

1 aerial survey staff observed 29 mountain goats on Mount Jefferson; their radio-collars
2 are still functioning. On July 23 and 24 staff released 24 more goats on Mount Jefferson.

3 4 Southwest Region

5 Larry Cooper, Region Manager, reported that Steamboat Ladder on Steamboat Creek
6 was installed in the 1950's to improve passage of summer steelhead into the creek and
7 above Steamboat Falls. He said periodically staff cleans the ladder to allow passage of
8 fish in June and July. Construction of a structure to allow access earlier to the ladder
9 should be completed mid-September. Cooper said Butte Falls Hatchery was closed in
10 August 2010. The fish raised there were moved to Cole Rivers Hatchery and ODFW's
11 water right was converted back to an instream water right on the South Fork Big Butte
12 Creek; the diversion dam was returned to U.S. Department of the Interior. On July 24 the
13 remaining ODFW property was transferred to Butte Falls School District. He said this
14 completes the disposal process approved by Commission action in December 2011.

15 16 Northwest Region

17 Chris Wheaton, Region Manager, said regional fish research staff has tagged 15,000
18 juvenile Chinook in the Willamette to study their life histories. He said Embry-Riddle
19 Aeronautical University in Florida is partnering with ODFW and U.S. Fish and Wildlife
20 Service (USFWS) on an unmanned aerial vehicle project to survey cormorant colonies.
21 Staff hopes to fly over Oregon's offshore rocks once permission is obtained from the
22 Federal Aviation Administration. He said Salmon and Trout Enhancement Program
23 (STEP) biologists have placed angling equipment for kids to check out at public libraries
24 in Newport, Lincoln City, and Depoe Bay. Wheaton said in June the Tillamook office
25 staff responded to a coyote attack on a young girl at Nehalem State Park. The U.S.
26 Wildlife Services (USWS) collected an animal that tested negative for rabies. The
27 Oregon Parks and Recreation Department (OPRD) will continue to monitor the situation.

28 29 Information & Education

30 Roger Fuhrman, Administrator, said in June the Commission approved a Restoration
31 and Enhancement (R&E) Program grant that allowed staff to purchase six mobile angling
32 education trailers for use at workshops, clinics and Family Fishing Events statewide.
33 Director Elicker and staff met with Bowtech Archery of Eugene to create two mobile
34 archery trailers to support archery clinics around the state. Bowtech donated 20 bows to
35 the project and is designing the trailer "skin". They are also developing an informational
36 flyer for participants taking up archery activities. Fuhrman said ODFW will have a new
37 mobile aquarium, also funded by the R&E Program, during the Oregon State Fair. The
38 aquarium will be stocked with native fish and also be used at other events statewide.

39 40 Conservation Strategy

41 Andrea Hanson, Acting Conservation Strategy Coordinator for Wildlife Division, said
42 district wildlife biologists were asked to: 1) provide summaries of their application of the
43 Oregon Conservation Strategy (Strategy) over the last two years; and 2) get a list of
44 priority strategy species that have the most critical data need. She summarized district
45 habitat-related projects in need of conservation. She said one area to improve is linking
46 these projects to the Strategy. Talking about this work broadens the ability to get grant
47 opportunities and partnerships and landowner participation, and gains more local

1 support. Hanson discussed Strategy species monitoring efforts statewide. She said
2 requesting this input from the districts will help staff to prioritize where to focus efforts on
3 the surveys; that data will help form staff's recommendations on land management use.

4
5 Commissioner Akenson asked if a public document would come out of that work.
6 Hanson said she will develop the priorities with watersheds and the districts. Director
7 Roy Elicker asked Hanson to summarize her report so he could provide it to the
8 Commission. He said staff's annual Strategy report and this data will be on the website
9 so the public could see ODFW's progress on habitat restoration and other similar issues.

10 11 Marine Reserves Program

12 Caren Braby, Program Manager, reported that a large 66-foot dock landed on Agate
13 Beach close to Newport on June 5 with an intact coastal community that might have a
14 predatory impact if they were to establish and out-compete native Oregon species.
15 ODFW worked with OPRD to remove the invasive species risk and with Oregon State
16 University (OSU) to collect samples and identify those species. Staff removed over two
17 tons of biological material from the dock that was buried to minimize the risk from
18 anything escaping back into the marine environment. OPRD is removing the dock this
19 week. Braby said this week Oregon hosted a workshop in Portland with other partners on
20 how to deal with this issue. Braby said Director Elicker is a member of the Governor's
21 Tsunami Debris Task Force to address the resources needed to do things on the ground.

22 23 Oregon State Police, Fish and Wildlife Division

24 Captain Jeff Samuels introduced Major Pat Ashmore in charge of Police Services
25 Bureau that oversees the Fish and Wildlife, Patrol, and Criminal Divisions. Captain
26 Samuels also introduced Lieutenant Don Wagner recently promoted to the Oregon State
27 Police (OSP) east region. Captain Samuels said an eight-month investigation was
28 conducted by Bend and Madras OSP Troopers in conjunction with U.S. Forest Service
29 (USFS) law enforcement and Deschutes County Sheriff Office. He said in the Metolius
30 Wildlife Area the Troopers noticed that mule deer were being killed and locked gates
31 were being broken off. After the investigation they identified three suspects in the
32 unlawful take of mule deer and elk. The three individuals were doing this over a year and
33 took upwards of 100 big game animals. One suspect was arrested and all three were
34 cited for multiple charges for their spree killing.

35 36 **Expenditure Report**

37 Debbie Colbert, Deputy Director for Administration, said as of June 30, 2012, department
38 wide revenues and expenditures are within budgeted projections. She discussed the
39 permanent adjustments made during the May Emergency Board, these across-the-board
40 General Fund (GF) reductions applied to state agencies with GF. ODFW cut \$250,000
41 out of its base budget by eliminating a vacant hatchery manager position, reducing
42 advertising in the Information and Education Program, and discontinuing a public affairs
43 personal service contract in the Wildlife Division.

44 45 **Adopt Temporary Rules**

46 Director Elicker asked the Commission to adopt the 37 administrative temporary rules on
47 pages one through eight of the tan-colored agenda.

1
2 **1. 635-019-0090**

3 **Recreational Spring Chinook Fishery in Lookingglass Creek Closes**

4 Adopted June 8, 2012: effective June 11, 2012 through August 31, 2012.

5 This amended rule closes the recreational spring Chinook fishery for adipose fin-clipped
6 adult and jack Chinook salmon in Lookingglass creek, which began May 26, 2012 due to
7 attainment of the preseason allocation of this valuable resource.
8

9 **2. 635-021-0090**

10 **Powder River Sport Spring Chinook Fishery Opens June 13**

11 Adopted June 8, 2012: effective June 13, 2012 through September 1, 2012.

12 This amended rule allows the sport harvest of out-planted hatchery spring Chinook
13 salmon in the Powder River from Wednesday, June 13 through September 1, 2012.

14 Modifications allow sport anglers an opportunity to harvest spring Chinook salmon
15 returning to Hells Canyon Dam, which has been out-planted specifically for this purpose.

16 The salmon trapped and transported to the Powder River are predominantly the result of
17 smolt releases intended to provide fisheries on the Snake River and are in excess of the
18 number needed to provide those fisheries.
19

20 **3. 635-014-0090**

21 **Northwest Zone Angling Regulations Modified Effective June 12, 2012**

22 Adopted June 11, 2012: effective June 12, 2012 through October 31, 2012.

23 This amended rule updates the quota amounts for several Northwest Zone rivers based
24 on data presented to the Oregon Fish & Wildlife Commission at its June 8, 2012 hearing.
25 The Trask River Hatchery Hole closure remains delayed from June 1 until July 1, 2012;
26 and modifications allow anglers greater opportunity to harvest hatchery spring Chinook
27 by extending the season 200 feet upstream and 900 feet downstream of the hatchery.

28 This amended rule also reduces the ability of anglers to employ snagging methods in a
29 segment of the Trask River and Three Rivers by continuing restrictive gear regulations
30 during the later portion of the spring Chinook angling season.
31

32 **4. 635-023-0128**

33 **2012 Columbia River Summer Recreational Fisheries Implemented**

34 Adopted June 11, 2012: effective June 16, 2012 through July 31, 2012.

35 This amended rule implements the summer recreational salmon fishing seasons in the
36 Columbia River. Modifications to regulations for 2012 conform to recent regulation
37 changes developed through the Pacific Fishery Management Council/North of Falcon
38 Process. Housekeeping and technical corrections to the regulations were made to
39 ensure rule consistency.
40

41 **5. 635-042-0027**

42 **Implementation of 2012 Columbia River Summer Chinook Non-Indian Commercial
43 Gillnet Fishery**

44 Adopted June 13, 2012: effective June 17, 2012 through July 31, 2012.

45 This amended rule implements the 2012 summer Chinook salmon non-Indian
46 commercial gillnet fishery in the Columbia River mainstem consistent with provisions of
47 the *U.S. vs. Oregon* management agreement. Modifications allow an 8-hour non-Indian

1 commercial summer Chinook fishing period in the mainstem Columbia River beginning at
2 9:00 p.m. Sunday, June 17 through 5:00 a.m., Monday, June 18, 2012. Fishing is
3 authorized in all of Zones 1 through 5. Implementation is consistent with action taken
4 June 13, 2012 by the Columbia River Compact agencies of Oregon and Washington.
5

6 **6. 635-041-0076**

7 **Columbia River Treaty Indian Commercial Gill Net Salmon Season Implemented**

8 Adopted June 13, 2012: effective June 18, 2012 through July 31, 2012.

9 Rule modifications set two gill net fishing periods in Zone 6 of the Columbia River and
10 allow the sales of fish caught during those periods. Revisions are consistent with action
11 taken June 13, 2012 by the Columbia River Compact agencies of Oregon and
12 Washington in cooperation with the Columbia River Treaty Tribes.
13

14 **7. 635-041-0020**

15 **Zone 6 Treaty Indian Subsistence Fishing Area Modified**

16 Adopted June 14, 2012: effective June 16, 2012 through November 15, 2012.

17 Rule amendments modify the subsistence sanctuary restriction around the mouth of
18 Fifteen Mile Creek in Bonneville Reservoir to allow the taking of salmon and steelhead,
19 during the period from June 16 through November 15, near the mouth of Fifteen Mile
20 Creek.
21

22 **8. 635-019-0090**

23 **Recreational Spring Chinook Fishery in Lookingglass Creek Reopens**

24 Adopted June 19, 2012: effective June 22, 2012 through September 1, 2012.

25 This amended rule allows recreational anglers opportunity to harvest adipose fin-clipped
26 adult and jack Chinook salmon, which are in excess of the Department's hatchery
27 production needs, in Lookingglass Creek. This fishery is scheduled for the period from
28 Friday, June 22 through June 25
29

30 **9. 635-041-0072**

31 **Columbia River Treaty Indian Commercial Shad Season Implemented**

32 Adopted June 20, 2012: effective June 21, 2012 through July 31, 2012.

33 Rule modifications set a 40-day commercial shad season in Zone 6 of the Columbia
34 River from June 21 through July 31, 2012 and allow the sale of shad caught during this
35 period. Revisions are consistent with action taken June 20, 2012 by the Columbia River
36 Compact agencies of Oregon and Washington in cooperation with the Columbia River
37 Treaty Tribes.
38

39 **10. 635-004-0355**

40 **Increased Cumulative Trip Limits for Black and Blue Rockfish Combined in**
41 **Periods 3 and 4**

42 Adopted June 22, 2012: effective July 1, 2012 through December 27, 2012.

43 This amended rule increases the Nearshore commercial fishery cumulative trip limits for
44 black rockfish and blue rockfish combined by 400 pounds, from 1,400 to 1,800 pounds,
45 in each of Periods 3 and 4.
46

1 **11. 635-019-0090**

2 **Sport Chinook Fisheries on the Imnaha River Close**

3 Adopted June 25, 2012: effective June 27, 2012 through September 1, 2012.

4 This amended rule closes the recreational spring Chinook fishery in the Imnaha River
5 effective 11:59 p.m., Wednesday, June 27, 2012.

6
7 **12. 635-014-0090**

8 **Trask River Angling Regulations Modified Effective July 1, 2012**

9 Adopted June 26, 2012: effective July 1, 2012 through November 30, 2012.

10 These rule modifications delay the spring Chinook fishery closure at the Trask River
11 Hatchery Hole until August 1, 2012 in order to allow anglers greater opportunity to
12 harvest hatchery spring Chinook by extending the season 200 feet upstream and 900
13 feet downstream of the hatchery. Further modifications reduce the ability of anglers to
14 employ snagging methods in a segment of the Trask River and Three Rivers by
15 imposing more restrictive gear regulations during the later portion of the spring Chinook
16 angling season.

17
18 **13. 635-005-0355**

19 **Tillamook Bay Commercial Cockle Clam Dive Fishery Closes**

20 Adopted June 26, 2012: effective July 4, 2012 through December 30, 2012.

21 Amended rule closes the Tillamook Bay commercial cockle clam dive fishery at 12:01
22 a.m., Wednesday, July 4, 2012 due to a projected attainment of the 90,000 pound
23 annual harvest quota allowed under bay clam dive permits. Modifications are consistent
24 with requirements described in OAR 635-005-0355 Sections (2) and (3).

25
26 **14. 635-004-0275**

27 **Federal In-season Actions and Management Measures Adopted for Groundfish
28 Fisheries**

29 Adopted June 27, 2012: effective July 1, 2012 through October 27, 2012.

30 This amended rule adopts in-season actions previously adopted by the federal
31 government for 2012 Pacific Ocean commercial groundfish fisheries, including but not
32 limited to: 1) Changes to limited entry and open access sablefish daily trip limit fishery;
33 and 2) Changes in the trawl rockfish conservation area.

