



Oregon Fish and Wildlife Commission Minutes

Meeting: Friday, January 9, 2015 - 8:00 am
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Drive S.E.
Salem, Oregon 97302

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2 *Commission minutes are considered draft until approved by.*

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

6
Michael Finley, Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Gregory J. Wolley, Commissioner
Laura Anderson, Commissioner
Curt Melcher, Interim Director
Michelle Tate, Executive Assistant
Steve Sanders, Assistant Attorney General

7 **MEETING**

8 On Friday, January 9, 2015, Chair Michael Finley called the Oregon Fish and Wildlife
9 Commission to order at 8:00 a.m.

10 **DIRECTOR'S REPORT**

11 **Field Reports**

12
13 Field Reports are provided in written form only. *This report is available in the meeting*
14 *materials and at*

15 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
16

17 **Expenditure Report**

18 Staff: Debbie Colbert, Deputy Director for Administration,
19 Financial Report as of December 30, 2014 and Budget Update. *This report is available in*
20 *the meeting materials and at*

21 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
22

23
24 We are three quarters of the way through the current biennium; tracking and
25 expenditures are well within our revenues. Over the past year the department has
26 transitioned to a new billing and invoicing system. The new system has resulted in
27 improved cash flow, documentation, and recovering lagging invoice payments in a
28 timelier manner. The Governor's 2015-17 budget has passed through audit of the
29 technical budget entries with the Department of Administrative Services (DAS). Finishing
30 touches are being put on budget narratives and documents should be on the website by
31 the end of the month. We are shifting gears to complete the Ways & Means preparation;
32 materials should be available on our website by mid February. Things are tracking very
33 well in terms of the session.

34
35 Commissioners thanked Debbie for her service and wished her luck in her new position.

1
2 **Adopt Temporary Rules**

3 *Curt Melcher, Interim Director* asked the Commission to adopt the five temporary
4 rules in the tan agenda on pages 1 and 2, starting with 635-065-0760 through 635-071-
5 0010.

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7 **1. 635-065-0760**

8 **Amend Rules to Change Name of Travel Management Area**

9 Adopted December 4, 2014. Effective Dates: January 1, 2015 through June 29, 2015

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11 This temporary rule is needed to change the name of the JWTR, LLC Travel
12 Management Area to Green Diamond Travel Management Area as a result of the land
13 sale.
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15 Following the permanent rule making process, rather than taking this temporary rule
16 making action, will result in serious prejudice to the public interest because without this
17 immediate amendment the rules will not accurately reflect the owner of lands closed to
18 hunting.

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20 **2. 635-004-0275**

21 **Management Measures Implemented for 2015 Commercial Groundfish Trawl and Fixed
22 Gear Fisheries**

23 Adopted December 11, 2014: effective January 1, 2015 through June 29, 2015.

24 This amended rule incorporates into Oregon Administrative Rules Pacific ocean
25 commercial groundfish regulation changes adopted by the National Marine Fisheries
26 Service (NMFS) for 2015, including but not limited to chafing gear regulations that apply
27 to all commercial midwater gear.
28

29 **3. 635-004-0355 and 635-006-0209**

30 **Management Measures for 2015 Commercial Groundfish Fisheries**

31 Adopted December 11, 2014: effective January 1, 2015 through January 16, 2015.

32 These amended rules establish temporary groundfish management measures for 2015
33 commercial groundfish fisheries. These rules establish commercial sorting requirements
34 and nearshore bimonthly trip limits for the first part of 2015. Identical permanent rule
35 amendments for the 2015 fisheries will be presented to the Oregon Fish and Wildlife
36 Commission for adoption at its January 9, 2015 hearing.
37

38 **4. 635-023-0095**

39 **Recreational Sturgeon Fishery in the Bonneville Pool Begins January 1, 2015**

40 Adopted December 18, 2014: effective January 1, 2015 through March 1, 2015.

41 This amended rule opens a recreational white sturgeon fishery in the Bonneville Pool of
42 the Columbia River, including adjacent tributaries, beginning at 12:01 a.m. Thursday,
43 January 1 through Sunday, March 1, 2015. White Sturgeon between 38-54 inches in fork
44 length may be retained. Modifications were made consistent with Joint State Action
45 taken December 18, 2014 by the Oregon and Washington Departments of Fish and
46 Wildlife in a meeting of the Columbia River Compact.
47

48 **5. 635-071-0010**

1 **Amend Rules to Extend Hunt Season for Rocky Mountain Elk Controlled Hunt 251D**

2 Adopted: January 7, 2015. Effective Dates: January 7, 2015 through June 30, 2015

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4 This temporary rule is needed to extend the hunting season for Rocky Mountain Elk to
5 allow the opportunity to hunt for the intended time period (the hunt has previously
6 extended to December 31 each year) to provide hunters the opportunity to hunt elk
7 causing damage to private property in the hunt area. Failure to amend the rule would
8 result in serious prejudice to the hunters who are currently deciding which hunts to apply
9 for, and under the existing regulations are misinformed about the length of this hunt.
10 Also, the incorrect short season could result in less hunters applying for this hunt and
11 thereby result in less damage control for landowners whose property is being damaged
12 by elk.

13
14 *Action: Commissioner Webber moved to adopt the five temporary rules number*
15 *one through five as shown on the agenda starting on page one and ending on*
16 *page two. Commissioner Wolley seconded the motion; the motion passed*
17 *unanimously with a vote of five.*

18
19 **PUBLIC FORUM**

20 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*
21 *agenda. Please contact the Oregon Department of Fish and Wildlife Office of the*
22 *Director at least 24 hours prior to the meeting to be included in the public forum. If you*
23 *bring written summaries or other materials to the meeting please provide the*
24 *Commission Assistant with 20 copies prior to your testimony. The Commission is unable*
25 *to take action on items brought to their attention in this forum.*

26
27 **Wildlife Conservation Program; and Riparian Tax Incentive Program**

Clair Klock Corbet	Thanked the department for administering the Oregon Riparian Tax Incentive Program and the Wildlife Habitat Management Programs. Currently a farmer participating in the Wildlife Habitat program and recently enrolled in the Riparian program. States the programs are important in implementing the Oregon Conservation Strategy, are a low cost option for Oregon to gain more wildlife, and provides landowners a way to make a tangible contribution to Wildlife. The Biologist position that administers the program in Willamette is vacant; encourages the department to continue this program so that there is not a slowdown in the actions. Issues that consistently come up in Clackamas County are water quality, weed, and wildlife.
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28
29 **Dungeness crab season during molt**

Scott Hartzell - Commercial Fisherman, Florence	Provided Commission with two controlled studies related to Softshell Dungeness Handling Mortality and discussed results from studies. Up to 25% of next year's harvest could be lost due to commercial fishing during the softshell molt; loss of one claw or one leading leg results in over 40%
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	<p>mortality. There is no way to pursue these crabs without losing a significant amount; need to protect them during the molt. At any bay during this time, when a pot is pulled there will be 30 crabs; if lucky one can be kept. Recommended that on May 1 start the same protocol that exists prior to the season: 23% above Cape Falcon and 25% below. Test every two weeks and allow the season to continue as long as it is above that threshold. Recommended to pick an arbitrary date, such as June 1, that best fits and close the season prior to the molt.</p>
<p>Bob Eder – Commercial Fisherman, Newport</p>	<p>Has 40 years in the Dungeness crab fishery in Port Orford and now in Newport. Has served the crabbing community as a member of the Oregon Dungeness Crab Commodity Commission, President of the Newport Crab Marketing Association, and other positions including currently serving as an advisor to ODFW staff. Has volunteered use of vessel (Timmy Boy) to go to sea with Noel Yoakum tagging 1,200 to 1,400 crabs for a study on handling discard mortality. Urged Commission to consider shortening the commercial crab season. Crabs are really tough animals, but they are incredibly vulnerable during the molt period. Have anecdotal information about the losses that have probably occurred when handling molt crab. Have had the sense of what is going on for decades. Now we are getting actionable and objective information looking toward quantifying what the cost is when you sell one crab in June through August; the cost is in crabs that we are killing and this is coming to light in a scientific way. Now with local studies on fisheries and water, it is time to act. The management system is very good; it's the season aspect that was meant all along to protect the soft shell crab that needs some adjustment. Need to get the gear out of the water to protect the animals.</p>
<p>Justin Yager Commercial Fisherman, Newport</p>	<p>Commercial fisherman of 19 years. Believes the season is going too long and there is need to protect the crab when they are the most vulnerable during the molt, in this delicate time. It is in the best interest of all crab fishermen, industry, and the future crab stock to not have crab gear in the ocean at this time. Asked the department to consider all the studies and make a decision that will make this a cleaner more responsible fishery.</p>

