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, Chairman
Bruce Buckmaster, Commissioner
Mary Wahl, Commissioner
Bob Spelbrink, Commissioner
Mark Labhart, Commissioner

Curt Melcher, Director
Shannon Hurn, Deputy Director
Erica Kleiner, Deputy Director
Mark Vargas, Interim Deputy Director
Bruce Eddy, East Region Manager
Bernadette Graham-Hudson, West Region Manager
Erin Donald, Assistant Attorney General
Anika Marriott, Assistant Attorney General
Michelle Tate, Executive Assistant
Doug Cottam, Wildlife Division Administrator
Ed Bowles, Fish Division Administrator
Casey Thomas, Captain Oregon State Police

MEETING
On Friday, August 2, 2019 at 8:00 AM, Chair Mike Finley called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

Commissioner Jim Bittle is excused for other business
Commissioner Greg Wolley is excused for personal business

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/19/08_Aug/August%20Field%20Report.pdf

Expenditure Report
  Staff: Erica Kleiner, Deputy Director for Administration

Revenues came in at an expected pace over the course of the biennium. Moving ahead, Federal revenues will continue to lean towards flat funding or reductions. Other Funds spending came in slightly below projections over the course of the biennium. The numbers on the financial report are not final. Additional 2017-19 expenditures will be booked through the second week in August. Expenditures could increase by around 5%. Even with additional expenses, we expect our spending to land within our budgeted limitations.
Legislatively Approved Budget Update
Mat Oeder, Management Resources Division Administrator
Brandy Nichols, Senior Budget Analyst

PUBLIC FORUM
Note: This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director at least 48 hours prior to the meeting to be included in the public forum. If you bring written summaries or other materials to the meeting please provide the Commission Assistant with 20 copies prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

Partnering for Wildlife in Oregon Department of Fish & Wildlife - provided written testimony
Dave Wiley, Rocky Mountain Elk Foundation
Bill Richardson, Rocky Mountain Elk Foundation

Columbia River Fisheries Reform - provided written testimony
Jim Wells, President; Salmon for All

Columbia and Snake River Fish Conservation Issues - provided written testimony
David Moskowitz, the Conservation Angler

Review of Proposed 2020 Traditional Archery Seasons - provided written testimony
Carson Brown, Board of Director’s; Traditional Archers

This testimony is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/19/08_Aug/index.asp
ADOPT TEMPORARY RULE
Curt Melcher, Director

1.) 635-060-0009
Successful Applicants
Adopted: June 19, 2019 - Effective Dates: June 19, 2019 through June 30, 2019

A temporary rule is needed to modify 635-060-0009 (2) to extend the date identifying when
Controlled Hunt Tags will be available to purchase. Due to un-controllable computer issues
and outcome verification processes, the June 2019 Controlled Hunt Draw has been delayed.
Because of the unknown outcome at this time, the ability to purchase controlled hunt tags
based on the draw had to be extended to allow for the possibility tags could not be
purchased beginning June 20th.

2.) 635-043-175
Roadkill Salvage Permit
Adopted: June 21, 2019 – Effective Dates: 6-21-19 through December 17, 2019

A temporary rule is needed to modify OAR 635-043-0175 to address the salvage of road
struck deer and elk in circumstances when enforcement personnel respond to accidental
vehicle collisions and dispatch the animal under their wildlife law authority. Statutory
language from the 2017 Legislature precludes anyone who humanely euthanizes (under
ORS 498.016) the road struck deer or elk, except the driver of the vehicle, from obtaining a
salvage permit. In several recent circumstances, enforcement staff from local law
enforcement, Oregon State Police, or Department have dispatched an animal after
accidental vehicle collision and a secondary vehicle/person has wanted to obtain a Roadkill
Salvage permit for the animal. Temporary rule will clarify the authority for persons with
authority to enforce the wildlife laws to dispatch the roads truck animal, and the opportunity
for the Department to issue salvage permit in these situations to general public until a
permanent rule amendment process can be completed. Immediate rulemaking action is
necessary to avoid waste of wildlife consistent with the public policy of ORS 498.042 and to
make use of a readily available and valuable food source.

