



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday, September 11, 2020 – 8:00 AM
Oregon Department of Fish and Wildlife
Virtual Meeting
4034 Fairview Industrial Dr SE
Salem, Oregon 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, Chair
Greg Wolley, Vice-Chair
Bob Spelbrink, Commissioner
Mark Labhart, Commissioner
Jill Zarnowitz, Commissioner
Becky Hatfield-Hyde
Shannon Hurn, Deputy Director of Fish and Wildlife Programs
Erica Kleiner, Deputy Director of Administration
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
Chris Kern, Fish Division Deputy Administrator
Doug Cottam, Wildlife Division Administrator
Casey Thomas, Captain Oregon State Police

6 **MEETING**

7
8 On Friday, **September 11, 2020 at 8:00 AM, Chair Wahl called the Oregon Fish and**
9 **Wildlife Commission** (Commission) meeting to order.

11 **DIRECTOR'S REPORT**

12
13 Field Reports – in written form only; *this report is available in the meeting materials*
14 *and at:*

15 https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/September%20Field%20Report%20081120.pdf

17
18 Expenditure Report

19 Staff: Erica Kleiner, Deputy Director for Administration
20 Erica provided the Commission with a report that revenue from license sales remains
21 very healthy. In terms of General Fund (GF), the Legislature made several reductions to
22 our current budget during its second special session in August. Expenditures through
23 June remain below budgeted projections.

24
25 *This report is available in the meeting materials and at*
26 https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/Commission%20Financial%20Report%20September%202020.pdf
27

1 **OTHER BUSINESS**

2 The Commission approved the proposed Commission meeting dates for 2021.

3
4 **COMMISSION ITEMS**

5 Vice-chair Wolley - Updated the Commission on Beaver Working
6 groups.

7 Commissioner Zarnowitz - Updated the Commission on standards to
8 be used to make future fish passage screening waiver decision.

9
10 **Adopt Temporary Rules**

11 Shannon Hurn, Deputy Director, requested the Commission ratify the following temporary
12 rules. The Sixteen (16) temporary rules were previously adopted by Director Melcher
13 under his emergency action authority.

14
15 **1.) 635-053-0005**

16 **Adopt Controlled Hunt Permit Numbers for 2020 Oregon Sage-grouse Season**

17 Adopted: August 10, 2020 – Effective Dates: August 10, 2020 through December 31,
18 2020

19 This rule amendment is needed to establish the maximum number of permits that
20 may be issued for the purpose of hunting sage-grouse during the previously established
21 September 12 - September 20, 2020 Oregon sage-grouse season.

22
23 **2.) 635-039-0090**

24 **Prohibit retention of recreational Cabazon when fishing from a boat**

25 Adopted August 11, 2020: effective August 14 through December 31, 2020

26 The amended rule prohibits retention of Cabazon in the recreational bottomfish
27 fishery when fishing from a boat effective from August 14 through December 31, 2020.
28 Anglers fishing from shore may continue to retain the daily bag limit of one Cabazon.

29
30 **3.) 635-023-0134**

31 **Close Spring and Open Fall Chinook 2020 Snake River Fisheries**

32 Adopted August 13, 2020: effective August 14 through December 31, 2020¹

33 This amended rule impacts the Snake River by closing the recreational spring
34 Chinook fishery and opening the fall Chinook fishery consistent with State of Idaho rules
35 for adjacent waters.

36
37 **4.) 635-039-0085**

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

39 Adopted August 20, 2020: effective August 27 through October 31, 2020²

40 Amendments to Oregon's regulations for recreational halibut fisheries will open the
41 Central Oregon Coast Subarea summer all-depth season every Thursday, Friday, and
42 Saturday, and allow all-depth halibut to occur on the same trip as bottomfish when the
43 bottomfish fishery opens to all depths beginning September 1. The rule is consistent with
44 regulations previously implemented by the Federal Government and the International
45 Pacific Halibut Commission for the 2020 Oregon sport fishery for Pacific halibut.

1 **5.) 635-016-0090**

2 **Illinois River Area Angling Closure**

3 Adopted August 19, 2020: effective August 20 through November 30, 2020

4 This amended rule prohibits all angling in a portion of the Illinois River in response
5 to public concern about angling violations, to reduce the risk of illegal fishing for fall
6 Chinook salmon.

7
8 **6.) 635-004-0355**

9 **Increase Commercial Nearshore Trip Limits for Black Rockfish and Cabezon**

10 Adopted August 13, 2020: effective August 14 through December 31, 2020

11 This amended rule increases in-season trip limits for the commercial Black
12 Rockfish and Cabazon fisheries for periods 5 and 6 (September through December
13 2020). The trip limits for periods 5 and 6 would increase for black rockfish from 2,100 to
14 2,700 pounds and for Cabazon from 1,000 to 2,000.

