Oregon Fish and Wildlife Commission

Meeting:
Friday April 17, 2020
9:00 AM – 12:00
Virtual Platform

Friday, April 17, 2020

Due to COVID-19 concerns, the Oregon Fish and Wildlife Commission meeting will be informational only, conducted via telecommunication software and no public testimony will be taken. Thank you for your understanding!

Watch this meeting remotely at https://www.dfw.state.or.us/agency/commission/minutes/

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:

Mary Wahl, Commissioner Chair
Greg Wooley, Commissioner Vice-Chair
Bob Spelbrink, Commissioner
Mark Labhart, Commissioner
Jill Zarnowitz, Commissioner
Becky Hatfield-Hyde, Commissioner
Curt Melcher, Director
Erica Kleiner, Deputy Director
Shannon Hurn, Deputy Director
Bruce Eddy, East Region Manager
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, April 17, 2020 at 9:00 AM, Chair Wahl 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/20/04_Apr/April%202020%20Field%20Report_.pdf

COVID-19 Department Update

   Erica Kleiner, Deputy Director for Administration
   Shannon Hurn, Deputy Director for Fish and Wildlife Programs
Expenditure Report and 21-23, 2021 Legislative Concepts Budget Overview, EBAC Update
Erica Kleiner, Deputy Director for Administration
Shannon Hurn, Deputy Director for Fish and Wildlife Programs
Brandy Nichols, Budget, and Economic Services Manager
This report can be found in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Commission%20Financial%20Report%20April%202020.pdf

This presentation is available in the meeting materials and at

Review of Salmon Stock Status, 2020
Chris Kern, Fish Division Deputy Administrator: Marine and Columbia River Programs
This presentation is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Review%20of%20SALMON%20STOCK%20STATUS%204.17.%202020.pdf

Aquatic Thermal Refugia
Tucker Jones, Ocean Salmon, and Columbia River Program
This presentation is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Columbia%20River%20Coldwater%20Refuge_Thermal%20Angling%20Sanctuary%20Update%204.17.2020.pdf

2019 Annual Wolf Report
Roblyn Brown, ODFW Wolf Coordinator
This presentation is available in the meeting materials and at

Adopt Temporary Rules
Curt Melcher, Director, requested the Commission ratify the following temporary rules. The 28 temporary rules were previously adopted by the director under his emergency action authority.

1.) 635-041-0065
2020 Season Modified for Columbia River Winter Treaty Commercial Fishery
This amended rule modifies the 2020 winter commercial gillnet fishery season for the John Day pool beginning February 12, 2020. Modifications are consistent with action taken February 11, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.
2.) 635-023-0095
White Sturgeon Recreational Fisheries Closed in Bonneville and The Dalles Pools

This amended rule closes the white sturgeon fishery in Bonneville and The Dalles pools of the Columbia River. Catch projections indicate retention of white sturgeon after February 14, 2020 for Bonneville Pool and February 18, 2020 for The Dalles Pool would exceed the allowable quota. Catch and release sturgeon fishing remains open in these waters, except for within the sturgeon angling sanctuaries.

3.) 635-042-0145, 635-042-0160, 635-042-0170
2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer Commercial Fisheries

These amended rules implement the 2020 winter, spring and summer commercial salmon seasons for the Youngs Bay, Blind Slough/Knappa Slough, and Tongue Point/South Channel Select Areas. The first authorized fishing period in these Select Area sites is set to begin February 17. Modifications are consistent with action taken February 11, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

4.) 635-018-0090
2020 Hatchery Chinook Salmon Season in the Hood River

This amended rule allows the sport harvest of hatchery spring Chinook salmon in the Hood River from April 15 through June 30, 2020. The daily bag limit for the Hood River is two adult hatchery salmon and five-hatchery jack salmon.

5.) 635-041-0065
2020 Seasons Modified for Columbia River Winter Treaty Commercial Fishery

This amended rule modifies the 2020 winter commercial gillnet fishery season for the John Day pool beginning February 20, 2020. Modifications are consistent with action taken February 19, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

6.) 635-023-0125, 635-500-6715
Modifications to Rules for 2020 Columbia River Spring Chinook Fisheries

The revised rules implement spring Chinook fishery changes for 2020. This amended rule establishes regulations for Columbia River recreational spring Chinook and steelhead seasons with descriptions of areas, dates, and bag limits for harvest of adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead. Fisheries for spring Chinook in the Columbia River Basin must operate within allowable take limits for ESA-listed stocks, which are sub-allocated between recreational and commercial fisheries. To facilitate coordinated management in these primarily concurrent waters, the states of Oregon and Washington need to operate under the same sub-allocations. The revised
rule language captures the intent of the two states for management of 2020 upriver spring Chinook impact sharing.

