

- 1 4. Public information and education about water and water management; and
2 5. More support for State agencies involved with water.

3
4 Dr. Campana said he felt optimistic after leaving the meetings. He said the Commission
5 could contact him at aquadoc@oregonstate.edu, or call 541-737-2413 with questions.

6
7 Senator-elect Dingfelder, who will chair the Senate Environment Committee, said many
8 discussions on water issues will take place during the 2009 Legislature; funding would
9 be a key concern. She thanked the Governor for making this issue a priority.

10
11 Chair Rae thanked both speakers and moved back to the Field Reports.

12 **DIRECTOR'S REPORT**

13 Field Reports

14 Northeast Region

15 Craig Ely, Northeast Region Manager, said the Nature Conservancy recently acquired
16 27 parcels of private land located in the Hells Canyon National Recreational Area to
17 provide public access to the Imnaha River and Hells Canyon. The acquisition will open
18 up seven miles of public access and give staff an opportunity to work on conservation
19 strategy goals. He said staff is working with Baker County and anglers to improve
20 fishing at Phillips Reservoir. Ely said that staff conducted an angler survey and will work
21 with local anglers to develop a fishery management plan.

22 High Desert Region

23 Amy Stuart, Deschutes Watershed Manager, said that Caspian terns nesting islands are
24 being built in Lake County to reduce predation of juvenile salmonoids. She said on
25 December 4, 2008, U.S. District Court Judge Winmill remanded back to U.S. Fish and
26 Wildlife its January 2005 decision that listing of greater sage grouse under the
27 Endangered Species Act was not warranted. She said the winter range conditions have
28 been variable, and reported that staff is monitoring 90 active radio-collared mule deer,
29 for the purpose of tracking their fall migration.

30 Northwest Region

31 Chris Wheaton, Northwest Region Manager, gave a report of the major snow storm that
32 hit his region the week before Christmas. Staff responded to reports of stranded or
33 starving elk, deer and brown pelicans, and will assess the losses and impacts during
34 population surveys later this winter. He also talked about power outages and flooding at
35 some of the fish hatcheries and the steps staff took to restore power with PGE.

36 Southwest Region

37 Steve Denney, Southwest Region Manager, discussed statistics from the fall deer
38 census, and noted a big increase in voluntary Chronic Wasting Disease samples from
39 hunters that will help staff monitor this disease. Staff is making preparations to install a
40 new intake weir at Rock Creek Hatchery. He talked about a collaborative project with
41 OSU, the Umpqua Coho Pedigree Project, which measures the effectiveness of using
42 hatcheries to supplement Coho salmon runs and to measure potential genetic risks.

1
2 Information and Education

3 Roger Fuhrman, Administrator, said staff was hiring another website developer to
4 support expansion of the agency's web-based outreach efforts and to make the website
5 more user-friendly. He said the Pacific Northwest Sportsman Show is scheduled
6 February 4-8 in Portland. Fuhrman said marketing staff met with Travel Oregon, KGW
7 television, and MEDIAmerica to discuss producing 24 segments that will highlight
8 outdoor getaways with a tie to local arts and culture. He said segments will air each
9 Saturday and Sunday on KGW's morning news show February – April, and Northwest
10 Cable will air segments. Also KGW, Travel Oregon and the agency will post the
11 segments online.

12
13 Chair Rae thanked Fuhrman for his division's hard work. Commissioner Edge noted the
14 huge amount of information that Fuhrman and his staff manage on the website.

15
16 Oregon Salmon and Columbia River Program

17 Tony Nigro, Program Manager, described work that staff have been doing, in
18 partnership with the City of Portland, to characterize fish distributions in urban streams
19 and the Columbia Slough. Staff conducted surveys in streams throughout the Metro
20 Area, as part of the city's Watershed Management Plan. This work is preliminary, so
21 analyses are not yet complete. ODFW has sampled 32,000 fish since last spring. Nigro
22 said he would provide a more detailed report later in the year.