Discussion

<p>Commissioner Akenson</p>	<p>Asked if the season is in the summer when crabs have a soft shell.</p>
<p>Justin Yager</p>	<p>The season starts in late spring or early summer. Usually by</p>

	June the softshells are coming out of the mud, sometimes it is later or earlier; difficult to pinpoint an exact date. Asked the Department of Fish and Game what was recommended; based on a report it was summarized to not fish crabs during the molt. The season is designed to not fish during the molt but the season drags on and they end up being fished at the time that they are the most vulnerable and need protection the most.
Chair Finley	Asked Mr. Yager when he thinks the season should close.
Justin Yager	Test out of the season or have a liked quality going in; if they cannot do that, have a target date. This year they are pretty filled out and could possibly molt as early as late May.
Mike Horgran, Commercial Fisherman Astoria	Fisherman whole life; involved in fisheries across four states up and down the coast; holds six permits presently. Last summer was the first year with a boat involved in a post molt fishery; son fished this fishery and said it was terrible. You could stick your thumb right through the back of the crab shells. Decided that the fishery was sick and that they needed to get out of it, and did. This came up and feels the same way. May 1-15 is a good time; the economic fishery is over and going to protect the crab during molt.
Stuart Schuttpelz- Commercial Fisherman Reedsport	Crab fishing since 79. Crabs are a critical fishery in this state. Supports protection of crabs during molt. Follow in season protocols. Quit around May last year; was seeing chunks of crabs, our blocks pull them right through. Agreed with what has been said.
Rick Liliethal Coos Bay	4 th generation crabber; has dealt with this issue for years. Rules were changed in 1988 to allow a 1200 lb. week limit. Pot limits made a huge difference; from 1000 pots to 500 made a huge difference. Stop fishing when the molt starts. The small seafood operations and restraurants need to be supplied that little bit of crab into August. Has seen papers showing an 11% mortality; every fishery has mortality. Do not want to see a lot of these guys put out of a job.
Ernie Phillips- Commercial Fisherman Newport	18 months ago fished 300 pots; made the investment and moved up to a 500 pot license. Does not agree with fishing the molt. There are a lot of small seafood shops that sell a lot of crabs in the summer months – the tourists, jobs that are created; there are some boats that fish there some years. Substantial financial impact to close it down. There are other ways to manage the fishery during the molt other

	than just an absolute closure.
Discussion	
Commissioner Webber	Asked what the alternative would be to just cutting it off.
Ernie Phillips	Preseason testing, in spring possibly, starts limits earlier. There are not many boats that actually fish during this time; they are moved on to other fisheries. There is a fishery there all summer; shame to take away that summer fishery completely. Possibly only a partial shutdown until the crab met the criteria; then reopen when the crab meet the criteria. Often they do and the summer crab looks really good.
Kinder Cotrell , Commercial Fisherman- Newport	16 years fishing CA, OR, WA; past eleven years consecutively in Newport. Does not typically fish the summer crab fishery. As earlier stated, there are industries shore side and tourist that do depend on this small summer fishery. The tour industry in areas of the state is huge now and relies on this fishery. Above and beyond that it's about the protection of the resource. Maybe it should be closed, but if not and it's decided to leave it open there are certain thing that can be done; coverage for observers, instead of a percentage of the fleet covered you can do areas, since different areas molt at different time; will give an idea of what areas are in the molt and when to close them. Reduction of gear, less gear on the water, less crabs being handle. Will also reduce the gear loss problem. The other thing is in a year like this when there is not a lot of crab next year looks poor, maybe a cap put in place, if cap not met in pounds by February 1st the season should be cut off in June; this way these crabs have a chance to molt and reproduce for the next year. This is about a projection of the resource so it will be available for upcoming generations. Curious about and wonder if there is any information on sport/recreational fisherman; they fish a month longer than commercial. What are mortality rates and how many crabs are handled a day; the info we have is good info; we need to protect the resource.
Chair Finley	Asked if the different timing by geographic areas is distinctive and recognized by the crab fishermen.
Kinder Cotrell	No, but fishermen all sit around and discuss; sometimes soft crab is seen in some areas and not in others. Scott Hartzel mentioned Cape Falcon above 23%; they are known to have less meat in their shells; the need to meet higher criteria on the southern coast is an example.
Cody Chase-Commercial	Other speakers have a lot of good points. It probably does

Fisherman, Newport	affect the fishery; we don't fish deep, try to stay shallow. We tend to find harder crab. Last couple of years have been good. Fathom curve limit, pot limit, or some of the other great ideas the have been discussed.
Chair Finley	Asked for more discussion about the fathom curve limit.
	Read a report indication that generally there is more soft crab out deep, where the mass is maybe something can be implemented where they have to stay shallow where the harder crab are.
Todd Whaley, Commercial Fisherman- Brookings	25 years crab fisherman; have never fished during molt. This has been a huge source of frustration. Have always found something else to do and stay away from that. Hopes something can be done to stop the waste. Suggested when 1200 lb. a week time is reached, take the first 650 crabs caught in, eliminate the sorting through to find 650 good ones; bring the first 650; no one is going to want to buy crab.
Al Pazar, Commercial Fisherman- Florence	Long time crab fisherman of 30 years; fished the entire season for all 30 of those years. Pleased to report that the Oregon Ocean Dungeness crab fishery is doing just fine. It is the fishery that everyone on the coast is clamoring to get into. This is the result of good recruitment, good ocean conditions, good management, and good market conditions. Oregon crab fishery passed intense scientific review and several years ago Marine Stewardship Council (MSC) Certification, announcing to the world what has been known for years that it is a sustainable environmentally friendly fishery. It is not to say that it is a perfect fishery. The MSC certification came with conditions that have been met in order to maintain certification. First the limited reference point. Without stock assessment and a federal management plan, MSC required a mechanism to curtail the fishery in the event that the fishery were to be in a decline of a period of time. We predicted to reach a level from which future recruitment might be threatened. Dungeness Crab Commission, ODFW staff, and others have crafted a four point plan to address this critical issue; the limited reference point is a good safety net. We needed to get an understanding of impacts on the resource as a result of handling mortality, the thing you have been hearing a lot about this morning. Others and I have volunteered our vessels and crew to a two year study to facilitate and collect data on this important issue. Noel Yokum is the scientist

	<p>performing this study; it will be four or five weeks to complete analysis of the data. A fact, Oregon Ocean Dungeness Crab fishery is very cyclical. Handling mortality issues has become the rallying point for a subset of fishermen that would like to see it reduced or eliminated. Also a decisive issue has threatened to drive a wedge between different components of the fishery. This is not a biological issue; it is a social and economic issue.</p>
<p>Tony Pettis- Commercial Fisherman, Newport</p>	<p>Longtime fisherman. Fishes crabs until they molt, typically in May, last year it was April. When starting to see molt in the pot, it is obvious that the responsible thing to do is to put the gear away. The handling mortality is an issue; there have been studies, not only the one that Noel is doing. There have been studies around for 20 years. No one can dispute the crabs are vulnerable during the molt. One issue that isn't being discussed is the mortality of the crabs while they are trapped inside the pots; the vulnerable softshell crab lose their means to hide from predators such as wolf eels and octopus. Good fisherman that are fishing responsibly should be allowed to continue to fish, if there is a depth restriction or a bait restriction, maybe only use razor clams. What's happening now needs to be changed; it's not how the majority of the people are fishing. They are fishing another fishery and occasionally tending their pots. There are a lot of crabs not being seen by the fishermen because they are being killed by other crabs and predators. Less mortality is going to be best for everyone.</p>
<p>Dave Write, Pacific Seafood Newport</p>	<p>Member of Oregon Crab Commission; in the seafood industry for over 45 years. Helps represents Pacific seafood for price negotiations, and through the guidance of the State of Oregon, one of the cornerstones of what we negotiate is the quality of crab. It is tested and if it does not come up to the meat fill the season is delayed. Later May is when crabs begin to molt. If in May we tested the way we do in the beginning of the season, I believe that we would probably close the season or have a delay because fill isn't there. We believe in having the state look at the responsibility of having a sustainable fishery, to be stewards of the industry, to protect Oregon's most valuable seafood resource and believe that change needs to happen. Limit the season; look for options that a summer fishery can happen. Urges everyone to look at Noel and David Sampsons report. We want to be responsible for the resource in their business practices.</p>

