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2 *The Conservation Strategy Website can be viewed at*
3 <http://www.oregonconservationstrategy.org/>

4
5 **PUBLIC FORUM**

6 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*
7 *agenda. Please contact the Oregon Department of Fish and Wildlife Office of the*
8 *Director at least 24 hours prior to the meeting to be included in the public forum. If you*
9 *bring written summaries or other materials to the meeting please provide the*
10 *Commission Assistant with 20 copies prior to your testimony. The Commission is unable*
11 *to take action on items brought to their attention in this forum.*

12
13 *Tim Voorhies – Sturgeon on Coastal Rivers; email*
14 *Clair Klock- Spring Youth Angling Pond; email*

15
16 *Copies of these correspondence are available in the meeting materials and at*
17 http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

18
19 Director Melcher presented a team pride award to Lt. Schwartz for his work on the
20 “Fishing Regulation Simplification” project.

21
22 Commissioner Buckmaster thanked Lt. Swartz for his outstanding work on an accident
23 on Hwy 26, involving a tow truck and a log truck on August 25th. The Lieutenant had just
24 arrived at the Elderberry Inn Restaurant for a scheduled A & H meeting and quickly took
25 control of the scene, supplying first aid to the injured operator of the log truck. A patrol
26 vehicle was used to stabilize the truck and trailer until fire personnel arrived, and OSP
27 assisted with extrication of the entrapped operator.

28
29 **Exhibit A: COMMISSION MINUTES**

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31 *Action: Deffered*

32
33 **Exhibit B: FOR AGE FISH MANAGEMENT PLAN**

34 The Commission will be asked to adopt the Forage Fish Management Plan in
35 compliance with federal regulations.

36 Staff: Caren Braby, Marine Resource Program Manager
37 Public Testimony
38 Rulemaking

39
40 Caren provided a presentation on forage fish in regards to the consideration of the
41 Marine food web, managed/monitored forage fish (fished), unmanaged forage fish
42 (unfished), the broader context of the forage fish management plan, federal forage fish
43 regulatory intent. Caren also discussed west coast landings, Humboldt Squid, Oregon
44 landings, Oregon Forage Fish Management plan intent, Oregon Forage Fish
45 Management Plan management goals, existing state rules, proposed state rules,
46 Oregon Forage Fish Management plan public process, the public’s comments, and
47 presented the staff recommendation.

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This presentation is located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Norm Ritchie, National Federation NW Steelheaders	Supports the adoption of the plan. Provided written testimony; <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>
Chuck Johnson, Ocean Haven Inn	Supports adoption of the plan.
Tom Wolf. Trout Unlimited	Supports the adoption plan. Provided written testimony; <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>
Gilly Lyons, Pew Charitable Trust	Supports the adoption of the plan and the rules. Provided written testimony; <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>
Joe Liebezeit, Audubon Society of Portland.	Supports the adoption of this ecosystem based plan. Provided written testimony; <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp.</i>
Erin Kincade, Oceana	Supports the adoption of the plan. Provided written testimony on July 13, 2016 submitted by Robert Hayden; this testimony is <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>
Starla Gade, stargazers gourmet	Supports the adoption of the plan. Provided written testimony; <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>
Tim Shelmerdine, Pelagic Bird Tours	Supports the adoption of the plan. Provided written testimony on July 13, 2016 submitted by Robert Hayden; this testimony is <i>located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</i>

Discussion:
Commissioner Anderson provided a high level description about the Oregon Ocean Science Trust’s mission and responsibility.

1 The Oregon Ocean Science Trust and Fund was established legislatively in 2013. The
2 Trust is tasked to promote peer-reviewed, competitive research and monitoring that
3 leads to increased knowledge and understanding of Oregon's ocean and coastal
4 resources. Also to promote innovative, collaborative, community-oriented, multi-
5 institutional approaches to research and monitoring related to Oregon's ocean and
6 coastal resources. Enhance the state's capacity for peer-reviewed scientific ocean and
7 coastal research.
8

9 Commissioner Anderson is one of five members on the Trust. Louise Solliday, Director;
10 Christina Walnasowski; Emily Goodwin Martin and Jim Sumich. Senator Arnie Roblan
11 and Representative Gomberg are non-voting members. The idea is that we will be able
12 to leverage the kind of funding necessary to do the multi-disciplinary work that the state
13 needs to do in concert with other partners.
14

15 *Action:*

16 Commission Chair Finley moved to approve the Oregon Forage Fish Management Plan
17 and adopt the staff recommendations for forage fish protections administrative rules as
18 proposed in Attachment 3, and authorize staff to edit the final document to correct
19 errors. Commissioner Webber seconded the motion and the motion was carried
20 unanimously.
21

