

1 **1) 635-018-0090**

2 **Modified Angling Regulations for North Twin Lake due to Rotenone Treatment in**
3 **November 2015**

4 Adopted October 9, 2015: effective October 16, 2015 through December 31, 2015.

5 This amended rule postpones the previously authorized closure to angling in North
6 Twin Lake in the Central Zone from October 20 to November 9, 2015, due to the
7 unavailability of the fish toxicant Rotenone. Further rule modifications liberalize catch
8 limits and harvest methods to provide sport fishers increased opportunities to salvage
9 as many game fish as possible. This unanticipated delay in the start of the process to
10 remove unwanted fish species also provides anglers with three additional weeks to
11 salvage any remaining game fish.

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13 **2) 635-041-0063**

14 **Treaty Indian Commercial Fall Sturgeon Set-Line Fishery Set In The Dalles and**
15 **Bonneville Pools**

16 Adopted October 14, 2015: effective October 19, 2015 through November 30, 2015.

17 This amended rule sets a Treaty Tribe white sturgeon set-line fishery in The Dalles
18 Pool beginning 6:00 a.m. Monday, October 19 through 6:00 p.m. Friday, October 30,
19 2015; and in the Bonneville Pool beginning 6:00 a.m. Monday, November 2 through
20 6:00 p.m. Friday, November 13, 2015. Fishing for the purpose of commercial sales and
21 subsistence is allowed. Modifications are consistent with joint state action taken
22 October 14, 2015, by the Departments of Fish and Wildlife for the States of Oregon and
23 Washington, at a meeting of the Columbia River Compact, in cooperation with the
24 Columbia River Treaty Tribes.

25
26 **3) 635-042-0032**

27 **Mainstem Columbia River Late Fall Commercial Drift Net Salmon Season Set**

28 Adopted October 14, 2015: effective October 20, 2015 through October 31, 2015.

29 This amended rule authorizes a 12-hour fishing period for the 2015 late fall
30 commercial salmon drift net fishery in the Columbia River mainstem. The fishing period
31 is scheduled to begin at 7:00 a.m. Tuesday, October 20, 2015, in Zones 1 through 3.
32 Modifications are consistent with joint state action taken October 14, 2015 by the
33 Departments of Fish and Wildlife for the States of Oregon and Washington at a meeting
34 of the Columbia River Compact.

35
36 **4) 635-005-0705**

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

39 Adopted October 14, 2015: effective November 1, 2015 through February 1, 2016.

40 This amended rule allows the renewal of Brine Shrimp permits without the
41 previously required 5,000 pound landing from the previous year. Due to low water in
42 Lake Abert, in 2015, harvesters were unable to use their boats and harvest enough
43 Brine Shrimp to satisfy the 5,000 pounds in landings required by permanent rule for
44 permit renewal.

45
46 **5) 635-003-0085**

47 **Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Closes**

48 Adopted October 16, 2015: effective October 16, 2015 through December 31, 2015.

49 This amended rule closes the Chetco River terminal area commercial Chinook salmon

1 quota fishery effective at 11:59 p.m. Saturday, October 17, 2015 due to the anticipated
2 attainment of the 600 fish allocation for this fishery.
3

4 **6) 635-014-0090**

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

7 Adopted October 16, 2015: effective October 16, 2015 through December 31, 2015.

8 This amended rule prohibits retention of non-adipose fin-clipped Chinook salmon in
9 portions of Youngs Bay and the Youngs River from the commercial fishing deadline at
10 Battle Creek Slough upstream to Youngs River Falls; and the Klaskanine River
11 upstream from the confluence with Youngs River, North Fork Klaskanine upstream to
12 Klaskanine Hatchery Dam, and South Fork Klaskanine upstream to the first falls
13 (approximately RM 4.7) beginning Sunday, October 18 through Saturday, October 31,
14 2015.
15

16 **7) 635-415-0025**

17 **Amend Division 415 Rules to Refer Specifically to Division 140 Rules for Sage-
18 Grouse Mitigation Issues.**

19 Adopted: October 19, 2015. Effective Dates: October 19, 2015 through April 15, 2016.

20 These temporary rules are needed to amend Division 415 rules to refer
21 specifically back to Division 140 rules for impacts to sage-grouse habitat and to create
22 an exception for any energy facility that has submitted a preliminary application for site
23 certificate on or before the effective date of this rule.
24

25 On July 27, 2015, the Fish and Wildlife Commission adopted amendments to OAR
26 Chapter 635, Division 140 pertaining to development impacts and mitigation in sage-
27 grouse habitat. For impacts in sage-grouse habitat only, the Division 140 rules
28 supersede the habitat mitigation policy rules in OAR Chapter 635, Division 415. There is
29 currently no indication in Division 415 that those rules have been superseded in sage-
30 grouse habitat. This temporary rule is to remedy that situation by providing guidance in
31 Division 415 that in sage-grouse habitat the applicable rules are in Division 140.
32

33 **8) 635-003-0085**

34 **Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery
35 Extended**

36 Adopted October 19, 2015: effective October 21, 2015 through December 31, 2015.

37 This amended rule extends the Chetco River terminal area commercial Chinook
38 salmon quota fishery by one day, October 21, 2015 with reduced landing and possession
39 limits to provide access to the remaining Chinook on the quota.
40

41 **9) 635-003-0085**

42 **Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery
43 Extended**

44 Adopted October 22, 2015: effective October 23, 2015 through December 31, 2015.

45 This amended rule extends the Chetco River terminal area commercial Chinook
46 salmon quota fishery by two days, October 23 and 24, 2015 with reduced landing and
47 possession limits to provide access to the remaining Chinook on the quota. These additional
48 days are within the original season framework of October 12 through 31, 2015.
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1 **10) 635-003-0085**

2 **Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Re-**
3 **Opens**

4 Adopted October 26, 2015: effective October 27, 2015 through December 31, 2015.

5 This amended rule re-opens the Chetco River terminal area commercial Chinook
6 salmon quota fishery for five days, October 27-31, 2015 with reduced landing and
7 possession limits to provide access to the remaining Chinook on the quota. These additional
8 days are within the original season framework of October 12 through October 31, 2015.

9
10 **11) 635-004-0275**

11 **Federal Actions and Management Measures Implemented for Commercial**
12 **Groundfish Fisheries**

13 Adopted November 2, 2015: effective November 2, 2015 through April 29, 2016.

14 This amended rule implements in-season actions previously adopted by the
15 federal government for 2015 and 2016 Pacific Coast commercial groundfish fisheries,
16 including but not limited to closure of the Limited Entry Fixed Gear Sablefish Daily Trip
17 Limit Fishery for period 6 (November-December 2015), beginning November 1, 2015.

