



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
September 8, 2006 8:00 a.m.  
Reedsport Community Center  
451 Winchester Ave.  
Reedsport, Oregon 97467

*Commission minutes approved October 6, 2006.*

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

Marla Rae, Chair

Don Denman, Vice-Chair

Zane Smith, Commissioner

Jon Englund, Commissioner

Skip Klarquist, Commissioner

Roy Elicker, Deputy Director

Carter Kerns, Commissioner

Dan Edge, Commissioner

Virgil Moore, Director

Steve Sanders, Assistant Attorney General

Casaria Tuttle, Executive Assistant

Bill Cook, Assistant Attorney General

## MEETING

On Friday, September 8, 2006 at 8:03 a.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order. Chair Rae entered the Commission into Executive Session, to consult with counsel concerning legal rights and duties under ORS 192.660(2)(h) at 8:03. Chair Rae reconvened the public meeting at 8:23 a.m.

## DIRECTOR'S REPORT

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

### Northeast Region

Craig Ely, Northeast Region Manager, gave a fire update for the region. About 80 percent of the lightning strikes in the region result in a fire. He also updated the Commission on the progress of the 10(a)(1)(A) (Recovery Permit) dealing with problem wolves.

### High Desert Region

Chip Dale, High Desert Region Manager, reported on the 2006 upland bird inventory and hunting prospects in Southeast Oregon, West Nile Virus found in Sage Grouse south of Burns and an update on wildfires in the Malheur watershed district.

### Northwest Region

Chris Wheaton, Northwest Region Manager, briefed the Commission on the Labor Day evacuation of the Marion Forks Hatchery due to fire danger. He also reported that a 5-point bull elk had been roaming through SW Portland from June through early August. He also gave an update on mid-Willamette area snorkel surveys and the completion of the accessible Fishing Pier at St. Louis Ponds. Chris Wheaton will supply Commissioner Denman with chinook information from the Calapooia River as requested.

### Southwest Region

Steve Denney, Southwest Region manager, gave an update on sea lion hazing in the Rogue River Estuary. Department personnel also participated in a Women in the Outdoors event.

### Marine Resource Program

Patty Burke, MRP Program manager, reported on coastal hypoxia, recreational shellfish catch and effort surveys and the Magnuson Stevens Act reauthorization. She also notified the Commission that the California legislature adopted a LE200 which goes into effect January 1, 2007. Patty Burke will send Commissioner Englund a razor clam update within the next week as he requested.

### Oregon State Police

Walt Markee, Captain, reported on an antelope landowner preference tag where the landowner and relatives were cited for loaning a tag, borrowing a tag and exceeding bag limit. He also reported on two dispositions by troopers.

### **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.

#### **635-073-0075**

Adopted August 18, 2006, effective August 18, 2006 through February 10, 2007. Rule corrects an inadvertent omission in the 2006 Big Game Regulations by identifying open areas for General Elk Bow hunting. This emergency rule is due to an omission which occurred in the 2006 Big Game Regulations proposal taken to the Oregon Fish and Wildlife Commission in June 2006, which required action by the department. On page 93 in the 2006 Big Game Regulations, at the bottom of the "Western Oregon" section, in the OPEN AREA column, is the statement "Units to be determined in June 2006". The department failed to identify those units in June.

#### **635-090-0191**

Adopted August 9, 2006, effective August 9, 2006 through December 31, 2006  
Amended rule to allow a special, fast-track review and approval process available to the Board for emergency seeding projects that address recent wildfire-caused impacts to lands providing wildlife habitat.

**635-042-0160**

Adopted July 27, 2006, effective September 5, 2006 through December 31, 2006. Amended rule implements the commercial gill net fall salmon season in the Blind Slough and Knappa Slough select areas and allows retention and sales of white sturgeon. Revision is consistent with action taken July 27, 2006 by the Columbia River Compact.

**635-042-0170**

Adopted July 27, 2006, effective September 5, 2006 through December 31, 2006. Amended rule implements the commercial gill net fall salmon season in the Tongue Point Basin and South Channel select areas and allows retention and sales of white sturgeon. Revision is consistent with action taken July 27, 2006 by the Columbia River Compact.

