



# Oregon Fish and Wildlife Commission Minutes

Thursday, February 9, 2017; 4:30 – 5:45  
Fish and Wildlife Commission Reception  
Pacific Northwest Sportsmen’s Show  
Portland Expo Center, Green Theater  
2060 North Marine Dr.  
Portland, OR 97217

Meeting:  
Friday February 10, 2017 – 8:00 a.m.  
Embassy Suites Portland Washington  
Square  
Metolius River Ballroom  
900 SW Washington Square Rd.  
Tigard, Oregon 97223

1  
2 *Commission minutes are considered draft until approved by the*  
3 *Commission.*  
4

5 Notice of these meetings had been made by press release of statewide media  
6 circulation. Those attending part or all of the meeting included:  
7

- |                                |   |
|--------------------------------|---|
| Bob Webber, Vice- Chair r      | Curt Melcher, Director                  |
| Holly Akenson, Commissioner    | Mike Harrington, Acting Deputy Director |
| Greg Wolley, Commissioner      | Cameron Smith, Acting Deputy Director   |
| Laura Anderson, Commissioner   | Erin Donald, Assistant Attorney General |
| Bruce Buckmaster, Commissioner | Anika Marriott, Assistant Attorney      |
| Jim Bittle, Commissioner       | Michelle Tate, Executive Assistant      |

8  
9 **MEETING**

10  
11 On Friday, **February 10, 2017 at 8:00 a.m., Vice- Chair Michael Bob Webber called**  
12 **the Oregon Fish and Wildlife Commission** (the Commission) meeting to order.

13  
14 **DIRECTOR’S REPORT**

15  
16 Field Reports – in written form only; *this report is available in the meeting materials and*  
17 *at [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

18  
19 Expenditure Report  
20 Staff: Curt Melcher, Director

21  
22 This report is available in the meeting materials and at  
23 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)

24  
25 **Adopt Temporary Rules**

26 Curt Melcher, Director, requested the Commission ratify the following temporary rules.  
27 The seven (7) temporary rules were previously adopted by the director under his  
28 emergency action authority.

29  
30 **1) 635-041-0065**  
31 **2017 Treaty Indian Winter Commercial Fisheries Set In Zone 6 of the Columbia**  
32 **River**

33 Adopted January 2017: effective February 1, 2017 through March 31, 2017.  
34 This amended rule sets both the platform hook-and-line and gill net Treaty Indian  
35 winter commercial seasons for 2017. The modifications allow commercial sales, in

1 Oregon, of fish caught in the Bonneville, The Dalles, and John Day pools by tribal  
2 fishers beginning February 1, 2017. Modifications are consistent with action taken  
3 January 31, 2017 by the Oregon and Washington Departments of Fish and Wildlife, in  
4 cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River  
5 Compact.

6  
7 **2) 635-042-0130**

8 **2017 Commercial Smelt Season Set for the Columbia River**

9 Adopted January 2017: effective February 2, 2017 through February 27, 2017.

10 This amended rule sets a commercial gill net fishing season for smelt in Zones 1-  
11 3 of the Columbia River. The fishery consists of 7-hour fishing periods beginning  
12 7:00 a.m. through 2:00 p.m., Mondays and Thursdays of each week from February 2  
13 through February 27, 2017. Revisions are consistent with the action taken January 31,  
14 2017 by the Oregon and Washington Departments of Fish and Wildlife in a meeting of  
15 the Columbia River Compact.

16  
17 **3) 635-006-0210**

18 **Electronic Fish Tickets Reporting Commercial Sales of Salmon, Sturgeon, Smelt  
19 and Shad Required**

20 Adopted February 2017: effective February 2, 2017 through July 29, 2017.

21 This amended rule requires, by way of electronic fish receiving tickets (e-ticket),  
22 the reporting of commercial sales of salmon, sturgeon, smelt, and shad landed  
23 downstream of Bonneville Dam and purchased by wholesale fish dealers, wholesale  
24 fish bait dealers, and food fish canners. Modifications also require e-tickets be  
25 submitted within 24 hours of the closure of a fishing period or within 24 hours of the  
26 landing when fishing periods are longer than 24 hours.

