



Oregon Fish and Wildlife Commission Minutes

Work Session:
Thursday, June 8, 2017 – 1:00 PM
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Dr. SE
Salem, Oregon 97302

Meeting:
Friday June 9, 2017 – 8:00 AM
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Dr. SE
Salem, Oregon 97302

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

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

6
Michael Finley, Chair
Bob Webber, Vice Chair
Holly Akenson, Commissioner
Greg Wolley, Commissioner
Laura Anderson, Commissioner
Bruce Buckmaster, Commissioner
Jim Bittle, Commissioner

Curt Melcher, Director
Cameron Smith, Interim Deputy Director
Mike Harrington, Acting Deputy Director
Anika Marriott, Assistant Attorney General
Erin Donald, Assistant Attorney
Michelle Tate, Executive Assistant
Doug Cottam, Wildlife Division Administrator
Bruce Eddy, East Region Manager
Steve Marx, West Region Manager
Roger Fuhrman, I&E Administrator
Jeff Samuels, OSP Captain

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10 **MEETING**

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12 On Friday, **June 9, 2017 at 8:00 AM**, Chair **Michael Finley** called the **Oregon Fish and**
13 **Wildlife Commission** (the Commission) meeting to order.

14
15 **DIRECTOR’S REPORT**

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17 Field Reports – in written form only; *this report is available in the meeting materials and at*
18 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Field%20Report%20J](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Field%20Report%20June%209,%202017.pdf)
19 [une%209,%202017.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Field%20Report%20June%209,%202017.pdf)

20
21 Dungeness Crab Fisheries and Biotoxin Informational Report
22 Staff: Caren Braby, Marine Resources Program Manager
23 Stephanie Page, Oregon Department of Agriculture

24
25 Dr. Braby and Stephanie provided a presentation on Biotoxins source and detection;
26 Biotoxin events and crab fisheries impacts; 2016-2017 season Recap; and planning
27 future management actions. This presentation begins at 0:02:40 on the recording.

28
29 *This presentation is located in the commission material and can be viewed at*
30 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Crab%2](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Crab%20Biotoxins.pdf)
31 [0Biotoxins.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Crab%20Biotoxins.pdf)

32
33 New Integrated Water Resource Strategy
34 Staff: Tom Byler, Director, Oregon Water Resources Department

1 Alyssa Mucken, Program Coordinator

2
3 Director Byler and Alyssa Mucken provided a presentation overview of the 2012
4 Integrated Water Resources Strategy; items are new in the 2017 public review draft;
5 opportunity for public input; and what to expect this summer and fall. This presentation
6 begins at 49 minutes on the recording.

7
8 *This presentation is located in the commission material and can be viewed at*
9 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%20Resource.pdf)
10 [20Resource.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%20Resource.pdf) ;

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12 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%20Resources_Appendix%20A%20Report.pdf)
13 [20Resources_Appendix%20A%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Presentation_Water%20Resources_Appendix%20A%20Report.pdf)

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15 **PUBLIC FORUM**

16 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*
17 *agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director*
18 *at least 24 hours prior to the meeting to be included in the public forum. If you bring*
19 *written summaries or other materials to the meeting please provide the Commission*
20 *Assistant with 20 copies prior to your testimony. The Commission is unable to take action*
21 *on items brought to their attention in this forum.*
22

Lamprey Harvest at Willamette Falls	
Reyn Leno; Confederated Tribes of Grand Ronde Chairman	1:45 Provided written testimony
Closing Thoughts after Working 25 Years with Oregon Department of Fish and Wildlife	
Tom Wolf; Trout Unlimited	2:01 Provided written testimony
Underwater Spearfishing in Freshwater	
Leigh Anderson; Oregon Spearfishing Association	2:10 Provided written testimony
Tag for Veterans Wounded in Combat	
Jim Soares, Hunting Division Corey Watson, Veteran Liaison	2:17 Provided written materials
Coastal Martin Research, potential in need for rule change	
Taal Levi; Professor of Wildlife, OSU	2:26:30 Provide written materials
Expanding Select Areas	
Thomas Cuomo, Salmon for All	2:41

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1 **Adopt Temporary Rules**

2 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
3 The nine (9) temporary rules were previously adopted by the director under his
4 emergency action authority.
5

6 **1.) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

7 **Modify 2017 Spring Commercial Seasons in the Select Areas of the Columbia River**

8 Adopted May 18, 2017: effective May 22, 2017 through September 15, 2017.

9 These amended rules modify the 2017 spring commercial salmon seasons for the
10 select areas of the Columbia River. Effective May 22, authorized fishing periods have
11 been modified for the Youngs Bay, Knappa Slough, and Tongue Point/ South Channel
12 fisheries. A closure of the Deep River is also set to begin May 22. Modifications are
13 consistent with action taken May 18 2017 by the Oregon and Washington Departments of
14 Fish and Wildlife.
15

