



## Oregon Fish and Wildlife Commission Minutes

Meeting:  
Friday, December 6, 2019 – 8:00 AM  
Oregon Dept of Fish & Wildlife  
Commission Room  
4034 Fairview Industrial DR SE  
Salem, Oregon 97302

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:

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

### 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](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](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](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](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.

1 **4.)635-004-0275**

2 **Federal Actions and Management Measures Implemented for Commercial**  
3 **Groundfish Fisheries**

4 Adopted October 21, 2019: effective October 21 through December 31, 2019.

5 This amended rule adopts in-season actions previously adopted by the federal  
6 government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but  
7 not limited to increased trip limits for sablefish in the Limited Entry Fixed Gear and Open  
8 Access fisheries.

9  
10 **5.)635-005-0465**

11 **Commercial Dungeness Crab Season Opening Delayed**

12 Adopted November 13, 2019: effective November 13, 2019 through February 15, 2020.

13 This amended rule delays the opening of the 2019-2020 commercial ocean  
14 Dungeness crab fishing season from December 1, 2019 until at least December 16, 2019  
15 in accordance with the Tri-State Memorandum-Of-Understanding and Preseason Testing  
16 Protocol. Additional Temporary Rules will be promulgated to open the fishery in  
17 accordance with that agreement.

18  
19 **6.)635-014-0090**

20 **Angling Modifications in the NW Zone for the Wilson River**

21 Adopted December 4, 2019: effective December 7, through December 31, 2019.

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

38  
39 **7.)635-016-0090**

40 **Emergency angling closures lifted in the Southwest Zone**

41 Adopted December 2, 2019: effective December 7, through December 31, 2019.

42 This amended rule removes emergency angling closures in the Winchuck,  
43 Chetco, Elk and Sixes Rivers. Reduced wild chinook harvest and bag limits remain in  
44 effect.

45  
46 Action:

47 Commissioner Spelbrink moved to ratify the seven (7) temporary rules set forth in the today's  
48 agenda. Commissioner Labhart seconded the motion, and the motion carried unanimously,  
49 five (5) infavor.

1 **Exhibit A: COMMISSION MINUTES**

2 Action:

3 Commissioner Labhart moved to approve the October 11, 2019 meeting minutes with  
4 continued authority to correct grammar and punctuation. Commissioner Zarnowitz seconded  
5 the motion and the motion was carried four (4) infavor. 1 abstain – Hatfield Hyde  
6

7 **Exhibit B: ROAD STRUCK DEER**

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

10 Staff: Justin Dion, Assistant Game Program Biologist  
11

12 Presentation: Justin provided the Commission with a presentation on Roadkill Salvage  
13 Permits. This presentation included information on Roadkill Salvage Permit background and  
14 the proposed rule amendment.  
15

16 This presentation is located in the commission material and can be viewed at  
17 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/EXHIBIT%20B%20-](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20B%20-ROADKILL%20SALVAGE/EX%20B_Presentation.pdf)  
18 [ROADKILL%20SALVAGE/EX%20B\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20B%20-ROADKILL%20SALVAGE/EX%20B_Presentation.pdf)  
19

20 No Public Testimony  
21 Rulemaking  
22

23 Action:

24 Commissioner Spelbrink moved to amen OAR Chapter 635, Division 043 as proposed  
25 by staff. Commissioner Zarnowitz seconded the motion and the motion was carried five (5)  
26 infavor.  
27

28 **Exhibit C: ACCESS AND HABITAT FUNDING**

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

31 Staff: Travis Schultz, A&H Coordinator  
32

33 Presentation: Travis provided the Commission with a presentation on the approval of  
34 Board recommended projects. The presentation included information on the two projects  
35 being proposed 1) Columbia Plateau Cooperative Habitat Initiative; 2) Green Diamond Travel  
36 Management Area.  
37

38 This presentation is located in the commission material and can be viewed at  
39 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/EXHIBIT%20C/EX%20C](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20C/EX%20C_Presentation.pdf)  
40 [\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20C/EX%20C_Presentation.pdf)  
41

42 No Public testimony  
43 Rulemaking  
44

44 Action:

45 Commissioner Zarnowitz moved to two projects recommended for funding by the  
46 Access & Habitat Board. Commissioner Wolley seconded the motion and the motion was  
47 carried five (5) infavor.  
48

1 **Exhibit D: 2020/2021 BIG GAME CONTROLLED HUNT TABLES AND BOUNDARY**  
2 **DESCRIPTIONS**

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

5 Staff: Tom Thornton, Game Program Manager  
6

7 Presentation: Tom provided the Commission with a presentation on the Big Game  
8 Hunt date corrections. The presentation included information on controlled hunt date errors:  
9 September tag tables vs 2020 Big Game Regulations and Big Game hunting seasons date  
10 framework for any legal weapons buck deer season that opens the Saturday closest to  
11 October 1.  
12

13 This presentation is located in the commission material and can be viewed at  
14 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/EXHIBIT%20D%20-](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20D%20-%20BIG%20GAME/EX%20D_Presentation.pdf)  
15 [%20BIG%20GAME/EX%20D\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20D%20-%20BIG%20GAME/EX%20D_Presentation.pdf)  
16

17 No Public Testimony  
18 Rulemaking  
19

20 Action:

21 Commissioner Spelbrink moved to approve corrections as proposed by staff and  
22 published in the 2020 Oregon Big Game Regulations which are incorporated into rule by  
23 reference in OAR Chapter 635, Divisions 045, 060, 065, 066, 067, 068, 069, 070, 071, and  
24 073. Commissioner Zarnowitz seconded the motion and the motion was carried five (5) in  
25 favor.  
26

