



Workshop on Columbia River
Thursday, August 6, 2020 – 1:00 PM
Virtual Meeting
4034 Fairview Industrial DR SE
Salem, OR 97302

Meeting:
Friday, August 7, 2020 – 8:00 AM
Oregon Department of Fish and
Wildlife
Virtual Meeting
4034 Fairview Industrial DR SE
Salem, OR 97302

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, Chairperson | Curt Melcher, Director |
| Greg Wooley, Vice-chairperson | Erica Kleiner, Deputy Director for Administration |
| Bob Spelbrink, Commissioner | Shannon Hurn, Deputy Director for F&W Programs |
| Mark Labhart, Commissioner | Bruce Eddy, East Region Manager |
| Jill Zarnowitz, Commissioner | Bernadette Graham Hudson, West Region Manager |
| Becky Hatfield-Hyde, Commissioners | Anika Marriott, Assistant Attorney General |
| | Erin Donald, Assistant Attorney General |
| | Michelle Tate, Executive Assistant |
| | Chris Kern, Deputy Fish Division Administrator |
| | Doug Cottam, Wildlife Division Administrator |
| | Casey Thomas, Captain Oregon State Police |

6 MEETING

7
8 On Friday, August 7, 2020 at 8:00 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*
14 *at*

15 [https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Final%20Field%20R](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Final%20Field%20Report.pdf)
16 [eport.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Final%20Field%20Report.pdf)

17
18 **Reducing Risk of Whale Entanglement in Commercial Crab Fishing Gear**

19 Dr. Caren Braby, Marine Resources Program Manager

20
21 Dr. Braby provided the Commission with a report on reducing the risk of whale
22 entanglement in the Oregon Dungeness crab fishery. The presentation included
23 information on the Dungeness crab fishery management framework, regulatory
24 history; known whale entanglements, population levels and conservation
25 framework. Management measure recommendations to address whale
26 entanglements in the Dungeness crab fishery will be presented to the
27 Commission on September 11, 2020.

1 This presentation is located in the commission material and can be viewed at
2 [https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Reducing%20Risk%
3 20of%20Whale%20Entanglements%20in%20Oregon%20Dungeness%20Crab%20Fisher
4 y%208.7.2020.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Reducing%20Risk%20of%20Whale%20Entanglements%20in%20Oregon%20Dungeness%20Crab%20Fishery%208.7.2020.pdf)
5

6 **Commissioner Topic**

7 Vice-chair Wolley provided an update to the Commission on the progress made towards
8 developing the Beaver Trapping on Public Lands and Trap Check Frequency
9 Committees, and read the following into the record;

10
11 The purpose of this update is to move forward as a Commission with a shared
12 understanding of how we are proceeding forward with our committee development.
13

14 Chair Wahl and Vice-chair Wolley met with Doug Cottam and Derek Broman to develop a
15 strategy for developing the Beaver Trapping on Public Lands and Trap Check Frequency
16 Committees.
17

18 Three main topical questions were discussed:

- 19 1) What organizations will be included on the committees?
- 20 2) What are the main questions that the committees will address?
- 21 3) What preparation is needed between now and when the meetings begin?
22

23 We feel that the composite of the two committees should be different, but there may be
24 some overlap with committee memberships.
25

26 The committees will be regarded as subsets or sub-committees of the existing beaver
27 management and trap check groups, but will be much more streamlined due to their
28 specific goals and timelines.
29

30 We are striving for a balanced representation on each committee.
31

32 Beaver Trapping on Public Lands Committee Member Representation (Beaver 33 Management)

34 Oregon Hunters Association

35 Oregon Trappers Association

36 Oregon Farm Bureau

37 Up to three representatives chosen from the Oregon Wildlife Coalition*

38 Oregon Association of Counties representative

39 ODFW Fish and Wildlife Divisions representatives

40 ODFW Commission Representative

41 Academic Researcher(s)

42 Regional US Forest Service Biologist

43 Technical advisors from BLM and NOAA Fisheries.
44

45 * The Oregon Wildlife Coalition consists of Oregon Wild, Defenders of Wildlife, The
46 Humane Society of the United States, The Center for Biological Diversity, and Portland
47 Audubon or another Audubon Group.

