



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/>

1 *Commission minutes are considered draft until approved by the Commission.*

2
3 Notice of these meetings had been made by press release of statewide media circulation.
4 Those attending part or all of the meeting included:

- | | | |
|---|--------------------------------------|---|
| 5 | Mary Wahl, Commissioner Chair | Curt Melcher, Director |
| | Greg Wooley, Commissioner Vice-Chair | Erica Kleiner, Deputy Director |
| | Bob Spelbrink, Commissioner | Shannon Hurn, Deputy Director |
| | Mark Labhart, Commissioner | Bruce Eddy, East Region Manager |
| | Jill Zarnowitz, Commissioner | Bernadette Graham-Hudson, West Region Manager |
| | Becky Hatfield-Hyde, Commissioner | 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 |

6 **MEETING**

7
8 On Friday, **April 17, 2020 at 9:00 AM, Chair Wahl called the Oregon Fish and Wildlife**
9 **Commission** (the Commission) meeting to order.

10
11 **DIRECTOR’S REPORT**

12
13 Field Reports – in written form only; *this report is available in the meeting materials and at*
14 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/April%202020%20Field%20Report_.pdf
15

- 16
- 17 COVID -19 Department Update
- 18 Erica Kleiner, Deputy Director for Administration
- 19 Shannon Hurn, Deputy Director for Fish and Wildlife Programs
- 20

1 Expenditure Report and 21-23, 2021 Legislative Concepts Budget
2 Overview, EBAC Update

3 Erica Kleiner, Deputy Director for Administration
4 Shannon Hurn, Deputy Director for Fish and Wildlife Programs
5 Brandy Nichols, Budget, and Economic Services Manager

6 *This report can be found in the meeting materials and at*
7 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Commission%20Financial%20Report%20April%202020.pdf
8

9
10 *This presentation is available in the meeting materials and at*
11 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/COVID-19%20Response%20Expenditure%20and%20Budget%20Update%20and%20Legislative%20Concepts4.17.2020.pdf
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15 Review of Salmon Stock Status, 2020

16 Chris Kern, Fish Division Deputy Administrator: Marine and Columbia River
17 Programs

18 *This presentation is available in the meeting materials and at*
19 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Review%20of%20SALMON%20STOCK%20STATUS%204.17.%202020.pdf
20
21

22 Aquatic Thermal Refugia

23 Tucker Jones, Ocean Salmon, and Columbia River Program

24 *This presentation is available in the meeting materials and at*
25 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/Columbia%20River%20Coldwater%20Refuge_Thermal%20Angling%20Sanctuary%20Update%204.17.2020.pdf
26
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29 2019 Annual Wolf Report

30 Roblyn Brown, ODFW Wolf Coordinator

31 *This presentation is available in the meeting materials and at*
32 https://www.dfw.state.or.us/agency/commission/minutes/20/04_Apr/2019%20Annual%20Report_Oregon%20Wopl%20Conservation%20and%20Management%20presentation%204.17.2020.pdf
33
34
35

36 **Adopt Temporary Rules**

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

40 **1.) 635-041-0065**

41 **2020 Season Modified for Columbia River Winter Treaty Commercial Fishery**

42 Adopted February 11, 2020: effective February 12, through February 17, 2020.

43 This amended rule modifies the 2020 winter commercial gillnet fishery season for
44 the John Day pool beginning February 12, 2020. Modifications are consistent with action
45 taken February 11, 2020 by the Departments of Fish & Wildlife for the States of Oregon
46 and Washington at a meeting of the Columbia River Compact.

1 **2.) 635-023-0095**

2 **White Sturgeon Recreational Fisheries Closed in Bonneville and The Dalles Pools**

3 Adopted February 11, 2020: effective February 14, through August 11, 2020.

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

9
10 **3.) 635-042-0145, 635-042-0160, 635-042-0170**

11 **2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer**
12 **Commercial Fisheries**

13 Adopted February 11, 2020: effective February 17, through July 30, 2020.

14 These amended rules implement the 2020 winter, spring and summer commercial
15 salmon seasons for the Youngs Bay, Blind Slough/Knappa Slough, and Tongue
16 Point/South Channel Select Areas. The first authorized fishing period in these Select Area
17 sites is set to begin February 17. Modifications are consistent with action taken February
18 11, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington
19 at a meeting of the Columbia River Compact.

