



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
Friday September 15 – 8:00 AM  
The Resort at the Mountain  
Huckleberry Room  
68010 East Fairway Ave.  
Welches, Oregon 97067

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## Friday September 15, 2017

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  
Laura Anderson, Commissioner  
Greg Wolley, Commissioner  
Bruce Buckmaster, Commissioner  
  
Jim Bittle, Commissioner

Curt Melcher, Director  
Shannon Hurn, Deputy Director  
Mike Harington, Acting Deputy Director  
Bruce Eddy, East Region Manager  
Bernadette Graham-Hudson, West Region Manager  
Anika Marriott, Assistant Attorney General  
Erin Donald, Assistant Attorney General  
Michelle Tate, Executive Assistant  
Ed Bowles, Fish Division Administrator  
Doug Cottam, Wildlife Division Administrator  
Captain Jeff Samuels, Oregon State Police

## MEETING

On Friday, **September 15, 2017 at 8:00**, Chair **Michael Finley** called the **Oregon Fish and Wildlife Commission** (the Commission) meeting to order.

Commissioner Akenson is dismissed for personal reasons.

## 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/17/09\\_sep/Field%20Report%20Sept%2015%202017.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Field%20Report%20Sept%2015%202017.pdf)*

### Sea Lion Update

Shaun Clemens; Senior Policy Analyst  
Matt Falc; Fish Conservation Biologist

Shaun and Matt provided a presentation on the effects of sea lions on Willamette steelhead. The presentation included information on Willamette River winter steelhead decline, increasing abundance of sea lions, increasing predation, population viability of steelhead, population dynamics, probability of extinction, and ODFW management actions. This presentation begins at 0:1:40 on the recording.

1 *This presentation is located in the commission material and can be viewed at*  
2 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/Director's%20Report%20-%20Sea%20Lion%20Update%208.31.17.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Director's%20Report%20-%20Sea%20Lion%20Update%208.31.17.pdf)  
3  
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#### 5 Steelhead Population Statue Update

6 Chris Kern, Deputy Fish Division Administrator

7 Tucker Jones, Ocean Salmon and Columbia River Program Manager

8 Chris and Tucker provided the Commission a presentation on the population statues of  
9 steelhead. The presentation included information on 2017 steelhead forecasts were low  
10 compared to other years; pre-season management actions unprecedented since onset of  
11 mark selective fisheries in the mid-80s; latest information we have indicates A-index  
12 steelhead and upriver fall Chinook runs are late timed, but similar to forecasts;  
13 management actions taken seem to be having the desired effect; fisheries and runs  
14 continue to be monitored and evaluated in real-time.

15 This presentation begins at 0:32:45 on the recording.

16 *This presentation is located in the commission material and can be viewed at*

17 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/Directors%20Report%20Steelhead%20Population%20Stats.%209.15.17.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Directors%20Report%20Steelhead%20Population%20Stats.%209.15.17.pdf)  
18

19  
20 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/2017%20Columbia%20ORiver%20Summer%20Steelhead%20Status%20Update%20.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/2017%20Columbia%20ORiver%20Summer%20Steelhead%20Status%20Update%20.pdf)  
21  
22

#### 23 Sage-grouse Update

24 Pete Baki; Sage-grouse Mitigation Coordinator

25 Pete provided information to the Commission

26 This presentation begins at 0:55:15 on the recording.  
27

#### 28 Wolf Plan Update

29 Russ Morgan; Wolf Program Coordinator

30 Russ provided the Commission with an update on the progress of the updates to the  
31 Oregon Wolf Plan.

32 This presentation begins at 1:11:40 on the recording.  
33

#### 34 Columbia Gorge, Eagle Creek Fire Update

35 Bruce Eddy, East Region Manager

36 Bruce provided the Commission with information on the Eagle creek Fire in the Columbia  
37 River Gorge. This presentation begins at 1:27:45 on the recording.  
38

### 39 **Adopt Temporary Rules**

40 Curt Melcher, Director, requested the Commission ratify the following temporary rules.

41 The fourteen temporary rules were previously adopted by the director under his  
42 emergency action authority.  
43

#### 44 **1) 635-066-0000, 635-066-0010**

#### 45 **Update General Bear Season Regulations to Reflect Change in Statute Removing** 46 **Non-Resident Tag Limitations**

