8 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
9 The nine temporary rules were previously adopted by the director under his emergency
10 action authority.

11 Adopt Temporary Rules

12 *Curt Melcher, Director*

13
14 **1. 635-014-0090**

15 **Five Rivers Upstream to Buck Creek Closed to Angling for Fall Chinook August 1,**
16 **2015**

17 Adopted July 17, 2015: effective August 1, 2015 through December 31, 2015

18 This amended rule closes the Five Rivers upstream to Buck Creek to angling for
19 fall Chinook salmon from August 1 thru the fall season. These modification conform fall
20 salmon regulations to guidelines adopted in the Coastal Multi-Species Plan and a
21 request has been submitted for these modifications to be included in permanent sport
22 regulations for 2016-2017.

23
24 **2. 635-023-0130**

25 **2015 Columbia River Fall Recreational Salmon Seasons Set**

26 Adopted July 23, 2015: effective August 1, 2015 through December 31, 2015

27 This amended rule sets the 2015 fall recreational Chinook salmon season
28 regulations for the mainstem Columbia River, effective August 1, 2015. Modifications
29 were based on *2015 Non-Indian Columbia River Summer/Fall Fishery Allocation*
30 *Agreement (5/8/15)* that was developed during the Pacific Fisheries Management
31 Council (PFMC) and North of Falcon (NOF) meetings. Fall fisheries in 2015 are
32 structured to optimize the harvest of Chinook, coho and steelhead within Endangered
33 Species Act (ESA) limits and to provide a balanced opportunity for the fishers.

34
35 **3. 635-006-0210**

36 **Electronic Fish Tickets Reporting Commercial Sales of Salmon, Sturgeon, Smelt**
37 **and Shad Required**

38 Adopted July 27, 2015: effective August 4, 2015 through December 31, 2015

39 This amended rule requires, by way of electronic fish receiving tickets (e-ticket),
40 the reporting of commercial sales of salmon, sturgeon, smelt and shad landed
41 downstream of Bonneville Dam and purchased by wholesale fish dealers, wholesale
42 fish bait dealers, and food fish canners. Modifications also require e-tickets be
43 submitted within 24 hours of the closure of a fishing period or within 24 hours of the
44 landing when fishing periods are longer than 24 hours.

45
46 **4. 635-041-0076**

47 **Columbia River Zone 6 Treaty Indian Summer Chinook Commercial Fishery Set**

1 Adopted July 27, 2015: effective July 28, 2015 through July 31, 2015

2 This amended rule authorizes sales of fish caught in a Treaty tribal commercial gill
3 net fishery in the Columbia River which begins 6:00 a.m. Tuesday, July 28 and runs
4 through 6:00 p.m. Friday, July 31, 2015 (3.5 days). Modifications are consistent with
5 action taken July 27, 2015 by the Departments of Fish & Wildlife for the States of
6 Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a
7 meeting of the Columbia River Compact.

8
9 **5. 635-023-0134**

10 **Recreational Spring Chinook Fishery in the Snake River below Hells Canyon Dam**
11 **Closes**

12 Adopted July 28, 2015: effective August 2, 2015 through September 30, 2015

13 This amended rule closes the recreational spring Chinook salmon fishery on the
14 Snake River in the area from the Dug Bar Boat Ramp upstream to the deadline below
15 Hells Canyon Dam effective at 11:59 p.m. on August 2, 2015 to coincide with the state
16 of Idaho's closure of this fishery.

17
18 **6. 635-041-0045 and 635-041-0075**

19 **Sales from Columbia River Treaty Indian Fall Commercial Fisheries Authorized**

20 Adopted July 29, 2015: effective August 1, 2015 through October 31, 2015

21 These amended rules authorize the sales of fish caught in fall Treaty tribal platform
22 commercial fisheries set for the Columbia River from Saturday, August 1 through
23 Saturday, October 31, 2015. Modifications are consistent with action taken July 29,
24 2015 by the Departments of Fish & Wildlife for the States of Oregon and Washington in
25 cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River
26 Compact.

27
28 **7. 635-042-0145**

29 **Youngs Bay Commercial Fall Fisheries Set**

30 Adopted July 29, 2015: effective August 4, 2015 through October 31, 2015

31 This amended rule sets non-Indian commercial fall salmon and shad drift gill net
32 fisheries for the Youngs Bay Select Area of the Columbia River beginning August 4
33 through October 31, 2015. Modifications are consistent with action taken July 29, 2015
34 by the Departments of Fish & Wildlife for the States of Oregon and Washington.

35
36 **8. 635-018-0090 and 635-019-0090**

37 **Sport Fishing Regulations Revised Due to Severe Drought Conditions**

38 Adopted July 29, 2015: effective August 3, 2015 through December 31, 2015

39 These amended rules lift the emergency restrictions previously set as daily
40 closures for trout, salmon, steelhead, and sturgeon fisheries in: the Deschutes River
41 below Mack Canyon; the Imnaha River upstream of Freezeout Creek; and the Wenaha
42 River upstream of Crooked Creek.

1 **9. 635-042-0031**

2 **Mainstem Columbia River Commercial Early Fall Drift Gill Net Seasons Set**

3 Adopted July 29, 2015: effective August 9, 2015 through August 31, 2015

4 This amended rule sets nine 9-hour fishing periods for the 2015 early fall
5 commercial salmon drift gill net season in Zones 4 and 5 of the Columbia River
6 mainstem. The first authorized fishing period begins at 9:00 p.m. Sunday, August 9 with
7 further fishing periods scheduled through 6:00 a.m. Friday, August 28, 2015. Authorized
8 sales include Chinook, coho, pink and sockeye salmon and shad.

9
10 *Action:*

11 Commissioner Webber moved to approve the nine temporary rules set forth on the
12 agenda. Commissioner Wolley seconded the motion, and the motion carried
13 unanimously.

14
15 **Annual Pride Awards**

16 Curt Melcher, Director

17
18 **Pride Awards**

19 *Tim Bailey, East Region*

20 *Andrew Gibbs, East Region*

21 *Rick Kepler, HQ-Fish*

22 *Art Rodriguez, HQ-Fish*

23 *John Rothrock, East Region*

24 *Bill Tinniswood, East Region*

25 *Joy Vaughan, HQ-W/L*

26 *Jeff Yanke, East Region*

27
28 **Director's Pride**

29 *Justin Ainsworth, Newport/MRP*

30
31 **Team Pride – Coastal Multi-Species Plan (CMP) Team**

32 *James Anthony, Ed Bowles, Todd Confer, Matt Falcy, Erin Gilbert,*

33 *Kevin Goodson, Mike Gray, Laura Jackson, Dave Jepsen,*

34 *Chris Knutsen, John Spangler, Tom Stahl, Tim Walters, Derek Wilson*

35
36 **Leaburg Dam Casualty Response Team**

37 *Charles Baker, Whitney Crowell, Kurt Cummings, Brian Daggett,*

38 *Bruce Dahne, Jeff Davis, Mike Gray, Mike Hogansen, Bruce Honermann,*

39 *Jennifer Hulett-Guard, Jeff Jackson, Rod Knoebel, Kurt Kremers,*

40 *Seth Morgan, Neal Rash, John Rees, Kelly Reis, Shannon Richardson,*

41 *Michael Scheu, Travis Schneider, John Seabourne, Lawrence VanEgdom,*

42 *Rod Watkins, Samuel Welch, Erik Withalm, Jeff Ziller*

43
44 **Lower Columbia Chum Salmon Reintroduction Team**

45 *Brian Alfonse, John Cox, Rob Dietrichs, Kristen Homel, Chris Lauman,*

46 *Lorana McCalester, Haley McDonel*

1 **McKenzie Hatchery Litigation Team**

2 *Tom Friesen, Marc Johnson, Kurt Kremers, Steve Marx, Bruce McIntosh,*
3 *Cameron Sharpe, Jeff Ziller*