Discussion	
Commissioner Webber	Do you stop buying crab in the summer if it's coming in soft?
Dave Write	In Newport and Charleston we will buy until the meat fill goes down. Last year we started in the live crab fishery also, so we will go as long as our fishermen want to go to bring in product. We also see a responsibility that goes beyond buying crab. Personally, I look at if the crab is vulnerable, why are we fishing it, are we doing more harm to the resource? Will we buy crab? Yes, we will support our fishermen, but we want to be responsible too. Thanked everyone for the effort that has made the industry what it is.
Chair Finley	Discussion about maybe anecdotal evidence about molting at different times; maybe based on depth, some other factors. Do you have knowledge of that?
Dave Write	The fishermen here know what is going on. My experience is that in May/late May the crab are going to go through a molt. The shallower in that they fish, the stronger crabs they will get. The softer crabs are going to be out deeper. A good point was brought up about bait; with oilier bait you're going to get the females and the juveniles; something like razor clams you are going to get the hardier crabs. The fathom curve could be something that pays into it; there needs to be some research done.
Brian Dillon, Commercial Fisherman -Newport	Fisherman for over 30 years. There are issues around soft shell crab. Needs the summer fishery, tries to be as easy on the crab as they can. To change any of the rules that are already in place will have a big economic impact on business and the community. We already have this 1200 quota that all science has been done before this. Ocean conditions change, this years conditions we haven't seen in years. This year the conditions are so that we are seeing thousands of octopi. This would be a good year to do some testing, possibly have some closures, but not change the basic rules. A change would greatly affect business and the community.
Joe Mulkey, Commercial Fisherman Reedsport	Thinks that the loss is getting blown out of proportion. Need to look at history, see fluctuations in any fishery. The majority of who is asking for closure is bigger boats that quit early. There will be more crab held over for them at the beginning of the season. The fishermen that continue to fish on into the summer are not going to catch more crab. On a

	<p>year like this the testing is not effective. This year the testing did not work; soft shell crab has been seen from day one. The traditional testing at depths of 20 – 30 fathom range, the season would be shut down; this is where the softshell are present in spring and summer. In the shallower area where fishing during these months, not getting the numbers of soft crab being discussed today. When the season goes to 1200 lbs. a week, go to a fathom curve limit; have to stay inside 15 fathoms. There are other things that can affect the amount of crab we have over the year- beach dragging, shrimping all this will affect the amount of crab we have over the year. Summer crabbing is probably not our number one issue that affects the crab through the year.</p>
<p>Kyle Novelli, Commercial Fisherman Newport</p>	<p>Commercial fishing most of life. Wants to do what it takes to protect the resource. People’s livelihoods will be affected by closures. Especially small operations.</p>
<p>Georgon Latham, Commercial Fisherman- Newport</p>	<p>Looking forward for future generations. Looking back this fishery has been managed by size, sex and season. The industry has seen three changes regulation changes over the past few decades- 1200 lb. summer weekly limit, limited entry, and pot limits. The fishery has changed tremendously over the past decade there has been way more investment in the fishery, the amount of money someone needs to come up with to invest in the fishery is huge now compared with what it was when people started. We need to protect the fishery for our investment, and for future generations. We need to do everything that is possible to protect the resource and the smaller operations. Several options have been talked about, reduced pot limits, reduced weekly limits, fathom curve– the fishery has changed and the regulations have not. It’s time to take a more dynamic view of how we regulate this fishery. The price for crab has been driving high forcing fishermen to fish on fewer crabs, resulting in having to go that much farther to extract the resource.</p>

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Discussion

Commissioner Anderson - Crab is the biggest single species fishery in Oregon, there is a lot on the line here, as in terms of investment. This is very much a social economic issue and not just a biological issue. Summer crab is a boutique fishery, very much a niche fisher. The numbers seen are around 2% of the harvest and come in during this June to August time period; it is a very small percentage of the overall fishery. Many people talked about the markets and the importance of keeping product close to year round as possible. As a department there is a need to get a better handle on the science behind this. Armchair observation – if there is a huge ecological concern here, would

1 expect to see more of a decline in the productivity of the fishery. Have seen more effort
2 due in part to increased price, have yet to see that. Excited to see the results of Noel's
3 research, and what comes forward. For me the highlight of the conversation I have had
4 in the past week and what I have heard is there are a lot of options on the table to help
5 improve the fishery. One of the things that everyone agrees with is to get the latent gear
6 out of the ocean at an appropriate time. I've heard talks about lead in effort, through a
7 permit system or some such thing. Right now what we can do is to direct staff to work
8 through the Crab Advisory Panel and the Crab Commission to try and bring some
9 alternatives forward to us that can balance the best available science with equitable
10 access to the resource at the same time. It's nice to not have to direct staff to do this
11 because they do that anyway, and they are doing it right now.

12
13 **Caren Braby** - thanked members of the audience taking the time today to discuss this
14 important topic. Staff is very concerned about this resource. It is not only a very
15 important economic fishery; Dungeness crab is very important to ecosystem functions
16 fishery. So both from a conservation side and from a fishery economic side, this is a very
17 critical species for Oregon. Currently benefiting from the industry being so proactive, not
18 only on the west coast, but in the world in getting this fishery MS Certified. Have a
19 number of conditions that are in progress and staff have been critically involved with
20 industry, and with the Crab Commission in certification process, identifying what the
21 approach will be and implementing what a response will be to those conditions; includes
22 research, and management tools. In August you heard about a limited reference point
23 we have put in place to trigger when we might take action and close this fishery. This is a
24 really great thing that the industry, the Commission and the department have done
25 together.

26
27 There is a lot of research in process, not only from Noel Yoakum, but research that is
28 being done with our crab manager. Starting to see what Noel's research is going to do
29 for us in terms of quantifying the impacts, these impacts have been happening to some
30 degree for the history of the fishery. Need to look at the results and really consider what
31 they mean in terms of any changes that are occurring now that they are different from
32 the impacts that have been happening in this fishery over the history of it.

33
34 Where do we go from here? The industry and the Crab Commission are very concerned
35 about this, particularly with the season. The Crab Commission will be discussing this at
36 their February meeting. Do not have specific dates identified for discussion with industry,
37 but clearly there is a need to get the industry together and come up with ideas about this
38 multitude of management tools that we have that could be considered for a summer
39 fishery or changes to how this fishery is managed. Will be involved with the Crab
40 Commission in February and there is a need to have a discussion with the industry this
41 year to identify what those management tools are and which ones are most important to
42 move forward. Date not identified, but within a few months.

43
44 Actions this year; in looking at the history of this fishery this is a low abundance year but
45 not lower than what we have seen. Are we in a crisis that is different than any other crisis
46 we have seen? It has been a long time since we have seen this, after a season where
47 there is very low volume coming in from the fishery, we have seen seasons that are on

1 the twenty year average scale. It can bounce back. One of the key components; if the
2 limit reference point is that it tracks decline and decreasing abundance over several
3 years, not one, because ocean conditions play a huge role in the success of the
4 following season.

5
6 Are we in crisis? Yes, this is a strange year, there is low abundance, and there is a lot of
7 concern. We are doing something to quantify what that means for the fishery and to
8 protect the resource. The work is not mature yet. We need more time to see what those
9 numbers mean to us. Look forward to working with the industry and the Crab
10 Commission to understand what that means and what the best management approach is
11 moving forward.

