



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday January 19, 2018 – 10:00 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, Commissioner
Holly Akenson, Commissioner
Greg Wooley, Commissioner
Laura Anderson, Commissioner
Bruce Buckmaster, Commissioner
Jim Bittle, Commissioner

Curt Melcher, Director
Cameron Smith, Deputy Director
Shannon Hurn, Deputy Director
Ken Loffink, Interim Deputy Director
Bruce Eddy, East Region Manager
Bernadette Graham-Hudson, West Region
Manager
Anika Marriott, Assistant Attorney General
Erin Donald, Assistant Attorney
Michelle Tate, Executive Assistant
Ed Bowles, Fish Division Administrator
Doug Cottam, Wildlife Division Administrator

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10 **MEETING**

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12 On Friday, **January 19, 2018 at 10:10, Chair Michael Finley called the Oregon Fish**
13 **and Wildlife Commission** (the Commission) meeting to order.

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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/18/01_Jan/January%2019%2020](http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/January%2019%202018%20Field%20Report_.pdf)
19 [18%20Field%20Report_.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/January%2019%202018%20Field%20Report_.pdf)

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21 Expenditure Report

22 Staff: Cameron Smith, Deputy Director for Administration
23 Revenues and expenditures are close to projections. Although it's too early in the
24 biennium to identify any trends. The department is still in beginning stages of developing
25 the 2019-21 Agency Request Budget. The Secretary of State's office audit of the
26 agency's Wildlife Assistance grants is occurring. The Department's internal auditor is
27 preparing the report of the risk assessment of ODFW's "Background Check Sufficiency"
28 on ODFW employees and representatives (temporary, seasonal, volunteers, permanent
29 employees, etc.).

30
31 *This report is available in the meeting materials and at*
32 [http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/2017-](http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/2017-19%20January%202018%20Commission%20Financial%20Report.pdf)
33 [19%20January%202018%20Commission%20Financial%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/2017-19%20January%202018%20Commission%20Financial%20Report.pdf)

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2 **Electronic Licensing System Update**

3 Erica Kleiner, Management Resources Division Administrator

4 Erica provide the Commission with an update on the licensing process improvement project
5 timeline, why the change to ODFW's licensing processes, the benchmarking process,
6 benchmarking scope, effort, facts and data, and next steps.

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/18/01_Jan/Electronic%20Licensin%20System%20Update.pdf
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12 **Employee Engagement Survey**

13 Loren Chase, Economist

14
15 Loren provide the Commission with information about the 2017 Employee Engagement
16 Survey, the presentation included the structure of the study, response rate comparison,
17 the outcome of the survey, and take homes.

18
19 **Big Game Hunting Regulations Simplification**

20 Nick Myatt, Grand Ronde Watershed Manager

21 Nick provided the Commission with a presentation updating them on the Big Game
22 Regulation Simplification. The presentation provided information on the Team, why it's
23 needed, and an overview of the three phase approach.

24
25 *This presentation and documents are located in the commission material and can be*
26 *viewed at*

27 http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/Regulation%20Simplifi%20Project.pdf
28
29

30 **Adopt Temporary Rules**

31 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
32 The five (5) temporary rules were previously adopted by the director under his emergency
33 action authority.

34
35 **1.) 635-004-0375**

36 **Commercial Sardine Fishery Rules 2017-2018**

37 Adopted July 3, 2017: effective December 30, 2017 through June 27, 2017.

38 *[Extension of earlier temporary rule filed; Federal Rule not yet adopted.]*

39 Amendment to Oregon's administrative rule for commercial sardine fisheries to
40 bring the State of Oregon concurrent with federally adopted regulations. Modifications
41 establish 2017-18 sardine harvest guidelines, close the commercial directed fishery for
42 the 2017-2018 fishing year, and establish incidental landing allowances for commercial
43 fisheries.

44
45 **2.) 635-039-0090**

46 **Suspend Oregon Sport Abalone Harvest until Further Notice Pending Commission**
47 **Review**

1 Adopted December 11, 2017: effective January 1, 2018 through June 26, 2018.

2 The amended rule suspends the sport fishery for abalone in Oregon from January
3 1, 2018 to June 26, 2018. The need for this suspension is to allow the Department to
4 gather information, solicit public input, and prepare longer-term recommendations for
5 Commission consideration. This suspension assures that the Department has adequate
6 time to review and recommend any needed changes while avoiding conservation issues
7 in the interim.

