Commission minutes approved January 17, 2020

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Greg Wolley</td>
<td>Acting Commission Chair</td>
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<tr>
<td>Curt Melcher</td>
<td>Director</td>
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<tr>
<td>Bob Spelbrink</td>
<td>Commissioner</td>
</tr>
<tr>
<td>Erica Kleiner</td>
<td>Deputy Director</td>
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<tr>
<td>Mark Labhart</td>
<td>Commissioner</td>
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<tr>
<td>Shannon Hurn</td>
<td>Deputy Director</td>
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<tr>
<td>Jill Zarnowitz</td>
<td>Commissioner</td>
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<tr>
<td>Bruce Eddy</td>
<td>East Region Manager</td>
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<tr>
<td>Becky Hatfield-Hyde</td>
<td>Commissioner</td>
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<tr>
<td>Bernadette Graham Hudson</td>
<td>West Region Manager</td>
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<tr>
<td>Anika Marriott</td>
<td>Assistant Attorney General</td>
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<tr>
<td>Erin Donald</td>
<td>Assistant Attorney</td>
</tr>
<tr>
<td>Michelle Tate</td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>Ed Bowles</td>
<td>Fish Division Administrator</td>
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<tr>
<td>Doug Cottam</td>
<td>Wildlife Division Administrator</td>
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<tr>
<td>Casey Thomas</td>
<td>Captain Oregon State Police</td>
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MEETING

On Friday, December 6, 2019 at 8:00 AM, Acting Commission Chair Greg Wolley called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

Commission Chair Wahl was excused for personal business. Commissioner Jim Bittle resigned from his position on the Commission on December 4, 2019 for personal reasons.

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/19/12_Dec/Field%20Report.pdf

Expenditure Report
   Staff: Erica Kleiner, Deputy Director for Administration

This report is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/Commission%20Financial%20Report%20November%202019.pdf

Columbia River Fishery Reform Informational briefing.
   Staff: Tucker Jones, Ocean Salmon and Columbia River Program Manager
Tucker provided the Commission an informational briefing the Columbia River Fishery Reform. The presentation provided information on the Harvest reform background; the Oregon reform policy; Washington actions and concurrence; Policy Review Committee highlights; and current and future status.

This report is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/DR_CR%20Fish%20Reform_Jones_DEC2019.pdf

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

Columbia River Fisheries
Jim Wells, Salmon for All – provided written testimony
Steve Fick, Fish Hawk Fisheries
Otis Hunsinger, Commercial Fisherman

Restrictions on Beaver Trapping on Specific Rivers
Fran Recht – provided written testimony

Marbled Murrelet
Seth Barns, Oregon Forest and Industries Council- provided written testimony
Mary Ann Nash, Farm Bureau
Jerome Rosa, Cattleman’s Association – provided written testimony
Jim James, Oregon Small Woodlands-provided written testimony
Fran Cafferata, Coe-Consulting Wildlife Biologist – provided written testimony
Nick Cady, Cascadia Wildlands
Joe Liebezeit, Audubon Society of Portland
Quinn Read, Defenders of Wildlife

Wild Steelhead taken from the Umpqua
Gary Lewis

Wild Steelhead; the wild vs hatchery debate
Dale Greenley

Wild Winter Steelhead in the Southwest Zone for 2020
Harvey Young
Charles Gehr
Casey Malepsy
Conrad Gowell, Native Fish Society
Dustin Russell, Russell Fishing
Company
Phil Tripp
Steven Roberts
Dave Thomas, McKenzie Fly Fishers
Jim Andras, Andras Outfitters*
Kait Sampsel, Humble Heron Fly
Fishing
James Sampsel, Humble Heron Fly Fishing
Kyle Smith; Oregon Field Coordinator, Trout Unlimited
Chrysten Lambert; Oregon State Director, Trout Unlimited
Ethan Nickel
Josh Pruden
Chris Carson, Carson Guide Service
Zach Hancock
Cornelius Britt
Dillon Renton
Marcus Mattioli
Rich Zellman*
Richard Behrens
Andy Martin, Wild Rivers Fishing*  
Tracy Buckner  
Jeremiah Houle  
Dustin Russell  
Risa Halpin  
Mark Sherwood, Native Fish Society*  
Peter Murray*  
Dave Strahan*  
Peter Tronquet  
Thomas Calvanese  