12
13 **Commissioner Wolley** - the summer fishery was characterized as a boutique fishery,
14 about 2% of volume. Can this be interpreted as this is nice to have a fishery but not
15 necessary? At the same time there are restaurants that are dependent on the summer
16 fishery. How dependent are they and what would happen if that fishery went away? What
17 would the impact be on the restaurant and tourism industries?

18
19 **Caren Barby** - the summer fishery as a boutique fishery, I would not characterize that as
20 being less important than a primary season fishery. In fact it can be very economically
21 fruitful and can be very important to not just the fishermen who is landing those crab
22 but to the whole tourist industry of the coast. The fishery is not less important, it's a
23 different business strategy. If there is a way to access a resource in a boutique manner
24 that is not impactful then we should support the continuation of that fishery. Find ways to
25 support it and find ways to protect the resource.

26
27 **Commissioner Anderson**- the value of a fishery like this may not lie in the number of
28 dollars it brings to the port. When I think about fisheries generally on the coast, and
29 some of the principles that I use in guiding decisions here at the Commission I'm given
30 ecological limitation. How do we maintain access to fisheries and keep a diverse portfolio
31 of fisheries so there are options available. How do we retain diversity in our fleet, and
32 keep a diverse portfolio of different fishing boat sizes, gear types and fisheries. There is
33 additional value more than just dollars in terms of how I evaluate these.

34
35 **Chair Finley** - this is a very complex issue, the Commission recognizes that. I hope in
36 the audience you got a sense of how the department is progressing.

37
38 **Director Melcher** - this is a complicated issue, there is not a simple answer. Caren and
39 the staff are aware of emerging research. We are going to continue to work with industry
40 as this fishery evolves in the future. Many of the folks here made important comments.
41 There have been dramatic changes in our marine fisheries over the past two or three
42 decades, many of which have benefited the crab industry. We are going to continue to
43 work on this, we are going to bring those important questions and develop answers with
44 the Commission.

45
46 **Chair Finley** - hopes all of the audience has an understanding now of how the
47 department is looking at this issue. We do not have definite time frames; this is going to

1 be an interactive process dealing with industry; we are going to attempt to have a
2 product to address all of the three S's; seems to be the most difficult to deal with.

3
4 **Exhibit A: Commission Minutes**
5 **Deferred to future meeting**

6
7 **Exhibit B: OREGON CONSERVATION STRATEGY AND OREGON NEARSHORE**
8 **STRATEGY REVISION PROCESS**

9 *The Commission will be briefed on the progress of the Oregon Conservation Strategy*
10 *and Oregon Nearshore Strategy 10-year revision process.*

11 Staff: Andrea Hanson, Oregon Conservation Strategy Coordinator,

12 Audrey Hatch- Conservation Strategy Contractor

13 Greg Krutzikowsky, Oregon Nearshore Strategy Coordinator

14
15 Audrey and Greg provided a presentation: *Attachment B*

16 *This presentation is available in the meeting materials and at*

17 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp

18
19 **Public Testimony:** No public testimony.

20
21 **Discussion**

22 **Commissioner Anderson** asked Audrey Hatch to speak specifically to current barriers
23 or activities that would impede voluntary conservation.

24
25 **Audrey Hatch** - explained, during the development of the strategy, the Stakeholder
26 Advisory Committee (SAC) were tasked with identifying what the key conservation
27 issues are around the state that affects all of the conservation species and habitats. The
28 SAC felt that the list would not be complete if barriers to voluntary conservation were not
29 acknowledged. SAC wanted information and technical assistance help to be more
30 accessible. Including barriers such as help to understand the process; knowing where to
31 go for information; understanding and navigating what incentive programs are available.

32
33 **Chair Finley** - explained that updates will be provided at the April and August
34 Commission meetings and will then come in front of the Commission for approval in
35 September.

36
37 **Chair Finley** - suggested for highlighted climate change to include ocean acidification as
38 a slash between the two because they are related. Recognizing they are both absolutely
39 happening in Oregon waters; caused by too much carbon in the ocean creating carbonic
40 acid. So people understand that there is a relation of the two.

41
42 **Commissioner Wolley** - appreciated seeing education and outreach as a major action.

43
44 **Commissioner Wolley** - asked in terms of ideas and strategies moving forward; what is
45 being done differently to engage a broader and more diverse audience and how is the
46 department going to help them understand the conservation work of the department?

1 **Greg Krutzikowsky** - explained some of the recommendations are dealt with media
2 coverage, improvements to our website, and outreach work with partners such as
3 Oregon Sea Grant, ideas on how to get the information into classrooms, and we are
4 seeking public input. Would like to work with Commissioner Wolley given his educational
5 background, and share any ideas that can be taken into consideration. The video
6 provided in the presentation will be put on the department's website; these are the types
7 of videos/tools that are very relatable to by the public.

8
9 **Chair Finley** - stated that the department has asked the Commission to have a
10 designated representative to be part of this process; he will talk to two of the
11 Commissioners individually and talk to all of the Commissioners in regards to their
12 interest.

13
14 **Commissioner Akenson** - made general comments in regards to the importance of the
15 OCS and its usefulness in prioritizing important conservation opportunities in Oregon for
16 fish and wildlife conservation. It is good timing to make these important updates given
17 the issues that have arisen, and new information that is available. The Compass tool is a
18 fun and important tool for people who are doing work. It helps them identify both species
19 and habitat conservation opportunities and where those places are.

20
21 **Commissioner Akenson** - expressed concern about the State Wildlife Conservation
22 Program. Funding was denied by the Governor's office for the implementation of the
23 OCS. The funding would have provided staffing to do on the ground work such as
24 monitoring, survey and inventorying work for Oregon's at risk species identified in the
25 OCS. Oregon is slipping in the area of doing the on the ground work needed inventory
26 and monitoring of sensitive species. Oregon is very inadequately funded. The State
27 Wildlife Grant Program has not been able to offer federal money to be used as match for
28 state money for that kind of work. The program has not been able to offer grants to
29 partners to do more inventory monitoring. There has been a loss of regional diversity
30 personnel. It is critical that we find new funding sources and revitalize this program.
31 There are a lot of things occurring on the ground that we are not documenting; there are
32 practically threats to sensitive species and we may have an idea that there is a problem
33 but don't have the data. This is a problem for the state as a whole; this is not a hunter or
34 fisher activity and needs to be funded by Oregonians.

35 Chair Finley agreed with Commissioner Akenson's concerns.

36
37 **Director Melcher** - added that although the Governor's budget didn't include our OCS
38 funding request, it was not due to any lack of respect of the document or lack of interest,
39 it was due to prioritization. There is significant new money in the Governor's budget in
40 relation to sage-grouse conservation. Federal discussions in 2005 were to find additional
41 funding, the strategy was to be the vehicle to attract funds to do this work. The
42 department has been working to identifying additional funding for the past decade and
43 will continue to work toward finding a stable funding source for the OCS. The department
44 has been making small steps moving forward, examples include the Habitat
45 Conservation Stamp Program and new partnerships that are making annual
46 contributions to the habitat conservation fund. The OCS is a premier document, and we
47 will have an even better document that will help us attract those funds.

1
2 **Chair Finley** - asked in order to increase efficiency and effectiveness that we gradually
3 phase out the formality of going through the Chair and then the Director when
4 responding to a question. The Chair will recognize the Commissioners, then for the
5 witness or staff to directly engage the Commissioner.