3.) 635-060-0000
Purpose and General Information and
635-060-0008
Application Deadline Dates
Adopted: June 28, 2019 – Effective Dates: June 28, 2019 through December 24, 2019

A Temporary rule is needed to modify 635-060-0000 to change the date when Leftover
Controlled Hunt Tags will be available to purchase. Due to implementation of a new online
system, user testing, outcome verification processes, and the capability of informing the
public of the new online only process must be completed which has delayed the sales of
leftover tags. Because of the unknown outcome at this time, the ability to purchase Leftover
Controlled Hunt Tags had to be extended to allow for the possibility tags could not be
purchased beginning July 1st. Failure to change the date would result in a lack of availability to purchase tags, which have been authorized by Commission for public hunter use.

A Temporary rule is needed to modify 635-060-0008 (4) to authorize the online sales of Leftover Controlled Hunt Tags through the new Electronic Licensing system, which has replaced the Point of Sale Licensing system which sold leftover tags through License Agents. Failure to act promptly will result in serious prejudice to the public interest because the tags would be otherwise unavailable.

4.) 635-053-0005

Sage Grouse
Adopted: July 25, 2019 – Effective Dates: July 25, 2019 through January 20, 2020

Oregon’s sage-grouse population is conservatively managed to harvest no more than 5% of the projected fall population in as many as 12 of 21 Wildlife Management Units where they are known to occur. The Oregon Fish and Wildlife Commission during their April 19, 2019 meeting adopted the dates of the nine-day sage-grouse hunting season and the season bag limit of two birds per hunter, but the maximum number of permits allowed per Wildlife Management Unit is dependent on the completion of biological surveys to estimate fall populations. Spring breeding population surveys are not completed until mid-May and require additional time for data entry and analysis. Failure to adopt this temporary rule will result in serious prejudice to the public interest and parties concerned because there would be no sage-grouse hunting opportunities for upland game bird hunters due to lack of time to undertake permanent rule making before completion of the controlled draw with appropriate tag numbers and the start of the season. The sage-grouse hunting season is fully supported by the biological data, is in alignment with Department mission and would deprive Department biologists from acquiring important biological information from the wings of harvested birds useful for the management of sage-grouse populations.

5.) 635-014-0090

Trask River Angling Regulations Modified Effective June 13, 2019
Adopted June 6, 2019: effective June 10, through July 15, 2019.

The 2019 run of spring Chinook salmon to the Tillamook Bay basin and Trask River is reduced over recent years and appears even worse than the poor return in 2018. Angling success has been 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 broodstock 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.
6.) 635-023-0128
Columbia River Recreational Summer Seasons Established

This amended rule establishes retention periods for hatchery steelhead in mainstem Columbia River summer recreational fisheries that begin June 16, 2019.

7.) 635-023-0130
2019 Columbia River Fall Recreational Salmon Seasons Set
Adopted June 10, 2019: effective August 1, through December 31, 2019.

This amended rule sets the 2019 fall recreational salmon season regulations for the mainstem Columbia River, effective August 1, 2019. Modifications were based on 2019 Non-Treaty Columbia River Summer/Fall Fishery Plan (6/7/19) that was developed following the Pacific Fisheries Management Council (PFMC) and North of Falcon (NOF) meetings. Fall fisheries in 2019 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.

8.) 635-041-0045, 635-041-0076
Treaty Indian Commercial Summer Salmon Fisheries Set
Adopted June 12, 2019: effective June 24, through July 31, 2019.

These amended rules authorize the sales of fish caught in Treaty Indian commercial summer salmon gillnet and/or platform hook-and-line fisheries in Zone 6 both above and below Bonneville Dam in the Columbia River beginning 6:00 a.m. Monday, June 24, 2019. Sales of fish caught in Yakima Nation tributary fisheries are also authorized. Modifications are consistent with action taken June 12, 2019 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.

9.) 635-005-0387
Netarts Bay Commercial Cockle Fishery Closes
Adopted June 14, 2019: effective June 20, through December 31, 2019.

Amended rule closes the Netarts Bay commercial cockle dive fishery at 12:01 a.m. June 20, 2019 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 635-005-0355.
10.) 635-014-0090  
Nehalem River Basin Bag Limit Modifications Effective July 1, 2019  
Adopted June 20, 2019: effective July 1, through September 15, 2019.