1 Preparation and Questions for Beaver Management Committee to Consider (from
2 meeting with Chair Wahl, Vice-chair Wolley, Doug Cottam and Derek Broman)

3
4 **Questions:**

- 5 1.) What conditions are needed to reintroduce beaver successfully and to encourage
6 their presence, especially where watershed/ habitat restoration investments are occurring
7 or planned?
8 2.) Is there a correlation between trapping, beaver absence, and dam creation?
9 3.) How does beaver management affect the value of and the investment in natural
10 resource restoration and protection?
11 4.) Quantify, as best as can be done, the financial benefit of beaver dams in watersheds.
12 This includes a comparison with the cost of building human-made structures that provide
13 equal fish, wildlife, and watershed health and habitat benefits.
14 5.) What research exists, and what research is needed to demonstrate the habitat
15 benefits of beaver in watersheds? Does protecting beavers from harvest other than for
16 damage control benefit Oregon Conservation Strategy species and their habitat?
17 6.) What would be the impact on trappers (how many trappers use federal land versus
18 state or private) if some or all federal lands were closed to beaver trapping except for
19 damage control trapping?
20 7.) Can we include damage trapping (by licensed trappers) of beaver and other
21 furbearers in trapping reports to get a better count of beaver and other furbearer harvest
22 than we get with just recreational and commercial uses reporting?
23

24 Trap Check Frequency Committee Member Representation

- 25 Oregon Hunters Association
26 Oregon Trappers Association
27 Oregon Farm Bureau
28 Up to three members from the Oregon Wildlife Coalition
29 Oregon Association of Counties representative
30 ODFW Commission Representative
31 ODFW Wildlife Division representative
32

33 Preparation and Questions for Trap Check Committee

34 **Questions:**

- 35 1.) What is the history of the current trap check rule time frames?
36 2.) What is the past rationale for Oregon's trap check time requirements, and do shorter
37 trap check times negatively affect trappers' ability to manage their trap lines? What are
38 the reasons for longer time frames? For shorter time frames?
39 3.) How can the Fish and Wildlife Commission address growing concerns about humane
40 treatment of trapped animals, so as to prevent another sport from being banned by the
41 general public?
42 4.) What are the trap check time frames in states that have lowered the allowed times for
43 checking traps. (A chart of these would be helpful.)
44 5.) Have the different trap check times in other states provided a positive or negative
45 outcome compared to Oregon's?

1 6.) Does changing to a 24 hour or daily trap check time negatively impact furbearer
2 harvest management? Are there other feasible ways to gather data currently coming
3 from trappers?
4

5 Beaver Management Committee

6 **Process, Preparation**

7 1.) Facilitator

8 (a) One facilitator for both workgroups is preferred.

9 (b) Commissioner Representative (Greg Wolley), Wildlife Division Leadership
10 representative (Doug Cottam), someone from Director's Office representative (Shannon
11 Hurn) interview facilitator candidates; program staff representative (Derek Broman)
12 reviews candidates to identify those with natural resource experience or expertise.

13 2.) "Sideboards" to be communicated so people are clear what is possible in current
14 effort:

15 (a) Discussion is about beaver management on Oregon's federal lands, not on
16 state or private lands;

17 (b) Damage control is not part of this discussion;

18 (c) Staff and commenters emphasize the importance of habitat and a holistic
19 approach, rather than one species at a time. This discussion is focused on one species,
20 but is in the context of the ecosystem and connections of that species to habitat and
21 climate change impacts; and

22 (d) Need to consider both west side and east side conditions and situations.