18
19 **12) 635-017-0090**

20 **Eagle Creek Closed to Retention of Coho Salmon**

21 Adopted November 6, 2015; effective November 7, 2015 through December 31, 2015.

22 This amended rule prevents retention of any coho salmon on Eagle Creek, a
23 tributary of the Clackamas River, beginning at 12:01 a.m. Sunday, November 8 through
24 December 31, 2015. Extremely low numbers of returning hatchery coho to the Columbia
25 Basin is leading to significant shortages and an inability to meet egg take goals for
26 hatcheries involved in producing fish for US v. Oregon and Tribal reintroduction
27 programs. This emergency action is to ensure adequate numbers of coho salmon
28 broodstock make it back to Eagle Creek National Fish Hatchery. The closure will not
29 affect anglers ability to continue to fish for winter steelhead which begin returning later
30 in November.

31
32 *Action:*

33 Commissioner Webber moved to ratify the 12 temporary rules. Commissioner Wolley
34 seconded the motion, and the motion carried unanimously.

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37
38 **Exhibit A: COMMISSION MINUTES**

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40 The Commission considered approval of the January 9, March 6, July 27, and
41 September 4, 2015 Commission minutes. Differed to December.

42 *Action:* Differed to December

43
44
45 **Exhibit B: Biological status review for the Gray Wolf (*Canis lupus*) in Oregon and**
46 **evaluation of criteria to remove the Gray Wolf from the list of endangered species**
47 **under the Oregon Endangered Species Act**

1 The Commission will review the biological status of wolves in Oregon and consider the
2 recommendation that the Commission amend OAR 635-100-0125 to remove the gray
3 wolf from the List of Endangered Species under the Oregon Endangered Species Act.

4 Staff: Russ Morgan; Wolf Program Coordinator

5 *Public Testimony*

6 *Rulemaking*

7
8 *Russ and Dr. Darrin Clark provided a presentation of the biological status of*
9 *wolves in Oregon. This presentation is available in the meeting materials and at*
10 http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
11

Public Testimony	
Senator Bill Hansell	<p>My name is Bill Hansell, State Senator for District 29. District 29 begins at Hells Canyon on the Idaho border and includes six full counties to the west including Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman and part of Wasco County. I mention this because this area is home to by far the largest population of gray wolves in Oregon. As you know, the Wolf Plan was created by the Oregon Legislature in 2009 establishing a comprehensive plan on how to conserve the species in the state. It created a three phase implementation plan. Phase I established a criteria of four breeding pairs for three consecutive years.</p> <p>In 2013, my first session, I was chief sponsor of House Bill 3452. This legislation was drafted for the sole purpose of helping to implement the Wolf Plan while also showing good faith efforts on behalf of the ranchers. This law allowed for the lethal taking of a wolf if there had been four confirmed depredations in a six-month period on livestock or working dogs during Phase I of the plan. This bill was passed out of the House with a vote of fifty-seven to two and out of the Senate, thirty to zero. Phase II called for five to seven breeding pairs as well as the delisting of the gray wolf during Phase II. Currently there are eighty known eighty-one, we now know eighty-four, known -- or eighty-one known wolves and the and in a presentation with ODF&W Wolf Program coordinator Russ Morgan on October 27th, he believes there might there are probably a hundred to a hundred and twenty wolves in Oregon. And this does not include the pups from this year. When the Wolf Plan was created there was an agreement between the ranchers, environmentalists and ODF&W that when wolves reached Phase II they would be delisted. This delisting will not bring about senseless wolf violence against wolves. Wolves are still federally protected west of Highway 395. Also with the Wolf Plan in effect, Phase III on the horizon, the wolves will still be protected. It is still against the law to hunt and kill wolves.</p> <p>According to Russ Morgan on Tuesday, the 10th of October, it is possible for Oregon to be in Phase III in January of 2017 based on the number of wolves in the state. Phase III acts under the assumption that wolves have already been delisted. It is time to honor the plan that was agreed to by</p>

	<p>everyone from the beginning. There are over a hundred wolves in Oregon according to Mr. Morgan and the number is only going to increase. Phase I of the Wolf Plan has been a success. ODF&W has recommended delisting. To continue to delay delisting disregards the plan which was thoughtfully crafted by a team of diverse interests. It also I believe disregards what the Legislature intended to have happen. To not delist and break faith with the farmers and ranchers in my district who have been impacted by the Canadian gray wolf which migrated to Northeast Oregon have after being introduced in being reintroduced in Idaho. ODF&W staff have made it clear we are now in Phase II of the plan and Phase II requires the delisting of the gray wolf. I urge you to accept ODF&W's recommendation and delist the gray wolf in Oregon.</p>
Chris Barreto for Representative Greg Barreto	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
William Scott Jorgensen, for Sen. Whitsett	<p>Speaking on behalf of Oregon State Senator Doug Whitsett and Oregon State Representative Gail Whitsett. Senator Whitsett represents Senate District 28. Representative Whitsett represents House District 56. Both of these include Klamath county.</p> <p>According to press accounts one of our constituents awoke on three consecutive mornings beginning October 31st to find cattle either wounded or killed. For this and many other reasons the Senator, Representative, and myself all support the delisting.</p> <p>I also wanted to read into the record, this is testimony submitted to the House Agriculture and Natural Resources Committee for a meeting that was held on April 16th. And this was from representatives of Oregon Wild and the Sierra Club. And I quote, "Managing our state's wildlife is the role and responsibility of the Oregon Department of Fish and Wildlife and decisions regarding listing or delisting species are entrusted to the Oregon Fish and Wildlife Commission. These entities have the necessary scientific, policy and legal expertise to make these decisions and the process is to ensure full compliance with the law and opportunities for public participation."</p>
Rita Westfall, for Sen. Ferrioli	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Cheryl Martin, Rancher	<p>A deal. A plan was made and agreed upon by multiple stakeholders, eyes locked as hands were shook, and contract was signed. A deal was made that had criteria that has now been exceeded, stipulations that have been fulfilled. It's simple. You have an obligation, an obligation to make sure that</p>

	that deal is honored.
Craig Herman, Rancher	It is very compelling that the wolf population is stable and growing and I urge you to delist it. So very simple, please delist the wolf.
Amaroq Weiss, Center for Biological Diversity	<p>I'd like to comment on the Oregon Endangered Species Act. The Act was designed to protect at-risk wildlife with procedures that would allow decisions to be made based on objectivity, honesty and, most importantly, based on science. The objectives of science and scientists are the best if not the only way to evaluate the biological status of at-risk species and determine what protections are needed. On the other hand, the Oregon Wolf Management Plan attempts to manage wolves on a day to day basis and the implementers of the plan are subject to the whims and wins of politics, economics and social pressures. Before the wolf, or actually any at-risk species is subjected to those day to day pressures without the protections of the Act, the science must be certain that the species is so resilient, so robust in numbers and distribution that it can withstand natural processes as well as the unnatural forces of politics.</p> <p>The Act requires that all delisting decisions be based on documented and verifiable scientific information. Today we've learned that a peer review panel was actually conducted. I will say that this is news to us, especially since the Department issued a press release last Thursday indicating that they were recommending delisting. It would have been terrific if in that same press release the department had indicated that a peer review had been done and made available those peer review statements at that time so that they could be reviewed. I will note that the scientists, as explained earlier by ODFW, were chosen by them because they knew them. We have grave doubts about Idaho's model for wolf conservation. I would also note that with the exception of Dr. Joe Bull, who apparently is the constructor of the PVA model they used, there's no indication whatsoever that any of these scientists have any expertise at all in PVAs. Numerous scientists that the Department did not contact who are experts in relevant fields have sent comments to the Commission. All of these scientists found the department's report and delisting recommendation to be fundamentally flawed and illogical. You've got the letters. I'll just make a few highlight statements here. One, the Department's conclusions that wolves are not endangered in Oregon is untenable, said three of these scientists. The Department's population viability analysis is confused, too simplistic and lacks sufficient detail, said two scientists who specialize in population viability analysis. The Department's argument that failing to decrease protections for wolves would result in reduced tolerance for the species has been debunked by multiple published peer reviewed research papers said a scientist who operates the only carnivore lab in the world that specifically looks at human social dimensions of human wildlife conflict.</p>
Fred Walasavege, Oregon	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/in</p>