47 Adopted: August 7, 2017. Effective Dates: August 7, 2017 through December 31, 2017

1  
2 A recent amendment to ORS 497.112 eliminated the 3% limitation on nonresident black  
3 bear general season tags. These revised OARs amend the rules to be consistent with  
4 statute and allow all eligible nonresident hunters with the appropriate Oregon hunting  
5 license the opportunity to purchase general season bear tags. Current rule limits the  
6 number of nonresident black bear general season tags, however, recent change to  
7 statute (House Bill 2030 in the 2017 Oregon Legislative Session) has eliminated that  
8 restriction. Failure to amend the rules would result in serious prejudice to nonresident  
9 hunters wishing to purchase general season bear tags because it reduces their  
10 opportunity to purchase tags.

11  
12 **2) 635-018-0090 – this rule was not ratified. See motion below for action taken**  
13 **by the Commission**

14 **Reinstate Size and Catch Limit of Bass Allowed in the Central Zones**

15 Adopted August 7, 2017: effective August 7, 2017 through December 31, 2017.

16  
17 This rule reinstates the catch limit for smallmouth bass (five per day with no more than  
18 three over 15 inches) throughout the Deschutes River beginning August 7 through  
19 December 31, 2017. The September angling closure downstream of Moody Rapids  
20 remains in effect.

21  
22 **3) 635-043-0156**

23 **Warm Springs Tribe Hunting for 2017**

24 Adopted: August 8, 2017. Effective: August 9, 2017 through January 31, 2018

25  
26 The rule is needed to provide the legal authority for Warm Springs Tribal hunters to take  
27 big game, upland game bird, and furbearer species for the 2017 hunting season. The  
28 State of Oregon has authorized the Confederated Tribes of the Warm Springs hunting  
29 under the terms of this rule. The 2017 hunting season is nearly underway so there is not  
30 adequate time to go through the normal rulemaking process. Continuing the hunting  
31 season without rules in place to govern the season's conduct consistent with the  
32 amended agreement would result in serious prejudice to the public interest, jeopardizing  
33 the safe and orderly conduct of the 2017 big game hunting season.

34  
35 **4) 635-008-0153**

36 **Amend Rule to Limit Camping to Designated Campsites during the Eclipse**

37 Adopted: August 8, 2017. Effective: August 16, 2017 through August 25, 2017

38  
39 The rule is needed to provide the legal authority for Warm Springs Tribal hunters to take  
40 big game, upland game bird, and furbearer species for the 2017 hunting season. The  
41 State of Oregon has authorized the Confederated Tribes of the Warm Springs hunting  
42 under the terms of this rule. The 2017 hunting season is nearly underway so there is not  
43 adequate time to go through the normal rulemaking process. Continuing the hunting  
44 season without rules in place to govern the season's conduct consistent with the  
45 amended agreement would result in serious prejudice to the public interest, jeopardizing  
46 the safe and orderly conduct of the 2017 big game hunting season.

1       **5) 635-053-0005**

2       **Adopt Controlled Hunt Permit Numbers for 2017 Oregon Sage-Grouse Hunting**  
3       **Season**

4       Adopted: August 8, 2017. Effective: August 8, 2017 through February 2, 2018.

5  
6       This rule amendment is needed to establish the maximum number of permits that may be  
7       issued for the purpose of hunting sage-grouse during the previously established  
8       September 09 - September 17, 2017 Oregon sage-grouse season. Oregon's sage-grouse  
9       population is conservatively managed to harvest no more than 5% of the projected fall  
10      population in as many as 12 of 21 Wildlife Management Units where they are known to  
11      occur. The Oregon Fish and Wildlife Commission during their April 21, 2017 meeting  
12      adopted the dates of the 9-day sage-grouse hunting season and the season bag limit of  
13      two birds per hunter, but the maximum number of permits allowed per Wildlife  
14      Management Unit is dependent on the completion of biological surveys to estimate fall  
15      populations. These surveys are not completed until late July of each year and include  
16      estimating the breeding population of sage-grouse and estimating the reproductive  
17      success of nesting hens. Failure to adopt this rule would result in no sage-grouse hunting  
18      opportunities for upland game bird hunters and would deprive Department biologists from  
19      acquiring important biological information from the wings of harvested birds useful for the  
20      management of sage-grouse populations.

