Meeting
Thursday, June 7, 2018 8:00 AM
Geiser Grand Hotel
The Queen City Room
1996 Main Street
Baker City, OR 97814

Meeting:
Friday, June 8, 2018 – 8:00 AM
Geiser Grand Hotel
The Queen City Room
1996 Main Street
Baker City, OR 97814

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

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

Mike Finley, Chair
Bob Webber, Vice- Chair
Holly Akenson, Commissioner
Greg Wolley, Commissioner
Bruce Buckmaster, Commissioner
Jim Bittle, Commissioner

Curt Melcher, Director
Cameron Smith, Deputy Director
Shannon Hurn, Deputy Director of Programs
Bernadette Graham-Hudson, West Region Manager
Bruce Eddy, East Region Manager
Erin Donald, Assistant Arrorney General
Michelle Tate, Executive Assistant
Doug Cottam, Wildlife Division Administrator
Captian Jeff Samuels, Oregon State Police

**MEETING**

On Friday, **June 7, 2018 at 8:00 AM, Chair Mike Finley called the Oregon Fish and Wildlife Commission** (the Commission) meeting to order.

**DIRECTOR'S REPORT**

Field Reports – in written form only; *this report is available in the meeting materials and at*
*https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/June%20Field%20Report%202018.pdf*

Wildlife issues in Baker County
Mark Bennett, Baker County Commissioner

**Adopt Temporary Rules**
Curt Melcher, Director, requested the Commission ratify the following temporary rules. The eleven (11) temporary rules were previously adopted by the director under his emergency action authority.

1) **635-023-0134**

**Open Spring Chinook Sport Fishery on the Snake River below Hells Canyon Dam**

DRAFT

Adopted April 13, 2018: effective April 28, 2018 through September 30, 2018

Amended rule opens a spring Chinook fishery from Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam on the Snake River beginning on April 28, 2018 to coincide with the State of Idaho's regulations for this fishery.

**2) 635-023-0095**

**2018 White Sturgeon Recreational Fisheries Set in the Mainstem Columbia**

Adopted April 11, 2018: effective May 14, 2018 through July 18, 2018

This amended rule allows recreational retention of white sturgeon on the Mainstem Columbia River. Beginning May 14 through June 4, 2018 on Monday's, Wednesday's and Saturday's only, retention of white sturgeon is allowed from the Wauna power lines downstream to the mouth at Buoy 10, including Youngs Bay, and all adjacent Washington tributaries. Legal size limit is between 44-inch minimum and 50-inch maximum fork length. On Friday, June 15, 2018, retention of white sturgeon is allowed from the Bonneville Dam upstream to The Dalles Dam, including adjacent tributaries. Legal fork length is between 38-inches and 54 inches. Retention also allowed from The Dalles Dam upstream to John Day Dam, including adjacent tributaries where the legal fork length is between 43 inches and 54 inches. Revisions are consistent with emergency action taken April 11, 2018 by the Departments of Fish and Wildlife for the States of Oregon and Washington.

**3) 635-039-0085**

**Sport Pacific Halibut All-Depth Season from Leadbetter Point, WA to Cape Falcon, OR Closes**

Adopted May 9, 2018: effective May 11, 2018 through September 30, 2018

Amended rule closes the all-depth sport fishery for Pacific halibut in the area between Leadbetter Point, WA and Cape Falcon, OR at 11:59 p.m. on Friday, May 11, 2018 due to the projected attainment of the pre-season quota of 11,182 pounds. This rule is consistent with regulations previously implemented by the federal government and the International Pacific Halibut Commission for the 2018 Oregon sport fishery for Pacific halibut.

**4) 635-017-0090**

**Allow Use of Bait on Muddy Creek during Trout Retention Season**

Adopted May 15, 2018: effective May 22, 2018 through October 2, 2018

Allow use of bait in Muddy Creek from May 22 to October 31.