6
7 **Exhibit C: MARINE FISHERY MANAGEMENT PLAN FRAMEWORK**

8 Informational Briefing

9 Staff: Gway Kirchner, Marine Fishery Management Section Manager provided
10 presentation: *Attachment C*

11
12 *This presentation is available in the meeting materials and at*
13 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp

14
15 **Public Testimony:**

<p>Joe Liebezea Audubon Portland</p>	<p>Supports the precautionary approach; concerned about the seabirds and the decline of forage fish. In Federal waters the PFMC are making great progress in safeguarding forage fish. Pleased that the department is involved in that process. Encourage that the plan developed will include long-term management, information on spawning areas and recommendation for protection of the spawning areas, and consider the inclusion of directly harvested forage fish species and unmanaged forage fish species.</p>
<p>Ben Entidengo Oceana Portland</p>	<p>Supports the marine document framework and recognizes the importance of ecosystem based approached to fishery management, as well as some of the threats to our ecosystem including climate change and ocean acidification, habitat loss, and by-catch. Would like to participate in the first application of this plan, the forage fish plan. A report done by a prominent group of scientist called the Lenfest Forage Fish Task Force, reported that forage fish has more value ecologically and economically if left in water to be used as prey. Provide guidance with a strong policy statement that guides the development of the plan, 1) prioritizes conservation of forage fish while managing for ecologically sustainable fisheries. 2) protect currently unmanaged forage fish from development of new commercial fisheries parallel to the actions the Federal council is considering 3) address actively fished forage fish in Oregon- top four; pacific sardine, northern anchovy, market squid, and pacific herring 4) the plan should identify spawning habitat in state waters.</p>
<p>Tom Wolf Trout Unlimited</p>	<p>Support Marine Fisheries Management plan and frame work, particularly how the plan addresses both managed and</p>

Hillsboro	unmanaged fisheries. One of the things that have been unlooked for is what is going on in the ocean. The forage fish; what salmon eat, unregulated harvest of these forage fish has a major impact on the returning and the growth of salmon. Trout unlimited will be involved; Dewain Meadows is working on this issue.
Gilly Lyons Pew Charitable Trust Portland	Supports the efforts to develop a Marine Fisheries Management Plan (FMP) framework. Will guide managers in their work that provide for sustainable fisheries while protecting and enhancing Oregon's vital marine resources. Protecting unmanaged forage fish is an important step in sustaining a healthy ocean. Conserving these small fish is vital to healthy and balanced marine ecosystem.

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Discussion

Commissioner Akenson - asked Gway to clarify regarding the fishery management plans; whether management strategies are part of the plans and if harvest management strategies are changed would that change the plan and how are the two conservation strategies connected with the fishery management plans?

Gway Kirchner - the fishery management plan encompasses both the resource analysis and the harvest management strategy, those are the two components that make up the plan; if harvest management strategies were to change it will change the plan; the two conservation strategies and the fishery management plan are separate documents. The Fishery plan will be in spirit a conservation plan- they have very similar components, some of the strategies components such as hatcheries do not translate over to the fishery plans.

Commissioner Anderson - asked how is the fishery management plan going to interface at the Federal level. We will be looking at Blue Rock fish in the next exhibit; the states have been actively gauging National Marine Fishery Service for devolving management of some of the nearshore species to the states. Does this Marine fish fishery plan give us any more credibility at the federal level or any leverage that way in assisting these processes?

Gway Kirchner - yes, it gives us both more leverage and credibility. Some species we have federally fishery management plans for, Magnuson Stevens act gives the state authority to manage more conservatively, we cannot be more liberal. In that, we have state managed fisheries that access those resources. Nearshore is a good example; the state really controls the management, the commercial and sport fisheries. To develop a nearshore ground fish resource plan today, it would have to take all the work done federally and bring it into the state fishery management plan. Within the plan the state could act more conservatively. A request has been made to pull these nearshore species out of federal fishery management so that they are solely controlled by the state. To do that I think we have a fishery management plan, or the ability to develop one and carry it

1 out, that would be one strong thing that we take to them and show that we are already
2 managing these species, with documentation.

3
4 **Commissioner Anderson** - asked if Washington and California are on the same track
5 with this process.

6
7 **Gway Kirchner** - Washington and California have different processes; they do have
8 some fishery management plans in place. Washington does have a nearshore fishery
9 management plan in place.

10
11 **Commissioner Anderson** - asked how this framework prioritizes access but reduces
12 by-catch and considers how socioeconomics will change the way we manage the crab
13 fishery.

14
15 **Gway Kirchner** - wouldn't want to presuppose what would come out of a review of the
16 fishery management plan. Would be able to speculate if it would or would not affect the
17 plan. With the work that has been done recently, the MSC certification, the research and
18 data, the monitoring plan. What we already have in place could slide in to a fishery
19 management plan quite easily. If it changes what we do, would come out of the process
20 of the development of that plan.

21
22 **Exhibit D: 2015 REGULATIONS FOR GROUND FISH FISHERIES AND REVIEW**
23 **2013 NEARSHORE LOGBOOK REPORT - Rulemaking**

24 Staff: Gway Kirchner, Marine Fisheries Section Manager provided a presentation:
25 *Attachment D*

26
27 *This presentation is available in the meeting materials and at*
28 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
29

30 **Public Testimony:**

Mike Sorensen Newport	Recommend to keep Blue Rock fish at seven with no retention of other Nearshore rock fish. Step up regulations on canary rock fish. Could close down month of July for retention and provide a buffer.
Jeurgan Turner Depoe Bay	Submitted written letter – We requested more information on the metric tons and amount of fish caught. Blue Rock fish are high in the water, does not fit in with the other bottom fish so I don't understand why they are listed with the bottom fish. Blue Rock fish are not prevalent as much in summer, urge to look at figures closely and read their letters.
Tyler Turner Depoe Bay	Agreed with other testimony
Bruce Polley Sherwood	Agree with recommendation on rock fish management to avoid closure. CCA will assist with educating the public, encouraging compliance. Encourage implementation of the long leader fisheries designed to target abundant and under

	fish species creating new opportunities.
Kyle Aubin Brookings	Frame work; fisheries are different across the areas; need new data. The new rules are detrimental to us and encourage looking at the situation.
Terry Thompson Newport	Support the charter boat fishermen proposal; staff did not do assessment on north coast; stock assessment needs to be done; Blue Rock is a winter fishery; no fish in August when assessment was done. Evidence that there may be a regiem shift. Propose season closure and would work with staff.
Loren Gooddard Depoe Bay	Provided written testimony- discussed some of the bullet points in testimony and agrees with Mike Sorenson's recommended proposal.
Lars Robison Depoe Bay	Support the 7 blue rock fish limit';agreed with Loren's points Salmon season closed increases the numbrt of rockfish caught. Good Assessments are very important.
Shannon Hunter Newport	Agreed with Loren and Lars comments; do not agree that the blue rock fish should be this complex. Have not been hitting the current limits.

- 1
2 **Discussion:**
3 **Commissioner Anderson** – asked how it works when you take a charter vessel and are
4 in a school of Blue Rock Fish.
5
6 **Mike Sorenson** - After limit is met the others are thrown back.
7
8 **Commissioner Akenson** – asked if there is seasonality when Blue Rock fish are in the
9 area fished.
10
11 **Jeurgan Turner** - Blue Rock fish are being seen the majority in the off season; some
12 seen in summer.
13
14 **Chair Finley** – asked how the fish that need to be returned to the water are managed.
15
16 **Mike Sorenson** - boats all have a mechanism to lower the fish to a safe level; it's the
17 amount of released fish that need to be returned.
18
19 **Commissioner Anderson** – asked how that changes things with regards to under the
20 15lb limit.
21
22 **Terry Thompson** – two types of permits: Nearshore and Blue/Black Rock Fish. Permit
23 holder of Blue/Black Rock which curtails me to 15lbs of other species. Staff is good

1 about getting information. Suggested to close for the summer but doesn't have the info
2 and how it affects others.

3
4 **Commissioner Anderson** - disclosed is wholesale fish dealer and purchases from the
5 Nearshore groundfish fishery. There is a potential of being a conflict of interest but has
6 reviewed this topic very carefully. There is no unique economic advantage or
7 disadvantage to how this plays out. At this point no need to recuse from voting.

8
9 **Commissioner Akenson** – because we are lumped in with three states, we don't have
10 that data specifically for Oregon; asked what it would take to provide the Feds the data to
11 allow a different allocation.

12
13 **Gway Kirchner** - provided slide. Best would be to remove them from the Feds
14 Would be a better transparent process. They do not show up in standard survey
15 methods; exploring independent survey tools. Look at life history; resource intensive-
16 genetic sampling is also expensive. State to have greater participation in the teams
17 doing the stock assessments; will improve interaction in assessments; improving in-
18 house assessment; do not have in house staff biometricians for the full stock
19 assessment.

