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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](http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp)  
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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 at an accident  
23 on Hwy 26 involving a tow truck and a log truck on August 25. 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  
27 assisted with extrication of the entrapped operator.  
28

## 29 **Exhibit A: COMMISSION MINUTES**

30  
31 *Action: Deffered*  
32

## 33 **Exhibit B: FORAGE FISH MANAGEMENT PLAN**

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

36 Staff: Caren Braby, Marine Resources Program Manager  
37 Public Testimony  
38 Rulemaking  
39

40 Caren provided a presentation addressing issues of consideration for marine food web,  
41 managed/monitored forage “fish” (fished), unmanaged forage fish (unfished), broader  
42 context of the forage fish management plan, federal forage fish regulatory intent, west  
43 coast landings, Humboldt Squid, Oregon landings, Oregon Forage Fish Management  
44 plan intent, Oregon Forage Fish Management Plan management goals, existing state  
45 rules, proposed state rules, Oregon Forage Fish Management plan public process,  
46 public comment’s, and staff recommendation.  
47

1 This presentation is located in the commission material and can be viewed at  
 2 [http://www.dfw.state.or.us/agency/commission/minutes/16/09\\_sept/index.asp](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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a> .
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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
Starla Gade, Stargazers Gourmet	Supports the adoption of the plan. Provided written testimony; <i>located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
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</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>

3  
 4 Discussion  
 5 Commissioner Anderson provided the Commission a highlevel description about the  
 6 Trusts mission and responsibility.  
 7

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 Wolniakowski; 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 authorized 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 was 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](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 position, 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  
46 **Exhibit D: OREGON DISABILITIES HUNTING AND FISHING PERMIT**

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

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

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

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](http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp)  
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16 *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 <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp</a>
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.

17  
18 Discussion: The Commission directed the department to work on options that will  
19 enhance access for single user vehicles and provide controlled hunt opportunities for  
20 disabled permit holders  
21

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

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

26 The Commission was asked to approve the Access and Habitat (A&H) Board  
27 recommendations for project funding.

1 Staff: Isaac Sanders, Access and Habitat Program Coordinator  
2 Public Testimony  
3 Approval  
4

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

10 *This presentation is located in the commission material and can be viewed at*  
11 [http://www.dfw.state.or.us/agency/commission/minutes/16/09\\_sept/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp)  
12

13 No public testimony provided  
14

15 Discussion:

16 Commissioner Buckmaster asked the department to give a:

- 17 Sense of the use the project lands; what we have historically had and what we
  - 18 expect to have in the future;
  - 19 Annual cost of projects; and
  - 20 Sense of equity to all of our hunters across Oregon.
- 21

22 All hunters are paying into A&H; it is important to be able to give a good answer as to  
23 why.  
24

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

29 Commissioner Anderson would like a better understanding of the A&H program  
30 objectives and measurables; how funds distributed geographically over corporate vs.  
31 private lands.  
32

33 Commissioner Wolley asked to see more weight being given to projects that have both  
34 habitat and access components.  
35

36 Commissioner Buckmaster asked that during discussion acronyms are defined.  
37

38 Commissioner Webber moved to approve the recommendations of the A&H Board for  
39 project funding. Commissioner Akenson seconded the motion and the motion failed with  
40 a vote of: three (3) in favor-. Akenson, Finley, Webber; and four (4) opposed Atkinson,  
41 Buckmaster, Anderson, and Wolley.  
42

43 Commissioner Buckmaster explained that the Commission does not know enough  
44 about this program and would like the department to provide a primer/ workshop.  
45

46 Commissioner Webber requested that instead of a tour that an overview of the A&H  
47 Program is provided at an upcoming meeting.

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**EXECUTIVE SESSION**

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

**Exhibit F: COMMISSION CONSIDERATION OF A MARBLED MURRELET PETITION**

The Commission was asked to give direction regarding the petition to list Marbled Murrelet as an endangered species.

- Staff: Christina Donehower, Strategy Species Coordinator
- Public Testimony
- Approval

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

*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](http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp)*

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public testimony

<p>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</p>	<p>Harvest of old growth timber has had an impact on the declining forestlands. Private timberlands with late-successional forest are critical refuges for the marbled murrelet in Oregon. 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.</p>
<p>Heath Curtiss, Oregon Forest Council</p>	<p>You will find that the Marbled Murrelet is doing well 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</p>

	<p>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.</p>
<p>Jenny Dressler, Oregon Farm Bureau Federation</p>	<p>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.</p>

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**Discussion:**

Commissioner Akenson encouraged the panel testifying today to please stay involved and open interaction with ODFW through the process, asking that the panel discusses concerns with ODFW, continues open dialog and shares 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 accept it and start the process.