23
24 Oregon State Police

25 Capt. Walt Markee reported that a 34-year old man from Tygh Valley was cited with
26 misdemeanor charges for using his pickup to ram and damage a Wildlife Enforcement
27 Decoy deer named "Scruffy" in Wasco County. The suspect was charged with unlawful
28 taking, driving without a valid operator's license, and destroying the decoy.

29
30 **Wind Energy Guidelines**

31 Jon Germond, Land Resources Program Manager in Wildlife Division, introduced Bob
32 Sallinger and Suzanne Leta Liou. He presented a briefing paper, *Oregon Columbia*
33 *Plateau Ecoregion Wind Energy, Siting and Permitting Guidelines, September 29, 2008,*
34 *by the U.S. Forest Service, the Oregon Department of Energy, and ODFW.* He said the
35 guidelines are the culmination of collaboration between state and federal resource
36 agencies, wind energy representatives, counties, environmental organizations and
37 consultants. Germond said the 16 participants were listed on page 2.

38
39 Suzanne Leta Liou, Renewable Northwest Project, reported on the process of
40 developing the guidelines and how projects are developed. She highlighted several key
41 issues:

- 42 1. Macrositing; insure you are doing a full assessment of what might be out there;
- 43 2. Type of preconstruction surveys developers do, and the length of those surveys;
- 44 3. Operational monitoring;
- 45 4. Mitigation, lengthy discussions around minimizing and mitigating impacts; and
- 46 5. Cumulative impacts. Is there a potential and how to address cumulative impacts?

1 Bob Sallinger, Audubon Society of Portland, discussed the process to create and
2 develop a good product and find common ground. He said Audubon supports wind
3 power and renewable energy in general and does not want to repeat past problems
4 such as finding out that an energy source harms wildlife. He said this strategy provides
5 consistency and predictability without wasting time or money. He also said wind power
6 will expand rapidly in Oregon but there will be potential conflicts. Renewable energy will
7 obviously have an impact on the landscape. Sallinger discussed the importance of:

- 8 1. Macrositing - an important early warning system for developers;
- 9 2. Mitigation based on ODFW guidelines;
- 10 3. Recommendations on the cumulative impacts analysis;
- 11 4. Adequate funding and staffing at ODFW;
- 12 5. Outreach to counties statewide;
- 13 6. Statewide expansion; andz
- 14 7. The 105 megawatts (MW) threshold.

15
16 Chair Rae said she was impressed with the work and cooperative nature of the project.

17
18 Commissioner Edge said bats are more of a problem than birds. He said he was
19 concerned about the 105 MW cut-off. He asked how ODFW can get that changed.

20
21 Leta Liou said originally the threshold was 25 MWs. About five years ago it was
22 increased to 105 MWs, but with a 33% capacity factor generating 100% of the power,
23 33% of the time. She said most power purchase agreements are not larger than 100 to
24 150 MW. She added the Association of Oregon Counties (AOC) is forming a task force
25 to look at wind and land use. She met with Mike McArthur to request that AOC involve
26 ODFW and the Oregon Department of Energy (DOE) and start with the guidelines.

27
28 Commissioner Smith said he believes urban areas have a good opportunity to
29 contribute something to solar power, such as installing solar power panels on flat roofs
30 (e.g., big box stores). It is an investment, and no wildlife habitat is compromised.

31
32 Chair Rae said ODFW has a good working relationship with Director Mike Grainey at
33 DOE and the Energy Facilities Siting Council, so staff will work with them on that issue.
34 She thanked Sallinger and Leta Liou for their reports, and then acknowledged AOC
35 lobbyist Art Schlack in the audience.

36
37 Art Schlack said the counties have formed a wind siting task force that is aware of these
38 issues and will address them. They appreciate the agency's interest in this issue.

39 **Little North Fork Santiam River Briefing**

40 Rhine Messmer, Recreational Fisheries Program Manager, said Steve Mamoyac wrote
41 a briefing (see *Director's Report: Briefing on the management and stock status of winter*
42 *steelhead in the Little North Fork Santiam River*) as requested by the Commission.

