



## Oregon Fish and Wildlife Commission Agenda

Meeting:  
Friday, August 3, 2018 – 8:00 AM  
Oregon Department of Fish and Wildlife  
Commission Room  
4034 Fairview Industrial Dr. SE  
Salem, Oregon 97302

**Friday August 3, 2018**

### **DIRECTOR'S REPORT**

Field Reports – in written form only

Expenditure Report

Cameron Smith, Deputy Director of Administration

Electronic Licensing System Update

Erica Kleiner, Management Resource Division Administrator

Salmon/Steelhead Regulation Simplification

Michael Gauvin, Recreational Fisheries Program Manager

Columbia River Fires Update

Bruce Eddy, East Region Manager

Summer Water Temperature Update

Chris Kern, Assistant Fish Division Administrator

Michael Gauvin, Recreational Fisheries Program Manager

Adopt Temporary Rules

Curt Melcher; Director

### **EXHIBIT A: COMMISSION MINUTES**

The Commission will be asked to approve draft June 7 and 8, 2018 Commission meeting minutes.

#### **1.) 635-019-0090**

##### **Spring Sport Fishery in the Umatilla River**

Adopted June 7, 2018: effective June 11, 2018 through July 1, 2018

On the Umatilla River from Hwy 730 Bridge to Three-mile Dam, Spring Chinook fishery opens for hatchery spring Chinook salmon June 11 – June 30, 2018. The daily bag limit is two (2) adult and five (5)-jack hatchery spring Chinook salmon.

**2.) 635-039-0085**

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

Adopted June 5, 2018: effective June 21, 2018 through September 30, 2018

This amended rule reopens the recreational all-depth Pacific halibut season for one day, Thursday, June 21, 2018, in the area between Leadbetter Point, Washington and Cape Falcon, Oregon. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on June 5, 2018 and determined that enough quota remained to reopen all Washington subareas, including the Columbia River Subarea for an additional day. This will increase angler opportunity to reach the harvest quota for the subarea.

**3.) 635-023-0128**

**Columbia River Recreational Summer Chinook Seasons Established**

Adopted June 13, 2018: effective June 16, 2018 through July 31, 2018

This amended rule establishes retention periods for adult summer Chinook in mainstem Columbia River summer recreational fisheries that begin June 16, 2018.

**4.) 635-014-0090**

**Trask River Angling Regulations Modified Effective June 18, 2018**

Adopted June 13, 2018: effective June 18, 2018 through July 31, 2018

The 2018 run of spring Chinook salmon to the Tillamook Bay basin and Trask River has been much reduced over recent years. Angling success has been relatively poor, and all signs point to a low return of spring Chinook to the basin. This regulation modification will close the Trask River in the vicinity of Trask Hatchery (200 feet upstream and 900 feet downstream of Gold Creek- "hatchery hole") to angling earlier than scheduled. This action is necessary to protect hatchery spring Chinook that hold in the river adjacent to the hatchery over the summer prior to being collected for spawning. In addition to low numbers of fish present so far, river flows are very low and with hot summer weather approaching, these conditions could lead to higher than average pre-spawning mortality, further jeopardizing our ability to collect sufficient broodstock for hatchery production.

**5.) 635-006-0212, 635-006-0215, 635-006-0225**

**Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty Tribal Fishers Allowed**

Adopted June 19, 2018: effective June 19, 2018 through December 15, 2018

These amended rules allow commercial sales of gilled and gutted Columbia River salmon and steelhead caught by Treaty tribal members to wholesale fish dealers, canners, and buyers. Modifications also require wholesale fish dealers, canners, and buyers to report totals of fish purchased in landed weights on the Fish Receiving Ticket. Any gilled and gutted salmon and steelhead trout must be reported using the appropriate conversion code (60) which applies a conversion factor of 1.17 to convert dressed pounds to round pounds.

**6.) 635-065-0772**

**Tags for Terminally Ill Children and Disabled Veterans**

Adopted: June 20, 2018 Effective Dates: June 20, 2018 through December 16, 2018

Senate Bill 1517 authorized the Department of Fish and Wildlife to annually issue a limited number of big game hunting tags without charge to nonprofit organizations for use by veterans qualifying as disabled. Current rules provide limited deer, elk, pronghorn antelope, and black bear tags to host organizations for granting hunting adventures to terminally ill children. The proposed rule will rely on the nonprofit organizations to filter the interest from disabled vets to match intent of tags going to combat veterans with some fairly severe limitations and life challenges.