4
5 **Mule Deer Survey Project Team**

6 *Steve Cherry, Angelique Curtis, Jeff Kern, Jon Muir, Sarah Reif, Travis Schultz,*
7 *Jeremy Thompson, Don Whittaker*

8
9 **Director’s Team – Revenue Accounting Team**

10 *Lillian Brannan, Debbie Colbert, Trisha Hage, Dave Stanley, Natalie Sutter*

11
12 **Dave Liscia Award**

13 *Richard Heap, Jr, Leon Pielstick*

14
15 **Shikar Safari Award**

16 *Martin Maher, OSP*

17
18 **Fish Screening and Passage Task Force Member Recognition**

19 *Dawn Nilson, Oregon’s Fish Passage Task Force*

20 *Vera Simonton, Oregon’s Fish Passage Task Force*

21 *Lynden Brown, Oregon’s Fish Screening Task Force*

22
23
24 **PUBLIC FORUM**

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

28
29 **Public Testimony:**

Re-Bait Program/Conservation	
Lonnie Johnson, Oregon Bass Nation	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Wolf De-listing	
Todd Nash, Oregon Cattlemen’s Association	Phase 2 of plan states that wolves would be delisted, it is now well on the way to Phase 3. This is a polarizing issue, the Wolf Plan was meant to balance the issues. Wolves are not going away anytime soon. Supports the Wolf Plan
Ken McCall, Oregon Hunters Association	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Mary Anne Nash, Oregon	The issue for the ranchers is about the department honoring

Farm Bureau	the plan. The expectation was that when Phase 2 was reached the wolves were to be taken off the list. We ask the State to honor those commitments and de-list the wolves
Mark Henjem, Silverton Retired ODFW employee-Wolf Coordinator	Mark gave a high level overview of the process developing the plan. The plan is tracking the way it was intended. Splitting the state had been vetted around state. Encourages the Commission to follow the steps of the plan and how it is written and to look at the biological situation of the wolves.
Forage Fish	
Norm Ritchie, Association of Northwest Steelheaders Association	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Discussion: Wolf De-listing

Commissioner Atkinson- What are the concerns that we would not have a balanced approach?

Todd Nash- The issue has become staying or getting set back by endless lawsuits. During Phase 1 in 2011, I had a calf killed and because of that ODFW was actively seeking two different wolves in the Imnaha pack. A lawsuit was filed preventing anything from happening and the question became was it legal to take any endangered species in the state of Oregon. We don't want to be drawn into endless lawsuits. The rest of 2011 was our worst year for depredation from that particular pack. We knew full well they should have been removed prior to all of this. There is a lot of miss-trust with the agency and conservation groups.

Commissioner Atkinson – Who's filing the lawsuit?

Todd Nash – Cascadia Wild and the Center for Biological Diversity who dropped out of the lawsuit.

Director Melcher – For the record we do not have any pending lawsuits and the parties that were referenced are correct but it was settled out of court.

Todd Nash – The partial delisting of the state was a consideration but we would like to see the de-listing across the entire state so that we don't have to go back through this.

Discussion: Forage Fish

Director Melcher – The department is in a two-pronged working in the federal framework with the Pacific Fishery Management Council (PFMC) on their efforts to manage unmanaged forage fish, then ourselves doing the same under our new marine fishery management structure in Oregon territorial waters and will be coming to a commission meeting soon.

1
2 **Exhibit A: COMMISSION MINUTES**
3

4 The Commission considered approval of the April 24, 2015 Commission minutes.
5

6 *Action: Differed*
7

8 **Exhibit B: Department of Fish and Wildlife Lands**

9 The Commission will be asked to adopt proposed amendments to Division 008,
10 Department of Fish and Wildlife Lands.

11 Staff: Keith Kohl, Wildlife Area Operations Coordinator

12 *Public Testimony*

13 *Rulemaking*
14

15 *Keith Kohl provided a PowerPoint presentation on the proposed administrative rules*
16 *relating to Division 008 pertaining to Department of Fish and Wildlife lands. This*
17 *presentation is available in the meeting materials and at*

18 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp
19

20 **Public Testimony:**

Mary Anne Nash, Oregon Farm Bureau (OBF)	OFB does not support acquisition of private lands for public purposes. There are concerns with interaction when private lands are opened up for public use with trespass, damage to neighboring properties and damage to infrastructure. A failure to manage the project for neighboring projects We ask that the rules not move forward until meetings with neighboring landowners occur and their concerns have been resolved, and the management plan is in place that is designed to help avoid impacts to neighboring landowners to ensure that ODFW is managing the project in a responsible manner.
Sharon Waterman, Coquille Valley Landowner	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/15/08_august/index.asp

21
22 **Discussion:**

23 **Commissioner Atkinson** - I suggest that this agency revisit the blaze of orange law
24 where private owners can spray paint the tops of poles with orange which signifies
25 private property which is currently a law in Oregon and ask the District Attorneys to
26 uphold this law and prosecute the trespass law.
27

28 **Director Melcher** - One of the principal reasons we acquired this property, it is very
29 important for migrating shorebirds and waterfowl for stop-over. Public access was an
30 important component of the acquisition. We hear loudly from our hunting community
31 constituents that there is access provided and we do have a management plan

1 underdevelopment as well but have moved forward with the opportunity for hunting
2 beginning this year out of the commitment to our core constituents.

3
4 **Commissioner Buckmaster** – In relation to the Coquille portion, I'm hearing that
5 people feel that they have not been involved, is there reason why they feel this way,
6 how long would that take, and are these issues that can be resolved?

7
8 **Tim Walters** – In developing management objectives and the rules for the Coquille
9 Valley Wildlife Area, we have had numerous meeting since the time we considered
10 obtaining this property. We developed a stakeholder team that included local
11 landowners and discussed the development of the management plan and we talked
12 about how we would approach the regulations in the area. The regulations incorporated
13 many of the concerns that were raised by that stakeholder team. We met with them at
14 least five times and most of those concerns have been incorporated.

15
16 **Commissioner Buckmaster** – Did the comments from the testimony today surprise
17 you, or what were the considerations on what was presented to us?

18
19 **Tim Walters** – Many of the comments by the Farm Bureau were directly related to the
20 management plan which has been pulled back and we will be readdressing that. We will
21 be having an internal meeting soon on our timeline and process. The comments on
22 trespass, signage, and which days of the week we would allow hunting. We have
23 discussed the trespass issue with Mrs. Waterman before, we have come to conclusion
24 that the edges of our property are posted. We felt like that was, based on statute that
25 was sufficient to designate the edge of the property.

26
27 **Keith Kohl** – In our rules free daily hunting access permits are required and must be
28 possessed at all times by users, at the end of that rule it states consult annual game
29 bird regulations for time and date restrictions and hunting requirements. In the draft
30 game bird regulations for the Coquille Valley Wildlife Area the Beaver Slough Tract is
31 open seven days a week and the Winter Lake Tract is closed until further notice. If we
32 do get access to the Winter Lake Tract for the public, the Winter Lake Tract will only be
33 open Wednesday, Saturday and Sunday. We do go along with what the other hunt
34 clubs in the valley have done.

35
36 **Commissioner Webber** – In relation to the Beaver Slough Tract, is that part of North
37 Bank Road?