43
44
45 Steve Mamoyac, Mid-Willamette Valley Watershed District Fish Biologist, said he wrote
46 the briefing in response to a constituent who approached the Commission last August
47 about perceived inadequacies of protecting native winter steelhead in the Little North

1 Fork Santiam River. The briefing charted steelhead run timing at Willamette Falls and
2 Bennett Dams. Mamoyac talked about the 2009 implementation of two new regulations
3 in Little North Fork: 1) to allow retention of unmarked summer steelhead in July and
4 August; and 2) a bait prohibition.

5
6 Chair Rae thanked Mamoyac for his update and said she hoped staff had satisfied the
7 concerns of the constituent. Mamoyac said he had been in contact with the individual.

8
9 The Commission took a break at 10:00 a.m., and reconvened at 10:10 a.m.

10 11 **Expenditure Report**

12 Tom Ruddiman, Deputy Director of Administration, discussed the Financial Report for
13 the 2007-09 biennium accounting month ended November 30, 2008. He said
14 department-wide, the revenue and expenditures are within budgeted projections.

15
16 Director Elicker asked Ruddiman to give an update on the 2009-2011 budget process.
17 Ruddiman said he is waiting for information from DAS to finalize the 2009-11 budget.
18 He said the Governor did an across-the-board adjustment to reduce spending, but the
19 Legislature will give ODFW some flexibility to make adjustments.

20
21 Ruddiman also said the Internet sales website was successfully launched in mid-
22 November, with \$62,000 in documents sold, and 900 individual customers served.

23 24 **Adopt Temporary Rules**

25 Director Elicker requested the Commission ratify the following six temporary rules. The
26 six temporary rules were previously adopted by the director under his emergency action
27 authority.

28
29 **635-017-0095; 635-023-0095; 635-0442-0130; and 635-042-0135.**

30 **2009 Seasons for Sturgeon and Smelt Set In the Columbia and Lower Willamette** 31 **Rivers**

32 Adopted December 18, 2008; effective January 1, 2009 through June 29, 2009.

33 Rule modifications set the commercial fishing seasons for smelt and sturgeon in the
34 Columbia River below Bonneville Dam and establish recreational sturgeon fishing
35 seasons in the Columbia River and the Willamette River downstream of Willamette Falls
36 (including Multnomah Channel). Revisions are consistent with the action taken
37 December 18, 2008 by the Columbia River Compact agencies of Oregon and
38 Washington.

39
40 **635-004-0027**

41 **2009 Harvest Quota Set for the Commercial Roe Herring Fishery in Yaquina Bay**

42 Adopted December 29, 2008; effective January 1, 2009 through April 15, 2009.

43 Rule modifications set the 2009 harvest quota for the Yaquina Bay commercial roe
44 herring fishery at 19 tons (20% of the projected available spawning biomass). Under
45 635-004-0027, this roe herring fishery harvest quota shall not exceed 20% of the
46 available spawning biomass, in order to sustain healthy herring populations, as
47 established in the Yaquina Bay Basin Fish Management Operating Principles and

1 Objectives found in OAR 635-500-0665 (2).

2
3 **635-004-0033**

4 **Revised Nearshore Species Cumulative Trip Limits for Commercial Nearshore**
5 **Fishery**

6 Adopted December 29, 2008; effective January 1, 2009 through June 29, 2009.

7 Rule modifications revise the cumulative trip limit for vessels having a limited entry black
8 rockfish and blue rockfish permit and vessels having a black rockfish and blue rockfish
9 permit with a nearshore endorsement, as follows: Increases the black rockfish and blue
10 rockfish Period 1 cumulative trip limit from 600 to 800 pounds; and increases the black
11 rockfish and blue rockfish Period 2 cumulative trip limit from 800 to 1,000 pounds.

12
13 **635-004-0016**

14 **Management Measures Adopted for the 2009 Commercial Sardine Fishery**

15 Adopted December 30, 2008; effective January 1, 2009 through June 29, 2009.

16 Rule modifications adopt management measures for the 2009 commercial sardine
17 fishery, as approved by the Pacific Fishery Management Council in November 2008.
18 The 2009 sardine season began on January 1, 2009.