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

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

33 Staff: Kevin Blakely, Wildlife Division Deputy Administrator  
34

35 Presentation: Kevin provided the Commission with a presentation on the Furtaker  
36 Trapping Regulations. This presentation included information on Furtaker Trapping  
37 Regulation changes from September 2019; initial temporary rule filed; staff recommendation.  
38

39 This presentation is located in the commission material and can be viewed at  
40 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/EXHIBIT%20E%20-](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20E%20-%20TRAPPING/EX%20E_Presentation.pdf)  
41 [%20TRAPPING/EX%20E\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/EXHIBIT%20E%20-%20TRAPPING/EX%20E_Presentation.pdf)  
42

43 No Public Testimony  
44 Rulemaking  
45

46 Action:

47 Commissioner Wolley moved to adopt Oregon Administrative Rule Chapter 635,  
48 Division 050 as proposed by staff. Commissioner Zarnowitz seconded the motion and the  
49 motion was carried five (5) in favor.



1  
2 **EXECUTIVE SESSION**

3 The Executive Session is held pursuant to ORS 192.660 (2)(f) and ORS 192.660(2)(h) which  
4 allow the Commission to meet in executive session to consider information or records that are  
5 exempt by law from public inspection and to consult with legal counsel with respect to  
6 litigation filed or likely to be filed against the Commission.  
7

8 **OTHER BUSINESS**

9 January Commission Meeting date has been moved to January 17, 2019.  
10

11 Update on the Recovering Americas Wildlife Act. On December 5 the House Natural  
12 Resources Committee successfully moved the bill out of Committee on a strong bipartisan  
13 vote of 26 infavor; six (6) opposed.  
14

15 Motion made by Commissioner Zarnowitz "In order to comply with the final judgment issued in  
16 Case No. 18CV34127, the Commission has reconsidered the order denying uplisting and,  
17 upon reconsideration I move to direct the Department to initiate rulemaking for the purpose of  
18 determining whether or not the marbled murrelet should be listed as an endangered species  
19 under the Oregon ESA." Commissioner Labhart seconded the motion and the motion was  
20 carried four (4) in favor – Zarnowitz, Labhart, Hatfield-Hyde, Wolley; one (1) opposed  
21 Spelbrink.  
22

23 **Exhibit F: RESTORATION AND ENHANCEMENT PROJECT APPROVAL**

24 The Commission was asked to approve the Recreation and Enhancement Board  
25 recommendations from the September 6, 2019 meeting (cycle 19-3); to approve  
26 housekeeping updates to definitions.

27 Staff: Kevin Herkamp, STEP/R&E Coordinator  
28

29 Presentation: Kevin provided the Commission with a presentation on the Recreation  
30 and Enhancement cycle 3 project approval and rules.  
31

32 This presentation is located in the commission material and can be viewed at  
33 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/F/Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/F/Presentation.pdf)  
34

35 Public Testimony

Joe Rohleder, Port of Alsea	
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36 Approval and Rulemaking  
37

38 Action:

39 Commissioner Spelbrink moved to approve the recommendations of the Fish  
40 Restoration and Enhancement Board set forth in Attachments 4-5. Commissioner Wolley  
41 seconded the motion and the motion was carried five (5) in favor.  
42

43 Commissioner Labhart moved to adopt amendments to Chapter 635, Division 009  
44 relating to implementing SB 42 and housekeeping, as proposed by staff in Attachment 3.  
45 Commissioner Wolley seconded the motion and the motion was carried five (5) in favor.

1 **Exhibit G: 2020 GROUND FISH FISHERIES REGULATIONS AND 2018 NEARSHORE**  
2 **LOGBOOK REPORT**

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

5 Staff: Maggie Sommer, Marine Fisheries Section Manager

6  
7 Presentation: Maggie provided the Commission with a presentation on the Nearshore  
8 Logbook and Fishery Report and the 2020 groundfish regulations.

9  
10 This presentation is located in the commission material and can be viewed at  
11 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/G/Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/G/Presentation.pdf)

12  
13 Public Testimony

Andy Martin	
Joe Watkins	
Derek Barelay	

14 Rulemaking

15  
16 Action:

17 Commissioner Wolley moved to adopt the recommended recreational and commercial  
18 groundfish regulations as proposed by staff in Attachment 3. Commissioner Zarnowitz  
19 seconded the motion and the motion was carried five (5) in favor.  
20

21 **Exhibit H: CONSERVATION PLAN FOR LAMPREYS**

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

26 Staff: Ben Clemens, Statewide Lamprey Coordinator

27  
28 Presentation: Ben provided the Commission with a presentation on the Coastal,  
29 Columbia, and Snake Conservation Plan for Lampreys in Oregon. The presentation included  
30 information on species, process, new rules, and staff recommendation.

31  
32 This presentation is located in the commission material and can be viewed at  
33 [https://www.dfw.state.or.us/agency/commission/minutes/19/12\\_Dec/H/Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/12_Dec/H/Presentation.pdf)

34  
35 Public Testimony

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



1 Rulemaking  
2

3 Action:

4 Commissioner Labhart moved to approve the Coastal, Columbia, and Snake  
5 Conservation Plan for Lampreys in Oregon, and adopt the associated proposed Oregon  
6 Administrative Rule set forth in Attachment 3, with the stipulation that a good faith effort be  
7 used to work with stakeholders to address the concerns that have been brought up.  
8 Commissioner Spelbrink seconded the motion and the motion was carried five (5) in favor.  
9

10  
11  
12 Chair Wolley adjourned the meeting at 4:16 p.m.

DRAFT