38
39 **Stewart Love**- The Beaver Slough Tract is the northern portion of the wildlife area but it
40 starts just immediately south of the star on the map. That squareish piece is about 30
41 acres is part of the Beaver Slough Tract. The larger piece that is farther south is the
42 Winter Lake Tract and that's the part that is closed based on our recommendations.

43
44 **Commissioner Webber** – The southern little portion of the Beaver Slough Tract, isn't
45 that flooded during the winter? And is that the part that Mrs. Waterman is concerned
46 about trespass from?

1 **Stewart Love** – Yes, that portion is flooded but I can't speak for Mrs. Waterman but I
2 suspect that you are right. That is the piece that is adjacent to some of their ownership
3 and other private ownership as well.
4

5 **Commissioner Webber** – The northern part is pretty much underwater and has a lot of
6 trees.
7

8 **Stewart Love** – Yes, it's heavily vegetated and has a stream and because of the
9 vegetation and the inundation of the water, access to that portion is difficult on foot and
10 you pretty much need a boat. That is the reason we recommended allowing seven day
11 a week access to that piece, it's immediately south of the star and the road that goes
12 through there is North Bank Lane. The piece immediately south of that we
13 recommended leaving that open seven days a week so that when hunters do come to
14 the Coquille Valley to hunt they have some place to access on foot.
15

16 **Commissioner Wolley** – The signs that identify property, what do those signs say?
17

18 **Tim Walters** – They're a standard sign that is used at wildlife areas across the state
19 and it says "Boundary Coquille Valley Wildlife Area".
20

21 **Commissioner Wolley** – From what I am hearing from the landowners, they would like
22 something more along the lines of private property no trespassing. You mentioned the
23 minimum statutory requirements are being met. Are the minimum requirements
24 sufficient to satisfy the concerns of the landowner?
25

26 **Tim Walters** – For the record, I didn't mean to say minimum statutory requirements,
27 what I meant to say was that we feel like we have made a clear distinction of the
28 boundary of the property and based on statute that provides people who are there clear
29 direction saying you can't go past that.
30

31 **Commissioner Wolley** – Based on experience of the landowners with trespass issues,
32 it sounds like there needs to be some conversations moving forward with them and
33 those are going to happen, correct?
34

35 **Tim Walters** – Yes, we will have conversations with them.
36

37 **Commissioner Webber** – Prosecuting hunting trespass is covered by hunting on the
38 enclosed lands of another, basically what that says is, you can't cross a visible barrier
39 that would indicate the change of ownership unless you have permission or own the
40 other side. Putting up trespass signs doesn't affect that. If we've marked the barrier and
41 we don't have control over the neighboring properties signs and what signs they put up.
42 Our responsibility is to mark our boundaries.
43

44 **Commissioner Anderson** – I'm trying to understand the interface between the rules
45 that are before us today and the management plan that is not. I understand it's in draft
46 form still. I do not understand the proper place for the concerns being brought today

1 whether they would be in the rules that we are being asked to adopt today or if they
2 would be in the management plan?

3
4 **Keith Kohl** – Basically on Division 8 rules cover all department lands. I've drawn from
5 within the wildlife areas consistent language, how it's treated. We need to have some
6 more specific rules for when the public does access the wildlife area. I like to be
7 consistent across the rules, so if we are going to have something specific at Coquille,
8 we should have it consistent over all wildlife areas.

9
10 **Commissioner Anderson** – The closer to access for Winter Lake is not specified
11 before us today.

12
13 **Keith Kohl** – That is correct, but it is in the game bird regulations.

14
15 **Commissioner Anderson** – What is the time frame for the completion of the
16 management plan?

17
18 **Tim Walters** - The time frame has not yet been defined as when we will complete the
19 management plan. We will be meeting with division staff and local staff on Monday to
20 lay out that timeline. I would suspect several months at least.

21
22 **Commissioner Anderson** - I'm a bit confused and if there is a time issues as to the
23 reason we need to approve the rules ahead of the management plan.

24
25 **Ron Anglin** – What you're seeing today is a two-step process to lay out the base
26 regulations for the wildlife area just to provide for it to be open. That has to be done first
27 and then we follow that up with our specific regulations for each wildlife area from a
28 hunting standpoint in the Game Bird regulations and then the Big Game Hunting
29 regulations you'll see in October. They're linked and we need to do this one first before
30 we brought forward the Game Bird portion of it; you'll adopt that by reference in the
31 actual Game Bird regulations you'll see next. As far as the management plan goes the
32 intent was to have it done sooner rather than later and when we looked at the
33 comments that were being submitted we decided we really need to have a broader
34 conversation with folks at the local level. We usually don't link the management plan
35 specifically with specific hunting regulations.

36
37 **Commissioner Webber** – The management plan, would that set out any safety zones,
38 which might be applicable?

39
40 **Ron Anglin** – Typically we do not put something like that specifically in the
41 management plan. Our preference is to leave it open as an option and something we
42 have discussed is creating buffer strips around each of the property boundaries with
43 signage. Since we are not looking to hunt the Winter Lake Tract this fall we have time to
44 accomplish that. The question about posting for trespassing, typically we don't post
45 someone else's property for no trespassing. We won't hesitate to post our boundary that
46 you're leaving the wildlife area.

1 **Commissioner Buckmaster** – You present this as a two-part process, my
2 understanding is that by voting on this we will be opening up hunting with only one part
3 of the process complete, correct?
4

5 **Ron Anglin** – The second part of the process is today's exhibit C. As soon as you're
6 done with this one you'll roll into the second one and we do provide language for the
7 bird regulations that specifically has the Winter Lake Tract closed and it will not open up
8 in 2016 unless this Commission says by rule it's ok to do that. If you put into Division 8
9 that the Winter Lake Tract is closed, that means in the future, if you wanted to open the
10 tract, it's doable, it means we have to open up rules in multiple places to do that.
11

12 **Commissioner Akenson** - It's important to acknowledge the concerns of adjacent
13 landowners, but in this process the rules that we should adhere to having similar rules
14 to other wildlife areas who have the same issues of trespass and landowner issues. We
15 need to make certain we don't over encumber our rules and deal with adjacent
16 landowner issues in the management plan rather than in the rules today.
17

18 **Chair Finley** – The department traditionally doesn't open up lands to public use,
19 whether its bird watching or hunting without rules in place to guide behavior is that
20 correct?
21

22 **Ron Anglin** – Correct
23

24 **Chair Finley** – So we are really talking about public use and behavior guidance for the
25 use of this wildlife area in the interim until the management plan is completed, which
26 may amend or add to these basic rules for the protection of the public and the resource.
27

28 **Ron Anglin** - Correct
29

30 **Director Melcher** – If we are going to have public access to the public lands we need to
31 have some basic rules in place that give our enforcement folks the opportunity to
32 address individuals misbehaving while at the same time provides legitimate public
33 access to public land for a variety of activities.
34

35 **Commissioner Anderson** – In reading this, initially it seemed like a very simple issue
36 and it is now apparent that with the complexity of the issue with the management plan
37 and everything a little bit more information and the overall process would have been
38 helpful.
39

40 *Action:*

41 Commissioner Webber moved to amend OAR Chapter 635, Divisions 008 as proposed
42 by staff. Commissioner Akenson seconded the motion and the motion was carried with
43 a vote 6 in favor; 1 opposed, Commissioner Jason Atkinson.
44

45 **Exhibit C: 2015-16 Oregon Game Bird Regulations**

46 The Commission will be asked to adopt the proposed 2015-16 Game Bird Season
47 Regulations.

1 Staff: Dave Budeau, Upland Game Bird Program Coordinator;
2 Brandon Reishus, Migratory Game Bird Program Coordinator
3 *Public Testimony*
4 *Rulemaking*
5