19
20 **635-004-0090**

21 **Implementation of New Fork-length Measurement Standard for Commercial**
22 **Sturgeon**

23 Adopted December 30, 2008; effective January 1, 2009 through June 29, 2009.

24 Rule modifications implement a new measurement standard for commercially caught
25 sturgeon in ocean waters. These new measurement standards have already been
26 adopted by the Columbia River Compact agencies of Oregon and Washington. These
27 modifications create consistency within Oregon Administrative Rules and help to
28 eliminate confusion for fishers and law enforcement agencies.

29
30 **635-004-0019**

31 **Implementation of In-season Adjustments to Pacific Coast Groundfish Fishery**
32 **Regulations**

33 Adopted January 2, 2009; effective January 5, 2009 through May 1, 2009.

34 Rule modifications adopt in-season actions implemented by the National Marine
35 Fisheries Service (NMFS) and announced by NMFS Public Notice, NMFS-SEA-08-08,
36 dated December 31, 2008. Modifications include changes in cumulative trip limits and
37 RCA boundaries.

38
39 *Action: Commissioner Englund moved to ratify the temporary rules.*

40 *Commissioner Edge seconded the motion. The motion passed unanimously.*

41
42 **PUBLIC FORUM.** Chair Rae said no one signed up for public comments.

43
44
45 **Exhibit A: COMMISSION MINUTES**

1 Chair Rae said the Commission minutes for the Joint Oregon and Washington Fish and
2 Wildlife Commissions on December 11, and the minutes for the Oregon Fish and
3 Wildlife Commission on December 12 had been deferred to their February 20 meeting.
4

5 **Exhibit B: 25-YEAR RECREATIONAL ANGLING ENHANCEMENT PLAN**
6 **DEFERRED TO FEBRUARY 20, 2009 COMMISSION MEETING.**

7 Chair Rae said the Commission would take up this issue at their February 20 meeting.
8

9 **Exhibit C: ST. LOUIS PONDS RULE AMENDMENT**

10 Rhine Messmer, Recreational Fisheries Program Manager, asked the Commission to
11 adopt the changes in the Division 8 Rules, Attachment 4, for St. Louis Ponds. These
12 changes would provide consistency with Sport Fish Regulations adopted in 2008. He
13 gave a slide presentation about why people should angle from a floating device. He said
14 the seven ponds are located northwest of Gervais off of I-5. The current rule prohibits
15 boats on the ponds. He said this proposed rule would allow angling from a floating
16 device (float tube) on all ponds except Ponds #1 and #3. Boats are prohibited on all
17 ponds and float tubes are prohibited on Ponds #1 and #3.
18

19 Chair Rae said no one signed up for public testimony.
20

21 Chair Rae asked if she would be allowed to fish from her kayak in St. Louis Ponds.
22 Messmer said no, these are personal floating devices, they are not boats. Chair Rae
23 asked if the proposed rule is clear that angling from a “floating device” by definition does
24 not include a boat. Messmer said we do not have a definition of floating device as per
25 the book, but “personal floating devices” are taken to be float tubes, U-tubes, those
26 tubes that suspend a person in the water and are powered by that person.
27

28 Director Elicker asked whether there is a reason to allow just float tubes and not kayaks
29 or other devices. Messmer said this was discussed, and the consensus was that these
30 would provide an opportunity without the possibility of over-use of the ponds.
31

32 Chris Wheaton pointed out that these ponds are extremely narrow, and the rule change
33 is proposed because the brush and cover on the banks restrict access.
34

35 Steve Sanders said if there isn't a more specific definition of a “floating device”, it's hard
36 to distinguish between a float tube and a kayak – the use of a floating device. He noted
37 it says it's prohibited from a “floating device”, and then it's allowed from a “personal
38 floating device” from the other ponds. He suggested inserting the word “personal
39 floating device” in both the prohibition and the permission, to make that distinction.
40

41 Chair Rae referred to subsection (2) (b) “Use any floating craft on any pond **except as**
42 **provided under (3) below;**”, and said nothing needs to be changed there. Sanders
43 said to go to subsection (3). Chair Rae asked him to clarify whether it was “angling from
44 a personal floating device” or “angling from a personal floating tube”. Sanders said
45 “personal floating device”. He suggested using the parallel phrase in both places so
46 that it's clear that we are prohibiting and permitting the same things.
47