23 3.) Outcome: Proposal for rule changes to management of beaver on Oregon's federal
24 lands, if warranted.
25

26 Trap Check Committee

27 **Process, Preparation**

28 1.) Facilitator

29 (a) One facilitator for both workgroups is preferred.

30 (b) Commissioner Representative (Greg Wolley), Wildlife Division Leadership
31 representative (Doug Cottam), someone from Director's Office representative (Shannon
32 Hurn) interview facilitator candidates; program staff representative (Derek Broman)
33 reviews candidates to identify those with natural resource experience or expertise.

34 2.) Goal: first meeting of Trap Check Frequency workgroup by the end of September

35 3.) "Sideboards" to be communicated so people are clear what is possible in current legal
36 framework:

37 (a) Trap check frequency can be every 48 hours or less, but not more, based on
38 Oregon statutes.

39 (b) Trap check frequency for animals classified as "predators" must be on a
40 regular basis which can be defined in rule. Current rule has three of these.

41 4.) Outcome: Proposal for rule changes, if warranted.
42

43 Process Management/Timeline

44 We will need a facilitator. Derek Broman and ODFW biologist Vanessa Blackstone have
45 received our department's list of facilitators and narrowed down three for me to select
46 from.
47

1 A good facilitator does need to do some pre-work. I will ask them about what the pre-work
2 will entail, and how much time it will take. They need to develop as strong an
3 understanding of our organization and the issues at hand as they can, before beginning
4 the first meeting.

5
6 Because the facilitator will need some time to ramp up, it is likely that our committee work
7 will probably not wrap up until after the end of the year. We are still looking at two months
8 and four bi-weekly meetings for the Trap Check Committee, and three months and six bi-
9 monthly meetings for the Beaver Trapping (Beaver Management) Committee. The start
10 date is to be determined, depending on the readiness of the facilitator.

11
12 The department representative will provide monthly updates to the full Commission and
13 Director.

14 15 **Adopt Temporary Rules**

16 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
17 The 13 temporary rules were previously adopted by the director under his emergency
18 action authority.

19 20 **1. 635-005-0355**

21 **Tillamook Bay Commercial Gaper Clam Dive Fishery Closes**

22 Adopted July 13, 2020: effective July 14 through August 30, 2020.

23 The amended rule closed the commercial dive fishery in Tillamook Bay due to
24 attainment of the 235,000 pound annual harvest quota.

25 26 **2. 635-016-0090**

27 **Increased harvest methods for smallmouth bass in Coquille Basin**

28 Adopted July 13, 2020: effective July 15 through November 30, 2020.

29 This amended rule allows the use of bait, spears, and spear guns to harvest
30 smallmouth bass in the Coquille River and specific tributaries. Coquille fall Chinook
31 returns in 2018 and 2019 were extremely low. Illegally introduced smallmouth bass are
32 partly to blame for these unexpected low returns. ODFW staff is encouraging anglers to
33 harvest smallmouth bass within the Coquille Basin by allowing additional harvest
34 methods.

35 36 **3. 635-039-0085**

37 **Amend Rules for Recreational Halibut Fisheries Regulations**

38 Adopted July 13, 2020: effective August 6 through October 25, 2020.

39 This amended rule opens Oregon's regulations for recreational halibut fisheries will
40 establish 2020 season dates for the Columbia River Subarea.

41 42 **4. 635-043-0150**

43 **Ceremonial Harvest of Deer, Elk, and Pronghorn by the Burns Paiute Tribe of** 44 **Oregon**

45 Adopted: July 14, 2020 – Effective Dates: July 14, 2020 through January 09, 2021

1 OAR 635-043-0150 (3) establishes permits for the take of deer, elk, and pronghorn
2 along with season dates and hunt area for ceremonial and cultural use by the Burns
3 Paiute Tribe.