6 *Dave Budeau and Brandon Rieshus gave the Commission a brief overview of the*
7 *Upland Game Bird Regulations relating to population status, harvest surveys, regulation*
8 *framework, hunting opportunities and controlled sage-grouse hunts. Along with*
9 *Migratory Game Birds regulation setting process, population status with season and bag*
10 *limit proposals. This presentation is available in the meeting materials and at*
11 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp
12

13 **Public Testimony:**

Paul Doneffner; OHA	Supports the proposed changes to the NW Goose Permit Season. Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp</i>
Jenny Dresler, Oregon Farm Bureau	Supports the changes reflected in the regulations proposed today. Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp</i>
Marie Gadotti;Farmer, Oregon Farm Bureau	Support to changes in the dusky season; this is a significant issue
Ron Dobbin; Farmer, Hillsboro	Agrees with the testimony from Oregon Farm Bureau - need separation of local birds to allow heavier hazing the non-migratory birds.
Mikal Moore, NWTF	Support simplification of the spring wild turkey bag limit by increasing it to three. We believe it does not harm the population – encourage adopting as proposed. Supports the sage-grouse season as it does not harm the population.

14 **Discussion:**

15 **Commissioner Atkinson** – Is there something that this agency can be doing more with
16 agriculture to help you control the goose population?
17

18
19 **Ron Dobbin** – A permit to be used on non-hunting days would be helpful to move them
20 along.
21

22 **Commissioner Anderson** - On the compensatory mortality, the graph you showed us
23 you referred to it as an example, what did you mean by that?
24

25 **Dave Budeau** - It was a hypothetical, just to illustrate the concept. Typically species
26 that have high natural mortality like quail where their survival rate would be 20 or 30%
27 and the annual mortality would be 70 to 80% you can have higher harvest mortality and
28 still be compensatory as opposed to something very long lived like Sand Hill Crane that

1 has very high annual survival up in the 90's and low reproductive it would be a very low
2 harvest rate before it would be additive.

3
4 **Commissioner Anderson** – When you put the 10% line on there, that was based on
5 actual data which would suggest beyond that point additional harvest could lead to
6 greater total mortality?
7

8
9 **Dave Budeau** - The 10% is based off the conservation guidelines for sage-grouse that
10 was published by the wildlife society in 2001. Since that time there has been research
11 based on banded birds in Nevada and Colorado that was published in 2010 that
12 showed at 11% harvest mortality was still not additive, it did not affect subsequent
13 year's population. They didn't have any harvest rates higher than 11% so we really don't
14 know what the upper rate is. The conservative recommendation at this point is 10% or
15 less and that's where that red line came from.
16

17 **Commissioner Anderson** – Concerned about the appearance of the figure. If we are
18 using this publicly for information and education, to me it gives the appearance that we
19 have a larger conservation buffer than perhaps we actually do.
20

21 **Dave Budeau** - That is a valid concern, but this is a common text book example of
22 compensatory mortality with this figure. It wasn't purposely done to exaggerate the
23 difference.
24

25 **Commissioner Akenson** - In relation to the Dusky Geese, what percent of the north
26 western Oregon Canadian Geese population in the winter is Dusky's?
27

28 **Brandon Reishus** – It is relatively small. We don't know the exact number of wintering
29 Canadian Geese. If you add up all the breeding populations you can get in excess of
30 300,000 in the area. It may be approximately 15,000 out of 300,000.
31

32 **Commissioner Akenson** – With the change in the goose hunting regulations this year,
33 it sounds like it will help out financially to not have the check stations and not as much
34 OSP oversight. Will there need to be additional actions this year to help people
35 transition to that change to make certain hunters understand they can no longer shoot a
36 dusky to ensure enforcement and education?
37

38 **Brandon Reishus** – I certainly didn't mean to come off as we were not going to have
39 OSP enforcement. OSP will continue to work and enforce the wildlife laws. We will be
40 doing a direct mailer to all permit holders with the season changes and focus on
41 cacklers. We will also include bullet points on the permit itself with the same points in
42 the dusky goose section.
43

44 **Commissioner Webb** - For Sage-grouse we had 800 tags, 1.02 birds per hunter, 200
45 wings collected. Is that enough?
46

1 **Dave Budeau** – We send every hunter that is successful in the controlled hunt process,
2 collection materials. We get approximately 65% of the wings returned. The 65% of the
3 wings we get is a pretty high return rate.
4

5 **Commissioner Atkinson** – We have a small population of Sage-grouse. This is a
6 policy question because I understand the biology. Would it not be better for the agency
7 to have a possible moratorium until the population recovers? Why do we have a
8 hunting season?
9

10 **Dave Budeau** – It is a policy call and my job is to provide you with the best information
11 to make that policy. I would offer that the idea with the compensatory mortality is that
12 you're not affecting subsequent year's populations. By closing the hunting season you
13 would not expect any conservation gain. I would expect conservation loss in terms on
14 agency support from the hunters and the opportunity to go hunting. The state of
15 Washington hasn't had Sage-grouse hunting since the late 1980's. Their population is
16 impacted by largely fragmented and habitat loss. They're augmenting their population
17 with birds from our hunted wildlife management units. They have no hunting and yet we
18 are still able to provide them with birds to augment their population. They saw an
19 increase of only 3% of last year, the smallest reported by any other state. Stopping
20 hunting is a policy call within the realm of the Commission's decision but don't expect a
21 conservation benefit on the part of the population of birds.
22

23 **Commissioner Atkinson** – What I don't understand is the policy of the department
24 doing the right things, but not communicating it to the public the right way. It's like we
25 are putting a target on ourselves.
26

27 **Chair Finley** – There were some tradeoffs with the check stations and OSP, but how
28 many cases of non-compliance were found at the check stations? That would be value
29 in education and enforcement. Give me a picture of what we traded off in terms of
30 enforcement and education of what we are achieving?
31

32 **Brandon Reishus** – When we operated the check stations, folks were coming in there
33 with the Dusky. Over the last 10 years, the average number of birds classified as Dusky
34 geese at the check stations was around 25. It was a relatively small number of those
35 people bringing in Dusky's. We feel that going to this new situation the tradeoff is that
36 we won't be able to see those harvested dusky geese any longer but we don't feel that
37 there is any reason to believe that the harvest will go up under the closed season
38 scenario. The rules right now with the check stations and the one per season, nearly all
39 of the hunters, they see that the one bird per season and then you'll lose your privileges
40 as a closed season on Dusky's. You don't want to shoot one and that doesn't change
41 when going to this system.
42

43 **Director Melcher** – Over the course of my career, while we've always had Dusky
44 constraint back in the 1980's we actually had Cackler season closed; fully closed.
45 Hunters could not legally shoot a Cackler; now we have the opposite problem. Now we
46 have an overrun of Cacklers.
47

1 **Chair Finley** – Last month we had a presentation and we adopted rules that related to
2 sage-grouse habitat and development. The target population for the state was 31,000
3 and what is the current population?
4

5 **Dave Budeau** – The population in our management plan is 30,000 birds. What we
6 calculate for our spring breeding population this year and it's what we call the minimum
7 male estimate is 19,700 birds which was about an 11% increase over the past year.
8

9 **Chair Finley** – We are looking to achieve about 10,000 additional birds.
10

11 **Dave Budeau** – To put the 30,000 bird objective into perspective; was based on our
12 average spring breeding population from 1980 to 2003. It's basically an average and in
13 the strategy it's not unreasonable to expect the population to fluctuate by as much as
14 50% above or below that. That is our long term average goal and is not necessarily a
15 point estimate.
16