1 Chair Rae said the Commission would defer action until counsel and staff prepared the
2 appropriate revised language.

3
4 **Exhibit D: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**

5 Christine Broniak, Economist, said ORS 506.720 states, “The Commission shall by rule
6 in January of each year establish the average market value for each species of food fish
7 for the year.” She discussed the penalties for the unlawful taking of food fish, and
8 discussed the average market values and said prices overall are up for most species.
9 Staff recommends adopting the revised language in 635-006-0232 (see Attachment 4 –
10 *Revised*, Exhibit D) that reflects the adjustments to the previous year’s prices.

11
12 Chair Rae said there was no public testimony and asked for a motion.

13
14 *Action: Commissioner Edge moved to amend the Schedule of Damages for*
15 *Commercial Fishing Violations contained in OAR 635-006-0232 as proposed by*
16 *staff in Revised Attachment 4. Commissioner Smith seconded the motion.*

17 *Vote: The motion passed unanimously.*
18

19 **EXHIBIT E: WILDLIFE AREA PLANNING UPDATE: FERN RIDGE, LOWER**
20 **DESCHUTES, RIVERSIDE AND BRIDGE CREEK WILDLIFE AREAS**

21 Nancy Breuner, Habitat Biologist, High Desert Region, introduced the Wildlife Area
22 Managers and staff, and described the Plan Review Process concerning the draft plans.
23 Staff has contacted key stakeholders and other interested parties including local media
24 outlets. The public review process begins today with the Commission meeting. Other
25 meetings will be held and public comments will be incorporated into the final draft plans.
26 This process ends April 17 with potential adoption of the final drafts by the Commission.

27
28 Cameron Sponseller, Senior Fish and Wildlife Technician, said the Bridge Creek Wildlife
29 Area was established in 1961 to manage winter range for Rocky Mountain elk and year-
30 around habitat for mule deer and provide recreational opportunities. He discussed three
31 goals: 1) protect, enhance and manage winter range habitats for Rocky Mountain elk; 2)
32 protect, enhance and manage habitats to benefit native wildlife and desired game
33 species; and 3) provide a variety of public recreational and educational opportunities.
34 He also discussed management issues: upland habitats; monitoring; and public use and
35 recreation. He said a public review meeting is scheduled January 27 at the Pendleton
36 Convention Center.

37
38 Commissioner Smith asked what relationship Bridge Creek had with the Blue Mountain
39 Rocky Mountain Elk Initiative. He suggested that staff mention that in their management
40 plan. Sponseller said he would defer that question to his supervisor Steve Allen.

41
42 Commissioner Edge said the Bridge Creek area is well known for research for using
43 cattle to precondition forage for elk. He asked if there was a kiosk that explained that
44 relationship. Sponseller said information exists on kiosk panels within the nature area.

45
46 Chair Rae asked Sponseller to notify Commissioner Bobby Levy about the date and
47 location of the January meeting. Sponseller agreed.

1
2 Wayne Morrow, Manager, said Fern Ridge Wildlife Area, was established in 1957 to
3 manage land and water within the United States Army Corp of Engineer (USACE) Fern
4 Ridge Lake project for the benefit of fish and wildlife. Fern Ridge's 25-year license was
5 updated and renewed October 2008. Morrow discussed three goals and objectives: 1)
6 manage habitats to attract and support waterfowl in the southern Willamette Valley; 2)
7 protect, enhance and restore habitat for other wildlife; and 3) provide recreational and
8 educational opportunities. He reported on management goals: balance resource
9 management goals with programs; develop and operate habitat management
10 infrastructure; maintain existing facilities and equipments, and maintain ODFW's
11 partnership with USACE. A public meeting will be held January 23.
12