7.) 635-041-0065
2020 Season Modified for Columbia River Winter Treaty Commercial Fishery
Adopted February 26, 2020: effective February 27, through March 7, 2020.
This amended rule modifies the 2020 winter commercial gillnet fishery season for the Bonneville pool beginning February 27, 2020. Modifications are consistent with action taken February 26, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

8.) 635-005-0355
Tillamook Bay Commercial Cockle Dive Fishery Closes
Amended rule closes the Tillamook Bay commercial cockle dive fishery at 12:01 a.m. March 4, 2020 due to a projected attainment of the 185,000-pound annual harvest quota allowed under bay clam catch limits. Modifications are consistent with requirements described in OAR 635-005-0355.

9.) 635-041-0065
2020 Season Modified for Columbia River Winter Treaty Commercial Fishery.
Adopted March 4, 2020: effective March 5, through March 7, 2020
This amended rule modifies the 2020 winter commercial gillnet fishery season for the Bonneville pool beginning March 5, 2020. Modifications are consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

10.) 635-042-0145
2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer Commercial Fisheries
Adopted March 4, 2020: effective March 9, through July 30, 2020
These amended rules modify the 2020 winter commercial salmon seasons for the Youngs Bay and Tongue Point Select Areas for March 9-13, 2020. Modifications are consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

11.) 635-042-0170
2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer Commercial Fisheries
Adopted March 4, 2020: effective March 9, through July 30, 2020
These amended rules modify the 2020 winter commercial salmon seasons for the Youngs Bay and Tongue Point Select Areas for March 9-13, 2020. Modifications are consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.
12.) 635-041-0064
Modifications to the 2020 Treaty Indian Winter Commercial Fisheries.
Adopted March 2, 2020: effective March 5, through March 21, 2020
These rules modify the Treaty Indian winter season commercial platform fishery.
Modifications are consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

13.) 635-023-0095
White Sturgeon Recreational Sturgeon Fisheries Closed in John Day Pool
Adopted March 9, 2020: effective March 11, 2020 through August 11, 2020
This amended rule closes the white sturgeon fishery in the John Day Pool of the Columbia River. Catch accounting indicates the fishery has already achieved its harvest guideline. Catch and release sturgeon fishing remains open in these waters, except for within the sturgeon angling sanctuaries.

14.) 635-008-0050
Bans camping on all Department owned, managed, or controlled areas.
Adopted: March 20, 2020 - Effective Dates: March 22, 2020 through September 17, 2020
In response to the COVID-19 Emergency, Temporary Rule is needed to comply with CDC guidelines for social distancing and Governor Kate Brown’s Emergency Declaration and directives designed to reduce the spread of COVID-19 by reducing social contact including social gatherings of more than 10 individuals, which commonly occur when camping.

15.) 635-043-0175, 635-066-0010, 635-067-0004
Modified animal parts check-in requirements: Bear, Cougar, and animals salvaged per Roadkill Salvage Permits
Adopted: March 20, 2020 - Effective Dates: March 23, 2020 through September 19, 2020
Temporary rules are needed to modify:
OAR 635-043-0175 to remove the requirement for individuals who salvage antlerless deer or antlerless elk to deliver the head to the Department; and
OAR 635-066-0010 to remove the requirement for individuals who take a bear to deliver the skull to the Department; and
OAR 635-067-0004 to remove the requirement for individuals who take a cougar to deliver the hide with skull and proof of sex attached, and the reproductive tract to the Department.
These Temporary Rules eliminate the opportunity for person-to-person contact to deliver parts and information to the Department, which reduces the potential for spread of COVID-19.

16.) 635-008-0050
Bans camping on all Department owned, managed, or controlled areas.
Adopted: March 20, 2020 - Effective Dates: March 22, 2020 through September 17, 2020
In response to the COVID-19 Emergency, Temporary Rule is needed to comply with CDC guidelines for social distancing and Governor Kate Brown’s Emergency
Declaration and directives designed to reduce the spread of COVID-19 by reducing social contact including social gatherings of more than 10 individuals, which commonly occur when camping.