**7.) 635-004-0355**

**Commercial Nearshore Fishery In-season Trip Limit Adjustments for Periods 4 - 6**

Adopted June 22, 2018: effective July 5, 2018 through December 31, 2018

This amended rule implements in-season trip limit adjustments for the State Commercial Nearshore fishery for Periods 4 - 6. Blue/Deacon Rockfish will be decreased from 300 to 100 pounds, Other Nearshore Rockfish will be decreased from 450 to 250 pounds, and Cabezon will be reduced to 500 pounds from 2,500 pounds in periods 4 and 5 and from 2,000 pounds in period 6.

**8.) 635-039-0090**

**Daily Marine Fish Bag Limit Reduced from Five (5) to Four (4) Fish per Angler**

Adopted June 26, 2018: effective July 1, 2018 through December 22, 2018

This amended rule reduces the daily general marine fish bag limit from five (5) fish per angler to four (4) beginning at 12:01 a.m. on July 1, 2018.

**9.) 635-039-0085**

**Sport Pacific Halibut Nearshore Season from Leadbetter Point, WA to Cape Falcon, OR Closing**

Adopted June 28, 2018: effective June 30, 2018 through September 30, 2018

This amended rule closes the recreational nearshore Pacific halibut season at 11:59 pm on Saturday, June 30, 2018, in the area between Leadbetter Point, Washington and Cape Falcon, Oregon. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on June 27, 2018 and determined that the entire subarea quota has been taken.

**10.) 635-023-0128**

**Columbia River Recreational Summer Chinook Seasons Established**

Adopted June 28, 2018: effective July 1, 2018 through July 31, 2018

This amended rule prohibits retention periods for adult summer Chinook and allows adult sockeye in mainstem Columbia River summer recreational fisheries that begin July 1, 2018

**11.) 635-041-0076**

**Treaty Indian Commercial Summer Salmon Fisheries Set**

Adopted June 28, 2018: effective July 2, 2018 through July 31, 2018

These amended rules authorize the sales of fish caught in Treaty Indian commercial summer salmon gillnet and/or hook-and-line fisheries both above and below Bonneville Dam in the Columbia River beginning 6:00 a.m. Monday, July 2, 2018. Modifications are consistent with action taken June 28, 2018 by the Departments of Fish and Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

**12.) 635-042-0145**

**Modify 2018 White Sturgeon Possession Limit for the Youngs Bay Select Area**

Adopted June 28, 2018: effective July 2, 2018 through July 26, 2018

This amended rule modifies the 2018 summer white sturgeon possession and sales limit from two to three for the Youngs Bay Select Area. Modifications are consistent with action taken June 28, 2018 by the Oregon Department of Fish & Wildlife.

**13.) 635-042-0160, 635-042-0170**

**Modify 2018 Commercial Seasons for Columbia River Select Areas**

Adopted June 28, 2018: effective July 2, 2018 through July 26, 2018

These amended rules modify the 2018 summer commercial salmon seasons for the Tongue Point/South Channel, and the Blind/Knappa Sloughs Select Areas. Modifications are consistent with action taken June 28, 2018 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

**14.) 635-060-0000, 635-060-0023**

**Allow Purchase of 700 Series Preference Points July 1 through November 30, 2018**

Adopted: June 28, 2018 Effective Dates: June 28,, 2018 through November 30, 2018

OAR 635-060-0000 by reference and OAR 635-060-0023(12) (a), do not authorize the purchase of 700 Series (Spring Bear) preference points when preference points for other series are available July 1-November 30. Temporary rules are needed to allow hunters to purchase one 700 Series preference point from July 1 through November 30, 2018, if they did not go through the 2018 Spring Bear (700 Series) controlled hunt draw or purchase a 2018 tag for the SW Oregon Limited 700 Series Hunt.

**15.) 635-002-0035**

**Destruction of Forfeited Firearms from Wildlife Law Violations**

Adopted: June 28, 2018 Effective Dates: June 28, 2018 through December 24, 2018

OAR 635-002-0035 designates that seized equipment from wildlife law violations which are then court ordered forfeiture will be sold with profits deposited into the Common School fund. The proposed temporary rule makes an exception for any forfeited firearm which would be destroyed by incineration. This change will prevent any firearm used in a crime to have the potential in being used in any other illegal activity.

**16.) 635-005-0387**

**Netarts Bay Commercial Cockle Clam Fishery Closes**

Adopted July 5, 2018: effective July 9, 2018 through December 31, 2018

This amended rule closes the Netarts Bay commercial cockle fishery at 12:01 a.m. July 9, 2018 due to a projected attainment of the 22,000 pound annual harvest quota allowed under bay clam catch limits. Modifications are consistent with requirements described in OAR 635-005-0387 section (1).

**17.) 635-023-0128**

**Columbia River Recreational Summer Chinook Seasons Modified**

Adopted July 5, 2018: effective July 7, 2018 through July 31, 2018

This amended rule prohibits retention for adult summer Chinook in the mainstem Columbia River upstream of Bonneville Dam effective July 7, 2018.