20
21 **Commission Wolley** – asked why assessments not being done at optimal time.

22
23 **Gway Kirchner** - primarily using landing data; sport and commercial. Looking at whole
24 years, it does look at some seasonality. It doesn't look at snap shots. Biological info
25 collected that is also put into these assessments; lacking data from the fishery
26 independent side. A whole year of information will be used to make these assessments.

27
28 **Commissioner Webber** – asked what fisheries are closed if limit is reached.

29
30 **Gway Kirchner** – Federal law if level reached California to Canada; must close fisheries
31 that effect stock. Looked for the most flexibility; we are managing to that overall federal
32 level among the three states and work together on those levels.

33
34 **Commissioner Akenson** - Oregon could have a higher amount of Rock Fish available if
35 CA or WA is under their limits; asked how we would increase the harvest for recreation if
36 we already have a year round season.

37
38 **Gway Kirchner** - if we were to implement a one fish bag limit we could expand that after
39 the bulk of the fishery was done. The bigger benefit under the management scenario we
40 implement, on high years we don't want to have to close down the nearshore fishery;
41 trying to protect the nearshore fishery as a whole.

42
43 **Chair Finley** – asked if Oregon is being impacted by what is happening in CA.

44
45 **Gway Kirchner** - Copper Rock fish was a coast wide assessment looked at all three
46 states together and had to divide catch; the stock is healthy; different accounting done

1 that moved fish. For blue rock fish, catch based assessment; CA full stock assessment
2 shows not as healthy precautionary adjustment was applied; all three states affected.
3

4 **Chair Finley** - regardless of the stocks in Oregon, fishery numbers were shifted as a
5 result of this calculation for copper rock fish. Asked if this department initiated paperwork
6 necessary with the federal government to shift management to the state.
7

8 **Gway Kirchner** - all three states have submitted joint reports to the Pacific Fishery
9 Management Council requesting this issue be reviewed and then approved by the
10 Secretary of Commerce to have these species stocks out of federal management. CA
11 needs the Federal management, but supports what WA and OR need to do to support
12 those areas. Will continue to pursue in the Federal system to pull these stocks out for OR
13 and WA.
14

15 **Chair Finley** – asked thoughts on seven fish limit for Blue Rock Fish if we were to not
16 get the reduction shift from the feds.
17

18 **Gway Kirchner** - at this point if we stay the same as last year do not foresee a problem
19 with the mandate. The reduction from the Federal system is why we are necessitating
20 these changes.
21

22 **Chair Finley** – stated proposal of one Blue Rock Fish is a cautions number and asked if
23 there is a number between one and seven that is comfortable.
24

25 **Gway Kirchner** - the jump in mortality from two to seven is significant, whereas three to
26 seven there is not a significant difference in mortality rates. The two bag limit is still not
27 getting a large reduction in rates and it's simply because fishermen are not catching
28 them for the most part.
29

30 **Chair Finley** – asked if there is an understanding of the charter boat, since it was
31 discussed that some are hitting schools of Blue Rock Fish.
32

33 **Gway Kirchner** - yes, there is an understanding and schools do occur, but that's not the
34 rule for everybody throughout the year. Most of the trips still don't catch any Blue Rock
35 Fish and remember this is looking at the whole year.
36

37 **Chair Finley** – asked if sampling data was taken during the right season.
38

39 **Gway Kirchner** - for the bulk of the years in the past, surveys are done during prime
40 season; Federal survey did a sample year round, including key ports and to sample in
41 the winter.
42

43 **Commissioner Anderson** – not huge difference between the bag limits and mortality
44 rates. It becomes a risk management; looking at a compromise with more timely and
45 active seasonal management; long term removing from Feds.
46

47 **Commissioner Webber** – asked if survey costs are taken over.

1
2 **Gway Kirchner** - the Fed's don't do any surveying for these species. There is no survey
3 to take over; continuing with work already doing.
4

5 **Chair Finley** - by the raise of hands the Commission would like to see the department
6 move forward with removing these species from the Feds.
7

8 **Commissioner Webber** - Conservative – 1
9

10 **Commissioner Akenson** - Conservative – 2; if in September catch is down adjust bag
11 limits, this is a balance.
12

13 **Commissioner Anderson** - even with a seven bag limit still leaving 25 and 30% the
14 harvest guideline as a buffer; poor data may cause a management problem; provide
15 opportunity and reduce citations.
16

17 **Commissioner Wolley** - adapt to overall stock level; provide more opportunity.
18

19 **Commissioner Webber** - start high and need to cut; cause problem. Start low and
20 increase that's easier.
21

22 **Gway Kirchner** - have one of the best sampling estimation programs in the state; had to
23 close the sport groundfish fishery in 04. Primary staff person doing spot checks on a
24 regular basis was out for one week and it blew up; not able to be that responsive.
25

26 **Caren Braby** - another way to look at the bag limits is incentivizing the fleet to move off
27 of a school, having a bag limit of two or three is more of an incentive than seven;
28 changes the behavior and becomes an incentive.
29

30 **Commissioner Anderson** - as public Record: Economic and Fiscal Impact Statement,
31 Attachment 2, page 2 incorrectly states the 2013 groundfish landings at 31.1 thousand
32 pounds, should be 31.1 million pounds.
33

34 *Action: Commissioner Akenson moved to adopt the recommended commercial*
35 *groundfish and recreational groundfish regulations as proposed by staff in*
36 *Attachment 3 with the exception of a change of bag limit of three for the Blue*
37 *Rock Fish in the recreational fishery. Commissioner Anderson seconded the*
38 *motion and the motion passed unanimously by a vote of five.*
39

40 41 **Executive Session** 42

43 The Oregon Fish and Wildlife Commission met executive session. The Executive
44 Session is held pursuant to ORS 192.660 (2)(e) and ORS 192.660(2)(f) which allow the
45 Commission to meet in executive session to conduct deliberations with persons
46 designated by the governing body to negotiate real property transactions.
47

1
2 **Exhibit E: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**
3 – Rulemaking

4 Aaron Jenkins, Economist provided presentation: Attachment E
5 *This presentation is available in the meeting materials and at*
6 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
7

8 **Public Testimony:** No public testimony.
9

10 **Discussion:**

11 **Commissioner Webber** – asked if suit was brough against anyone and were damages
12 collected in 2014.

13
14 **Steve Sanders – AG** - not aware of any suits, although many times the circuit courts will
15 use these same values when they assign penalties without us bringing the lawsuit; its
16 part of the sentencing they might impose penalties based on our rules.
17

18 *Action: Commissioner Webber moved to amend the Schedule of Damages for*
19 *the Commercial Fishing Violations contained in OAR 635-006-0232 as proposed*
20 *by staff in Attachment 3. Commissioner Akenson seconded the motion and the*
21 *motion passed unanimously by a vote of five.*
22

23 **Exhibit F: IMPLEMENTATION OF COLUMBIA RIVER FISH MANAGEMENT AND**
24 **REFORM RULES** - Informational

25 *Chris Kern, Fish Division Deputy Administrator, Ocean Salmon and Columbia River*
26 *John North, Columbia River Fishery Program Manager provided presentation:*
27 *Attachment F*
28

29 *This presentation is available in the meeting materials and at*
30 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
31