**5) 635-039-0085**

**Sport Pacific Halibut Nearshore Season from Leadbetter Point, WA to Cape Falcon, OR Open 7 Day Per Week**

DRAFT

Adopted May 21, 2018: effective May 24, 2018 through September 30, 2018

This amended rule expands the recreational nearshore Pacific halibut season, from three days per week (Monday-Wednesday) to seven, in the area between Leadbetter Point, Washington and Cape Falcon, Oregon beginning at 12:01 a.m. on Thursday, May 24, 2018. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on May 21, 2018 in order to increase angler opportunity to reach the harvest quota.

**6) 635-023-0125**

**Columbia River Recreational Seasons for Salmon and Steelhead Extended**

Adopted May 23, 2018: effective May 25, 2018 through June 15, 2018

This amended rule extends area-specific season dates for Columbia River recreational spring Chinook and steelhead seasons. Beginning May 25, 2018, retention of two-adult hatchery salmonids per day is allowed; only one may be a Chinook. The amended rule also modifies the daily bag limit for Select Area fisheries. Revisions are consistent with action taken May 23, 2018 by the Oregon and Washington Departments of Fish and Wildlife in a meeting of the Columbia River Compact.

**7) 635-019-0090**

**Sport Chinook Fishery on Lookingglass Creek**

Adopted May 23, 2018: effective June 2, 2018 through July 1, 2018

This amended rule allows recreational anglers opportunity to harvest adipose fin-clipped adult and jack Chinook salmon, which are in excess of the Department's hatchery production needs, in Lookingglass Creek. This fishery is scheduled for the period from Saturday, June 2 through Saturday, June 23, 2018.

**8) 635-021-0090**

**Burns Paiute Tribal Experimental Spring Chinook Fishery Opens**

Adopted May 30, 2018: effective June 12, 2018 through August 15, 2018

This modification allows Burns Paiute Tribal members to angle for hatchery Chinook salmon released in the Malheur River using traditional methods as regulated by adopted tribal regulations. The general public is allowed to fish for hatchery salmon with a valid angling license and using methods allowed by the 2018 regulations.

Action:

Commissioner Webber moved to ratify the eight (8) temporary rules set forth in the today's tan agenda. Commissioner Akenson seconded the motion, and the motion carried unanimously, six (6) in favor.

**Exhibit G** - Public testimony

| | |
|---|---|
| Tim Josey-Tillamook County Commissioner | Provided written testimony from David Yamamoto, Tillamook county Board Vice Chair |

DRAFT

| | |
|---|---|
| John Sweet, CoosCounty Commissioner | Provided written testimony |
| Simon Hare, Josephine County Commission | Provided written testimony |
| Bob Main, Coos County Commission | Provided written testimony |

**Exhibit A: COMMISSION MINUTES**

Action:

Commissioner Akenson moved to approve the April 20, 2018 meeting minutes with continued authority to correct grammar and punctuation. Commissioner Buckmaster seconded the motion and the motion was carried six (6) in favor.

Expenditure Report

Staff: Cameron Smith, Deputy Director for Administration

Cameron provided the Commission the Department Financial Report for the 2017-19 biennium as of April 28, 2018. The report includes changes made during the February 2018 session. The department expects expenditures in the last part of the biennium will be higher but still be below budgeted amount barring unforeseen costs. The Secretary of State's Audits Division began its audit of 2018 financial statements, which should be completed December 2018. The Secretary of State's office audit on internal audit processes is completed but the report hasn't been issued yet. The US. Fish and Wildlife Service began an audit of Pittman-Robertson and Sport Fish Restoration program spending for the federal fiscal years of 2016 and 2017. This audit should be completed in autumn 2018.

*This report is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/2017-19%20June%202018%20Commission%20Financial%20Report.pdf*

**Exhibit B: 2019-21 BUDGET**

The Commission approved the proposed 2019-21 Agency Budget.

Staff: Cameron Smith, Deputy Director

Public Testimony

Approval

Presentation: Cameron provided a presentation to the Commission on the Governor's vision for 2019-2021 Budget; our principles for developing a budget; timeline; EBAC and Town Halls; comments received; long term projections for statewide lottery funds; federal wildlife assistance grants revenue analysis; Oregon hunting and fishing trends per capita; resident and nonresident trends; cumulative license sales; license revenues only; how hatcheries are funded; policy option packages, 2019 legislative concepts, package summary, continuations, and new; limited duration position life cycle analysis and options.