20
21 **4.) 635-018-0090**

22 **2020 Hatchery Chinook Salmon Season in the Hood River**

23 Adopted February 14, 2020: effective April 15, through June 30, 2020.

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

27
28 **5.) 635-041-0065**

29 **2020 Seasons Modified for Columbia River Winter Treaty Commercial Fishery**

30 Adopted February 19, 2020: effective February 20, through February 24, 2020.

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

35
36 **6.) 635-023-0125, 635-500-6715**

37 **Modifications to Rules for 2020 Columbia River Spring Chinook Fisheries**

38 Adopted February 19, 2020: effective February 20, through June 30, 2020.

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

1 rule language captures the intent of the two states for management of 2020 upriver spring
2 Chinook impact sharing.

3
4 **7.) 635-041-0065**

5 **2020 Season Modified for Columbia River Winter Treaty Commercial Fishery**

6 Adopted February 26, 2020: effective February 27, through March 7, 2020.

7 This amended rule modifies the 2020 winter commercial gillnet fishery season for
8 the Bonneville pool beginning February 27, 2020. Modifications are consistent with action
9 taken February 26, 2020 by the Departments of Fish & Wildlife for the States of Oregon
10 and Washington at a meeting of the Columbia River Compact.

11
12 **8.) 635-005-0355**

13 **Tillamook Bay Commercial Cackle Dive Fishery Closes**

14 Adopted February 28, 2020: effective March 4, through August 30, 2020.

15 Amended rule closes the Tillamook Bay commercial cackle dive fishery at 12:01
16 a.m. March 4, 2020 due to a projected attainment of the 185,000-pound annual harvest
17 quota allowed under bay clam catch limits. Modifications are consistent with requirements
18 described in OAR 635-005-0355.

19
20 **9.) 635-041-0065**

21 **2020 Season Modified for Columbia River Winter Treaty Commercial Fishery.**

22 Adopted March 4, 2020: effective March 5, through March 7, 2020

23 This amended rule modifies the 2020 winter commercial gillnet fishery season for
24 the Bonneville pool beginning March 5, 2020. Modifications are consistent with action
25 taken March 4, 2020 by the Departments of Fish & Wildlife for the States of Oregon and
26 Washington at a meeting of the Columbia River Compact.

27
28 **10.) 635-042-0145**

29 **2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer**
30 **Commercial Fisheries**

31 Adopted March 4, 2020: effective March 9, through July 30, 2020

32 These amended rules modify the 2020 winter commercial salmon seasons for the
33 Youngs Bay and Tongue Point Select Areas for March 9-13, 2020. Modifications are
34 consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the
35 States of Oregon and Washington at a meeting of the Columbia River Compact.

36
37 **11.) 635-042-0170**

38 **2020 Seasons Set for the Columbia River Select Area Winter, Spring and Summer**
39 **Commercial Fisheries**

40 Adopted March 4, 2020: effective March 9, through July 30, 2020

41 These amended rules modify the 2020 winter commercial salmon seasons for the
42 Youngs Bay and Tongue Point Select Areas for March 9-13, 2020. Modifications are
43 consistent with action taken March 4, 2020 by the Departments of Fish & Wildlife for the
44 States of Oregon and Washington at a meeting of the Columbia River Compact.

1 **12.) 635-041-0064**

2 **Modifications to the 2020 Treaty Indian Winter Commercial Fisheries.**

3 Adopted March 2, 2020: effective March 5, through March 21, 2020

4 These rules modify the Treaty Indian winter season commercial platform fishery.
5 Modifications are consistent with action taken March 4, 2020 by the Departments of Fish
6 & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River
7 Compact.

8
9 **13.) 635-023-0095**

10 **White Sturgeon Recreational Sturgeon Fisheries Closed in John Day Pool**

11 Adopted March 9, 2020: effective March 11, 2020 through August 11, 2020

12 This amended rule closes the white sturgeon fishery in the John Day Pool of the
13 Columbia River. Catch accounting indicates the fishery has already achieved its harvest
14 guideline. Catch and release sturgeon fishing remains open in these waters, except for
15 within the sturgeon angling sanctuaries.

16
17 **14.) 635-008-0050**

18 **Bans camping on all Department owned, managed, or controlled areas.**

19 Adopted: March 20, 2020 - Effective Dates: March 22, 2020 through September 17, 2020

20 In response to the COVID-19 Emergency, Temporary Rule is needed to comply
21 with CDC guidelines for social distancing and Governor Kate Brown's Emergency
22 Declaration and directives designed to reduce the spread of COVID-19 by reducing social
23 contact including social gatherings of more than 10 individuals, which commonly occur
24 when camping.