34
35 **15. 635-023-0095**

36 **Columbia River Recreational Sturgeon Fisheries Downstream of the Wauna
37 Powerlines Close**

38 Adopted June 28, 2012: effective July 1, 2012 through August 31, 2012.

39 This amended rule establishes a replacement for the "Skamania Island" boundary, which
40 was removed by acts of nature. Further modifications close the ongoing recreational
41 sturgeon fishery in the Columbia River, below the Wauna power lines four (4) days
42 earlier than previously scheduled, effective 12:01 a.m., Thursday, July 5, 2012, due to
43 the anticipated attainment of the pre-season harvest guideline. Modifications are
44 consistent with action taken June 28, 2012 by the Columbia River Compact agencies of
45 Oregon and Washington.

1 **16. 635-041-0045**

2 **Treaty Indian Summer Commercial Fisheries in the Columbia River Downstream of**
3 **Bonneville Dam**

4 Adopted June 28, 2012: effective July 1, 2012 through October 31, 2012.

5 Rule amendments allow sales in Oregon of fish harvested in the Treaty Indian Summer
6 Commercial fisheries in the Columbia River downstream of Bonneville Dam, beginning
7 6:00 a.m., Sunday, July 1, 2012. Modifications are in response to a Treaty Tribes
8 request for authorized sales of fish caught in Tribal commercial fisheries both above and
9 below Bonneville Dam. Modifications are consistent with action taken June 29, 2012 by
10 the State of Oregon in cooperation with the Columbia River Treaty Tribes.
11

12 **17. 635-042-0145**

13 **White Sturgeon Retention in Youngs Bay Select Area Commercial Gillnet Fishery**
14 **Closes**

15 Adopted June 28, 2012: effective July 2, 2012 through July 31, 2012.

16 Rule amendments close the commercial gillnet fishery in the Youngs Bay Select Area of
17 the Columbia River to the retention of white sturgeon begin at 6:00 p.m., Monday, July 2,
18 2012. Modifications are consistent with the action taken June 28, 2012 by the State of
19 Oregon.
20

21 **18. 635-041-0076**

22 **Columbia River Treaty Indian Commercial Gill Net Salmon Season Extended**

23 Adopted June 28, 2012: effective July 3, 2012 through August 31, 2012.

24 Rule modifications set two gill net fishing periods in Zone 6 of the Columbia River and
25 allow the sales of fish caught during those periods. Revisions are consistent with action
26 taken June 28, 2012 by the Columbia River Compact agencies of Oregon and
27 Washington in cooperation with the Columbia River Treaty Tribes.
28

29 **19. 635-019-0090**

30 **Sport Chinook Fisheries on Catherine Creek Close**

31 Adopted June 29, 2012: effective July 1, 2012 through August 31, 2012.

32 This amended rule closes the recreational spring Chinook fishery on Catherine Creek
33 effective 12:01 a.m., Sunday, July 1, 2012.
34

35 **20. 635-006-0212, 635-006-0215 & 635-006-0225**

36 **Allow Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty**
37 **Tribal Fishers**

38 Adopted July 5, 2012: effective July 5, 2012 through December 31, 2012.

39 These amended rules allow commercial sales of gilled and gutted Columbia River
40 salmon and steelhead caught by Treaty Tribal members to wholesale fish dealers,
41 canners, and buyers. Amendments also require wholesale fish dealers, canners, and
42 buyers to report in round weights on the Fish Receiving Ticket using a conversion factor
43 of 1.15.
44

1 **21. 635-039-0085**

2 **Spring Pacific Ocean Sport Halibut All-Depth Season Closure from Cape Falcon to Humbug**
3 **Mountain**

4 Adopted July 5, 2012: effective July 5, 2012 through August 2, 2012.

5 Amended rule closes the all-depth spring sport fishery for Pacific halibut in the area
6 between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m., on Thursday, July
7 5 due to the projected attainment of the pre-season quota of 120,821 pounds on June
8 30, 2012. This rule is consistent with regulations previously implemented by the federal
9 government and the International Pacific Halibut Commission for the 2012 Oregon sport
10 fishery for Pacific halibut.

11
12 **22. 635-023-0128**

13 **2012 Columbia River Summer Recreational Salmon Fisheries Modified**

14 Adopted July 6, 2012: effective July 9, 2012 through August 31, 2012.

15 This amended rule modifies the summer recreational salmon fishing seasons in the
16 Columbia River. Modifications close the area from Bonneville Dam upstream to the
17 Highway 395 Bridge in Pasco, Washington to retention of sockeye salmon due to the
18 projected attainment of the harvest guideline for this fishery as allowed under the ESA
19 and U.S. v OR Management Agreement.

20
21 **23. 635-019-0090**

22 **Sport Chinook Fisheries on the Willowa River Close**

23 Adopted July 9, 2012: effective July 15, 2012 through September 1, 2012.

24 This amended rule closes the recreational spring Chinook fishery on the Willowa River
25 effective 11:59 p.m., Sunday, July 15, 2012.

26
27 **24. 635-041-0045, 635-041-0072 & 635-041-0076**

28 **Columbia River Mainstem Treaty Indian Summer Commercial Fisheries Close**

29 Adopted July 11, 2012: effective July 12, 2012 through August 31, 2012.

30 Rule modifications close the Treaty tribal summer commercial fisheries in the Columbia
31 River effective at 6:00 p.m., Thursday, July 12, 2012. Revisions are consistent with
32 action taken July 11, 2012 by the Columbia River Compact agencies of Oregon and
33 Washington in cooperation with the Columbia River Treaty Tribes.

34
35 **25. 635-018-0090**

36 **Lower Deschutes River Sport Fall Chinook Fishery Opens August 1st**

37 Adopted July 12, 2012: effective August 1, 2012 through October 31, 2012.

38 Amended rule allows the sport harvest of fall Chinook salmon in the Lower Deschutes
39 River from August 1 through October 31, 2012 from the mouth at the I-84 Bridge
40 upstream to Sherars Falls. Catch limits for this fishery is any two adults and five jacks
41 per day.

42
43 **26. 635-017-0090**

44 **Additional Opportunity for Personal Use Harvest of Pacific Lamprey at Willamette Falls**
45 **Allowed**

46 Adopted July 16, 2012: effective July 26, 2012 through August 31, 2012.

1 This amended rule allows for one additional day for personal use harvest of Pacific
2 lamprey, on Thursday, July 26, 2012 by individuals with the required permit. The season
3 modification provides opportunity for harvest of lamprey that may become stranded due
4 to the scheduled installation of water flow devices at Willamette Falls.
5

6 **27. 635-039-0090**

7 **Retention of Cabezon in the Oregon Ocean Boat and Estuary Boat Sport Fisheries**
8 **Prohibited**

9 Adopted July 17, 2012: effective July 20, 2012 through December 31, 2012.

10 Amended rule closes the sport ocean boat and estuary boat fisheries to retention of
11 cabezon at 11:59 p.m., on Friday, July 20, 2012. These rule modifications prevent
12 exceeding the 2012 Oregon recreational ocean boat and estuary boat fisheries pre-
13 season cabezon harvest cap of 15.8 metric tons.
14

15 **28. 635-039-0085**

16 **Pacific Halibut Nearshore Sport Season Closes from Cape Falcon to Humbug**
17 **Mountain**

18 Adopted July 19, 2012: effective July 22, 2012 through October 31, 2012.

19 Amended rule closes the Nearshore (inside 40 fathom) sport fishery for Pacific halibut in
20 the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m., on
21 Sunday, July 22, 2012 due to the attainment of the in-season adjusted quota of 28,014
22 pounds. This rule is consistent with regulations previously implemented by the federal
23 government and the International Pacific Halibut Commission for the 2012 Oregon sport
24 fishery for Pacific halibut.
25

26 **29. 635-065-0765**

27 **Tagging, Possession, Transportation and Evidence of Sex**

28 Adopted July 23, 2012: effective July 23, 2012 through January 21, 2013.

29 In June 2003, the Fish and Wildlife Commission adopted rules banning the importation of
30 certain cervid parts from those states with documented cases of Chronic Wasting
31 Disease (CWD). The rules noted that the Department would add additional states to the
32 rules as new cases of CWD were documented. Based on new information, the Director
33 amends the rule to add Texas to the list of states from which cervid parts may not be
34 imported.
35

36 **30. 635-023-0134**

37 **Recreational Spring Chinook Fishery Closes in the Snake River below Hells**
38 **Canyon Dam**

39 Adopted July 23, 2012: effective August 5, 2012 through September 30, 2012.

40 Amended rule closes the recreational spring Chinook salmon fishery on the Snake River
41 in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon
42 Dam effective at 11:59 p.m. on August 5, 2012. This closure coincides with the State of
43 Idaho's closure of this fishery.
44

45 **31. 635-041-0045 & 635-041-0075**

46 **Treaty Indian Fall Commercial Fisheries in Columbia River Implemented**

47 Adopted July 26, 2012: effective July 27, 2012 through October 31, 2012.

1 Amended rules allow commercial sales of fish caught during the Treaty Indian fall
2 salmon platform and hook-and-line fisheries in the Columbia River and its Washington
3 tributaries. The fall platform and hook-and-line fisheries begin at 6:00 a.m., Friday,
4 July 27, 2012. Implementation is consistent with action taken July 26, 2012 by the
5 Columbia River Compact agencies of Oregon and Washington in cooperation with the
6 Columbia River Treaty Tribes.

7
8 **32. 635-041-0063**

9 **Treaty Indian Sturgeon Setline Fishery in The Dalles Pool of the Columbia River**
10 **Implemented**

11 Adopted July 26, 2012: effective July 30, 2012 through August 11, 2012.

12 Amended rule allows commercial sales of fish caught during the Treaty Indian fall
13 sturgeon setline fishery in The Dalles pool of the Columbia River. The fishery begins at
14 6:00 a.m., Monday, July 30 and runs through 6:00 p.m., Saturday, August 11, 2012.
15 Implementation is consistent with action taken July 26, 2012 by the Columbia River
16 Compact agencies of Oregon and Washington in cooperation with the Columbia River
17 Treaty Tribes.

18
19 **33. 635-023-0095**

20 **Columbia River Recreational Sturgeon Fisheries in The Dalles Pool Modified**

21 Adopted July 26, 2012: effective August 1, 2012 through December 31, 2012.

22 This amended rule modifies the ongoing recreational white sturgeon fishery in The
23 Dalles Pool of the Columbia River. Modifications reduce the allowed fishing periods from
24 seven to three days per week, beginning 12:01 a.m., Sunday, August 5, 2012, until
25 attainment of the pre-season harvest guideline. Modifications are consistent with action
26 taken July 26, 2012 by the Columbia River Compact agencies of Oregon and
27 Washington.

28
29 **34. 635-023-0130**

30 **2012 Columbia River Fall Recreational Chinook Seasons Implemented**

31 Adopted July 26, 2012: effective August 1, 2012 through December 31, 2012.

32 Amended rule sets the 2012 fall recreational Chinook salmon season regulations for the
33 mainstem Columbia River, effective on August 1, 2012. Modifications were based on
34 *2012 Non-Indian Columbia River Fall Fishery Chinook Allocation Agreement* that was
35 developed during the Pacific Fisheries Management Council and North of Falcon
36 meetings in March and April 2012 and are consistent with action taken July 26, 2012 by
37 the Columbia River Compact agencies of Oregon and Washington. Fall fisheries in 2012
38 are structured to optimize the harvest of Chinook and coho within Endangered Species
39 Act limits and to provide a balanced opportunity for the fishers.

40
41 **35. 635-042-0145**

42 **Fall Commercial Gillnet Fisheries Set for Youngs Bay Select Area of the Columbia**
43 **River**

44 Adopted July 26, 2012: effective August 1, 2012 through October 31, 2012.

45 Rule amendments set the fall commercial gillnet fishery in the Youngs Bay Select Area
46 of the Columbia River. The first authorized fishing period is from 7:00 a.m., Wednesday,
47 August 1 to 7:00 p.m., Thursday, August 2, 2012. Further amendments authorize

1 various fishing periods through noon Wednesday, October 31, 2012. Modifications are
2 consistent with the action taken July 26, 2012 by the State of Oregon.

3
4 **36. 635-042-0031**

5 **Early Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River**

6 Adopted July 26, 2012: effective August 5, 2012 through October 31, 2012.

7 Amended rule sets the 2012 fall commercial salmon drift gill net seasons for the
8 Columbia River mainstem in Zones 1 through 5. The first authorized fishing period
9 begins at 9:00 p.m., Sunday, August 5, 2012.

10
11 **37. 635-017-0090**

12 **Temporary Angling Closure in the Upper Sandy River for Protection of Adult Spring
13 Chinook**

14 Adopted July 31, 2012: effective August 1, 2012 through December 31, 2012.

15 This amended rule restricts angling and harvest of summer steelhead in the mainstem
16 Sandy River upstream of the ODFW markers at Salmon River, including the Salmon
17 River. This angling restriction is also necessary to protect adult Spring Chinook that that
18 are congregating in pools due to low water conditions.

19
20 *Action: Commissioner Webber moved to adopt the administrative temporary rules*
21 *set out in the agenda beginning with 1 through 37. Commissioner Akenson*
22 *seconded the motion, and the motion carried unanimously by a vote of five.*

23
24 **PUBLIC FORUM:** No one signed up for Public Forum.

25
26 **Exhibit A: COMMISSION MINUTES**

27 Chair Levy said there were several sets of minutes. Teri Kucera, Executive Assistant,
28 said the March 9 and April 20 draft minutes have been reviewed by the three former
29 Commissioners. The June 7 and 8 draft minutes are also before the Commission.