17 **Chair Finley** – We are looking for ways to achieve through habitat development and all
18 other factors an increase in the population. I dug deeply into compensatory mortality
19 including research by Gordon Gullion in Minnesota of Ruff Grouse. In one article he
20 stated clearly that it didn't apply in all cases and maybe not even to Ruff Grouse to the
21 extent that he had advocated earlier. There is some competing science. From the
22 University of Idaho by four authors,
23

24 *"We investigated the response of greater sage-grouse *Centrocercus urophasianus**
25 *populations to different levels of exploitation. From 1995 through 2002 we*
26 *monitored breeding populations in areas closed to hunting, open to limited*
27 *hunting (1-bird daily bag limit; 7-day season), and open to moderate hunting (2-*
28 *bird daily bag limit; 23-day season). We used three approaches to assess the*
29 *effects of hunting on sage-grouse populations. Results were consistent*
30 *regardless of the method used and indicated that overall, areas closed to hunting*
31 *had greater rates of increase for breeding populations than areas open to hunting*
32 *($P = 0.018$). Limited or moderate rates of exploitation apparently slowed*
33 *population recovery for sage-grouse. These effects may have been more*
34 *pronounced for grouse occupying relatively xeric habitats close to human*
35 *population centers or highly fragmented habitats. Our results suggest that*
36 *hunting seasons for sage-grouse should generally be conservative and reflect*
37 *both sage-grouse population trend and quality of habitat occupied by the*
38 *population." (Response of Greater Sage-grouse, *Centrocercus urophasianus**
39 *populations to different levels of exploitation in Idaho, USA by John W.*
40 *Connelly, Kerry P. Reese, Edward O. Garton & Michelle L. Commons-*
41 *Kemner)*
42

43 Now I know that what you have stated is very conservative. This is contrary science in
44 one respect, because it says hunting does have an effect, so how are we going to grow
45 10,000 birds with a compensatory management that not all science agrees on?
46

1 **Dave Budeau** – I never said that hunting can't have an effect. Additive mortality is when
2 it affects the population. I firmly believe based on the best science that is currently out
3 there; that our level of harvest is not additive and it is compensatory. You received a
4 letter from Dr. Clait E. Braun, who is one of the foremost authorities on sage-grouse. He
5 shared that same sentiment regarding Oregon sage-grouse season. We are among the
6 most conservative in terms of our harvest rate of any of the other states that offers
7 sage-grouse hunting. Again, there is a level at which hunting becomes additive and can
8 impact the population. The question is at what point does hunting mortality become
9 additive for sage-grouse in Oregon? With the best information available we have, I
10 believe at 3% it is not additive.

11
12 **Chair Finley** – As a department are we considering reducing predators on sage-grouse
13 because it's a mortality sink?

14
15 **Dave Budeau** – To my knowledge there is no consideration at this point. Sage-grouse
16 is considered a prey species. It's a natural part of the mortality.

17
18 **Chair Finley** – I wanted to get back to Commissioner Atkinson's concern. Is this part of
19 your concern because there is conflicting science, and at some point we will need to
20 address that fact?

21
22 **Commissioner Atkinson** – I agree and as I have stated I agree with the biology and
23 how it was brought together, but there is the public optic. We have a mixed message
24 here that I am worried about for the agency, how that message relates to our federal
25 partners and we are not where we need to be conservation wise. So if we can up that
26 population in the short term I think that's a good goal.

27
28 **Commissioner Akenson** - I don't think that there is conflicting science. I think the
29 different research results are more tied to where on this model that amount of
30 compensatory mortality occurs. This is a standard way that we look at how game bird
31 populations can be managed and hunted. The other piece I think for Commissioner
32 Atkinson, need to recognize and maybe ODFW needs to emphasize this more, as the
33 federal government and other states have said, the primary issue is related to
34 development and habitat. It's not an issue of the decreasing how many birds survive
35 each year per female; it's about those areas that lose breeding populations. It's losing
36 landscapes. It's about how many places that have habitat that supports sage-grouse not
37 how many birds per brood survive over the winter. I think that Oregon has done an
38 excellent job with the hunting regulations when looking at a 3% mortality rate for
39 hunting. It's extremely conservative and it's well accepted by the federal government
40 and we are not in any hot water with the federal government about the hunting. We are
41 not different from any other states other than being more conservative. I think the
42 hunting is an important part to maintain since that is our data source. We need to do a
43 little more public relations work to let people understand about the role of hunting and
44 whether it does or does not affect the species over the long term. I don't think we need
45 to cut out hunting to improve the population because that is not the issue that has been
46 identified as the problem.

47

1 **Commissioner Webber** – Is the population model based on the wings you get in?
2

3 **Dave Budeau** – The spring breeding population is actually based on the lek counts. Its'
4 counting the number of males on leks. We use the wing data to estimate how many
5 females. We have a male to female ratio of 1.67 females to every male.
6

7 **Commissioner Webber** – Can we gather that data in some other way if the hunting
8 was ended?
9

10 **Dave Budeau** - You can't get the male to female ratio from the lek count because the
11 females don't attend the leks. If you want a total population I'm not sure how we would
12 do that. It would be some sort of sampling.
13

14 **Commissioner Webber** – I'm assuming that the sampling would require a certain
15 mortality of the birds your sampling?
16

17 **Dave Budeau** – Certainly hunting is one way. There may be other random stratified
18 sampling scheme where you'd go on the landscape and do plots or transects or some
19 other system to try and estimate that.
20

21 **Chair Finley** – I'm still concerned despite what Commissioner Akenson said. "*Results*
22 *were consistent regardless of the method used and indicated that overall, areas closed*
23 *to hunting had greater rates of increase...*" for sage-grouse. Recognizing compensatory
24 mortality is in the literature. Would it be possible to ask the department to look at these
25 counties that we are talking about? We've asked the men and women in the eastern
26 counties to constrain their development and asked ranchers to work on sage-grouse. I
27 think it is incumbent upon us to look at the data and look at the studies overall and
28 comeback not this season but for the 2016-17 season and give us a little more comfort
29 about this?
30

31 **Director Melcher** – We would be happy to conduct a literature review along the lines on
32 compensatory mortality as it relates to sage-grouse. Mr. Budeau has already mentioned
33 about some of the work that has gone on in Nevada and Colorado and we'd be happy to
34 prepare that over the coming year and bring that back to you not at the game bird
35 regulations. We can bring it to the commission in the form of an informational item not
36 as rule making item.
37

38 **Chair Finley** – that would be good for us to be able to look at this. When Gordon
39 Gullion states that his own model it's not always applicable and it's area specific. I think
40 it's important to look at that.
41

42 **Dave Budeau** – I did compare this year's hunting units to the non-hunting units
43 compared to last year. As I stated we had a state wide increase of 11%. Of the wildlife
44 units that were hunted in 2014, the population increase 12.5% to 2015. For those that
45 were not hunted last year was a 7.3% change in difference. As I mentioned I am not
46 attributing that hunting makes more sage-grouse.
47

1 **Chair Finley** – Maybe those robust populations should be the ones that we don't want
2 extra pressure on to release.

3
4 **Director Melcher** –Sage-grouse hunting has provided a robust dataset. Our data is a
5 critical piece to not list sage-grouse, which is the case we have been making. We
6 believe that they don't warrant under the federal act nor are they listed under the state
7 act. We won't be bringing you a proposal to list them under the state act.

8
9 *Action:*

10 Commissioner Akenson moved to amend OAR Chapter 635, Divisions 045, 051, 052,
11 053, 054, and 060 as proposed by staff to set regulations for 2015-2016 game bird
12 seasons. Commissioner Webber seconded the motion and the motion was carried with
13 a vote 6 for 1 opposed, Commissioner Jason Atkinson.