16 **2.) 635-039-0085**

17 **Sport Pacific Halibut All-Depth from Ledbetter Point, WA to Cape Falcon, OR**
18 **Closes**

19 Adopted May 24, 2017: effective May 25, 2017 through September 30, 2017.

20 Amended rule closes the all-depth sport fishery for Pacific halibut in the area
21 between Leadbetter Point, WA and Cape Falcon, OR at 11:59 p.m. on Thursday, May 25,
22 2017 due to the projected attainment of the pre-season quota of 12,299 pounds. This rule
23 is consistent with regulations previously implemented by the federal government and the
24 International Pacific Halibut Commission for the 2017 Oregon sport fishery for Pacific
25 halibut.
26

27 **3.) 635-017-0090**

28 **Modify Rules for Harvest of Pacific Lamprey at Willamette Falls for Personal Use.**

29 Adopted May 26, 2017: effective June 1, 2017 through July 31, 2017.

30 The existing permanent rule allows harvest of Pacific lamprey at Willamette Falls
31 four days per week from June 1-July 31 annually. This rule modification allows two
32 additional harvest days per week during the normal harvest season to provide more
33 flexibility for participants. Oregon Department of Fish and Wildlife staff will use harvest
34 data from the 2017 season to determine if the allowance of additional days significantly
35 affects overall levels of harvest or not, in order to inform potential future permanent rule
36 proposals.
37

38 **4.) 635-042-0145**

39 **Modifications to the 2017 Spring Commercial Seasons in the Youngs Bay Area**

40 Adopted May 26, 2017: effective May 29, 2017 through September 29, 2017.

41 This amended rule modifies the 2017 spring commercial salmon season for the
42 Youngs Bay Select Area beginning May 29 to minimize interception of non-local Chinook
43 stocks. Modifications are consistent with Oregon State action taken May 25, 2017 by the
44 Department of Fish & Wildlife for the State of Oregon.

1
2 **5.) 635-042-0145**

3 **Modifications to the 2017 Spring Commercial Seasons in the Youngs Bay Area**

4 Adopted June 1, 2017: effective June 1, 2017 through September 30, 2017.

5 These amended rules modify the 2017 spring commercial salmon seasons for the
6 Youngs Bay Select Area fishery in the lower Columbia River. Fisheries are managed to
7 provide opportunity to meet species or stock-specific allocations for each fishery while
8 remaining within ESA guidelines. There is insufficient time to initiate the permanent
9 rulemaking process prior to the scheduled start of the next spring fishery scheduled for
10 June 1. Failure to adopt this rule would cause serious prejudice to the public interest in
11 that commercial fishers may not be able to fully prosecute spring Select Area fisheries
12 due to reaching ESA limitations.

13
14 **6.) 635-023-0095**

15 **Modified 2017 White Sturgeon Recreational Fishery in the Mainstem Columbia**

16 Adopted May 31, 2017: effective June 5, 2017 through November 19, 2017.

17 This amended rule allows recreational retention of white sturgeon on the mainstem
18 Columbia River from the Wauna powerlines downstream to the mouth at Buoy 10,
19 including Youngs Bay, and all adjacent Washington tributaries on June 5th, 7th, 10th, 12th,
20 14th and 17th with a legal size limit of 44-inch minimum and 50-inch maximum fork length.
21 Retention of white sturgeon between 38-inches and 54 inches in fork length is allowed on
22 the mainstem Columbia River from Bonneville Dam upstream to The Dallas Dam,
23 including adjacent tributaries on Saturday June 10, 2017. Revisions are consistent with
24 emergency action taken May 31, 2017 by the Departments of Fish and Wildlife for the
25 States of Oregon and Washington.

26
27 **7.) 635-039-0085**

28 **Pacific Halibut Recreational Nearshore Season from Leadbetter Point, WA to Cape**
29 **Falcon, OR. Expanded**

30 Adopted June 6, 2017: effective June 8, 2017 through September 30, 2017.

31 This amended rule expands the recreational nearshore Pacific halibut season,
32 from three days per week (Monday-Wednesday) to seven, in the area between
33 Leadbetter Point, Washington and Cape Falcon, Oregon beginning at 12:01 midnight
34 Thursday, June 8, 2017. The National Oceanic & Atmospheric Administration (NOAA),
35 International Pacific Halibut Commission (IPHC), Washington Department of Fish and
36 Wildlife (WDFW), and the Department (ODFW) conferred on June 6, 2017 in order to
37 increase angler opportunity to reach the harvest quota.