30
31 *Action: Commissioner Webber moved to approve the minutes of March 9, April*
32 *20, June 7, and June 8, 2012 as presented. Commissioner Wolley seconded the*
33 *motion, and the motion carried unanimously by a vote of five.*

34
35 **Exhibit B: 2013-2015 AGENCY BUDGET REQUEST**

36 Deputy Director Debbie Colbert said the Commission by statute is required to take formal
37 action on the agency's budget request before staff can submit it August 31 to the
38 Governor for his consideration. She talked about External Budget Advisory Committee
39 (EBAC) meetings, Town Hall meetings, and staff's budget update to the Commission on
40 May 10. She also discussed public comments in *Attachment 3 – Public Correspondence*
41 and said the Commission received a letter directly from Native Fish Society. She said
42 ODFW received a fee increase in January 2010. Stakeholders asked that ODFW make it
43 six years before asking for another fee increase. ODFW is committed to sustaining itself
44 through 2016 and is on track to achieving that goal with \$13 million in Ending Balance for
45 operating capital. She said during this cycle, Fish Screens & Passages, Conservation
46 Recovery, and Western Oregon Stream Restoration Programs funds were shifted onto
47 Pacific Coast Salmon Recovery Funds (PCSRF) from the National Oceanic Atmospheric

1 Administration (NOAA). Those programs are set to revert back to General Fund (GF) in
2 the 2013-15 Agency Request Budget.

3
4 Deputy Director Colbert referred to *Attachment 8 – 2013-2015 Agency Request Budget*
5 and discussed the Department’s 25 Policy Option Packages (POPs). She noted that the
6 Legislature approved the agency’s proposal to fund OSP as a \$23.97 million revenue
7 transfer this biennium rather than as a special payment; before those expenditures were
8 double counted by the state.

9
10 Deputy Director Colbert noted *Attachment 5 – ODFW Programs Mapped to Outcome*
11 *Areas* and *Attachment 6 – Round 1 Proposals to Program Funding Teams* and said the
12 Governor has convened Project Funding Teams. ODFW programs have been mapped to
13 Healthy Environment (HE), Economy and Jobs (E&J), and Improving Government
14 outcome areas. On June 1 staff submitted the Round 1 Bid Forms to Department of
15 Administrative Services. Staff made presentations to HE and E&J and is using their
16 feedback to adjust the Round 2 bid forms for submittal on August 31.

17
18 Deputy Director Colbert referred to *Attachment 7 – 2013-15 Agency Request Budget*
19 *Program Priorities & General Fund/Lottery Funds Reductions* and said for the 2013-15
20 budget cycle staff consolidated 62 programs into 55 programs. She said at this time
21 agencies don’t know what type of GF and LF reductions they will face. Today staff is
22 submitting the response to the E&J team and is seeking the Commission’s approval of
23 the agency’s 2013-15 Agency Request Budget.

24
25

Public Testimony:

<p>Jim Myron Canby, Oregon</p>	<p>Jim Myron, Native Fish Society (NFS), said NFS emailed information to the Commission on July 26th. He noted a one-page summary of the \$309 budget and POPs and said:</p> <ul style="list-style-type: none">• POPs have numbers but no explanation as to what those expenditures are going to purchase.• Mitchell Act Funds are characterized as Inland Fisheries expenditures. NFS would like to see all the hatchery-related expenditures in one place in the hatchery piece of the pie chart to make it easier for the public to understand what is going on.• Over half of ODFW’s budget is spent on hatcheries and fisheries management. All fish management decisions that are made to manage hatchery fish are in mixed stock fisheries. NFS thinks clarity on what is being spent to raise and manage hatchery farmed fish is important.• Focus on hatcheries and harvest is down in the priorities list before you find any conservation programs. NFS finds it disturbing given all the listed fish that the state is dealing with that some of those conservation measures don’t show further up the list. <p>Myron said NFS submitted previously “<i>The Way Forward for</i></p>
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	<p><i>Wild Salmon Protection and Recovery</i>” regarding future management of the hatchery program related to mixed stock fisheries; published by Jim Lichatowich and Bill Bakke at the request of NFS. He said we have been using this document within the context of the Governor’s 10-year recommended budget. The Governor’s Office has this document; he hopes they are looking at it as a piece of the long-term resolution to some of these current issues with hatcheries and harvest.</p>
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1
2 Chair Levy referred to *Attachment 7 – 2013-15 Agency Request Budget Program*
3 *Priorities & General Fund/Lottery Funds Reductions*, Priority 46 – Watershed Council
4 Liaisons 010-05-02-33000, and said you have a LF reduction for 5% (\$194,217) and
5 10% (\$135,429) but the 5% figure is larger than the 10% reduction. Deputy Director
6 Colbert said those reductions are in 5% increments; in the first increment we might go
7 even deeper into that program. Staff did not apply the 5% and 10% evenly.

8
9 Chair Levy inquired about the Economy & Jobs funding team asking for more information
10 on Washington hatcheries. Deputy Director Colbert said she would provide an analysis
11 to the Commission.

12
13 Chair Levy asked how many hatcheries Washington has. Director Elicker said staff will
14 provide the Commission with those details. He said hatcheries are not very descriptive
15 because Washington hatcheries are different sizes and produce different fish; they also
16 use different release schedules than Oregon. Chair Levy asked how that is a
17 comparison if Oregon has so much different detail. Director Elicker said there are not
18 many states that raise the amount of salmon and steelhead that Oregon and Washington
19 does. Washington is similar to ours in that they provide salmon and steelhead in
20 hatcheries and certain basins and drainages. More people live in Washington and they
21 have more anglers. He said that is probably your best comparison if you’re just looking to
22 compare our hatcheries, the economic value and how costs versus benefits. The easiest
23 is to look to Washington although it is not quite the same and staff will point that out.

24
25 *Action: Commissioner Anderson moved to approve the Department’s 2013-2015*
26 *Agency Request Budget for submission to the Governor’s Office by August 31,*
27 *2012. Commissioner Akenson seconded the motion and the motion passed*
28 *unanimously by a vote of five.*

29
30 **Exhibit C: SALE OF TREATY INDIAN CAUGHT STEELHEAD AND WALLEYE FROM**
31 **THE COLUMBIA RIVER**

32 Curt Melcher, Deputy Director for Fish and Wildlife Programs, reported that the passage
33 of State Measure 15 in 1974 replaced Oregon Revised Statute (ORS) 509.030 with ORS
34 509.031. It prohibited the purchase and sale of steelhead within the state “...by any
35 person fishing commercially.” Its intent was not “...to affect Indian fishing rights as
36 granted by federal treaties.” In July 1975 the Commission adopted OAR 635-006-0225
37 that prohibited any wholesale fish dealer, canner, or buyer from selling tribally caught
38 steelhead in Oregon, except to another wholesale fish dealer, canner, or buyer. In the

1 mid-1990's the Commission revised the OAR to allow Treaty Indians to sell or directly
2 distribute steelhead and walleye taken during their commercial fishing seasons to the
3 public; these are commonly referred to as "over the bank sales".
4

5 Deputy Director Melcher said the Tribes believe the current prohibition on retail sales in
6 Oregon discriminates against the Treaty Tribes' fishery along the Columbia River. The
7 value of the Tribes' catch is artificially deflated because the processors incur expense to
8 market the product as it moves through the supply chain. OAR 635-006-225 is not
9 consistent with ORS 509.031 in that nothing in the law is intended to affect Indian fishing
10 rights as granted by federal treaties. The Tribes are asking the Commission to amend
11 the existing rule that would permit wholesale fish dealers, canners or buyers in
12 possession of legally purchased steelhead trout or walleye to market these fish locally.
13

14 Deputy Director Melcher addressed public concerns about increasing the impacts on
15 ESA-listed steelhead. He talked about the Tribal Catch of A- and B-Run steelhead and
16 said it is a small component of the total run into the Columbia Basin. Regarding this rule
17 change, staff does not believe:

- 18 • Will result in any increased harvest of ESA-listed steelhead or walleye.
- 19 • Commercial sale of tribal-caught steelhead from Columbia River tributaries in
20 Oregon will be an issue.
- 21 • There is any concern related to a change in current practice of documenting fish
22 sales via fish tickets. He said it is easier to document and track sales at these
23 wholesale fish dealers than over the bank or sales directly to the ultimate
24 consumer because those fish don't go on fish tickets.
- 25 • There will be any impact in terms of the non-tribal commercial fishery and the
26 potential for sales of non-Tribal caught steelhead or walleye.
27

28 ***Commissioner Laura Anderson declared a possible conflict of interest with this***
29 ***issue as her business is a wholesale fish dealer and buyer and there is a***
30 ***possibility that we would buy and sell these species if they were made available.***
31 ***Chair Levy said which does not prohibit Commissioner Anderson from having the***
32 ***ability to vote on this issue, as it is only a potential conflict of interest.***
33

34 **Public Testimony:**

Bob Oleson Milwaukie, Oregon	Bob Oleson, Association of Northwest Steelheaders (ANWS), said ANWS finds it disturbing to see commercial catching and selling of steelhead and other potentially endangered fish runs. ANWS favors the catch and release of wild steelhead and would like to see a policy to do that. They appreciate Steve Williams, Fish Division Deputy Administrator, and others providing them with information. ANWS sees the implementation of these rule changes, as a positive development that CRITFC and others have recently given assurances that there will be no negative impact on existing harvest. ANWS asks that staff work with CRITFC to monitor this and recommend any changes that may be necessary in the future. ANWS looks forward to receiving
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	good and detailed reports in the future.
Paul Lumley Portland, Oregon	Paul Lumley, Executive Director of Columbia River Inter-Tribal Fish Commission (CRITFC), introduced Mike Matylewich, a manager of the CRITFC Fish Department. Lumley said the staff presentation was very thorough. He thanked the Commission for the consideration of the Tribal request to amend OAR 635-006-0225. He said the Tribes support the change. They have had several discussions with them and support the modification as the Tribes requested.

1
2 *Action: Commissioner Wolley moved to adopt revisions to Oregon Administrative*
3 *Rule 635-006-0025 that makes it lawful for any wholesale fish dealer, canner, or*
4 *buyer in possession of legally purchased steelhead trout or walleye from Treaty*
5 *Indians to sell or distribute such fish in Oregon, as proposed by staff in*
6 *Attachment 3. Commissioner Akenson seconded the motion, and the motion*
7 *carried unanimously by a vote of five.*
8

9 **Exhibit D: 2013 OREGON SPORT FISHING REGULATION DEVELOPMENT**

10 Rhine Messmer, Recreational Fisheries Program Manager, said: 1) the public process
11 occurs every four years and staff solicits public proposals; and 2) staff recommends
12 major changes in angling regulations based on information related to development in
13 fisheries or suggestions to improve the quality of fisheries. During interim years, staff is
14 restricted to minor changes. He explained why the previous public process was changed
15 and said the Commission adopted the new Five-Step Process in August 2011 (see
16 *Attachment 4 – August 5, 2011 Exhibit H Agenda Item Summary*):
17

- 18 1. Staff Proposals. Met with OSP on enforcement of snagging in streams; 61 staff
19 proposals developed in conservation, enforcement, and clarification in regulations.
20
- 21 2. Public Proposals. Staff met with the public to review proposal concepts and
22 discuss the new process. 138 proposals submitted; lowest since 2001.
23
- 24 3. Public Proposal reviews conducted by ODFW review teams; 87.9% social related.
25
- 26 4. Public Meetings. Twelve public meetings scheduled April through May to review
27 information and help staff classify the proposals based on public comment.
28
- 29 5. Informational briefing today, request for rule adoption on September 7.
30

31 Messmer referred to handout *2013 Angling Regulations Proposal Index for Attachment 2*
32 – *Staff Report* and said the three Categories for determining proposal categories are:

- 33 • Category A – acceptable to most of the public and staff; staff recommends.
- 34 • Category B – mixed public support; subject to further discussion; mixed staff
35 support depending on proposal.
- 36 • Category C – unacceptable to most; no public or staff support.

1
2 **Issue 1 – Proposed Rule Changes.**

3 Messmer discussed Statewide Key Issue Proposals.

- 4 ➤ 3S – Redefine snagging. Snagging is taking or attempting to take a fish with a
5 hook and line in any way or manner where the fish is not enticed to voluntarily
6 take the hook in its mouth (also known as “flossing”).
7 ➤ 5S – Statewide anti-snagging rule. Prohibits use of treble-hooks and only applied
8 to Bear Creek; section of Isthmus Slough; North Umpqua – Swiftwater reach; and
9 section on Eagle Creek. Hooks must measure 1-inch or less from point to shank;
10 must be attached to or below the lure or bait. Consistent with statewide rule.
11 ➤ 6P – Revised lure/bait definitions. Public proposal reclassifies soft plastics and
12 rubber imitations as “lures” rather than “bait”. Messmer said **Addendum to**
13 **Attachment 2** changes the rule language for “lure” and “bait” back to the original
14 version proposed by the public and OSP can enforce this rule.
15

16 Chair Levy asked Director Elicker to present the annual employee awards and continue
17 with Rhine Messmer’s presentation after lunch.
18

19 **2011 Pride and Liscia Award Recipients Pride Awards Recognition**

20 Director Elicker presented the following annual awards to staff.
21

22 **Individual Pride Awards**

- 23 • Kara Anlauf-Dunn, Assistant Project Leader - Northwest Region (NW), for stream
24 habitat monitoring in Oregon coast basins.
25 • Nancy Breuner, Wildlife Area Operations Coordinator - High Desert Region (HD),
26 for Sauvie Island Wildlife Area Plan and Dog Training rules; new Wildlife Area
27 Parking Permit Program.
28 • Doug Cottam, NW District Wildlife Biologist, for providing outstanding public
29 service; finding balanced solutions to problems and creative planning approaches.
30 • Doug Curtis, HD Assistant Hatchery Manager, kept Wizard Falls Hatchery running
31 during interim vacancies and secured a \$100,000 Restoration and Enhancement
32 grant for early rearing ponds.
33 • Cathy Perard, Accounting Technician – Headquarters (HQ)/Administration (ASD),
34 for accurately processing employee reimbursement claims. Participant in 18-
35 month SPOTS card process review and sits on Travel Review Committee.
36 • Jay Potter, Jr., District Wildlife Senior Technician – Southwest Region (SW), for
37 work with federal partners in habitat restoration.
38

39 **Director’s Pride Award**

- 40 • Kelly Reis, NW Assistant District Fish Biologist, for educating the next generation
41 of anglers and natural resource enthusiasts and getting volunteers and
42 constituents involved in projects. Kelly successfully administered an important and
43 difficult creel survey on McKenzie River.
44

