



Oregon Fish and Wildlife Commission Minutes

Fish and Wildlife Commission Tour
Thursday, March 15, 2018
Oregon Department of Fish and Wildlife
Lobby
4034 Fairview Industrial Dr. SE
Salem, Oregon 97302

Meeting:
Friday, March 16, 2018 – 8:00 AM
Oregon Department of Fish and Wildlife
Commission Room
4034 Fairview Industrial Dr. SE
Salem, Oregon 97302

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

Mike Finley, Chair	Curt Melcher, Director
Bob Webber, Vice- Chair	Cameron Smith, Deputy Director
Greg Wooley, Commissioner	Shannon Hurn, Deputy Director of Programs
Laura Anderson, Commissioner	Ken Loffink, Interim Deputy Director
Bruce Buckmaster, Commissioner	Bernadette Graham-Hudson, West Region Manager
Jim Bittle, Commissioner	Bruce Eddy, East Region Mmanager
	Erin Donald, Assistant Attorney General
	Anika Marriott, Assistant Attorney General
	Michelle Tate, Executive Assistant
	Doug Cottam, Wildlife Division Administrator
	Ed Bowels, Fish Division Administrator
	Captain Jeff Samuals, Oregon State Police

MEETING

8 On Friday, **March 16, 2018 at 8:00 AM, Vice-Chair Mike Finley called the Oregon**
9 **Fish and Wildlife Commission** (the Commission) meeting to order.

10
11 Commissioner Akenson was excused for personal business.

12 13 DIRECTOR'S REPORT

14
15 Field Reports – in written form only; *this report is available in the meeting materials and*
16 *at*

17 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/March%20Field%20R](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/March%20Field%20Report.pdf)
18 [eport.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/March%20Field%20Report.pdf)

19
20 Expenditure Report

21 Staff: Cameron Smith, Deputy Director for Administration

22
23 *This report is available in the meeting materials and at*

24 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/2017-](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/2017-19%20March%202018%20Commission%20Financial%20Report.pdf)
25 [19%20March%202018%20Commission%20Financial%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/2017-19%20March%202018%20Commission%20Financial%20Report.pdf)

1
2 Staff report on Nov. 2017 workshop on EPAs Columbia River Cold Water Refuges
3 Project

4 Staff: Art Martin, Columbia River Program Section Manager

5 Presentation:

6 *This presentation is located in the commission material and can be viewed at*
7 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Director's%20Report_](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Director's%20Report_EPA%20CR%20Cold%20Water%20Refuges%20Plan.pdf)
8 [EPA%20CR%20Cold%20Water%20Refuges%20Plan.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Director's%20Report_EPA%20CR%20Cold%20Water%20Refuges%20Plan.pdf)
9

10 PUBLIC FORUM

11 This part of the agenda is for comments on topics not scheduled on the agenda. The
12 Commission will be unable to take action on items brought to their attention in this forum.
13

14 License Requirement for dog trial or training

15 Annette Pacheco, 2018 AKC Master National Annual Hunt Test
16

17 *Written testimony is located in the commission material and can be viewed*
18 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Dog_Training_Annett](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Dog_Training_Annette_Pacheco.pdf)
19 [e_Pacheco.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Dog_Training_Annette_Pacheco.pdf)
20

21 Adopt Temporary Rules

22 Curt Melcher, Director, requested the Commission ratify the following temporary rules.

23 The nine (9) temporary rules were previously adopted by the director under his
24 emergency action authority.
25

26 1.) 635-004-0275

27 Federal Actions and Management Measures Implemented for Commercial 28 Groundfish Fisheries.

29 Adopted February 9, 2018: effective February 12, 2018 through August 10, 2018

30 This amended rule adopts in-season actions previously adopted by the federal
31 government for 2017-2018 Pacific Coast commercial groundfish fisheries. Including but
32 not limited to increased trip limits for big skate in the shore-based individual fishing quota
33 program, decreased trip limits for sablefish in the limited entry fixed gear and open
34 access fisheries, and increased trip limits for lingcod in the limited entry fixed gear and
35 open access fisheries.
36