13 Commissioner Smith said Fern Ridge is unique because it is adjacent to an urban area
14 and the Eugene wetlands. He suggested to Morrow that since the Eugene Airport is
15 expanding, he stay in contact with the Airport Commission, as a consultant. There are
16 people living near Fern Ridge, and he would like to see recognition of these issues in
17 the Management Plan.
18

19 Crystal Strobel, Wildlife Biologist, said the Lower Deschutes Wildlife Area, was
20 established in 1983 to provide habitat for threatened and endangered fish species,
21 bighorn sheep, mule deer, native fish and wildlife and other desired game species. She
22 described the plan's goals and objectives: 1) protect, enhance and restore aquatic and
23 riparian habitats for native fish, wildlife and game species; 2) protect, enhance and
24 manage upland habitats to benefit native wildfish and desired games species; and 3)
25 provide and promote fish and wildlife recreational and educational opportunities. She
26 also discussed invasive plant control, habitat preservation and enhancement,
27 monitoring and fire awareness and prevention. Three public review meetings will be
28 held January 14 in The Dalles, January 15 in Moro, and January 21 in Madras.
29

30 Dan Gonzalez, Manager, said the Riverside Wildlife Area was established in 1972 to
31 improve hunting and fishing access south of Highway 20. He discussed the plan's three
32 goals: 1) enhance and restore upland habitats to benefit native wildlife and desired
33 game species; 2) protect, enhance and manage riparian and freshwater aquatic habitats
34 to benefit native and desired game species; and 3) provide fish and wildlife-oriented
35 recreational and educational opportunities. Objectives include providing hunting, fishing,
36 and other recreational opportunities. Gonzalez discussed monitoring of wildlife;
37 establishing standardized methods similar to the cooperating agencies. He said two
38 public meetings are scheduled in January.
39

40 Nancy Breuner said the date for the Fern Ridge Plan was actually January 23 and not
41 January 27 as posted.
42

43 Commissioner Smith referred to his handout, *Wildlife Area Plans – January 9, 2008*
44 *Comments*, and said all the wildlife area plans were good. He asked staff to consider
45 the following suggestions when developing their plans:

- 46 1. Vision Statement consistent with agency's view of the future.
- 47 2. Emphasis on non-consumptive values and uses of fish and wildlife.

- 1 3. Vision, Goals, Objectives and Strategies are sequenced well. Reveal how strategies
2 will drive the annual program of work, budgeting and priorities.
- 3 4. Partnerships with agencies, organizations and the public in all four plans. Consider
4 new and innovative ways to involve others in the management and success for each
5 area.
- 6 5. Climate change contingencies – include as part of each plan.

7
8 Director Elicker acknowledged Wayne Morrow for building a great volunteer program at
9 Fern Ridge.

10
11 Chair Rae thanked the speakers for their briefings. She said Sauvie Island, because of
12 its unique features, will go through a more extensive public process.

13 14 **Exhibit F: HAVENS CONTESTED CASE HEARING**

15 Chair Rae said the Commission would consider adoption of a final order in the
16 contested case proceeding of Mr. Patrick J. Havens' angling, hunting and trapping
17 privileges suspension. She said there is no public comment process in contested case
18 proceedings.

19
20 DeAnna Erickson, Licensing Manager, asked the Commission to prepare the final order
21 in the Wildlife Law Violator Compact contested case hearing for Patrick Havens. She
22 summarized the facts of the case (see Exhibit F Agenda Item Summary - Attachment 1
23 in the Commission packet). On April 2, 2007, Mr. Havens pleaded guilty to a wildlife
24 violation in Nevada, and his hunting, angling and trapping privileges were suspended for
25 three years (March 9, 2007 - March 9, 2010). Oregon sent him a notice of intent to
26 suspend his hunting and angling privileges for the same time period. A hearing was held
27 before Administrative Law Judge Jennifer H. Rackstraw on November 4, 2008. Havens
28 did not deny his Nevada conviction, but requested leniency since this was his first
29 violation and he said he did not violate the law intentionally. Judge Rackstraw issued a
30 proposed order (Supplemental Draft Final Order, January 9, 2009, Attachment 5) for the
31 Commission to consider.