Hunters Association	dex.asp
John Putman, Oregon Hunters Association	Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/in_dex.asp
Joe Ricker, Oregon Hunters Association	<p>I'm here to speak on behalf of Oregon Hunters. In 2014 the criteria for delisting had been met and exceeded as there were nine known successful breeding pairs in Oregon, including eight packs in Northeast Oregon and one in South Cascade Mountains. In recent weeks there had been three wolves, wolf activity areas identified in Southern Oregon. The minimum population estimate is eighty- one, not counting this year's pups. Thirteen of the sixteen documented pairs had litters this year. Delisting does not remove protection of wolves in Oregon. Delisting will however start the journey down the road to Phase III and allow the Oregon Department of Fish and Wildlife more options for applying management practices. We need to look beyond -- we need to look broadly on the issue of wolves and expand our focus to be able to see beyond state lines. Wolves have demonstrated the ability to look beyond the state borders and we should too.</p> <p>Oregon developed a very effective management plan with detailed criteria to recover wolves in the state while also protecting other wildlife species and agriculture. We must stick to the plan, vote to delist the wolf as it is in the best interest of all of us.</p>
Ken McCall, Oregon Hunters Association	<p>ODF&W staff have been extremely diligent and successful in documenting the population of wolves and presenting factual, scientific information to the public and the Commission regarding the successful implementation of Oregon's Wolf Plan. The criteria set forth in consideration of delisting in the Oregon Endangered Species Act have been met also. ODF&W staff deserves recognition for their professional response on a very difficult and very divisive issue.</p> <p>The Oregon Wolf Plan development process included a diverse range of interested parties and well recognized groups. The plan was agreed to and should be honored by all who were part of the process and accepted by those who did not come to the table to participate. This is not the time for plan development parties to change their minds on implementation. Proceed with the plan, delist, and move forward with consideration of plan revisions after the delisting and not before.</p> <p>Consider the wider look at the wolf populations and biology across the larger area, including the portions of Oregon that this species has occupied. Wolf population numbers are growing and expansion by the species into available habitat in Oregon will not stop or in any way be</p>

	<p>threatened by delisting. These animals do not respect nor understand artificial boundaries of states, counties or major obstacles to movement across the landscape. I use the Snake River as an example. Of course, the two prime examples in popular media of the wolves are OR-7 and OR-3. Solid documented evidence of their travels cannot be refuted. These predators are dedicated to filling available habitat. Oregon's big game species such as elk and deer are experiencing a multitude of issues related to habitat at the local and landscape level. Increases in predation from cougar and overall weather related changes in in available forage. Not allowing ODF&W staff the additional tools to manage both game species and predators will further the decline in hunting opportunities along with the economic dividends from hunters, investments in food, lodging, equipment and returns to ODF&W from tag and license sales. We hunters are conservations who put our boots on the ground, our dollars into habitat projects, support game enforcement and we support local economies. Please vote to delist and continue with the agreed upon plan.</p>
<p>George Huston, Foundation for North American for Wild Sheep</p>	<p>Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
<p>Bill Hoyt, Oregon Cattlemen's Association/ Oregon Hunters Association</p>	<p>I was president of the Oregon Cattlemen's Association in 2010 when we reviewed the Wolf Plan. And obviously there's been mention earlier about the fact that the cattlemen wrote the minority report. There's been a lot of discussion back and forth whether not we all agreed. We all sat at the table. We discussed this. We had faith in the Department to implement the plan. We've watched the plan morph and take shape and we've watched the wolf population do the same thing.</p> <p>It's my opinion that we need to really lean on the expertise that we have in the Department. Mr. Morgan has done a fantastic job of presenting to you today, but not only that, he's been there from the beginning in the -- as the Wolf Plan has been developed and implemented. And it's my opinion that we should have some faith in our biologists and the people that work for the Department and allow them to use the tools which the plan gives them not only for the safety of all concerned wildlife and also the livestock involved, but to be able to manage this form of wildlife in Oregon so that we can all get along. That's the whole point.</p>
<p>Dean High, Oregon State Grange</p>	<p>Represent Oregon State Grange. As requested by some of our members up at Northeast Oregon they wanted me to come and just state the Grange policy. It doesn't state anything about delisting. So here it is. "The Oregon State Grange is opposed to introduction, migration of wolves and wolf hybrids in Oregon," which was passed at our State session in 2000 and 2003.</p>