45 **Team Pride Awards**
46

- 1 • *Procurement Information Exchange Implementation Team.* Enrique Rodriquez
2 (HQ/ASD); Jess Perkins (HQ/ASD); Jeff Svejcar (HQ/ASD); Lisa Merino
3 (HQ/ASD); Jerilyn Irvine (HQ/ASD); Sandy Sovay (HQ/ASD); Dave Stanley
4 (HQ/ASD); Lillian Brannan (HQ/ASD); and Bill Herber (HQ/Director's Office). New
5 system improved fiscal integrity and efficiency in the grant application process.
6
- 7 • *Central Point Screen Shop Wildcat Team.* Brad Fuss; Todd Doughton; Steve
8 Singler; Jason Wunschel; Neil Wheatley; Rene Pellissier; Josh Kelsey; Nicole
9 Anderson; and Rich Kilbane. Team responded immediately and prevented a
10 possible loss of fish when Rock Creek Hatchery experienced screen system
11 issues during construction.
12

13 ***Director's Team Award***

- 14 • *Sage-Grouse Conservation Strategy Team.* Christian Hagen (HD); Dave Budeau
15 (HQ/Wildlife); and Robert Hooton (HD). Development of 2011 Sage-Grouse
16 Conservation Strategy that epitomized the first three principles under ODFW's
17 mission. Used peer-reviewed science with stakeholders to craft a Plan that is
18 widely recognized as one of the most comprehensive of any of the western states.
19

20 ***Volunteer Leader Award***

- 21 • Neal Rash, NW Fish and Wildlife Senior Technician, was not present. Chris
22 Wheaton noted that Neal's flexibility in certain situations helps him recruit and
23 retain exceptional volunteers. Neal keeps the volunteers challenged in a positive
24 way, installing confidence so they become good ambassadors for ODFW.
25

26 ***Dave Liscia Award***

- 27 • Volunteer Paul Johnson for 30 years of outstanding volunteer service on 100-plus
28 projects for ODFW and the Tualatin River Watershed Council.
29

30 ***Annual Safety Award***

- 31 • Director Elicker presented first annual Safety Award to Larry Cooper, SW Region
32 Manager, for no recordable injuries in six years at Elk Creek Hatchery and
33 numerous infrastructure upgrades. Staff performs quarterly inspections and holds
34 regular safety meetings.
35

36 ***Director's Certificate of Appreciation***

- 37 • Tim Bailey, District Fish Biologist – Northeast Region, for instituting a public
38 process and field program in response to the trophy class trout fishery that
39 collapsed at Phillips Reservoir.
- 40 • Bill Kinyoun, SW Assistant Wildlife Biologist and ODFW local SEIU President, for
41 achieving an excellent relationship between management and represented staff.
- 42 • Rick Kepler, HQ/Fish Division Water Program Manager, for his water expertise
43 and ensuring that fish needs are clear; finding balanced solutions to controversial
44 issues.
- 45 • Andrea Hansen, HQ/Wildlife Acting Conservation Strategy Coordinator, for her
46 work with Pacific Flyway Council (PFC) on national cormorant damage issues,

1 and in leading the Non-game Technical Committee that developed a cormorant
2 management plan approved by PFC approved for other states to use.
3

4 **Exhibit D: 2013 OREGON SPORT FISHING REGULATION DEVELOPMENT**

5 Rhine Messmer continued his discussion on Statewide Key Issue Proposals.

- 6 • 6P – Revised lure/bait definitions. Lure definition is an artificial device, complete
7 with hooks, intended to attract and entice fish. Proposal addresses use of rubber
8 material in Deschutes River flies.
- 9 • 64P and 91P - Rack-Your-Rod Rule. Current rule between the ocean, bays, and
10 tidewaters not consistent except Buoy 10 fishery allows each angler aboard a
11 vessel to use fishing gear until the daily limit of fish for all anglers is achieved.
12 Proposed rule: *No individual angler may exceed any personal daily bag limit or*
13 *land fish that contribute to another anglers limit. Anglers who have retained a*
14 *species limit must pass their rod to an angler who has not reached a limit prior to*
15 *the fish being landed.* No statewide support except in the local Coos Bay area.
16

17 **Northwest Zone**

18 Chris Knutsen, District Fish Biologist in Tillamook, presented two staff proposals:

- 19 • 9S – Trask River “Bobber Angling”. For Section 1 angling is restricted to fly and
20 bobber angling only from Cedar Creek boat ramp to Loren’s Drift. Limits leader
21 length to no more than 36-inches. Designed to reduce snagging and improve the
22 fishery. Temporary rule implemented in the spring to test a bobber-only concept
23 in coordination with OSP control efforts was very successful.
- 24 • 10S – Three Rivers Anti-Snagging. From May 1 to June 30, use of leaders longer
25 than 36-inches prohibited. Hooks limited to no more than one single point size
26 3/8-inch gap width (approximately size #2) or smaller hook. Temporary rule
27 implemented in spring found favorable by OSP.
28

29 Derek Wilson, Assistant District Fish Biologist in Newport, presented one proposal:

- 30 • 11S- Salmon River Anti-Snagging. Angling restricted to bobber only fishery
31 except for fly angling and a single hook metal based lure. Intent is to curtail the
32 art of flossing and blatant snagging by use of treble hooks over 12-miles from
33 Tidewater to the salmon/steelhead deadline.
34

35 **Southwest Zone**

36 Todd Confer, District Fish Biologist in Gold Beach, presented two proposals:

- 37 • 23S – Sixes River reduced wild Chinook salmon harvest and Deadline at Edson
38 Creek. Sixes is open for Chinook up to south fork with two summer steelhead per
39 day bag limit; 20 per season. Proposal moves deadline down to Edson Creek and
40 implements a reduced bag limit on wild Chinook of one per day; 10 per season
41 combined with Elk River and Elk River Terminal fishery. Intent is to reduce harvest
42 of wild Chinook while providing harvest opportunity on Sixes. Confer said the
43 proposed deadline has been in place since 2008 as a temporary regulation; the
44 reduced bag limit has been in place since 2011. Staff is looking at measures to
45 reduce harvest; the freshwater harvest rate has been 36% over the past 10 years.
46 Staff has failed to meet the PFMC escapement goals for fall Chinook of 60 per
47 mile. Staff would like the Commission to consider 23S as part of a package with

1 15S, a similar reduced bag proposal for Elk River, which is a Category A proposal.
2 If either is adopted staff could see some effort shift, which is what staff is trying to
3 avoid.

- 4 • 62P – Chetco River Fall Chinook deadline at Nook Creek. Currently no deadline.
5 Proposed rule implements a deadline on Nook Creek to protect fall Chinook
6 actively spawning in upper mainstem. Public comment was mostly negative, but
7 considerable support in Brookings area by Oregon South Coast Fishermen.
8

9 Laura Jackson, District Fish Biologist for Umpqua Watershed, presented:

- 10 • 55P – Diamond Lake. Currently open April through October 31. Proposal would
11 open Diamond Lake year round with same catch limits. Provides ice-fishing; fall
12 angling in conjunction with hunting season, additional harvest helps maintain the
13 ecological balance of the lake, and helps meet fish harvest goals.
- 14 • 61S – Umpqua Smallmouth Bass. Increase from 10 per day with no size
15 restriction to 15 per day with no size restriction to increase harvest opportunity
16 and encourage people to harvest more bass. There is concern that smallmouth
17 bass not native to the Umpqua may be impacting the native fish populations.
18

19 David Haight, Assistant District Fish Biologist for Rogue Watershed District, presented:

- 20 • 25S – Rogue River. Redefines the boundary in Sections 2 and 3 from the “Gold
21 Ray Dam site” downstream to the “Fishers Ferry Boat Ramp”. Gold Ray Dam
22 removed in 2010 and regulations were changed to “Gold Ray dam site”. The new
23 reference is more easily located and identified. There are a couple of popular
24 salmon holes between the two points. 25S would apply the more restrictive
25 angling regulations of Section 3. Chinook salmon season would close September
26 1 instead of October 1; gear restrictions September 1 through December 31.
- 27 • 26S – Rogue River (Section 3). The current regulation closes the area from
28 angling from 7:00 p.m. to one hour before sunrise. The proposal closes all angling
29 from 8:00 p.m. to one-half hour before sunrise on a mile and half stretch of the
30 river from fish ladder entrance at Cole Rivers Hatchery Diversion Dam to Hwy. 62
31 Bridge. OSP feels there is a lot of illegal activity occurring in that first hour before
32 sunrise when it is too dark to see anglers and their angling activities.
33

34 **Willamette Zone**

35 Jeff Ziller, District Fish Biologist, presented two proposals.

- 36 • 31S – McKenzie River Trout. Applies to an area from Hayden Bridge upstream to
37 Hendricks Bridge. The existing rule allows for bait between Hayden Bridge and
38 Forest Glen Boat Landing. Current regulation calls for the release of all non-
39 adipose fin-clipped fish. The proposed rule would create Section 2 between
40 Hayden Bridge and upstream to Hendricks Bridge and proposes special gear
41 restrictions and closures. Angling restricted to artificial flies and lures entire year
42 except bait would be allowed May 1 to June 15 when angling for salmon and
43 steelhead with hooks 5/8-inch gap or larger. The new Section 3 is from Hendricks
44 Bridge upstream to Leaburg Dam. Staff does not propose to change the harvest
45 rate regulations. Rationale is wild trout conservation and to create a production
46 area for native rainbow trout in lower McKenzie that will add to the sustainability of
47 the population. Allowing bait in this area is targeting a wild fish population with a

1 gear type that increases mortality not consistent with the conservation of wild trout
2 in this area. Staff would like a hatchery trout release area bounded by wild fish
3 management areas both upstream and downstream. The boat angling is
4 excellent but boat anglers don't use bait; 90% use flies and lures. Under 31S staff
5 is trying to change the regulations for the Springfield Mill Race so staff can stock it
6 with catchable trout, a new project ready to go in 2013.

7
8 Rhine Messmer discussed a public proposal submitted by two individuals.

- 9 • 53P/57P Molalla River Angling Boundary. Currently open up to Pine Creek
10 Bridge. Proposed rule would move the angling boundary for salmon from Pine
11 Creek Bridge down to Horse Creek Bridge to open five miles of popular bank
12 access to harvest spring Chinook salmon. Rationale is increase in enforcement
13 that leads to the decrease of illegal activities. Potential impacts to ESA-listed
14 winter steelhead and spring Chinook should remain minimal and not conflict with
15 recovery goals. Messmer said Todd Alsbury received information late from the
16 Steelheaders; they oppose 53P/57P. Alsbury is reconsidering staff's position on
17 this proposal, plus there is a proposed acclimation site on Trout Creek
18 recommended for funding by Restoration and Enhancement Board (R&E) and for
19 consideration by the Commission. Staff proposes to reclassify this proposal from
20 Category A to Category B and provide information at the September meeting.

21 22 **Central Zone**

23 Brett Hodgson, District Fish Biologist for Upper Deschutes Watershed, presented three
24 proposals.

- 25 • 36S – Crane Prairie Reservoir. Current regulation is five trout daily limit that may
26 include only one non-clipped wild rainbow trout over 16 inches in length and one
27 rainbow trout over 20 inches. 36S changes the rule to five trout daily and may
28 include only one rainbow trout over 16 inches in length and to catch and release
29 on unclipped rainbow trout. This would increase the number of larger trout to
30 generate a "quality" fishery and provide additional protection for native redband
31 trout. 36S maintains use of all gear types and family fishery. One potential
32 outcome would be a decrease in overall harvest. Hodgson said Crane Prairie is a
33 mixed stock fishery, and a population of native redband trout that migrate from
34 Crane Prairie and spawn in the upper Deschutes not capable of sustaining a
35 sufficient recreational fishery on its own. A long history of hatchery
36 supplementation to support the fishery has been compromised by introductions of
37 illegal species. There are 12 different species; only two are native. The ecology of
38 the reservoir has been altered and there is significant competition with our
39 hatchery stocking program, which limits its successfulness. Once fish grow to a
40 certain size and over that threshold of competition with the other species you can
41 grow very large trout, which is staff's objective with this proposal.
- 42 • 63P – Crooked River Mainstem. Use of bait allowed May 26 – October 31. 63P
43 would keep Crooked River open entire year but bans use of bait throughout the
44 season; flies and lures only. It would reduce hooking mortality associated with
45 bait, protects native redband trout and reintroduced steelhead over the next
46 couple of months. Crooked River flows are managed by Bureau of Reclamation
47 and Ochoco Irrigation District to provide irrigation and flood control. They are

1 forced to release high volumes during the spring to meet flood control
2 requirements. Due to the configuration of the outlet this results in nitrogen super
3 saturation and the redband and whitefish populations present can get afflicted
4 with Gas Bubble Disease. This section is part of the reintroduction area for mid-
5 Columbia steelhead into the upper Deschutes Watershed. Since 2010, staff has
6 released 60,000 steelhead fry annually into this area; a number of these
7 steelhead are residualizing and not leaving the tailrace area, which staff will need
8 to address depending on the return of adults in 2012. If significant numbers do not
9 return staff will evaluate the fry stocking program as required by Native Fish
10 Policy. Staff recommends rejection of this proposal. Current data suggests this is
11 a social proposal with no biological indicators saying a bait fishery is having a
12 significant impact on the population. Staff proposes to approach the R&E Board
13 next year to secure funds to conduct a creel survey to collect data on what the
14 biological implications are of the different gear types on the redband fishery and
15 steelhead population. Depending on survey results and if there is a conservation
16 need staff would consider adopting this proposal at a later time.