25
26 **15.) 635-043-0175, 635-066-0010, 635-067-0004**

27 **Modified animal parts check-in requirements: Bear, Cougar, and animals salvaged
28 per Roadkill Salvage Permits**

29 Adopted: March 20, 2020 - Effective Dates: March 23, 2020 through September 19, 2020

30 Temporary rules are needed to modify:
31 OAR 635-043-0175 to remove the requirement for individuals who salvage antlerless deer
32 or antlerless elk to deliver the head to the Department; and
33 OAR 635-066-0010 to remove the requirement for individuals who take a bear to deliver
34 the skull to the Department; and
35 OAR 635-067-0004 to remove the requirement for individuals who take a cougar to
36 deliver the hide with skull and proof of sex attached, and the reproductive tract to the
37 Department.

38 These Temporary Rules eliminate the opportunity for person-to-person contact to deliver
39 parts and information to the Department, which reduces the potential for spread of
40 COVID-19.

41
42 **16.) 635-008-0050**

43 **Bans camping on all Department owned, managed, or controlled areas.**

44 Adopted: March 20, 2020 - Effective Dates: March 22, 2020 through September 17,
45 2020

46 In response to the COVID-19 Emergency, Temporary Rule is needed to comply
47 with CDC guidelines for social distancing and Governor Kate Brown's Emergency

1 Declaration and directives designed to reduce the spread of COVID-19 by reducing
2 social contact including social gatherings of more than 10 individuals, which commonly
3 occur when camping.
4

5 **17.) 635-075-0029, 635-075-0035**

6 **Extend opportunity for Outfitter/Guide tags allocated in December draw and**
7 **retained for unnamed clients**

8 Adopted: March 24, 2020 - Effective Dates: March 24, 2020 through August 01, 2020

9 A Temporary Rule is needed to modify OAR 635, Division 075 to allow more time
10 for Outfitter and Guide (O/G) businesses the opportunity to find non-resident clients.
11 Many sportsmen shows in Oregon and other states were cancelled and non-resident
12 hunters have been cancelling booked hunts or are unwilling to commit because of
13 unpredictable issues regarding travel and other restrictions from the current COVID-19
14 pandemic. The O/G companies often have significant investments in land leases, federal
15 permits, equipment, and employees for the upcoming fall seasons that will be irretrievable
16 without an amendment to current deadlines for hunting tags received during initial draw.
17 The Temporary Rule reduces the financial burden of pre-paying for retained tags that
18 were initially allocated at the end of December. The Temporary Rule reduces the potential
19 impact on the registered O/G companies along with related small businesses.
20

21 **18.) 635-023-0125**

22 **Modifications to rules for 2020 Columbia River recreational salmonid fisheries**

23 Adopted March 25, 2020: effective March 26, through June 30, 2020

24 The revised rules temporarily close 2020 Columbia River recreational salmonid
25 fisheries.
26

27 **19.) 635-060-0009**

28 **Extend the tag sale deadline for spring bear tags to May 1, 2020.**

29 Adopted: April 26, 2020 - Effective Dates: April 26, 2020 through June 1, 2020

30 A temporary rule is needed to modify 635-060-0009 (1) to extend the tag sales
31 deadline date for 2020 Spring Bear Tags from March 31 to May 1, 2020. Failure to act
32 promptly will result in serious prejudice to the public interest because hunters would be
33 required to decide whether to purchase a tag without the benefit of health and safety
34 related information specific to the time-period in which they would hunt, and this could
35 result in unnecessary loss of opportunity. Because of unpredictable issues regarding
36 travel and other restrictions from the current COVID-19 pandemic, hunters need
37 additional time to determine if they will have an opportunity to participate in 2020 spring
38 black bear hunts, which end May 31, 2020. The Temporary Rule allows hunters to wait
39 before buying tags so they can make decisions based on the latest travel, camping, and
40 other COVID-19 related restrictions.
41

42 **20.) 635-019-0090**

43 **Steelhead and Spring Chinook Closure on the Umatilla River in the Northeast Zone.**

44 Adopted March 27, 2020: effective April 16, through April 30, 2020

45 Closure of the Umatilla River to angling for steelhead and spring Chinook from the
46 Hwy 730 bridge to the CTUIR reservation boundary (approximately 0.7 miles above Hwy
47 11 bridge).