32 **Public Testimony:**

Tom Wolf- Hillsboro, Trout Unlimited	Urged to keep the conservation measures in the Columbia River Management plan intact and continue with barbless hooks and to only allow catch and release of the White Sturgeon below Bonneville.
Kelly Short- Hammond, Guide Service	Bonneville dam area- low, affects communities in the area, loosing anglers; catching more juvenile and brood stock; consider 48-54; one fish and some type of retention to keep stock limits stable and give anglers an opportunity.
Bruce Polley- Sherwood, CCA	Mailed in comments. Concerned about White Sturgeon in the Columbia River; both the Young-of-the-year (YOY) and brood stock numbers are low. Encourage a cautious approach with White Sturgeon management. Urged the continuation of the selective gear transition as promised by

	the Commission and SB830.
Robert Moxly-Wilsonville	Last year with the catch and release fishery we saw a 90% decline in participation. Long-term recruitment doesn't look good if we keep shooting down these fisheries for sport fishing.
Otis Hungsinger-Astoria, Commercial Fisherman	Harvested just under 100,000 fish and with the mark rate of one out of three; makes apprehension expanding business and questions what future holds.
David L Emmons-Hillsboro, Sport Angler	Support retaining one and length size but shutting down isn't working, and the sea lions are causing damage.
Tom Groshnicole-Lincoln City	Went on a guided sturgeon trip; local businesses effected; supports retention of one.
Terry Ostling	Keep sturgeon closed as it has been; need to follow through; mortality rates are high. The fish that were able to keep from that fishery were Toole's, which is lower value fish. Rumor that Feds cutting funding because not enough of the hatchery fish are being harvested. All areas were supposed to rise to bring in more fish; needs to be looked at.
Mike Okoniewski-Clackamas, Pacific Seafood	Columbia River gillnet fishery is well managed and sustainable, and part of business model that provides local seafood to local markets and jobs in Astoria.
Bob Rees- Tillamook, NW Guides / NW Steal Headers	Sturgeon- if there was a consumptive fishery in future we would advocate for consistency over time. Will continue to be a challenge bringing back sturgeon population without the management of the sea lion population. Future conversations with the Commission surrounding the Buoy 10 Fishery to maximize harvest of hatchery fish opportunities.
Hobe Kytr- Astoria, Salmon for All	Economic values of Mainstem fisheries to the Select Area fisheries. In 2014, 61% of the economic value of the gillnet fishery was in the Columbia River mainstem. Last year it was 64%. If the off-channel areas are going to replace mainstem fisheries within in two years, that value is going to have to triple in order to comply with the wishes of the Commission and there is doubt.
Garry Morlock- Cascade Locks, Pacific Seafood	Provides fish to local area restaurant and retailers; Columbia River is recognized nationally; commercial gillnetting has been well managed and is a sustainable fishery and should not be downgraded which seems to be happening under the

	current management policy.
Nathan Rogol- Astoria, Commercial Fisherman	Supports the gillnet fishery; this reform will hurt fishermen; will benefit few and harm many. Properly timed and placed gillnet is efficient, economical, and a cleaner fishery. Commercial fishing is a more economic use of salmon fish vs. sport fishing. Save our industry.
Mike Wullger-Chinook, Commercial Fisherman	Select areas; four years ago in winter/spring season harvested 20,000 in all select areas. In 2014 harvested 2,800; that's a big difference. Predation, disease and ocean survival played a big factor. Coho harvest in 2014 direct correlation to the mainstem in abundance. 2012 in Select Areas caught 15,000 fish, Mainstem-3,000, Bonneville Dam-55,000. In 2014 Select Area- 170,000, Mainstem-73,000, and Bonneville Dam-280,000. The controlled fishing zone that was placed in front of Youngs bay served its purpose. The fish are in abundance.
Tim Heuker-Cascade Locks, Commercial Fisherman	CCA Letter submitted touched on oversize sturgeon fish caught by gillnetting. The data used was a test I was involved in with the State of Washington and specifically for oversized sturgeon. The fish caught were not killed and did spawn. If this data is going to be used in evaluating the gillnet fishery it wasn't an incidental fishery; it was a targeted fishery; look into that data.
Jim Wells-Astoria, Commercial Fisherman	Provided graph on total angling license sales showing the drop rate. Pilot Seine Fishery; 10 boats using research impacts, low mark rate; Chinook 38%, Coho 32%. You should never be running a selected fishery on that mark rate. Total value of the fishery \$65,500 and 4.2 crew members per men. Gross per man \$1,500. Not a good outcome. There are over 1 million Chinook and everyone should be happy - 900,000 Coho; why do you have to eliminate a user group and there is way more fish for everybody; what's the economic value in that?
Dan Houyker-Astoria, Commercial Fisherman	Gave time to Jim
Mike Backman, Commercial Fisherman	Supports more restriction to prevent oversized catch; adding to the problem. Need to build trust with the fishermen; when you take away opportunity in one place, and its proven to be profitable and put us in another area that's not proven (WA). Some fishermen won't share areas. Work together to find working solutions for things we can do, not what we can't do. You're playing with our livelihood.

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Discussion

Commissioner Anderson - fall fishery impacts not to exceed 70 went to 80; outside of rule and policy. How are we going to improve management of an in-season fishery?

Chris Kern - Planned fishery for 70 according to modeling- buoy 10 caught less than expected; caught more tule's than expected based on our models. It's a factor of the managing during in-season. Unfortunately we didn't realize Buoy 10 had caught more tule's until the tags came in; did not have any indicators; look for ways to prevent in future. The other Buoy 10 issues are that it's a short intense fishery. On estimated economic value if we have 20% and caught a certain amount and you had 10% that was in the allocation you can increase by 1/3 – that's the simple way but it doesn't account for what you knew and when you knew it factor. There are other impacts that come into play depending on accessibility.

Commissioner Anderson - Think about adaptive management strategies-in terms of the way impacts are allocated in previous years might be mitigated in future years. Mortality data; WA is revising their mortality numbers; what are we going to end up using for our own mortality numbers in the future?

Chris Kern - WA is doing analysis; they hold the data; WA is reviewing the data. They expect those numbers to go down. The presumptive problem with the study which appears to be rather obvious is that fish didn't behave as expected. It's not a real mortality issue; it's the fish not passing the detection site as expected. It's a combination of fish mortality and fish not going where they were expected to and that got aggregated into one number and now they are trying to separate those two numbers. Once that is compiled they will submit it to the technical advisory committee for their review. If that doesn't occur there is a potential that we'll have to use the interim rates that we have. They are conservative and accounts for the study flaw.

Commissioner Akenson - Allowable allocation not being used because they met the impacts prior to that; are there ways to increase that opportunity to use the whole allocation?

Chris Kern - Only one fishery met their allocation and that was the Chinook Tule with an 80/20. The other fisheries; both spring/summer where we left fish on table. Those are both subject to run-up dates, plan pre-season fishing based on that. The allocations still include some buffers, which we purposely hold back so we don't run over but pull buffers off when estimates come in mid-May. Run size updates tell us if we have fish available. To fix that, run updates that happen early but are still accurate. This is difficult and progress is being made but it's a hard ask.

Commissioner Anderson - Concerned about the comments made by Mr. Kytr; when this plan if it goes to fruition and we eliminate the mainstem commercial fishery, it would necessitate a three-fold increase in off-channel production and that's a real long shot. The Siene fishery is a real long shot. What we're thinking in terms of the matrix we will

1 use to evaluate this plan when the time comes and when do we anticipate that
2 happening?

3
4 **Chair Finley** - When will there be more test data available of the efficacy of the
5 alternative gear on effectiveness and mortalities?

6
7 **Chris Kern** - the mortality issue is a little up in the air, the presumptive path is that we
8 will try some Seine fishing this year, and continue to do observing and evaluating that
9 catch. The earliest will be this fall in terms of on the water evaluation.

10
11 **Commissioner Akenson** - When doing a trail of the Siene Net fishery, is there paired
12 gillnet fishery to look at for financial/economic comparison; catch effort, personnel effort?

13
14 **John North** - Last fall we did start some of that but it's challenging by design because of
15 timing; you can compare the two but won't be at the exact time. The data can include
16 income per day, delivery, etc.

17
18 **Chris Kern** - Last year we did the Pilot fishery and we purposely tried not to overlap,
19 participants did both fishery. Siene fishery last year was done as a research fishery, by
20 zone, by gear. It was highly restrictive and we'll look at that going forward.

21
22 **Commissioner Wolley** - Opportunity to ODFW to conduct mortality study? Trying to
23 understand how WA ended up with doing the mortality study and our technical advisory
24 committee reviewing the study; was that an agreement with WA?

25
26 **Chris Kern** - It is an option and we have some funds available to do one- WA received
27 Fed funding ahead of us for the testing on alternative gear. It was more of a follow-
28 through. We did testing in spring and summer; it was a tradeoff to leverage the funding
29 together. Technical advisory committee is not an ODFW group but is comprised of Tribal,
30 Washington and Federal biologists that review most of the fishery information.

