Commission minutes are considered draft until approved by the Commission.

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

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

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

MEETING

On Friday, September 2, 2016 at 8:00 a.m., Chair Michael Finley called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

DIRECTOR’S REPORT

Field Reports – in written form only; this report is available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Financial Report –
Staff: Curt Melcher, Director
The fiscal year ended on June 30; there had been no real change since last reported to the Commission three weeks ago. The ending fund balance had gone down some to around 27 million. The factors contributing to this drop are the Mitchel Act funded programs currently under litigation. The funds will not be released until this litigation has been resolved. The department is currently carrying the accounts receivable until the funds are released.

Oregon Conservation Strategy Website Launch
Staff: Andrea Hanson, Oregon Conservation Strategy Coordinator
Andrea provided the Commission with a tour of the newly released Oregon Conservation Strategy Website. She highlighted the user friendly format designed to allow users easy access to the mapping tool COMPAS, and information related to their specific areas of interest.

These materials are available in the meeting materials and at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp
The Conservation Strategy Website can be viewed at http://www.oregonconservationstrategy.org/

PUBLIC FORUM

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

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

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

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

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

Exhibit A: COMMISSION MINUTES
Action: Deferred

Exhibit B: FORAGE FISH MANAGEMENT PLAN
The Commission was asked to adopt the Forage Fish Management Plan in compliance to federal regulations.
Staff: Caren Braby, Marine Resources Program Manager
Public Testimony
Rulemaking

Caren provided a presentation addressing issues of consideration for marine food web, managed/monitored forage “fish” (fished), unmanaged forage fish (unfished), broader context of the forage fish management plan, federal forage fish regulatory intent, west coast landings, Humboldt Squid, Oregon landings, Oregon Forage Fish Management plan intent, Oregon Forage Fish Management Plan management goals, existing state rules, proposed state rules, Oregon Forage Fish Management plan public process, public comment’s, and staff recommendation.
Norm Ritchie, National Federation NW Steelheaders  
Supports the adoption of the plan. Provided written testimony; located in the commission material and can be viewed at  
http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Chuck Johnson, Ocean Haven Inn  
Supports adoption of the plan.

Tom Wolf, Trout Unlimited  
Supports the adoption plan. Provided written testimony; located in the commission material and can be viewed at  
http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Gilly Lyons, Pew Charitable Trust  
Supports the adoption of the plan and the rules. Provided written testimony; located in the commission material and can be viewed at  
http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Joe Liebezeit, Audubon Society of Portland.  
Supports the adoption of this ecosystem based plan. Provided written testimony; located in the commission material and can be viewed at  
http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

Erin Kincade, Oceana  
Supports the adoption of the plan. Provided written testimony on July 13, 2016 submitted by Robert Hayden; 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

Starla Gade, Stargazers Gourmet  
Supports the adoption of the plan. Provided written testimony; located in the commission material and can be viewed at  
http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/index.asp

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

Discussion
Commissioner Anderson provided the Commission a highlevel description about the Trusts mission and responsibility.
The Oregon Ocean Science Trust and Fund was established legislatively in 2013. The Trust is tasked to promote peer-reviewed, competitive research and monitoring that leads to increased knowledge and understanding of Oregon's ocean and coastal resources. Also to promote innovative, collaborative, community-oriented, multi-institutional approaches to research and monitoring related to Oregon's ocean and coastal resources. Enhance the state's capacity for peer-reviewed scientific ocean and coastal research.

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

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

Exhibit C:  FISH SCREENING TASK FORCE MEMBER APPOINTMENT
The Commission was asked to appoint a new Fish Screening Task Force Member representing agriculture.
          Staff: Ken Loffink, Fish Screening Program Coordinator
          Public Testimony
          Approval

Ken provided a presentation that reviewed the current Fish Screening Taskforce Members, member appointment recommendation process, Agriculture Representative candidates, and staff recommendations.

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

No public testimony provided

Discussion:
Commissioner Woolley asked that when seeking recommendations for the public at large position, that the department reach out to soil and water districts for nominations.

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

Exhibit D:  OREGON DISABILITIES HUNTING AND FISHING PERMIT
The Commission was updated on the recommendations from a work group review of
the Oregon Disabilities Hunting and Fishing Permit program.

Staff: Herman Biederbeck, District Wildlife Biologist, Tillamook
Public Testimony
Informational

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

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

Public testimony

<table>
<thead>
<tr>
<th>Name</th>
<th>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></th>
</tr>
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<tbody>
<tr>
<td>Al Elkins, Oregon Hunters</td>
<td>Has seen the same issue with the Disabilities Hunting Association, Hubbard, OR Permit and party hunting.</td>
</tr>
<tr>
<td>James Hay, father of a</td>
<td>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.</td>
</tr>
<tr>
<td>disabled child, Hubbard, OR</td>
<td>Encouraged to hear that these discussions are happening.</td>
</tr>
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Discussion: The Commission directed the department to work on options that will
enhance access for single user vehicles and provide controlled hunt opportunities for
disabled permit holders

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

Exhibit E: ACCESS AND HABITAT PROJECT FUNDING
The Commission was asked to approve the Access and Habitat (A&H) Board
recommendations for project funding.
Isaac provided a presentation regarding the project proposals made by the A&H Board to the Commission for final consideration and approval to expend A&H Program funds. The presentation included a map of proposed A&H project locations, descriptions of the two proposed projects and staff recommendation.