27  
28 **4) 635-05-0465**

29 **Commercial Dungeness crab Health Closure**

30 Adopted February 2017: effective February 2, 2017 through July 31, 2017.

31 In coordination with Oregon Department of Agriculture temporary rule making,  
32 this amended rule implements a health closure area closed for bio-toxins for the ocean  
33 commercial Dungeness crab fishery from the Coos Bay North Jetty (43° 21.60' N. Lat.)  
34 northward to Heceta Head (44° 08.30' N. Lat.) due to detection of elevated levels of  
35 domoic acid in crab viscera in the specified area. The rule requires that all Dungeness  
36 crab taken from the health closure area from 12:01 AM January 25, 2017 through 12:01  
37 AM February 10, 2017 be sold to a food processor licensed by the Oregon Department  
38 of Agriculture for evisceration and otherwise prohibits take of Dungeness crab after the  
39 effective date and time of this rule. This rule allows crab gear to be left in the area after  
40 the closure date so long as it is un-baited with the lids open, and allows vessels with  
41 crab on board to transit the area during the closure.

42  
43 **5) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

44 **2017 Commercial Seasons Set for Columbia River Select Areas**

45 Adopted January 2017: effective February 6, 2017 through March 28, 2017.

46 These amended rules implement the 2017 winter, spring and summer  
47 commercial salmon seasons for the Deep River, Youngs Bay, Blind Slough/Knappa

1 Slough, and Tongue Point/South Channel Select Areas. The first authorized fishing  
2 period in these Select Area sites is set to begin February 6. Modifications are  
3 consistent with action taken January 31, 2017 by the Departments of Fish & Wildlife for  
4 the States of Oregon and Washington at a meeting of the Columbia River Compact.  
5

6 **6) 635-041-0165**

7 **2017 Treaty Indian Winter Commercial Season Extended in John Day Pool of the**  
8 **Columbia River**

9 Adopted February 2017: effective February 7, 2017 through March 31, 2017.

10 This amended rule extends the Treaty Indian winter commercial gill net season in  
11 the John Day Pool through February 15, 2017. Modifications are consistent with action  
12 taken February 7, 2017 by the Oregon and Washington Departments of Fish and  
13 Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the  
14 Columbia River Compact.  
15

16 **7) 635-005-0465**

17 **Commercial Dungeness crab Evisceration Requirement for Biotoxin Management**  
18 **Area**

19 Adopted February 2017: effective February 8, 2017 through August 5, 2017.

20 In coordination with Oregon Department of Agriculture (ODA) temporary rule  
21 making (see OAR 635-025-0400), this amended rule implements a biotoxin  
22 management area for the ocean commercial Dungeness crab fishery from the Coos Bay  
23 North Jetty (43° 21.60' N. Lat.) northward to Heceta Head (44° 08.30' N. Lat.) due to  
24 detection of elevated levels of domoic acid in crab viscera in the specified area. In  
25 combination, this rule and ODA rule require that all Dungeness crab taken from the  
26 biotoxin management area since 12:01 AM January 25, 2017 be sold to a food  
27 processor licensed by the Oregon Department of Agriculture for evisceration.  
28 Temporary rules filed February 2, 2017 by ODFW and ODA implemented a short-term  
29 evisceration requirement followed by a fishery closure in the biotoxin management area,  
30 which would have been effective at 12:01 AM February 10, 2017. These rules  
31 effectively extend the evisceration requirement until further domoic acid test results are  
32 available and remove the fishery closure. These rules prohibit the sale of live crab  
33 caught in the affected areas and prohibit the sale of any crab that is not processed  
34 consistent with these rules.  
35

36 **Action:**

37 Commissioner Anderson moved to ratify the seven (7) temporary rules set out on  
38 today's tan agenda, Commission Akenson seconded the motion, and the motion carried  
39 unanimously.  
40