14
15 **Exhibit D: Lower Deschutes River Ranch Land Acquisition**

16 The Commission will be asked for approval to proceed with a land acquisition of over
17 10,000 acres in north central Oregon near ODFW's Lower Deschutes Wildlife Area.

18 Staff: Jeremy Thompson, District Wildlife Biologist/Lower Deschutes Wildlife Area

19 *Public Testimony*

20 *Approval*

21
22 *Jeremy Thompson provided a PowerPoint presentation on the benefits of the land*
23 *acquisition in north central Oregon near ODFW's Lower Deschutes Wildlife Area. This*
24 *presentation is available in the meeting materials and at*

25 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp

26
27 **Public Testimony:**

Ken McCall, OHA	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp</i>
Tom Wolf, Trout Unlimited	Supports the acquisition as it will provide great summer steelhead and bull trout habitat and recreational opportunities.
Sharon Waterman, Landowner	Opposes the acquisition of the land. Concerned that the department does not have the resources to purchase and maintain the property. Complications of not providing access point for the public at Coquille Valley.
Mary Anne Nash, Oregon Farm Bureau	Opposes the acquisition of the land. Concerned about the typical issues that occurs to neighboring lands, these will impact the adjacent landowners. Concerned that the department will not have the resources to manage this property as promised. Ensure that the department honors the commitments that they have made.
Clair Klock, Farmer	Supports the acquisition of the land. 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/15/08/august/index.asp
Mikal Moore, NWTF	Supports the acquisition of the land. 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/15/08/august/index.asp
Chuck Woosley, Corvallis	Supports the acquisition of the land. 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/15/08/august/index.asp
Nelson Mathews, State director of public lands	Supports the acquisition of the land. We are very thankful for all the effort and work that was put into this project.
Kristin Kovalik, Trust for Public Land	Supports the acquisition of the land.
George Huston, FNAWS	Supports the acquisition of the land. 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/15/08/august/index.asp

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Discussion:

Commissioner Buckmaster- Thanked Chuck Woosley for his commitments and dedication.

Commissioner Buckmaster- The issue raised in the correspondence to the Underhill easement been resolved?

Jeremy Thompson – An agreement has been reached on how to use that easement with the Underhill's.

Commissioner Akenson - Is the River Ranch in the new Oregon Conservation Strategy conservation opportunity area or was that one of the opportunity areas that was changed?

Jeremy Thompson – It is still a priority area within the latest draft I saw of the conservation strategy update.

Commissioner Akenson – Will the restoration work you presented be funded primarily through soil and water conservation district or what are the sources of funding for that restoration?

Jeremy Thompson – The slide that shows the partners of this project, many of those have already pledge money towards restoration. As we were seeking funds for the acquisition many of the partners showed a desire to work towards the restoration once

1 we acquired it and pledged money in that area. Soil and Water conservation districts
2 and other grant money will go towards the restoration.

3
4 **Commissioner Akenson** - What portions of this property will have public access?

5
6 **Jeremy Thompson** – We will be managing public access from the river up. People will
7 be able to access the entire property from the river; all parcels are continuous and
8 accessible through current public lands as they come off the Deschutes River.

9
10 **Commissioner Akenson** – No access from the upper portion?

11
12 **Jeremy Thompson** – No access from the upper portion. It was always our desire to
13 maintain minimal access on top because of the open atmosphere within this property it
14 could be detrimental to habitat to have too much access from the top, it could create
15 problems. Our commitment to the land owners is to manage this property from the
16 bottom up. Current easements from the top only allow administrative access. We do not
17 have an access point on the top.

18
19 **Chair Finley** – This land is currently owned in fee by trust for public lands.

20
21 **Commissioner Wolley** – In relation to the future restoration efforts will it focus on
22 noxious weed control, riparian habitat improvement, plantings along stream banks?

23
24 **Jeremy Thompson** – It will be a suite of both. The presentation slide within Ferry Creek
25 that lacks a lot of native riparian vegetation and it has high infestation levels of noxious
26 weeds. We will first go after the noxious weeds then restore native vegetation in many
27 of those place not only in the riparian area but in some of the upland tracts as well.

28
29 **Commissioner Wolley** – Access from the river; how much of improvement needs to
30 happen for the access to be fairly easy or will there be trail improvement or construction
31 of a trail to gain access to the upland area?

32
33 **Jeremy Thompson** – There is currently one well established trail and two dilapidated
34 farms roads that go down to the BLM property that go right down to the river itself. From
35 our standpoint, having an old road bed there provides a very good trail surface and an
36 easily accessible trail for those who want to go into the uplands.

37
38 **Commissioner Buckmaster** – Having spent a lot time on the Lower Deschutes and
39 realizing this access you're talking about is above Colorado and above Rattlesnake, you
40 need a jet boat to get to that access?

41
42 **Jeremy Thompson** – We envision just rowing across the river. Within the stretch we
43 are talking about is very calm water. We are looking at from John's Canyon
44 campground downstream to Max Canyon is the stretch that is impacted here, very
45 easily accessible by a number of boats.

46
47 *Action:*

1 Commissioner Anderson moved to approve the River Ranch acquisition and direct staff
2 to proceed to escrow closing upon completion of the due diligence processes required
3 under Oregon Administrative Rules for land exchanges. Commissioner Wolley
4 seconded the motion and the motion was carried unanimously.
5

6 **Exhibit E: Restoration and Enhancement Board Appointments**

7 The Commission will be asked appoint three R&E members to fill Troll, Seafood
8 Processing, and Sport Fishing vacancies.

9 Staff: Kevin Herkamp, STEP and R&E Program Coordinator

10 *Public Testimony*

11 *Board Appointment*

12
13 *Kevin Herkamp provided a PowerPoint presentation on the status of the RE Board*
14 *Positions and the vacancies and their recommendations. This presentation is available*
15 *in the meeting materials and at*

16 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp

17
18 No public testimony was given.

19
20 **Discussion:**

21 **Commissioner Wolley-** More gender diversity on the committees- new perspective in
22 future – asking to take these other factors in to consideration.
23

24
25 *Action:*

26 (Sport Fishing Board Appointment) Commissioner Finley moved to appoint Yancy Lind
27 a four year term as the Sport Fishing representative on the Fish Restoration and
28 Enhancement Board.

29 (Troll Board Appointment) I move to appoint Ray Monroe to four year term as the troll
30 representative on the Fish Restoration and Enhancement Board.

31 Commissioner Webber seconded the motion as amended and the motion was carried
32 unanimously.
33

34 **Exhibit F: ODFW Fish Passage Mitigation Banking Pilot Project**

35 The Commission will be asked to approve a pilot project to create a fish passage
36 mitigation bank.

37 Staff: Dave Stewart, ODFW-ODOT Fish Passage Liaison

38 *Public Testimony*

39 *Approval*

40
41 *Dave Stewart provided a PowerPoint presentation on the Fish Passage Mitigation*
42 *Banking Pilot Project including background, pilot outcomes, sideboards, success criteria*
43 *and adaptive management. This presentation is available in the meeting materials and*
44 *at http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp*
45

46 **Public Testimony:**

Dawn Nilson, Fish Passage	Supports the fish passage mitigation banking pilot project.
---------------------------	---

Task Force Member	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Bill Warnike, ODOT	Supports the fish passage mitigation banking pilot project. Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Discussion:

Commissioner Webber- Fish passage waivers; just the concept I have a hard time dealing with and something I don't like. Reality says you have to do something. This seems to me a potentially a good plan and hopefully we enter into the pilot project and see how it goes. Fish passage is real important and we want to be sure we are doing the best we can and increase it as much as we can with the resources we have.