<p>Mark Henjum, Silverton; former Wolf Plan Coordinator</p>	<p>I'm here representing myself today and I'm going to modify some of my comments because they have been repeated already. But I did review all the documents that were made available by staff and it's my view that the delisting criteria have been met and that I believe the two documents that the staff reviewed with you has all of the relevant scientific information and assessment necessary to support delisting. From my perspective, might be a little different than yours since some of you weren't around at as Commissioners, but during the development of the Wolf Conservation and Management Plan of course was very controversial, but I kind of look at that plan as not an ODFW plan and it's not a Commission plan.</p> <p>It represents a plan that was crafted by a cross-section of Oregonians representing all sides of the wolf debate and with input from, at that time, an unprecedented number of Oregonians. During that plan development no one got everything that they wanted, for sure. That was a wolf advisory committee with fourteen members. We had some really interesting conversations and the public was also invited to those. Suffice it to say no one got what they wanted, everything they wanted. Because of all the turmoil at that time, and it's so much different -- was so much different for that Commission as compared to where you are is that wolves were not in Oregon yet. So if you can just imagine your body trying to decide about whether you're going to have a plan to have wolves, because at that time, you know, people were much divided. It's just another difficult decision that has to be made. It seems like all the wolf decisions are that way. It took a year for the Commission to decide to have a plan. Twelve months. That was with a lot of conversations. We brought in twenty-nine experts from around the country. We had four Commission workshops where the Commission got to hear from these people directly. In the end they decided. I view that as really a gutsy move on their part and it was hard at the time. I'm sure it was difficult. The delisting decision before you today is much like that one, it's really a tough one. It's a difficult process that comes with wolf management. The delisting process was fully vetted during the plan -- when we wrote the plan. So, there is it. I know that you know that's in front of you. Some of the deliberations, testimony and writing that you'll get from people from all interests will say that, and we've heard it already today that the decision to list is premature, the population assessment is flawed, the Agency failed to consult independent scientists and wolves will be stripped of their protections. We hear this a lot, particularly the last one, in the media. It's always in the media the protections for the wolves will be stripped if you make this decision. I can't emphasize enough that that is not the case. You know that's not the case, but many in the public do not. There will be no difference in terms of legal protections for wolves. So some of my responses if I was asked to respond to some of that would be the Wolf Plan has been around for a decade. So I would say there have been -- there are no surprises about this wolf plan. The conservation population objectives have been there for ten years. When</p>
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	<p>the members of the Wolf Advisory Committee signed off on this plan they wrote a letter to the Commission then and it said, and I'll make it brief, is that the plan represents a reasonable solution for wolf conservation, which we heard today was an important word in what we're up to, conservation, and it's intended to provide a credible conservation solution based on what is known and what is legal. You can look that up in the original plan, but it is in that letter. I'd say from the data perspective the information regarding the current situation for wolves in Oregon has been available now to the public for six months. Again, there are no secrets. The Department's been really good about getting that out there. I believe that's adequate time for any interested independent scientist to weigh in if they have an interest in wolves in Oregon. Recently, I believe this week, you received some correspondence with a very positive assessment of the situation and the documents presented, and it came from Dave Mech, one of the preeminent wolf biologists in North America. Dave was consulted during the wolf planning process by myself on several occasions. I met with him on several occasions. He was extremely helpful in helping me in crafting some of the language and thinking about wolves in a state that hadn't had them for seventy years. We did use his then new book, 2003 book, <i>Wolves</i>. Each member of the committee received that book and we used it as a reference as well as numerous other scientific documents. And as I mentioned before, finally, in response to some of those things we hear is that wolves will not lose their protections. They will be fully protected. I guess in closing, the delisting process was intended to be all about how biologically the wolves are doing and the future and what -- for their future for success. I think that you've seen today, based on the presentation that I watched, the visual for me is not only where those wolf packs are but the collaring data that shows those wolves using the entire length of the Cascade Range as well as going to the Siskiyou and that country that these animals are fully capable of moving forward in the state. And so I guess it would be fair to say that wolves are thriving today in Oregon and due in no small part to the conservation mandate in the Wolf Plan and the successful implementation of its many actions and directives by the staff, and I think importantly Oregonians who have to live in close proximity to wolves every day because they're kind of a special group. The majority of Oregonians do not live in close proximity to wolves. I think we need to recognize their part in making this all happen. In closing I feel like the Commission and the Department have demonstrated through their actions that they are the leaders of wolf conservation in Oregon and I guess I'm requesting you to follow through with the next steps of the plan as written and delist wolves in Oregon.</p>
<p>Paul Henson US Fish & Wildlife Service</p>	<p>First of all, on behalf of Fish and Wildlife Service, I want to express our great appreciation and respect and just at the tremendous collaboration between US Fish and Wildlife and Oregon Department of Fish and Wildlife in bringing wolves to the position that we're discussing today. This is just a</p>

	<p>tremendous effort and I can't say enough good things about Russ Morgan and the ODF&W team that's been working on wolves for many years, including this guy here. So thank you for that.</p> <p>The second point is Fish and Wildlife Service doesn't have an official or formal position on this decision in front of you today. That's not our job to advise the State on how to interpret State law and issues like that. So I'm not here to offer up a formal Federal position on the decision you're about to make today. But I do want to say that the Fish and Wildlife Service is very confident that as the Wolf Management Plan is implemented wolves will continue to recover. I think that's just one of the easier scientific questions that I have to face every day. This one is pretty direct and pretty straightforward and we're very confident that regardless, as long as that Wolf Management Plan that you've been hearing about is followed wolves will continue to expand into their historical range in Oregon and be very successful.</p> <p>The third point I want to make as someone who has worked on many endangered species issues, federal endangered species but also that we share with state listed species, is when species are recovered or delisted does not mean management is no longer necessary. So just to reiterate the points that were just made that protections and management will stay in place and need to stay in place. Probably one of the more exciting and interesting fields of wildlife biology emerging today is this concept of conservation reliant or management reliant species. Really what is at stake here is how do you optimally deliver management in the context whether it's -- a species is listed or not to use taxpayer resources as efficiently as possible and get critters out of the emergency room and out into outpatient care where they still need management, they still need care, but they don't need that high profile emergency room endangered species status.</p>
DeAnna Montgomery	<p>Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Ellen Marmon	<p>Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Michelle Seidelman	<p>Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Kevin	<p>Provided written testimony <i>This testimony is available in the meeting</i></p>

Thompson, Traditional Archers of Oregon	<i>materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Ken Ferguson, Portland	I'm here to speak about Oregon Department of Fish and Wildlife being commanded by the American Indian Religious Freedom Act of 1978 to not interfere with religious practices of Native Americans. You know, we've seen a history in this state obviously of ODFW officials not being aware of the spiritual practices of Native Americans and so I'm here to inform you that the wolf is a sacred animal and you will be in violation of that Act should you delist this. So I'm here to call upon you to protect the wolf permanently under AIRFA of 1978. I think it's interesting to note that you guys might stand around the water cooler with your friends over at DEQ talking about Jordan Cove, L and G pipeline, other extraction in the state that will be seriously affected by the presence of wolves if they are a listed species in areas where this activity will occur.
Brian Ray, Independent Researcher	Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Jennifer Wolfsong, Beaverton	I am in favor of wolves remaining on the Oregon Endangered Species List. I believe it is much too soon. It is a very small population. I believe very strongly in the science to back it up that wolves are essential to healthy ecosystems.
Keith Larson, Portland	Please consider the fact that as previously stated we do have only 80 wolves in this state and can withstand quite a few more. Please do not delist.
Phil McKay, Camas Valley	No one on either side of the political spectrum on this issue has gotten violent. No one has turned against each other and all of the conversations about the eventual presence of wolves in Southwest Oregon have been very civil. I am afraid that if wolves are taken off the endangered species list or if any motions are made by this Commission to open up the possibility of hunting of wolves in Oregon that it could be potentially poisonous to the social fabric of our small town. I am afraid that poaching behavior is being condoned online as well as by anti-wolf voices within communities that it could poison the social fabric of our communities and open up a danger not just to wolves but to my neighbors as well. Therefore I'm against any moves that will make wolves less endangered than they currently are.
Sheila	I'm just very concerned that we're going to not have the opportunity to have

Redman, Portland	wolves in the west of Oregon if they're delisted and no longer protected. So please don't delist them.
Ruth Spetter	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp -</i>
Amanda Baisley, Portland	<p>I take issue with the Commission making a decision on delisting wolves based on an incomplete and flawed peer review process. I appreciate that the Your process has been rushed in just the past few weeks without adequate time for revision and re-review.</p> <p>Commissioner Akenson' s husband, Jim Akenson, the Conservation Director of the Oregon Hunters Association, recently published multiple op-eds promoting delisting of wolves.</p> <p>I urge the Commission to hold up the ODF&W mission to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.</p>
Jonathan Grindell, Portland	I say is for you all just to keep calm and to carry on with this Wolf Management Plan, not to delist but to let it go into fruition.
Miguel Ramirez, St. Helens	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Kevin Noel, Oregon City	Provide written testimony <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Jerry Holbrook, Molalla	I'm for delisting. I'm going to give my minutes to the guy on the far left here.
Tom Whitaker, OHA	Supports delisting - The commission has agreed to delist, asking to uphold the agreement
Larry Jacobs, FNAWS	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
George Rollins,	Provided written testimony. <i>This testimony is available in the meeting materials and at</i>