Commissioner Buckmaster- can deny if qualifications have not been met, staff is saying it has been met. Has seen no evidence that there has been substance to reclassify. There is not enough evidence that shows that populations have been, is there substance?

Commissioner Wolley asked to consider if the petition is accepted today that a fieldtrip to the Elliot 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 Webber seconded the motion and the motion was carried with a vote of five (5) in favor: Webber, Anderson, Wolley, Akenson, Finley; two (2) opposed: Buckmaster, Atkinson.

1 **Adopt Temporary Rules**

2 Curt Melcher, Director, requested the Commission ratify the following temporary rules.  
3 The eight (8) temporary rules were previously adopted by the director under his  
4 emergency action authority.  
5

6 **1.) 635-053-0005**

7 **Adopt Controlled Hunt Permit Numbers for 2016 Oregon Sage-Grouse Hunting**  
8 **Season**

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

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

15 Oregon's sage-grouse population is conservatively managed to harvest no more than  
16 5% of the projected fall population in as many as 12 of 21 Wildlife Management Units  
17 where they are known to occur. The Oregon Fish and Wildlife Commission during their  
18 April 22, 2016 meeting adopted the dates of the 9-day sage-grouse hunting season and  
19 the season bag limit of two (2) birds per hunter, but the maximum number of permits  
20 allowed per Wildlife Management Unit is dependent on the completion of biological  
21 surveys to estimate fall populations. These surveys are not completed until late July of  
22 each year and include estimating the breeding population of sage-grouse and  
23 estimating the reproductive success of nesting hens.  
24

25 **2.) 635-041-0075**

26 **Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fisheries**  
27 **Authorized**

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

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

37 **3.) 635-023-0134**

38 **2016 Snake River Fall Chinook Sport Fishery below Hells Canyon Dam Opens**  
39 **September 1**

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

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

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

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

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

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

12  
13           **5.) 635-042-0031**

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

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

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

23  
24           **6.) 635-023-0130**

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

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

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

34  
35           **7.) 635-043-0155**

36           **Warm Springs Tribe Hunting for 2016**

37          Adopted: August 31, 2016. Effective Dates: September 1, 2016 through February 27,  
38          2017

39          Rule regarding legal authority for Confederated Tribes of the Warm Springs to  
40          take big game and game bird species for the 2016 hunting season. The State of Oregon  
41          has authorized the Confederated Tribes of the Warm Springs hunting under the terms of  
42          this rule. The 2016 hunting season is underway so there is not adequate time to go  
43          through the normal rulemaking process. Continuing the hunting season without rules in  
44          place to govern the season's conduct consistent with the amended agreement would  
45          result in serious prejudice to the public interest, jeopardizing the safe and orderly  
46          conduct of the 2016 big game hunting season.

1 **8.) 635-023-0130**

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

3 Adopted August 31, 2016; effective September 6, 2016 through December 31, 2016.

4 This amended rule extends, by nine days, the period in the ongoing Buoy-10  
5 fishery in which Chinook salmon retention is allowed. The closure originally set for  
6 September 6 has been rescheduled for September 15, 2016. With this harvest  
7 modification, the fishery continues to meet species and stocks specific allocations while  
8 remaining within ESA guidelines. This modification is consistent with action taken  
9 August 31, 2016 by the Departments of Fish and Wildlife for the States of Oregon and  
10 Washington at a meeting of the Columbia River Compact

11  
12 *Action:*

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

15  
16 *Commissioner Atkinson noted that he opposes the hunting of Sage-grouse, which is*  
17 *consistent with other conversation, but will support today's motion.*

18  
19 **OTHER BUSINESS**

20 Approval of the proposed 2017 Commission Meeting Dates – Approved

21  
22 Director Melcher reported on an emergency appointment to the Sardine Permit Board.  
23 One of the board members permit had lapsed; two board members stated a conflict of  
24 interest because of business relationships. This created a situation that there was not a  
25 quorum; McDonald was appointed to the board to fill the vacant seat and resolve the  
26 lack of a quorum.

27  
28 Chair Michael Finley adjourned the meeting at 2:06 p.m.