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, Commission Chair
Greg Wolley, Commission Vice-Chair
Bob Spelbrink, Commissioner
Mark Labhart, Commissioner
Jill Zarnowitz, Commissioner
Beck 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 General
Michelle Tate, Executive Assistant
Doug Cottam, Wildlife Division Administrator
Captain Casey Thomas, Oregon State Police

MEETING

On Friday, July 10, 2020 at 8:03 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/20/07_Jul/July%202020%20Field%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/20/07_Jul/Commission%20Financial%20Report%20July%202020.pdf

Conservation and Recreation Advisory Committee Update
Staff: Davia Palmeri, Conservation Strategy Coordinator
Guest: Dr. Karl Wenner, Chairman, Conservation and Recreation Advisory Committee
This presentation is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/OCRF%20July%20for%20Commission.pdf

Delisting of ESA Fish in Oregon: A Public/Private Conservation Success Story
Staff: Bruce McIntosh, Assistant Administrator, Inland Fisheries
Brian Bangs, Native Fish Investigations Project Biologist

This presentation is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/20/Presentation_Delisting%20ESA%20Fish%20in%20Oregon_7-10-20.pdf

Adopt Temporary Rules
Curt Melcher, Director, requested the Commission ratify the following temporary rules. The 15 temporary rules were previously adopted by the director under his emergency action authority.

1.) 635-017-0095
2020 Lower Willamette River Sturgeon Fishery
The amended rule opens white sturgeon retention on Saturday June 20, 2020 and Saturday June 27, 2020 in the Lower Willamette River (downstream of the annual spawning sanctuary) including the Multnomah Channel.

2.) 635-021-0090
Malheur River Salmon Fishery
The amended rule allows Burns Paiute Tribal members to angle for hatchery Chinook salmon released in the Malheur River using traditional methods as regulated by adopted tribal regulations. The general public is allowed to fish for hatchery salmon with a valid angling license and using methods allowed by the 2020 regulations. This rule is needed to allow recreational harvest of spring Chinook salmon in the Malheur River from the Bluebucket Creek confluence upstream to the headwaters of McCoy Creek, Lake Creek, Big Creek and tributaries, and Bosonberg Creek.

3.) 635-023-0128
Columbia River Recreational Salmon and Steelhead Summer Season Closure
The amended rule closes summer recreational fisheries for hatchery steelhead and sockeye in mainstem Columbia River effective June 25, 2020. This amended rule is needed to prohibit angling for and retention of salmon and steelhead in the mainstem Columbia River from the Astoria-Megler Bridge upstream to the Oregon/Washington boarder (above McNary Dam). Failure to restrict retention will result in further exceeding the Federal ESA harvest guideline for sockeye in non-treaty fisheries.
4.) 635-004-0355  
Commercial Nearshore Fishery In-season Black Rockfish Trip Limit Increases for Periods 4-6. 
The amended rule increases the in-season trip limits for the commercial black rockfish fishery for periods 4-6 (July thru December 2020) by 600 pounds for each remaining period. Period 4 (July thru August 2020) will increase from 1,800 pounds to 2,400 pounds. Periods 5 (September thru October 2020) & 6 (November thru December 2020) will each increase from 1,500 pounds to 2,100 pounds. This rule is needed to increase opportunity for attaining a larger proportion of the black rockfish commercial harvest guideline.

5.) 635-041-0076  
Treaty Indian Commercial Summer Salmon Fisheries  
The amended rule authorizes the sales of fish caught in Treaty Indian commercial summer salmon gillnet fisheries downstream of Bonneville Dam as follows: From 6:00 a.m. Wednesday, July 1, 2020 through 6:00 p.m. Friday, July 3, 2020 (2.5 days) with a minimum 7-inch mesh size gear restriction. From 6:00 a.m. Monday, July 6, 2020 through 6:00 p.m. Thursday, July 9, 2020 with no minimum mesh size gear restriction.

6.) 635-016-0090  
Umpqua River Wild Chinook Salmon Bag Limit Reduction  
The amended rule reduces the bag limit of adult wild Chinook salmon from the Umpqua River to no more than one per day and five for the period of July 1 through November 30, 2020. Spawner returns in 2019 were unexpectedly and unusually low and there is uncertainty in the abundance forecast for 2020.