Halfway	http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Randy Comeled, Corvallis	Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Steve Kramer, Wasco Co.	In the interest of the time I would like just to echo the testimony of our two senators this morning and our representatives and all who have asked for this Commission to consider the staff report, the Oregon Wolf Plan in your decision for delisting. Wasco County's board of county commissioners were unanimous in their decision to respectfully request the delisting from this Commission.
Paula Fanshier	Does not support delisting - Supports the position of BARK and Oregon Wild.
Kimberly Fanshier	I'm concerned that the criteria numbers 3 and 4 have not actually been met. I don't think the Agency has adequately taken into account the incalculable effects of the massive influxes to Oregon's population that are expected in the next fifteen years and that are included in the management plan and the biological status review. We also haven't taken into account two bills currently proposed in congress to increase logging in national forests and the upcoming revisions to the Northwest Forest Plan that will possibly change big logging that could happen in Mt. Hood National Forest. So without aptly considering these dramatic possible changes to the historic and possible range for wolves in the state I don't think we've met the criteria for delisting yet.
Robert Klinger, Grand Ronde	Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Lynne Estep Gonder, Salem	Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Jenny Dresler, Oregon Farm Bureau (OBF)	Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Todd Nash, Oregon	The five criteria clearly have been met. There was a time when B-300 was the only known wolf in Oregon, 2009, and now here we are six years later.

Cattleman's Association (OCA)	The Oregon Cattlemen's Association was instrumental in spreading the word on non-lethal activity. The Willowa County Stock Growers in conjunction with the county government there, we established the first compensation board. We've done a number of non-lethal and supervises the range rider program there every year. We're just dependent on you all to make a decision that shows that at some point the things that we need will be addressed. Delisting today is not going to address all of those things, but it's a step in the right direction.
Rusty Ingles, Princeton	The ranching community is not asking for any favors, they're not threatening the State with lawsuits, all they ask is that you honor the agreements made in the Wolf Recovery Plan as they have. Ranchers have already suffered many losses of livestock and most recently family dogs. My fear is that someday I will get up, read in the paper, see on the morning news or get that phone call from a friend that a wolf pack has killed a child. There is no amount of wolf compensation money that can rectify that. I strongly urge you to vote to delist immediately so the ranching community has all the tools available to them to protect their operations and most of all their families.
Joan Beldin, Portland	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Nick Cady, Eugen, Cascadia Wild	I want to stress on two main points. First, Cascadia Wildlands is very disappointed that neither the Department nor the Commission meaningfully considered down listing the species, moving the species from endangered to threatened. Secondly, and most importantly, soliciting review from a few self-selected scientists in the final few weeks of this process to check a peer review legal box, it's just wildly inappropriate and not part of the process contemplated by Oregon law. We drafted a litigation memo and shared with you openly the requirements for this peer review process and we're hearing it discussed for the first time today.
Dave Wiley, Sublimity, Rocky Mountain Elk Foundation	Supports delisting Written testimony; submitted written testimony for Dave Allen. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Jayne Miller	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>

Krystal Heitmeyer	I think to delisting the wolves at this point would be crazy when there's only four breeding pairs. Even a hundred is not enough. It would take only an outbreak of canine distemper to wipe them out and put them back in the endangered species category. Ecosystems are created from the apex predator down. If you cut out the top of the food chain the entire chain collapses and biodiversity vanishes.
Danielle Moser, Portland, Endangered Species Coalition	<p>We the undersigned scientists are writing to express our concern that now is not the time to delist the gray wolf in Oregon. Continued State Endangered Species Act protections are essential for allowing existing populations to stabilize and expand into other suitable habitat. Milestones should be celebrated, but meaningful recovery is not complete in significant portions of suitable habitat in this state. Prematurely weakening gray wolf protections is likely to reverse years of progress, put recovery in jeopardy and exacerbate conflict.</p> <p>We urge ODF&W to maintain ESA status for gray wolves and foster co-existence by getting ahead of rather than reacting to conflict. Some suggestions for doing this are to focus on positive aspects of wolf recovery, native predators and healthy landscapes, conduct and facilitate research regarding wolves and conflict deterrence measures, and provide landowners with information that will assist in reducing potential conflicts. "Like all native wildlife wolves are an enormous asset to the biological diversity of our state, ecosystem, services and quality of life. Wolf recovery is overwhelmingly supported by Oregonians. After years of making excellent progress toward recovery it would be a shame to stop before the final goal is accomplished. We offer our expertise in support for such an effort and extend our thanks to you for your leadership on wildlife conservation issues. Signed, Dr. Mark Bekoff, Dr. Robert Beschta, Dr. Barbara Brower, Dr. Robert Crabtree, Dr. Anthony Giordano, Dr. Rick Hopkins, Dr. Michael Paul Nelson, Dr. Luke Painter, Dr. Paul Paquet, Dr. David Parsons, Dr. William J. Ripple, Dr. Jeffrey Snyder, Dr. Michael Soule, Dr. Adrien Treves, and Dr. Jennifer Wolch.</p>
Katherine Brevik, Portland	<p>This Commission is tasked with representing all the citizens of Oregon, not only the livestock and hunting industries. I request the Commission consider science, the broader issue of wolf recovery in Oregon and public opinion rather than ceding to pressure from a vocal minority of ranchers and hunters.</p> <p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
William Kelly,	All sides sat down at the table and helped draft this plan. All sides agreed to the tools in the toolbox for management. Use your tools given to you for

Oregon City	the proper management of our wildlife.
Wendy VonKlinowsla, Sisters	I'm here today to speak to you to ask to continue protection of the wolf. In addition to the earlier compelling testimonies I think we must also honestly address what the greatest threat to the Wolf Recovery Program is and that is the discrimination against wolves. There's no other mammal species more controversial than the wolf.
Susan Prince	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Robert Beschta, OSU	Provided written testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Susan Roberts, Wallowa Co. Commissioner	<i>Submitted testimony prior to the meeting. This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Shaun Cantrell, Defenders	Provided write testimony. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Craig Starr, OBH	Written testimony provided. <i>This testimony is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</i>
Susie Yancey Pape', Rancher	Today I'm asking you to honor the Wolf Plan and delist the wolves from the endangered species list. It is key to recognize that the way Oregon wolves are managed will not change with a delisting decision. The Oregon Wolf Plan was agreed upon by multiple parties and it is time to follow through with the next steps.
Suzanne Stone, Idaho Defenders of Wildlife	I think that there are variables there that call for caution. And that there needs to be a conservative approach of how we get from Phase II to Phase III, there should not be a compelled need to delist wolves just because we reached Phase II.
Jacob Bingham, Baker, CO. Livestock	Members of the Baker County Livestock Association, of which I represent, that have suffered substantial livestock losses due to the conservation of the gray wolf, unfortunately much to their expense and hardship.