37 1.) 635-018-0090

38 2018 Spring Chinook Seasons on the Lower Deschutes and Hood Rivers

39 Adopted February 9, 2018: effective April 15, 2018 through June 30, 2018

40 This amended rule allows the sport harvest of hatchery spring Chinook salmon in
41 the Lower Deschutes River from May 1, through June 30, 2018; and sport harvest of
42 hatchery spring Chinook salmon in the Hood River from April 15 through June 30, 2018.
43 The Deschutes River open area extends from the mouth at the I-84 Bridge upstream to
44 Sherars Falls. It is unlawful to continue to angle from Sherars Falls downstream to the
45 upper railroad trestle after taking the daily adult bag limit of spring Chinook. The Hood

1 River open area extends from the mouth to the mainstem confluence with the East Fork
2 and the West Fork from the confluence with the mainstem upstream to the angling
3 deadline 200 feet downstream of Punchbowl Falls. The daily bag limit for the Lower
4 Deschutes River is two (2) adult hatchery salmon and five (5)-hatchery jack salmon per
5 day. The daily bag limit for the Hood River is two (2) adult hatchery salmon per day, and
6 five (5) hatchery jack salmon per day. All wild Chinook salmon must be released
7 unharmed. All other limits and restrictions remain unchanged from those listed for these
8 rivers in the **2018 Oregon Sport Fishing Regulations**.

9
10 **2.) 635-065-0765**

11 **Amend Rules to Add Iowa and Mississippi to Cervid Parts Importation Ban**

12 Adopted: February 13, 2018. Effective Dates: February 13, 2018 through August 11,
13 2018

14 In June 2003, the Fish and Wildlife Commission adopted rules banning the
15 importation of certain cervid parts from those states with documented cases of Chronic
16 Wasting Disease (CWD). The rules noted that the Department would add additional
17 states to the rules as new cases of CWD were documented. Based on new information,
18 the rule is amended to add Mississippi to the list of states from which cervid parts may
19 not be imported (Note: Iowa was listed previously and included in the Big Game
20 Regulations but inadvertently omitted from the permanent rule filing.)

21
22 Following the permanent rule making process, rather than taking this temporary rule
23 making action, will result in serious prejudice to the public interest because it would delay
24 banning the importation of cervid parts from a state with documented cases of CWD. The
25 purpose of the cervid parts ban is to protect Oregon's wildlife from disease. The purpose
26 can only be carried out if the ban covers all states affected by CWD, and the ban takes
27 effect soon enough to intercept parts ban from those states. Failure to promptly add
28 affected states to the parts import ban could expose Oregon to risk of disease.

29
30 **3.) 635-041-0065**

31 **2018 Winter Commercial Gillnet Treaty Indian Fisheries Set**

32 Adopted February 14, 2018: effective February 14, 2018 through March 31, 2018

33 This amended rule extends the Treaty Indian winter commercial gill net season in
34 the John Day Pool through Friday, March 2, 2018 and sets the Treaty Indian winter
35 commercial gill net season in the Bonneville Pool beginning Monday, March 5, 2018.
36 Modifications are consistent with action taken February 14, 2018 by the Oregon and
37 Washington Departments of Fish and Wildlife, in cooperation with the Columbia River
38 Treaty Tribes, at a meeting of the Columbia River Compact.

39
40 **4.) 635-005-0465**

41 **Commercial Dungeness crab Evisceration Requirement for Biotoxin Management**
42 **Zone**

43 Adopted February 16, 2018: effective February 16, 2018 through July 9, 2018

44 In coordination with Oregon Department of Agriculture (ODA) temporary rule
45 making, (see OAR 635-025-0420). This amended rule implements a biotoxin

1 management zone for the ocean commercial Dungeness crab fishery from Cape Blanco
2 (42° 50' N. Lat.) southward to the Oregon/California border (42° 00' N. Lat.) due to
3 detection of elevated levels of domoic acid in crab viscera in the specified area. In
4 combination, this rule and ODA rule require that all Dungeness crab taken from the
5 biotoxin management area zone after 12:01 AM February 16, 2018 be sold to a licensed
6 food processor that eviscerates the crab consistent with the ODA rule. In addition, crab
7 harvested from a line just north of Gold Beach (42° 26' N. Lat.) to the Oregon/California
8 border after 12:01 AM February 13, 2018 will be subject to recall for evisceration. These
9 rules prohibit the sale of live or whole crab caught from the biotoxin management zone,
10 and prohibit the sale of any crab that is not processed consistent with these rules.