8
9 **3.) 635-004-0275**

10 **Federal Actions and Management Measures Implemented for Commercial**
11 **Groundfish Fisheries.**

12 Adopted January 3, 2018: effective January 4, 2018 through July 2, 2018.

13 This amended rule implements corrections to regulations previously adopted by
14 the federal government for 2017-2018 Pacific Coast commercial groundfish fisheries,
15 including but not limited to removal of big skate from the definition of ecosystem
16 component species, removal of the prohibition on retention of canary rockfish, and
17 correction of units of measurement from metric tons to pounds in the Limited Entry Fixed
18 Gear Sablefish tier 2 cumulative trip limits.

19
20 **4.) 635-005-0465**

21 **Commercial Dungeness Crab Season Opening North of Cape Blanco**

22 Adopted January 11, 2018: effective January 11, 2018 through July 9, 2018.

23 This amended rule sets the opening date and related management measures for
24 the 2017-2018 ocean commercial Dungeness crab fishery from Cape Blanco (42° 50' 00"
25 N. Lat) northward to the Washington border (46° 15' 00" N. Lat.) on January 15, 2018.
26 The commercial Dungeness crab fishery will remain closed from Cape Blanco (42° 50'
27 00" N. Lat.) southward to the California border (42° 00' 00" N. Lat.) due to elevated levels
28 of the biotoxin domoic acid detected in samples.

29
30 **5.) 635-023-0095**

31 **White Sturgeon Recreational Fishery Closed in The Dalles Pool**

32 Adopted January 17, 2018: effective January 20, 2018 through July 18, 2018.

33 This amended rule closes the white sturgeon fishery in The Dalles Pool (The
34 Dalles Dam upstream to John Day Dam). Catch projections indicate retention of white
35 sturgeon after January 20, 2018 would exceed the allowable quota. Catch and release
36 sturgeon fishing remains open in these waters.

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38 Action:

39 Commissioner Webber moved to ratify the five (5) temporary rules set forth in the today's
40 agenda. Commissioner Akenson seconded the motion, and the motion carried
41 unanimously, seven (7) infavor.

42
43 **Exhibit A: COMMISSION MINUTES**

44 Action:

45 Commissioner Webber moved to approve the December 8, 2017 meeting minutes
46 with continued authority to correct grammer and punctuation. Commissioner Wolley
47 seconded the motion and the motion was carried seven (7) infavor.

1
2 **Exhibit B: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**

3 The Commission will be asked to adopt the schedule of damages used in
4 assessing commercial fishing violations during 2018.

5 Staff: Loren Chase; Economist

6 *Presentation:* Loren provided the Commission with a presentation on schedule of
7 Damages annual update of average market values, and changes to the OAR.

8
9 *This presentation is located in the commission material and can be viewed at*
10 http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/Exhibit%20B_Schedule%20of%20Damages%20Presentation.pdf
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12 No Public Testimony

13 Rulemaking

14
15 Action:

16 Commissioner Wolley moved to amend the Schedule of Damages for Commercial
17 Fishery Violations contained in OAR 635-006-0232 as proposed by staff in attachment
18 3. Commissioner Akenson seconded the motion and the motion was carried seven (7)
19 in favor.

20
21 **Exhibit C: PROCUREMENT ADMINISTRATIVE RULES REPEAL**

22 The Commission were asked to repeal the current Department of Justice Model
23 Public Contract Rules OAR 635-001-0007.

24 Staff: Steve Bergmann, Acting Administrative Services Division Administrator

25 *Presentation:* Steve provided the Commission with an information relating to the
26 DAS model rule and the repeal of the ODFW rule.

27 Rulemaking

28 No public testimony

29
30 Action:

31 Commissioner Akenson moved to repeal OAR 635-001-0007. Commissioner Bittle
32 seconded the motion and the motion was carried seven (7) in favor.

33
34 **EXHIBIT D: ACCESS AND HABITAT PROJECT FUNDING and BOARD**
35 **APPOINTMENT**

36 The Commission were asked to approve the Access and Habitat Board
37 recommendations for project funding and make board appointments.

38 Staff: Isaac Sanders; Access and Habitat Program Coordinator

39 *Presentation:* Isaac provided the Commission a presentation the Board
40 recommended Projects and the appointment of a Landowner and Hunter representative
41 appointments.