**18.) 635-041-0076**

**Treaty Indian Commercial Summer Salmon Fisheries Set**

Adopted July 10, 2018: effective July 11, 2018 through July 31, 2018

These amended rules authorize the sales of fish caught in Treaty Indian commercial summer salmon gillnet and/or hook-and-line fisheries both above and below Bonneville Dam in the Columbia River beginning 6:00 a.m. Wednesday, July 11, 2018. Modifications are consistent with action taken July 10, 2018 by the Departments of Fish and Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

**19.) 635-005-0355**

**Tillamook Bay Commercial Gaper Clam Dive Fishery Closes**

Adopted July 17, 2018: effective July 22, 2018 through September 27, 2018

Amended rule closes the Tillamook Bay commercial gaper clam dive fishery at 12:01 a.m. July 22, 2018 due to a projected attainment of the 235,000 pound annual harvest quota allowed under bay clam catch limits. Modifications are consistent with requirements described in OAR 635-005-0355.

**20.) 635-016-0090**

**Southwest Zone Regulation Changes Due to Drought Conditions and Two-Rod Fisheries Set.**

Adopted July 24, 2018: effective July 28, 2018 through September 30, 2018

These amended rules will allow the use of up to two-rods with a valid 2018 two-rod validation in the Rogue River and Coos Bay, Coos River. Beginning July 28, 2018 the Umpqua River mainstem is closed to angling within a 200-foot radius from the mouths of all tributaries.

**21.) 635-041-0045, 635-041-0063, 635-041-0075**

**Sales from Columbia River Treaty Indian Fall Commercial Fisheries Authorized**

Adopted July 26, 2018: effective July 27, 2018 through December 31, 2018

These amended rules authorize the sales of fish caught in fall Treaty tribal platform commercial fisheries set for the Columbia River from 12:01 a.m. August 1 through 6:00 p.m. December 31, 2018. In addition, sales of white sturgeon landed setline fisheries in Bonneville and John Day pools are allowed. Modifications are consistent with action taken July 26, 2018 by the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

**22.) 635-018-0090**

**Metolius Pond Sport Fishing Regulations**

Adopted July 27, 2018: effective July 31, 2018 through December 31, 2018

This amended rule allows the sport harvest of rainbow trout at the Metolius Pond. Angling is limited to youth and disabled anglers. Daily bag limit is two fish per angler.

**23.) 635-042-0145**

**Set Fall Commercial Seasons in the Select Areas of the Columbia River.**

Adopted July 26, 2018: effective August 1, 2018 through October 31, 2018

These amended rules establish the 2018 fall commercial salmon seasons for Select Area fisheries in the Columbia River.

**24.) 635-023-0130**

**2018 Columbia River Fall Recreational Salmon Seasons Set**

Adopted July 31, 2018: effective August 1, 2018 through December 31, 2018

This amended rule sets the 2018 fall recreational Chinook salmon season regulations for the mainstem Columbia River, effective August 1, 2018. Modifications, based on *2018 Non-Treaty Columbia River Summer/Fall Fishery Allocation Agreement (4/26/18)* that was developed following the Pacific Fisheries Management Council (PFMC) and North of Falcon (NOF) meetings. Fall fisheries in 2018 are structured to optimize the harvest of Chinook, coho and steelhead within Endangered Species Act (ESA) limits and to provide a balanced opportunity for the fishers.

**25.) 635-011-0100**

**Radio-Tagged Chinook Salmon May Be Retained in the Northwest Zone**

Adopted July 31, 2018: effective August 1, 2018 through December 31, 2018

The amended rule allows the retention of radio-tagged Chinook salmon in the Northwest Zone. Rule modifications allow retention of radio-tagged Chinook salmon in conjunction with a radio telemetry study in the Tillamook Bay.

**26.) 635-016-0090**

**Fishing Period Restrictions Set in the North Umpqua River of the Southwest Zone.**

Adopted July 27, 2018: effective August 6, 2018 through September 30, 2018

This amended rule will set a restricted daily time limit on fishing in the “fly-only” section of the North Umpqua River. Beginning August 6, 2018, all fishing will need to cease from 2:00 p.m. to one hour before sunrise.

**27.) 635-042-0160, 635-042-0170, 635-042-0180**

**Set Fall Commercial Seasons in the Select Areas of the Columbia River.**

Adopted July 26, 2018: effective August 27, 2018 through December 31, 2018

These rules establish the 2018 fall commercial salmon seasons for Select Area fisheries in the Columbia River beginning August 1, 2018 through December 31, 2018.

**EXHIBIT B: R&E PROJECT APPROVAL/ANNUAL REPORT**

The Commission will be asked to approve recommendations for project funding.