11 *Note: Oregon Department of Agriculture did not suspend their rule therefore an*
12 *additional rule was not needed to override the above temporary filing.*

13
14 **5.) 635-041-0065**

15 **2018 Winter Commercial Gillnet Treaty Indian Fisheries Set**

16 Adopted February 21, 2018: effective February 22, 2018 through March 31, 2018

17 This amended rule extends the Treaty Indian winter commercial gill net season in
18 the John Day Pool through Saturday, March 3, 2018 and sets the Treaty Indian winter
19 commercial gill net season in The Dalles Pool beginning Thursday, February 22, 2018.
20 Modifications are consistent with action taken February 21, 2018 by the Oregon and
21 Washington Departments of Fish and Wildlife, in cooperation with the Columbia River
22 Treaty Tribes, at a meeting of the Columbia River Compact.

23
24 **6.) 635-023-0125**

25 **Columbia River Recreational Seasons for Salmon, Steelhead, and Shad Set**

26 Adopted February 21, 2018: effective March 1, 2018 through June 15, 2018

27 This amended rule sets regulations for Columbia River recreational spring
28 Chinook, steelhead and shad seasons with descriptions of areas, dates, and bag limits
29 for harvest of adipose fin-clipped Chinook salmon, adipose fin-clipped steelhead, and
30 shad. Revisions are consistent with action taken February 21, 2018 by the Oregon and
31 Washington Departments of Fish and Wildlife in a meeting of the Columbia River
32 Compact.

33
34 **7.) 635-041-0065**

35 **2018 Winter Commercial Gillnet Treaty Indian Fisheries**

36 Adopted March 12, 2018: effective March 15, 2018 through March 31, 2018

37 This amended rule extends the Treaty Indian winter commercial gill net season in
38 the John Day and The Dalles Pool's beginning Thursday, March 15, 2018. Modifications
39 are consistent with action taken March 12, 2018 by the Oregon and Washington
40 Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes,
41 at a meeting of the Columbia River Compact.

1 **8.) 635-042-0170**

2 **Modify 2018 Commercial Seasons for Tongue Point and South Channel Select**
3 **Areas**

4 Adopted March 13, 2018: effective March 15, 2018 through July 26, 2018

5 These amended rules modify the 2018 winter commercial salmon seasons for the
6 Tongue Point/South Channel Select Areas. The first authorized fishing period in these
7 Select Areas has been rescinded and new fishing periods have been set. Modifications
8 are consistent with action taken March 13, 2018 by the Departments of Fish & Wildlife for
9 the States of Oregon and Washington at a meeting of the Columbia River Compact.

10
11 **9.) 635-042-0170**

12 **Modify 2018 Commercial Seasons for Tongue Point and South Channel Select**
13 **Areas**

14 Adopted March 13, 2018: effective March 15, 2018 through July 26, 2018

15 These amended rules modify the 2018 winter commercial salmon seasons for the
16 Tongue Point/South Channel Select Areas. The first authorized fishing period in these
17 Select Areas has been rescinded and new fishing periods have been set. Modifications
18 are consistent with action taken March 13, 2018 by the Departments of Fish & Wildlife for
19 the States of Oregon and Washington at a meeting of the Columbia River Compact.

20
21 Action:

22 Commissioner Webber moved to ratify the nine (9) temporary rules set forth in
23 the today's agenda. Commissioner Anderson seconded the motion, and the motion
24 carried unanimously, six (6) infavor; Akenson excused.

25
26 **Exhibit A: COMMISSION MINUTES**

27 http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20A_%20February%209,%202018%20Minutes%20.pdf

28
29
30 Action:

31 Commissioner Webber moved to approve the February 9, 2018 meeting
32 minutes with continued authority to correct grammer and punctuation. Commissioner
33 Wolley seconded the motion and the motion was carried six (6) in favor; Akenson
34 excused.

35
36 **Exhibit ACCESS AND HABITAT PROJECT FUNDING AND BOARD APPOINTMENT**

37 The Commission was asked to approve the Access and Habitat Board
38 recommendations for project funding and appoint Board Chair. .