38
39 **8.) 635-017-0090**

40 **Modifications to the Lower Willamette River Spring Chinook and Steelhead**
41 **Recreational Fisheries**

42 Adopted June 7, 2017: effective June 8, 2017 through December 4, 2017.

43 Beginning June 8, 2017, from the Lower Willamette River downstream of
44 Willamette Falls, including Multnomah Channel and the Gilbert River and the lower
45 Clackamas River up to the Highway 99E Bridge, angling and retention of spring Chinook
46 and steelhead is allowed seven days per week. The daily adult bag limit is two hatchery

1 salmonids per permanent regulations. Angling restrictions for sturgeon fishing in the
2 Gilbert River remain in effect.

3
4 **9.) 635-017-0090**

5 **Lower Willamette River Spring Chinook and Steelhead Recreational Fisheries**
6 **Modified**

7 Adopted June 8, 2017: effective June 8, 2017 through December 4, 2017.

8 Beginning June 8, 2017, from the Lower Willamette River downstream of Willamette
9 Falls, including Multnomah Channel and the Gilbert River and the lower Clackamas River
10 up to the Highway 99E Bridge, angling, and retention of spring Chinook and steelhead is
11 allowed seven days per week. The daily adult bag limit is two hatchery salmonids per
12 permanent regulations. Pacific lamprey harvest is allowed six days per week (closed on
13 Wednesdays). Angling restrictions for sturgeon fishing in the Gilbert River remain in
14 effect.

15
16 *Action:*

17 Commissioner Webber moved to adopt the temporary rules numbered one (1) through
18 nine (9) set out in today's agenda. Commissioner Akenson seconded the motion, and
19 the motion carried four (4) in-favor: Finley, Webber, Akenson, Anderson; three (3)
20 opposed Buckmaster, Bittle, Wolley.

21
22 **Expenditure Report**

23 *Staff: Cameron Smith, Interim Deputy Director for Administration*

24
25 *This report is available in the meeting materials and at*

26 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/June%202017%20Co](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/June%202017%20Commission%20Financial%20Report.pdf)
27 [mmission%20Financial%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/June%202017%20Commission%20Financial%20Report.pdf). *This agenda item began at 3:14 on the recording.*

28
29 **Exhibit A: COMMISSION MINUTES**

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31 *Action:*

32 Commissioner Anderson moved to approve the April 21 and May 19, 2017 meeting
33 minutes. Commissioner Wolley seconded the motion and the motion was carried
34 unanimously.

35
36 **Exhibit B: MARBLED MURRELET PETITION**

37 The Commission approved the extension request for investigating the Status of the
38 Marbled Murrelet in Oregon.

39 *Staff: Christina Donehower, Strategy Species Coordinator*

40 *Presentation:* Christina Donehower provided the Commission with a
41 presentation about Marbled Murrelets; background on Commission actions
42 pertaining to the petition; update on consultation and status review progress;
43 timeline with next steps. This presentation begins at 3:27 on the recording.
44

1 This presentation is located in the commission material and can be viewed at
2 http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20B_Presentation_Marbled%20Murrelet.pdf
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5 Public Testimony

Joe Liebezeit, Audubon Society of Portland	3:45
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6 Approval

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8 Action:

9 Commissioner Ankenson moved to approve the request for extension to allow
10 completion of the Marbled Murrelet status review report and associated rulemaking
11 process by June 21, 2018. Commissioner Webber seconded the motion and the motion
12 was carried unanimously.
13

14 **EXECUTIVE SESSION 3:59**

15 *The Commission held an executive session to consult with legal counsel with
16 respect to litigation filed or likely to be filed against the Commission, as authorized by
17 ORS 192.660(2) (h). and to review and evaluate the employment-related performance of
18 the chief executive officer of any public body, a public officer, employee or staff member
19 who does not request an open hearing as authorized by ORS 192.660(2) (i).*
20

21 **Exhibit C: 2018 ACCESS AND HABITAT AUCTION AND RAFFLE TAG
22 ALLOCATIONS**

23 The Commission approved recommendations of the Access and Habitat Board and
24 ODFW staff for 2018 auction and raffle tag allocations.