DRAFT

*This presentation is located in the commission material and can be viewed at* https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20B/Exhibit%20B_Presentation.pdf

Public testimony

| | |
|---|---|
| David Moskowitze, The Conservation Angler | |
| ~~Thomas Huff, Rancher~~ | Did not testify |
| ~~Kelly Rowan, Rancher~~ | Did not testify |
| ~~Delcorto, Rancher~~ | Did not testify |
| ~~Blake Dennis, Rancher~~ | Did not testify |

Action:

Commissioner Webber moved to approve the department's 2019-21 Agency Request Budget as proposed by staff and amend policy option packages priorities as proposed by the Director by moving 123 and 127 to between 114 and 115. Commissioner Bittle seconded the motion and the motion was carried six (6) in favor.

**EXHIBIT C: ACCESS AND HABITAT PROJECT FUNDING APPROVAL**

The Commission approved the Access and Habitat Board recommendations for project funding.

Staff: Tom Thornton, Game Program Manager

Public Testimony

Approval

Presentation: Tom provided a presentation to the Commission on the eight projects requesting A & H funds.

*This presentation is located in the commission material and can be viewed at* https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20C/Exhibit%20C_Presentation.pdf

No Public testimony

Action:

Commissioner Akenson moved to approve the eight projects as recommended by the Access and Habitat Board. Commissioner Wolley seconded the motion and the motion was carried six (6) in favor.

**EXHIBIT D: 2019 AUCTION & RAFFLE TAG ALLOCATION**

The Commission approved recommendations of the Access and Habitat Board and ODFW staff for the 2019 auction and raffle tag allocations.

Staff: Tom Thornton, Game Program Manager

Public Testimony

Approval

DRAFT

Presentation: Tom provided the Commission a presentation on the 2019 Auction and Raffle Tag Allocation. This presentation included Program information; Allocation process and species proposals.

*This presentation is located in the commission material and can be viewed at* https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20D/Exhibit%20D_Presentation.pdf

No Public testimony

Action:
Commissioner Webber moved to approve the 2019 auction and raffle big game tag allocations as proposed by staff. Commissioner Bittle seconded the motion and the motion was carried six (6) in favor.

**EXHIBIT E: FURBEARER REGULATIONS FOR 2018-2020**

The Commission approved amendments to Furbearer Regulations.
Staff: Derek Broman, Carnivore-Furbearer Coordinator
Public Testimony
Rulemaking

Presentation: Derek provided the Commission a presentation on the 2018-2019 Furbearer Trapping and Hunting Regulations. This presentation included information on license and pelt trends; species and season information; general regulation proposals and program notes.

*This presentation is located in the commission material and can be viewed at* https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20E/Exhibit%20E_Presentation.pdf

| | |
|---|---|
| Buddy Woodberry, Oregon United Sporting Dog | |
| David Walker, Oregon United Sporting Dog | |
| Jim Soares, Oregon Trappers Association | |
| Doug Nichol, Oregon Trappers Association | |

Action
*Commissioner Akenson moved to amend Oregon Administrative Rule Chapter 635, Division 050 as proposed by staff to set regulations and seasons for the harvest and pursuit of furbearing mammals. Commissioner Bittle seconded the motion and the motion was carried five (5) in favor: Webber, Akenson, Buckmaster, Bittle, Finley, one (1) abstained: Wolley.*

DRAFT

**Exhibit F: CONFEDERATED TRIBES OF WARM SPRINGS HUNTING AGREEMENT**

The Commission approved hunting rules as part of the agreement with the Confederated Tribes of the Warm Springs Reservation.
Staff: Kevin Blakely, Wildlife Division Deputy Administrator
Public Testimony
Rulemaking

Presentation: Kevin provided the Commission with a presentation on the Confederated Tribes of Warm Springs off-Reservation hunting agreement. Tis presentation included information on the key features of the Memorandum of Agreement.