15
16 **7.) 635-039-0085**

17 **Add Two Open Days for Columbia River Subarea Recreational Halibut Fisheries**

18 Adopted August 27, 2020: effective August 27 through October 25, 2020²

19 This amended rule will open the recreational halibut fisheries in the Columbia River
20 Subarea
21 (Leadbetter Point, WA to Cape Falcon, OR) all-depth season on Friday, September 4,
22 2020 and Friday, September 11, 2020.

23
24 **8.) 635-019-0090⁴**

25 **Reduce Steelhead Bag Limit on Grand Ronde and Snake River and Their
26 Tributaries**

27 Adopted August 27, 2020: effective September 1 through December 31, 2020¹

28 These amended rules reduce the daily bag limit for steelhead to two from three
29 hatchery fish per day in the Snake River and tributaries from September 1 to December
30 31, 2020.

31
32 **9.) 635-023-0134⁴**

33 **Reduce Steelhead Bag Limit on Grand Ronde and Snake River and Their
34 Tributaries**

35 Adopted August 27, 2020: effective September 1 through December 31, 2020³

36 These amended rules reduce the daily bag limit for steelhead to two from three
37 hatchery fish per day in the Snake River and tributaries from September 1 to December
38 31, 2020.

39
40 **10.) 635-042-0031**

41 **Non-Treaty Columbia River Commercial Mainstem Fall Chinook Closure**

42 Adopted August 28, 2020: effective August 31, 2020 through December 31, 2020

43 This amended rule rescinds one previously adopted fall non-Treaty commercial
44 gillnet fishing period in Zones 4/5 of the lower Columbia River consistent with action taken
45 August 27, 2020 by the Departments of Fish and Wildlife for the States of Oregon and
46 Washington at a meeting of the Columbia River Compact.

47

1 **11.) 635-005-0290, 635-005-0355**

2 **Revise Commercial Clam Fisheries in Tillamook and Yaquina Bays**

3 Adopted July 1, 2020: effective September 2, 2020 through December 28, 2020³

4 Issue 1 - The amended rule establishes an annual harvest quota and designates a
5 harvest area for the commercial Gaper Clam Fishery in Yaquina Bay.

6 Issue 2 - The amended rule closes the Tillamook Bay commercial gaper clam dive
7 fishery due to projected attainment of the harvest quota.

8
9 **12.) 635-019-0090**

10 **Reduce Steelhead Bag Limit on Grand Ronde and Snake River and Their**
11 **Tributaries**

12 Adopted September 1, 2020: effective September 1, 2020 through December 31, 2020

13 These amended rules reduce the daily bag limit for steelhead to two from three
14 hatchery fish per day in the Snake River and tributaries from September 1 to December
15 31, 2020.

16
17 **13.) 635-041-0075**

18 **Set Treaty Indian Fall Commercial Gillnet Fishery**

19 Adopted September 3, 2020: effective September 3, 2020 through December 31, 2020

20 These amended rules extend fall Treaty commercial gillnet fishing periods in the
21 Columbia River mainstem. Modifications are consistent with action taken September 3,
22 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington in
23 cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River
24 Compact.

25
26 **14.) 635-023-0095**

27 **2020 Recreational Sturgeon Fisheries Allowed**

28 Adopted September 4, 2020: effective September 5, 2020 through September 22, 2020

29 This amended rule allows recreational retention of white sturgeon on the mainstem
30 lower Columbia River for 2-days from the Wauna power lines upstream to Bonneville
31 Dam. Revisions are consistent with action taken September 4, 2020 by the Departments
32 of Fish and Wildlife for the States of Oregon and Washington.

33
34 **15.) 635-023-0130**

35 **2020 Recreational Columbia River Salmon Fisheries Allowed**

36 Adopted September 4, 2020: effective September 5, 2020 through December 31, 2020

37 This amended rule allows recreational retention from Buoy 10 upstream to Rocky
38 Point/Tongue Point. The daily salmon bag limit is increased to two fish and one Chinook
39 can be retained for two days. Revisions are consistent with action taken September 3,
40 2020 by the Departments of Fish and Wildlife for the States of Oregon and Washington.