Ass.	<p>Whether or not everyone has agreed on this plan is beside the point. We have reached a point along the journey of the plan where commitments need to be kept.</p> <p>Please remember, consistency, honesty and integrity in fulfilling your word is strongest in building a trustworthy relationship with all who are involved.</p>
Curtis W Martin, North Powder, Cattle Producers	<p>Emphasize that the criteria for delisting of the wolf is abundantly clear and overwhelming. It exceeds the criteria contained within the Oregon Conservation Plan.</p> <p>The decision to delist should not be emotional but based on fact and the integrity of keeping the promise of a contractual agreement contained within the Oregon Wolf Plan.</p>
Wally Sykes, Joseph	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Brett Warnock, Portland	<p>Looking at wolves in broader context. Unpresented times- ecological balance is upset, the future depends on balanced.</p> <p>A quote by Aldo Leopold "Conservation is a state of harmony between men and land. Harmony with land is like harmony with a friend. You cannot cherish his right hand and chop off his left. Only those who know the most about it can appreciate how little we know about it. The last word in ignorance is the man who says of an animal or plant 'what good is it'? If the land mechanism as a whole is good then every part is good whether we understand it or not. If the biota in the course of eons has built something we like but do not understand then who but a fool would discard seemingly useless parts? To keep every cog and wheel is the precaution of intelligent tinkering."</p>
Narda Tolentino	<p>Provided written testimony <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Jerome Rosa, Director; Oregon Cattlemen's Association	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Jonathan Jelen,	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i></p>

Development Director; Oregon Wild	http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp
Jim Litts, Eugene	<p>Appreciates the need for delisting options going forward as part of the plan. However, it needs to happen somewhere in Phase II. I believe ODFW staff dismissal of the low level of twelve percent occupancy by connectivity assumptions is quite counter to what any conservationist would have assumed during the Wolf Plan development, thus this represents a bit of a bait and switch tactic against the conservationist community.</p> <p>Have also heard justification that wolf delisting will prevent anti-government vigilante actions against the wolves. This would be equivalent to these groups holding wolves' hostage in order to remove the law's protection. It would be foolish to believe that bowing to that demand would save the hostage wolves</p>
Alison Litts, Eugene	We challenge you to guide the ODFW towards seeking to understand the interactions of wild lands and wildlife in order to identify the minimal actions necessary to restore the natural dynamics. Restore systems that have elements and unrestricted freedom to adjust and evolve with environmental changes. We urge you to lead us toward developing a more appropriate statewide ecosystem protection structure. We need the wolf population to grow before delisting.
Karla Powell, Oregon Wild	Opposes delisting; humans we need to evolve as well beyond these tired old arguments.
Danica Swenson, Center for Biological Diversity	<p>Gray wolves maybe, the only native species whose recovery in Oregon can be mostly attributed to our own State-level Endangered Species Act as opposed to reliance on the Federal Endangered Species Act for protections.</p> <p>I am not convinced that wolves in Oregon no longer meet several criteria under subsection 6, specifically the existing protections are inadequate to protect the species due to lack of federal protection for our Eastern Oregon wolves and the looming threat of lack of protection for the rest.</p> <p>Delisting is a rule making process that needs to be made under the requirements set out in the Oregon Administrative Rules. The plan has given you the option to consider delisting the wolves at this point but it's not a statutory mandate.</p>
Adriel Fuller, Blue Mountains Biodiversity	In opposition to the premature delisting of wolves. We are concerned that in light of ongoing threats from poaching and other sources of mortality Oregon's small wolf population continues to be in jeopardy of extinction. Also are very concerned that this poaching will continue and it poses a

Project	<p>very real threat to wolves' recovery in Oregon.</p> <p>Wolves fill vital ecosystem roles and non-lethal control has been and is still very effective</p>
Stephanie Taylor, Portland, Oregon Wild	<p>Oregon law requires the Agency to conduct an independent outside scientific review of their report on delisting, as you know. An independent review. Half of your reviewers from the Idaho Fish and Game, another State. I urge you to review the plan and update the data before moving forward with delisting. At a minimum the Fish and Wildlife Commission should delay any consideration of delisting until ODF&W staff correct these flaws and comply with the law.</p>
Lucinda Hites-Clabaugh, Forest Grove; Oregon Wild	<p>I believe in scientific integrity and the importance of staying true to what you believe is important as a scientist in the field because I did work in the field. I have my boots to prove it. And what I decided the best way to do when I became a teacher to teach kids so they wouldn't be afraid of wolves or they wouldn't be afraid of things and they would understand the relationships that human beings play with the natural world was to do a lot of hands-on field science.</p>
Alan Day, Directors of the North America for Wild Sheep chapter	<p>I think the wolf's here, I don't disagree with it, but I think it needs to be controlled, watched very closely. My own common sense says there's no magic about a wolf. The gray wolf is one of the many, many things in the ecological chain. We don't understand everything yet, but we know and I know that cougars and wolves can be vicious predators. I am in favor of delisting.</p>
Barb Campbell, Bend City Council	<p>These wolves are important to our economy in Oregon. You all know very well I'm sure about how important our tourists are to our economy in Oregon and maybe you know that they are absolutely critical in Bend.</p> <p>I would like you very much to consider the criterion, I think it was number two, that said that you must strive to ensure that future relisting is unnecessary. I simply do not believe that eighty wolves is enough wolves that relisting will not become necessary.</p>
Carol Pearsall	<p>Scientists have spoken today they haven't agreed on what an independent peer review consists of. I oppose delisting of wolves.</p>
Janet Conklin	<p>Provided written testimony. <i>This testimony is available in the meeting materials and at</i> http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp</p>
Steve Sullivan,	<p>Delisting statewide will come and it will come 1 soon, but it is not here yet. The number of wolves in Western Oregon is simply too low. One breeding</p>

Portland	pair and the east is the source of wolves for the west. 5 over. But seriously to my friends in Eastern Oregon I ask for your patience and to state your needs, your specific needs at present. Perhaps non-lethal efforts can be immediately redoubled.
Emily Ahlou, Oregon Humane society	<p>All sides of the debate are relying on ODFW to make this important decision and ethics are at the very center of this debate. You must all employ personal reflection and political deliberation on what is right and what is wrong.</p> <p>I brought a passage Aldo Leopold addresses wolves in what he called his land ethic. I'd like to read that. He says, "In those days we had never heard of passing up a chance to kill a wolf. In a second we were pumping lead into the pack but with more excitement than accuracy. When our rifles were empty the old wolf was down. We realized the old wolf -- we reached the old wolf in time to watch a fierce green fire dying in her eyes. I realized then and have known ever since that there was something new to me in those eyes. Something known only to her and to the mountain. I was young then. I thought that because fewer wolves meant more deer that no wolves would mean a hunter's paradise. But after seeing that green fire die I sensed that neither the wolf nor the mountain agreed with such a view."</p>
David Fray, Salem	<p>Here as a Native American also, the wolf, as everybody pretty much knows has been a pretty big part of our sacred ceremonies and beings.</p> <p>I feel a fear of losing that security and safety of the wolves in delisting of them. With the next review coming up on the management right around the corner.</p>

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Chair Finley closed public testimony at 4:59 PM

Chair Finley - Well, I think I'd ask you all one by one, starting with Commissioner Buckmaster, to kind of summarize for your fellow Commissioners what you're thinking. Commissioner Buckmaster, we'll start with you.