21  
22      **6) 635-006-0215**

23      **Established Dressed Fish Conversion Factors for Sharks and Swordfish**

24      Adopted August 11, 2017: effective August 11, 2017 through February 5, 2018

25  
26      This amended rule establishes dressed weight to round weight conversion factors for  
27      several species of sharks and swordfish, which will allow these species to be landed in a  
28      dressed condition.

29  
30      **7) 635-021-0090**

31      **Amend Southeast Zone Sport Angling Regulations in the Thief Valley Reservoir**

32      Adopted August 11, 2017: effective August 11, 2017 through December 31, 2017

33  
34      Amend rule to authorize catch limits and methods of take in Thief Valley Reservoir.  
35      Failure to adopt this rule would result in lost opportunity for harvest of this valuable  
36      resource by the sport fishing public.

37  
38      **8) 635-019-0090**

39      **Modifications to Sport Angling Regulations in the Northeast Zone**

40      Adopted August 14, 2017: effective August 14, 2017 through December 31, 2017

41  
42      This amended rule modifies the area allowed for sport fishing in the Umatilla River.

43  
44      **9) 635-041-0075, 635-042-0031**

45      **Zone 6 Treaty Indian and Non-Treaty Fall Commercial Gillnet Fisheries Adopted**

46      Adopted August 18, 2017: effective August 18, 2017 through December 31, 2017

1 These rules authorize fall Treaty commercial gillnet fisheries for Zone 6 of the Columbia  
2 River. In addition, the non-Treaty commercial gillnet fisheries in Zones 4-5 are established  
3 for the early fall season. Modifications are consistent with action taken August 16, 2017  
4 by the Departments of Fish & Wildlife for the States of Oregon and Washington in  
5 cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River  
6 Compact.

7  
8 **10)635-019-0090**

9 **Reduce Steelhead Bag Limit in the Grande Ronde and Imnaha Rivers**

10 Adopted August 24, 2017: effective August 24, 2017 through December 31, 2017

11  
12 This rule reduces the summer steelhead daily bag limit from three (3) to one (1), in  
13 response to very low observed returns of steelhead to the Grande Ronde and Imnaha  
14 Rivers in 2017.

15  
16 **11)635-023-0134**

17 **Modification to Sport Fishing Regulations in the Snake River**

18 Adopted August 24, 2017: effective August 24, 2017 through December 31, 2017

19  
20 This amended rule implements a fall Chinook fishery on the Snake River from the  
21 Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning  
22 September 1 through November 17, 2017. This rule also reduces daily bag limit of  
23 summer steelhead to zero (0) in the mainstem Snake River. Catch and release of  
24 summer steelhead will still be allowed. These rules coincide with State of Idaho  
25 regulations for this concurrent fishery and are consistent with the state of Idaho within an  
26 interstate waterway

27  
28 **12)635-039-0085**

29 **Pacific Halibut Recreational Nearshore Season from Cape Falcon to Humbug Mt.  
30 Reopened**

31 Adopted August 28, 2017: effective August 28, 2017 through October 31, 2017

32  
33 This amended rule reopens the recreational nearshore Pacific halibut season in the area  
34 between Cape Falcon and Humbug Mt. beginning at 12:01 a.m., Sunday, September 3,  
35 2017. The National Oceanic & Atmospheric Administration (NOAA), International Pacific  
36 Halibut Commission (IPHC), and the Department (ODFW) conferred on August 28, 2017  
37 and determined that the enough quota remained in the Oregon recreational allocation to  
38 allow this fishery to reopen.

39  
40 **13)635-041-0075**

41 **Zone 6 Treaty Indian Fall Commercial Gillnet Fisheries Adopted**

42 Adopted August 8, 2017. Effective: September 11, 2017 through December 31, 2017

43  
44 These rules authorize fall Treaty commercial gillnet fisheries for Zone 6 of the Columbia  
45 River. Modifications are consistent with action taken September 6, 2017 by the  
46 Departments of Fish and Wildlife for the States of Oregon and Washington in cooperation  
47 with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

1 These rules are needed to authorize Zone 6 Treaty Indian commercial gillnet fisheries in  
2 the Columbia River. There is insufficient time to initiate the permanent rulemaking  
3 process to establish the Treaty gillnet fisheries by the specified date and time. Failure to  
4 set this season would deny fishers the opportunity to sell their harvested fish in Oregon,  
5 causing economic hardship.