Staff: Kevin Herkamp; Fish Restoration and Enhancement Program and Salmon - Trout Enhancement Program Coordinator

Public Testimony

Approval

**EXHIBIT C: OUTFITTER AND GUIDE PROGRAM TAG**

The Commission will be asked to approve modifications to the Outfitter and Guide program rules affecting the purchase of hunting tags.

Staff: Tom Thornton, Game Program Manager

Public Testimony

Rulemaking

## **EXHIBIT D: MARTEN TRAPPING BAN PETITION**

The Commission will determine whether to initiate rulemaking based on a petition to amend OAR Chapter 635, Division 050, general furbearer regulations.

**The Commission requests public comment on whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.**

Staff: Derek Broman, Carnivore-Furbearer Coordinator  
Public Testimony  
Consideration

## **ANNUAL PRIDE AWARDS RECOGNITION**

Curt Melcher, Director  
*Award Presentation begins at 11:30 AM*

## **EXHIBIT E: MARBLED MURRELET ADVISORY SURVIVAL GUIDELINES**

The Commission will be asked to approve Advisory Survival Guidelines for Marbled Murrelets.

*This agenda item will not begin any earlier than 2:00 PM, however it could be later depending on the length of earlier agenda items.*

*Public testimony will be taken on OAR 635-100-0137 Advisory Survival Guidelines for Marbled Murrelet*

Staff: Kevin Blakely, Deputy Wildlife Division Administrator  
Rulemaking  
Public Testimony

## **EXECUTIVE SESSION**

The Executive Session is held pursuant to ORS 192.660 (2)(f) and ORS 192.660(2)(h) which allow the Commission to meet in executive session to consider information or records that are exempt by law from public inspection and to consult with legal counsel with respect to litigation filed or likely to be filed against the Commission.

## **OTHER BUSINESS**

### **PROPOSE DRAFT MEETING DATES for 2019**

## **ADJOURN**

## **FUTURE PROPOSED COMMISSION TOPICS**

\* Written public comments for future Commission Topics can be submitted in writing prior to the meeting date at [ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us) or mailed to 4034 Fairview Industrial Drive SE Salem, OR 97302

### **September 13, 2018 – Commission Tour**

#### **September 14, 2018 – Bandon**

\*Written public comment period will open July 15, 2018

- Big Game Seasons and Regulations for 2019 – 2020 – Rulemaking
- Access & Habitat Project Funding – Approval
- Preference Points for Reporting Poachers Program - Rulemaking
- 2019 Oregon Sport Fishing Regulations - Rulemaking
- Licensing Rule Modifications/Repeals –Rulemaking
- Marten Listing Petition - Consideration
- Approve Meeting Dates for 2019 – Approval

### **October 11, 2018 – Commission Tour**

#### **October 12, 2018 – Klamath Falls**

\*Written public comment period will open August 15, 2018

- Edmunds Well at Summer Lake Wildlife Area Land Acquisition –Approval
- Malheur Lakes Redband Trout Conservation Plan - Rulemaking

### **November 1, 2018 – Joint Oregon/Washington Meeting – Vancouver, WA**

\*Written public comment period will open September 15, 2018

### **December 7, 2018 – Salem**

\*Written public comment period will open October 15, 2018

- 2019 Groundfish Fisheries Regulations and 2017 Nearshore logbook - Rulemaking
- Restoration & Enhancement Board project funding - Approval
- Access & Habitat Project Funding/ Board Appointments - Approval
- Wild Turkey Management Plan - Informational

**PLEASE NOTE**

**AGENDA**

The Commission meeting will begin at 8:00 a.m. August 3, 2018, and proceed chronologically through the agenda. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 to request a packet for those items, which interest you or see the agency's website at <http://www.dfw.state.or.us/Comm/schedule.htm> .

A recess will be taken at 12:00 Noon, when the Commission will have lunch and may discuss matters of general interest. The public is welcome to attend, and an announcement will be made of the location of the lunch. Lunch will not be provided to the public.

**PUBLIC TESTIMONY**

If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided the day of the meeting. You will be called to testify by the Commission Chair. The Commission places great value on information received from the public, and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- (1) Provide written summaries of information to the Commission twenty (20 sets);
- (2) Limit testimony to three (3) minutes, recognizing that substance, not length, determines the value of testimony or written information;
- (3) Endorse rather than repeat testimony of other witnesses; and
- (4) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

**THANK YOU FOR TAKING THE TIME TO PRESENT YOUR VIEWS**

Materials delivered to the Director's Office sufficiently in advance of the meeting can be copied and distributed to the Commission. If you bring written materials to the hearing, please provide twenty (20) copies. If you have questions regarding this Agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302, 503.947.6044.

**PARKING**

Parking is available to anyone who attends the Commission meeting.

**REASONABLE ACCOMMODATION OF DISABILITIES**

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to be connected to 503-947-6044.