39 Staff: Isaac Sanders, Access & Habitat Coordinator;

40 Craig Ely, Access and Habitat Board Chair

41 Approval and Appointment

42
43 Presentation: Isaac provided the Commission with a presentation on the approval
44 of the Access and Habitat recommended projects and appointment of a Board Chair.

1 This presentation is located in the commission material and can be viewed at
2 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20B%20-](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20B%20-%20A%20AND%20H/Presentation_Access%20and%20Habitat_March%2016%202018.pdf)
3 [%20A%20AND%20H/Presentation_Access%20and%20Habitat_March%2016%202018.](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20B%20-%20A%20AND%20H/Presentation_Access%20and%20Habitat_March%2016%202018.pdf)
4 [pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20B%20-%20A%20AND%20H/Presentation_Access%20and%20Habitat_March%2016%202018.pdf)

5 No public testimony

6 Action:

7 Commission Chair Finley moved to approve the Coos Mountain Access
8 Area as recommended by the Access and Habitat Board, Habitat Small Grants Program,
9 and to reappointment Craig Ely to a second four year term as the Access and Habitat
10 Board Chair. Commissioner Bittle seconded the motion and the motion was carried six
11 (6) in favor; Akenson excused.

12
13 **Exhibit C: SAUVIE ISLAND WILDLIFE AREA SEASONAL ALCOHOL**
14 **RESTRICTIONS**

15 The Commission will be asked to amend the Sauvie Island Wildlife Area rules to
16 prohibit the possession and use of alcohol seasonally from May 1 through
17 September 30.

18 Staff: Jeff Boechler, Watershed Manager, North Willamette Watershed District
19 Trooper Joe Dezso, Oregon State Police assigned to Sauvie Island
20 Rulemaking

21
22 Presentation: Jeff provided the Commission with a presentation about the seasonal
23 alcohol issues on Sauvie Island. The presentation covered background, public use
24 levels, alcohol-related problems, other jurisdictions' responses and proposed rules.

25
26 This presentation is located in the commission material and can be viewed at
27 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20C%20-](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20C%20-%20SAUVIE%20ISLAND/Presentation_SIWA%20Seasonal%20Alcohol%20Restriction%20March%2016%202018.pdf)
28 [%20SAUVIE%20ISLAND/Presentation_SIWA%20Seasonal%20Alcohol%20Restriction](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20C%20-%20SAUVIE%20ISLAND/Presentation_SIWA%20Seasonal%20Alcohol%20Restriction%20March%2016%202018.pdf)
29 [%20March%2016%202018.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/EXHIBIT%20C%20-%20SAUVIE%20ISLAND/Presentation_SIWA%20Seasonal%20Alcohol%20Restriction%20March%2016%202018.pdf)

30
31 Public testimony

Larry Weaver, Retired Sauvie Island Enforcement	
Skip Klarquist, Former Fish and Wildlife Commissioner	
Chief Norvin Collins, Sauvie Island Fire District	
Glen Mark, Sauvie Island Resident	
Deputy Chris Wagner, Multnomah County Sheriff's office	

32 Action:

33 Commissioner Anderson moved to amend OAR Chapter 635, Division 008
34 as approved by staff. Commissioner Webber seconded the motion and the motion was
35 carried six (6) in favor; Akenson excused.

36
37 **EXHIBIT D: RESTORATION AND ENHANCEMENT PROJECT APPROVAL**

38 The Commission will be asked to approve the Restoration and Enhancement
39 Board's recommendations for project funding from their Jan 5, 2018 meeting
40 (Cycle 4a)

1 Staff: Kevin Herkamp, STEP, and Restoration & Enhancement Coordinator
2 Approval

3
4 Presentation: Kevin provided a presentation to the Commission on the
5 recommended enhancement projects, and the Recreation and Enhancement budget
6 status for the 2017-2019 Biennium

7
8 *This presentation is located in the commission material and can be viewed at*
9 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20D/Exhibit](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20D/Exhibit%20D_RE%20Presentation.pdf)
10 [%20D_RE%20Presentation.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20D/Exhibit%20D_RE%20Presentation.pdf)

11
12 No public testimony

13 Action:

14 Commissioner Anderson moved to approve the recommendations of the
15 Fish Restoration and Enhancement Board. Commissioner Webber seconded the motion
16 and the motion was carried six (6) in favor; Akenson excused.