32
33 Erickson said the Commission may either adopt the judge's proposed order as the Final
34 Order or make changes to it. If they make changes, they must explain why. She said
35 Steve Sanders can address questions about the law or the process.

36
37 Commissioner Smith asked if the record revealed anything that would substantiate his
38 request for leniency. Erickson said it did not.

39
40 Commissioner Klarquist said it appears his suspension should be effective in 2007. He
41 asked if Mr. Havens held Oregon licenses in 2007-2008 while the process was going
42 on. Erickson said yes he did hold licenses here at that time.

43
44 Steve Sanders explained, there is a delay in the process, and Mr. Havens got away with
45 missing part of his suspension time in Oregon because of it. He said the process is
46 being streamlined to address this issue.

1 Commissioner Kerns asked if the Commission went ahead with the suspension, would it
2 end on the Nevada date of March 9, 2010. Chair Rae said that was correct and asked
3 for a motion.

4
5 *Action: Commissioner Klarquist moved to adopt the Oregon Department of Fish
6 and Wildlife Supplemental "Revised Final Order" as presented by the Revised
7 Attachment 5, dated January 9, 2009, in the Patrick J. Havens contested case.
8 Commissioner Edge seconded the motion. The motion passed unanimously.*

9
10 Chair Rae asked about the compact process. Ron Anglin said new rules have been
11 adopted that will allow Oregon to suspend violators in other states for the full sentencing
12 time. Mr. Haven's case fell under the old rules.

13
14 **Exhibit C: St. Louis Ponds Rule Amendment.** Chair Rae returned to the rule
15 language change in OAR 635-008-0145.

16
17 Director Elicker said this rule change resolves an inconsistency between a rule in fishing
18 regulations and current Wildlife Area rules. A bigger issue will be taken on as part of the
19 next Fishing Regulations Review, and that is, why it is necessary to restrict the type of
20 craft used to float on a warm water pond.

21
22 Chair Rae explained that her question about kayaks was prompted by the Director; she
23 was trying to facilitate a response to the Director's inquiry.

24
25 Commissioner Edge said he was okay with the rule as written. Chair Rae asked if there
26 were any further questions.

27
28 Rhine Messmer said he distributed an amended copy of "Attachment 4" that adds the
29 Marine Board definition of a float tube into Part 3. He asked the Commission to adopt
30 the following changes to OAR 635-008-0145:

31
32 (2)(b) Use any floating craft on any pond **except as provided under (3) below:**
33 **(3) Angling from a floating craft prohibited on Pond # 1 and Pond # 3. Angling**
34 **from a float tube is allowed on all other ponds. Float tubes are defined as a**
35 **manufactured device constructed of canvas, nylon or other similar material**
36 **encasing an inner tube capable of supporting one person sitting inside with their**
37 **legs dangling below the vessel, used as a means of transportation and angling on**
38 **water.**

39
40 Chair Rae asked if there were any questions or concerns about Amended Attachment 4.

41
42 *Action: Commissioner Edge moved to amend OAR Chapter 635-008-0145 as*
43 *proposed by staff in the Amended Attachment 4. Commissioner Smith seconded*
44 *the motion. The motion passed unanimously.*

1 **OTHER BUSINESS**

2
3 Commissioner Smith suggested that staff recognize Wallowa County for its assistance
4 in acquiring more public land in Hells Canyon. Director Elicker introduced Manny
5 Farinas, acting Interim Deputy Director for three months while Curt Melcher tracks
6 legislation during the Session. Elicker said he would ask Manny to work with Craig Ely
7 to give appropriate recognition to Wallowa County for its help on the land purchase.

8
9 Chair Rae said Commissioner Smith's term would end in February. She is working with
10 the Governor's Office on the issue of timing, in order to find a replacement for him.

11
12 Chair Rae said Washington has not yet taken formal action on the Columbia River
13 Impact Allocation on Chinook salmon. The Washington Fish and Wildlife Commission's
14 meeting scheduled January 9-10 was cancelled due to inclement weather; it will be
15 rescheduled.

16
17 **ADJOURN**

18
19 Chair Marla Rae adjourned the meeting at 11:40 a.m.