7.) 635-018-0090  
Angling Regulation Modifications in Eagle Creek and the Deschutes River  
Adopted May 14, 2020: effective July 1 through September 15, 2020  
The amended rule reduces the daily bag limit for hatchery steelhead to one fish when retention is allowed in the summer and fall for Eagle Creek and the Deschutes River. This amended rule is needed to reduce harvest related mortalities of hatchery and wild steelhead due to the low predicted upriver steelhead return in 2020.

8.) 635-019-0090  
Angling Regulations Modifications in the Lower John Day River  
Adopted May 14, 2020: effective July 1 through August 31, 2020  
The amended rule 1) reduces the daily bag limit for hatchery steelhead to one fish when retention is allowed in the summer and fall in the lower John Day River, and 2) close steelhead retention in the lower John Day River from September 1 through December 31 consistent with regulations for the adjacent section of the mainstem Columbia River. This amended rule is needed to reduce harvest related mortalities of hatchery and wild steelhead due to the low predicted upriver steelhead return in 2020.
9.) 635-023-0128
Columbia River Recreational Chinook Salmon Limited Summer Season
This amended rule opens recreational adult Chinook salmon retention in the
Columbia River mainstem effective July 4, 2020 through July 8, 2020 from Tongue Point-
Rocky Point upstream to the OR/WA border (upstream of McNary Dam).

10.) 635-005-0290, 635-005-0355
Establish Commercial Yaquina Bay Gaper Clam Fishery Quota and Harvest Area
Rule establishes a 20,000 pound annual harvest quota and designates a harvest
area for the commercial Gaper Clam Fishery in Yaquina Bay. Commercial dive harvests
of gaper clams in Yaquina Bay increased markedly in 2018, and recent stock assessment
data indicates that repeated harvest at similar levels may not be sustainable. Analysis of
survey biomass data and estimates of anticipated harvest rates indicate that a harvest
quota of 20,000 pounds is an appropriate level for the season opening July 1, 2020.
Additional work to determine appropriate management measures for the long-term is
underway.

11.) 635-017-0090
2020 Clackamas River Hatchery Spring Chinook Closure
This amended rule temporarily closes the Clackamas River, including Estacada
Lake, and Eagle Creek (a tributary to the Clackamas River) to the retention of hatchery
spring Chinook from July 4, 2020 through November 30, 2020. This rule is needed to
reduce the number of fish harvested to help meet broodstock needs of the spring Chinook
program at Clackamas Hatchery. Current adult returns are extremely low, and at the
current pace of returns broodstock needs will not be met.

12.) 635-004-0275
Federal Actions and Management Measures Implemented for Commercial
Groundfish Fisheries
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, flatfish, lingcod, and several rockfish
market categories or species in the Limited Entry Fixed Gear and Open Access fisheries.

13.) 635-042-0160, 635-042-0170
Modifications to 2020 Columbia River Select Area Commercial Fisheries
This amended rule adds five fishing periods for 2020 summer commercial salmon
seasons in Blind/Knappa Slough and Tongue Point/South Channel Select Areas.

14.) 635-023-0128
Columbia River Recreational Chinook Salmon Summer Season Extended
This amended rule 1) opens recreational Chinook salmon retention in the Columbia River mainstem effective July 9, 2020 through July 15, 2020 from Tongue Point-Rocky Point upstream to the OR/WA border (upstream of McNary Dam), and 2) closes shad angling in Bonneville Pool (Bonneville Dam upstream to The Dalles Dam) to minimize additional ESA-listed sockeye handle.

15.) 635-041-0076

Treaty Indian Commercial Summer Salmon Fisheries

These amended rules authorize the sales of fish caught in Treaty Indian commercial summer salmon gillnet fisheries on the Columbia River downstream of Bonneville Dam from 6:00 a.m. Monday, July 13, 2020 through 6:00 p.m. Thursday, July 16, 2020 with no minimum mesh size gear restriction.

Action:
Commissioner Spelbrink moved to ratify the 15 temporary rules set forth on today’s agenda. Commissioner Zarnowitz seconded the motion, and the motion carried with, six (6) infavor

This document is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Temporary%20Oregon%20Administrative%20Rules%20filed%20June%2012%20through%20July%20202020.pdf

Exhibit A: COMMISSION MINUTES
Action:
Commissioner Zarnowitz moved to approve the June 12, 2020 meeting minutes with continued authority to correct grammar and punctuation. Commissioner Wolley seconded the motion and the motion was carried six (6) infavor.