4
5 **5. 635-039-0090**

6 **Revise marine fish bag limit, and close China, copper, and quillback rockfish from**
7 **a boat.**

8 Adopted July 15, 2020: effective July 20 through December 31, 2020.

9 This amended rule revises the daily bag limit for general marine species from five
10 to seven fish, and prohibits retention of copper, quillback, and China rockfishes in the
11 sport groundfish fishery when fishing from a boat. Persons fishing from shore may
12 continue to retain one of these species in aggregate, within the daily bag limit for general
13 marine species.

14
15 **6. 635-023-0128**

16 **Columbia River Recreational Chinook Salmon and Steelhead Summer Season**
17 **Extended**

18 Adopted July 15, 2020: effective July 16 through July 31, 2020.

19 This amended rule extends recreational adult hatchery Chinook salmon and re-
20 opens steelhead retention in the Columbia River mainstem effective July 16, 2020
21 through July 31, 2020 from Tongue Point-Rocky Point upstream to the OR/WA border
22 (upstream of McNary Dam).

23
24 **7. 635-041-0076**

25 **Treaty Indian Commercial Summer Salmon Fisheries**

26 Adopted July 15, 2020: effective July 16 through July 31, 2020.

27 These amended rules authorize the sales of fish caught in Zone 6 Treaty Indian
28 commercial summer salmon gillnet fisheries on the Columbia River

29
30 **8. 635-014-0090,**

31 **9. 635-016-0090¹**

32 **Coastal Wild Chinook Salmon Bag Limit Reduction and Area Closures**

33 Adopted July 27, 2020: effective August 1 through December 31, 2020.

34 This amended rules modify bag limits and other measures for harvest of wild
35 Chinook salmon in specified coastal rivers.

36
37 **10. 635-098-0060**

38 **Accelerating the Pace of the Oregon Conservation & Recreation Advisory**
39 **Committee**

40 Adopted: July 29, 2020 – Effective Dates: July 29, 2020 through January 24, 2021

41 The current rule requires that interested parties must submit proposed projects to
42 the Advisory Committee not less than 60 days prior to a scheduled meeting. The
43 Temporary rule suspends the 60 day requirement.

44
45 **11. 635-041-0075,**

46 **12. 635-041-0045²**

47 **Authorize Sales from Columbia River Treaty Indian Fall Commercial Fisheries**

1 Adopted July 31, 2020: effective August 1 through December 31, 2020.

2 The amended rule authorizes sales of fish caught in Treaty Indian fall commercial
3 fisheries in the Columbia River and its tributaries, above and below Bonneville Dam.

4
5 **13. 635-042-0031, 635-042-0145, 635-042-0160, 635-042-0170, and 635-042-0180**
6 **Authorize Sales from Columbia River Non-treaty Fall Commercial Fisheries**

7 Adopted August 4, 2020: effective August 4
8 through December 31, 2020.

9 The amended rule authorizes fall commercial fisheries in the mainstem Columbia
10 River and select areas.

11 ¹ A current temporary rule for this section expires November 30, 2020, so this rule will be refiled December 1, 2020
12 for the remainder of the period.

13 ² A temporary rule for this section expired July 31, 2020, so these rules were submitted under two separate filings.

14
15 https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/Temp%20Oregon%20Administrative%20Rules%20filled%20between%20July11%20and%20July%2022.pdf
16

17
18 Action:

19 Commissioner Labhart moved to ratify the 13 temporary rules set forth in today's tan
20 agenda. Vice-chair Wolley seconded the motion, and the motion carried unanimously, five
21 (5) in favor, one (1) abstain Spelbrink.

22
23 **Exhibit A: COMMISSION MINUTES**

24 Action:

25 Vice-chair Wolly moved to approve the July 10, 2020 meeting minutes with continued
26 authority to correct grammar and punctuation. Commissioner Spelbrink seconded the
27 motion and the motion was carried six (6) in favor.

28
29 **Exhibit B: 2020-2021 OREGON GAME BIRD REGULATIONS**

30 The Commission adopted the game bird season regulations for 2020-2021 and the 2020-
31 2025 Oregon upland game bird hunting season framework.