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

No public testimony provided

Discussion:
Commissioner Buckmaster asked the department to give a:
   Sense of the use the project lands; what we have historically had and what we expect to have in the future;
   Annual cost of projects; and
   Sense of equity to all of our hunters across Oregon.

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

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

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

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

Commissioner Buckmaster asked that during discussion acronyms are defined.

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

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

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

public testimony

<table>
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<tr>
<th>Speaker</th>
<th>Organization</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>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</td>
<td>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.</td>
<td></td>
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<tr>
<td>Heath Curtiss, Oregon Forest Council</td>
<td>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</td>
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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 upwards. 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.

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.

Oregon Fish and Wildlife Commission
September 2, 2016
Page 8
Adopt Temporary Rules
Curt Melcher, Director, requested the Commission ratify the following temporary rules.
The eight (8) temporary rules were previously adopted by the director under his emergency action authority.

1.) 635-053-0005
Adopt Controlled Hunt Permit Numbers for 2016 Oregon Sage-Grouse Hunting Season
This rule amendment is needed to establish the maximum number of permits that may be issued for the purpose of hunting sage-grouse during the previously established September 10 - September 18, 2016 Oregon sage-grouse season in each listed Wildlife Management Unit.

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

2.) 635-041-0075
Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fisheries Authorized
Adopted August 9, 2016: effective August 22, 2016 through December 31, 2016.
This amended rule authorizes the sales of fish caught in four four-and-a-half day Treaty Indian fall commercial gill net fisheries set for the Columbia River. The first four-and-a-half day fishery begins at 6:00 a.m. Monday, August 22 and runs through 6:00 p.m. Friday, August 26, 2016. Modifications are consistent with action taken August 9, 2016 by the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

3.) 635-023-0134
2016 Snake River Fall Chinook Sport Fishery below Hells Canyon Dam Opens September 1
Adopted July 22, 2016: effective September 1, 2016 through November 30, 2016.
This amended rule implements a fall Chinook fishery on the Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning September 1 through November 17, 2016, to coincide with State of Idaho regulations for this concurrent fishery.
4.) 635-042-0010 and 635-042-0031
Commercial Seine Fall Salmon Seasons Set for the Mainstem Columbia River
These amended rules allow the use of seine gear for commercial purposes and set season dates and regulations for the 2016 non-Indian commercial fall seine salmon fishery. The first of seventeen authorized seine fishing periods begins at 6:00 a.m. Monday, August 22 with further fishing periods scheduled through 5:00 p.m. Wednesday, September 28, 2016. Allowed sales include: Adipose or left ventral fin-clipped Chinook; adipose-clipped coho, pink and sockeye salmon; and shad. Subject to Individual Fishing Quotas (as defined in the 2016 seine permits) and fishing regulations, all legal salmon caught must be landed.

5.) 635-042-0031
Two Additional Fishing Periods Authorized for the Columbia River Commercial Fall Salmon Season
This amended rule authorizes two additional 9-hour fishing periods for the ongoing commercial fall salmon fishery in zones 4 and 5 of the Columbia River. The first new period is set to begin at 9:00 p.m. Sunday, August 28, 2016. Allowed sales include: Chinook, Coho, Pink and Sockeye salmon, and shad. Rule modifications are consistent with action taken August 25, 2016 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

6.) 635-023-0130
Ongoing Columbia River Fall Recreational Salmon Season at Buoy 10 Modified
This amended rule removes a requirement that only fin-clipped Chinook may be retained in the ongoing Buoy 10 recreational fishery on Sunday, September 4 and on Monday, September 5, 2016. With this harvest modification, the fishery continues to meet species and stock-specific allocations while remaining within ESA guidelines. And, this modification is consistent with action taken August 25, 2016 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

7.) 635-043-0155
Warm Springs Tribe Hunting for 2016
Adopted: August 31, 2016. Effective Dates: September 1, 2016 through February 27, 2017
Rule regarding legal authority for Confederated Tribes of the Warm Springs to take big game and game bird species for the 2016 hunting season. The State of Oregon has authorized the Confederated Tribes of the Warm Springs hunting under the terms of this rule. The 2016 hunting season is underway so there is not adequate time to go through the normal rulemaking process. Continuing the hunting season without rules in place to govern the season’s conduct consistent with the amended agreement would result in serious prejudice to the public interest, jeopardizing the safe and orderly conduct of the 2016 big game hunting season.
8.) 635-023-0130

Ongoing Columbia River Fall Recreational Salmon Season at Buoy 10 Modified

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

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

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

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

OTHER BUSINESS

Approval of the proposed 2017 Commission Meeting Dates – Approved

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

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