Dave Lacey, South Coast Tours  
John Anderson  

*provided written testimony  
Several individuals who requested time under this public forum topic did not provide testimony when called

This testimony is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/index.asp

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

1.)635-023-0095  
2019 White Sturgeon Recreational Fishery Established in the Mainstem Columbia  
Adopted October 16, 2019: effective October 19 through December 31, 2019.  
This amended rule allows recreational retention of white sturgeon on the mainstem lower Columbia River for two days, effective October 19, and October 24, 2019. Retention of white sturgeon is allowed from the Wauna powerlines upstream to Bonneville Dam, including the Cowlitz River. Legal size is 44-inch minimum and 50-inch maximum fork length. Revisions are consistent with action taken October 16, 2019 by the Departments of Fish and Wildlife for the States of Oregon and Washington.

2.)635-023-0130  
Recreational Salmonid Fishery Opens on Mainstem Columbia River  
Adopted October 16, 2019: effective October 18 through December 31, 2019.  
Retention of coho salmon in the mainstem Columbia River from the Tongue Point/Rocky Point line upstream to The Dalles Dam allowed effective October 18, 2019. In Bonneville Pool (Bonneville Dam upstream to The Dalles Dam), coho retention continues through October 31, 2019. Based on previous Joint State action, coho retention will continue through December 31, 2019 downstream of Bonneville Dam.

3.)635-072-0032  
Coho Tangle Net Season Modified for the Mainstem Columbia River  
Adopted October 16, 2019: effective October 18 through October 25, 2019.  
This rule authorizes four, 14-hour commercial coho tangle net fishing periods in Zones 1-3 of the Columbia River from 5:00 a.m. through 7:00 p.m. the following days; Friday, October 18, Monday, October 21, Wednesday, October 23, and Friday, October 25, 2019. Authorized sales include hatchery Coho, as well as Chinook and Pink Salmon. Modifications are consistent with action taken October 16, 2019 by the Columbia River Compact agencies of the states of Oregon and Washington.
4.)635-004-0275
Federal Actions and Management Measures Implemented for Commercial
Groundfish Fisheries
Adopted October 21, 2019: effective October 21 through December 31, 2019.
This amended rule adopts in-season actions previously adopted by the federal
government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but
not limited to increased trip limits for sablefish in the Limited Entry Fixed Gear and Open
Access fisheries.

5.)635-005-0465
Commercial Dungeness Crab Season Opening Delayed
This amended rule delays the opening of the 2019-2020 commercial ocean
Dungeness crab fishing season from December 1, 2019 until at least December 16, 2019
in accordance with the Tri-State Memorandum-Of-Understanding and Preseason Testing
Protocol. Additional Temporary Rules will be promulgated to open the fishery in
accordance with that agreement.

6.)635-014-0090
Angling Modifications in the NW Zone for the Wilson River
Adopted December 4, 2019: effective December 7, through December 31, 2019.
The 2019 run of fall Chinook salmon to the Tillamook Bay basin and Wilson
River was forecasted to be well below average and has been tracking in that direction.
The fall of 2019 has been characterized by low rainfall and extended periods of low
water. These conditions have led to concentrations of fish confined to holding areas in
the lower river. The conditions are also conducive to the proliferation of cryptobia, a
parasite found in the Wilson River, which is more easily spread under low water
conditions when fish are concentrated. ODFW received reports of fresh, unspawned
Chinook dying in the lower Wilson River, and a survey discovered a minimum of
approximately 200 dead Chinook. Fish health staff confirmed the presence of cryptobia
from dead fish collected from the river. The spread of the parasite will likely continue as
long as the river flows remain low and fish are concentrated. With little rain in the forecast
for at least a week, an angling closure is necessary to protect the remaining Chinook that
survive to spawn in an already lower than average run. This regulation modification will
close the lower Wilson River (Blind Slough to Jordan Creek) to all salmon angling for the
remainder of the fall season. The Wilson River from Jordan Creek upstream is already
closed to salmon angling under permanent rule.