22 **Exhibit C: FISH SCREENING TASK FORCE MEMBER APPOINTMENT**

23 The Commission will be asked to appoint a new Fish Screening Task Force Member
24 representing agriculture.

25 Staff: Ken Loffink, Fish Screening Program Coordinator

26 Public Testimony

27 Approval
28

29 Ken provided a presentation that reviewed the current Fish Screening Taskforce
30 Members, member appointment recommendation process, Agriculture Representative
31 Candidates, and staff recommendations.
32

33 *This presentation is located in the commission material and can be viewed at*
34 http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp
35

36 *No public testimony provided*
37

38 Discussion:

39 Commissioner Woolley asked that when seeking recommendations for the public at
40 large positions; that the department reach out to soil and water districts for nominations.
41

42 *Action:* Commissioner Buckmaster moved to appoint Marc Thalacker to represent
43 agriculture on the Fish Screening Task Force. Commissioner Akenson seconded the
44 motion and the motion was carried unanimously.
45
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47

1 **Exhibit D: OREGON DISABILITIES HUNTING AND FISHING PERMIT**

2 The Commission will be updated on the recommendations from a work group review of
3 the Oregon Disabilities Hunting and Fishing Permit program.

4 Staff: Herman Biederbeck, District Wildlife Biologist, Tillamook
5 Public Testimony
6 Informational
7

8 Herman provided a presentation regarding recommendations for changes from the
9 Disabilities Hunting Permit (DHFP) Review Committee. The presentation included
10 permit criteria beginning in 2000, trend numbers of Disabilities Permits, background and
11 history elk population concerns, the current review process, and recommendations for
12 the 2016 review.

13
14 *This presentation is located in the commission material and can be viewed at*
15 http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp
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17 *Public testimony*

Al Elkins, Oregon Hunters Association	July 26 written testimony provided. This testimony is located in the commission material and can be viewed at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp
James Hay, father of a disabled child, Hubbard, OR	Has seen the same issue with the Disabilities Hunting Permit and party hunting. There are limitation as far as gates, and difficulty navigating around the gates with a tracked or other wheelchair, interested in hearing more about opening up another area to access areas for wheelchairs. Allowing cross bows would allow son to hunt during archery season. He is unable to hold a rifle even with different mounts that we have tried and even built. Archery season weather is also a better fit being earlier in the season it is not as cold and wet as during rifle season. Encouraged to hear that these discussions are happening.

18
19 Discussion: The Commission directed the department to work on options that will
20 enhance access for single user vehicles and provide controlled hunt opportunities for
21 disabled permit holders
22

23 The Commission also a clarified time frame to have the new rules in place for the 2018
24 big game hunting season
25
26
27

1 **Exhibit E: ACCESS AND HABITAT PROJECT FUNDING**

2 The Commission will be asked to approve the Access and Habitat Board
3 recommendations for project funding.

4 Staff: Isaac Sanders, Access and Habitat Program Coordinator

5 Public Testimony

6 Approval

7
8 Isaac provided a presentation regarding the project proposals made by the A&H Board
9 to the Commission for final consideration and approval to expend A&H Program funds.
10 The presentation included a map of proposed A & H project locations, descriptions of
11 the two proposed projects and staff recommendation.

12
13 *This presentation is located in the commission material and can be viewed at*
14 http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

15
16 No public testimony provided

17
18 Discussion:

19 Commissioner Buckmaster asked the department to give a:

20 Sense of the use on project lands, what we have historically had and what we
21 expect to have in the future;

22 Annual cost of projects; and

23 Sense of equity to all of our hunters across Oregon.

24
25 All hunters are paying into A&H, it is important to be able to give a good answer as to
26 why.

27
28 Commissioner Akenson - with changes in the use of commercial forest land and
29 management, it is time for a review of the Access and Habitat program to reevaluate if
30 there is a need to change prioritization of where the funding goes and what we want out
31 of that funding.

32
33 Commissioner Anderson would like a better understanding of the A & H program
34 objectives and measurable, how funds distributed geographically over corporate vs.
35 private lands.

36
37 Commissioner Wolley asked to see more weight being given to projects that have both
38 habitat and access components.

39
40 Commissioner Buckmaster asked that during discussion acronyms are defined.

41
42 Commissioner Webber moved to approve the recommendations of the Access and
43 Habitat Board for project funding. Commissioner Akenson seconded the motion and the
44 motion failed with a vote of: three (3) in favor-. Akenson, Finley, Webber; and four (4)
45 opposed Atkinson, Buckmaster, Anderson, and Wolley.

1 Commissioner Buckmaster explained that the Commission does not know enough
2 about this program and would like the department to provide a primer/ workshop.