41
42 **16.) 635-023-0130**

43 **2020 Recreational Salmon Fisheries Allowed**

44 Adopted September 10, 2020: effective September 11, 2020 through December 31, 2020

45 This amended rule modified recreational salmon fisheries from Buoy 10 upstream
46 to the Highway 395 Bridge. On Friday, September 11 through Sunday September 13,
47 retention of Chinook and coho allowed. All coho retained downstream of the Hood River

1 Bridge must be hatchery fish. All steelhead must be released. The daily adult Page 1 of 4
2 bag limit is one salmon (coho and Chinook only) except at Buoy 10 where the daily adult
3 bag limit is two salmon of which only one can be a Chinook. Chinook retention is currently
4 expected to reopen Sept. 23 if the upriver bright Chinook return meets expectations.
5 Revisions are consistent with action taken September 9, 2020 by the Departments of Fish
6 and Wildlife for the States of Oregon and Washington.

7
8 ^{1.} A current temporary rule for this section expires October 21, 2020, so this rule will be refiled for the remainder of the
9 period.

10 ^{2.} A current temporary rule for this section expires October 25, 2020, so this rule will be refiled for the remainder of the
11 period.

12 ^{3.} A current temporary rule for this section expired, so this rule was refiled for the remainder of the period.

13 ^{4.} A temporary rule for these rules was already in effect, so these rules were submitted under two separate
14 filings.

15
16 [https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/Temporary%20Oregon
17 on%20Administrative%20Rules%209.10.20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/Temporary%20Oregon%20Administrative%20Rules%209.10.20.pdf)

18
19 Action:

20 Commissioner Labhart moved to ratify the sixteen (16) temporary rules set forth in the
21 today's tan agenda. Commissioner Spelbrink seconded the motion, and the motion
22 carried unanimously, six (6) in favor.

23
24 **Exhibit A: COMMISSION MINUTES**

25 Action:

26 Commissioner Spelbrink moved to approve the August 7, 2020 meeting minutes
27 with continued authority to correct grammar and punctuation. Commissioner Hatfield-
28 Hyde seconded the motion and the motion was carried six (6) in favor.

29
30 **Exhibit B: CONSERVATION AND RECREATION FUND ADVISORY COMMITTEE**
31 **PROJECT APPROVAL**

32 The Commission was asked to approve the Conservation and Recreation Fund
33 Committee recommendations for project funding

34 Staff: Davia Palmeri; Conservation Strategy Coordinator

35 Dr. Karl Wenner; Conservation and Recreation Fund Advisory Committee
36 Chair

37 *Presentation:* Davia and Chair Wenner provided the Commission with a
38 presentation on the Conservation and Recreation Fund Advisory Committee and
39 proposed project funding. The presentation included an update since July, Legislative
40 Session, restricted gift announcement of a second funding opportunity, and launch of the
41 campaign. The presentation also include information on funding status and project
42 recommendations.

43
44 *This presentation is located in the commission material and can be viewed at*

45 [https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20B_OCR
46 F/Exhibit%20B_Presentation_OCRF.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20B_OCRF/Exhibit%20B_Presentation_OCRF.pdf)

1 Public Testimony

Jim Akenson, Enterprise	Oregon Hunters Association
Laurel Williams, Portland	PEW Charitable Trust

2 Rulemaking

3
4 Action:

5 Commissioner Labhart to approve the eight (8) projects recommended for funding
6 by the Conservation & Recreation Advisory Committee, including the increased funding
7 for the Gilchrist Underpass Wildlife Directional Fencing project set out in Addendum 1.
8 Commissioner Wolley seconded the motion and the motion was carried six (6) in favor.
9

10 **Exhibit C: REDUCING RISK OF WHALE ENTANGLEMENT IN COMMERCIAL CRAB**
11 **FISHING GEAR**

12 The Commission was asked to adopt a regulatory package implementing a suite of
13 management measures to reduce the risk of whales becoming entangled in commercial
14 crab fishing gear.

15 Staff: Dr. Caren Braby, Marine Resources Program Manager

16 Presentation: Dr. Braby provided the Commission with a presentation on reducing
17 the risk of whale entanglement in commercial crab fishing gear and biotoxin management.
18 The presentation included background on the commercial Dungeness crab fishery and
19 whale entanglement problem, management approach and timeline, recommendations for
20 the decision and future next steps. The presentation also included information on crab
21 biotoxin management consistency.