31
32 **Chair Finley** - March 15 National Oceanic and Atmospheric Administration (NOAA) Data
33 on mortality; to know what to do next, can you do a reverse engineering, give us a
34 roadmap and prepare for the Commission for those potential items.

35
36 **Curt Melcher** - NOAA info is a critical and it will fundamentally change what is expected
37 or modeled versus how you can leverage selected fishing techniques. Mortality rate
38 studies are not easy, and it's a multi-year effort and need minimum three data points.

39
40 **Commissioner Webber** - Adaptive management; looking at channel areas and
41 alternative gear, and the gear is not performing as well as expected. This is something
42 we need to track; finding solutions of how to go forward.

43
44 Sturgeon- Is there a mortality number you use?

45
46 **Chris Kern** - Do not apply one on fishery take; we do include post release mortality
47 measures in the modeling for the conservation plan. That number is not high.

1
2 **Commissioner Wolley** - Related to Sturgeon; reverses time line as we are looking at
3 this overall mortality data with the plan and how the Sturgeon is doing and possibly get a
4 rough idea of the potential commercial loss as the result of our catch and release policy.
5

6 **Chris Kern** - Relating to Guides; discussed the Sturgeon situation and they wanted to
7 know what they can do to help in terms of data. One of the responses was possible to
8 keep some voluntary log books; focus on tracking sub-legal fish they catch. Could ask to
9 provide what their business has been like over the past years.
10

11 **Commissioner Anderson** - Don't want to wait another year, possibly put this topic on
12 agenda mid-season.
13

14 **Exhibit G: GEAR REQUIREMENTS IN LOWER WILLAMETTE AND NW ZONE**
15 **SELECT AREA RECREATIONAL FISHERIES** - Rulemaking

16 *John North, Columbia River Fishery Program Manager, Ocean Salmon and Columbia*
17 *River*

18 *Chris Kern, Fish Division Deputy Administrator, Ocean Salmon and Columbia River*
19 *provided presentation: Attachment G*
20

21 *This presentation is available in the meeting materials and at*
22 http://www.dfw.state.or.us/agency/commission/minutes/15/01_january/index.asp
23
24

Public Testimony:

Tom Wolf-Hillsboro, Trout Unlimited	Oppose barbed hooks on the Willamette; it's too soon to even determine if its making a difference, will not affect the sea lions getting that fish before you can reel it in, studies done but and are debatable but they all agree that fish can be released quicker on barbless hooks than on barbed hooks.
Robert Moxley-Wilsonville	Supports barbed hooks. Inexperienced anglers having hard time getting the fish in for various reasons but having the barbed hooks can help and if you want to increase participation, especially in the new to fishing crowd we need to give them the tools.
Bruce Polley-Sherwood, CCA	Supports barbed hooks; the barbless rule should not have been included in the Willamette; testing has shown little to no conservation benefit of barbless hooks on fresh water salmon fishery. These are catch and keep fisheries, not catch and release.
Jim Myron-Canby, Native Fish Society	Oppose barbed hooks; in the Upper Willamette River Conservation and Recovery plan in Chapter 7, Strategies and Actions, "Manage fisheries so that harvest impacts do not compromise the recovery of wild salmon and steelhead

	populations.” The impacts on those federal listed fish, in our opinion will raise the mortalities on those fish. The Native Fish Society believes that approving the staff’s recommendation to eliminate the barbless hook requirement in the lower Willamette would impede the recovery of wild salmon and steelhead in the Willamette River as well as be in direct conflict with ORS 496.090(6)
David Emmons-Hillsboro, Sport Angler	Supports the use of barbed hooks.
Bob Rees-Tillamook, Assn. Of NW Steel headers	Support staff recommendation; consistency in regulations and ease of enforcement. There is no reason scientifically to allow barbed hooks on the Willamette River. Angler perception, sport fishermen have taken hits, along with a fee increase would like to have these opportunities returned to us that have no conservation benefits as earlier stated.
Randy Woolsey-Tigard NSIA	Support staff recommendation; Columbia River has become the sports fishery of the world. Over regulated causes frustration for anglers. Restrictions cause the loss of anglers and keep them away from our fisheries. There is no conservation reason to have the barbless hook rule in this fishery.

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Discussion

Commissioner Akenson – asked if Young’s Bay area includes the bubble area.

Chris Kern - does not include the bubble.

Chair Finley - impact level fluctuation; Federal law that requires to recover ESA species – Concerned that instead of doing everything to reduce impacts we just continue to accept them as business as usual; asked if we are gaining on the recovery or if it has become a status quo.

John North - impact represents total combined impact for multiple fisheries, mainstem, both recreational and commercial, minor select area impact and the Willamette itself. Depending on what’s going on in a given year, conditions can dictate what happen in each and those fisheries and the fluctuations you see are a result.

Chris Kern - conservation recovery plans are based on the information from the fishery management plans which at the time was a 12.2% mortality rate for barbed hooks. If we have a survival benefit for barbless hooks, we don’t have a way to account for that in the math. That doesn’t change a potential conservation benefit, it does mean we have been over-estimating, if there is a substantial survival benefit, the mortality in the fishery. Despite that overestimate, we are still well within those conservation limits specified in our recovery plans and efforts that were put forward. When you get down to the effect of this particular fishery area, which is one of several that contributes to the overall graph

1 represented today, the average is about 4% total impact and ranges somewhere to 2 –
2 6%. The potential impact gets even smaller. Our message here is conservation is our
3 number one goal, but we have those impacts accounted for and we're well within the
4 conservation measures that we think that we are contributing to the recovery of the
5 populations. There are a lot of other activities going on in the base contributing to
6 progress toward delisting as well as the fisheries.
7

8 **Chair Finley** - we went to barbless for reasons of handling, less stress on the fish, easier
9 to remove; baited the public as to why and now we are changing. We did not see an
10 analysis in the materials; unfortunately we don't have barbless vs barbed hooks data.
11 Asked why we are even keeping the barbless on the mainstem; no impact of retaining
12 the species.
13

14 **Chris Kern** - comparison between the Columbia and Willamette; the difference between
15 our limitations and our effects on the populations. We have a lot more of distance
16 between our conservation criteria as they are stated in terms of an impact level and what
17 we are doing. At least on the Non-treaty; which is the smallest component of the overall
18 impacts of the Columbia we're usually much closer to that. We do have much tighter
19 margins there.
20

21 **Commissioner Webber** – stated when we first moved to barbless, there was no
22 evidence that one is better than the other and asked if that is correct.
23

24 **Chris Kern** - do not have any local studies that support if it matters or not and you can
25 find studies for and against.
26

27 **Commissioner Webber** - if mark rate is 80%; four out of five fish will be hatchery fish,
28 you don't want those fish up in the spawning grounds.
29

30 **Chris Kern** - correct, one of our goals is to try and keep hatchery fish out of the
31 spawning grounds.
32

33 **Curt Melcher** - the rest of the basin of Willamette Falls barbed hooks are permitted.
34 We're really talking about a fraction of the basin here where the mark rate is high; the
35 mark rate in the Columbia is not very high. It comes from perceived or real benefits in
36 barbless hooks. When you overlay the number of hours, even if it's only perceived that
37 barbless hooks make a difference, it does affect our constituents.
38

39 **Commissioner Webber** - support staff recommendation.
40

41 **Commissioner Wolley** – asked with regards to mind set and philosophy, what is the
42 justification of doing it; our mandate is the species first.
43

44 **Commissioner Akenson** - was part of the Columbia River Plan that we had said, we'd
45 follow the Governor's plan and wasn't going to piece apart the plan.
46

1 **Commissioner Anderson** - conflicting thoughts- agree with Commissioner Akenson,
2 and understands the staff recommendation. Not inclined to micromanage the plan; would
3 consider it in a broader context.
4

5 *Action: Commissioner Webber moved to adopt the modifications to recreational*
6 *fisheries in the select areas in the Northwest Zone and in the Lower Willamette*
7 *River in the Willamette Zone as Proposed by staff in Attachment 3. Dies for lack of*
8 *a second.*
9

10 **Adjourn**

11 Chair Finley adjourned the Commission meeting at 5:19 PM.
12
13

DRAFT