41 **Limited LOP Tags for Mule Deer Review Update**

42 Staff: Doug Cottam, Wildlife Division Administrator  
43

44 *Staff Presentation: Doug Cottam provided a presentation to the Commission.*  
45 *This presentation begins at 7 minutes on the audio recording*  
46

1 **PUBLIC FORUM**

2 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on the*  
3 *agenda. The Commission is unable to take action on items brought to their attention in*  
4 *this forum.*

5  
6 Statewide Tags

7 David Bender, Oregon Hunters Association

8 Al Elkins, Oregon Hunters Association

9  
10 *Testimony provided for this agenda item begins at 26 minutes on the audio recording*  
11 *provided in the Commission materials at*

12 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)

13  
14 Burns Paiute Tribe

15 Dean Adams, Vice-Chair, Burns Piaute Tribal Council

16 Jarvis Kennedy, Burns Piaute Tribe

17  
18 *Testimony provided for this agenda item begins at 12 minutes on the audio recording*  
19 *provided in the Commission materials at*

20 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)

21  
22 Columbia River Fisheries reform

23 *Jim Wells, Salmon for All*

24  
25 *Testimony provided for this agenda item begins at 33 minutes on the audio recording*  
26 *provided in the Commission materials at*

27 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)

28  
29 Columbia River Fisheries reform

30 *Bill Hungsinger, Port of Astoria, Rep. Commercial, Sports Fishermen, and Guides in my*  
31 *area*

32  
33 *Testimony provided for this agenda item begins at 47 minutes on the audio recording*  
34 *provided in the Commission materials at*

35 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)

36  
37 **Exhibit A: COMMISSION MINUTES**

38 The Commission will be asked to approve draft December 2, 2016 and January 20,  
39 2017 Commission meeting minutes.

40  
41 *Action:*

42 Commissioner Akenson moved to approve the December 2, 2016 and January 20, 2014  
43 Commission meeting minutes with any grammar and spelling changes needed.

44 Commissioner Buckmaster seconded the motion and the motion was carried  
45 unanimously.

1 **Exhibit B: UPDATE COLUMBIA RIVER TREATY FISHERY RULES**

2 The Commission will be asked to adopt amendments to Columbia River treaty fishery  
3 rules to incorporate new clarifying language approved by the US v. Oregon parties  
4 during 2016.

5 Staff: Chris Kern; Deputy Fish Division Administrator  
6 Public Testimony  
7 Rulemaking  
8

9 *Staff Presentation: Chris Kern provided a presentation to the Commission. This  
10 presentation begins at 56 min on the audio recording.*

11  
12 *This presentation is located in the commission material and can be viewed at  
13 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

14  
15 *No Public Testimony*

16  
17 *Action: Commissioner Bittle moved to adopt the amendments to the rules for Columbia  
18 River System Treaty Indian Fisheries as reflected in draft OARs shown in Attachment 3.  
19 Commissioner Buckmaster seconded the motion and the motion was carried  
20 unanimously.*

21  
22 **Exhibit C: LOWER COLUMBIA RIVER STURGEON POPULATION STATUS**  
23 **UPDATE**

24 The Commission will be briefed on the results of the 2016 stock assessment and  
25 current population status of lower Columbia River and Willamette River White Sturgeon.

26 Staff: Tucker Jones, Ocean Salmon and Columbia River Program Manager  
27 Public Testimony  
28 Informational  
29

30 *Staff Presentation: Tucker Jones provided a presentation to the Commission.  
31 This presentation begins at 1 hour: 06 minutes on the audio recording.*

32  
33 *This presentation is located in the commission material and can be viewed at  
34 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

35  
36 *Public Testimony*

37 *Testimony provided for this agenda item begins at 1 hour: 49 minutes on the  
38 audio recording provided in the Commission materials at  
39 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

40

Tom Wolf, Trout Unlimited	
Butch Smith, Ilwaco Charter Association	
Bill Hunsinger, Port of Astoria	
Robert Moxley, recreational angler	