This rule reduces the seasonal bag limit for adult wild Chinook salmon in the Nehalem River Basin from the permanent rule of one per day and five for the period of April 1 through September 15, 2019 and to one adult wild Chinook salmon for the period of July 1 through September 15, 2019.

11.) 635-039-0085  
Sport Pacific Halibut All-Depth Season from Leadbetter Point, WA to Cape Falcon, OR Reopens  

This amended rule re-opens the all-depth fishery for one additional day, Friday, June 28, 2019. This is to allow for further opportunity to harvest the quotas. The rule is consistent with regulations previously implemented by the Federal Government and the International Pacific Halibut Commission for the 2019 Oregon sport fishery for Pacific halibut.

12.) 635-018-0090, 635-019-0090  
Bag Limit Modifications to Steelhead Fisheries in the Deschutes and John Day Rivers  

The modified rules close steelhead retention for two months each in lower portions of the Deschutes (Aug-Sept) and John Day (Sept-Oct) rivers, as well as reducing the daily bag limit for hatchery steelhead to one fish throughout the remainder of the summer and fall in each tributary.

13.) 635-004-0355  
Commercial Nearshore Fishery In-season Trip Limit Adjustments for Periods 4-6  
Adopted June 25, 2019: effective July 5, through December 31, 2019.

This amended rule implements in-season trip limit adjustments for the State Commercial Nearshore fishery for Periods 4-6. Black Rockfish will be increased 600 pounds for all remaining periods; from 1,800 pounds to 2,400 pounds for period 4 and from 1,500 pounds to 2,100 pounds for periods 5 & 6. Other Nearshore Rockfish will be increased from 450 pounds to 600 pounds for periods 4-6.

14.) 635-005-0290, 635-005-0355  
Yaquina Bay Commercial Gaper Clam Fishery Harvest Cap Set  
Adopted June 27, 2019: effective July 1, through December 28, 2019.

Amended rule establishes a 20,000 pound annual harvest quota and designates a harvest area.
15.) 635-041-0076
Treaty Indian Commercial Summer Salmon Fisheries Modified
Adopted June 27, 2019: effective July 1, through July 31, 2019.

This amended rule modifies the sales of fish caught in Treaty Indian commercial summer salmon gillnet fisheries in Zone 6 of the Columbia River. Modifications are consistent with action taken June 27, 2019 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.

16.) 635-013-0004, 635-014-0090
Modification to wild adult Chinook Salmon catch limits outside the mouth of the Nehalem River.
Adopted June 28, 2019: effective July 1, through September 15, 2019.

This rule extends daily and season bag limit restrictions for wild adult Chinook salmon from the Nehalem River Basin to the ocean area inside of a seaward rectangle, approximately 0.4 miles south and 0.7 miles north of the center of the channel and 0.5 miles seaward from the mouth of the Nehalem River. This regulation will be in place for the remainder of the 2019 Ocean Salmon sport fishing season, which ends October 31, 2019. All other regulations for the marine zone remain unchanged.

17.) 635-005-0485, 635-005-0490
Rescind Allowance to Leave Commercial Dungeness Crab Gear in Pacific Ocean After Season End

These amended rules rescind the allowance for un-baited commercial Dungeness crab gear with open release mechanisms to be left in the Pacific Ocean for up to 14 days after the end of the season (August 14) and increases the amount of derelict gear that may be retrieved from 50 pieces to unlimited for August 15 through August 29. Therefore, all commercial Dungeness crab gear must be removed from the Pacific Ocean by 12:01 AM on August 15, 2019, and an unlimited amount of derelict gear may be retrieved thereafter until October 31.

18.) 635-013-0004, 635-014-0090, 635-016-0090
Bag Limits, Season Dates and Fishing Areas Set for Fall Salmon Fisheries
Adopted July 10, 2019: effective August 1, through December 31, 2019.

These rules set the fisheries for adult wild Chinook salmon for the period of August 1 through December 31, 2019. This action is consistent with management provisions specified in Oregon Dept of Fish & Wildlife’s (ODFWs) Coastal Multi-Species Conservation and Management Plan (CMP) and the Rogue Fall Chinook Conservation Plan for adult wild fall-run Chinook salmon fisheries.
19.) 635-005-0355
Tillamook Bay Commercial Gaper Clam Dive Fishery Closes
Adopted July 11, 2019: effective July 14, through December 31, 2019.