Commissioner Buckmaster - I do believe in the iron clad law of unintended consequence and for all the fears that I hear from orange shirts about ... (inaudible) a delisting potentially sending the message of no protection or less protection or even going so far as some people saying open season.

I believe we have the wolves we have because of a plan and maybe more so than an ESA listing because of the forbearance of Eastern Oregonians to abide by the plan, sticking to their word.

If we could somehow figure out a way to keep them listed in Western Oregon and go to the next phase of the very successful Wolf Plan in the east, I would be supportive of that.

1
2 Chair Finley - Thank you.
3 Commissioner Anderson.
4
5 Commissioner Anderson - Thank you, Chair Finley. I think that I will start by just stating
6 an outcome that I could unequivocally support and then I'll give my three reasons why.
7 But I'll start with just the outcome. I would support a partial delisting of wolves east of
8 395. And the three reasons why or the questions I have to ask myself, one is are there
9 enough wolves in Oregon to warrant delisting.
10
11 So when I move onto the conservation aspect of where we are; I asked Dr. Beschta if
12 he believed that ESA protections are necessary or is the Wolf Plan enough. That's the
13 question I have to ask myself. And my answer to that is, that it is enough. That there will
14 continue to be federal protections in two-thirds of the state if the outcome that I'm
15 suggesting can move forward. In the one-third of the state that would be ... (inaudible)
16 that would be delisted, the Wolf Plan is working.
17
18 I want to support a broader delisting but the standard that I'm being held to is a
19 significant portion of the range. Frankly in my opinion I'm unable to have confidence in
20 stating that we have addressed a geographic reach.
21
22 So the partial makes sense to me, the ranchers west of 395 to me it says your time has
23 come.
24
25 Chair Finley - You mean east.
26 Commissioner Anderson – yes, East.
27
28 I understand that the partial delisting was not contemplated under the Oregon
29 Endangered Species Act as it is right now.
30
31 Chair Finley: Thank you.
32 Commissioner Wolley.
33
34 Commissioner Wolley - First of all I just want to say how much respect I have for Russ
35 Morgan and our biologist and it is a universal appreciation by everyone in this room.
36
37 So over a number of months of time there have been numbers of our constituent groups
38 that have requested independent review of the status report and the population viability
39 analysis. So there's finally a response to that and so we as Commissioners, we're
40 expected in a week's time or less to read the reviews that came in. I don't feel that I am
41 today qualified and ready to completely understand all the assumptions that went into
42 the model, the methodology, the analysis and the conclusions. I don't feel that I had
43 enough time or the knowledge base to critically examine and analyze all the inputs that
44 we've had in a very short amount of time. So that's what I have to say for now.
45
46 Chair Finley - Commissioner Akenson.
47

1 Commissioner Akenson - I want to thank all of the people who have come and spoken
2 to us today and we've had a tremendous amount of public comment through written
3 comments. The big message that I got was people want to protect wolves.
4

5 Back on the wolf delisting issue, I had previously been a researcher on studying wolves
6 so I have a lot of personal background in wolves and wolf ecology and how wolves
7 interact with other species and the landscape. It is important that we balance the
8 excitement and joy of having wolves in Oregon with protecting the people who are
9 impacted adversely by wolves.
10

11 This is a very specific decision about a list of criteria which were established in the
12 Oregon Endangered Species Act.
13

14 As a Commissioner, I'm certainly committed to make certain we have strong protections
15 for wolves. But I see that what we've been presented by Oregon Fish and Wildlife
16 shows that we have met those five criteria and even considering the smaller numbers of
17 wolves in Oregon as well as the significant portion of the range, what the Oregon
18 Endangered Species Act criteria says is not do wolves fill those proportions of the
19 range, but is there anything that's inhibiting wolves from expanding into those ranges.
20

21 I'm very comfortable with ODFW's proposal to delist the wolves in Oregon.
22

23 Chair Finley - Thank you, Commissioner Akenson.
24 Commissioner Webber.
25

26 Commissioner Webber - I guess my original thinking was that it made sense to delist
27 wolves in the eastern wolf management zone. However, I've come to look at it and
28 conclude that in all likelihood that may raise legal issues. So then we come back to you
29 either delist them everywhere or you take no action.
30

31 I don't know if you remember the map that Mr. Morgan brought up, he called it the ball
32 of yarn, which reflected that there were wolves throughout Northeast Oregon but they
33 had ranged over to the Cascades and they had gone from the Columbia River into
34 California. So wolves have inhabited a pretty big majority of the suitable habitat that we
35 have. So that would formulate my belief at this point that we ought to delist them
36 statewide.
37

38 Chair Finley - Thank you, Commissioner Webber.
39

40 I suggested to the Commission, I think after the Bend meeting, that I was very
41 comfortable in a partial delisting. But I'm more than comfortable with the population
42 viability analysis east of 395 in the eastern part of the state. In fact my preference is still
43 my preference, is to delist on the eastern portion at the intersections of, what is it, 395,
44 78, 95, whatever that eastern boundary line is, and not delist in the west.
45

1 I'm very comfortable with the population recovery and the trajectory and the science and
2 the work in that portion of the state. I'm much less comfortable with the rest of the state
3 that we have a representative and fully viable population.

4
5 Chair Finley - So that was part of what drove my thinking too; that most of our packs the
6 population ...(inaudible) I can't say fully occupied, but it's, you know, from a
7 standpoint, ecological standpoint, they are performing their ecological function. Yes,
8 there are problem that was my thinking. So, let's go back down, Commissioner
9 Buckmaster, and let's see if you would vote today and what would you vote.

10
11 Commissioner Buckmaster - I would vote to delist across the board because I don't see
12 the barrier to the west.

13
14 Chair Finley - Commissioner Anderson.

15
16 Commissioner Anderson - Thank you, Chair Finley. I made my position quite clear so
17 I'm not going to reiterate that. I know that my fellow Commissioners have thought
18 through the significance of the 395 line as much as I have from a biological perspective
19 but perhaps even more importantly just from the legal perspective. I think that it
20 continues in my mind to be the right way to go. I still feel quite strong in my position. To
21 support a partial delisting only east of highway 395 in the federal, what we're calling the
22 federally delisted zone.

23
24 Chair Finley - Commissioner Wolley.

25
26 Commissioner Wolley - I know in months past we deliberated the question about partial
27 delisting and what we've learned recently is that there is ... (inaudible) partial delisting
28 is not part of the ESA statute at this point or there doesn't seem to be at this point legal
29 backing to support something like that.