1 **Exhibit D: RESOLUTION SUPPORTING NATIONAL BLUE RIBBON PANEL**  
2 **FUNDING RECOMMENDATIONS**

3 The Commission will be asked to approve a resolution supporting the National Blue  
4 Ribbon Panel recommendations and federal legislation. Staff: Ed Bowles, Fish Division  
5 Administrator

6 Staff: Roger Fuhrman;  
7 Public Testimony  
8 Approval  
9

10 *Staff Presentation: Roger Fuhrman provided a presentation to the Commission.*  
11 *This presentation begins at 2 hours: 13 minutes on the audio recording*

12  
13 *This presentation is located in the commission material and can be viewed at*  
14 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)  
15

16 *No Public Testimony*  
17

18 Commissioner Akenson moved to approve the draft resolution supporting the  
19 Association of Fish and Wildlife Blue Ribbon Panel recommendations on Sustaining  
20 America's Diverse Fish and Wildlife Resources and encouraging the Oregon  
21 Congressional delegation support legislation to implement the Blue Ribbon Panel  
22 recommendations; and further I authorize ODFW to make minor modifications to the  
23 letter to make it relevant if changes are made in Federal references. Commissioner  
24 Buckmaster seconded the motion and the motion was carried unanimously.  
25

26 **Exhibit E: ACCESS AND HABITAT PROGRAM BIENNIUM REPORT**

27 The Commission will be briefed on the 2015-17 Access & Habitat Program Biennium  
28 Report

29 Staff: Isaac Sanders; Access and Habitat Program Coordinator  
30 Public Testimony  
31 Informational  
32

33 *Staff Presentation: Isaac provided a presentation to the Commission. This*  
34 *presentation begins at 2 hours: 15 minutes on the audio recording*  
35

36 *This presentation is located in the commission material and can be viewed at*  
37 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)  
38

39 *Public Testimony*

40 *Testimony provided for this agenda item begins at 2 hours 30 minutes on the*  
41 *audio recording provided in the Commission materials at*

42 [http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)  
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Craig Ely, Access and Habitat Board Chair	
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45  
46

1 **Exhibit F: WHEELER II ACQUISITION BY DONATION**

2 The Commission will be asked to approve a land acquisition.

3 Staff: Tim Walters; Umpqua Watershed District Manager

4 Public Testimony

5 Approval

6  
7 *Staff Presentation: Tim Walters provided a presentation to the Commission. This*  
8 *presentation begins at 2 hours: 48 minutes on the audio recording*

9  
10 *This presentation is located in the commission material and can be viewed at*  
11 *[http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

12  
13 **Public Testimony**

14 *Testimony provided for this agenda item begins at 3 hours: 05 minutes on the*  
15 *audio recording provided in the Commission materials at*

16 *[http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

Clair Klock, Clackamas Soil and Water Conservation District, Senior Resources Conservationist	
Tyler Alexander, Oregon Farm Bureau	
Cathy Macdonald, Oregon Director of External Affairs The Nature Conservancy	
Brian McLachlan, Association of Steelheaders	
Tom Wolf, Trout Unlimited	

17  
18  
19 Written testimony and documents provided to the Commission have been entered into  
20 the record and can be viewed at

21 *[http://www.dfw.state.or.us/agency/commission/minutes/17/02\\_feb/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/17/02_feb/index.asp)*

22  
23 **Action:**

24 Commissioner Wolley moved to approve the land acquisition, by donation from the  
25 Natural Conservancy, of approximately 95 acres adjacent to the Coquille Valley Wildlife  
26 Area. Staff were directed to complete the acquisition pursuant to the processes  
27 required by Oregon Administrative rule. Commissioner Buckmaster seconded the  
28 motion and the motion was carried unanimously.

29  
30  
31 **OTHER BUSINESS**

32 A letter had been received from Governor Brown; a Columbia River Fisheries Reform  
33 will be scheduled at either the March 21, 2017 Commission meeting or a special  
34 meeting will be held.

35  
36 **ADJOURN**

37 Vice- Chair Bob Webber adjourned the meeting at 12:05 p.m.