- 17 • 3P – Wickiup Reservoir Largemouth Bass. 3P would adopt statewide regulation
18 which is five fish per day, two daily limits in possession, no more than three over
19 15 inches in length. Currently no bag limit on bass in Wickiup. Sponsor rationale
20 was to maintain or improve the trophy nature of the largemouth bass fishery. The
21 Upper Deschutes Basin Plan was adopted in 1966 shortly after largemouth bass
22 were detected in Wickiup. It did not specify management and after its adoption
23 bass were managed under the statewide bass limit. Since that time there has
24 been no daily limit for bass in Wickiup. Reports of bass surfaced late in the plan
25 adoption process so it was not addressed. Staff has no data to substantiate the
26 source, was likely escape from Crane Prairie Reservoir. Staff recommends
27 adoption of this public proposal. In the 1990's during the planning process bass
28 may have been managed under statewide rule if staff had more information.
29 Largemouth bass likely were not the result of direct illegal stocking. The
30 population does not significantly impact established salmonid. The present
31 regulation offers protection to the trophy component of the population.

32 33 **Columbia River Zone**

34 John North, Oregon Columbia River Fisheries Manager with Ocean Salmon and
35 Columbia River (Columbia) Program, said 53S and 54S are in ***Addendum to***
36 ***Attachment 2.***

- 37 • 53S – Concurrent fish possession rules between Oregon (OR) and Washington
38 (WA). Supported by OSP, it adds consistency with Washington regarding
39 possession regulations where states have joint jurisdiction. 53S states it is
40 unlawful for any person to angle from a vessel while fish are on board that are not
41 allowed to be taken in the area being fished. This regulation does not apply to
42 vessels in transit or bank anglers.
- 43 • 57S – Reduction in annual angler sturgeon catch limit. 57S lowers the annual
44 white sturgeon bag limit from five per year to two fish per year. Proposed by staff
45 to distribute allowable white sturgeon harvest among as many anglers as possible
46 given recent reductions in harvest guidelines resulting from declining population
47 estimates. Because the savings associated with this proposal are moderate the

proposal is not expected to significantly lengthen retention seasons. Applies to zones where white sturgeon retention is allowed. The modification could result in different annual bag limits between OR and WA unless WA adopts a temporary rule to match OR.

- 54S – Cascade Locks Gear Restrictions. Proposed by staff and requested by OSP to reduce snagging at Cascade Locks. 54SI would require the use of single point hooks year round at this site. This year the Columbia River Compact adopted the same language for the May – July timeframe only.

Marine Zone

Eric Schindler, Project Leader for Ocean Salmon Management Program, presented:

- 56S – Pacific Ocean. Implement a free scallop permit system to monitor harvest. Currently shellfish license required, daily limit of 24. Staff recommends adoption of a permit system to monitor harvest of all scallops in ocean recreational fishing. The expense and time to monitor this from a dockside creel program is difficult; this would be paired with the abalone permit currently in place to evaluate landings of scallops. New regulation would require that abalone and scallops brought ashore shall be whole and in such condition that size can be determined, and not removed from their shell prior to landing.
- 102P and 131P – Allow partial cleaning of albacore tuna at sea. Anglers requested an exception that would allow removal of the head from the fish to minimize space requirements on the boat. The existing rule is unlawful for anglers fishing from a boat to mutilate fish so that size or species cannot be determined prior to landing. This rule does not apply to herring, anchovy, smelt and sardine. Only the head and entrails could be removed and the clavicle (collar) and tail would need to stay intact. Rule would provide for increased vessel safety, improved food quality and allow for cycling of nutrients. Staff concerned about improper identification. Proposed rule does not apply to other species of tuna.

Public Testimony:

<p>Tom Wolf Hillsboro, Oregon</p>	<p>Tom Wolf, Chair for Oregon Council Trout Unlimited (TU), distributed written testimony. He represents 3,000 members and said TU has two goals:</p> <ol style="list-style-type: none"> 1. Extend and increase the number of streams that have catch and release, and a fish limit using artificial lures with no bait allowed which allows protection of native wild trout in streams and a quality fishery. 2. Support regulations in this cycle that will allow the removal of non-native fish. With these regulations you can encourage anglers to keep these non-native fish that have a major impact. Wolf said TU supports and urges the Commission to adopt all Category A regulations. TU supports moving Category B proposals 31S, 36S and 63P to Category A for adoption.
<p>Pat Schatz Bend, Oregon</p>	<p>Pat Schatz, Crane Prairie Resort owner, distributed written testimony and said he heard nothing about this proposal</p>

	<p>from ODFW and learned about it through a friend. He said he talked to ODFW biologist Ted Fies in the 1970's to change 10 fish with two 20-inch or over to a five fish bag limit with only one 20-inch or over; it was initiated statewide. Four years ago ODFW changed the regulation to only one fish over 16-inches; two years later they changed it back to one fish over 20-inches. He was told by biologists that Crane Prairie had too many rainbow, 16-20-inches, and they needed to harvest some of these fish. Crane Prairie is a family lake with camping and fishing. He said fly fishermen and guides would have the lake managed for trophy only and catch and release. With more restrictive regulations fewer families will use Crane Prairie thus less economy for Central Oregon.</p> <p>Schatz said 36S proposes no wild rainbow and one 16-inch or larger; it's not necessary. Fishing and the trophy fish population are rebounding well with the current regulation. Crane Prairie is not over fished. Many fishermen already release most of their fish. The Basin Plan designated Crane Prairie as a consumptive fishery; it needs to be managed for all sportsmen. He asked the Commission to wait two or four years to see what the wild fish population is doing under the current regulations. Then if we need to protect the wild fish then protect all wild fish. The hatchery fish should be allowed to be harvested under the current regulations.</p> <p>Regarding 3P – Wickiup; the bass fishery was illegally introduced to Wickiup Reservoir. He feels that we need not take fish that are illegally introduced and make a poor fishery of that particular fish.</p>
Dennis Stage Independence, Oregon	<p>Dennis Stage, President of Salmon River Keepers (SRK), distributed written testimony and said 11S, pertaining to restrictive gear on the Salmon River, is needed on the upper river with its shallow pools and clear water but not on the lower river. In tidewater how are you going to see a fish in murky water? He asked that the rule be amended from the Old 101 Bridge to Milepost 9 instead of Knight Park. In the past 8 years SRK has cleaned up the river, joined with SOLVE, adopted the river, and worked with OSP and the fish hatchery. He said from the mouth of the river from Knight Park up to the 101 Bridge is mainly boat access only; only two areas can be fished by boat. He receives emails from folks saying the Guardrail Hole has "flossers". SRK works with the OSP on this and tell folks at meetings to report any illegal activity.</p>

<p>Chuck Lang Prineville, Oregon</p>	<p>Chuck Lang, Director for Oregon Bass Federation Conservation Director and member of the Warmwater Working Group and Inland Sports Fisheries Advisory Committee (ISFAC), spoke to:</p> <p>P3 – Wickiup. During the fall when water is drawn down bass congregate at the low end of reservoir and large numbers of boaters and campers take a lot of large fish out of the lake. They spoke with local biologists and asked if a limit put on those fish in Wickiup would improve the fishing. The biologist said we don't have actual data to know what the condition of the fishery is because we don't manage it. Lang said the district thinks if something is illegally introduced it won't manage it because they don't want to benefit the people who actually introduced this illegal introduction into the system. Lang said ISFAC's goal is to build a better fishery. He asked how long do you not manage a fishery that has potential to improve. We have an opportunity to build a trophy bass fishery at Wickiup.</p> <p>61S – Umpqua Basin. ISFAC had a meeting in Roseburg last summer. Laura Jackson gave a presentation on the status of the fish in the river and reported that ODFW received funding to buy a shocking boat to answer the question is there predation and competition between smallmouth bass and salmonids. The fly fishers said to not worry about it; just take the limits off of smallmouth bass. ISFAC is asking to let ODFW finish that study on predation and obtain the data before they take this type of action.</p> <p>63P – Crooked River. They oppose because that six mile section of the river is a small camping area that is rare and where kids and families can get down to the river. Most of Crooked River is on private land. That shouldn't be taken away based on the possibility that reintroduction of steelhead and salmon will be successful.</p>
<p>Brenda Dubree Redmond, Oregon</p>	<p>Brenda Dubree, Vice-President of Central Oregon Bass Club (COBC), clarified a mistake in her comments that she sent in on 61S – Umpqua. She wants to keep the current limit of 10 and not 15. She is an avid bass, salmon, trout and steelhead angler. Her family fishes the Umpqua frequently. It needs to be managed properly for future younger generations to have the knowledge through us as mentors to manage this situation efficiently. Dubree said by cutting the numbers back and harvesting the smaller smallmouth bass</p>

	and protecting the larger smallmouth bass it will improve the fishing for all anglers.
Scott Seros Bend, Oregon	Scott Seros, COBC, spoke to 3P – Wickiup Reservoir and said they are in favor of adopting 3P. He said many groups statewide travel a long way to fish that trophy fishery; it's not just the locals that want this regulation to pass. During the fall the water drops and the bass are easily caught. He said they support a regulation with a bag limit and a size limit just like Crane Prairie and other waters around the state. For them it is important to keep that fishery prosperous and viable for the future.
Russell Bassett Molalla, Oregon	<p>Russell Bassett, Executive Director of Association of Northwest Steelheaders (ANWS), distributed written testimony. He said ANWS would like the Commission to consider a Category change for two proposals.</p> <p>3S – Redefine snagging. Move to Category B for further discussion. Tackle restrictions invite further creativity in snagging efforts and punish legitimate anglers using effective tackle and methods. 5S – Reduce snagging. ANWS opposes - 3S more effective.</p> <p>6P – Change definition of bait. ANWS supports this to increase opportunity on the many waters in the state that do not allow the use of bait.</p> <p>53P and 57P – moving Molalla River deadline upstream. Bassette testified on behalf of ANWS Molalla River Chapter Board (MRCB) and as a citizen. He said they oppose opening up an area where people are site fishing off reds. Moving the deadline upstream will open a little less than five miles. Most of that area does not have good access except for a few people with gain opportunity that have secret spots in these areas. MRCB would look at a compromise that moves the deadline up to Turner Creek or moves the deadline only during June, July and August during spring Chinook run. MRCB encourages the Commission to move 53P and 57P to Category C.</p> <p>57S – Reduce annual sturgeon catch limit. ANWS supports as a way to reduce mortality on a species that seems to be headed toward an ESA-listing.</p> <p>102P and 131P – Allow partial cleaning of albacore tuna at sea. ANWS supports proposal to allow tuna storage in small</p>

	boat, which can be difficult with 25-fish daily bag limit.
David Thomas Eugene, Oregon	David Thomas, Board member of McKenzie Flyfishers and member of Oregon Council of the Federation of Flyfishers, said they support 31S. The McKenzie River's strain of rainbow trout was once abundant but their numbers have reduced. In recent decades steps have been taken to reverse this trend. ODFW initiated creel and seasonal restrictions and mandated that anglers release all wild native trout throughout the river. ODFW discontinued stocking of competing catch trout in some sections and restricted terminal gear to flies and artificial lures; no bait. He said studies have shown that the incidental mortality to release fish that are caught with bait is four to five times higher than those caught with artificial lures and flies; sometimes reaching 30% to 40%. Because protections for steelhead and salmon fishermen using bait have been crafted into 31S they find no reason why there should be objection to this provision. Particularly since there is almost no bank access in this section of the river.
Mike Brinkley Eugene, Oregon	Mike Brinkley, Board member of McKenzie Flyfishers and TU, said they support 31S to end the use of bait with certain restrictions in the wild trout study area. He said a growing population increased the fishing pressure in the McKenzie and lead to a steep decline in redband numbers so ODFW took steps to reverse this trend. ODFW biologists propose that use of bait be discontinued in the wild trout study area except for salmon and steelhead fishermen and larger hooks. This will minimize the killing of the native trout. Brinkley emphasized that this is not a regulation favoring fly fishers only because metal lures typically use a spinning gear are still allowed.
Karl Mueller Veneta, Oregon	Karl Mueller, President of McKenzie Upper Willamette Chapter of TU, said their 300 members support 31S and reduction in the use of bait in this section. 31S will still allow fishing with bait during Chinook migration season and will allow the establishment of a production area for native trout in the McKenzie. He said wild rainbow trout are severely depressed in over half the river and whether we have abundant fish in the future is in large part up to the Commissioners. They believe the proposed rule strikes an appropriate balance between conservation, harvest and angling opportunity because it will allow harvest of hatchery trout that drift into this section.