42
43 *This presentation is located in the commission material and can be viewed at*
44 http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/Presentation_Access%20and%20Habitat_1-19-18.pdf
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46 Public Testimony

Ken McCall, Oregon Hunters Association	
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1 Approval and Appointment

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Action:

Commissioner Anderson moved to appoint Amy Patrick to a four-year term as a Landowner Representative; Nathan Baily to a four-year term as a Hunter Representative on the Access and Habitat Board; and to approve the recommendation of the Access and Habitat Board for project funding. Commissioner Webber seconded the motion and the motion was carried seven (7) in favor.

10 **Exhibit E: FISH SCREENING TASK FORCE MEMBER APPOINTMENT**

11 The Commission were asked to appoint a new Fish Screening Task Force member representing agriculture.

12 Staff: Tracy Wyllie; Acting Fish Screens Program Coordinator

13 Presentation: Tracy provided a presentation to the Commission with a presentation on the appointment of an agricultural representative to the taskforce.

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17 *This presentation is located in the commission material and can be viewed at*
18 http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/Exhibit%20E_Fish%20Screening%20Task%20Force%20Presentation.pdf

19
20 No Public Testimony
21 Appointment

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23 Action:

24 Commissioner Akenson moved to appoint Gregory Harris to represent agriculture on the Fish Screening Task Force. Commissioner Bittle seconded the motion and the motion was carried seven (7) in favor.

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28 **Exhibit F: PINK SHRIMP FISHERY MANAGEMENT PLAN ADOPTION AND LIGHTING DEVICES REQUIREMENT PROPOSAL**

29 The Commission were asked to adopt the Pink Shrimp Fishery Management Plan (FMP) and requirement of LED use on the footropes of shrimp trawls.

30 Staff: Scott Groth, Pink Shrimp Fishery Project Leader

31 Presentation: Scott Groth provided the Commission a presentation on the proposed adoption of a Fisheries Management plan, requirement of the use of lighting devices on the footropes of shrimp trawls, resource analysis, fishery background, stock status, and management objectives.

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38 *This presentation is located in the commission material and can be viewed at*
39 http://www.dfw.state.or.us/agency/commission/minutes/18/01_Jan/Exhibit%20F_Shrimp%20Fishery%20Presentation.pdf

40 Public Testimony

Gway Kirhner, the Nature Conservancy	
Eric Kincaid, Oceana	
Jeff Boardman, FLV Miss Yvonne	

41 Rulemaking

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43
44 Action:

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2 Commissioner Anderson moved to amend OAR 635-005-0630 plan set forth in
3 attachment 3. Commissioner Akenson seconded the motion and the motion was carried
4 seven (7) infavor.
5

6 Commissioner Anderson moved to adopt the Oregon Ocean Shrimp Fishery
7 Management Plan as set forth in attachment 4 with the inclusion of currrent regulations
8 requiring footrope lighting; with inclusion of statistical from the most recent fisheries.
9 Commission Chair Finley seconded the motion and the motion was carried seven (7)
10 infavor.
11

12 Commissioner Buckmaster requested the department draft a letter for the Commissioners
13 signature, addressed to Washington and California's Fish and Wildlife Commissions
14 describing what the Commission has done here today; asking for their support for this
15 action.
16

17 **OTHER BUSINESS**

18 The department will convene a small stakeholder group to gain consensus to the Wolf
19 Conservation and Management Plan prior to bringing the plan forward to the Commission
20 for final adoption. We will not be bring the Wolf Plan forward in April, it will be sometime
21 later in 2018.
22

23 Under statute, the state law allows the Commission to presue civil damages in the case
24 of wildlife crimes. There have been issues with the current restitution statute as it relates
25 to the courts ablitiy to presue restitution for wildlife crimes. There is a particular case in
26 southwest Oregon that an individual took several trophy buck and the court did not seek
27 restitution. The department is working with the Department of Justice to presue
28 restitution.
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30 Commissioner Webber further directed Director Melcher to in any case that restitution is
31 appropriate, and was not ordered by a court that we determin if a civil penalty would be
32 appropriate and cost effective. Commissioners nodded heads in agreement.
33

34 Chair Michael Finley adjourned the meeting at 1:35 p.m.