17
18 **EXHIBIT E: MODIFICATIONS TO THE RECREATIONAL RED ABALONE FISHERY**

19 The Commission will be asked to adopt proposed modifications to Oregon's
20 recreational abalone fishery to adapt to environmental and population changes.

21 Staff: Scott Groth, Pink Shrimp, and South Coast Shellfish Project Leader

22 Steve Rumrill, Shellfish Program Leader

23 Rulemaking

24
25 Presentation: Scott and Steve provided the Commission a presentation on the
26 biology of abalone, abalone fisheries history and issues, conditions of Oregon's red
27 abalone stock, ODFW's stakeholder outreach efforts through a permit holder
28 questionnaire, and management options.

29
30 *This presentation is located in the commission material and can be viewed at*
31 [http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20E/Exhibit](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20E/Exhibit%20E_Abalone%20Presentation.pdf)
32 [%20E_Abalone%20Presentation.pdf](http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20E/Exhibit%20E_Abalone%20Presentation.pdf)

33
34 Public testimony

Bill Loftin, Abalone permit holder	
------------------------------------	--

35 Action:

36 Commissioner Webber moved amend OAR 635-039-0090, closing the
37 recreational abalone fishery for three years, as set forth in Attachment 3. Commissioner
38 Finley seconded the motion and the motion was carried six (6) in favor; Akenson
39 excused.

40
41 **EXECUTIVE SESSION**

42 The Commission will hold an executive session to review and evaluate the
43 employment-related performance of the chief executive officer of any public body, a

1 public officer, employee or staff member who does not request an open hearing as
2 authorized by ORS 192.660(2)(i).

3
4 **EXHIBIT F: 2018 OCEAN SALMON FISHERIES INFORMATIONAL BRIEFING**

5 The Commission will be updated on 2018 ocean salmon fishery planning.
6 Staff: Chris Kern, Assistant Fish Division Administrator
7 Informational
8

9 Presentation: Chris provided the Commission with a presentation on 2018 Ocean
10 Salmon Regulation. This presentation included information on the process and schedule;
11 abundance forecasts; key constraints, and season options for public discussion.
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/18/03_Mar/Exhibit%20F/Exhibit%20F_Ocean%20Salmon%20Presentation.pdf
15
16

17 Public testimony

David Moskowitz, The Conservation Angler	
Kyle Smith, Trout Unlimited	Did not testify

18
19 **EXHIBIT G: 2017 COLUMBIA RIVER FISHERIES UPDATE**

20 The Commission will be updated on the results of 2017 commercial and
21 recreational fisheries and status of summer steelhead in 2018 fisheries.
22 Staff: Tucker Jones, Ocean Salmon/Columbia River Program Manager
23 John North, Fisheries Manager
24 Informational
25

26 Presentation: Chris provided the Commission a presentation on the 2017
27 Columbia River Fisheries Review. This presentation included 2017 year in review;
28 information on the allocation shifts; off-channel commercial fishery enhancements;
29 spring, summer and fall fisheries recap; and process plan for summer/fall thermal
30 sanctuaries.
31

32 *This presentation is located in the commission material and can be viewed at*
33 http://www.dfw.state.or.us/agency/commission/minutes/18/03_Mar/Exhibit%20G/Exhibit%20G_CR%20Update.pdf
34
35

36 Public testimony

37 *Columbia River Fisheries Update Guest Panels*

38 Invited Guest Panel Number 1

Jim Wells, Salmon for All Steve Fick, Salmon for All Jim Coleman, Salmon for All	Provided written materials
--	----------------------------

39
40 Invited Guest Panel Number 2

Bob Rees, Northwest Steelheaders, NW Guides & Anglers Association	Provided written Testimony
Bruce Polly, Coastal Conservation Association	Provided written materials
Northwest Sportfishing Industry Association	Provided written materials

1
2
3
4
5
6
7
8

Invited Guest Panel Number 3

Kyle Smith, Trout Unlimited	
David Moskowitz, The Conservation Angler	
Guido Rahr, The Wild Salmon Center	Provided written testimony

Informational

OTHER BUSINESS

ADJOURN

Chair Mike Finley adjourned the meeting 4:58 p.m.

DRAFT