*This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20F/Exhibit%20F%20_Presentation.pdf*

No Public testimony

| | |
|---|---|
| ~~Simon Hare, Josephine Co Commissioner~~ | Did not testify |
| ~~Pete Bigelow, Rancher~~ | Did not testify |
| ~~Chad DelCorto, Rancher~~ | Did not testify |
| ~~K. Rowan, Rancher~~ | Did not testify |

Action:
Commissioner Wolley moved to enter into the Memorandum of Agreement between the Confederated Tribes of the Warm Springs Reservation and the State of Oregon Regarding Off-Reservation Hunting Subject to the 1855 Treaty with the Tribes of Middle Oregon and to approve rules as proposed by staff to implement the Agreement. Commissioner Buckmaster seconded the motion and the motion was carried six (6) in favor.

**EXHIBIT G: MARBLED MURRELET RECLASSIFICATION AND ADOPTION OF SURVIVAL GUIDELINES**

The Commission was asked to amend the State List of Threatened and Endangered Species to reclassify the Marbled Murrelet as endangered, adopt survival guidelines for the species, determine that state lands have a role to play in the conservation of the Marbled Murrelet, and direct staff to notify and consult with affected state agencies.
Staff: Christina Donehower, Strategy Species Coordinator
Rod Kramer, Forest Program Coordinator
Martin Nugent, Threatened, Endangered, and Sensitive Species Coordinator
Rulemaking

Presentation: Christina, Rod and Martin provided the Commission a presentation on Marbled Murrelet Reclassification and Adoption of Survival Guidelines. The

DRAFT

presentation included information on Marbled Murrelet description and current legal status; background on petition and associated rulemaking process; survival guidelines; requirements for the Commission and affected state agencies following reclassification; and Commission action.

*This presentation is located in the commission material and can be viewed at* https://www.dfw.state.or.us/agency/commission/minutes/18/06_june/Exhibit%20G/Exhibit%20G_Presentation.pdf

Public testimony

| | |
|---|---|
| Jennifer Bakke, Hancock Forest Management | Provided written testimony |
| Fran Cafferata, CEO Cafferata Consulting | Provided written testimony |
| Lee Adkins, NW Hardwoods | |
| Mark Wall, Timber Lands Manager | Provided written testimony |
| Tim Tracy, NW Hardwoods | |
| Lindsay Warness, Boise Cascade | Provided written testimony |
| Renee Seacor, Cascadia Wildlands | Provided written testimony |
| Mari Galloway, Audubon, Oregon Wild | Provided written testimony |
| Susan Morgan, Association of Oregon Counties | |
| Doug Cooper, Hampton Lumber | Provided written testimony |
| Heath Curtis, Oregon Forest Industry Commission | Provided written testimony |
| Rex Storm, Associated Oregon Loggers Inc. / Oregon Tree Farmer System | Provided written testimony |
| Jerome Rosa, Oregon Cattleman's Association, Executive Director | Provided written testimony |
| Lyn E. Akers, Rancher | |
| Jim James, Oregon Small Woodlands Association | Provided written testimony |
| Chris Heffernan, Landowner | Provided written testimony |
| Keith Williams, Stimson Lumber | |
| Joe Liebezeit, Portland Audubon. | |
| Joe Steere, Rancher, Small Woodlands | Provided written testimony |
| Meghan Tuttle, Weyerhaeuser Company | |
| Leland Brown, The Wildlife Society | |
| Cheryl Martin, Oregon Cattleman's Association | Provided written testimony |

DRAFT

| | |
|---|---|
| Bob Salinger, Portland Audubon | |
| Seth Barns, Oregon Forest Industry Commission | Provided written testimony |
| Representative David Brock Smith, Port Orford, District 1 | |

Action:

Commission Chair Finley moved to deny the petitions recommendation to reclassify the Marbled Murrelet as endangered under the Oregon Endangered Species Act. Commissioner Bittle seconded the motion and the motion was carried four (4) Finley, Webber, Buckmaster, Bittle in favor; two (2) Akenson, Wolley opposed.

Carried over to Friday morning, June 8, 2018.

**OTHER BUSINESS**

**ADJOURN**

Chair Mike Finley adjourned the meeting 5:40 p.m.

DRAFT