Amended rule closes the Tillamook Bay commercial gaper clam dive fishery at 12:01 a.m. July 14, 2019 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.) 635-004-0275
Federal Actions Implemented for Commercial and Recreational Groundfish Fisheries
Adopted January 18, 2019: effective July 18, through December 31, 2019.

This rule has been extended due to Federal Report not available at time of original temporary rule expiring. This amended rule adopts two separate actions previously adopted by the federal government for Pacific Coast commercial and recreational groundfish fisheries, including but not limited to 1) modifications to rules governing configurations and use of groundfish trawl gear and 2) corrections to 2019-2020 groundfish harvest specifications.

21.) 635-041-0063, 635-041-0076
2019 Treaty Indian Commercial Sturgeon Fishery Set for the John Day Pool
Adopted July 25, 2019: effective July 26, through August 17, 2019.

This amended rule sets a Treaty Indian commercial setline fishery in the John Day Pool and allows retention and sturgeon sales from the John Day Pool Platform, Hook and Line fishery beginning Friday July 26, 2019. Modifications are consistent with action taken July 25, 2019 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.

22.) 635-041-0045, 635-041-0075
Sales from Columbia River Treaty Indian Fall Commercial Fisheries Authorized
Adopted July 30, 2019: effective August 1 through December 31, 2019.

These amended rules authorize the sales of fish caught in fall Treaty and Yakama Nation commercial fisheries set for the Columbia River and Washington tributaries effective 12:01 a.m. August 1, 2019. Modifications are consistent with action taken July 30, 2019 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.

23.) 635-016-0090
Fishing Period Restrictions Set in the North Umpqua River of the Southwest Zone.
Adopted July 31, 2019: effective August 1 through December 31, 2019.

This amended rule will set a restricted daily time limit on fishing in the “fly-only” section of the North Umpqua River. Beginning August 1, 2019, all fishing will need to seize from 2:00 p.m. to one hour before sunrise.
Director Melcher noted the use of the word “seize” in Temporary Rule 23 was incorrect, the word is meant to be “cease”.

Action:
Commissioner Buckmaster moved to ratify the twenty three (23) temporary rule set forth in the today’s tan agenda. Commissioner Labhart seconded the motion, and the motion was carried five (5) in favor.

Exhibit A: COMMISSION MINUTES
Action:
Commissioner Buckmaster moved to approve the June 6 and 7, 2019 meeting minutes with continued authority to correct grammar and punctuation. Commissioner Spelbrink seconded the motion and the motion was carried (5) in favor.

EXHIBIT B: PREFERENCE POINT RESET FOR RESIDENT DISABLED VETERANS LICENSE HOLDERS
The Commission amended Modified Preference Point System rules to give an additional point to Resident Disabled Veterans license holders who are at least 65 years of age, in the same process as Resident Pioneer License holders.
      Staff: Kevin Blakely, Deputy Wildlife Division Administrator

Kevin provided the Commission with a presentation on the Modified Preference Point System. The presentation included information on the Preference Point System Related to Pioneer License Holders; Senate Bill 593 (2019 session); and Staff Recommendation

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/08_Aug/B/Exhibit%20B_Presentation.pdf

Public Testimony

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<th>Ron Hjort</th>
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<td>Craig Starr</td>
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Rulemaking
Action:
Commissioner Labhart moved to adopt OAR Chapter 635, Division 060 as proposed by staff. Commissioner Wahl seconded the motion and the motion was carried (5) in favor.

ANNUAL PRIDE AWARDS RECOGNITION
Curt Melcher, Director
Award Presentation begins at 11:00 AM

Director’s Choice Awards
Nancy MacHugh & Kay Brown
Special Recognition Awards
Lindsay Aylesworth
Phillip Perrine & Matt Wyatt

Individual Pride Awards
Shaun Clements
Laurie Draper
Philip Milburn
Cindy St. Martin
Jason Wintersteen
Bryan Wright

Director’s Pride Award
Anna Pakenham Stevenson

Team Pride Awards
Electronic License System (ELS) Team
Emily Bondelie, April Brendan-Locke, Linda Lytle, Jenny Newhouse, Angela Ward, Kara Wymore

Marine Mammal Program Team
Mike Brown, Julia Burco, Colin Gillin, Dan Heiner, Clifford Owen, Susan Reimer, Kelsey Sandoval,
Shea Steingass, Shay Valentine and Bryan Wright