3
4 Commissioner Webber requested that instead of a tour that an overview of the Access
5 and Habitat Program is provide at an upcoming meeting.

6
7 **EXECUTIVE SESSION**

8 The Oregon Fish and Wildlife Commission will hold an Executive Session pursuant to
9 ORS 192.660(2) (f), which allows the Commission to meet in executive session to
10 consider information or records that are exempt by law from public inspection.

11
12 **Exhibit F: COMMISSION CONSIDERATION OF A MARBLED MURRELET**
13 **PETITION**

14 The Commission will be asked to give direction regarding the petition to list Marbled
15 Murrelet as an endangered species.

16 Staff: Christina Donehower, Strategy Species Coordinator
17 Public Testimony
18 Approval

19
20 Christina provided a presentation with information to brief the Commission on the
21 Marbled Murrelet; threatened and endangered species status; the petition process,
22 timelines; overview of petition process for receipt to final determination, required petition
23 components; basis for 90 day decision; reclassification criteria to move from threatened
24 to endangered; ODFW review of petition, next steps if accepted; and options summary.

25
26 *This presentation is located in the commission material and can be viewed at*
27 http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp
28

public testimony

Joe Liebezait, Audubon Society of Portland, Cascadia Wildlands, Center for Biological Diversity, Coast Range Forest Watch, Oregon Wild, The Oregon Chapter of the Sierra Club	Harvest of old growth timber has had an impact on the declining forestlands and private timberlands with late-successional forest are critical refuges for the marbled murrelet in Oregon, yet the amount of nesting habitat continues to decrease as logging is authorized in late-successional stands. There is little regulation under the current listing classification of threatened. Currently, all state policy is focused on take-avoidance of the murrelet, as a consequence there is little oversight on state lands. An endangered listing would encourage proactive measures to facilitate recovery of the species to bring a species to the point at which the protections under both state ESA and federal ESA are not required.
Heath Curtiss, Oregon Forest	You will find that the Marbled Murrelet is doing well

Council	in Oregon. Recent research in Oregon has shown that the population trend specifically in zones 3 and 4 are trending stable or up. In regard to that regulatory void, recent litigation filed against the Oregon Department of Forestry (ODF) by the same petitioners on the management of the Elliot State Forest, in the context of that litigation ODF produced a map showing that over 70 % of that forest is off limits to harvest due to Endangered Species Act requirements. Setting aside 70% of the Elliot State Forest is not a regulatory void. We have science that we are happy to share, we do not see any reason to up list.
Jenny Dressler, Oregon Farm Bureau Federation	A lot of work being done on the Marbled Murrelet, as a result of that work the population has been trending stable and up wards. We do not see a need to up list this species. We have information to share if it is decided to take this petition into consideration.

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Discussion:

Commissioner Akenson encouraged the panel testifying today to please stay involved and maintain open interaction with ODFW through the process. Asking that the panel discuss concerns with ODFW, continue open dialog and share the data that they have mentioned.

Erin Donald, DOJ recommended to keep an eye on Oregon Department of Forestry rulemaking to see what rules will be developed.

Chair Finley, the staff has determined that the threshold test has been met, the petition meets the requirements

Commission Webber – assessment; the staff says the petition meets the requirements, the court is going to look at the petition only. To deny the petition would be adding an additional step in the process, or except it and start the process.

Commissioner Buckmaster- can deny if qualification have not been met, staff is saying it has been met. Has seen no evidence that there has been substance to reclassify.

Commissioner Wolley asked to consider if the petition is accepted today that a field trip to the Elliot State Forest be arranged for the Commission.

Action:

Commissioner Wolley moved to accept the petition and direct staff to commence rulemaking and investigate the status of the Marbled Murrelet in Oregon. Commissioner

1 Webber seconded the motion and the motion was carried with a vote of five (5) in favor:
2 Webber, Anderson, Wolley, Akenson, Finley; two (2) opposed: Buckmaster, Atkinson.

3
4 **Adopt Temporary Rules**

5 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
6 The six (6) temporary rules were previously adopted by the director under his
7 emergency action authority.

8
9 **1.) 635-053-0005**

10 **Adopt Controlled Hunt Permit Numbers for 2016 Oregon Sage-Grouse Hunting**
11 **Season**

12 Adopted: August 8, 2016. Effective Dates: August 8, 2016 through February 3, 2017.

13 This rule amendment is needed to establish the maximum number of permits that
14 may be issued for the purpose of hunting sage-grouse during the previously established
15 September 10 - September 18, 2016 Oregon sage-grouse season in each listed Wildlife
16 Management Unit

17
18 Oregon's sage-grouse population is conservatively managed to harvest no more than
19 5% of the projected fall population in as many as 12 of 21 Wildlife Management Units
20 where they are known to occur. The Oregon Fish and Wildlife Commission during their
21 April 22, 2016 meeting adopted the dates of the 9-day sage-grouse hunting season and
22 the season bag limit of two (2) birds per hunter, but the maximum number of permits
23 allowed per Wildlife Management Unit is dependent on the completion of biological
24 surveys to estimate fall populations. These surveys are not completed until late July of
25 each year and include estimating the breeding population of sage-grouse and
26 estimating the reproductive success of nesting hens.

