



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
November 3, 2006, 8:00 a.m.  
Embassy Suites – Portland Airport  
7900 NE 82<sup>nd</sup> Avenue  
Portland, Oregon 97220-1388

*Commission approved minutes at their January 11, 2007 meeting.*

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

Marla Rae, Chair	Carter Kerns, Commissioner
Don Denman, Vice-Chair	Dan Edge, Commissioner
Zane Smith, Commissioner	Virgil Moore, Director
Jon Englund, Commissioner	Roxie Burns, Interim Deputy Director
Skip Klarquist, Commissioner	Steve Sanders, Assistant Attorney General
Roy Elicker, Deputy Director	Casaria Tuttle, Executive Assistant
Bill Cook, Assistant Attorney General	

## MEETING

On Friday, November 3, 2006 at 8:00 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order. The Chair announced there will be a Thursday and Friday meeting in January 2007.

## DIRECTOR'S REPORT

Director Moore began with an explanation of his first quarter and the progress toward the six month goals.

### **Field Reports (Written report is part of the Commission's official record.)**

#### Northeast Region

Bruce Eddy, Grande Ronde Watershed Manager, reported on northeast region hunting seasons, Eastern Oregon University Monitoring Ladd Marsh Wildlife Area and Access and Habitat program emergency seeding.

#### High Desert Region

Chip Dale, High Desert Region Manager, reported on Blitzen River redband trout life history study, Lake trout introductions in Fourmile Lake, bull trout redd survey in the Metolius River and the sighting of a mountain goat into the High Desert Region.

#### Northwest Region

Chris Wheaton, Northwest Region Manager, reported on hatchery visits by schools, fish habitat improvement by helicopter, Willamette bull trout and volunteer programs.

### Southwest Region

Steve Denney, Southwest Region manager, reported on the Huntley park seining project, deer seasons and Winchester Dam fish counts.

### Marine Resource Program

Patty Burke, Marine Resource Program Manager, gave an update on the 2006 sardine fishery, nearshore trawl restriction proposal and crab season.

### Oregon State Police

Walt Markee, Captain, Oregon State Police Fish and Wildlife Division, reported on award presentations for trooper of the year, instructor of the year and life saving awards.

Chair Rae recognized the award to staff presented by The Nature Conservancy for the Conservation Strategy Plan.

### **Adopt Temporary Rules**

Virgil Moore, Director, requested the commission ratify the following temporary rules. The temporary rules were previously adopted by the director under his emergency action authority.

#### **635-042-0060**

##### **Expansion of the late fall salmon season in the Columbia River.**

Adopted October 4, 2006, effective October 8, 2006 through December 31, 2006. Amended rule expands the Late Fall salmon gill net season in the mainstem Columbia River with an additional 24-hour fishing period from 7:00 p.m. Sunday October 8 through 7:00 p.m. Monday October 9, 2006. Revision is consistent with action taken October 4, 2006 by the Columbia River Compact.

#### **635-023-0130**

##### **Open fall Chinook salmon sport fishery in the Mainstem Columbia River.**

Adopted October 11, 2006, effective October 13, 2006 through December 31, 2006. Amended rule opens the Columbia River mainstem fall Chinook salmon sport fishery from Tongue Point on the Oregon bank upstream to Bonneville Dam, effective 12:01 a.m. Friday October 13, 2006. Revision is consistent with action taken at the October 11, 2006 Joint State Hearing.

#### **635-042-0060**

##### **Expansion of the late fall salmon season in the Columbia River.**

Adopted October 11, 2006, effective October 12, 2006 through December 31, 2006. Amended rule expands the Late Fall commercial gillnet salmon season in the Columbia River mainstem with 2 additional 12-hour fishing periods from 7:00 p.m. Thursday October 12 through 7:00 a.m. Friday October 13, 2006 and from 7:00 p.m. Monday October 16 through 7:00 a.m. Tuesday October 17, 2006. Revision is consistent with action taken at the October 11, 2006 Columbia River Compact.

**635-041-0075**

**Close treaty Indian hook-and-line commercial fall salmon fishery within Zone 6.**

Adopted October 13, 2006, effective October 15, 2006 through December 31, 2006. Amended rule closes the Tribal Treaty platform and hook-and-line commercial fall salmon fisheries within Zone 6 of the mainstem Columbia River and allows commercial sales and or subsistence use during Yakama Indian Nation's scheduled open tributary fishing periods in Drano Lake, the Klickitat and Big White Salmon rivers when accompanied by a Yakama Indian Nation fish transport permit, effective 6:00 p.m. October 15, 2006. Revision is consistent with action taken October 13, 2006 by the Columbia River Compact.

**635-042-0060**

**Expansion of the Columbia River late fall salmon season and to prohibit sturgeon retention.**

Adopted October 18, 2006, effective October 18, 2006 through December 31, 2006. Amended rule prohibits sturgeon retention or sales effective 11:59 p.m. Wednesday October 18, 2006 and expands the Late Fall commercial gill net salmon season in the Columbia River mainstem with 2 additional 12-hour fishing periods from 7:00 p.m. Thursday October 19 through 7:00 a.m. Friday October 20, 2006 and from 7:00 p.m. Tuesday October 24 through 7:00 a.m. Wednesday October 25, 2006. Revision is consistent with action taken at the October 18, 2006 by the Columbia River Compact.