**635-042-0180**

Adopted July 27, 2006, effective September 4, 2006 through December 31, 2006. Amended rule implements the commercial gill net fall salmon season in the Deep River Select Area and allows retention and sales of white sturgeon. Revision is consistent with action taken July 27, 2006 by the Columbia River Compact.

**635-004-0033**

Adopted August 10, 2006, effective August 11, 2006 through February 6, 2007. Amended rule increases the cumulative commercial nearshore Limited Entry monthly landing limits for black and blue rockfish in August and September 2006 from 700 to 1,400 lbs. per month. Rule also increases the cumulative monthly landing limits for permittees with a Nearshore endorsement as follows: "other nearshore rockfish" from 300 to 350 lbs. per month for the remainder of 2006; cabezon from 1,750 to 2,000 lbs. per month for the remainder of 2006; and greenling from 200 to 400 lbs. per month for the remainder of 2006. In-season projections of catch indicated that, at the present rate of fishing activity, the commercial harvest caps for black and blue rockfish, other nearshore rockfish, cabezon, and greenling would not be reached by the end of 2006.

**635-042-0031**

Adopted August 10, 2006, effective August 13, 2006 through December 31, 2006. Amended rule extends the ongoing commercial fall chinook salmon gill net season in the mainstem Columbia River (Zones 1 thru 5) by adding three new 12-hour fishing periods and increasing the combined possession limit for white sturgeon from 5 to 7 per week. Revision is consistent with action taken August 10, 2006 by the Columbia River Compact.

**635-003-0077**

Adopted August 17, 2006, effective August 19, 2006 through February 14, 2007. Amended rule implements an in-season change to the Oregon ocean commercial troll salmon season as adopted by the Pacific Fishery Management Council. The number of days in an open period was expanded from 3 to 4 days (Saturday through Tuesday); the possession limits were expanded from 60 to 80 chinooks per open period; and a "single point/single shank barbless hooks only" gear restriction was implemented.

**635-041-0075**

Adopted August 17, 2006, effective August 21, 2006 through December 31, 2006. Amended rule implements the Tribal Treaty fall salmon gill net fishery in Zone 6 of the mainstem Columbia River. Implementation is consistent with action taken August 17, 2006 by the Columbia River Compact.

**635-042-0031**

Adopted August 17, 2006, effective August 21, 2006 through December 31, 2006. Amended rule extends the commercial fall chinook salmon gill net season in the mainstem Columbia River by adding 2 more 11-hour fishing periods (August 21-22, 2006 and August 24-25, 2006). In addition, the open fishing area changed to from zones 1 thru 5 to zones 3 thru 5 for August 21 and 22, 2006; and then Zones 4 thru 5 for August 24 and 25, 2006. Implementation is consistent with action taken on August 17, 2006 by the Columbia River Compact.

**635-013-0004**

Adopted August 18, 2006, effective August 19, 2006 through December 31, 2006. Amended rule implements the federal Cape Falcon to Tillamook Head closure to ensure consistency with federal regulations for west coast salmon fisheries. Affected is the ocean recreational salmon fishery season from Leadbetter Point, Washington to Cape Falcon, Oregon.

**635-042-0031**

Adopted August 23, 2006, effective August 25, 2006 through December 31, 2006. Amended rule modifies the ongoing commercial fall chinook gill net season in the mainstem Columbia River. As the fishery nears its pre-season guidelines, the open fishing area was decreased and the remaining fishing period was reduced from 11 hours to 6 hours. Implementation is consistent with action taken August 23, 2006 by the Columbia River Compact.

**635-013-0004**

Adopted August 25, 2006, effective August 26, 2006 through December 31, 2006. Amended rule ensures consistency with federal regulations for west coast salmon fisheries. The Cape Falcon to Tillamook Head closure was rescinded. Affected is the ocean recreational salmon fishery season from Leadbetter Point, Washington to Cape Falcon, Oregon which is now open seven days per week. Implementation is consistent with action taken August 25, 2006 by the National Marine Fisheries Service together with the Pacific Fishery Management Council and the states.