<p>Scott Kinney N/A</p>	<p>Scott Kinney, no affiliation, seconded the comments of the three previous speakers and staff in support of 31S. For three years he has run a population study on this section of the river tagging and recapturing wild rainbow and cutthroat trout. He said when you talk about removing certain types of tackle you hear who is going to be impacted. He has seen a fair number of guides that primarily fish with artificial flies and lures because this area is not stocked, there are no fish available for direct harvest. Sometimes at the boat ramps you see folks using that as a recreational fishery and they are fishing varied methods including bait. He said there is some drift down from above; people will still be allowed to harvest those fish under 31S.</p>
<p>Ron "Moon" Mullen Springfield, Oregon</p>	<p>Moon Mullen, TU, said he has spent 800 hours over the past couple of years helping ODFW capture and tag and study the McKenzie red sides. These fish are genetically diverse and there is nowhere else in Oregon like them. He said Ziller reported it was important to have these fish above and below the hatchery zone where there is very few wild fish. He said there is no need for bait; the fish in there are all wild trout except for migrating salmon. He asked the Commission to accept 31S to save these fish for his children and grandchildren, and to accept all proposals supported by OSP. He said we have a big flossing problem on some of our rivers and the element it attracts; he won't let his grandchildren go to that area.</p>
<p>Monica Mullen Springfield, Oregon</p>	<p>Monica Mullen, TU, said previous speakers spoke to this being a critical spawning habitat for genetically unique red sides. She said there is very limited bank access but there also are not a lot of bank fishermen. She has not seen a lot of children and families; it's mostly a floatable fishery. She supports the district biologists work in this critical section of the river for proposal 31S.</p>
<p>Bob Bumstead Eugene, Oregon</p>	<p>Bob Bumstead, a 40-year ODFW volunteer and member of the R&E Board, Inland Sports Fishery Advisory Committee, and McKenzie Watershed Council (MWC), distributed written testimony He opposes 6P and said flies and single hook lures are always specified as terminal tackle in wild trout areas because it reduces hooking mortality on wild fish. The definition of lures should not be changed to increase mortality on wild fish since that regulation of terminal tackle is used to protect wild fish. He referred to his handout and said soft plastic lures are often ingested deeply by fish and they lose condition.</p>

	<p>31S – McKenzie River. He said this change would affect the section of the river where it has the full core flow of the McKenzie, which is why it is important that wild fish have the protection from the hooking mortality of bait. The MWC has taken no position on this rule.</p> <p>53P and 57P – move salmon/steelhead angling deadline. Bumstead opposes. He said the R&E Board just approved an acclimation pond for Chinook in the Trout Creek area including implantation of coded-wire tags in the snouts of salmon to enable ODFW to study wild salmon spawning in the upper river. By extending the angling deadline it would reduce the number of spawning fish and we would not have the numbers needed to study the salmon and comply with the Willamette Basin Plan.</p>
Neal Lemery Tillamook, Oregon	<p>Judge Neal Lemery, Justice of the Peace for Tillamook County, distributed written testimony, and said he supports 3S, 9S, and 10S. He said since the temporary rules have been in effect, the snagging difficulties have been greatly reduced, it has been very successful. Snagging is a very big problem in Tillamook County. He has heard 300 to 400 snagging cases in 12 years. The current rule is cumbersome to deal with in court and game officers spend a lot of time talking about their observations of suspicious fishing methods. Judge Lemery said the purpose of the angling law is to make it clear that the purpose of fishing is to lure a fish into taking the bait or lure. It is a better tool for law enforcement and for the courts to use. He urged the Commission to adopt these proposals.</p>
Marc Robershow Eugene, Oregon	<p>Marc Robershow, member of Trout Unlimited Chapter 678, said he supports 31S. He was a bait fisherman for years but a fly fisherman for only a few years. He hooked a redband on this section of the river; the best fishing he has ever experienced. He wants the fishery to be here for his four-year old daughter. For 3P – Wickiup, Robershow said it is irresponsible to reward bucket biology. Although this may not be a direct illegal planting those fish came from that source. Let's keep those invasive species out and let the native species live.</p>
Scott Lamb Idleyld Park, Oregon	<p>Scott Lamb, Owner of Lemolo Lake Resort, distributed a written proposal to modify sport fishing season at Lemolo Lake. He said when the Diamond Lake proposal was done he was not made aware of that. Lemolo Lake has been</p>

	<p>disadvantaged several times during the nine years he has owned the resort due to:</p> <ol style="list-style-type: none"> 1) Accidental release of tui chub into Lemolo during the Diamond Lake restoration project and the subsequent water quality issues that it brought with it. 2) Fish overpopulation in Diamond Lake; the emergency take from five fish to eight fish adopted on January 1, 2012. 3) Diamond Lake advertises as the only lake in Oregon with an 8 trout limit. It's not doing Lemolo very much good. 4) Opening Diamond Lake for year round fishing will increase angling opportunities at Diamond and likely stimulate the local economy. Again a disadvantage to Lemolo Lake. Lamb said he was ambivalent to the logistics and implementation of year round fishing at Diamond Lake. While he has no opinion as to the safety or need for this proposal he has no opposition to it. <p>Lamb said Douglas County Commissioner Susan Morgan made him aware of the proposal for year round fishing at Diamond Lake about four days after the time allowed for him to propose fishing regulations for Leola Lake. ODFW staff in Roseburg told him they ran a newspaper ad and posted the announcement on the ODFW website. Lamb said he lives 90-miles from the nearest town and doesn't take a newspaper. Because of Tim Walters and Rhine Messmer ODFW is including Lemolo Lake in the process of modifying the sport fishing regulations for 2013. He asked the Commission to approve his proposal: open April 28 – October 31, 5 trout per day. Open April 1 – April 27 and November 1 – December 31. Catch and release brown trout, all other species 5 trout per day.</p>
<p>Jim Vandagriff Eugene, Oregon</p>	<p>Jim Vandagriff, Trout Unlimited, supports 31S – the McKenzie River proposal.</p>
<p>Joe Pishioneri Springfield, Oregon</p>	<p>Joe Pishioneri, Springfield City Council (SCC) President, Board Member of McKenzie Watershed Council, Executive Board member for Travel Lane County, and on Lane Council of Governments, distributed a letter from Mayor Christine Lundberg and SSC. He said SCC objects to 31S because this recreational opportunity and educational value provide opportunities for children to learn the importance of prudent use of natural resources while taking fish for sustenance. SCC appreciates ODFW's efforts to stock the Springfield Mill Race but once SCC completes restoration of that system it does not believe that alternative is an adequate substitute for experiencing fishing on the McKenzie. SCC has seen no</p>

	<p>documentation indicating the diminishment of native trout or their habitat or that no longer stocking this area would result in an increase of native trout. SSC believes this decision is a way to reduce stocked fish as a way of providing justification for the proposal to ban the use of bait and is unjustified and should be reversed.</p> <p>Pishioneri talked about creating public policy when charged with protecting natural resources while maximizing its ability to be used by citizens. When a river has over half its entire body used to protect the native trout and habitat that balance has been struck. Any effort to decrease recreational uses will create a significant shift against the needs of the people. He said stocking below Hendricks Bridge was halted based on an internal decision without public comment that created the very justification to eliminate bait fishing along this stretch. What will prevent another similar decision of bait closures from happening again? As a city councilor who represents 60,000 people his request far outweighs the desires of the few.</p>
<p>Gary Lutman Lorane, Oregon</p>	<p>Gary Lutman, is a member of ANWS, McKenzie Watershed Council, Siuslaw Watershed Council, ISFAC, and a 15-year volunteer of Lutz Creek Hatchery, said at a recent ISFAC meeting it was reported that angling in Oregon declined by 50% from 1975 to 2011, the highest decline was between 25-44 years of age. This bracket is influential in passing on the heritage of fishing to the next generation of anglers; banning bait fishing and removing precious stretches of the river near Eugene- Springfield is counterproductive. Further extending the bait ban from Bellinger Landing to Hendricks Park would close bait fishing at Hendricks Park to the mouth where it dumps into the Willamette River and Blue River and Forest Glen on the upper end. This will cause a buffer zone so hatchery fish will not interfere with the population spread of the red sides and is a further reduction of stocking hatchery fish directly above Hendricks Bridge and extend several more miles upstream. The net result is a five mile bait closure of Bellinger to Hendricks, maybe 10 miles.</p> <p>He is concerned about protecting native fish and providing fishing opportunities for everybody. He proposed providing a sanctuary for the red sides in the upper stretch of the McKenzie, which would comply with the Native Fish Conservation policy while keeping the lower end of the river for the bait fishing general public. He has proposed using circle hooks to reduce the mortality rate to less than what a</p>

	<p>spinner uses. He has questioned how many fish are necessary to assume a minimum 2 fish per day consumptive fishery but was told that this would be a non-consumptive fishery only. He said we always manage our river fisheries disproportionately on the backs of the big fishers. Bait fishers make up the majority of the fishermen.</p>
<p>Jason Dunkin Dallas, Oregon</p>	<p>Jason Dunkin supports 11S and 9S - anti-snagging rules. Dunkin said the Trask was a success this year. It was very nice to be there with fish that wanted to bite because they were not harassed all the time. He would like to see that on the Salmon River as well. He has talked to other people who also support these rule proposals but were unable to attend today. He said a lot of people would like to keep fishing with corkies. He always tells them that if the salmon is really biting those things, they'll bite them underneath the bobber, no reason to change there.</p>
<p>Sierra Lewis Idleyld Park, Oregon</p>	<p>Ms. Sierra Lewis, a third year graduate student at OSU in fisheries, distributed written testimony and said she is finishing her research in historic fish abundance and distribution patterns on the North Umpqua River and above Soda Springs Dam. She supports the proposal to increase the limit. She said bass were introduced by humans and do exist in a coldwater ecological dependent system.</p> <ol style="list-style-type: none"> 1) It is inaccurate to rely solely upon Winchester Dam counts or historic population estimates based upon the 1946 report. Dam counts do not distinguish between wild and hatchery adults; about 1,500-2,000 wild adults pass over the dam in recent years; that number has not fluctuated greatly. 2) Stray rates of hatchery fish documented at the base of Soda Springs Dam during fish salvages between 2010 and 2012 indicate a high percentage of stray hatchery fish spawning against wild adults. <p>Lewis asked the Commission to:</p> <ol style="list-style-type: none"> 1) Not allow harvest of wild steelhead on the Umpqua. Even limited harvest could permanently remove a majority of all the adults destined for Soda Springs Dam and Fish Creek. 2) Not continue collecting wild broodstock to enhance hatchery fish production in the Umpqua due to the well known negative ecological, genetic, and behavioral impacts of hatchery fish upon wild fish. 3) Increase harvest and remove any limitations on harvest of non-native, introduced fishes such as bass, brown trout, or brook trout. 4) Prevent hatchery adult steelhead from passing above the

	<p>Soda Springs fish ladder and utilizing restored habitat as a refuge for wild North Umpqua steelhead and salmon.</p> <p>She discussed introduced species classifications and said we need to remove all the Umpqua bass for the preservation of the native species.</p>
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2 Rhine Messmer referred to *2013 Angling Regulations Proposal Index for Attachment 2 – Staff Report; August 3, 2012 Commission meeting* (the Index), and asked the
3 Commission to identify and reclassify the Category A, B, and C proposals. Any Category
4 B proposals remaining will be presented for further consideration at the Commission’s
5 meeting in September along with the proposed OARs and universal date changes.
6
7

8 Chair Levy asked the Commission to review Category A proposals in the Index.
9

10 **Category A Proposals**

- 11 • 15P - Coastal bays; increase the daily limit on Purple Varnis clams to first 72
12 taken, Marine Zone Regulations Category A, page 6. Commissioner Anderson
13 said she spoke with people in her area that believe there should be no limit on
14 purple varnish clams. She would like the next month to learn more about this
15 proposal and consult with staff. **Move to Category B.**
- 16 • 24P – Coastal bays; increase the daily limit on Purple Varnish clams to first 60
17 taken. Marine Zone Regulations Category B, page 6. Commissioner Anderson
18 said if we now have a 72 clam limit in that category eliminate 24P from
19 consideration. **Move to Category C.**

20
21 Chair Levy asked if the Commission needed to vote on all Category A proposals or
22 continue with Category B proposals. Director Elicker said if the Commission was okay
23 with the Category A proposed regulations, except for 15P, to then consider the Category
24 B proposals first before any motions because the Commission might want to move a
25 current Category B proposal to Category A. Rhine Messmer said that is correct.
26

27 **Category B Proposals**

28
29 Statewide Regulations, page 1:

- 30 • 3S – Redefine ‘snagging’ to help enforcement. **Move to Category A.**
- 31 • 6P – Soft plastic and rubber imitations defined as lures. Chair Levy noted this
32 proposal is in **Addendum to Attachment 2**. The proposed rule language was
33 revised back to the original proposed language after OSP review indicated the
34 original language was preferred over the revisions and more enforceable. **Leave**
35 **in Category B.**
- 36 • 64P/91P – Rack your Rod Rule Tidal Waters. **Move to Category C.**

37
38 Northwest Zone Regulations, page 1:

- 39 • 9S – Trask River “Bobber Angling” rule. **Move to Category A.**

40

1 Southwest Zone Regulations, page 2:

- 2 • 57S – Reduction in annual sturgeon catch limit. **See Columbia River Zone,**
- 3 **Columbia Rule also applies to NW Zone.**
- 4 • 62P – Chetco River Salmon Fishing Deadline. **Leave in Category B.**
- 5 • 25S – Rogue River; redefine new angling boundary. **Leave in Category B.**
- 6 • 26S – Rogue River; change of the legal angling hours. **Move to Category A.**
- 7 • 23S – Sixes River; reduced wild Chinook salmon harvest. **Move to Category A.**
- 8 • 61S – Umpqua Basin; increase smallmouth bass limit. **Leave in Category B.**
- 9 • Lemolo Lake. Commissioner Webber said Scott Lamb requested the same
- 10 regulations as Diamond Lake. He suggested that the Commission move this
- 11 proposal to Category B so it was available to look at. Director Elicker said staff
- 12 received proposed language from Mr. Lamb but he supports putting this in
- 13 Category B because staff needs time to finish this one. **Placed in Category B.**
- 14

15 Commissioner Akenson asked if the Commission had the role to investigate or address
16 the Lemolo Lake proposal now. Because this is a public comment she thought it could
17 not be dealt with at the same Commission meeting. Chair Levy said only if it's in the
18 Public Forum. Legal Counsel Steve Sanders said the Commission is within its authority
19 to add changes like this to the proposals at this stage; that would be to create a B
20 (category) then out of treating Lemolo Lake regulations parallel to the Diamond Lake
21 regulations. Commissioner Webber said it would be a new line and that's just a
22 generality; the staff can come up with it. Legal Counselor Sanders said the staff
23 understands what the proposal is and that would be enough.