6  
7 **14)635-039-0090**

8 **Close Recreational Bottomfish Fishing for All Species Except for Flatfish; Opens**  
9 **Flatfish Fishing to All-Depths**

10 Adopted: September 12, 2017. Effective: September 18, 2017 through December 31,  
11 2017

12  
13 Amended rule prohibits retention of all species except for flatfish species in the Oregon  
14 recreational bottomfish fishery from September 18 through December 31 to reduce  
15 impacts to stay within pre-season specified harvest guidelines. Additionally opens fishing  
16 for flatfish to all depths. The action is intended to reduce impacts to black rockfish,  
17 yelloweye rockfish, nearshore rockfish species, and cabezon as the sport fishery harvest  
18 limits have been reached. Failure to modify rule immediately will result in serious  
19 prejudice to the public interest and parties concerned because absent modification by  
20 temporary rule the harvest guidelines is estimated to be further exceeded, which may  
21 result in potential adverse impact to the affected species.

22  
23 *Action:*

24 Commissioner Webber moved to ratify the temporary rules numbered 1 -14 excluding  
25 temporary rule number two (2) put forth on the tan agenda and the corrected temporary  
26 rule number four (4) and the two additional rules on the Correction Sheet. Commissioner  
27 Buckmaster seconded the motion, and the motion carried unanimously.

28  
29 Commissioner Buckmaster moved to direct, Director Melcher to adopt a temporary rule  
30 that removes the bag limit and implement the 2018 rules for the central zone.  
31 Commissioner Bittle seconded the motion, and the motion carried unanimously.

32  
33 **PUBLIC FORUM**

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

40  
41 **Coastal Multi-species Conservation (CMP) and Management Plan implementation in**  
42 **Elk River**

43 Ann Vileisis; Kalmiopsis Audubon Society President  
44 Mary Wahl; South coast ranch co-owner; Kalmiopsis representative on ODFW's  
45 CMP group.

46 Testimony begins at 1:51:50 on the recording.  
47

1 **Steelhead Population**

2 David Moskowitz, the Conservation Angler

3 Provided written testimony; testimony begins at 2:01:50 on the recording.

4 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/Public%20Foru](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Public%20Forum_David%20Moskowitz.pdf)  
5 [m\\_David%20Moskowitz.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Public%20Foru)

6  
7 **Columbia River Steelhead Regulation Petition**

8 Mark Sherwood

9 Testimony begins at 2:09:15 on the recording.

10  
11 **Bass/ESA Sea lions/Winter Steelhead**

12 Conrad Gowell

13 Testimony begins at 2:12:30 on the recording.

14  
15 **Exhibit A: COMMISSION MINUTES**

16 The Commission approved the draft August 4, 2017 Commission meeting minutes.

17  
18 *Action:*

19 Commissioner Webber moved to approve the August 4, 2017 meeting minutes.

20 Commissioner Wolley seconded the motion and the motion was carried unanimously.

21  
22 **Exhibit B: ACCESS AND HABITAT PROJECT FUNDING**

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

25 Staff: Isaac Sanders, Access and Habitat Program Coordinator

26 Isaac provided the Commission a presentation on the A&H projects proposed for  
27 funding. This presentation begins at 2:47:00 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/17/09\\_sep/Presentation\\_AandH.p](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Presentation_AandH.pdf)  
31 [df](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Presentation_AandH.pdf)

32 No Public Testimony  
33 Approval

34  
35 *Action:*

36 Commissioner Anderson moved to approve the recommendations of the Access and  
37 Habitat Board for project funding. Commissioner Webber seconded the motion and the  
38 motion was carried unanimously.

39  
40 **Exhibit C: 2018 BIG GAME REGULATIONS AND FURTAKER REGULATIONS**

41 The Commission will be asked to approve tag numbers, seasons and regulations  
42 for 2018 and approve temporary to permanent rule amendments to include online  
43 reporting via the internet as an option for mandatory furtaker reporting.