**635-042-0160**

Adopted August 31, 2006, effective September 5, 2006 through December 31, 2006. Revised rule (see amendment adopted July 27, 2006) delays the commercial gill net fall season in the Blind Slough and Knappa Slough select areas. Revision is consistent with action taken August 31, 2006 by the Columbia River Compact.

**635-003-0077**

Adopted September 6, 2006, effective September 8, 2006 through December 31, 2006. Amended rule implements an in-season change to the Oregon ocean commercial troll salmon season as adopted by the Pacific Fishery Management Council. The number of

days open was expanded to 8 days; the possession limits were expanded from 80 to 160 chinook and from 40 to 80 fin-clipped coho.

*Action:*

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

Chair Rae announced that the Commission needs to repeal three rules and then readopt them as temporary rules. Steve Sanders said counsel recommends the Commission repeal the three rules effective today and readopt one rule to become effective tomorrow September 9 through March 5, 2007 and one rule to become effective today September 8 through March 5, 2007.

Chair Rae stated that the repeal and adoption of these temporary rules is nothing more than curing a technical matter. Further, this in no way changes any policy or any timeframe regarding the Commission's policy decision on crab pot limits. She asked if other Commissioners concur with that statement. The Commissioners concur.

*Action:*

Commissioner Denman moved that the Commission repeal existing Oregon Administrative Rules 635-055-0055, 635-006-1015 and 635-006-1065 effective September 8, 2006 through March 5, 2007. Commissioner Smith seconded the motion. The motion carried unanimously.

Commissioner Denman moved that the Commission adopt temporary Oregon Administrative Rules 635-005-0055, 635-006-1015 and 635-006-1065 (the set of rules with bold and underlined sections) effective September 9, 2006 through March 5, 2007. Commissioner Smith seconded the motion. The motion carried unanimously.

Combined Angling Tag Return Drawing Results

*Staff: Curt Melcher, Assistant Fish Division Administrator*

The agency has conducted the 16<sup>th</sup> Annual punch card drawing.

Avian Influenza Briefing

*Staff: Brad Bales, Migratory Bird Program Coordinator*

Adoption of Final Orders in Contested Cases: Suspension of Hunting/Angling Privileges for Arevalo, Anderson, Brandt, Brunnemer, Burnworth, Haagen, Ontko, Putman and Voegele

*Staff: Deanna Erickson, License Services Manager  
Bill Cook, Assistant Attorney General*

*Action:*

Commissioner Denman moved to adopt the final order in the matters of the violators before the Commission. Commissioner Smith seconded the motion. The motion carried unanimously.

Commissioner Smith moved to delegate authority to the director to issue final orders in regards to the Wildlife Violator's Compact. Commissioner Denman seconded the motion. The motion passed unanimously.

## **COMMISSIONER ITEMS**

### **Expenditure Report:**

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

**Due to annual Fiscal Year end close process, the July and August 2006 Financial Reports will be presented at the October meeting.**

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

The Commission considered approval of the August 2006 Commission minutes.

Correction: On page three under the Field Report for Oregon State Police the last line reads "...the girlfriend was cited for loading a big game tag." It should read "...the girlfriend was cited for loaning a big game tag".

#### *Action:*

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

### **Exhibit B: ACCESS AND HABITAT PROJECTS**

Nick Myatt, Access and Habitat Program Coordinator, and Tally Patton, Access and Habitat Board chair, requested the Commission to review and approve the Access and Habitat Board's July 25, 2006 recommendations for project funding.

Nick Myatt will follow up with BLM regarding the McKenzie project, at the request of Commissioner Smith and report back to the Commission. He will also, as requested by Commissioner Kerns start including maps and owner cell phone numbers so the Commissioners may contact the owners.

#### *Public Testimony:*

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No public testimony presented.

#### *Action:*

Commissioner Denman moved to approve the recommendations of the Access and Habitat Board for project funding set before the Commission. Commissioner Edge seconded the motion and the motion was carried unanimously.