32 Staff: Brandon Reishus, Migratory Game Bird Coordinator

33 Mikal Cline, Upland Game Bird Coordinator
34

35 Presentation: Mikal provided the Commission with a presentation on upland game
36 bird regulations population status, 5-year regulation framework, youth hunts, fee
37 pheasant hunts, and controlled Sage-grouse seasons. Brandon provided the
38 Commission with a presentation on the 2020-2021 migratory game bird hunting seasons
39 and regulations. This presentation included information on the decision making process:
40 season frameworks established by the US Fish and Wildlife Service in consultation with
41 the Pacific Flyway Council; adaptive harvest management with the Western Mallard
42 Model, as well as pintail, scaup, canvasback, mourning dove, and band-tail pigeon
43 harvest strategies.

44
45 *This presentation is located in the commission material and can be viewed at*

46 [https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/B/Exhibit%20B_Pres](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/B/Exhibit%20B_Presentation_2020-21%20Migratory%20Game%20Bird.pdf)
47 [entation_2020-21%20Migratory%20Game%20Bird.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/B/Exhibit%20B_Presentation_2020-21%20Migratory%20Game%20Bird.pdf) and

1 https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/B/Exhibit%20B_Presentation_2020-21%20Upland%20Game%20Bird.pdf
2
3

4 Public Testimony

5 Tyler Dungannon, Oregon Hunters
6 Association

7 Rulemaking

8 Action:

9 Commissioner Spelbrink moved to adopt as department policy the 2020-2025
10 Oregon Upland Game Bird Hunting Season Framework. Commissioner Labhart seconded
11 the motion and the motion was carried six (6) in favor.

12 Commissioner Spelbrink moved to to amend OAR Chapter 635, Divisions 008,
13 045, 051, 052, 053, 054, and 060 as proposed by staff to set regulations for 2020-21
14 game bird seasons and amend regulations for department lands. Commissioner
15 Zarnowitz seconded the motion and the motion was carried six (6) in favor.

16
17 Chair Wahl stated that after the Oregon State University (OSU) study is complete she
18 would like for the Commission to consider stopping the hunting of these birds to focus on
19 recovery and to avoid an ESA listing.
20

21 **Exhibit C: MONITORING SCHEDULE FOR MYXOBOLUS CEREBRALIS AT FISH**
22 **REARING FACILITIES IN OREGON**

23 The Commission adopted rule modifications needed to adjust pathogen category
24 and required testing schedule to detect Myxobolus cerebralis for fish in Oregon.

25 Staff: Dr. Aimee Reed, Senior Fish Health Specialist
26

27 Presentation: Dr. Reed provided the Commission with a presentation on
28 reclassification of Whirling Disease (*Myxobolus cerebralis*) from category 2 pathogen to a
29 less-severe category 3 pathogen; and an adjusted testing schedule of every three years
30 for facilities in non-endemic areas.
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/20/08_Aug/C/Exhibit%20C_Presentation.pdf
34
35

36 No Public Testimony

37 Rulemaking

38 Action:

39 Commissioner Labhart moved to adopt the Staff recommended rule amendments
40 set forth in Attachment 3 that changes *Myxobolus cerebralis* from a Category II pathogen
41 to a Category III pathogen and provides for a modified testing schedule of every three
42 years for facilities in non-endemic areas. Commissioner Hatfield- Hyde seconded the
43 motion and the motion was carried six (6) in favor.

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EXHIBIT D: SPRINGHILL PUMPING PLANT FISH SCREENING EXEMPTION

The Commission approved a request submitted by The Joint Water Commission and the City of Hillsboro for an exemption to Fish Screening requirements at their Springhill Pumping Plant located on the Tualatin River
Staff: Ken Loffink, Fish Screening Program Coordinator

Presentation: Ken provided the Commission with a presentation on Joint Water Commission Springhill Pumping Plant (SHPP) Fish Screening Exemption including ORS 498.306 and 498.316; SHPP fish screening exemption request; Tualatin Basin Fish Species; the diversion; estimating fish impacts (losses) at SHPP; annual entertainment estimates (losses) at SHP; annual entertainment losses at SHPP (other species); mitigation site and plan; mitigation benefits-stream access and habitat; mitigation benefits for other species; net benefit analysis; net benefit analysis-juvenile rearing; and Fish Screening Task Force recommendation.