24
25 Willamette Zone, page 3:

- 26 • 48P - Henry Hagg Lake; Crappie limits; 10 per day. Messmer said there is counter
- 27 proposal for a limit of 20 per day in Category A; staff supports that proposal.
- 28 **Moved to Category C.**
- 29 • 31S – McKenzie River; eliminate use of bait in section. Commissioner Akenson
- 30 recommended leaving in Category B. She asked staff for more information about
- 31 current use in the lower section. She said the Commission heard there may be
- 32 young people that fish there that would be unlikely to testify to the Commission,
- 33 and that fly fishers are very supportive. Commissioner Wolley asked to hear more
- 34 about the impact if bait was taken away; whether that would that be a deterrent for
- 35 more young people to fish. **Leave in Category B.**
- 36 • 53P/57P – Molalla River; restore angling deadline for Chinook. Messmer said staff
- 37 would like this to remain in Category B so they could present the Commission with
- 38 additional information that has developed. **Leave in Category B.**
- 39

40 Central Zone Regulations, page 4:

- 41 • 36S – Crane Prairie Reservoir; quality trout fishery. **Leave in Category B.**
- 42 • 63P – Crooked River; prohibit the use of bait year round. **Move to Category C.**
- 43 • 37S – Deschutes River, expand trout angling opportunities. **Move to Category A.**
- 44 • 103P – Deschutes Section 6; allow harvest of hatchery trout. **Move to Category**
- 45 **C.**

- 1 • 3P – Wickiup Reservoir; management largemouth bass. **Leave in Category B.**
2 Commissioner Anderson asked about the cost if ODFW assumed management
3 responsibility. Director Elicker said staff did not talk about that but can next
4 month.
5

6 Central Zone Regulations, page 4:

- 7 • 51P – East Lake; allow retention of trophy brown trout. Chair Levy said 51P came
8 as a reject in the Commission’s packet but it’s listed as Category B in the Index.
9 Messmer said that is an error, it should have been rejected and in the C category.
10 **Leave in Category C.**
11

12 Columbia River Zone Regulations, page 5:

- 13 • 53S – Provide consistency with Washington on possession regulations for lower
14 Columbia River. **Move to Category A.**
15 • 57S – Reduction in annual sturgeon catch limit; two per year. Commissioner
16 Webber didn’t believe that sturgeon fishermen comprehended what this was doing
17 and needed more notice. Commissioner Akenson said this is a placeholder (see
18 Attachment 2, page 72) until the final rule and annual sturgeon limit is developed;
19 the Commission couldn’t deal with it now. Chair Levy said it states “Adopt” on
20 page 5 of the Index but the language on page 72 notes the difference. Legal
21 Counsel Sanders clarified that would refer to all three places then that the
22 sturgeon issue is identified. Chair Levy said yes. **Leave in Category B.**
23

24 Marine Zone Regulations, page 6:

- 25 • 15P - Coastal bays; increase the daily limit on Purple Varnish clams to first 72
26 taken. **Category A was moved to Category B.**
27 • 102P/131P – Processing of fish at sea allowed. **Move to Category A.**
28 • 24P – Coastal bays; increase the daily limit on Purple Varnish clams to first 60
29 taken. **Category B was moved to Category C.**
30

31 Chair Levy asked if the Commission needed to recap all these proposals. Legal
32 Counselor Sanders said the Commission should identify which specifically of the
33 proposals are being moved to a different category. In the same motion all other thing
34 would stay in the category listed. As part of the motion identify for example 36S, 23S or
35 the issue of Lemolo Lake. Chair Levy said we will read this and when we get to
36 accepting Category A proposals at the end of that will be inserted “including these that
37 have been moved from Category A to Category B; then reject those moved from
38 Category B to Category C and list those separately. Legal Counselor Sanders said there
39 was one proposal that was removed from Category A to Category B.
40

41 *Action: Commissioner Akenson moved to adopt all Category A proposals except*
42 *15P but also including the following proposals that are moved from Category B to*
43 *Category A: 3S; 9S; 26S; 23S; 37S; 53S; 102P/131P, and reject all Category C*
44 *proposals as set by the Commission in preparation for final rule adoption at the*
45 *September 7, 2012 Commission meeting, and specify that the Category B*
46 *proposals be presented to the Commission at the September 7, 2012 meeting for*
47 *further consideration and rule adoption, but the following Category B the*

1 Commission has rejected and put in Category C besides Category B that also
2 excludes: 64P/91P has been moved to Category C; 48P has been moved to
3 Category C; 63P has been moved to Category C; 103P has been moved to
4 Category C; and 24P has been moved to Category C. The Commission would like
5 to add to Category B the Lemolo Lake Resort proposal by Scott Lamb.
6 Commissioner Webber seconded the motion, and the motion carried unanimously
7 by a vote of five.
8

9 **Exhibit E: MARINE RESERVES**

10 Cristen Don, Marine Reserves Program Leader, said a Marine Reserve is an area within
11 Oregon's territorial sea or rocky intertidal area that is protected from all extractive
12 activities except as necessary for monitoring or research to evaluate Marine Reserves as
13 a management tool. Protected areas are less restrictive and allow or prohibit certain
14 specified extractive activities.
15

16 Don said in 2000 the Marine Reserves process began through the Ocean Policy
17 Advisory Council (OPAC). In 2008 the Governor issued Executive Order 08-07 (EO)
18 directing ODFW to assist OPAC in a public nomination process. OPAC recommended
19 two pilot sites for immediate designation at Redfish Rocks and Otter Rock; an area for
20 the Port of Coos Bay to lead a community process to consider developing a new site
21 proposal in the Cape Arago area; and evaluation sites at Cape Falcon, Cascade Head
22 and Cape Perpetua.
23

24 House Bill 3013 (2009 Legislature) directed ODFW, Division of State Lands, and OPRD
25 to adopt rules implementing Redfish Rocks and Otter Rock. Staff developed
26 management plans and conducted baseline monitoring at the two pilot sites. The bill also
27 required ODFW to form community teams for the three evaluation sites and develop
28 recommendations. Through an 11 month community team process and vetting through
29 OPAC, ODFW forwarded marine reserve recommendations for Cape Falcon, Cascade
30 Head and Cape Perpetua to coastal Legislators in 2011. The 2012 Legislature passed
31 SB 1510 that directed agencies to implement ODFW's recommendations and adopt
32 administrative rules for the three evaluation sites. The bill also provided provisions that
33 baseline data were to be collected before fishing prohibitions could be imposed; and a
34 report on monitoring and implementation is to be provided to the 2023 Legislature.
35

36 She discussed the allowances and prohibitions provided in the proposed OARs for the
37 Cape Perpetua, Cascade Head, and Cape Falcon areas and presented several OAR
38 additions labeled *Housekeeping Revisions (July 31, 2012)* including:

- 39 • Clarifying allowance of bank angling in Cape Falcon Shoreside MPA.
- 40 • Providing general language to cover future tribal agreements.
- 41 • A new addition (August 3, 2012) to the proposed rules for housekeeping and
42 clarification for the Cape Perpetua South-East Marine Protected Area; Cape
43 Perpetua Seabird Protection Area; and Cascade Head South Marine Protected
44 Area, in sections 0090, 0100, and 0120. Staff proposed adding the following
45 language to clarify that all fishing is allowed in these areas except for what is
46 specifically prohibited, ***“(1) Except as specified in (2) below, take of all species
47 authorized by general commission rule for this area is allowed.”***

1
 2 Don said the Marine Reserves Program is responsible for developing management
 3 plans, monitoring, outreach to communities, reporting and monitoring other
 4 implementation efforts and partnering with OSP in charge of enforcement. She said for
 5 the 2013-2015 biennium staff expects to move forward with implementation with the
 6 staff, funding and equipment currently available. She talked about staff's phased in
 7 approach for collecting the baseline data at the three new marine reserves sites.

8
 9 **Public Testimony:**

<p>Ben Enticknap Portland, Oregon</p>	<p>Ben Enticknap, Pacific Project Manager for Oceana, noted his letter in Supplemental Correspondence and said each of the three new sites meet the minimum size guidelines recommended by the Scientific Advisory Committee. They don't meet the preferred guidelines but the marine protected areas around them help achieve additional objectives of habitat protection and protecting forage species in those areas. All the sites total 6.16% of the territorial sea in marine protected areas and an additional 3.2% in reserves. They are proud that these areas are being implemented to protect the health and biodiversity of Oregon's coast. Enticknap said Oceana supports these rules with two modifications:</p> <ol style="list-style-type: none"> 1. All sites should be implemented. The fishing prohibitions at all three sites should take effect January 1, 2014. Oceana does not support the delay at Cape Falcon until January 1, 2016. We have lots of base line data collected and additional data can be collected quickly. This delay comes at a cost to achieving expected results of the reserves and the ability to make cross comparisons between the different sites and evaluate the overall effectiveness of the network as a whole. 2. Expand the list of prohibited species from harvest at Cape Perpetua South-East Marine Protected Area and Seabird Protection Area. He said the intent of these protections is to provide prey for seabirds. He referred to a list of other forage species on page 2 of his letter and asked the Commission to add these forage species for seabirds feeding in this area to the list of prohibited species.
<p>Robin Hartman Roseburg, Oregon</p>	<p>Robin Hartman, Ocean Program Director for Oregon Shores Conservation Coalition (OSCC), said OSCC supports implementation of the three new reserves and associated protected areas. These rules reflect the community team and OPAC recommendations; but there are ways the rule could be improved:</p> <ol style="list-style-type: none"> 1. Delay of Cape Falcon. She urged the Commission to advance all three sites in a timely manner. 2. She distributed "<i>Evidence That Marine Reserves Enhance</i>

	<p><i>Resilience to Climatic Impacts</i>” and talked about the California current of Isla Nativdad along the Pacific Coast of Baja California. Fishermen there put two marine reserves in place and three controlled sites to restore the abalone fishery in 2006. After a decline between 2006 and 2012, it was found that greater proportions of large individuals persisted inside the reserves, particularly above the minimum legal size for the fishery within the reserve (see page 2). She said the combined density and size structure provided enhanced reproductive output for those populations. Ecological benefits will begin to accrue on those sites as soon as the prohibitions go into place.</p> <p>3. State needs to invest in the baseline data and to partner with others and seek outside funding to get the baseline work done. She said this study illustrates how important it is to have the baseline information in place.</p>
<p>Jim Carlson Netarts, Oregon</p>	<p>Jim Carlson, sits on the Human Dimensions Working Group for Otter Rock site, is an alternate member for Cape Falcon community team, chairs the Citizen Planning Advisory Committee in Netarts, and works with Our Ocean as the north coast advisor for their activities. In the past he has been a commercial fisherman and also worked in mills. He thanked ODFW staff for their work and said he is excited about getting other stakeholders to watch as the marine reserves come to fruition. Carlson asked the Commission to pass the proposed rules.</p>
<p>Derek Campbell Eugene, Oregon</p>	<p>Derek Campbell, Our Ocean, has been involved in this process for three and half a years. He has been most impressed with the use of the stakeholder groups for each location. Regarding the future of any potential use he highly encourages the State to retain some forum that allows stakeholders groups of various forms continued access to any future decision making process that involves the marine reserves system.</p>
<p>Susan Allen Portland, Oregon</p>	<p>Susan Allen, Director of Our Ocean, distributed a letter and said Our Ocean supports further study, designation and implementation of an ecologically significant system based on best available science with continuing stakeholder engagement. She asked the Commission to consider:</p> <ol style="list-style-type: none"> 1. Our Ocean working with staff to build monitoring and evaluating capacity to ensure the strongest body of data is available for the Legislature’s consideration in 2023. 2. Strengthen language for enforcement of western Marine Protected Area of Cape Falcon because that boundary

	<p>made the difference and turned the conservation community in support of that site. Allows ODFW to review and enforce at a later date if necessary.</p> <p>3. Identify a broader forage species category. She read paragraph two of her letter expressing support of SB 1510 and their hope that ODFW continues to host regular citizen engagement opportunities consistent with State Planning Goal One because the Territorial Sea is managed in the Public Trust.</p>
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1
2 Commissioner Anderson said if we move forward with the current proposal language that
3 delays the Cape Falcon site until January 2016 are we precluded from being able to do
4 something sooner if for example a public private partnership could emerge or funding
5 were made available? Ed Bowles, Fish Division Administrator, said the delay as
6 specified in rule would have to be changed by temporary rule or ratified immediately by
7 the Commission. Staff changed the implementation date for both pilot sites when the
8 prohibitions were implemented from the original rule. He said this is simply a function of
9 what we can do with this budget. If additional resources become available then staff can
10 consider this and go to the Commission for approval for a change in this.

11
12 Commissioner Anderson said forage fish is being addressed at multiple levels by
13 different user groups and PFMC. Was the thinking in drafting the rules that we need
14 better definitions and more consistent language or more science behind forage fish? Or
15 was it limited to we're still learning about this and our federal partners are working on it?
16 Cristen Don said yes. We don't have a defined "forage fish fisheries" so the species in
17 the draft rules were those that most Community Team members were thinking when they
18 recommended prohibition of "forage fish fisheries". PFMC is defining forage fish so staff
19 could modify this list consistent with PFMC in the future. We don't want to set precedent
20 here.

21
22 Commissioner Webber noted the original *Attachment 3* and *Revised Attachment 3 –*
23 *Proposed OARs as of July 31, 2012*. He referred to Revised Attachment 3, page 3,
24 Marine Reserve Prohibitions and Allowances, 635-012-0050(2), "*Take of fish species*
25 *from the ocean, using hook-and-line from the bank shoreward of a marine reserve,*
26 *unless specifically authorized, is prohibited.*" and asked for clarification about the
27 boundary.

28
29 Bowles said that is as stated correct; this is no longer defining a boundary. A provision
30 under the General Rules states that fishing from the bank shoreward of a marine
31 reserves boundary is precluded. This is a unique marine protected area in that the only
32 thing allowed is fishing from the bank but shoreward from a marine reserve. The revision
33 states for this particular one that the general provision does not apply and that you can
34 fish shoreward from a marine reserve and the word boundary is not necessary there.

35
36 Commissioner Webber said today he was handed "*Draft rule addition to supplement 7-*
37 *13-12 revisions.*" Where does it fit in the draft rules? Bowles said insert this as

1 subsection (1) for three rules: 0090; 0100; and 0120, and for three of the marine
2 protected areas. Most things are prohibited; but for these three almost everything is
3 allowed and only a few things are prohibited. The General Provisions did not allow all
4 the other things for these three when we shifted to the prohibitive approach. He asked
5 the Commission to add a statement in their motion to align these structurally,
6 consistently in the rules so staff can ensure that the numbering and order is correct.

7
8 Commissioner Anderson referred to the draft motion in the packet and asked if she
9 needed to add the draft rule addition to supplement 7-13-12 revisions.

10
11 Legal Counselor Sanders said the Commission had three different issues.