**635-042-0145; 635-042-0160; 635-042-0170; and 635-042-0180**

**In-season modification to the sturgeon retention limit in all select area commercial salmon fisheries.**

Adopted October 18, 2006, effective October 18, 2006 through December 31, 2006. Amended rule prohibits the retention or sales of white sturgeon for the remainder of the year in the Columbia River Select Area fisheries, effective 11:59 p.m. Wednesday October 18, 2006. Revision is consistent with action taken October 18, 2006 by the Columbia River Compact.

**635-017-0090**

**Implementation of coho salmon fishery in select areas above Willamette River Falls.**

Adopted October 20, 2006, effective October 20, 2006 through December 31, 2006. Amended rule opens a coho salmon fishery in select areas of the Willamette Zone above the Willamette River Falls, effective Friday October 20, 2006.

**635-051-0048**

**Amend rule to legalize waterfowl hunting in a portion of the City of Coos Bay.**

Adopted October 12, 2006, effective upon filing through April 10, 2007. Amend rule to permit waterfowl hunting within the following portion of Coos Bay city limits: the area of the city bounded on the west by Isthmus Slough Channel, bounded on the south by what would be the natural extension of "A" Street, bounded on the east by the dike and bounded on the north by the city limits.

*Action:*

Commissioner Denman moved to ratify the temporary rules. Commissioner Smith seconded the motion, and the motion carried unanimously.

### **AFWA Trapping Award – Larry Cooper**

Chair Rae recognized the award to Larry Cooper, from the American Fish and Wildlife Association, for his 15 year effort on trapping research.

### **COMMISSIONER ITEMS**

Director Moore introduced of Roger Fuhrman, as the newly hired Information and Education Administrator, and Richard Hargrave, as the Information section manager.

#### **Expenditure Report:**

*Staff: Roxie Burns, Interim Deputy Director for Administration*

Ms. Burns reported on non-federal structure and listing and how often they are billed out. Additional information will be included in the January packet.

The budget, for the next biennium, is currently in the final stages of audit and will enter the appeals process in mid-November/December.

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

The Commission considered approval of the October 2006 Commission minutes.

##### *Action:*

Commissioner Englund moved to approve the minutes as amended. Commissioner Smith seconded the motion, and the motion carried unanimously.

### **EXECUTIVE SESSION**

Consultation with counsel concerning legal rights and duties under ORS 192.660(2)(h) and to discuss real property under ORS 192.660(2)(e).

#### **Exhibit B: LAND EXCHANGE AT RIVERSIDE WILDLIFE AREA**

##### *Staff Presentation:*

Chip Dale, High Desert Region Manager, and Nancy Lorensen, Realty Specialist requested Commission approval of conclusion of land exchange to gain title on abandoned railroad corridor bisecting wildlife area.

##### *Public Testimony:*

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No public testimony

The Commission stated satisfaction with the title search performed by Counsel.

##### *Action:*

Commissioner Denman moved to approve the land exchange as proposed and directed staff to proceed with the required process to conclude the transaction. Commissioner Smith seconded the motion. The motion passed unanimously.

## **Exhibit C: DEVELOPMENTAL FISHERIES UPDATE**

### *Staff Presentation:*

Patty Burke, Program Manager, presented a review of 2006 developmental fisheries and a summary of a legislative concept for 2007 as Jean McCrae is no longer the project leader.

### Public Testimony:

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No public testimony

The Commission supports delegating authority for review of denial of the permits or permit transfers to the developmental fisheries board.

Counsel recommends technical changes and clarification of language in the Legislative Concept. Chair Rae would like section two clarified for members of the public and industry.

For each issue that comes up there are three members of the industry and then the two public members who sit on all the boards. Counsel recommended the Commission do full rulemaking and procedure setting that would guide the board.

### *Action:*

No action, informational presentation.

## **Exhibit D: BAY CLAM DIVE FISHERY PERMITS**

### *Staff Presentation:*

Jean McCrae, Developmental Fisheries Project Leader requested the Commission amend rules for limited entry bay clam permits to allow unrestricted transfers up to two times per year.

Commissioner Smith expressed his concern with people buying and selling property of the state (permits).

### Public Testimony:

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Douglas C. Alm  
Doug's Diving  
PO Box 846  
Garibaldi, OR  
503-322-2200

Would like the Commission to delay their vote. Is concerned with many boats and strong competition in Tillamook Bay. Reduce number of permits to four as the Commission did with Urchins. Tillamook Bay can't sustain 10 boats with two divers each.

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Shawn Frank Commercial diver	Sympathathizes with Doug. Has concerns with too many aggressive divers wiping out the bay.
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Commissioner Kerns would like to table the issue and look at it further.

Chair Rae suggested the department continue to work this issue and not take action today. The Commission will look to the Marine Program to continue to work with the industry and Commissioners to bring the item back when the department believes it is ready to come back. It will not come back in January.

Commissioner Kerns requested staff look at developing a broader strategy with estuary policy.

*Action:*

Exhibit item deferred.

### **UNSCHEDULED TESTIMONY**

Cheryl Coon, Conservation Program Manager, Audubon Society	<b>Bird Area Program in Oregon (IBA) –</b> Ms. Coon presented the Audubon Society's Bird Area Program informational presentation.
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Chair Marla Rae adjourned the meeting at 11:44 a.m.