44 Staff: Tom Thornton, Game Program Manager;

45 Don Whittaker, Ungulate Coordinator;

46 Derek Broman, Carnivore Coordinator

1           *Presentation:* Tom, Don, and Derek provided the Commission with a presentation  
 2 on the 2018 Big Game regulations and tag numbers. This presentation included 2018  
 3 regulation updates for the fall of 2017; 2018 regulation proposals; regulations relating to  
 4 inspection of wildlife; 2018 road closures; area regulations; Wildlife Area regulations, night  
 5 vision equipment; regulations on arrow shaft with blades, baiting; online furbearer online  
 6 reporting; bear population monitoring; spring bear 2018 season proposals and concepts;  
 7 cougar management zones and population monitoring; cougar season; bighorn sheep  
 8 monitoring, population management, and tag and season proposals; Rocky Mountain  
 9 goat population monitoring, tag and season proposals; pronghorn population monitoring,  
 10 controlled hunt tag proposal; mule deer population monitoring, population status; general  
 11 and, controlled deer season proposals; black-tail and mule deer population monitoring;  
 12 elk population; elk population status, management objectives, general elk season  
 13 proposals, controlled hunt changes, tag proposals; 2018 Western Gray squirrel seasons;  
 14 limited Land Owner Preference mule deer tags; and special tags and seasons.  
 15 Presentation begins at 3:01:10 on the recording.

16  
 17           *This presentation is located in the commission material and can be viewed at*  
 18 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/Presentation\\_Big%20](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Presentation_Big%20Game%20Regulations.pdf)  
 19 [Game%20Regulations.pdf](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/Presentation_Big%20Game%20Regulations.pdf)  
 20

21           Public Testimony 3:52:27 on the recording  
 22 [http://www.dfw.state.or.us/agency/commission/minutes/17/09\\_sep/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/09_sep/index.asp)

John Waynwright, Oregon Bow Hunters	
Craig Starr, Wapiti Bowmen	Provided written Testimony
Scott Beckstead, Us Humane Society	Provided written testimony
Jerome Rosa, Oregon Cattlemen's Association	Yielded time to Ted Netter
Ted Netter	
Paul Askew, OBH, OHA, OOC, OFBD	Provided written testimony
Spencer Sorenson, Witches Creek Wildlife Foundation	Provided written testimony
Michael Pfau	

23           Rulemaking

24  
 25           *Action:*  
 26 Commissioner Webber moved to amend OAR, Chapter 635, Divisions 008, 045, 050,  
 27 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, and 090 and as shown in  
 28 addendum 1 as proposed by staff, excluding the proposed amendment OAR 635- 065-  
 29 0745. Commissioner Buckmaster seconded the motion and the motion was carried  
 30 unanimously.

31  
 32           **OTHER BUSINESS**



1 Commissioners Buckmaster brought forward a recommendation to explore and establish  
2 a temporary rule that addresses cold water refugia. There was consensus amongst the  
3 Commission to ask that the staff make a recommendation that will take into consideration  
4 Tribal and Washington fisheries. “

5  
6 The Commission approved the proposed 2018 Commission dates.

7  
8 Director Melcher - SB 1039 has established the Oregon Coordinating Council on Ocean  
9 Acidification and Hypoxia, consisting of 13 members:

10 The Governor or the Governor’s designee; the directors or the director’s designee of: an  
11 initiative for integrative marine studies at Oregon State University; the State Department  
12 of Fish and Wildlife; the Department of Agriculture; the Department of Environmental  
13 Quality; the Department of Land Conservation and Development; and seven members  
14 appointed in consultation with the Governor’s office. The members to be appointed by the  
15 Governor will be one member representing:

16 The Oregon Ocean Science Trust; the Sea Grant College of Oregon State University, a  
17 conservation organization; fishing interests; shellfish mariculture industry; the academic  
18 research community with relevant expertise; and one member representing federally  
19 recognized Oregon Indian tribes, appointed by the State Fish and Wildlife Commission in  
20 consultation with the Commission on Indian Services.

21  
22 Chair Michael Finley adjourned the meeting at 3:23 p.m.

23  
24