7.)635-016-0090
Emergency angling closures lifted in the Southwest Zone
Adopted December 2, 2019: effective December 7, through December 31, 2019.
This amended rule removes emergency angling closures in the Winchuck,
Chetco, Elk and Sixes Rivers. Reduced wild chinook harvest and bag limits remain in
effect.

Action:
Commissioner Spelbrink moved to ratify the seven (7) temporary rules set forth in the today’s
agenda. Commissioner Labhart seconded the motion, and the motion carried unanimously,
five (5) infavor.
Exhibit A: COMMISSION MINUTES

Action:
Commissioner Labhart moved to approve the October 11, 2019 meeting minutes with continued authority to correct grammar and punctuation. Commissioner Zarnowitz seconded the motion and the motion was carried four (4) infavor. 1 abstain – Hatfield Hyde

Exhibit B: ROAD STRUCK DEER

The Commission was asked to amend rules to allow the issuance of roadkill salvage permits for deer and elk dispatched by wildlife law enforcement personnel.

Staff: Justin Dion, Assistant Game Program Biologist

Presentation: Justin provided the Commission with a presentation on Roadkill Salvage Permits. This presentation included information on Roadkill Salvage Permit background and the proposed rule amendment.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20B%20ROADKILL%20SALVAGE/EX%20B_Presentation.pdf

No Public Testimony
Rulemaking

Action:
Commissioner Spelbrink moved to amend OAR Chapter 635, Division 043 as proposed by staff. Commissioner Zarnowitz seconded the motion and the motion was carried five (5) infavor.

Exhibit C: ACCESS AND HABITAT FUNDING

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

Staff: Travis Schultz, A&H Coordinator

Presentation: Travis provided the Commission with a presentation on the approval of Board recommended projects. The presentation included information on the two projects being proposed 1) Columbia Plateau Cooperative Habitat Initiative; 2) Green Diamond Travel Management Area.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20C/EX%20C_Presentation.pdf

No Public testimony
Rulemaking

Action:
Commissioner Zarnowitz moved to two projects recommended for funding by the Access & Habitat Board. Commissioner Wolley seconded the motion and the motion was carried five (5) infavor.
Exhibit D: 2020/2021 BIG GAME CONTROLLED HUNT TABLES AND BOUNDARY DESCRIPTIONS

The Commission was asked to approve corrections to dates in the 2020 controlled hunt tables approved by the Commission at the September 13, 2019 Commission Meeting.

Staff: Tom Thornton, Game Program Manager

Presentation: Tom provided the Commission with a presentation on the Big Game Hunt date corrections. The presentation included information on controlled hunt date errors: September tag tables vs 2020 Big Game Regulations and Big Game hunting seasons date framework for any legal weapons buck deer season that opens the Saturday closest to October 1.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20D%20%20BIG%20GAME/EX%20D_Presentation.pdf

No Public Testimony
Rulemaking

Action:
Commissioner Spelbrink moved to approve corrections as proposed by staff and published in the 2020 Oregon Big Game Regulations which are incorporated into rule by reference in OAR Chapter 635, Divisions 045, 060, 065, 066, 067, 068, 069, 070, 071, and 073. Commissioner Zarnowitz seconded the motion and the motion was carried five (5) in favor.

Exhibit E: TRAPPING REGULATIONS IN SISKIYOU AND SIUSLAW NATIONAL FORESTS AND THE OREGON DUNES NATIONAL RECREATION AREA

The Commission was asked to amend trapping regulations to prohibit the use of traps or snares suspended in trees in the Siskiyou and Siuslaw National Forests and prohibit trapping in the Oregon Dunes National Recreation Areas as approved by the Commission at the September 13, 2019 Commission meeting.

Staff: Kevin Blakely, Wildlife Division Deputy Administrator

Presentation: Kevin provided the Commission with a presentation on the Furtaker Trapping Regulations. This presentation included information on Furtaker Trapping Regulation changes from September 2019; initial temporary rule filed; staff recommendation.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20E%20%20TRAPPING/EX%20E_Presentation.pdf

No Public Testimony
Rulemaking

Action:
Commissioner Wolley moved to adopt Oregon Administrative Rule Chapter 635, Division 050 as proposed by staff. Commissioner Zarnowitz seconded the motion and the motion was carried five (5) in favor.
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
January Commission Meeting date has been moved to January 17, 2019.