**Exhibit C: BAY CLAM DIVE FISHERY PERMITS**

Jean McCrae, Developmental Fisheries Project Leaders briefed the Commission on limited entry bay clam permits to allow unrestricted transfers up to two times a year.

Commissioner Smith asked staff to explore transferability of Bay Clam Dive permits (ability to sell permits).

Public Testimony:

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Sans A. Miles  
Clam Permit Holder  
13600 Division St.  
Nehalem, OR  
503-368 3228

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Would like to see permits transferable.

*Action:*

No action, informational only

**Exhibit D: STURGEON AQUACULTURE PERMIT**

John Thorpe, Propagation Program Manager, requested the Commission review Yaquina Bay Fruit Processors application for a permit to rear sturgeon for research purposes.

Public Testimony:

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No public testimony presented

*Action:*

Commissioner Denman moved to approve the request for a permit to operate a fish hatchery 2006-2007, for those members of the family Acipenseridae, commonly known as white sturgeon for scientific purposes and authorize the Chair to issue the permit shown as Attachment 5. Commissioner Smith seconded the motion. The motion carried unanimously.

**Exhibit E: TEMPORARY RULE TO SUSPEND FIVE YEAR TRANSFER REQUIREMENT FOR COMMERCIAL DUNGENESS CRAB PERMITS**

Patty Burke, Marine Resource Program Manager and Deanna Erickson, Licensing Services Manager, requested the Commission adopt a temporary rule to suspend five year transfer requirements for commercial Dungeness crab permits.

Public Testimony:

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Jeff Mulkey  
F/V Pearl J  
4097 S. River Road  
Reedsport, OR

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Not in favor of transfer. Here to second Bob Eder's letter.

503-271-5527

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Rex Leach F/V Ms. Julie 68601 W. Fall Millicoma Rd. Coos Bay, OR 541-269-0182	Is in favor of the temporary rule. Doesn't help him personally but it will help other people. He would like the Commission to give Patty Burke and her staff the guidance to go forward with permit stacking, if possible, before this season.
Emily Dunn PO Box 8112 Garibaldi, OR 503-801-2871	Not in favor of temporary transfer rule.
Ray Toste WDCFD PO Box 2678 West Port, WA 98595 360-268-1515	A footage change along with a permit transfer is what the fleet needs to help people out.
Paul Toste	Not present
Dale Beasley CRCFA PO Box 461 Ilwaco, WA 98624 360-642-3942	Fully support 10 foot rule and shouldn't go over that. Do support the temporary rule. Doesn't know if it can be done in 60 days.
Leesa Cobb F/V Eagle III PO Box 1495 Port Orford, OR 97465 541-332-5250	Is in favor of the temporary rule.
Jerry Bates	Spoke on permit brokers. He said the cost of the footage has gone up and is now a double burden to those people who are trying to buy their way back into the fishery. Feels the temporary rule is a good start but would like to see the 60 month transfer time removed.

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*Action:*

Commissioner Denman moved to amend OAR Division 635-006-1095 as proposed by staff in Attachment 4. Commissioner Smith seconded the motion. Chair Rae would like to amend the motion to include ORS 508.921, 508.936, 506.775 as the statutory authority and 506.755. Commissioner Denman accepted the motion. The motion to amend carried unanimously. The motion to amend OAR 635-006-1095 carried unanimously.

**OTHER BUSINESS**

**Shikar Safari Wildlife Officer of the Year Award Presentation**

A presentation of the Shikar Safari Club International for Wildlife Officer of the Year Award to Sgt. Brett Seaholm, Oregon State Police. Award presented by Chair Rae to Sgt. Seaholm. (Immediately before lunch)

**Teaming with Wildlife Endorsement**

Ron Anglin, Wildlife Division Administrator presented the Commission with a Teaming with Wildlife endorsement presentation.

*Action:*

Commissioner Edge moved to authorize Chair Rae to endorse Teaming with Wildlife on behalf of the Commission. Commissioner Smith seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**

The Commission consulted with counsel concerning legal rights and duties under ORS 192.660(2)(h).

**UNSCHEDULED TESTIMONY**

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No unscheduled testimony presented

Chair Marla Rae adjourned the meeting at 1:50p.m.