25 Staff: Don Whittaker, Ungulate Management Coordinator

26 Isaac Sanders, Access & Habitat Program Coordinator

27 Presentation: Don and Isaac provided the Commission with a presentation on the
28 programs; allocation process; and species proposals, 2017 income and 2017 proposals.
29 This presentation begins at 4:01 on the recording.
30

31 This presentation is located in the commission material and can be viewed at
32 http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20C_Presentation_2018%20AUction%20and%20Raffle%20Tag%20Allocation.pdf
33
34

35 No Public Testimony

36 Approval

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38 Action:

39 Commissioner Akenson moved to approve the 2018 auction and raffle big game
40 tag allocations as proposed by staff. Commissioner Webber seconded the motion and the
41 motion was carried unanimously.
42

43 **Exhibit E: COQUILLE TRIBAL CLAMMING**

44 The Commission adopted clam regulations for a special gathering permit for the
45 Coquille Tribe.

1 Staff: Caren Braby, Marine Resources Program Manager
2 *Presentation:* Dr. Braby provided a presentation on the proposed rules to adopt a
3 Memorandum of Understanding (MOU) on tribal clam harvest; harvest opportunity for
4 Coquille Tribal members, certain clam species in Coos and Curry Counties; terms
5 outlined in the MOU. This presentation begins at 4:26 on the recording.

6
7 *This presentation is located in the commission material and can be viewed at*
8 http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20E_Presentation.pdf
9

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11 Public Testimony

Brenda Meade, Chairperson of the Coquille Indian Tribal Council	4:20
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13 Action:

14 Commissioner Wolley moved to adopt OAR 635-041-0550 as proposed by staff.
15 Commissioner Webber seconded the motion and the motion was carried unanimously.

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17 **Exhibit D: ACCESS AND HABITAT PROJECT FUNDING**

18 The Commission approved the Access and Habitat Board recommendations for
19 project funding.

20 Staff: Isaac Sanders, Access & Habitat Program Coordinator
21 Craig Ely, Access and Habitat Board Chair

22 *Presentation:* Isaac Sanders provided a presentation on the nine (9) projects
23 requesting Access and Habitat funds. This presentation begins at 4:34 on the recording.

24
25 *This presentation is located in the commission material and can be viewed at*
26 http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20D_Presentation_Access%20and%20Habitat.pdf
27

28 No Public Testimony
29 Approval

30
31 Action:

32 Commissioner Webber moved to approve the recommendations of the Access and
33 Habitat Board for project funding except 2017-10 Alvord Ranch Access Area.
34 Commissioner Akenson seconded the motion and the motion was carried unanimously.

35
36 Commissioner Webber moved to approve project 2017-10 Alvord Ranch Access
37 Area for one year as opposed to the four years being proposed. Commissioner Akenson
38 seconded the motion and the motion was carried unanimously

39
40 **Exhibit F: COMMERCIAL COASTAL PELAGIC SPECIES (CPS) FISHERIES**
41 **REGULATIONS**

42 The Commission adopted state regulations for the Columbia River anchovy fishery,
43 and adopt by reference federal sardine harvest limits for July 2017 through June 2018 and
44 allowances for small scale CPS fisheries.

45 Staff: Troy Buell, State Fishery Program Leader, Marine Resources Program

1 *Presentation:* Troy provided a presentation on Federal management measures and
2 state fishery management measures for anchovy in the Columbia River. This presentation
3 begins at 5:15:30 on the recording.
4

5 *This presentation is located in the commission material and can be viewed at*
6 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20F_Present](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20F_Presentation_6-9-17.pdf)
7 [ation_6-9-17.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20F_Presentation_6-9-17.pdf)

8 No Public Testimony
9 Approval

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11 Action:

12 Commissioner Anderson moved to adopt the staff recommendations for Coastal
13 Pelagic Species fisheries as proposed in Attachment 3. Commissioner Webber seconded
14 the motion and the motion was carried unanimously.
15

16 **Exhibit G: ODOT CULVERT REPAIR FISH PASSAGE PILOT PROGRAMMATIC**
17 **AGREEMENT (CRPA) - INTERIM REPORT**

18 ODFW and ODOT staff briefed the Commission on progress implementing the
19 CRPA and interagency exploration of a future agreement.

20 Staff: Art Martin - ODFW Fish Passage Liaison to ODOT

21 Bill Warncke, Statewide Aquatic Biology & Fish Passage Program Lead

22 *Presentation:* Art Martin provided a presentation on Oregon Department of
23 transportation dilemma; ODFW-ODOT culvert repair programmatic pilot agreement;
24 eligible culvert repair strategies; six culverts repaired in 2016; cost savings for repairs
25 compared to replacement; in rental fish passage benefits; five compensation projects funded
26 with the \$1.8 million; compensation sites; and anticipated 2017 work. This presentation
27 begins at 5:56:30 on the recording.
28

29 *This presentation is located in the commission material and can be viewed at*
30 [http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20G_Present](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20G_Presentation.pdf)
31 [ation.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/06_june/Exhibit%20G_Presentation.pdf)
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33 Public Testimony

Brian Posewitz, Water Watch Oregon	6:16:20
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34
35 Informational
36

37 **OTHER BUSINESS**

38
39 Chair Michael Finley adjourned the meeting at 5:02 p.m.