Exhibit B: 2021-2023 Budget
The Commission approved the draft Proposed 2021-2023 Agency Budget.
Staff: Erica Kleiner, Deputy Director for Administration
Brandy Nichols, Budget and Economic Services Manager

Presentation: Erica and Brandy provided the Commission with an informational presentation on the 2021-23 Agency Requested Budget review: the Governor’s vision and ODFW budget principles, public engagement; budget development; and policy option package.

This presentation is located in the commission materials and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/B/Exhibit%20B_Presentation.pdf

Approval
Action:
Commissioner Zarnowitz moved to move POP 119 (Jordan Cove Energy Project Liaison) out of the Wildlife Management Division and into the Habitat Division. Commissioner Labhart seconded the motion and the motion was carried six (6) in favor.

Commission Chair Wahl moved to move the “New Funding” POPs to the top of the priority list and “Continuation” POPS right under that. Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in favor.

Commissioner Hatfield-Hyde moved to change priority ranking of POP 103 (Klamath Reintroduction & Monitoring Biologist) above POP 110 in the list of “Continuation” packages. Commissioner Spelbrink seconded the motion and the motion was carried six (6) in favor.

Commissioner Labhart moved to approve the department’s 2021-2023 Agency Requested Budget as proposed and as amended by prior actions. Commissioner Hatfield-Hyde seconded the motion and the motion was carried six (6) in favor.

Exhibit C: CLIMATE and OCEAN CHANGE POLICY

The Commission adopted a Climate and Ocean Change policy that provides overarching guidance on a coordinated, effective, and efficient agency response to changing climates and ocean conditions.

Staff: Davia Palmeri, Conservation Policy Coordinator;
Shaun Clements, Senior Policy Advisor

Presentation: Davia and Shaun provided the Commission with a presentation on Climate and Ocean Change. The presentation included information on the primary impacts of climate/ocean change: marine; inland; habitat; and broad impacts. The presentation also included information on managing the risk; ODFW actions; West Coast Leadership; and the Climate and Ocean Change Policy.

This presentation is located in the commission materials and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/C/Exhibit%20C_Presentation_Climate%20and%20Ocean%20Change%20Policy.pdf

Public Testimony

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Rich Nawa, Klamath</td>
<td>Klamath Siskiyou Wildlands Center</td>
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<tr>
<td>Michael O’Casey, Bend</td>
<td>The Wildlife Society Oregon Chapter</td>
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<tr>
<td>David Forjan, Barton, New York</td>
<td>Did not testify</td>
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<tr>
<td>Chandra Ferrari, Salem</td>
<td>Trout Unlimited</td>
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<tr>
<td>Sristi Kamal, Portland</td>
<td>Defenders of Wildlife</td>
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<td>Quinn Read, Portland</td>
<td>Center for Biological Diversity</td>
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<td>Fran Recht, Depot Bay</td>
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<td>Helen Kennedy, Marcola</td>
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<td>Kirk Blaine, Roseburg</td>
<td>Native Fish Society</td>
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Rulemaking

Action:

The Commission asked that the Department to report back to the Commission on the implementation of the policy in one year.

Commissioner Hatfield- Hyde moved to adopt OAR Chapter 635, Division 900, as set forth in Attachment #3 Addendum #1; with the changes just made by DOJ [elimination of parentheticals in proposed OAR 635-900-0007(2), (3), and (4)], and with the words “in areas” deleted from [OAR 635-900-0017](7)(b) and (7)(c). Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in favor.

EXHIBIT D: COMMERCIAL COASTAL PELAGIC FISHERIES

The Commission amended rules related to commercial coastal pelagic species along the Oregon Coast consistent with Federal regulations for these fisheries.

Staff: Maggie Sommers, Marine Fisheries Program Manager

Maggie provided the Commission a presentation 2020-21 Federal harvest specifications and management measures for sardines; historical sardine trends; stock status; harvest limits; and federal sardine management.

This presentation is located in the commission materials and can be viewed at  
https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/D/Exhibit%20D_Presentation.pdf

Public Testimony

Rulemaking

Action:

Commissioner Spelbrink moved to adopt the staff recommended rules for Coastal Pelagic Species fisheries as proposed in Attachment 3, including the appropriate citations to the federal regulations. Commissioner Wolley seconded the motion and the motion was carried six (6) in favor.

OTHER BUSINESS

Chair Wahl adjourned the meeting at 1:34 p.m.