Update on the Recovering Americas Wildlife Act. On December 5 the House Natural Resources Committee successfully moved the bill out of Committee on a strong bipartisan vote of 26 in favor; six (6) opposed.

Motion made by Commissioner Zarnowitz “In order to comply with the final judgment issued in Case No. 18CV34127, the Commission has reconsidered the order denying uplisting and, upon reconsideration I move to direct the Department to initiate rulemaking for the purpose of determining whether or not the marbled murrelet should be listed as an endangered species under the Oregon ESA.” Commissioner Labhart seconded the motion and the motion was carried four (4) in favor – Zarnowitz, Labhart, Hatfield-Hyde, Wolley; one (1) opposed Spelbrink.

Exhibit F: RESTORATION AND ENHANCEMENT PROJECT APPROVAL
The Commission was asked to approve the Recreation and Enhancement Board recommendations from the September 6, 2019 meeting (cycle 19-3); to approve housekeeping updates to definitions.

Staff: Kevin Herkamp, STEP/R&E Coordinator

Presentation: Kevin provided the Commission with a presentation on the Recreation and Enhancement cycle 3 project approval and rules.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/F/Presentation.pdf

Public Testimony

<table>
<thead>
<tr>
<th>Joe Rohleder, Port of Alsea</th>
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Approval and Rulemaking

Action:
Commissioner Spelbrink moved to approve the recommendations of the Fish Restoration and Enhancement Board set forth in Attachments 4-5. Commissioner Wolley seconded the motion and the motion was carried five (5) in favor.

Commissioner Labhart moved to adopt amendments to Chapter 635, Division 009 relating to implementing SB 42 and housekeeping, as proposed by staff in Attachment 3. Commissioner Wolley seconded the motion and the motion was carried five (5) in favor.
Exhibit G: 2020 GROUNDFISH FISHERIES REGULATIONS AND 2018 NEARSHORE LOGBOOK REPORT

The Commission was asked to adopt the 2020 regulations for recreational and commercial groundfish fisheries and to review the 2018 Commercial Nearshore Logbook Report.

   Staff: Maggie Sommer, Marine Fisheries Section Manager

Presentation: Maggie provided the Commission with a presentation on the Nearshore Logbook and Fishery Report and the 2020 groundfish regulations.

This presentation is located in the commission material and can be viewed at
https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/G/Presentation.pdf

Public Testimony

<table>
<thead>
<tr>
<th>Andy Martin</th>
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<tr>
<td>Joe Watkins</td>
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<td>Derek Barelay</td>
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Rulemaking

Action:
Commissioner Wolley moved to adopt the recommended recreational and commercial groundfish regulations as proposed by staff in Attachment 3. Commissioner Zarnowitz seconded the motion and the motion was carried five (5) in favor.

Exhibit H: CONSERVATION PLAN FOR LAMPREYS

The Commission was asked to adopt the Conservation Plan for Lampreys and associated rules. The Conservation Plan for Lamprey assesses the current status of four lamprey species and identifies the desired status, limiting factors, management strategies, and research needed to conserve these species.

   Staff: Ben Clemens, Statewide Lamprey Coordinator

Presentation: Ben provided the Commission with a presentation on the Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon. The presentation included information on species, process, new rules, 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/19/12_Dec/H/Presentation.pdf

Public Testimony

<table>
<thead>
<tr>
<th>Samantha Bayer, Oregon Farm Bureau</th>
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<tr>
<td>Michael Karnosh, Confederated Tribe of Grand Ronde</td>
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<td>Christina Wang - USFWS</td>
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<td>Richard Litts – Tenmile Lakes Basin Partnership</td>
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<td>Chief Warren Brainard, CTCLUSI</td>
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<td>Doc Slyter, Tribal Chair CTCLUCSI</td>
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<td>Mark Petrie Tribal Vice-Chair CTCLUSI</td>
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Rulemaking

Action:
Commissioner Labhart moved to approve the Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon, and adopt the associated proposed Oregon Administrative Rule set forth in Attachment 3, with the stipulation that a good faith effort be used to work with stakeholders to address the concerns that have been brought up.
Commissioner Spelbrink seconded the motion and the motion was carried five (5) in favor.

Chair Wolley adjourned the meeting at 4:16 p.m.