Director Melcher – Provided Dawn Nilson with a service award; thanked her for the work she has done for the department and on the fish passage task force.

Commissioner Buckmaster – Comments from Water Watch – One concern is fish passage money being lost and would there be a significant amount of money coming out of the bank to cover administration and projects?

Dave Stewart – Right now we are at the point of testing the tool. The monetary questions that come up, transaction dollar amounts, I haven't focused on. I'm focused on the fish side; ultimately this is about providing a net benefit for the fish. The dollar amount that we are going to have fewer resources for the fish doesn't really make sense when you look at what we are doing for these projects. In regards to the administration costs, it definitely won't be the department funding the bill for a big portion of it. As we get into this project we will work it out the monetary aspect.

Commissioner Buckmaster – I don't think you should ignore the dollars. If it's a \$100,000 project and you're willing to bank it, that's still a \$100,000 that can go into do everything that you have been talking about on focusing on fish. It's a very important part of moving forward on fish passage and these projects.

Commissioner Akenson – You stated that after three years, the project would be evaluated – I'd like to see that written into the contract and agreement on the provisions of the agreement #11 end of paragraph I'd like to have it read "the report will be presented to the Fish and Wildlife Commission." We are assuring and approving and it gives the public an opportunity to comment as well.

Dave Stewart – We will have annually reporting and that will all be covered and we will add that to the contract.

1 **Commissioner Akenson** – Understanding the trade off in the report we received in our
2 packet. Can you give us a hypothetical example of the 3:1 ratio?

3
4 **Dave Stewart** – There will be a site that will trigger a fish passage. The applicant will
5 apply for the waiver and we will determine how much habitat is upstream from that
6 obstruction and we will give that a score. For this example, a score of 2 was determined
7 for the waiver site. For the banking side it's a high priority site and we will determine
8 how much habitat is above that obstruction. The banking site example score is 50. That
9 site has 50 credits, we will take the 2 from the waiver site and apply the 3:1 ratio and
10 withdraw from the banking site 6 credits.

11
12 **Steve Sanders** – It's not a banking system in a money sense, it's a banking system in
13 terms of habitat credits. We don't really care what is spent, so we presume that whoever
14 is making this arrangement is considering their own economic analysis. It's not part of
15 the commission's analysis, you're really looking at the fish benefits versus fish
16 drawback. It's banking not in a money sense.

17
18 **Commissioner Akenson** – Oregon Department of Transportation (ODOT) instead of
19 fixing a culvert on a small stream will agree to fix a culvert on a large stream once those
20 credits are enough to make that happen. They will pay for replacing the culvert even
21 though it wasn't their priority because we've allowed them to replace a culvert without
22 providing a passage.

23
24 **Steve Sanders** – In this case, removing a dam on a the Trask River. We don't really
25 care what it costs them to remove the dam versus what it would cost to make those
26 short spots passable. We presume it's cheaper to remove the dam. Not necessarily in
27 all of these cases has the waiver site been less expensive.

28
29 **Commissioner Akenson** – Who determines what the priority waiver site is that's going
30 to be the credit bank?

31
32 **Dave Stewart** – We have a state wide priority passage list.

33
34 **Greg Apke** – These are great questions, and we may not have all the answers. This is
35 a pilot project; the monetizing piece is a challenge. This is not about fiscal dollars it's
36 about fish dollars, fish credit. At the end of the day, the applicant in this case ODOT
37 who's helping support this initial banking effort. The applicant in the future will have to
38 make some economic analysis whether they want to invest into a bank or invest into
39 passes at the site, they have those options. The analysis for us is a fish currency not a
40 dollar currency.

41
42 **Commissioner Akenson** – At the end of the three years, if there are credits that
43 haven't been spent, what happens to them?

44
45 **Greg Apke** – For the sake of the pilot project, those credits would be terminated and
46 they would dissolve.

1 **Commissioner Akenson** – So there is some risk of having some unspent credits at the
2 end of the pilot, and we don't have the opportunity to move those credits to another site
3 that is smaller?
4

5 **Greg Apke** – For the sake of the pilot project, no. For future banking concepts and
6 efforts, possibly, that might something we may want to consider. If this program proves
7 successful for both the applicant and the department and our native fish, those are the
8 types of consideration we would need to give a fair but more thought to.
9

10 **Commissioner Atkinson** – Is it fair to say that is part of the salmon super highway
11 effort, and if not why?
12

13 **Greg Apke** – No sir, they are completely separate efforts. The salmon super highway
14 project is a new project and is in the north coast where we are looking to prioritize all of
15 our fish obstructions and rank those based on the biggest bang for the buck. That effort
16 is looking for third party funds to come in and subsidize that program.
17

18 **Director Melcher** - The concept is that our partner, ODOT will capitalize the bank side
19 of the equation upfront. They will fix the passage barrier and over the next coming
20 months and years, they will address other ODOT related projects, culverts, fish passage
21 related projects and they will get waivers at those. They will spend the credits that they
22 earned by fixing the barrier and when the project will be done in three years. If they
23 have some credits left and the bank is dissolved, we didn't lose anything, they lost
24 because they had credits sitting there. The credits that go away are a benefit to us and
25 the fish, and a loss to them because they didn't spend their credits.
26

27 **Steve Sanders** – The important thing to remember is, essentially we will end up with
28 the windfall. The way the fish passage statute is set up is it's the applicant's choice to
29 propose to us the mitigation they offer up. If the mitigation offers a net benefit, the
30 commission shall approve. In some ways, the applicants are in the driving seat and
31 where the mitigation will be at.
32

33 **Commissioner Webber** – Who is in control of the numbers and how are they derived
34 and how is the priority determined?
35

36 **Greg Apke** – We have a calculator that takes in the physical features of the landscape
37 and spits out a metric. In this case, all partners agree that the metrics represent fair
38 value. The calculator will spit out the metric and there will most certainly be a dialogue
39 with the applicants on those metrics, and if there is dissention on what those metrics
40 mean, we will have a discussion. The whole purpose of the next three years is to put
41 this calculator on the ground, apply it, validate it, and make sure that what it's telling us
42 accurately reflects habitat value on the ground.
43

44 *Action:*

45 Commissioner Wolley moved to approve the Fish Passage Mitigation Banking Pilot
46 Project as proposed by staff, and authorize the chair of the Commission to sign the
47 Agreement in attachment 2 on the commission's behalf and ODFW will present these

1 results to the Commission. Commissioner Akenson seconded the motion and the
2 motion was carried unanimously.

3
4 **Exhibit G: Gekeler Slough/Mill Creek Fish Passage Exemption Request**

5
6 *Action: Differed*

7
8 **Chair Finely** - Nominate and Approve a Vice-chair

9
10 *Action:*

11 Commissioner Anderson nominates Commissioner Webber. I move to approve
12 Commissioner Webber as Vice-Chair to the ODFW Commission. Commissioner
13 Buckmaster seconded the motion and the motion was carried unanimously.