- 12 1. Whether to accept the changes that staff proposed on July 31 that adds the general
13 disclaimer on affecting Indian rights and so forth.
- 14 2. Inserting new subparagraph (1) and the three rules that Bowles mentioned that
15 makes the default position that fishing is allowed in those areas.
- 16 3. Authorize the staff to make editorial and formatting changes to make the
17 grammatical structure of each of these rules then parallel. Because if you insert this
18 one then we have to renumber the rules and slightly change the grammar to make it
19 clearer which activities are allowed and which are prohibited. He said part of the
20 motion, if the Commission is willing, is to delegate to the staff the authority to make
21 those editorial changes Ed is suggesting to make the rules read parallel.

22
23 Legal Counselor Sanders summarized that the Commission has the basic question of
24 adopting the rules, adopting the July 31 changes (see Revised Attachment 3), and
25 adopting the new subsection (1), and delegating authority to the staff to make editorial
26 changes for clarity.

27
28 *Action: Commissioner Anderson moved to adopt OAR 635-012-0020 through -*
29 *0160 as recommended by staff and listed in Attachment 3 of the staff report, in*
30 *addition the proposed OARs in the July 31, 2012 document (see Revised*
31 *Attachment 3), in addition the changes to subsection (1) of said document (see*
32 *Draft rule addition to supplement 7-31-12 revisions) and authorize the staff to*
33 *make editorial changes for rule consistency.*

34
35 Legal Counselor Sanders said that would also include rearranging the other rules so that
36 we would have each of the rules set up. Subsection (1) would be this is what is allowed
37 and subsection (2) would be this is what is prohibited. That way we would have it set up
38 now so some of them would be rule number one is what is prohibited and rule number
39 two is what is allowed. He said we would like to have them all set up the same way.
40 Commissioner Anderson asked if she needed to amend her original motion. Legal
41 Counselor Sanders said your motion would do that. He wanted to clarify that is the way
42 staff would interpret her motion.

43
44 *Commissioner Webber seconded the motion, and the motion carried unanimously*
45 *by a vote of five.*

46
47 **Exhibit F: AMEND TILAPIA POSSESSION AND REARING RULES PETITION**

1 Rick Boatner, Invasive Species Wildlife Integrity Coordinator, presented a Petition from
2 Bruce Smith, Mike Smith, and Davie Haase to amend the Wildlife Integrity rules to allow
3 rearing of Tilapia for personal consumption. Boatner provided background on the
4 Wildlife Integrity Rules (OAR Division 056).
5 Boatner said the Petition sponsors are requesting that two genus of Tilapia be allowed to
6 be raised that consists of five species of Tilapia. Mozambique and Nile Tilapia are
7 already allowed. Staff considers Wami and Blackchin Tilapia low risk of becoming
8 established because they are not cold tolerant and Oregon waters would drop down to
9 lethal temperature for them in the winter. Staff recommends that Blue Tilapia be exempt
10 from this request because it can tolerate colder water than the other two species.

11
12 Boatner said the Petition requests that the requirements for the ODFW Fish Propagation
13 License permit be removed for raising Tilapia for personal consumption. The permit
14 costs \$127 and requires certain testing at the facility where Tilapia is purchased. Costs
15 can be prohibitive for rearing Tilapia for personal consumption. He said staff
16 recommends that the Commission accept the Petition and direct staff to work with the
17 Petitioners to develop rules for raising Tilapia for personal consumption and to present
18 these rules to the Commission in October.

19
20 Boatner said in June the Commission adopted rules for Commercial Fish. Shellfish and
21 Marine Vertebra in Division 005 was listed as a reference material under Controlled
22 Mollusks. Staff recommends updating the references in OAR 635-056-0075 to reference
23 Division 005 as a whole rather than a specific section, as shown in Attachment 5, and
24 asks the Commission to direct staff to initiate rulemaking to update this section and
25 present it again to the Commission in October.

26
27 **Public Testimony:**

David Haase Eugene, Oregon	David Haase said he has been licensed propagator for two years and has had two sales of Tilapia. The rules are so stringent that he can't sell them. He said people want to grow fish in indoor greenhouses known as "aquaponics". He gets a call a week from people buying perch and all kinds of exotic fish to grow in this aquaponic culture; it's a shame we don't have a fish like Tilapia that is legal and available for these people to raise. He said Tilapia couldn't survive in our waters. The aurora, which was referred to as cold tolerant is, advertised that way but it is still a tropical fish. Haase said his letter talks about the fast growth of Tilapia and why it is such an important food source for Oregon. He said the success in Taiwan is not going to be the same kind of success in Oregon. If this proposal is adopted he will be at the forefront in genetically crossbreeding Tilapia in order to create a more vigorous growing fish for our indoor environment than what the world presently supplies. Taiwan is the largest producer of Tilapia. Their fish are raised in ponds outdoors, which will not happen in Oregon. He said Oregon has a vast indoor market of growers and farmers
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	and he could see in the near future where Tilapia, which is the third largest produced commercial fish in the world, could be one of Oregon's largest products.
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1
2 Commissioner Wolley said he wanted to understand the intention of the rule in relation to
3 what Mr. Haase was talking about. In the beginning of your testimony you said you
4 couldn't sell the Tilapia. Are we looking at for personal use or are we looking for the
5 ability to sell Tilapia? Haase said he couldn't sell Tilapia to somebody that is raising them
6 for personal use. If they have a license then I can sell them live, but if they don't have a
7 Propagation License then I am required to kill the fish before I sell it.

8
9 *Action: Commissioner Webber moved to accept the Haase Petition and instruct*
10 *staff to being rulemaking development and to notify Mr. Haase in writing and work*
11 *with him on the content of the Commission packet. Staff should evaluate the*
12 *ability to bring draft rules to the Commission on October 5 for rule adoption.*
13 *Commissioner Webber moved to also initiate rulemaking to adopt administrative*
14 *corrections to OAR 635-056-0075 proposed by staff in Attachment 5.*
15 *Commissioner Wolley seconded the motion, and the motion carried unanimously*
16 *by a vote of five.*

17
18 **Exhibit G: 2012-2013 OREGON GAME BIRD REGULATIONS**

19 Dave Budeau, Upland Game Bird Program Coordinator, reported that the regulation
20 framework for Upland Game Birds is a policy document that seeks to maintain consistent
21 seasons for a five year period. He said we're currently in the third year of that framework.
22 Upland Game bird populations vary annually and so hunting effort is largely self-
23 regulating based on population density. Wildlife districts are just now conducting surveys
24 this summer and most populations are continuing to improve. Budeau presented staff's
25 proposals:

- 26 • Increase possession limit for grouse and quail to three times daily bag limit to
27 improve consistency among the Upland Game Bird species. Staff not proposing a
28 daily bag limit increase and does not expect a population level effect from
29 increasing the possession limit or a detectable increase in harvest.
30
- 31 • Oregon sage-grouse season is conservative and doesn't harvest more than five
32 percent of projected fall population. Staff sets the permit numbers annually based
33 on projected fall populations using spring lek counts, summer brood surveys, and
34 past years statistics on hunting effort and success. Hunters are cooperative in
35 gathering wings that provide biological data to staff and providing blood samples
36 for West Nile Virus monitoring. Staff is working with the National Wildlife Health
37 Center on the results of that. Budeau said the Longdraw fire is one of Oregon's
38 best sage-grouse units; the fire's perimeter is the Whitehorse Wildlife
39 Management Unit that includes 550,000 acres. Within that perimeter is 231,000
40 acres of core sage-grouse habitat.
41 ✓ Close Whitehorse east and south of Highway 95 to sage-grouse hunting this
42 year until staff can fully assess impact on the population.

- 1 ✓ 1,035 permits and 12 Wildlife Area Management Units open with exception of
2 Whitehorse Unit; 100 less than 2011 due to Whitehorse closure.
3 ✓ 75 permits in Juniper Unit; a 25% reduction due to Miller Homestead fire.
4
- 5 • Fall Turkey Seasons. Five controlled hunts in eastern Oregon; 1,025 permits.
 - 6 • Thirteen Youth Upland Hunts at 12 locations with online registration this year and
7 one youth chukar hunt in Klamath area.
 - 8 • Two Pheasant Hunting Workshops at Denman and E.E. Wilson Wildlife Areas.
 - 9 • Continue Western Oregon Fee Pheasant Hunt at Denman, E.E. Wilson Fern
10 Ridge, and Sauvie Island Wildlife Areas.

11
12 Brandon Reishus, Assistant Game Bird Biologist, reported that U.S. Fish and Wildlife
13 Service (USFWS) establishes Migratory Game Bird frameworks in consultation with the
14 Pacific Flyway (Flyway). The states operating within those frameworks set their
15 seasons, which is what ODFW is doing today. Seasons established are based on
16 annual biological surveys of the birds. He said USFWS uses the adaptive harvest
17 management program when it issues framework models that are fed by biological and
18 harvest surveys.

19
20 Reishus reviewed the status quo seasons from last year with no change. He presented
21 the following proposals:

- 22 • Eurasian collared-doves. Classify as an unprotected nongame bird. Not federally
23 protected being they are a human introduced non-native species therefore
24 Migratory Treaty Act does not protect them in the state.
- 25 • NW Permit Goose Zone. Changes to the *Supplemental Recommendations*.
26 Extend shooting hours from 3:00 p.m. to 4:00 p.m. and shift the check station
27 open hours from 9:30 a.m. to 4:30 p.m. back to 10:00 a.m. to 5:30 p.m. Gives an
28 extra hour to shoot and an extra hour to check out.
- 29 • Tillamook County season structure. Roll into rest of NW Permit Goose Zone so
30 regulations are identical by splitting season into three hunt periods and increasing
31 open days to five per week.
- 32 • NW General Goose Zone Season structure. Split season into three hunt periods
33 and shift closing date to March 10 when cackling geese have biggest effect on
34 agriculture producers.
- 35 • South Coast Goose Zone bag limits. Received USFWS permission to increase
36 dark goose bag limit by two geese (six per day) during late hunt period of
37 February to March. Also, allow white goose harvest during this late hunt period to
38 streamline regulations.

39
40 Reishus said Oregon Farm Bureau supports increased goose hunting opportunities to
41 help alleviate any agricultural damage (see letter in packet). He noted emails regarding
42 electronic decoys for waterfowl hunting. In 2004 the Commission decided to not allow
43 electronic decoys for waterfowl hunting; staff is not bringing forward any proposal to
44 change that. Staff received late correspondence from Lake County goose hunters who
45 requested a shift in the season there. Currently, there is a two-week split in December to
46 allow a longer season but they would like to see that split removed at the expense of

1 closing the season earlier. Staff proposed to do that last season but due to public
2 opposition from other goose hunters staff did not bring it forward last year nor this year.

3
4 Reishus presented other proposals:

- 5 • Restrict toxic shot for snipe hunting, only non-toxic shot be allowed.
- 6 • Consistent with federal rule amend Divisions 44 and 51 to allow taking of certain
7 non-game birds when allowed if operating under a federal depredation order or
8 depredation permit issued by USFWS.
- 9 • Amend Division 08 that would allow youth big game hunting on a portion of Ladd
10 Marsh, already allowed by Big Game Regulations.
- 11 • Upland Game Bird Art Contest. Update to contest rules is presented every five
12 years and staff outlines acceptable species per contest. Staff proposals for 2014-
13 2018 stamps are to change entry deadlines starting with 2014 stamp to allow
14 same deadline as Habitat Conservation Stamp and allow staff in future years to
15 hold judging competitions at same time. Change selection process to align with
16 Habitat Conservation Stamp with a four-member panel and one Commissioner
17 chooses the winner from all the entries. Staff proposes to add rules that
18 specifically exclude photographs, computer enhanced art, and wood carvings
19 consistent with Habitat Conservation Stamp rules.

20
21 **Public Testimony:** There was no public testimony.

22
23 Director Elicker publicly acknowledged that Brad Bales was on the cover of the 2012-
24 2013 Oregon Game Bird Regulations. He said Brad has been ODFW's waterfowl
25 coordinator for over 22 years. Director Elicker acknowledged Bales's experience on the
26 national flyway process and said he is retiring from the Department and taking a new
27 position with the Pacific Coast Joint Venture as their Executive Director. He thanked
28 Brad for his years of service to the Department.

29
30 *Action: Commissioner Akenson moved to amend OAR Chapter 635, Divisions*
31 *008, 044, 045, 051, 052, 053, 054, and 060 as proposed by staff to set regulations*
32 *for 2012-2013 game bird seasons, to classify Eurasian collared doves as an*
33 *unprotected bird and to clarify the allowed take of migratory nongame birds when*
34 *allowed or permitted by the U.S. Fish and Wildlife Service. Commissioner*
35 *Anderson seconded the motion, and the motion carried unanimously by a vote of*
36 *five.*

37
38 **OTHER BUSINESS**

39 The Commission approved the following 2013 Commission meeting dates:

- 40 • January 11
- 41 • February 8
- 42 • March 7-8
- 43 • April 26
- 44 • May – no meeting
- 45 • June 6-7
- 46 • July 12 – hold only if meeting is needed

- 1 • August 2
- 2 • September 6
- 3 • October 4
- 4 • November – no meeting
- 5 • December 6

6

7 **Executive Session**

8 The Oregon Fish and Wildlife Commission will now meet in executive session for the
9 purpose of conducting deliberations related to real property transactions. The Executive
10 Session is held pursuant to ORS 192.660 (2)(e) and (2)(f), which allows the Commission
11 to meet in executive session to conduct deliberations with persons designated by the
12 governing body to negotiate real property transactions and to consider information or
13 records that are exempt by law from public inspection, such as real estate appraisal
14 information, and ORS 192.660(2)(h) which allows the Commission to consult with
15 counsel regarding litigation the Commission is involved in, which is the litigation
16 challenging the Commission's Wolf Plan.

17

18 Representatives of the news media and designated staff shall be allowed to attend the
19 executive session. All other members of the audience are asked to leave the room.
20 Representatives of the news media are specifically directed not to report on any of the
21 deliberations during the executive session, except to state the general subject of the
22 session as previously announced. No decision may be made in executive session.

23

24 **ADJOURN**

25 Chair Levy reopened the public meeting after Executive Session to adjourn at 7:24 p.m.