1 **21.) 635-435-0005, 635-435-0010, 635-435-0015, 635-435-0025**

2 **Adds wild turkey as an allowed species under the Wildlife Control Operator (WCO)**
3 **permit.**

4 Adopted: March 30, 2020 - Effective Dates: March 31, 2020 through September 26, 2020

5 Failure to act promptly by amending these rules will result in serious prejudice to
6 the public interest. Wild turkey populations are robust range wide and increasing in areas
7 where they have exceeded human tolerance. Damage and nuisance complaints specific
8 to wild turkeys has increased to approximately 100 per year statewide, primarily in
9 proximity to residences. Complaints range from destruction of gardens and landscaping,
10 to fecal accumulation on personal property, and safety concerns from aggressive birds.
11 WCOs provide a commercial alternative for landowners to deal with nuisance wildlife,
12 particularly where the Department lacks the capacity to respond. WCOs will be required
13 to follow game animal carcass disposition rules. Any translocation of live wild turkeys will
14 be coordinated with local Department biologists and adhere to the Oregon Wild Turkey
15 Management Plan.

16
17 **22.) 635-042-0145**

18 **Youngs Bay Select Area Commercial Fishery**

19 **Modifications to 2020 Columbia River Select Area Commercial Fisheries**

20 Adopted April 2, 2020: effective April 3, through July 30, 2020

21 These amended rules add/modify several fishing periods for 2020 winter-spring
22 commercial salmon seasons in Youngs Bay Select Areas. Modifications are consistent
23 with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of
24 Oregon and Washington at a meeting of the Columbia River Compact.

25
26 **23.) 635-042-0160**

27 **Blind Slough and Knappa Slough Select Areas Commercial Fishery**

28 **Modifications to 2020 Columbia River Select Area Commercial Fisheries**

29 Adopted April 2, 2020: effective April 3, through July 30, 2020

30 These amended rules add/modify several fishing periods for 2020 winter-spring
31 commercial salmon seasons in Knappa Slough Select Areas. Modifications are consistent
32 with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of
33 Oregon and Washington at a meeting of the Columbia River Compact.

34
35 **24.) 635-042-0170**

36 **Tongue Point and South Channel Select Area Commercial Fishery**

37 **Modifications to 2020 Columbia River Select Area Commercial Fisheries**

38 Adopted April 2, 2020: effective April 3, through July 30, 2020

39 These amended rules add/modify several fishing periods for 2020 winter-spring
40 commercial salmon seasons in South Channel Select Areas. Modifications are consistent
41 with action taken April 2, 2020 by the Departments of Fish & Wildlife for the States of
42 Oregon and Washington at a meeting of the Columbia River Compact.

43
44 **25.) 635-017-0090**

45 **2020 Gilbert River Sturgeon Closure**

46 Adopted April 6, 2020: effective April 16, through May 15, 2020

1 The amended rule closes all sturgeon angling including catch and release, as well
2 as closing all angling with the use of bait from April 16 through May 15, 2019 in the Gilbert
3 River. The area includes the Gilbert River from the upstream end of the Gilbert River
4 Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon
5 Lake.

6
7 **26.) 635-042-0145, 635-042-0160, 635-042-0170**

8 **Modifications to 2020 Columbia River Select Area Commercial Fisheries**

9 Adopted April 9, 2020: effective April 13, through July 30, 2020

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

13
14 **27.) 635-010-0000, 635-011-0100, 635-051-0000, 635-065-0001**

15 **Prohibit nonresident recreational participation in hunting, angling, and shell fishing**
16 **in Oregon.**

17 Adopted: April 9, 2020 - Effective Dates: April 10, 2020 through October 6, 2020

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

29
30 **28.) 635-067-0000, 635-069-0000, 635-071-0000, 635-073-0000**

31 **Amend rules to reduce hunting opportunity for specified 2020 deer, elk, and**
32 **bighorn sheep hunts.**

33 Adopted: April 13, 2020 - Effective Dates: June 1, 2020 through November 27, 2020

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

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

45 Reducing controlled hunt tag numbers for the specific hunts identified in these
46 Temporary Rules will provide the intended level of harvest given the conservation
47 concern for each of the species. Failure to amend the rules before the controlled hunt

1 drawing would result in serious prejudice to hunters participating in these deer elk, and
2 once-in-a-lifetime bighorn sheep hunts because fewer animal will be available for harvest
3 than anticipated when tag numbers were initially adopted in September 2019.
4

5 Action:

6 Commissioner Labhart moved to ratify the 28 temporary rules set forth in the today's tan
7 agenda. Commissioner Wolley seconded the motion, and the motion carried
8 unanimously, six (6) in favor.
9

10 **Exhibit A: COMMISSION MINUTES**

11 Action:

12 Commissioner Zarnowitz moved to approve the February 7, 2020 meeting minutes
13 with continued authority to correct grammar and punctuation. Commissioner Spelbrink
14 seconded the motion and the motion was carried six (6) in favor.
15

16 **OTHER BUSINESS**

17 Postponing May Marbled Murlette review, likely to on the agenda in November.
18

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