27
28 **2.) 635-041-0075**

29 **Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fisheries**
30 **Authorized**

31 Adopted August 9, 2016: effective August 22, 2016 through December 31, 2016.

32 This amended rule authorizes the sales of fish caught in four four-and-a-half day
33 Treaty Indian fall commercial gill net fisheries set for the Columbia River. The first four-
34 and-a-half day fishery begins at 6:00 a.m. Monday, August 22 and runs through
35 6:00 p.m. Friday, August 26, 2016. Modifications are consistent with action taken
36 August 9, 2016 by the Departments of Fish & Wildlife for the States of Oregon and
37 Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the
38 Columbia River Compact.

39
40 **3.) 635-023-0134**

41 **2016 Snake River Fall Chinook Sport Fishery below Hells Canyon Dam Opens**
42 **September 1**

43 Adopted July 22, 2016: effective September 1, 2016 through November 30, 2016.

44 This amended rule implements a fall Chinook fishery on the Snake River from the
45 Oregon-Washington border upstream to the deadline below Hells Canyon Dam
46 beginning September 1 through November 17, 2016, to coincide with State of Idaho
47 regulations for this concurrent fishery.

1
2 **4.) 635-042-0010 and 635-042-0031**

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

4 Adopted August 17, 2016: effective August 22, 2016 through September 30, 2016.

5 These amended rules allow the use of seine gear for commercial purposes and set
6 season dates and regulations for the 2016 non-Indian commercial fall seine salmon
7 fishery. The first of seventeen authorized seine fishing periods begins at 6:00 a.m.
8 Monday, August 22 with further fishing periods scheduled through 5:00 p.m.
9 Wednesday, September 28, 2016. Allowed sales include: Adipose or left ventral fin-
10 clipped Chinook; adipose-clipped coho, pink and sockeye salmon; and shad. Subject to
11 *Individual Fishing Quotas* (as defined in the 2016 seine permits) and fishing regulations,
12 all legal salmon caught must be landed.

13
14 **5.) 635-042-0031**

15 **Two Additional Fishing Periods Authorized for the Columbia River Commercial Fall**
16 **Salmon Season**

17 Adopted August 25, 2016: effective August 28, 2016 through September 30, 2016.

18 This amended rule authorizes two additional 9-hour fishing periods for the ongoing
19 commercial fall salmon fishery in zones 4 and 5 of the Columbia River. The first new
20 period is set to begin at 9:00 p.m. Sunday, August 28, 2016. Allowed sales include:
21 Chinook, Coho, Pink and Sockeye salmon, and shad. Rule modifications are consistent
22 with action taken August 25, 2016 by the Departments of Fish & Wildlife for the States
23 of Oregon and Washington at a meeting of the Columbia River Compact.

24
25 **6.) 635-023-0130**

26 **Ongoing Columbia River Fall Recreational Salmon Season at Buoy 10 Modified**

27 Adopted August 25, 2016: effective September 1, 2016 through December 31, 2016.

28 This amended rule removes a requirement that only fin-clipped Chinook may be
29 retained in the ongoing Buoy 10 recreational fishery on Sunday, September 4 and on
30 Monday, September 5, 2016. With this harvest modification, the fishery continues to
31 meet species and stock-specific allocations while remaining within ESA guidelines. And,
32 this modification is consistent with action taken August 25, 2016 by the Departments of
33 Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia
34 River Compact.

35
36 *Action:*

37 Commissioner Webber moved to ratify the eight (8) temporary rules. Commissioner
38 Akenson seconded the motion, and the motion carried unanimously.

39
40 *Commissioner Atkinson noted that he opposes the hunting of Sage-grouse, which is*
41 *consistent with other conversation, but will support today's motion.*

42
43 **OTHER BUSINESS**

44 Approval of the proposed 2017 Commission Meeting Dates – Approved

45
46 Director Melcher reported on an emergency appointment to the Sardine Permit Board.
47 One of the board members permit had lapsed; two board members stated a conflict of

- 1 interest because of business relationships. This created a situation that there was not a
- 2 quorum; McDonald was appointed to the board to fill the vacant seat and resolve the
- 3 lack of a quorum.
- 4
- 5 Chair Michael Finley adjourned the meeting at 2:06 p.m.