17.) 635-075-0029, 635-075-0035

Extend opportunity for Outfitter/Guide tags allocated in December draw and retained for unnamed clients
Adopted: March 24, 2020 - Effective Dates: March 24, 2020 through August 01, 2020

A Temporary Rule is needed to modify OAR 635, Division 075 to allow more time for Outfitter and Guide (O/G) businesses the opportunity to find non-resident clients. Many sportsmen shows in Oregon and other states were cancelled and non-resident hunters have been cancelling booked hunts or are unwilling to commit because of unpredictable issues regarding travel and other restrictions from the current COVID-19 pandemic. The O/G companies often have significant investments in land leases, federal permits, equipment, and employees for the upcoming fall seasons that will be irretrievable without an amendment to current deadlines for hunting tags received during initial draw. The Temporary Rule reduces the financial burden of pre-paying for retained tags that were initially allocated at the end of December. The Temporary Rule reduces the potential impact on the registered O/G companies along with related small businesses.

18.) 635-023-0125

Modifications to rules for 2020 Columbia River recreational salmonid fisheries
Adopted March 25, 2020: effective March 26, through June 30, 2020

The revised rules temporarily close 2020 Columbia River recreational salmonid fisheries.

19.) 635-060-0009

Extend the tag sale deadline for spring bear tags to May 1, 2020.
Adopted: April 26, 2020 - Effective Dates: April 26, 2020 through June 1, 2020

A temporary rule is needed to modify 635-060-0009 (1) to extend the tag sales deadline date for 2020 Spring Bear Tags from March 31 to May 1, 2020. Failure to act promptly will result in serious prejudice to the public interest because hunters would be required to decide whether to purchase a tag without the benefit of health and safety related information specific to the time-period in which they would hunt, and this could result in unnecessary loss of opportunity. Because of unpredictable issues regarding travel and other restrictions from the current COVID-19 pandemic, hunters need additional time to determine if they will have an opportunity to participate in 2020 spring black bear hunts, which end May 31, 2020. The Temporary Rule allows hunters to wait before buying tags so they can make decisions based on the latest travel, camping, and other COVID-19 related restrictions.

20.) 635-019-0090

Steelhead and Spring Chinook Closure on the Umatilla River in the Northeast Zone.
Adopted March 27, 2020: effective April 16, through April 30, 2020

Closure of the Umatilla River to angling for steelhead and spring Chinook from the Hwy 730 bridge to the CTUIR reservation boundary (approximately 0.7 miles above Hwy 11 bridge).
Adds wild turkey as an allowed species under the Wildlife Control Operator (WCO) permit.
Adopted: March 30, 2020 - Effective Dates: March 31, 2020 through September 26, 2020
Failure to act promptly by amending these rules will result in serious prejudice to the public interest. Wild turkey populations are robust range wide and increasing in areas where they have exceeded human tolerance. Damage and nuisance complaints specific to wild turkeys has increased to approximately 100 per year statewide, primarily in proximity to residences. Complaints range from destruction of gardens and landscaping, to fecal accumulation on personal property, and safety concerns from aggressive birds.
WCOs provide a commercial alternative for landowners to deal with nuisance wildlife, particularly where the Department lacks the capacity to respond. WCOs will be required to follow game animal carcass disposition rules. Any translocation of live wild turkeys will be coordinated with local Department biologists and adhere to the Oregon Wild Turkey Management Plan.

22.) 635-042-0145
Youngs Bay Select Area Commercial Fishery
Modifications to 2020 Columbia River Select Area Commercial Fisheries
Adopted April 2, 2020: effective April 3, through July 30, 2020
These amended rules add/modify several fishing periods for 2020 winter-spring commercial salmon seasons in Youngs Bay Select Areas. Modifications are consistent with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

23.) 635-042-0160
Blind Slough and Knappa Slough Select Areas Commercial Fishery
Modifications to 2020 Columbia River Select Area Commercial Fisheries
Adopted April 2, 2020: effective April 3, through July 30, 2020
These amended rules add/modify several fishing periods for 2020 winter-spring commercial salmon seasons in Knappa Slough Select Areas. Modifications are consistent with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