14
15 **Exhibit H: Oregon Conservation and Oregon Nearshore Strategies**

16 The Commission will be given an informational update on the draft document for
17 Oregon Conservation and Oregon Nearshore

18 Staff: Audrey Hatch, Oregon Conservation Strategy Coordinator;
19 Arthur Rodriguez, Conservation Strategy GIS Analyst;
20 Greg Krutzikowsky, Nearshore Resources Project Leader

21 *Public Testimony*

22 *Informational*

23
24 *Audrey Hatch, Greg Krutzikowsky and Arthur Rodriguez gave the Commission an*
25 *overview on the Oregon Conservation and Oregon Nearshore strategies. This*
26 *presentation is available in the meeting materials and at*

27 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp

28
29 **Public Testimony:**

Joe Leibezet, Audubon Society of 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/15/08_august/index.asp
Gilly Lyons, Pew Charitable Trust	Supports the Oregon Conservation and Oregon Nearshore Strategies. 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/15/08_august/index.asp
Bob Bailey, Oregon Shores Conservation Coalition	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/15/08_august/index.asp
Joe Roehleder Lobbyist	Happy to see the Oregon Conservation married with Oregon Nearshore Strategies. Funding is what is needed to go further but unfortunately that dedicated funding did not happen in the last legislative session.

30

1 **Discussion**

2 **Commissioner Buckmaster** – You've presented a map showing that conservation
3 opportunity area's encompass 35% of Oregon's landmass. Do you have a profile of the
4 ownership of that 35%?
5

6 **Arthur Rodriguez** – I haven't updated that. I was working on that analysis as we were
7 making those changes. In the 2005 version it was 30% private and 70% public,
8 statewide.
9

10 **Commissioner Buckmaster** – Can you split the public land out to federal lands and
11 state lands?
12

13 **Arthur Rodriguez** – Yes, we can prepare that.
14

15 **Commissioner Wolley** – Was the urban boundary growth updated from the 2004 data?
16

17 **Arthur Rodriguez** – The urban growth boundary has been updated. There is a new
18 dataset, but rather than use the specific urban growth boundaries or roads we focused
19 on using models on how those impact species and how species are impacted as they
20 move across the landscape.
21

22 **Commissioner Anderson** - Criticism heard are all valid in relation to the document in
23 terms of where it's at and what it can potentially be in filling out places within this
24 framework. Hopefully this will guide our work as an agency and help us do that. There
25 are inter-agency dialogues that have to happen within the state and inter-government
26 dialogue with tribes and other states and federal partners to move into the next phase of
27 how this gets enacted into policy or research priorities. It's recognized by me as a
28 commissioner that there are gaps in the document.
29

30 **Greg Krutzikowsky** - Recognizes the coordination that takes place. The key focus is
31 bringing in partners to do things that are over and above what we are doing. We are
32 working on complete documents we did and including them in appendices.
33

34 **Chair Finley** – We're losing a progressive set of habitat for wildlife and birds and it's
35 incremental. I think it's important to have the urban growth boundary.
36

37 **Commissioner Akenson** - I have some significant concerns about the conservation
38 strategy and the nearshore strategy that can't be addressed by the people who've been
39 coordinating this update. The Commission needs to decide to strengthen this document
40 with funding sources so we can fully implement this program. I see a real weakness in
41 the way the strategies are written that we will encourage volunteers to take leadership
42 roles. I think ODFW needs to be the lead we need to commit to our strategic goals and
43 objectives are for the next 10 years. We need to explain in this doc to get the funding
44 we need to do what we need to make this strategy functional. As a commission we need
45 to discuss this.
46

1 **Chair Finley** - Asked Commissioner Akenson to draft out her thoughts on this topic to
2 start that conversation with the Commission.

3
4 **Commissioner Akenson** – I am concerned about the pieces that were taken out. I
5 understand why we took wilderness areas, those aren't conservation opportunity areas.
6 We can't go into the wilderness and change the habitat. Those areas do represent
7 habitats. Is there some why we can document those areas in the strategy?
8

9 **Arthur Rodriguez** – We have discussed this and we agree. We will look at adding in
10 the wilderness areas and what will that do to your overall numbers? If we are not going
11 to include, we can buffer them and use them as a protected areas and focus
12 conservation areas around them. Listing them within those boundary COA's as potential
13 partners.
14

15 **Director Melcher** – The conservation strategy was developed as the tool to attract
16 funding to the agency. Our partners are using the Oregon Conservation Strategy (OCS)
17 in helping them with their conservation spending. While those funds are not coming
18 through the department, it is conservation funding that is going on the ground and is
19 being directed by the OCS.
20

21 **Commissioner Webber** – Oregon Watershed Enhancement Board (OWEB) spending
22 grant programs uses the OCS in making priorities.
23

24 *Action:*
25 *Informational*
26

27 **Exhibit I: Sport Fishing Regulation Simplification Update**

28 The Commission will be given an informational update on the status of the sport fishing
29 regulation simplification and streamlining process.

30 Staff: Mike Gauvin, Recreational Fisheries Program Manager

31 *Public Testimony*
32 *Informational*
33

34 *Mike Gauvin provided a PowerPoint presentation on the status of the Sport Fishing*
35 *Regulation simplification and streamlining process. This presentation is available in the*
36 *meeting materials and at*

37 http://www.dfw.state.or.us/agency/commission/minutes/15/08_august/index.asp
38

39 **Public Testimony:**

Tom Wolf, Oregon Council of Trout Unlimited	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/15/08_august/index.asp
Lonnie Johnson, OR Bass Nation	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/15/08_august/index.asp

Larry Butts, Coastal Conservation Association	Supports proposed regulations on warm water, small mouth bass.
Brenda Degree, OR Bass	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Logan Degree	Opposes changes to warm water fishing regulation changes.
Charles Lang, OR Bass	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Bob Judkins, fisherman	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Bud Hartman, OR Bass	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Marcia Hartman	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Yancy Lind, Central Oregon Flyfishers	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Jim Myron	Introduced Erica to the Commission. The group will provide additional comments. Supports removal of bag limit on brook trout, brown trout. Deschutes the slot limit on trout we see no reason to change.
Erica Stock, Native Fish Society	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Edward Chin, The Bass Federation of Oregon	Provided written testimony. <i>This written testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/08/august/index.asp</i>
Sara Labord, Wild Salmon Center	Supports removal of bag limits in specified rivers but support warm water anglers. Manage these rivers for salmon recovery.
Alan Bunce, Umpqua watersheds	Supports removal of bag limit. Winchester dam counts decline of native species after the introduction of the small mouth bass.

1 **Discussion:**

2 **Commissioner Akenson** – Why are you opposed going from large bag limit, to no limit-
3 what would you recommend?
4

5 **Bud Hartman** -This will devalue the fish. One rule state wide will streamline.
6

7 **Marcia Hartman** – The ODFW could promote fishing for warm water fish. There is
8 some mention of it, but not promoted. The department could indicate that catching
9 smallmouth bass and walleye could be a good thing for the preservation of illustrious
10 Pacific Northwest salmon and steelhead.
11

12 **Bob Judkins** – Humans can consume resources really well and eventually you'll lose it
13 all.
14

15 **Chair Finley** – Mr. Chin, do you agree with the statement heard earlier that we are not
16 being stewards of the fish?
17

18 **Edward Chin** – Yes and no. As tournament anglers are conservationists, we catch and
19 release. At certain times though you will have a fish that is foul hooked. The kills that
20 happen are donated to agencies for food service to the community so there is no waste.
21 Science should prevail with Oregon issues not letting Washington issues be the
22 deciding factor.
23

24 **Commissioner Akenson** - Do you feel that this stream line adequately does allow for
25 regulations for unique opportunities?
26

27 **Mike Gauvin** – Yes, what we had shown are the proposed changes. What are not in the
28 information are things that are not changing. We do have a variety of resources and
29 opportunities and will try to maintain those as best as we can.
30

31 *Action: Informational*
32

33 **OTHER BUSINESS**
34
35

36 Chair Michael Finley adjourned the meeting at 5:55 p.m.
37