This presentation is located in the commission material and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/D/Exhibit%20D_Presentation.pdf

Public Testimony
Les Perkins, Fish Screening Task Force member
Kristel Griffith, Hillsboro
Ian Courter
John Macklin

Approval

Action:

Commissioner Labhart moved to approve the fish screening exemption at the Springhill Pumping Plant. Commissioner Hatfield-Hyde seconded the motion and the motion was carried five (5) in favor- Wolley, Labhart, Spelbrink, Zarnowitz, Hatfield-Hyde; one (1) opposed- Wahl.

Commissioner Zarnowitz moved to direct the Department to in good faith, assist JWC in seeking a conservation easement from the Batemans. Commissioner Spelbrink seconded the motion. The motion carries with five (5) in favor- Wahl, Wolley, Labhart, Spelbringk, Zarnowitz; one (1) opposed Hatfield-Hyde.

Commissioner Zarnowitz asked the department to develop standards to be used to address these type of issues in the future for screening; standards that meet the Climate and Ocean Change and Mitigation Policies, and other fish management plans.

1 **EXHIBIT E: 2021 SPORT FISH REGULATIONS**

2 The Commission adopted the 2021 Sport Fishing Regulations.
3 Staff: Mike Gauvin, Recreational Fisheries Program Manager
4 Tucker Jones, Ocean Salmon/Columbia River Program Manager
5 Presentation: Mike and Tucker provided the Commission with a presentation
6 on public involvement in the 2021 regulations process; OAR's date changes, regulation
7 proposals; and Columbia River Thermal Angling Sanctuaries.
8

9 *This presentation is located in the commission material and can be viewed at*
10 [https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/E/Exhibit%20E_Pres](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/E/Exhibit%20E_Presentation.pdf)
11 [entation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/E/Exhibit%20E_Presentation.pdf)
12

13 Public Testimony
Yancey Lind
Graig Spolek
Brian McLahlan, Portland
Bill Bakke
Roger Neufuldt, Mt. Hood
Stephen Borg, The Dalles
Skip Zapffe

14 Rulemaking

15
16 Action:

17 Vice-chair Wolley moved to adopt Thermal Angling Sanctuary spatial and temporal
18 boundaries in to permanent rule, revised attachment 3; and provide Commission
19 guidance on implementation. Chair Labhart seconded, the motion was carried six (6) in
20 favor.
21

22 Commission Guidance: Implement Thermal Angling Sanctuaries based on preseason
23 upriver steelhead forecasts unless mitigating factors exist. Commissioners also gave staff
24 the flexibility to consider allowing two-rod fishing on the Willamette during spring seasons.
25

26 Commissioner Spelbrink moved to allow staff to consider the two (2) rod rule on the
27 Willamette on a temporary basis; Commission Labhart seconded the motion and the
28 motion was carried six (6) in favor.
29

30 Commissioner Hatfield-Hyde moved to adopt staff recommended proposal to readopt the
31 2020 Sport Fishing Regulations in administrative rule for 2021, and make date changes
32 as necessary; adopt staff recommended proposals as shown in Attachment 4 including
33 only one single point hook allowed in all sections of the Williamson River; authorize staff
34 to make formatting changes and text changes to correct typographical or grammatical
35 errors, address inadvertent inconsistencies, and update information regarding the
36 Electronic Licensing System as needed. Commissioner Spelbrink seconded the motion
37 and the motion was carried six (6) in favor.
38

- 1 OTHER BUSINESS
- 2 *Proposed meeting dates for 2021*
- 3
- 4 Chair Wahl adjourned the meeting at 6:30 p.m.