24.) 635-042-0170
Tongue Point and South Channel Select Area Commercial Fishery
Modifications to 2020 Columbia River Select Area Commercial Fisheries
Adopted April 2, 2020: effective April 3, through July 30, 2020
These amended rules add/modify several fishing periods for 2020 winter-spring commercial salmon seasons in South Channel Select Areas. Modifications are consistent with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

25.) 635-017-0090
2020 Gilbert River Sturgeon Closure
Adopted April 6, 2020: effective April 16, through May 15, 2020
The amended rule closes all sturgeon angling including catch and release, as well as closing all angling with the use of bait from April 16 through May 15, 2019 in the Gilbert River. The area includes the Gilbert River from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake.

26.) 635-042-0145, 635-042-0160, 635-042-0170

Modifications to 2020 Columbia River Select Area Commercial Fisheries
Adopted April 9, 2020: effective April 13, through July 30, 2020

These amended rules add two fishing periods for 2020 commercial salmon seasons in the Youngs Bay Select Area. Modifications are consistent with action taken April 9, 2020 by the Oregon Department of Fish & Wildlife for the State of Oregon.

27.) 635-010-0000, 635-011-0100, 635-051-0000, 635-065-0001

Prohibit nonresident recreational participation in hunting, angling, and shell fishing in Oregon.
Adopted: April 9, 2020 - Effective Dates: April 10, 2020 through October 6, 2020

Temporary rules are needed to modify OARs 635-010-0000, 635-011-0100, 635-051-0000, and 635-065-0001 to exclude nonresidents from participating in hunting, fishing, and shell fishing in Oregon. These rules will assist with compliance of Oregon Governor Kate Brown’s Executive Order 20-12, and similar orders in other states, which direct people to stay home to save lives and to minimize travel including for outdoor recreation. These temporary rules remove recreational hunting, fishing, and shell fishing as incentives for nonresidents to travel to Oregon with the intent of reducing the spread of COVID-19. Failure to amend the rules immediately would result in serious prejudice to citizens of Oregon due to concerns about travel to Oregon to participate in these outdoor activities. Such travel could spread the virus and put more of a burden on Oregon’s rural communities.

28.) 635-067-0000, 635-069-0000, 635-071-0000, 635-073-0000

Amend rules to reduce hunting opportunity for specified 2020 deer, elk, and bighorn sheep hunts.
Adopted: April 13, 2020 - Effective Dates: June 1, 2020 through November 27, 2020

Temporary Rules are needed to reduce tag numbers for controlled hunts in areas where deer elk, and bighorn sheep are below desired and anticipated levels to keep from exceeding appropriate harvest levels in the hunt areas.

Tests conducted by ODFW veterinarians during fall, 2019 confirmed that adenovirus hemorrhagic disease (AHD) was responsible for the deaths of deer in central Oregon. Epizootic Hemorrhagic Disease (EHD) is another disease affecting deer in northeast Oregon last fall; the outbreak was confirmed in at least Grant, Umatilla, and Baker Counties. In the Lookout Mtn. Unit, east of Baker City, Oregon, a respiratory disease was found in bighorn sheep in mid-February 2020. The primary cause of the disease outbreak is a bacterium pathogen that causes severe pneumonia in bighorn sheep.

Reducing controlled hunt tag numbers for the specific hunts identified in these Temporary Rules will provide the intended level of harvest given the conservation concern for each of the species. Failure to amend the rules before the controlled hunt
drawing would result in serious prejudice to hunters participating in these deer elk, and
once-in-a-lifetime bighorn sheep hunts because fewer animal will be available for harvest
than anticipated when tag numbers were initially adopted in September 2019.

Action:
Commissioner Labhart moved to ratify the 28 temporary rules set forth in the today’s tan
agenda. Commissioner Wolley seconded the motion, and the motion carried
unanimously, six (6) in favor.

Exhibit A:   COMMISSION MINUTES
Action:
Commissioner Zarnowitz moved to approve the February 7, 2020 meeting minutes
with continued authority to correct grammar and punctuation. Commissioner Spelbrink
seconded the motion and the motion was carried six (6) in favor.

OTHER BUSINESS
Postponing May Marbled Murlette review, likely to on the agenda in November.

Chair Wahl adjourned the meeting at 1:02 p.m.