30
31 Commissioner Akenson: Well, I was an early advocate of the partial delist and one of
32 the people who asked ODFW to give us that review to see whether that was a viable
33 option, I no longer think that is a good option primarily because it has been
34 unprecedented in the Oregon Endangered Species Act and I don't want to see us get
35 sued and get hung up in a lawsuit over a technical issue that's not related to whether or
36 not our product and our decision was viable.

37
38 I guess for me avoiding that potential for a lawsuit over a technical issue I would still
39 rather go with the whole state.

40
41 Chair Finley - Thank you.
42 Commissioner Webber.

43
44 Commissioner Webber - I tend to agree with Holly but I would also like to talk to our
45 legal counsel and maybe get a little clarification of where we -- what's reasonable here.
46 In executive session.

47

1 Chair Finley - Okay. So what we will be doing is talking, as I mentioned, to legal counsel
2 about our decision here, whatever we come together with. We will not make a decision
3 in that room.

4
5 Okay. We will target a half hour. The Oregon Fish and Wildlife Commission will now
6 meet in executive session.

7
8 **RETURNED TO EXECUTIVE SESSION**

9
10 Chair Finley - Executive session is held pursuant to ORS 192.660(2)(h) which allows
11 the Commission to meet in executive session to consult with legal counsel with respect
12 to litigation filed against the Commission.

13
14 Representatives of the news media and designated staff shall be allowed to attend the
15 executive session. Representatives of the news media are specifically directed not to
16 report on or otherwise disclose any of the deliberations or anything said about these
17 subjects during the executive session except to state the general subject of the session
18 as previously announced.

19
20 No decision may be made in the executive session. At the end of the executive session
21 we will return to the open public meeting and welcome the audience back to hear and
22 adjourn this public meeting.

23
24 Reconvened meeting

25
26 Chair Finley - I would like in the record, and maybe this would address our concerns of
27 Commissioner Anderson and Commissioner Buckmaster, is I would undertake this
28 decision only, only, because the Legislature did not provide us with the language that
29 allowed us to delist in all or a portion of the state. I think if future Commissions are
30 dealing with endangered species, whether they're fish or birds, there should be an
31 opportunity for this Commission to work with the constituencies in this room to craft
32 something, not with a sledge hammer but with a scalpel. And, you know, that's part of
33 our legal dilemma. I would want that as a finding of fact for one of the reasons that the
34 Commission took the action it took.

35
36 Director Melcher: thank you, Chair Finley, and I wanted to mention that depending on
37 which pathway you're going down, in the draft motion there is reference to the
38 attachments that include essentially findings of fact in terms of why you felt that those
39 five criteria had been met. If you're doing something other than this motion then I think
40 we do need to pause and figure out what those findings of facts are or if there are other
41 findings that Commissioner Webber feels need to be highlighted or added to the record.
42 For instance, what you just said, Chair Finley, with regard to the lack of legislative
43 flexibility or statutory flexibility to do something less than the full state.

44
45 Chair Finley: Are you comfortable? I know two of you are not comfortable, but we're
46 trying to build a record when we do a motion and then you'll all vote on the motion that
47 we take just a few minutes.

1
2 I have a concern that I would like to make sure the Legislature understands that we
3 were kind of put in a box. And that we need that tool, all or portion of the state of
4 Oregon.

5
6 Commissioner Buckmaster- This is the time to have something prepared quickly, vetted
7 fully, out to everybody on how we're going to take care of our wolves under this
8 scenario. It can't be a week from now. Should have it out tomorrow. I'd like to see it out
9 tonight, but it's late. I think it's incredibly important because there are going to be a lot of
10 rumors, a lot of fear, a lot of speculation. All of that stuff is going to cause trouble for us
11 and for the wolves down the road.

12
13 Commissioner Webber – I mentioned to you that there was a lot of discussion about
14 people acting illegally with impunity. And we might suggest to the Legislature that they
15 review their penalties for illegal take of wolves and determine what would be
16 appropriate.

17
18 The Commission directed staff to report this to the legislature or to work with the
19 legislature.

20
21 *Action:* UPDATE Motion from Erin Donald, DOJ

22 Commissioner Webber: I move to, one, determine that the delisting determinations in
23 OAR 635-100-0112 and 635-100-0105(6) are satisfied; two, to adopt the reasoning and
24 interpretation contained in Exhibit B and the attached documents including the
25 presentation documents entitled "Consideration of Delisting Gray Wolves in Oregon".

26
27 "Including the presentation documents entitled Consideration of Delisting Gray Wolves
28 in Oregon," dated November 9th, 2015; and three, to direct staff to work with the
29 Legislature to amend the Oregon Endangered Species Act to provide for removal of
30 species from the Endangered and Threatened Species List in a portion of the state and
31 to review and increase the legal penalties for illegal take of gray wolves; and four, to
32 amend OAR 635-100-0125 to remove the gray wolf, *canis lupus*, from the State list of
33 threatened and endangered species. Commissioner Akenson seconded the motion. The
34 motion was carried four in favor, two opposed.

35
36 Commissioner Anderson: I'm not going to vote to support this motion but I would like to
37 send a message to the Legislature, perhaps if Commissioner Wolley also wants to
38 support the part that we're talking about of allowing for a partial delisting and I'm
39 wondering if in order to do that we need to separate that so that I could support part of
40 that motion while still holding true to my conscience.

41
42 Chair Finley: Well, we talked about doing a letter from the Commission to the
43 Legislature. Would you be comfortable with signing that letter?

44
45 Commissioner Anderson: I want it to be clear to the Legislature that I, too, support. I
46 don't want it to appear that I don't support. That part of this motion that I indeed do

1 support. I think a memo or a letter would probably override whatever this decision is,
2 though. So, that said, I'm okay with keeping the motion whole.

3

4 Chair Finley: Okay. Commissioner Wolley, are you comfortable with doing a letter, too,
5 to the Legislature about this box?

6

7 Commissioner Wolley: Yes, I would.

8

9 In favor: Chair Finley; Commissioner Buckmaster; Vice Chair Webber and
10 Commissioner Akenson

11 Opposed: Commissioner Anderson; and Commissioner Wolley

12

13 Chair Finley: We are a split Commission on this issue. It's very rare that this
14 Commission splits. Usually the findings are unanimous. We've had a couple of
15 occasions I can think of, like the Columbia River gill netting and so forth where we
16 differed. They were all well thought out reasons or matters of conscience. And I think
17 you're seeing that here. What we saw today from everyone, from a cowboy hat to an
18 orange t-shirt, we're Oregonians coming together caring about the wolf. Everyone on
19 this panel cares about the wolf. I think you can see by asking for increased penalties
20 and our statements about future regulations that we mean that. The Wolf Plan has been
21 working well and you are all responsible, that from litigation from Oregon Wild to the
22 settlement agreement and the implementation of the Wolf Plan. So the Wolf Plan has
23 worked and we expect when the new Wolf Plan is up before this Commission that we
24 will remember the merits and we've learned a lot and the next Wolf Plan will be as good
25 or better and you can all help that happen.

26

27

28 **OTHER BUSINESS**

29

30

31 Chair Finley adjourned the meeting at 6:44 p.m.