Director’s Team Pride Award
ZigZag Cougar Response Team
Kalysta Adkins, Timothy Akimoff, Jeff Boechler, Derek Broman, Michelle Dennehy, Meghan Dugan, Colin Gillin, Doug Kitchen, Kurt Licence, Tani Miller, Geoffrey McMullen, Jay Remy, Rick Swart, Robert Swingle, Jeremy Thompson, Don VandeBergh, Mark Vargas, Brian Wolfer, Captain Jeff Samuels, Lieutenant Todd Hoodenpyle, Sergeant Chris Allori, Senior Trooper Mark Kingma, Senior Trooper Mark Schoenborn, Senior Trooper Caleb Borchers, Trooper Rodney Thomas, Trooper Tyler Jerome, OSP Pilot Senior Trooper Andrew Menlow, OSP Pilot Sergeant Scott Jennings, OSP Pilot Trooper Ryan Gosse

Volunteer Leader Award
John Weber

Dave Liscia Award
Don Sarver

EXHIBIT C: RESTORATION AND ENHANCEMENT PROJECT APPROVALS, MEMBER APPOINTMENT AND STEP ANNUAL REPORT
The Commission will be asked to approve Restoration & Enhancement (R&E) Board recommendations from May 10, 2019 meeting (cycle 19-2); Appoint Sport and Commercial Representatives to R&E Board; and will be provided a presentation on 2017-18 STEP Annual Report.
Staff: Kevin Herkamp, STEP/R&E Coordinator; Tom VanderPlaat, STAC Member

Kevin provided the Commission with a presentation on R&E Board Appointments; Cycle 2 Project Approvals; and STEP Legislative Report.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/08_Aug/Presentation%20RandE.pdf

Approval and Appointment

Anna Freitas, Director; Oregon Association of Conservation

Public Testimony

Action:

Commissioner Spelbrink moved to reappoint Yancy Lind to a four year term as the Sport Fishing representative and Ray Monroe to a four year term as the Troll representative on the Fish Restoration and Enhancement Board. Commissioner Buckmaster seconded the motion and the motion was carried five (5) in favor.

Commissioner Labhart moved to approve the recommendations of the Fish Restoration and Enhancement Board. Commissioner Spelbrink seconded the motion and the motion was carried five (5) in favor.

EXHIBIT D: 2020 SPORT FISHING REGULATIONS

The Commission will be asked to adopt the 2020 Oregon Sport Fishing Regulations

Staff: Michael Gauvin, Recreational Fisheries Manager

Michael provided the Commission with a presentation information on the public involvement is 2020 regulation process; OAR’s, date changes, regulation proposals; and modification of license requirements when fishing in a temporary structure.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/08_Aug/Presentation_Angling%20Reqs.pdf

Public Testimony

David Moskowitz, the Conservation Angler

Rulemaking

Action:
Commissioner Wahl moved to amend OAR Chapter 635 Divisions 011, 013, 014, 016, 017, 018, 019, 021, 023 and 039 as proposed by staff in Attachment 3, and I move to adopt modifications to regulations proposed by staff in Attachment 4, and I authorize staff to update necessary calendar dates and make formatting changes, to correct spelling or grammar errors, address inadvertent inconsistencies, and improve readability, and update information regarding the Electronic Licensing System as needed. Except add consideration of climate change. Except require barbless in Columbia, except one rod vs two rods in the Willamette.

Commissioner Buckmaster seconded the motion and the motion was carried three (3) in favor - Finley, Buckmaster, Wahl; two (2) opposed - Labhart, Spelbrink.

Commissioner Labhart moved to amend OAR 635-011-0104 as proposed by staff in Attachment 3. Commissioner Spelbrink seconded the motion and the motion was five (5) in favor.

OTHER BUSINESS

Proposed meeting dates for 2020

Commissioner Email Addresses

Commissioner Mary Wahl was selected by the Commissioners to fill the vacant chair of Vice-Chair.

Commissioner Mark Labhart was asked to fill the position of OWEB Commission Repetitive.

Chair Finley signed the updated draft resolution to the Recovering America’s Wildlife Act on behalf of the Commission.

ADJOURN

Chairman Mike Finley adjourned the meeting at ___ p.m.