22
23 *This presentation is located in the commission material and can be viewed at*
24 https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/C/Exhibit_C_Presentation.pdf
25
26

27 Public Testimony

Ben Enticknap, Portland	Provided written testimony
Ryan Steen	
Justin Yager	Provided written testimony
Richard Lilienthal	
Joel Purkey, Port Orford	
Carrie Brandury	
Cody Chase	
Colleen Weiler, Newport	
Brian Nolte, Brookings	
Gary Repka	
Geoffrey Molfino	
Clint Funderburg	

28 Rulemaking

29
30 Commissioner Spelbrink read the following statement into the record:

31 "For the record, I am Commissioner Bob Spelbrink. I declare a potential conflict of
32 interest relating to the management measures to reduce the risk of whales becoming

1 entangled in commercial crab fishing gear effecting, and related to, the Dungeness Crab
2 Fishery. I was a Commercial Dungeness Crab Fisherman for almost 40 years and my
3 business Allied Marine Inc., owns an Oregon Dungeness Crab permit, crab gear, and
4 retains partial ownership of a 56' crab-fishing vessel. "
5

6 Action:

7 Commissioner Labhart moved to move to adopt the staff recommendations on
8 biotoxin management into OAR's as specifically proposed in Attachment 3, lines 113-143.
9 Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in favor.
10

11 Commissioner Hatfield-Hyde moved to approve the staff recommendations to
12 OAR's proposed in attachment 3; except change OAR 635-005-0460 (2) (page 2; line 70)
13 from 30 to 40 fathoms. Commissioner Labhart seconded the motion and the motion was
14 carried six (6) in favor.
15

16 **EXHIBIT D: ACCESS AND HABITAT PROGRAM FUNDING AND RULE AMENDMENT**

17 The Commission was asked to approve the Access and Habitat Board
18 recommendations for project funding and rulemaking to amend minimum bid for deer and
19 elk auction tags.

20 Staff: Travis Schultz, Access & Habitat Program Coordinator

21 Presentation: Travis provided the Commission with a presentation onboard
22 recommended projects and increasing the minimum acceptable bid of Access and Habitat
23 (A&H) deer and elk tags.
24

25 *This presentation is located in the commission material and can be viewed at*
26 [https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20D_AH/E
28 xhibit%20D_%20Presentation%20_Access%20and%20Habitat.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20D_AH/E
27 xhibit%20D_%20Presentation%20_Access%20and%20Habitat.pdf)

28 No Public Testimony
29 Rulemaking
30

31 Action:

32 Commissioner Spelbrink moved to approve the six projects recommended for
33 funding by the Access and Habitat Board. Commissioner Zarnowitz seconded the motion
34 and the motion was carried six (6) in favor.
35

36 Commissioner Spelbrink moved to amend OAR Chapter 635, Division 090 as
37 proposed by staff. Commissioner Wolley seconded the motion and the motion was carried
38 six (6) in favor.
39
40

41 **EXHIBIT E: BIG GAME REGULATIONS**

42 The Commission will be asked to adopt administrative rules for proposed big
43 game and western squirrel tag numbers, seasons and regulations for 2021.

44 Staff: Nick Myatt, Big Game Hunting Review Project Lead

45 Mark Damian Duda, Executive Director, Responsive Management

46 Dr. Don Whittaker, Ungulate Coordinator

1 Derek Broman, Furbearer Coordinator
2 Presentation: Mark Duda provided the Commission with a presentation on
3 Oregon deer and elk hunters' attitudes toward big game management and hunting
4 opportunities. The presentation included information of the 2020 public input forum,
5 2020 scientific survey methodology, 2020 scientific survey results, hunting
6 equipment, opinions on regulator changes and management strategies, and public
7 input in general.
8

9 Nick, Don and Derek also provided a presentation on the process for Big
10 Game Regulation development, public outreach and information, and 2021 regulation
11 proposals.
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/20/09_Sep/EXHIBIT%20E_BIG](https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20E_BIG%20GAME/Exhibit%20E_Presentation_Big%20Game%20Regulations.pdf)
15 [%20GAME/Exhibit%20E_Presentation_Big%20Game%20Regulations.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/09_Sep/EXHIBIT%20E_BIG%20GAME/Exhibit%20E_Presentation_Big%20Game%20Regulations.pdf)
16
17

Public Testimony

Matt Sprague	
Jim Akenson, Enterprise	Oregon Hunters Association, provided written testimony
Wayne Endicott	
Ken Holliday	
Tyler Dungannon	

18 Rulemaking
19

20 Action:

21 Chair Wahl moved to remove OAR 635-065 – 0723 crossbow language from the
22 proposal. Commissioner Zarnowitz seconded the motion and the motion was carried six
23 (6) infavor.
24

25 Commissioner Labhart moved to amend OAR Chapter 635, Divisions 008, 045,
26 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, and 078 as proposed by staff with
27 the exception OAR 635-065-0723. Commissioner Hatfield-Hyde seconded the motion and
28 the motion was carried six (6) in favor.
29

30
31 Chair Wahl adjourned the meeting at 5:30 p.m.